

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
SEPTEMBER 3, 2024

A quorum being present, Chairperson Sheldon called the meeting to order at 5:05 p.m. He announced that the virtual version of the meeting was being recorded and requested those in attendance to state their name and title for the record by roll call:

Board Members Present in Person: Robert H. Sheldon, Commissioner and Chairperson - Present; Robert E. Boyd, Jr., Commissioner - Present; and Joshua M. Fox, Commissioner - Present.

Board Members Present Virtually: None.

Others Present in Person: Vincent J. Roy, Executive Director - Present; Thomas S. Travers, Treasurer - Present; Karen A. Moretti, Assistant Treasurer - Present; and Renee M. Adams, Executive Administrator - Present.

Others Present Virtually: None.

1. Review and Vote to Approve the Minutes from the Board of Water Commissioners Meeting held on August 13, 2024.

The Commissioners approved the minutes for the meeting of August 13, 2024, as amended. Commissioner Boyd made the motion for approval, which was duly seconded by Commissioner Fox, and approved by unanimous roll call:

Joshua M. Fox, Commissioner - Aye
Robert E. Boyd, Jr., Commissioner - Aye
Robert H. Sheldon, Commissioner and Chairperson - Aye

2. Review of the Director's August 30th Bi-Weekly Report.

Director Roy presented his bi-weekly report, covering the following topics:

17 Trailside Circle

Treasurer Travers inquired about the payment status of the abated water invoice for 17 Trailside Circle. Director Roy responded that a decision notice had been sent to the homeowner, Robert Crane, on August 14th, stating the adjusted balance was due upon receipt. Chairperson Sheldon asked if the notice had been sent via certified mail with a return receipt. Mr. Roy replied that it had been sent by standard mail. The Commissioners then asked Mr. Roy to resend the notice using certified mail with a return receipt, adhering to the District's standard collection policy: initial notice (net 30 days); second notice (net 15 days/\$25.00 penalty charge); shut off notice (net 10 days/\$50.00 penalty charge). Mr. Roy agreed to do so.

New Employment Position Interviews

Chairperson Sheldon inquired about the status of the interviews for the new employment position. Director Roy stated that there were a total of six applicants, and he is currently interviewing five candidates. He expressed optimism that the position would be filled within the month.

East Street Water Treatment Plant (ESWTP) PFAS Project

Commissioner Fox inquired about the proposed change order regarding the plumbing subcontractor and the bathroom addition to the new facility. Mr. Roy explained that due to the Massachusetts Department of Environmental Protection Agency's (MassDEP) delay in authorizing the project, the original plumbing subcontractor withdrew their bid. Consequently, the General Contractor, Barbato Construction, had to select the second qualified plumbing contractor from the bid tabulation results.

Mr. Roy noted that bathrooms are now a requirement under the State's plumbing code for the construction of new public water supply buildings, a regulation that went into effect after the project was bid. He mentioned that he had discussed the issue with the Town's Building Inspector, Andrew Lewis, who confirmed that there would be no exemption for the new requirement.

Chairperson Sheldon asked about the type of system being designed for the wastewater generated from the bathroom at the plant. Mr. Roy responded that the District's project engineering consultant, Weston and Sampson, plans to use a tight tank system to hold and store the wastewater, which will be routinely pumped and transported by a septic truck to a wastewater treatment facility.

Proposed Subdivision on Brewster Road

Commissioner Fox inquired about Director Roy's meeting with Erik Rhodin regarding the proposed development of a subdivision with eight single-family homes on Brewster Road, adjacent to District property on Goodman Hill. Mr. Roy stated that the proposed development is only conceptual at this time and that the developer may be willing to incorporate a utility easement for installing a new water main to the District's property located at the top of Goodman Hill. Mr. Roy reminded the Commissioners that the District needs an easement in order to provide access to the District's property for fulfilling its future plans for the replacement of Goodman Hill tank and creating a new high pressure service area. He also stated that these future capital improvements would help alleviate the on-going low water pressure issues in that area of the Town. Commissioner Fox requested that Mr. Roy add this topic as an agenda item for discussion at the next scheduled Board of Water Commissioners meeting, to which Mr. Roy concurred.

MassDEP Notice of Noncompliance (NON)

Commissioner Fox asked if Director Roy planned to appeal the MassDEP NON regarding Well 4's omission from PFAS sampling in May. Director Roy stated that he would not be appealing the NON, based on an earlier conversation that he had with Amy LaPusata, from the MassDEP's Northeast Regional office. Mr. Roy stated that, although the District had sampled for PFAS within 30 days of activating the well, this was a timing issue and that the NON was justified under MassDEP's PFAS requirements for monthly sampling. Commissioner Fox requested that a statement be drafted for inclusion in the 2024 Consumer Confidence Report (CCR) and be presented to the Commissioners for their review and comments before publication of the next CCR, to which Director Roy concurred.

