

Board of Water Commissioners and Finance Committee  
Meeting Minutes  
Acton Water District  
693 Massachusetts Avenue, Acton, MA  
Monday, February 6, 2023

**AGENDA**

**A. Comments from the public**

**B. Approve minutes from the 1/23**

**C. Appoint one Commissioner to sign warrants while conducting meetings virtually**

**D. OLD BUSINESS:**

1. Per- and Polyfluoroalkyl Substances (PFAS)
  - Current sample data, if available
  - Assabet 3 Update
2. Review and Approve FY'24 Budget
3. Review and Approve Warrant Articles
4. Review and Approve Commissioners Annual Report for 2022

**E. NEW BUSINESS:**

1. Request for FY23 Reserve Fund Transfer (Lights, Power, and Fuel)
2. Review and Authorize Contracts for SUEZ PFAS Treatment Equipment
3. Discussion of Outdoor Water Use Restrictions for 2023

**EXECUTIVE SESSION:**

- To consider the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District.

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 and was recorded. The meeting was called to order at 7:01 PM on Monday, February 6, 2023, by Mr. Stephen Stuntz.

Joint meeting with the Finance Committee.

The Finance Committee was called to order at 7:03 PM by Mr. Ron Parenti.

**Present at Tonight's Meeting:**

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

Assistant District Manager: Matthew Mostoller

District Treasurer: Christine McCarthy

District Counsel: Mary Bassett

Finance Committee: Chuck Bradley, Bill Guthlein, Ron Parenti

Commissioners Secretary: Lynn Protasowicki

**Public Present:** Chris Allen, Kim Kastens

**A. Comments from the Public.**

No comments this evening.

**B. Approve minutes from the 1/23 Meeting.**

Mr. Stuntz moved to approve the meeting minutes of 1/23/2023 as modified. Mr. Rosen seconded, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

**C. Appoint One Commissioner to Sign Warrants While Conducting Meetings Virtually.**

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

**D. OLD BUSINESS:**

1. Per- and Polyfluoroalkyl Substances (PFAS)

- Current sample data, if available
- Assabet 3 Update
  
- Current sample data, if available

Matt provided an update on current samples for the month of January. The Central Acton Water Treatment Plant came in at 25.8 PPT which is down from the December results. South Acton continues to be in compliance at 17.5 PPT. North Acton only ran for a couple days at the end of the month, so results are pending. Currently serving water are South Acton and Central Acton.

Steve asked about the status of the Clapp Whitcomb Well. Matt stated that it continues to be offline. We could use it without the new backwash system in place, but the water quality is not at a point that we would want to add it into the system.

- Assabet 3 Update

Matt stated that we had our DEP inspection last Thursday after redeveloping the well. We were given conditional approval to utilize the source. We did turn it on into the system this morning, but we need to do some fine tuning of the variable frequency drive (VFD) in order to utilize it. The instrument and controls contractor is coming out in the morning to take care of that so that we can begin pumping that into the South Acton Treatment Plant. We hope to get the final approval within the next couple months.

2. Review and Approve FY '24 Budget

Matt stated that as part of the joint meeting we would like the Finance Committee to vote to recommend the budget to the Commissioners before the Commissioners approve it.

Ron Parenti moved that the Finance Committee approve the FY'24 Budget. Chuck Bradley seconded the motion, and it was unanimously approved by a roll call vote: Mr. Bradley, Mr. Guthlein, and Mr. Parenti.

Mr. Stuntz moved to approve the FY'24 Budget. Ms. Amir-Lin seconded the budget, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

### 3. Review and Approve Warrant Articles

Matt mentioned that the citizen's petition has been added into the Warrant Articles.

Ron Parenti moved that the Finance Committee recommends the warrant articles as they currently stand. Bill Guthlein stated that some of these articles are asking for authorizing capital spending and to fund that spending with debt. He raised the question at the Finance Committee meetings about whether the funding can be from leasing the equipment versus purchasing. Some of those questions need to be answered. He is reluctant to approve the articles based on debt because the small water users are being overburdened with the cost of capital expenditures which is more fairly allocated based on the water used and not whether you have a water meter.

