

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
NOVEMBER 12, 2024

A quorum being present, Chairperson Sheldon called the meeting to order at 5:08 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; Michael Abbondanzio, Foreman - Present; Karen A. Moretti, Assistant Treasurer - Present; Renee M. Adams, Executive Administrator - Present and Robert Haarde, Sudbury resident and homeowner of 37 Belcher Drive, Sudbury.

Others Present Virtually: Phoebe Goodman, Sudbury resident and homeowner of 89 Concord Road, Sudbury.

1. Review and Vote to Approve the Minutes from the Board of Water Commissioners Meeting held on October 29, 2024.

Chairperson Sheldon, who was absent from the October 29th Board of Water Commissioners meeting, asked Treasurer Travers to explain why a new bank account had not been opened at Salem Five Savings Bank, despite the Commissioners having voted unanimously in favor of doing so. Treasurer Travers responded that Salem Five Savings Bank had failed to disclose the fees associated with the account, and after careful consideration, it was determined to be in the District's best interest to open an account at Northern Trust Bank instead.

The Commissioners reviewed and approved the minutes for the meeting of October 29, 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., Commissioners - Aye
Robert H. Sheldon, Commissioner and Chairperson - Aye

2. Review of the Director's November 8th Bi-Weekly Report.

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

- Update: PFAS Pre-Litigation Investigation / SL Environmental Law Group
Commissioner Sheldon noted that he had difficulty understanding the recent update shared by Special District Counsel Ken Sansone of SL Environmental Law Group. Director Roy responded that he would contact Attorney Sansone to request his attendance at a future Commissioners meeting to provide a live update and address any questions raised by the Commissioners.
- Update: Macone Property
Commissioner Sheldon inquired about the status of the foreclosure proceedings for the Macone property. Director Roy stated that a pre-trial hearing was scheduled this past October; however, he had not received any updates on the proceedings since July. He further mentioned that he would contact Special

District Counsel Nina Pickering-Cook of Anderson & Kreiger this week for an update and report back to the Commissioners.

- Update: LSL Inventory Project

Director Roy explained that while the initial LSL inventory certification was submitted to MassDEP in October, EP later submitted an amended certification. This revised submission, based on an analysis by District staff and an industry knowledge review of service line documents, significantly reduced the number of "unknown" lines from approximately 3,200 to 146.

Mr. Roy also highlighted that the District, through EP, outsourced community outreach, mailings, and engagement efforts to a public administration consultant, Capital Strategic Solutions (CSS). CSS managed tasks such as establishing a dedicated LSL hotline to address community concerns and assisting with uploading data to MassDEP's LSL portal.

Commissioner Sheldon recommended implementing bi-weekly meetings with consultants on future projects to prevent similar issues, to which Director Roy agreed.

- Raymond Road Water Treatment Plant/PFAS Filtration System/GAC Performance Issue

Commissioner Boyd asked the Director to provide a brief update on his November 12th meeting with MassDEP regarding the GAC performance issue. Mr. Roy reported that the virtual meeting included himself, Andy Reid of Weston & Sampson, and Amy LaPusata of the Massachusetts Department of Environmental Protection (MassDEP) agency. He had scheduled the meeting due to the District's concerns about deficient performance with the GAC media. Ms. LaPusata acknowledged the concerns and requested the District continue sampling from the 66% tap, in addition to the existing required sampling schedule. She also informed Mr. Roy that any change to the current treatment process would require MassDEP's approval, to which he agreed.

Mr. Roy informed Ms. LaPusata that he had been working with Andy Reid of Weston & Sampson, the General Contractor Barbato Construction, and the GAC provider New Terra to resolve the issue. He also stated that New Terra is reviewing sample data to determine potential causes for the performance issues. Ms. LaPusata requested the District's Groundwater Discharge Permit (NPDES Permit) for her review to determine the requirement for backwashing the GAC media.

Additionally, Mr. Roy informed the Commissioners that he had recently submitted draft specifications for GAC replacement to MassDEP for their approval. These specifications also included details for regenerating spent GAC from the filtration vessels for reuse by the District. He also mentioned that he had a meeting scheduled for November 18th with members of New Terra, Weston & Sampson, and Barbato Construction to further discuss the issue.

- Drought Alert Notification

Director Roy informed the Commissioners that he received an email notification from the Massachusetts Executive Office of Energy and Environmental Affairs (EOEEA) declaring a Level 3 – Critical Drought in central and northeast regions of the Commonwealth. Commissioner Fox asked if the declaration had any impact on water use for the District at this time. Mr. Roy responded that the declaration only further restricts outdoor water use, but emphasized that unless weather conditions change, a drought throughout the winter months would have a major impact on water use next spring. Commissioner Boyd suggested that Mr. Roy post the EOEEA's notification on the District's website, to which Mr. Roy concurred.

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

3. Request for a Water Abatement Appeal: 89 Concord Road

It should be noted that the homeowner of 89 Concord Road, Mrs. Phoebe Goodman, attended this agenda item via Zoom. Chairperson Sheldon welcomed Mrs. Goodman and introduced her to those in attendance. Commissioner Fox informed Mrs. Goodman that the meeting was being held in open session and, given her appeal was based on financial hardship, offered her the option to postpone the agenda item to a future closed executive session due to the sensitive nature of the discussion. Mrs. Goodman decided to defer further discussion on the agenda item and attend a closed session Commissioners meeting. Chairperson Sheldon requested that Director Roy add this agenda item to the Board of Water Commissioners meeting scheduled for November 26, 2024, and Mr. Roy agreed.

4. Request for a Water Abatement Appeal: 37 Belcher Drive

Chairperson Sheldon welcomed the homeowner of 37 Belcher Drive Mr. Robert Haarde to the meeting and introduced him to those in attendance. Director Roy provided the Commissioners with a background on Mr. Haarde's prior leak abatement requests. He noted that in 2020 the District approved an abatement of \$455.20 in accordance with policy criteria, following Mr. Haarde's discovery and repair of a broken sprinkler head during the May-August billing period. Mr. Roy further explained that Mr. Haarde's subsequent abatement requests in 2023 and 2024 were denied, as the policy allows only one abatement per account. Director Roy had then invited Mr. Haarde to speak on his own behalf.

Mr. Haarde stated that his most recent leak event resulted, according to his estimate, in a loss of three (3) gallons per minute over a 24-hour period during the billing cycle. Although he had previously been approved for an abatement, he was requesting that the Commissioners consider an additional abatement. The Commissioners clarified that only extenuating circumstances, such as financial hardship, would warrant reconsideration.

Mr. Haarde then requested that the Commissioners adjust a recently charged penalty fee he incurred as he was appealing the decision. The Commissioners agreed to remove that fee, and Mr. Haarde subsequently withdrew his appeal.

5. Review/Vote: Revised Proposed Leak Abatement Policy

The Commissioners reviewed the revised draft of the leak abatement policy and made additional revisions. Commissioner Fox moved to amend/replace the existing policy. The motion was duly seconded by Commissioner Boyd and approved unanimously by roll call.

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

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 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; Review and vote to approve Executive Session Minutes for October 1, 2024, and October 15, 2024. Also to discuss Collective Bargaining Unit proposals in the Executive Session 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 6:33 p.m.