



Water Supply District of Acton

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Joint Board of Water Commissioners and Finance Committee Meeting Agenda

Monday, July 15, 2024 @ 7:00 PM

Due to the COVID-19 Pandemic, meetings are being held virtually via Zoom

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- **Comments from the public**
- **Approve minutes from the meetings of 6/13 and 6/24**
- **Appoint one Commissioner to sign warrants while conducting meetings virtually**

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Discussion of Additional PFAS Upgrades
 - Approve SAWTP PFAS System Notice of Award to Baystate Regional Contractors, Inc. of Yarmouth, MA
 - Approve CAWTP PFAS System Notice of Award to WES Construction Corp. of Halifax, MA
 - Bottled Water Rebate Update
- Update on 549 Main Street
 - Conservation Restriction Status
 - Preview Event June 27th
- Update on Flume Rebate Program

NEW BUSINESS:

- Order of Taking for Baldco Property
- Renewal of General Obligation Bond Anticipation Notes of the District dated July 25, 2024
- End of Fiscal Year Transfers
- Staffing Update

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.

Board of Water Commissioners

Meeting Agenda

Thursday, June 13, 2024 @ 5:30 PM

held in person at 693 Massachusetts Avenue, Acton MA 01720

AGENDA

- Comments from the public

OLD BUSINESS:

- Update on 549 Main Street
 - Conservation Restriction Status
 - Rules and Regulations for Public Use
- Discuss Special District Meeting on June 13, 2024

Present at Tonight's Meeting:

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

Member of the Finance Committee: John Petersen

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

District Counsel: Spencer Holland

Members of the Public: Ron Parenti, Bill Guthlein, Jennifer Pederson

START OF MINUTES

Mr. Rosen opened the meeting at 5:30 PM

Comments from the public

None at this time.

Update on 549 Main Street

Conservation Restriction Status

Mr. Mostoller presented the final CR for 549 Main Street that was released this morning by the Department of Conservation Services. He also outlined the procedure and next steps.

After a brief discussion, Mr. Rosen motioned:

We, the undersigned, being a majority of the Board of Commissioners of the Water Supply District of Acton, grant the foregoing Conservation Restriction to the Town of Acton acting by and through its Select Board and Conservation Commission and to Sudbury Valley Trustees, Inc. pursuant to Section 32 of Chapter 184 of the Massachusetts General Laws and do hereby approve in the public interest and grant the foregoing Conservation Restriction. Mr. Stuntz seconded the motion and it was approved by roll call vote, Ms. Amir-Lin, Mr. Stuntz, Mr. Rosen.

The Board of Commissioners then executed the Conservation Restriction and it was notarized by Jennifer Pederson.

Rules and Regulations for Public Use

Mr. Mostoller stated that what was approved at the last meeting is the official rules and regulations. What is presented to the public will be a truncated version. He just wanted to clarify this as it seems there has been some confusion.

Discuss Special District Meeting on June 13, 2024

Mr. Mostoller shared some late breaking news with the Board related to the Acton Center project. The District has just received our source approval letter for the bedrock wells. Mr. Mostoller then discussed next steps with the Board. No additional preparation for tonight's Special District meeting was needed.

Mr. Stuntz motioned to adjourn until the next regularly scheduled meeting. Mr. Rosen seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Meeting Closed at 5:40 PM.

Board of Water Commissioners

Meeting Agenda

Monday, June 24, 2024 @ 7:00 PM

AGENDA

- Comments from the public
- Approve minutes from the meetings of 6/3
- Appoint one Commissioner to sign warrants while conducting meetings virtually

OLD BUSINESS:

- Per- and Polyfluoroalkyl Substances (PFAS)
 - Current sample data, if available
 - Discussion of Additional PFAS Upgrades
- Update on 549 Main Street
 - Conservation Restriction Status
 - Preview Event June 27th
- Approve the District's updated financial policies

NEW BUSINESS:

- Request for waiver of fees Acton Housing Authority
- Consumer Confidence Report for Calendar Year 2023

EXECUTIVE SESSION

In attendance:

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

District Manager: Matt Mostoller

District Treasurer: Christine McCarthy

Finance Committee: Bill Guthlein

Members of the Public: Kelley Cronin, Alissa Nicol, John Petersen, Kim Kastens, Diane Baum

START OF MINUTES

Mr. Rosen opened the meeting at 7:03 pm.

