

Board of Water Commissioners
Meeting Minutes
Acton Water District
693 Massachusetts Avenue, Acton, MA
Monday, October 17, 2022

AGENDA

- A. Representatives of Powers & Sullivan for annual audit report
- B. Comments from the public
- C. Approve minutes from the meeting of 10/3
- D. Approve Executive Session minutes from 2020, 2021 & 2022
- E. Release Executive Session minutes of 12/10/18, 10/5/20 & 11/5/20 as public record
- F. Appoint one Commissioner to approve warrants while conducting meetings virtually

G. OLD BUSINESS:

- 1. Per- and Polyfluoroalkyl Substances (PFAS)
Current sample data, if available
- 2. Update on PFAS action plan

H. 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

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 7:00 PM on Monday, October 17, 2022, by Mr. Stephen Stuntz.

Present at Tonight's Meeting:

Commissioners: Erika Amir-Lin, Barry Rosen, Stephen Stuntz (Chair)
District Manager: Chris Allen
District Treasurer/Collector: Mary Jo Bates
Assistant District Treasurer: Christine McCarthy
District Counsel: Mary Bassett
Assistant District Manager: Matthew Mostoller
Finance Committee: Bill Guthlein
Commissioners Secretary: Lynn Protasowicki

Public Present:

Kim Kastens

A. Representatives of Powers & Sullivan for annual audit report

Jim Powers and Laura Stone representing Powers & Sullivan.

Laura Stone stated that the process went smoothly for their first year and thanked Mary Jo and Christine.

Financial statements look different than in years past. Another difference is that last year WR Grace fund was reported as a fiduciary fund, but it acts more like a stabilization fund, so it is recorded as part of business type activities, and it is included with the combining schedule. She walked through each section of the report explaining the report.

Pages 1-3 are the audit opinion. It highlights what the auditor's responsibilities are and the management responsibilities. It is a clean opinion, which is the best kind of opinion you can get.

The next couple pages relate to the management discussion and analysis. This area talks about the prior year and current year. Nothing changed over the two years. The biggest difference is that there was an investment loss this year, which is in line with the market changes.

The rest of the financials (page 9-11) are the business type activities those are GAPA (generally accepted accounting principles) based financial statements. We break that out into further details in the combining schedule.

The next couple statements are the fiduciary fund statements. OPEB trust (other -post-employment benefit fund) is money set aside to fund future OPEB liabilities. The fund is currently at \$1.2 million at the end of the year. It did go down from the previous year due to the market.

The next pages are all of the footnotes. A lot of these notes are required. It calls out individual numbers and further details about each of those amounts. Note 5 - short term financing - the District has a loan with the Mass Clean Water Trust of \$11.7 million (it is an interim loan) and at some point that will be permanently financed as long-term debt. So, the footnote is there to explain what the project is for, how much you drew down on the loan, etc.

Two very large footnotes are the Pension footnote and the Other Post Employment Benefit footnote. A lot of that information is provided by actuaries and for Pension, the District is part of the Middlesex County Retirement System. A lot of the information is actuarially provided.

The next few schedules she wanted to highlight is the required supplementary information. The GASPYB requires -10-year schedules to be presented for Pension and OPEB. A portion of that liability is for the district. So, the district's proportion of the Middlesex County Retirement Systems Net Pension Liability is .24%. \$3.2 million is recorded as the District's proportionate share of the net pension liability. OPEB is 118% funded. \$194K with net OPEB assets at the end of 2022.

The combining schedules (pages 48 & 49) - the general fund gets recorded as free cash (healthy general fund); stabilization fund, capital projects fund; budget to actual schedules.

Mary Jo Bates requested to have a cash audit done since she will be leaving, and Christine McCarthy will be taking over. The cash audit will be as of September 30th. This is just to confirm a clean cut off between Mary Jo leaving and Christine coming on board.

Barry Rosen –During the previous audit there was some concern that there was about unfunded liability with Middlesex Retirement. Are there any issues with that? Might we need to worry about it? Jim Powers responded that they have a great audit system and are very well managed and one of the things they do which is unique is they chose to go to an actuarial valuation meaning that you are only being charged for your current employees and retirees and your share of the assets so any of your assets are not commingled with anyone else.

Barry Rosen: Any advice or recommendations for the future? Jim Powers stated that there may be some internal recommendations for Christine but otherwise it was all in good shape.

B. Comments from the Public

Kim Kastens: congratulations on the strong audit report. Last week the Acton Community Housing Authority reviewed a proposal for a 320-unit housing development at the west end of the WR Grace property. She would be interested if it raises any issues of water quality or water quantity. Chris Allen stated that he has a meeting with the development team on 10/25.

