

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
DECEMBER 2, 2024

A quorum being present, Chairperson Sheldon called the meeting to order at 5:02 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, Thomas S. Travers, Treasurer, Michael Abbondanzio, Foreman, Karen A. Moretti, Assistant Treasurer, and Renee M. Adams, Executive Administrator. Others present in person were representatives of a proposed subdivision on Brewster Road: Eric Rhodin of Line Company Architects, and Dan Carr, Engineering Consultant from Stamski & McNary, Inc.

Others Present Virtually: Special District Counsel Attorney Kenneth Sansone of SL Environmental, LLC; Matthew Watsky of Watsky Law, Legal Counsel representing Yuchun Lee, the landowner of the proposed Brewster Road subdivision; and others from the general vicinity in attendance were those who participated in the discussion of Item 4 and therefore provided their names and addresses: Alan Corin and Pat McCoon of 64 Brewster Road; Thomas Pullen and Sally Breckenridge of 63 Brewster Road; Steve Louie of 54 Brewster Road; Samret Bose of 46 Brewster Road; and Dave Ostrow of 36 Brewster Road..

1. Review and Vote to Approve the Minutes from the Board of Water Commissioners Meeting held on November 12, 2024.

The Commissioners reviewed and approved the minutes for the meeting of November 12, 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 November 22nd Bi-Weekly Report.

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

• Hydrant Leak-Detection

Commissioner Fox inquired about the newly installed hydrant leak detection devices. Director Roy responded that nineteen devices have been installed in the Warren Road area, including Raymond Road and Landham Road. Additionally, thirty-one more are being delivered to the District. These devices were donated by ALFX Company, based in Framingham, Massachusetts, as part of an agreement to participate in a pilot testing program.

Mr. Roy explained that the devices are programmed to record sound every night from midnight to 3:00 AM. That sound translates to running water, and the theory is that running water at that low-flow timeframe can be considered high potential of a leak in the vicinity. Having several devices in an area will help triangulate and determine the location of a leak. He expressed hope that the devices will provide early warnings for main breaks and service leaks, potentially preventing catastrophic water

emergencies. Mr. Roy stated that the battery warranty is 10 years and the cost per unit is \$50 if the District were to decide to procure more.

- Update: Macone Property

Director Roy informed the Commissioners that the foreclosure on the Macone property has been dismissed. However, the District's parcel "C" has not yet been released by the Small Business Administration (SBA). Mr. Roy stated that he has reached out to Special District Counsel Nina Pickering-Cook for an update and is still awaiting a return call.

- Raymond Road Water Treatment Plant (WTP)/Per- and polyfluoroalkyl substances (PFAS) Filtration System

Director Roy reported that the November PFAS analytical results for the Raymond Road WTP/PFAS filtration system showed improvement over the previous month. One of the lead vessels was non-detect for PFAS at the 64% sample tap, while the second vessel showed the same result as the previous month, with two parts per trillion. Additionally, both primary vessel effluent samples were also non-detect for PFAS.

Mr. Roy mentioned that the District held a meeting two weeks ago with the project engineer (Weston & Sampson), the general contractor (Barbato Construction), and the granular activated carbon (GAC) vendor (Newterra) to discuss the GAC performance issues. While no definitive explanation for the issue was identified, Mr. Roy stated that, if there is an increase in PFAS concentration at the 64% sample tap next month, a sample of the media will be collected for analysis.

Commissioner Sheldon asked when the vessels were originally backwashed. Mr. Roy explained that the vessels were backwashed immediately after loading the carbon media to remove any fine material associated with the new media. He also noted that the District is following the operation and maintenance procedures, which were verified by the project's consulting engineer, Andy Reid. Additionally, Mr. Roy stated that Newterra recommended flushing the sample tap for 15-30 minutes as a standard procedure prior to drawing a sample.

With regard to the Occupancy Permit, Mr. Roy explained that the project's electrical subcontractor, Lafleur Electric, had agreed to amend their electrical permit to include work performed by Rubb Building. He assured the Commissioners that Barbato Construction confirmed the permit issue would be resolved this week and that the Sudbury's Building Inspector would conduct a final walk-through next week, prior to issuing the occupancy permit.

