



Water Supply District of Acton

693 MASSACHUSETTS AVENUE
P.O. BOX 953
ACTON, MASSACHUSETTS 01720

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Board of Water Commissioners

Meeting Agenda

Thursday, April 2, 2020 @ 2:15 PM

This is a video conference call being held using Zoom.

The public can participate in this meeting by

**Logging into <https://zoom.us/j/818537270>
and using Meeting ID: 818 537 270**

- **Comments from Citizens**
- **Approve minutes of meetings of 3/9 & 3/19**

OLD BUSINESS:

- Update on system-wide source sampling for Per- & Poly-Fluoroalkyl (PFAS) substances
- Update on measures related to the COVID-19 outbreak

NEW BUSINESS:

- Appoint one Commissioner to approve warrants while conducting meetings virtually
- Discussion of postponement of Annual & Special District Meetings
 - Both meetings are currently scheduled for Monday, April 13, 2020

Board of Water Commissioners
Meeting Minutes
693 Massachusetts Avenue, Acton MA
Monday, March 9, 2020

AGENDA

Comments from Citizens

Approve Minutes of February 10, 2020 Meeting

OLD BUSINESS:

Follow up discussion of proposed parking lot expansion at 10 Post Office Square
Preliminary public bid results for the Central Acton Water Treatment Plant project
Update on Per- and poly-fluoroalkyl (PFAS) source and aquifer sampling in South Acton
2020 Annual Meeting preparation

Present at Tonight's Meeting:

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen
District Manager: Chris Allen
Environmental Manager: Matthew Mostoller
District Treasurer: Mary Jo Bates
District Counsel: Mary Bassett
Finance Committee: David Butler via phone and William Guthlein

The Board of Water Commissioners meeting was called to order at 7:00 PM on Monday, March 9, 2020 at the Acton Water District office by Mr. Stuntz, Chair.

Comments from Citizens

There were no comments from citizens at this meeting.

Approve Minutes of February 25, 2020 Meeting

Ms. Amir-Lin motioned to approve the minutes of February 25, 2020 as presented. Mr. Stuntz seconded the motion and it was unanimously approved.

Old Business

1. Follow up discussion of the proposed parking lot expansion at 10 Post Office Square

Mr. Allen informed the Commissioners that the Special Permit for the expansion of the parking lot at 10 Post Office Square will be discussed at the Board of Selectmen's meeting on Monday, April 13, 2020. Mr. Allen and Atty. Bassett are currently working on the easements for the Central Acton Water Treatment Plant (CAWTP).

2. Preliminary public bid results for the CAWTP project.

Mr. Allen informed the Board that the bids were opened on March 5, 2020.

Contract #1, for the General Contractor, 3 bids were received. The apparent low bid, at \$9.77M is \$2.77M higher than the estimate. Contract #2, for the water main relining, 4 bids were received. The apparent low bid, at \$922K was \$178K lower than the estimate. Mr. Allen presented an explanation from the engineer on the need for additional funding. The bidding market is very tight now, as indicated by the low number of bidders. The total project cost is currently above the approval for SRF funding, which is \$9.2M. Mr. Allen presented a Warrant for a Special District Meeting on April 13, 2020, to obtain additional funding in the amount of \$3,150,000 to subsidize the original appropriation. The Clean Water Trust has indicated that funding may be available for the additional cost. No decision can be made until there is a District vote to approve the

borrowing. Mr. Stuntz made a motion to approve the Special District Meeting Warrant as presented, subject to approval by the Finance Committee. The motion was seconded by Ms. Amir-Lin and unanimously approved.

3. Update on Per- and poly-fluoroalkyl (PFAS) source and aquifer sampling in South Acton

Mr. Mostoller updated the Commissioners on the sampling of source and aquifer in South Acton and presented a PowerPoint presentation (attached). On January 27, 2020 MassDEP lowered the guideline for PFAS to 20 parts per trillion (ppt). The USEPA is currently moving forward with regulations for PFOS and PFOA. A new Cancer Risk Study, released last week, indicates that a link to potential cancer risk is emerging. The latest map from MassDEP indicates that 21 water systems in MA have elevated levels of PFAS. Mr. Mostoller is aware of at least 4 other systems that are currently working through testing. Some systems are reducing the concentration by blending, some are moving forward with temporary or permanent treatment and some are taking the source off-line.

Based on the preliminary results from AWD samples from the South Acton wells which found detectable concentrations of PFAS. There appears to be a background concentration of PFAS in the aquifer.

Confirmatory samples were taken on the finished and raw water in South Acton by District staff last week. Sample results should arrive by weeks end and will be interpreted by MassDEP. AWD has been working with MassDEP on the sampling requirements as the proposed regulations are still being reviewed. MassDEP has requested that AWD to collect the samples and submit them to the contract laboratory while MassDEP is providing funding for the sample analysis. At this time, Assabet IA appears to have the source of the highest PFAS concentrations. The District has requested MassDEP approval to sample the Conant Wells in Acton Center next. North Acton and Clapp/Whitcomb wells are scheduled for rehab and would be sampled at a later date. System wide sampling should be done in the second quarter of this year.

NMI sampling preliminary results indicated a higher concentration of PFOA. The validated data was estimated with a bias to be high for PFOA. There does not appear to be an obvious plume of PFAS in the area, however, MassDEP and USEPA are requiring follow up by NMI and WR Grace.

Mr. Mostoller is currently working with MassDEP to determine required notification to customers, which is mandatory for results above 10 ppt and has specific actions required for the water system and sensitive populations above 20 ppt. Operations staff have made some changes to the plumbing at the sample taps to make sure that Teflon commonly used in these fittings is not impacting the sample results. Notification would include publication in the Beacon, on the website, and direct mail to AWD customers among other channels of communication.

