



# Water Supply District of Acton

693 MASSACHUSETTS AVENUE  
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Commissioners Meeting  
Water Supply District of Acton  
Meeting Minutes  
October 6, 2014

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## Agenda:

- A. Comments from Citizens
- B. Approve Minutes from the August 18th Meetings
- C. NEW BUSINESS:
  - 1. Representatives of Geosphere for Recommendations for Amendment to the Town's Groundwater Protection District (GWPD) By-Law
- D. Executive Session: For Pending Litigation

The Board of Water Commissioners meeting was called to order at 6:30 p.m. on Monday, October 6, 2014 at the Acton Water District Office by Mr. Leonard Phillips.

### Present at Tonight's Meeting:

Commissioners: Ronald Parenti, Leonard Phillips (Chairman) and Stephen Stuntz

District Manager: Chris Allen

Treasure/Collector: Mary Jo Bates

District Counsel: Mary Bassett

Environmental Manager: Matthew Mostoller

Commissioners Secretary: Lynn Protasowicki

Finance Committee: William Guthlein

WLMAC: John Cipar, Barry Rosen & Paul Malchodi

Acton Board of Health: Jo-Anne Bissetta

Special Guest: Ray Talkington, President of Geosphere Environmental Management, Inc.

### A. Comments from Citizens

None

### B. Approve Minutes from the September 8th Meeting.

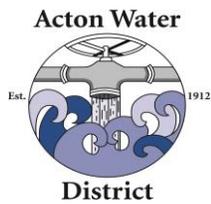
Mr. Phillips moved to accept minutes of the meeting held on September 8, 2014 and Mr. Stuntz seconded the motion and it was unanimously approved.

### C. NEW BUSINESS:

#### 1. Representatives of Geosphere for Recommendations for Amendment to the Town's Groundwater Protection District (GWPD) By-Law.

Mr. Ray Talkington, President of Geosphere introduced himself to the Commissioners. He then went over the recommendations to the Town of Acton's Groundwater Protection District (GWPD) By-Law that he, Mr. Mostoller, Evan Carloni (Acton Board of Health) and Derek Chin (Acton Planning Board) revised. Enclosed in tonight's packets to the Commissioners is a copy of the proposed amendment to the GWPD by-law. The Commissioners and Mr. Talkington reviewed all of the proposed changes made in the GWPD by Geosphere. Mr. Mostoller mentioned that the revisions are still a work in progress. All the recommendations that were made tonight will be incorporated and a second draft with the revisions will be circulated.

All documents referred to in meeting minutes are available for inspection at the office of Acton Water District, 693 Massachusetts Avenue, Acton, MA 01720 (978) 263-9107.



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Mr. Parenti made a motion to move forward with the changes to the Town of Acton's Groundwater Protection District By-Law and Mr. Phillips seconded the motion. It was unanimously approved.

Mr. Mostoller stated that he and Mr. Talkington will attend the Planning Board's meeting tomorrow night, October 7<sup>th</sup> to present the changes. He also mentioned that there will be a Town of Acton public hearing on October 21<sup>st</sup> at which time the by-law will need to be finalized and approved.

Mr. Mostoller informed the group that the following:

- The Hazardous Waste By-Law is good and doesn't need to be revised.
- Stormwater By-Law – he stated that the Town of Acton has interest in revising this by-law.

## **Other Business:**

1. 37 Knox Trail, Acton MA

Mr. Allen mentioned that there is an Acton Board of Selectmen's hearing tonight, October 6<sup>th</sup>. Mr. Allen forwarded to the Selectmen his follow-up comments regarding the special permit application in response to Concord's reply to the original public hearing.

2. Mr. Allen informed the Commissioners that fall flushing has started, and will continue for the month of October.

## **D. Executive Session: For Pending Litigation**

Mr. Parenti moved to go into Executive Session at 8:25 p.m. to discuss threatened and pending litigation as an open meeting may have a detrimental effect on the negotiating position of the public body, and then to reconvene in open session. Mr. Phillips and Mr. Parenti approved.

The Commissioners resumed regular session at 9:30 pm. Mr. Phillips made a motion to adjourn at 9:35 pm. Mr. Phillips seconded the motion and it was unanimously approved.

**Executive Session Minutes**  
Commissioners Meeting  
Water Supply District of Acton  
693 Massachusetts Avenue  
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Executive Session Minutes  
October 6, 2014

The Commissioners voted unanimously by a roll call vote to enter into Executive Session at 8:30 p.m. to discuss pending or contemplated litigation as remaining in open session would prejudice the District position with respect to the matter. In attendance were Commissioners Len Phillips and Ron Parenti, District Manager Chris Allen, and District Counsel Mary Bassett.

Attorney Bassett advised the Commissioners that J.P. Cardillo, the contractor on the water main extension for the treatment plant had claims for change orders totaling \$286,000. The change orders fell into three categories; claims for ledge, downtime for lack of a police detail, and the contractors hitting unmarked water and gas lines. The parties met to discuss, but no real movement was made. Cardillo has offered to settle for \$195,000, but that includes \$41,000 that the District believes Cardillo owes it for a separate change order. Thus the offer is really \$236,000 to settle the claim of \$286,000.

The merits of the claim are not clear at this point as all of the change orders have not been settled. The parties' contract requires that the parties mediate the case before filing suit.

Based on an estimated cost of \$20,000 for the mediation process, the Commissioners unanimously stated their position that District counsel should offer up to \$20,000 to settle the case prior to mediation.

Mr. Parenti moved to adjourn the executive session and moved to reconvene in open session at 9:00 pm. The motion was seconded by Mr. Phillips and on a roll call vote was unanimously approved.