Mr. Roy stated that no substantial completion letter had been sent yet, as the insurance for the new building is still being carried under the general contractor's policy.

- East Street Water Treatment Plant/PFAS Filtrations Project

Mr. Roy responded that Sudbury's Building Department issued a foundation permit to the project's general contractor, Barbato Construction, last week; however, they are waiting for final approval from the project's engineering consultant, Weston & Sampson, on material submittals. Mr. Roy also stated that he anticipates construction will begin in January.

- Meeting with District's Financial Advisor (Bartholemew and Company)

Treasurer Travers informed the Commissioners that he, Assistant Treasurer, Karen Moretti, Executive Director Roy, and Commissioner Sheldon had met with the District's Financial Advisors, Bartholemew and Company, to review the District's Other Post-Employment Benefits (OPEB) investment fund in

preparation for the upcoming fiscal year budget. He also noted that he had extended the Treasury bills to longer terms, anticipating a decline in interest rates.

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

3. Update on PFAS Multi-District Litigation (MDL) by Attorney Kenneth Sansone

Attorney Kenneth Sansone of SL Environmental Law Firm provided an update to the Commissioners regarding the MDL. Mr. Sansone is quoted below:

“Late last week, the court overseeing the AFFF MDL issued orders giving final approval to both the Tyco and BASF drinking water settlements. Though these rulings were expected, they are an important step in bringing the more than \$1B billion in settlement funds made available under these agreements closer to distribution.

Just as importantly, the final approval of these settlements starts the clock on the deadlines to submit claims to both the action funds and special needs funds that they create. Once the court enters final judgments incorporating the approval orders (which we anticipate will happen very soon), that will start a period of approximately 90 days until the action fund deadline, assuming there is no appeal of either of the approvals (which we do not anticipate at this time). This will put the action fund deadline in early March 2025, at the earliest, and the special needs fund deadline in mid-April 2025, at the earliest. Once these deadlines have been set and confirmed by the claim's administrator, we will notify you.

For now, there is no action required on the District's part. We anticipate that our consultants, EH&E, who collaborated with us on submitting the District's claims under the 3M and DuPont settlements, will be in touch next month about the process for providing them with any updated information needed to submit your claims under the Tyco and BASF settlements.

There are 6 to 8 other AFFF manufacturers involved in the case that have not settled as of this date, and that the courts are anxious to get these resolved by next year”.

Commissioners Sheldon asked Attorney Sansone how much funding claim may be available in relation to the other manufacturers settlements. Attorney Sansone stated that he was uncertain, but the settlement will be based on the volume of products sold to the public.

Commissioner Fox asked Attorney Sansone if he knew when the disbursements under the 3M and Dupont settlement may be occurring. Mr. Sansone stated that the Claims Administrator appointed by the Court has completed his evaluation of the claims submitted through the MDL and that he anticipates the allocations and payments will be made in the first quarter of 2025. Mr. Sansone also stated that the Dupont settlement will be made in full, whereas the 3M settlement will be made in installments. The first 3M 1/3 payment will be in early 2025, the second 1/3 payment will be on June 1, 2026, and the remaining 1/3rd payment will be spread over the next seven years.

Director Roy asked Attorney Sansone if he knew what percentage of already incurred expenses submitted by the District will be reimbursed under the special needs fund. Attorney Sansone stated that the claims already submitted have exceeded the allocated special need fund amount. 10% may be a good conservative amount.

4. Discussion on Proposed Brewster Road Sub-division

Director Roy welcomed those in attendance both in person and virtually and asked that those who would be speaking state their name and address for the record. Commissioner Fox noted that several people were attending the meeting virtually from the adjacent neighborhood and requested that Director Roy share the proposed subdivision plan to help orient those attending virtually. The developer's architect, Eric Rodin,

reviewed the plan for the proposed subdivision with the audience. The Commissioners fielded questions from the audience regarding the installation of a new water tank on District land, as well as a proposed water main installation through an easement.