Mr. Rosen asked the board to move up the agenda item, Request for Waiver of fees Acton Housing Authority, after comments from the public, due to time constraints. Mr. Stuntz and Ms. Amir Lin agreed to the change in agenda proceedings.

Comments from the public

None at this time.

Request for waiver of fees Acton Housing Authority

Mr. Mostoller introduced this item to the board. Ms. Kelley Cronin, the outgoing Director of the Acton Housing Authority, is before the board to request a waiver of fees for the 362 Main Street Senior Housing project.

Ms. Cronin covered the background of this project, highlighting several items in the lead up to tonight's request. The Town of Acton took possession of the property and in 2019 approved a measure to build affordable elderly housing on the property. The project acquired the necessary zoning variance and was awarded state financing. The project has been delayed as the Town works to extend sewer access to the property.

Ms. Cronin informed the board that in the few years since the project was approved the costs have increased and continue to rise. The project is now approximately 21 million dollars and Ms. Cronin is before the board to see if there is any possibility of reducing the fees for water hook up.

Mr. Mostoller then outlined the total fees for water hook up of this project which includes a \$3,000 fire suppression fee based on the area of the building, a mitigation fee of \$20,765 which has already received credits for the existing service, and the demand fees of \$192,000 for the 40 new units on the property. The total amounts to \$215,765.

Mr. Rosen asked about the installation of new pipe and hydrants. Mr. Mostoller responded that those costs are incorporated into the project and unless the property is adopted as a public way, it is not under the District's jurisdiction of maintenance.

Mr. Rosen opened the item for discussion from the board.

Ms. Amir Lin asked if the project included water efficiency fixtures and measures which could get some of the fees lowered.

Ms. Cronin confirmed that the project already incorporated plans to use water saving devices on all faucets, laundry, and other water uses. Ms. Amir Lin asked Mr. Mostoller if this is already incorporated into the project, or if there's space for additional fee reduction.

Mr. Mostoller confirmed that the project is very close to meeting Title 5 flow, but there may be some opportunity to further reduce mitigation fees through this means, however the savings would likely be minimal.

Mr. Rosen asked about the estimated rate of demand. Mr. Mostoller said the anticipated average day demand is 4,100 gallons, and peak demand is about 5,700 gallons. Ms. Cronin asked Mr. Mostoller if this is on par with other senior housing projects. Mr. Mostoller said he does not have those figures available for comparison. Ms. Cronin then elaborated on the specifics of in unit water usages versus communal water usages.

Mr. Stuntz commented that this is a request the board has dealt with in the past, and it becomes an issue of fairness. Mr. Stuntz reflected on the board's policy to support the entire system as a whole rather than supporting various pieces and parts of the system. Mr. Stuntz asked Mr. Mostoller about the difference in fees between a single-family connection and the multi-family connection, which Mr. Mostoller provided. From this information Mr. Stuntz added that there is already some discount for the multi-family design, and based on precedent it would be difficult to provide additional savings especially given the district's priority of treating PFAS.

Mr. Rosen shared his thoughts on the request. He noted that a week ago the board asked the rate payers to approve an additional \$2.5 million for a project to treat PFAS that they could not wait to rebid. Mr. Rosen stated that it would be difficult to ask the rate payers to subsidize other projects when they just asked them for more funds to treat PFAS. His inclination is to not grant the waiver of fees at this time.

Ms. Amir Lin agreed with Mr. Stuntz and Mr. Rosen's positions. The board thanked Ms. Cronin for coming in to discuss the project and for the work being done, which Ms. Cronin reciprocated.

Mr. Rosen motioned whether to grant a fee exemption to the Acton Housing Authority for the project at 362 Main Street, clarifying a 'yes' vote would grant the waiver, and a 'no' vote would deny the waiver.

