

BOARD OF WATER COMMISSIONERS
MINUTES FOR THE MEETING OF
January 26, 2021
(Meeting held virtually via Zoom)

The statutory requirements as to notice having been complied with, the meeting was convened at 5:05 PM.

Members Present: Chairman Joshua M. Fox, Commissioner Robert H. Sheldon, and Commissioner Robert E. Boyd Jr.

Members Absent: None

Others Present: District Legal Counsel Jillian Bargar of Anderson & Kreiger, LLP, Janie Dretler, Chairperson of Sudbury Select Board, Susan O'Connor, District Treasurer Thomas S. Travers, Executive Director Vincent J. Roy, and Assistant Treasurer Karen Moretti.

Chairman Fox called the meeting to order.

1. OFFER TO CONVEY CERTAIN PARCEL OF LAND (APPROX. 3.87 ACRES) LOCATED AT 16 NORTH ROAD TO THE SELECT BOARD OF THE TOWN OF SUDBURY:

Chairman Fox presented the Commissioners the offer to convey a certain parcel of District-owned land (the "Property") to the Board of Selectmen of the Town of Sudbury containing 3.87 acres, more or less, located at 16 North Road in Sudbury Massachusetts, being a portion of Parcel C12-0004 and shown as "Parcel A" on a plan entitled "Plan of Land of 16 North Road in Sudbury, Mass", prepared by the engineering and land surveying firm Sullivan and Connors Associates, dated January 12, 2021.

Commissioner Sheldon moved to issue the offer to convey the Property to the Board of Selectmen of the Town of Sudbury in the form presented at the January 26, 2021 meeting of the Board of Water Commissioners (the "Offer"), under M.G.L. c. 40 sec. 15B;

Janie Dretler asked if it mattered that the vote states "Board of Selectmen" rather than "Select Board" as is now the official name of the Town Selectmen. Chairman Fox stated that naming of Board of Selectmen would not change the validity of the vote, but would make that change for clarification. Jillian Barger of Anderson Kreiger agreed with Chairman Fox.

Chairman Fox then moved to amend the main motion to change the words "Board of Selectmen" to "Select Board", and the motion was seconded by Commissioner Sheldon. Following a brief discussion, the motion was approved by unanimous roll call:

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

There being no further discussion on the main motion, the commissioners then voted unanimously by roll call to approve that motion:

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

Commissioner Boyd moved to authorize the Executive Director of the Water District to execute and deliver the Offer to the Select Board, and to take all actions on behalf of the Water District that are reasonably necessary, in the judgment of the Executive Director, to satisfy the requirements of M.G.L. c. 40 sec. 15B for the conveyance of the Property. The motion was seconded by Commissioner Sheldon. The motion was approved by unanimous roll call:

Joshua M. Fox, Chairman - Aye
Robert H. Sheldon, Commissioner - Aye
Robert E. Boyd, Jr., Commissioner – Aye

Executive Director Roy emailed a PDF version of the letter to the Town Manager, Select Board Chairman Janie Dretler, and Lee Smith, Town Counsel.

2. REVIEW DIRECTOR'S January 22nd REPORT

Executive Director Roy presented his bi-weekly report to the Board and addressed questions regarding several topics:

Leaks:

Treasurer Travers asked Mr. Roy what the reason was for the large number of leaks listed in the Director's Report. Mr. Roy stated that it is common to experience more leaks during the winter months and emphasized that slight movement of the ground due to frost and an aging infrastructure are typically major contributing factors. Commissioner Sheldon commented that he observed a District vehicle parked at the corner of Tudor Road and Normandy Drive and asked Mr. Roy if the staff was investigating a possible leak in that area. Mr. Roy stated that he had no report of a leak in that area, but would check with the staff and report back to the Commissioners.

Proposed Amendment to Wireless Communication Overlay District;

Chairman Fox requested that Mr. Roy provide an update on the most recent discussion with the Planning Board regarding the proposed wireless communication tower. Mr. Roy stated that he attended the Planning Board Meeting on 1/13 and presented the District's position regarding revenue sharing. He also informed the Commissioners that the Planning Board appeared uncertain about a desire to sponsor an article to amend the Wireless Services Overlay District bylaw. Mr. Roy also stated that he would be attending the next Planning Board meeting scheduled for 1/27 and that a decision would need to be made at that meeting, because the filing deadline for Town Meeting articles is 1/29.

Meeting with DPW Director:

Chairman Fox asked Mr. Roy to provide a summary of the meeting with the DPW Director regarding the cost estimate for paving Morse Road and Codjer Lane. Mr. Roy stated that the meeting was to review the breakdown of the Town's request for the District to contribute an estimated \$130,000 for the paving, which would need to be included in one or more articles at the 2021 Annual District Meeting. Both parties agreed with the scope of work and the District's commitment to pay one-half the cost of paving the full width of the segment of the roadways where water main construction took place. Mr. Roy reported that, after further discussion with the DPW Director, they agreed upon a revised cost estimate of \$120,000, which includes a 20% contingency.

Macone Property:

Commissioner Sheldon stated that Mr. Roy should include an update on the Macone property every two or three reports.

136 Boston Post Road (Bear MT Sudbury, LLC) property lien:

Treasurer Travers requested that Mr. Roy provide an update on the property lien for 136 Boston Post Road. Mr. Roy stated that District Counsel Lawson Williams that he had been successful in making contact with an attorney representing the property owner. Mr. Williams had also stated that further legal action may still be required but he recommended taking some additional time before such action to attempt to resolve the matter with the property owner.

Proposed Water Interconnection with Town of Wayland:

Commissioner Sheldon asked Mr. Roy what initiated the idea for a water interconnection between SWD and the Town of Wayland. Mr. Roy stated that he was approached by the developer for 490 Boston Post Road (Sudbury/Wayland Septage facility) for a temporary water supply from a nearby hydrant. Mr. Roy was informed that the Town of Wayland had recently extended their water supply to the Sudbury Town line. Upon

hearing that news, he contacted the Wayland DPW Director on his thoughts on an inter-municipal agreement (IMA) for a possible emergency water interconnection between the two public water supplies.

Commissioner Sheldon stated that the District would need to be very cautious in entering any type an agreement and need to consider water chemistry, pressure differences, and protocols for emergency use of an adjoining utility's supply.

Chairman Fox also raised the issue of Quarry North's request for providing water to their property in Concord, referred to as "Melone Concord", and that the District needs to be consistent with all municipalities and developers. Chairman Fox requested that Mr. Roy email the Commissioner a copy of the Purchase & Sale Agreement with Quarry North and revisit this matter at the next Commissioners meeting.

3. REVIEW MEETING MINUTES

The Commissioners approved the Minutes for the Meeting of January 5, 2020, as amended. The motion for approval was made, duly seconded, and approved by roll call:

Joshua M. Fox, Chairman - Aye

Robert H. Sheldon, Commissioner - Aye

Robert E. Boyd, Jr., Commissioner - Aye

4. REVIEW DRAFT FISCAL YEAR 2022 BUDGET:

Director Roy presented the draft Fiscal Year 2022 budget. Mr. Roy stated that the proposed FY22 Operating Budget represents a 3.6% increase from the current budget. The main contributing line items are a part-time administrative position (\$20,000) and a \$20,000 increase for water testing. The increase for water increase is due to the new MassDEP regulatory requirement for PFAS testing. Mr. Roy also provided an update to the Capital Improvement Plan, stating that the request for capital projects for FY22 totals \$1,190,000.00.

There being no further discussions the meeting adjourned at 7:20 PM.