Raymond Road Water Treatment Plant (RRWTP) PFAS Project

Director Roy informed the Commissioners that the initial set of PFAS sampling results were non-detectable for PFAS compounds. He explained that the District is required to draw four samples monthly for the first year of operation of the new filtration system: influent, effluent, and at the 33% sample ports of the primary and secondary vessels. Mr. Roy expressed concern that the samples taken at the 33% sample port showed about a 50% reduction in PFAS, indicating that the filter media below this point was removing the remaining 50%. He noted that this raised concerns about the carbon media needing to be replaced sooner than expected and mentioned that he would be discussing this issue with the District's project engineering consultant, Weston and Sampson.

Interconnection Study and Evaluation of Long-Term Plan for a Secondary Water Supply Connection

Director Roy informed the Commissioners that the District's project engineering consultant, Kleinfelder, has been reviewing and organizing the data they have accumulated from most of the surrounding communities and the Massachusetts Water Resource Authority (MWRA). Mr. Roy mentioned that Kleinfelder is still waiting for information from a few other communities and that he will be meeting with the project manager next week for an update.

Well 5 Investigation Study

Commissioner Sheldon inquired about the preliminary results of the Well 5 Investigation Study. Director Roy stated that the monitoring well was pumped at 30 gallons per minute (gpm) and that the drawdown was measured in the production well for 90 minutes. During that time, the drawdown was measured at 0.85 feet total, with only 0.02 feet of drawdown over the last 30 minutes of the test. Commissioner Sheldon questioned the continuation of the study, given the well's low yield and high concentrations of iron and manganese, which may render it insufficient for a public water supply. Director Roy responded that there is no cost to the District for the study due to a grant, and that he felt the study was important given the wells proximity to wetlands and that PFAS sampling results collected at the well have all been non-detect.

There were no further questions regarding the Director's Bi-Weekly Report.

3. Vote to Participate in the Proposed Aqueous Film-Forming Foam (AFFF) Multi-District Litigation (MDL) Settlement with Tyco Fire Products LP (Tyco) and BASF Corporation (BASF)

Director Roy presented the Commissioners with a proposal from Environmental Health Engineering, Inc., for the District to participate in two new Settlement Agreements with manufacturers of PFAS: Tyco Fire Products LP (Tyco) and BASF Corporation (BASF). Mr. Roy stated that Special District Counsel (SL Environmental) is strongly encouraging the District to participate in both settlements, believing that these settlements are fair, reasonable, and represent the best chance for the District to receive meaningful compensation for PFAS-related drinking water claims. Mr. Roy informed the Commissioners that the good faith estimate for the potential settlement allocation combined total is \$177,867 (Tyco: \$125,457 and BASF: \$52,409).

Commissioner Boyd moved that the District participate in the Aqueous Film-Forming Foam (AFFF) Multi-District Litigation Settlement Agreement with Tyco and BASF. The motion was duly seconded by Commissioner Fox and approved by unanimous roll call:

Joshua M. Fox, Commissioner - Aye
Robert E. Boyd, Jr., Commissioner - Aye
Robert H. Sheldon, Commissioner and Chairperson - Aye

4. Review of the Leak Abatement Policy

Commissioner Fox presented a draft amended abatement policy that incorporated changes discussed during the August 13, 2024, Board of Water Commissioners meeting. The Commissioners deliberated additional proposed amendments. Commissioner Fox requested Executive Administrator Renee Adams to prepare bullet points from the discussion and forward them to him so that he could include the recommended changes in the draft amended policy. Commissioner Fox requested that Mr. Roy add this topic as an agenda item for discussion at the next scheduled Board of Water Commissioners meeting, to which Mr. Roy concurred.

Conclusion of Open Meeting

Commissioner Fox moved to conclude the open public meeting session and move into executive meeting session, not to return to the open public meeting session, under executive session "Exemption 1. To discuss the reputation, character, physical condition, or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual" and "Exemption 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares." Chairperson Sheldon subsequently so declared.

The motion was duly seconded by Commissioner Boyd and approved by unanimous roll call:

Robert E. Boyd, Jr., Commissioner - Aye
Joshua M. Fox, Commissioner - Aye
Robert H. Sheldon, Commissioner and Chairperson - Aye

There being no further discussion the meeting adjourned at 6:30 p.m.