The following guests participated in the discussion about the project:

Janie Dretler of 286 Goodman Hill Road; Alan Corin and Pat McCoon of 64 Brewster Road; Thomas Pullen and ; Sally Breckenridge of 63 Brewster Road; Steve Louie of 54 Brewster Road; Samret Bose of 46 Brewster Road; and Dave Ostrow of 36 Brewster Road.

Key points made during the discussion are summarized below:

Neighbors of the proposed project expressed concerns about the development and the impacts that construction and constructed facilities would have on the neighborhood. Their concerns included potentially creating a shortcut between Goodman Hill and Old Sudbury Road (Route 27), construction impacts such as mud from construction excavations washing into yards, and potential adverse effects on property values.

Neighbors expressed concern that the Water District might be serving as a co-proponent for the development. However, the Commissioners and Executive Director Roy all were clear that the Water District's interests are to provide water to consumers and not to actively promote new developments. An opportunity has been presented to the District by the developer's team, and the District has reviewed that opportunity with open eyes, considering the advantages it presented as one means to achieving some of the District's goals. However, District staff and Commissioners were clear that the District was not a co-proponent.

The Commissioners and Executive Director Roy highlighted the District's plans for the area. Nearby is the existing 90-year-old steel water storage tank that needs to be replaced. It is not in an ideal place for access, so many years ago the District purchased property that sits adjacent to the property now being proposed for development. That new replacement tank would be constructed no sooner than five to ten years from now, because the District does not have the funds for new projects after committing to the expense of constructing two new PFAS removal facilities.

In looking at a replacement tank, the District has considered dedicating that tank to be used as part of a new higher pressure zone to serve customers whose properties are at higher elevations areas in Sudbury. Those areas now have low pressures, and many residents need to have individual booster pumps to provide sufficient pressure. Higher pressure in water mains enhances fire-fighting capabilities and minimizes the potential for diminished water quality caused by low or negative pressure swings within the system that can lead to groundwater migrating into water mains. Having a dedicated higher pressure zone would also improve water quality for the lower pressure zone areas, since the tanks serving lower pressures could fluctuate over a greater range, minimizing stagnation in the tanks. The higher pressure system would need to have a booster station at a lower elevation, pumping into the new tank. The proponents of the development had proposed a booster station location on their property on Old Sudbury Road (Route 27), with the connection to the tank on an easement. That the pipe on Old Sudbury Road is currently a dead end, and dead ends are prone to stagnation because of lack of circulation. The booster station at that area could keep the flow moving in the main, improving water quality.

Neighbors asked about access to the District's site for the new tank. How would the District get access to it if the development were not built? Executive Director Roy showed where the District currently has an easement, albeit not a very wide one, that could be used for construction and access once it is in operation. Access to the proposed tank location has been the topic of discussion at numerous times over the past ten

or more years, generally related to a proposed development. However, none of those developments ever went forward, and the District's access remains unchanged.

Neighbors asked about alternative sites for booster station and connecting pipeline. Executive Director Roy noted that there were investigations a few years ago, looking at a possible spot on Old Sudbury Road adjacent to the developer's property. However, that would require obtaining property rights of some sort not only at that location but also for the pipeline that would connect to the tank. A somewhat more ideal spot proposed by the District's consultant was at Town property near the Hosmer House. However, that was deemed to be unlikely to be approved for the change of use at the historic site.

The Commissioners deferred further questions about the proposed subdivision to the Sudbury Planning Board.

5. Review Auditor (Roselli, Clark & Assoc.) Proposal for FY 24-26

Director Roy presented a 3-year contract agreement for auditing services to be performed for the District by Roselli, Clark & Associates. Commissioner Fox inquired whether the cost had increased significantly compared to the previous contract. Assistant Treasurer Karen Moretti responded that there is a \$1,000.00 increase each year over the 3-year period. Commissioner Fox moved to approve the contract agreement proposed by Roselli, Clark & Associates for auditing services for the District. 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 7:30 p.m.