



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
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Board of Water Commissioners & Finance Committee

Meeting Agenda

Monday, December 7, 2020 @ 7:00 PM

This is a video conference being held using Zoom

Please click the link below to join the webinar:

<https://us02web.zoom.us/j/89704622477>

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Webinar ID: 897 0462 2477

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- **Comments from Citizens**
- **Approve minutes from meeting of 11/16**
- **Appoint one Commissioner to approve warrants while conducting meetings virtually**

NEW BUSINESS:

- Authorize Order of Taking of Utility Easements for parcels at 533 Main Street & 20 Jasmine Circle related to the new Central Acton Water Treatment Plant (CAWTP)
- Review DRAFT Budget for Fiscal Year 2022 (FY '22)

OLD BUSINESS:

- Update on proposed solar projects
- Update on Per- and Poly-Fluoroalkyl Substances (PFAS)

EXECUTIVE SESSION— To discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the District

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, November 16, 2020

AGENDA

- A. Comments from Citizens
- B. Approve minutes from meeting of 11/2/2020
- C. Appoint one Commissioner to approve warrants while conducting meetings virtually

D. OLD BUSINESS:

- 1. Update on Proposed Solar Projects
- 2. Update on the Central Acton Water Treatment Plant (CAWTP) Project
- 3. Update on Per- and Poly-Fluoroalkyl Substances (PFAS)

E. NEW BUSINESS:

Any agenda item(s) which did not come to the attention of the Board of Water Commissioners 48 hours prior to this meeting and were not reasonably anticipated.

Present at Tonight's Meeting:

Commissioners: Erika Amir-Lin (Chair), Stephen Stuntz, Barry Rosen

District Treasurer: Mary Jo Bates

District Manager: Chris Allen

District Counsel: Mary Bassett

Commissioners Secretary: Lynn Protasowicki

Citizens: Ron Parenti, Kim Kastens

Due to the Covid-19 stay-at-home order by Governor Charles Baker, the Board of Water Commissioners meeting was not held at the Acton Water District Office, instead the meeting was held via Zoom Webinar. The meeting was called to order at 7:00 PM on Monday, November 16, 2020 by Ms. Erika Amir-Lin.

A. Comments from Citizens.

No comments from citizens this evening.

B. Approve Minutes from Meeting of 11/2/2020.

Mr. Rosen motioned to approve the minutes of November 2, 2020. Mr. Stuntz seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, Mr. Stuntz.

C. Appoint One Commissioner to Approve Warrants While Conducting Meetings Virtually.

Mr. Rosen moved to appoint Mr. Stuntz as the Commissioner to approve warrants while conducting meetings virtually. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, Mr. Stuntz.

D. OLD BUSINESS:

1. Update on Proposed Solar Projects.

Mr. Allen provided an update to the Commissioners on the proposed solar projects. He stated that there has been some progress on Payment in Lieu of Taxes (PILOT). The town's consultant has been in contact with the developer. The Developer contacted Dept of Revenue (DOR) but was told he could not

contact them on behalf of the public entity, and that the public entity had to contact DOR themselves. The developer did speak with town's consultant. Not much progress on the PILOT. Per DOR guidance, as a municipality we are entitled to have the PILOT include all applicable taxes. The developer is not letting this hold up the project and is proceeding as though it will be settled soon.

2. Update on the Central Acton Water Treatment Plant (CAWTP) Project.

Mr. Allen provided an update on the Central Acton Water Treatment Plant (CAWTP) project. He stated that he'd sent the Commissioners drone video so that they could see the progress. The foundation is complete, and backfilling around it is ongoing. The mason is getting ready to erect scaffolding to get walls up. This will take place this week and next week.

He stated that Contract 2 (Five Oaks Construction-- water main) is done for the season. All the trenches on Main Street have been paved. The 12" main on Post Office Square will be put into service after a negative bacteria test. Service swap overs will not be done until spring on Post Office Square. He stated that Waterline has to get their 12" pipe both pressure and bacteria tested. Their plan is to get that tested this week. They are shooting to have the Greensand (filtration) vessels delivered by mid-December so that they can then enclose the building. The desire is to crane the vessels into the plant, but they can manage insertion through the overhead door if the timing does not work out.