C. Approve minutes from meeting of 10/3

Mr. Rosen motioned to approve the meeting minutes of 10/3/2022. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

D. Approve Executive Session minutes from 2020, 2021 & 2022

Ms. Amir-Lin motioned to approve the Executive Session meeting minutes from the years 2020, 2021 and 2022. Mr. Rosen seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

E. Release Executive Session minutes of 12/10/18, 10/5/20 & 11/5/20 as public record

Mr. Rosen motioned to release the Executive Session meeting minutes of 12/10/18, 10/5/20 and 11/5/20. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

F. Approve one Commissioner to approve warrants while conducting meetings virtually

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

G. OLD BUSINESS:

1. Per- and Polyfluoroalkyl Substances (PFAS)

- Current sample data, if available

Mr. Allen stated that at the last meeting we will be notifying the public of North Acton results from the third quarter of 2022. We are keeping our eyes on Central Acton and will add to the public notice as well.

Currently serving water to the public is South Acton and Central Acton.

The pilot study is ongoing in South Acton. There has been some sampling there. The sampling is producing non-detect results. Assabet 3 will be tested this week for mechanical, electrical and instrumentation controls. Due to go online soon but we do have to conduct a 5-day pump test for Mass DEP before the plant can actually be turned on.

Barry Rosen: It appears that even with reduced pumping, North Acton seems to stay greater than 20 nanograms. Chris Allen stated that we do not know that, but we are modifying the schedule and utilizing Kennedy 2 well. We have been seeing about a 5-7 PPT reduction in the ultra-filtration system.

Erika Amir-Lin: where are we at with North Acton with treatment? Chris Allen stated that we are at 90% design and should review it within the next two weeks. Then once approved we apply to SRF for emergency funding. Once approved it goes to bid; approve award; so, looking around start of 2023.

Barry Rosen: have we received any ARPA funds from the Town yet? Chris Allen stated that we have not. Christine McCarthy and Mary Jo Bates met with the Treasurer and staff, and they asked questions. There has been some streamlining of the federal requirements and we anticipate it should be soon.

Update on PFAS Action Plan

Chris Allen stated that he was disappointed to hear that a member of the Town's Selectboard thinks that we do not have a PFAS action plan. Chris does not think that is the prevailing philosophy. The District does have a PFAS action plan and has been planning and executing over the past two years. He is confused as to why they think we have no PFAS Action Plan.

Barry Rosen: he suggests that Steve Stuntz speak with our liaison on the Selectboard and explain to her that she should explain to her Selectboard colleagues that the District does have an action plan, it is in process, we have asked the Town for the ARPA funds to help actuate the action funds because it does costs money (lots of money), including the bottled water program, the way we are pumping our wells, and completed a pilot, and we have design in place for the North Acton plant to satisfy the regulations.

Other Old Business:

Steve Stuntz has one more old business item: It came up that Mary Jo Bates would like to have her sick leave accrual paid in the next calendar year. It is OK with Steve but wants to make sure it is OK with the other Commissioners. Christine has already checked, and it can be done.

Mr. Rosen motioned to approve the delay of Mary Jo Bates final pay out of sick leave time until January 2023. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

Kim Kastens: has some thoughts on the ARPA conversation which she attended. She wrote to the Selectboard after that discussion and stated that she did not think that the decision between MWRA and local treatment of PFAS should not be handled in a couple minute discussion in the middle of the night on a long agenda with other things. She got a response back from Fran who appears sympathetic. If you watch the video tape Himaja (Selectboard member and liaison to the District) was beat up over another issue and so it was no surprise that she was not able to defend the group .to which she is liaison Another thought to include when you speak with the Selectboard liaison is that FinCom is undertaking a comparison of the cost of MWRA and local treatment of PFAS.

Barry Rosen: should we as Commissioners sit down with the Selectboard and explain where we are at, what we are doing, why it may seem slow to them, the extreme expense to treat PFAS, and that we are looking at the MWRA. They refer to us as the Water Department and not as the Water District. It would be good to explain to Himaja that we are a District, and it would be good to explain that to the Selectboard.

Erika Amir-Lin: she is not opposed to a future joint meeting, but it would be good to lay the groundwork first. , and that it would be good for Steve and Himaja to meet.

Matt Mostoller: please convey to Himaja that we are looking at MWRA and that permitting of the bedrock wells is something that will help with PFAS mitigation.

Other Old Business:

Steve Stuntz cannot make the 11/7 meeting so could we move it to 11/14 and we can move the 11/21 meeting to 11/28. Erika can make the 11/14 meeting. Erika cannot make the 11/28 meeting unless we can move it to 7:30PM. We will not make a change to the 11/28 meeting and will discuss it on 11/14.

Mr. Stuntz motioned to adjourn the open meeting and move to Executive Session at 7:45 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. Ms. Amir-Lin seconded the motion, and it was unanimously approved by a roll call vote: Mr. Rosen, Ms. Amir-Lin, and Mr. Stuntz.

Next Meeting: November 14, 2022