Ms. Amir Lin seconded the motion, and it was unanimously denied via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Approve minutes from the meetings of 6/3

Ms. Amir Lin motioned to approve the minutes of June 3, 2024. Mr. Stuntz seconded, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Appoint one Commissioner to sign warrants while conducting meetings virtually

Mr. Stuntz motioned to appoint Mr. Rosen to sign warrants while conducting meetings virtually until the next regularly scheduled meeting. Ms. Amir Lin seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

OLD BUSINESS:

Per- and Polyfluoroalkyl Substances (PFAS)

Current sample data, if available

Mr. Mostoller informed the board that sampling was conducted on June 17th for Center, South, and North Acton treatment plants. Results of this sample round are pending. Currently the North and South Acton are in operation, and Acton Center was shut off over the weekend.

Discussion of Additional PFAS Upgrades

Mr. Mostoller informed the board of two updates to the PFAS MDL. Tyco Fire Products has joined the list of companies in the PFAS settlement with a \$750 million value. The second MDL update is that the board needs to give Mr. Mostoller authorization to sign settlement documents and other related items.

Mr. Mostoller presented the board with the following Resolution:

Resolution Authorizing Matthew Mostoller to Sign the 3M and DuPont Settlement Claims Forms

WHEREAS, the Water Supply District of Acton ("WSDA") is a claimant eligible to submit claims for the 3M and the DuPont Settlements; and

WHEREAS, the Board of the Water Supply District of Acton has discussed the terms and conditions of the settlements provided by 3M and DuPont; and

WHEREAS, it is necessary for an Authorized Public Water System (PWS) Representative to sign and submit the Claims Forms on behalf of WSDA in order to participate in the settlement actions;

NOW, THEREFORE, BE IT RESOLVED by the Board of the Water Supply District of Acton that:

1. Matthew Mostoller, in his capacity as District Manager of the Water Supply District of Acton, is hereby authorized and directed to complete, sign, and submit the Claims Forms for both the 3M and the DuPont Settlements on behalf of WSDA.

2. Matthew Mostoller is authorized to take any and all actions necessary to execute and submit these Claims Forms.

3. This resolution shall be effective immediately upon its adoption.

Adopted this day of 24 June 2024, by the Board of the Water Supply District of Acton.

Ms. Amir Lin motioned for the board to adopt the resolution previously read to authorize Mr. Mostoller to sign and submit the 3M and DuPont Settlement Claims Forms on behalf of the Water Supply District of Acton. Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Mr. Stuntz, Ms. Amir Lin, Mr. Rosen.

Mr. Mostoller informed the board that this item and a later item on the agenda will require in-person signatures.

Update on 549 Main Street

Conservation Restriction Status

Mr. Mostoller informed the board of the necessary motion to authorize the signing of the closing documents and the completion of the Conservation Restriction.

Ms. Amir Lin motioned to authorize the District Manager, Matthew Mostoller, to act on behalf of the Commissioners in conducting the recording of the Conservation Restriction on 549 Main Street, all as authorized by District vote, and to sign and endorse all instruments, and deliver all documents, with respect to the District's granting of a Conservation Restriction on said property, including but not limited to, closing disclosures, HUD ALTA or other settlement statements, and any or all other required closing documentation. Mr. Stuntz seconded, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Preview Event June 27th

Mr. Mostoller informed the board that they will be holding a Public Access Preview event as a condition of the Municipal Vulnerability Preparedness (MVP) Action grant for 549 Main Street. The event is intended for those who live and work within 1000 ft of the property and will be this Thursday at 5 pm, starting at the Bruce Freeman Rail Trail Parking lot and walking through the property. The event will include refreshments and give the District the opportunity to welcome the property's neighbors and inform them about how public

access will be rolled out. Paths on the property have been mowed in preparation for the event.

Mr. Rosen asked about the previous Selectboard agenda items for this project. Mr. Mostoller responded that the first item, the placement of the sign on the rail trail, was approved on June 17th by the Selectboard, allowing our sign to move into production and installation. The second item before the Selectboard, the signing of the Conservation Restriction is also approved and will be put before the Conservation Commission on June 26th.