Matt read through the articles. When it got to the articles about borrowing that is where some of the discussion started. Article 18 – Barry stated that we can't lease property. We are trying to buy the property and lease it back. We would own it to protect it. Potential bad things are happening on that property that could be endangering our water supply. Article 19 – Barry stated that we are making some permanent changes to a water treatment plant so that we can bring some lease equipment (a trailer of PFAS mitigation) which sits outside the plant, but we have to pump the water out to the PFAS mitigation trailer(s) and back into the plant requires us to modify the plant. Article 20 – the pilot is still going on. This is a cost that was developed by the engineer for when we applied for State Revolving Fund (SRF) funding in August 2022. This is so we can continue to make progress on the project, so we don't have to stop and convene a new meeting. Mary Bassett stated that this is basic authorization that the District needs from the voters to go ahead and proceed with further engineering and design of these projects. Matt stated that one of the reasons for going after the SRF funding is a lot of the federal money is being administered through this program and we are trying to remain at the front of the line, so we'd be favorably looked upon for being approved and for potential federal aid to help offset these projects. There is a possibility to have principal forgiveness and other funding sources from the federal government that would defray some of these costs. Bill Guthlein asked if the voter approval has to appropriate the sum or does it have to include the sum and borrowing. Matt stated that it says we may borrow. Article 21 is another borrowing article for the Clapp Whitcomb well. This did not rank very highly on the SRF so we would have to borrow from the open market. Article 22 would create a new revolving fund which is around the money we receive from the installation of water meters in new connections to the system. Article 25 is the new citizen's petition article.

Bill stated that it's still a conundrum to him. Some of the standards are pretty aggressive. His conundrum is every time we borrow a dollar, we allocate that based on meters. Someone who uses 100 cubic feet of water a month is being charged the same as someone who is using more than that. He doesn't see this as a fair way to allocate the costs of capital expenditures that we are required to do. It doesn't incent conservation as it should. That is why he is not comfortable with approving these articles. Steve stated you have a problem because we have to spend the money. The question becomes how do we price it out to our various users. We have had those ongoing

discussions. You seem to not be against the warrant article but how the debt fee is created and applied. Bill stated that he sees them tied together.

Ron agrees with Steve's statement. He stated that, Bill, you seem to be talking about how the District bills for these costs. The Finance Committee presented on this, and it was discussed, and it's a separate question. The Finance Committee has made their case to the Commissioners and the Commissioners would like to maintain the current billing system and beyond the recommendations that the Finance Committee has made, I don't think we can take that argument any further.

Bill asked if Article 25 is approved will the Commissioners commission a study? Steve stated that we would gather some information to find out what kind of budget that would take and we would put it on as an article for approval by the voters after we have done that. Bill asked how long that would take? Steve said it could take up to a year. Barry stated that we don't even know if that's the timeline.

Ron stated that there really isn't anything that the Finance Committee can do with regard to your question given what's in the articles that are being discussed. There is nothing that the Finance Committee can do with your concern at this time.

Bill asked if a warrant article could be added for the \$35K rate study. Erika stated that we don't know if it's really \$35K. We don't know what it will look at, how long it will take, who will be a part of the study, etc. Steve stated that the \$35K was not for the rate study; it was for a separate study.

Kim Kastens: thank you for adding the citizens petition article. Last year the warrant article that was carried through for a while had an \$18K price tag for a water rate study (she later was corrected in the chat). With respect to Steve's comments about landlords she did not change the text, but she did add a sentence in the handout that will be given to all at the meeting. The sentence reads "have other water suppliers found effective mechanisms to incentivize landlords to conserve water and to ensure that renters are fairly charged for water". Finally, she is interested in knowing how long she will have to speak and should she speak with the moderator before the meeting. Matt said that Bill Mullen will go over that with you at the meeting.

Ron would like the Finance Committee to recommend the warrant as it stands and then discuss the citizen's petition at another meeting. Chuck and Bill were ok with that.

Ron Parenti moved to recommend that the Finance Committee accepts these warrant articles. Chuck Bradley seconded, and it was unanimously approved by a roll call vote: Mr. Bradley, Mr. Guthlein, and Mr. Parenti.