There are no updates on eminent domain (533 Main Street and 6 Post Office Square).

3. Update on Per- and Poly-Fluoroalkyl Substances (PFAS).

Mr. Allen provided an update on Per- and Poly-Fluoroalkyl Substances (PFAS). He stated that getting results from the lab is still taking longer than expected due to volume. We did get results from pilot sampling for NAWTP and saw lower concentrations than original sampling earlier this year. There is a gradation between 14 ppt up to 20ppt (much lower than what we had seen) in the filtrate. That data is still trickling in from the pilot. We will be running additional piloting in North Acton. Back in October, we'd discussed some operational challenges that we were experiencing with pressure buildup in the media being piloted. We are trying to determine what the cause of that is and the impact that will have on media from an Operation & Maintenance (O&M) perspective.

Today there were two containers that arrived from Canada for the PFAS pilot project with Altra Water (Formerly Sanexen). That will run over a period of months. They are trying to get this technology approved for drinking water use in Massachusetts and prove it in general for drinking water use. We are interested to see what the technology is and how it will perform. The District needed to sign a Non-Disclosure Agreement (NDA) with Altra due to some US patents pending. They will have their own operation staff on site to conduct the piloting with our assistance.

Other Business:

Mr. Rosen inquired about the District Meeting schedule for 2021. He just wants to ensure that it doesn't conflict with Acton Board of Selectmen's schedule. Mr. Allen stated that he will reach out to the Town Manager for their schedule before he works on the District meeting schedule in December.

Ms. Amir-Lin mentioned that Nagog Woods had a significant leak which the District assisted in repairing. She mentioned that on behalf of the Manager of the complex he wanted to express his sincere gratitude to the Operations workers who came out and assisted with the problem. They were professional and following all the appropriate Covid safety procedures.

Mr. Rosen moved to adjourn the meeting at 7:38 PM. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, Mr. Stuntz.

FY 2022 Budget and Estimated Revenue

	Actual FY 2020	Budget FY 2021	3 month actual	Budget FY 2022	
EXPENSES					
Accounting	1,300	2,000	1,500	2,000	
Audit	16,000	16,000	16,000	17,000	
Auto Maint & Fuel	38,575	50,000	8,376	50,000	
Backflow/Cross Conn	118	1,000	291	1,000	
Short Term Debt	295,000	500,000	500,000	505,000	215K remaining to be rolled over
Long Term Debt	1,532,465	1,490,908	408,156	2,243,469	CAWTP permanent financing 4/21
Chemicals	69,548	75,000	20,369	120,000	80K increase for CAWTP
Computer Maintenance	16,000	16,000	3,734	16,000	
DEP Withdrawal	4,624	6,500		6,000	
Employee Education	9,594	17,500	1,794	17,500	
Engineering	54,340	55,000	15,245	50,000	
Health/Life Insurance	340,485	412,880	71,085	286,000	Supplement with \$66K from OPEB
Hydrants	4,616	10,000	7,083	10,000	
Information Reports	32,597	45,000	27,438	45,000	
Insurance	85,692	89,000	86,758	95,000	
Laboratory Analysis	46,713	60,000	13,266	80,000	
Legal	40,000	40,000	7,300	45,000	
Lights/Power/Fuel	375,000	390,000	71,687	390,000	87K increase for CAWTP
Maintenance & Operations	301,904	335,000	71,417	350,000	
Middlesex Retirement	243,164	256,971	256,971	268,502	
Meters	75,000	75,000	6,921	75,000	
Office Supplies	18,299	20,000	6,649	20,000	
Paving	31,090	50,000	17,842	50,000	
Petty Cash	600	1,000	-	1,000	
Postage	13,459	20,000	2,946	20,000	
Reserve Fund	35,000	100,000	-	100,000	
Salaries & Wages	1,319,030	1,505,000	371,174	1,550,150	3% increase
Telephone	19,323	20,000	4,977	22,000	
Total	5,019,536	5,659,759	1,998,979	6,435,621	
REVENUE					
Water Revenue	3,159,243	2,728,159	802,178	2,728,159	
Service Fee	517,500	525,360	131,340	525,360	
Debt Fee	1,823,200	1,996,368	499,092	2,748,469	Debt Fee to \$78 per unit for FY 22
Total Water Revenue	5,499,943	5,249,887	1,432,610	6,001,988	
Fire Protection Sprinklers	40,917	40,000	35,146	40,000	
Rent/Lease	127,608	120,000	28,905	250,000	10K/mo solar lease included
Repairs/Installation	53,281	50,000	37,798	50,000	
Cross Connection	24,354	24,000	12,737	24,000	
Demand Fees	470,702	200,000	66,626	300,000	
Mitigation Fees	96,582	75,000	14,593	75,000	
Total Other Revenue	813,444	509,000	195,805	739,000	
Total	6,313,387	5,758,887	1,628,415	6,740,988	
				305,367	Potential surplus FY 22