Approve the District's updated financial policies

Ms. McCarthy informed the board of the District's updated financial policies document, which was approved by the Finance Committee at their May 28th meeting.

Mr. Stuntz motioned to adopt the District's Update Financial Policies as written and approved by the finance committee. Ms. Amir Lin seconded the motion.

The board opened the item to discussion. Mr. Rosen asked if Article 97 of the updated policies will continue to be necessary given the progress made on the 549 Main Street project. Mr. Mostoller and Ms. McCarthy informed Mr. Rosen that the requirements of Article 97 technically will not be completed until permanent financing is in place, so it must be maintained. Mr. Rosen asked about the process once Article 97 has been fulfilled. Mr. Mostoller said those funds can be returned to the budget. While the District has a letter from the state saying Article 97 has been satisfied, financial accounting practices mean it will need to be in place until at least the FY 25 audit to be completed in July 2026.

The board unanimously approved the motion to adopt the financial policies via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

NEW BUSINESS:

Consumer Confidence Report for Calendar Year 2023

Mr. Mostoller covered this item on behalf of the work done by Ms. Wahlstrom. The Consumer Confidence Report (CCR) has been published on the website and will be sent out in the newsletter. The report features the North Acton PFAS project. Members of the community will receive the report in their mail or inbox tomorrow, June 25th. Notices will also be sent to multi-unit dwellings and through other outreach channels. The board thanked Ms. Wahlstrom for her work on this item.

EXECUTIVE SESSION:

Mr. Rosen motioned to close the regular open meeting currently in session, and have the Commissioners enter an executive session pursuant to General Law chapter 30A section 21a6 to consider the purchase, taking or value of real property, and General Law chapter 30A section 21 9 to discuss strategy with respects to litigation if an open meeting may have a detrimental effect on litigating position of the district; and will not reconvene in open session.

Mr. Stuntz seconded the motion, and it was unanimously approved via a roll call vote, Ms. Amir Lin, Mr. Stuntz, Mr. Rosen.

Open meeting closed at 7:48 pm

DRAFT

Acton Water District - PWS 2002000

Summary of Treated Water Per- and Polyfluoroalkyl Substances (PFAS) 2024

Sample Date	Sample Location			
	Clapp/Whitcomb WTP	Central Acton WTP	North Acton WTP	South Acton WTP
January 11, 2024	Not Sampled	Not Sampled	16.9	15.1
January 25, 2024	Not Sampled	6.4	Not Sampled	Not Sampled
February 7, 2024	Not Sampled	6.5	Not Sampled	14.4
March 6, 2024	Not Sampled	6.2	Not Sampled	11.6
March 27, 2024	Not Sampled	Not Sampled	16.1	Not Sampled
April 5, 2024	Not Sampled	Not Sampled	20.7	14.7
April 24, 2024	Not Sampled	5	Not Sampled	Not Sampled
May 14, 2024	Not Sampled	6	Not Sampled	11.3
June 17, 2024	Not Sampled	8.4	ND	13.1

Notes:

WTP = Water Treatment Plant

Units are in parts per trillion (ppt) or ng/L

ND = below method detection limit

Not Sampled = PFAS samples are not collected at each WTP on the same date or when a WTP is not producing water for consumption

Results provided are the sum of 6 PFAS Compounds - PFOA, PFOS, PFNA, PFHxS, PFHpA, and PFDA

Exceeds Massachusetts Department of Environmental Protection (MassDEP) Maximum Contaminant Level (MCL) of 20 ppt or ng/L

All treated water data is shared with consumers to be transparent. Not all of the data presented here will meet MassDEP data acceptance standards.