Ron stated that the Finance Committee needs one more meeting to discuss the citizen's petition and who wants to comment on each article. Matt would like the Finance Committee's comments on the annual report by the end of the week.

Steve Stuntz moved to approve the warrant articles. Barry Rosen seconded, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

#### 4. Review and Approve Commissioners Annual Report for 2022

Erika had a few comments on the last draft. Would it be beneficial to devote a section of that to the PFAS plan? She felt that it was missing from the report. Erika suggests adding a roadmap of what we are proposing for PFAS, where we are going, and why it is so important. Steve will work on that and add to the report before Monday, 2/13.

Matt stated that his edits will be minimal. Chris Allen documented well the steps we have taken for PFAS.

Barry suggests that we should focus on the land acquisitions and the reasons why.

### **E. NEW BUSINESS:**

#### 1. Request for FY23 Reserve Fund Transfer (Lights, Power, and Fuel)

Matt is looking for Board approval to transfer \$75K from the reserve fund to Lights, Power, and Fuel which is to offset the increased electrical costs.

Steve moved, Barry seconded, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Rosen, and Mr. Stuntz.

#### 2. Review and Authorize Contracts for SUEZ PFAS Treatment Equipment

Matt is looking for an authorization for him to execute a contract with Suez for the PFAS treatment equipment in North Acton and to discuss the contract term. It is a leased system. We have options of 5, 8, or 10-year contracts. If we cancel prior to end of the contract, we would be responsible for fulfilling the monthly rental fee so there is some risk in going with a long-term contract. The 5-year base monthly fee would be \$27K, the 8-year base monthly fee would be \$26K, and the 10-year base monthly fee would be \$25K. It's approximately an \$18K annual savings between 5 and 8 years and a \$24K savings between the 8 and 10 years. Barry – what happens if we have to up our treatment? Matt stated that if we had to change out a media or add another treatment that would be a contract amendment. That would not impact the length of the contract.

Mary Bassett asked Matt if he has any recommendations on how many years we should go with? Matt -looking at the technology and we haven't done this full scale it is challenging to know. There is a clause that if it can't treat the water there are some provisions in the contract. It's more around what is our long-term plan for that facility. Going with an 8-year contract splits the difference and then we can make longer term decisions. An additional 10 years put us out at the useful life of the membrane cartridges and may need to do a capital improvement anyway at that time.

Steve Stuntz moved to authorize that Matt Mostoller execute a contract with Suez for the PFAS treatment equipment and with the advice of Finance Committee come back to us with what he is doing. Erika stated that she doesn't think that this is a Finance Committee decision. Barry stated

that he thinks it's a technology decision and useful life decision. Matt's initial thought is to go with the 8-year contract.

Barry Rosen moved to authorize that Matt Mostoller negotiate and execute an agreement on behalf of the Commissioners for a 5- or 8-year contract with Suez for the PFAS treatment equipment. Mr. Stuntz seconded, and it was unanimously approved by a roll call vote: Ms. Amir-Lin, Mr. Rosen, and Mr. Stuntz.

### 3. Discussion of Outdoor Water Use Restrictions for 2023

Matt stated that we have some major communications going out over the next few weeks. We are in a one day a week water restriction based on the current drought in Massachusetts and our PFAS limitations. He recommends that in the 2023 calendar year we continue with a one day a week lawn watering use and three day a week for other outdoor uses. The one caveat would be if the Mass DEP issues our amended water management act permit, then we would revisit the terms. It would be the same quadrants that we have posted on our website.

Ron Parenti moved to adjourn the Finance Committee meeting at 8:29 PM. Chuck Bradley seconded, and it was unanimously approved by a roll call vote: Mr. Bradley, Mr. Guthlein, and Mr. Parenti.

*Mr. Stuntz motioned to adjourn the open meeting and move into Executive Session at 8:30 PM to discuss the purchase, exchange, lease of real property as an open meeting may have a detrimental effect on the negotiating position of the District. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.*

**Next Meeting: February 27, 2023**