Potential Warrant Articles:					
Annual Stabilization Funding	% of Solar lease revenue				
PFAS Treatment					
Water Main - Kellys Corner			500,000		
Main Street Purchase					
from OPEB trust Fund	Retirees Health Ins	66,070			
from Mitigation Fund:	Annual Approp	100,000			
from Grace Fund:	M&O	125,000			
from Free Cash:	Short term borrowing		-		
	Clean & Rehab Wells		75,000		
	Emergency Main Break		30,000		
	Media Replacement		65,000		
	Filter/Media Replacement		45,000		
	NAWTP Residuals		100,000		
	Vehicles				
		Total	815,000		
Revenue Estimate FY 21	Jul-20	1,424,980			
	Oct-20	1,534,213			
	Jan-20	1,244,129			
	Apr-20	1,188,189	5,391,511		
	Fire Prot	40,000			
	Repairs/Misc	80,000			
	Cross Conn	24,000			
	Rent	114,000			
	Demand	200,000			
	Projected Income	5,849,511	-586,110	Potention deficit FY 21	
	Mitigation	75,000			
	Units	8,756			
	Services	6,790			
	Certified Free Cash	1,460,895			
	Appropriations	815,000			
	Balance	645,895			

Julie Hawkins

From: Chris Allen
Sent: Tuesday, December 01, 2020 10:36 AM
To: Julie Hawkins
Cc: MaryJo Bates
Subject: FW: Acton - PILOT Agreement for Water District Lawsbrook Project

Julie,

Superseding message below. Please include in 12/7 Board packets.

Thanks,
Chris

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Peter Bay <Peter.Bay@edf-re.com>
Date: 12/1/20 10:29 AM (GMT-05:00)
To: Chris Allen <Chris@actonwater.com>
Subject: RE: Acton - PILOT Agreement for Water District Lawsbrook Project

Hi Chris,

In terms of updates on Lawsbrook:

1. PILOT
 - a. We appear to have resolved the real property tax issue and it can be included in the PILOT
 - b. We have consulted an attorney with specific questions related to the valuation process that Beth has provided and we're waiting on feedback – hopefully this week and will return info to Beth after that
2. Lease
 - a. Remaining item is indeed reliant on PILOT value, I believe
 - i. As a related comment here, we're worried that the PILOT value is going to be ~2x the value we were told to assume, which would be a major concern and likely require some form of cost sharing for the increased value via reduction to the Lease – looking to avoid this, but doubling the rate has a significant impact on project economics
3. General
 - a. AOBCA executed with Town of Plymouth
 - b. We had a 30% Design kickoff call on our team, kicking off this process in the next few weeks

General on Knox:

1. System Impact Study (SIS) will be underway as of Thursday this week with Eversource



Peter Bay

Senior Manager, Business Development

T: 802-359-6522

M: 802-272-6519

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----- Original message -----

From: Peter Bay <Peter.Bay@edf-re.com>

Date: 11/24/20 6:04 PM (GMT-05:00)

To: "Jessica A. Wall" <jwall@AndersonKreiger.com>

Cc: 'John Mangiaratti' <jmangiaratti@acton-ma.gov>, 'Brian McMullen' <bmcullen@acton-ma.gov>, 'Mary Bassett' <mary@marybassettlaw.com>, Chris Allen <Chris@actonwater.com>, ML Geffert <ml.geffert@edf-re.com>, 'Beth Greenblatt' <bgreenblatt@beacon-llc.com>

Subject: RE: Acton - PILOT Agreement for Water District Lawsbrook Project

Hi Jessica,

That's great to hear and thanks very much for working through the topic with DOR. We will review the PILOT and hope to get back with you shortly after the holiday.

On the valuation, we expect to respond to Beth next week or the following. We're getting updated pricing from some of the major equipment vendors on the project and are/have consulted local counsel more familiar with these processes than our team on the topic (also on the real property tax matter, but I understand that to now be resolved).

We very much appreciate your efforts, along with the Town's on this all. Have a great Thanksgiving, too!



Peter Bay

Senior Manager, Business Development

T: 802-359-6522

M: 802-272-6519

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From: Jessica A. Wall <jwall@AndersonKreiger.com>

Sent: Tuesday, November 24, 2020 1:24 PM

To: Peter Bay <Peter.Bay@edf-re.com>

Cc: 'John Mangiaratti' <jmangiaratti@acton-ma.gov>; 'Brian McMullen' <bmcullen@acton-ma.gov>; 'Mary Bassett' <mary@marybassettlaw.com>; 'Chris Allen' <Chris@actonwater.com>; ML Geffert <ml.geffert@edf-re.com>; 'Beth Greenblatt' <bgreenblatt@beacon-llc.com>

Subject: RE: Acton - PILOT Agreement for Water District Lawsbrook Project

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All,

I've discussed our PILOT question with DOR, and confirmed that DOR is comfortable with an arrangement in which a single PILOT agreement between the Town and EDF addresses taxes for both the real and personal property associated with the Lawsbrook project. I anticipate that both the Water District and EDF will be satisfied with this result, but if you have any questions please let me know. Please note that this advice from DOR differs from advice that DOR has provided in the past regarding other similar situations, but we are proceeding in a manner consistent with the specific

advice provided here. I've attached for your review an updated set of edits on the PILOT agreement. Please let me know if you have any comments.

With respect to the valuation, EDF has provided a real estate appraisal that is under review. Peter, can you provide an update regarding what information remains outstanding regarding the personal property valuation?

Look forward to finalizing the PILOT shortly. Hope everyone enjoys the Thanksgiving holiday.

Thanks,

Jessica

ANDERSON Jessica A. Wall
KREIGER T. 617.621.6562

Anderson & Kreiger LLP | 50 Milk Street, 21st Floor, Boston, MA 02109

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From: Jessica A. Wall

Sent: Monday, November 23, 2020 3:16 PM

To: 'Peter Bay' <Peter.Bay@edf-re.com>

Cc: John Mangiaratti <jmangiaratti@acton-ma.gov>; Brian McMullen <bmcmullen@acton-ma.gov>; Mary Bassett <mary@marybassettlaw.com>; Chris Allen <Chris@actonwater.com>; ML Geffert <ml.geffert@edf-re.com>; 'Beth Greenblatt' <bgreenblatt@beacon-llc.com>

Subject: Acton - PILOT Agreement for Water District Lawsbrook Project

All,

I wanted to write with a quick update regarding my discussions with DOR. I expect that by tomorrow, I should receive confirmation from DOR on proposed approach and will send an update email to folks as soon as possible.

Thanks,

Jess

ANDERSON Jessica A. Wall
KREIGER T. 617.621.6562

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