Abatements for 4 Quarters

	Sep-23	Count	Dec-23	Count	Mar-24	Count	Jun-24	Count
Bottled Water	\$ 7,110.00	160	\$ 7,245.00	165	\$ 7,515.00	168	\$ 7,365.00	165
Toilet	\$ 700.00	6	\$ 800.00	7	\$ 600.00	4	\$ 600.00	5
Clothes Washer	\$ 900.00	6	\$ 1,200.00	8	\$ 300.00	2	\$ 600.00	4
Fixtures	\$ -	0	\$ 288.24	3	\$ -	0	\$ 109.74	2
Elderly Abatement	\$ 586.64	8	\$ 722.70	10	\$ 817.40	11	\$ 894.78	13
Total	\$ 9,296.64	180	\$ 10,255.94	193	\$ 9,232.40	185	\$ 9,569.52	189

Bottled Water rebate totals include payments sent directly to tenants

ORDER OF TAKING

Whereas the Water Supply District of Acton under authority of Article 16 of the Official Warrant of the Annual Meeting, as voted on March 15, 2023, and the Special Acts of 1912, Chapter 326, as amended, and Chapter 40 and Chapter 79 of the General Laws and by all of the laws enabling, did, by eminent domain take in fee simple those certain parcels of land, containing a combined 18.27 acres, more or less, now or formerly owned by BALDCO, Inc. and described in a deed recorded with the Middlesex South District Registry of Deeds in Book 28877, Page 294 AND a deed registered with the Middlesex South Registry District of the Land Court in Book 0119, Page 147, shown in Plan No. 255398-J, with all the trees thereon and all groundwater sources of supply therein, for the purpose of protection and conservation of groundwater aquifers and recharge areas, for water supply, well protection and development, watershed protection purposes and for the purpose of collecting, storing, holding, purifying and treating water, conveying the same to other parts of the district, and for all things pertinent to its duties as a Massachusetts water district.

For damages sustained by BALDCO, Inc., or its successors in title, by reason of the aforesaid taking and in accordance with the provisions of General Laws, Chapter 79, section 6, as amended, an award has been made. The Water Supply District of Acton reserves the right to amend the award to increase or to decrease the amount of damages to be paid at any time prior to payment thereof where good cause is shown.

Dated at Acton, Massachusetts this 15th day of July 2024.

WATER SUPPLY DISTRICT OF ACTON

By its Commissioners,

Erika Amir-Lin

Stephen C. Stuntz

Barry Rosen

COMMONWEALTH OF MASSACHUSETTS

Middlesex, ss

July 15, 2024

On this 15th day of July 2024 before me, the undersigned notary public, personally appeared, Erika Amir-Lin, Stephen C. Stuntz and Barry Rosen, Commissioners of the Water Supply District of Acton and proved to me through satisfactory evidence of identification, which were MA drivers licenses, to be the persons whose name is signed on the preceding or attached document, and each one acknowledged to me that he or she signed it voluntarily for its stated purpose.

Notary Public: Mary E. Bassett
My Commission Expires: April 7, 2028

I move that the Commissioners, as authorized by and on behalf of the Water Supply District of Acton, take by eminent domain, for the purpose of protection and conservation of groundwater aquifers and recharge areas, for water supply, well protection and development, watershed protection purposes, and for all things pertinent to its duties as a water district, those certain parcels of property known as 104 Powder Mill Road Rear and 36 Knox Trail, Acton, consisting of approximately 18.27 acres, more or less, as described in Article 16 of the Official Warrant of the Annual Meeting, as unanimously voted on March 15, 2023 and pursuant to that authority and the authority granted to the District in its enabling act and by the Massachusetts General Laws, to execute an Order of Taking and to award to the owner of said property, Baldco, Inc., for the taking, damages in the amount of \$142,000, based on the seller's agreement and the appraised value of the property taken, as determined by appraisal dated January 31, 2020.

**Acton Water District
Request for End-of-Year Budget Transfer
FY 2024**

Amount Requested	\$6,400.00
Transfer From Account Name	Reserve Fund
Transfer to Account Name	Legal

Reason for transfer:

The additional legal services required for FY 24 as well as the transition to new legal counsel caused a shortfall in the legal expense line.

Approved:

Water District Commissioners:

Finance Committee:

Date: 7/15/2024

Date: 7/15/2024