Mr. Mostoller and Mr. Allen have met with the Town Manager and the Health Department Director. The Board of Selectmen will be updated at their March 16th meeting, briefed by the Town Manager based on talking points provided by AWD. Mr. Mostoller and Mr. Allen will provide a script for the update.

Mr. Mostoller informed the Board that the most recent NMI samples for 1,4-dioxane in South Acton were non-detect.

4. Annual Meeting Prep

Atty. Bassett presented the articles and motions for the Annual Meeting.

D. New Business

Corona virus

Mr. Rosen requested this item be added to the Agenda. Ms. Amir-Lin indicated that her company has suspended employees from large meetings on or off-site. Mr. Rosen indicated that HP has eliminated all corporate travel. ABRHS has asked for self-monitoring of people who have travelled internationally. There is a webinar for utilities Thursday, March 12, 2020. The District is monitoring the current situation.

Mr. Stuntz made a motion to adjourn the meeting at 8:35 pm. It was seconded by Ms. Amir-Lin and unanimously approved.

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.

DRAFT

DRAFT

Board of Water Commissioners
Meeting Minutes
VIA Conference call
Thursday, March 19, 2020 2:00 pm

AGENDA

Review & Approve Reserve Fund Transfer

Present at Today's Meeting via conference call:

Commissioners: Stephen Stuntz, Erika Amir-Lin, Barry Rosen

District Manager: Chris Allen

District Treasurer: Mary Jo Bates

District Counsel: Mary Bassett

The Board of Water Commissioners meeting was called to order at 2:05 pm on Thursday, March 19, 2020 at the Acton Water District office by Mr. Stuntz, Chair.

Review and approve Reserve Fund transfer

Mr. Allen presented a transfer request for \$35K from the Reserve account to Engineering. This is due to the overrun for Engineering costs for the Central Acton Water Treatment Plant. This request was approved by the Finance Committee at their meeting on March 17, 2020.

Mr. Stuntz made a motion to approve the request. It was seconded by Mr. Rosen and unanimously approved.

Mr. Rosen made a motion to adjourn the meeting at 2:15 pm. It was seconded by Ms. Amir-Lin and unanimously approved.

Acton Water District I.T.

From: Mary Bassett <mary@marybassettlaw.com>
Sent: Wednesday, March 25, 2020 12:29 PM
To: MaryJo Bates; Chris Allen
Subject: Fwd: signing warrants under 41:56

Hi MaryJo and Chris

I thought I would send this along for your information.

Mary E. Bassett, Esq.
McWalter, Barron & Boisvert, LLP
30 Monument Square
Concord, MA 01742
978-369-2252

Sent from my iPhone

Begin forwarded message:

From: Patricia Hunt <phunt.esq@comcast.net>
Date: March 25, 2020 at 10:23:59 AM EDT
To: "Peter C. Sumners" <psumners@mllmlawfirm.com>
Cc: "massmunilaw@socialaw.com" <massmunilaw@socialaw.com>, Michael Terry <mterry@petrinilaw.com>
Subject: Re: signing warrants under 41:56

For approval of warrants under 41:56, we at DLS are giving this advice to municipalities -

1. Must 1st clarify that the board has already voted to designate one of its members to approve warrants for the board under 41:56. If it has not, the board needs a virtual meeting to vote to designate one of its members as an approver for the board under 41:56. See Executive Order on the Open Meeting law for virtual meetings.
2. If the board already has voted to designate a member to approve, the accountant or whomever can email the warrants to be approved to the designated signer and that person can email back that s/he approves the warrant including the warrant number and date or other identifier so as to maintain a record of what is being approved. Or the designated approver could send a picture of the signature page with his/her signature. But make sure the signature page identifies the warrant. The important thing is to ensure that the warrant being approved is clearly identified in whatever the designee is approving/signing – example warrant date and number. We've advised them to consult with local counsel if there are local requirements that apply.
3. 41:56 also then requires "that the member shall make available to the board, committee or other department head, at the first meeting following such action, a record of such actions."

Hope this helps,

Patricia Hunt

On Mar 25, 2020, at 9:43 AM, Peter C. Sumners <psumners@mlmlawfirm.com> wrote:

If I can piggy-back on the question from Mike...

Can any document be signed electronically by a board/commission (or a member of a board)? In addition to board/commission decisions, I'm thinking of other items like warrants for payment of bills under M.G.L. c.41, s.56. Those materials don't appear to be covered by MUETA because they are not transactional.

I'd appreciate any thoughts.

Thanks,
Peter

Peter Sumners
Murphy, Lamere & Murphy, P.C.
50 Braintree Hill Office Park, Suite 202
Braintree, MA 02184-8807
P: (781) 848-1850
F: (781) 849-0749
psumners@mlmlawfirm.com

From: massmunilaw-request@sociallaw.com <massmunilaw-request@sociallaw.com> **On Behalf Of** Michael Terry
Sent: Wednesday, March 25, 2020 9:13 AM
To: massmunilaw@sociallaw.com
Subject: E-filing

Listmates, a follow-up question: How are you handling the signing of Board/Commission decisions now that Members are remote?

Many thanks,

Mike

Michael K. Terry
Petrini & Associates, P.C.
372 Union Avenue
Framingham, MA 01702
Tel. (508) 665-4310
Fax (508) 665-4313
mterry@petrinilaw.com
www.petrinilaw.com

<image001.jpg>

<image002.jpg>

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