

**BOARD OF WATER COMMISSIONERS**  
**MINUTES FOR THE MEETING OF**  
**DECEMBER 13, 2022**

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Chairman Fox called the meeting to order at 5:06 p.m., announced that the virtual version of the meeting was being recorded, and asked for each Commissioner to state their name for the record by roll call:

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

**Others Present:** Tom S. Travers, Treasurer, Renee M. Adams, Customer Service Manager and Vincent J. Roy, Executive Director.

**Virtually Present:** Attorney Ken Sansone and Attorney Michael DiGiannantonio of SL Environmental Law Group.

**1. REVIEW THE MINUTES FROM THE NOVEMBER 29<sup>th</sup> COMMISSIONERS MEETING:**

Treasurer Travers requested that Director Roy amend the minutes from the November 29<sup>th</sup> meeting regarding the Financial Audit Report to include a suggestion made by the District's CPA Tony Roselli of Rosseli, Clark and Associates (RCA) to invest a portion of free cash into other high yielding investment vehicles for attaining a greater return on investment. Chairman Fox requested that Director Roy place an item on the next Commissioners meeting agenda for a discussion on investments and a possible vote to authorize the transfer of funds. The Commissioners approved the Minutes for the Meeting of November 29, 2022, as amended. The motion for approval was made by Commissioner Boyd, duly seconded by Commissioner Sheldon, and approved by unanimous roll call:

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

**2. REVIEW THE DIRECTOR'S DECEMBER 9<sup>h</sup> BI-WEEKLY REPORT:**

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

MWRA MetroWest Expansion Study:

Commissioner Sheldon provided those in attendance of the meeting with a map and photos illustrating the possible route from shaft "L" to the CSX rail corridor.

Commissioner Sheldon also informed the Commissioners that Charlie Russo of the Sudbury Select Board had called him earlier in the day (December 13) to discuss the MWRA's proposed expansion project. Commissioner Sheldon stated that he and Mr. Russo discussed the project in some detail, including the logistical and permitting challenges that could have major effects on the timing of the project.

2<sup>nd</sup> Quarter Billing Cycle:

Treasurer Travers asked Customer Service Manager Renee Adams if the billing amount for the December billing cycle had increased from the previous year cycle and if the increase was a result of the last rate increase. Ms. Adams responded that the increase was due to both a somewhat higher water usage and the increase in rates. There was an increase of approximately \$100,000 from last year, and water consumption increased by about 500,000 gallons.

There were no further questions or comments regarding the Director's Report.

### **3. UPDATE ON AFFF MDL HEARDING BY SL ENVIRONMENTAL LAW GROUP**

Ken Sansone and Michael DiGiannantonio of SL Environmental Law Group introduced themselves as the new legal counsel representing the District in the Multi District Litigation (MDL) since the departure of Attorney Ashley Campbell from the firm. Both attorneys provided a brief update on the bellwether case (City of Stuart, Florida) against primarily 3M and Dupont for manufacturing and distribution of a known hazardous substance, aqueous film forming firefighting foam (AFFF). Mr. Sansone stated that the firm is currently working with about 100 communities nationally, of which 20 are in New England and of those 15 are in Massachusetts plus the Commonwealth of Massachusetts itself. Mr. DiGiannantonio provided greater detail of the bellwether case, stating that the case is scheduled for trial in June 2023. He also stated that there have been favorable rulings thus far for the plaintiffs; a request for immunity by the defendants for the reason of providing products under government contracts per government specifications was rejected by the judge, and a second ruling over a dispute of documents and claims of privilege had also been rejected by the judge. He also stated that the judge has appointed a mediator to the case. Commissioner Sheldon asked the attorneys if they were surprised by the acceleration of the case, to which Mr. Sansone stated that his sense was that the judge was serious about getting these cases resolved as evident by the appointment of a mediator.

Chairman Fox asked where the District was procedurally and substantively with three possible outcomes of the Bellwether case; a) settlement of the case, 2) plaintiffs win the case, or 3) the defendant wins the case. Attorney Sansone stated that a settlement or win by the defendant would probably result in another bellwether case moving forward and slowing down the process for the remaining plaintiffs listed in the MDL. A win by the plaintiffs could possibly put the District in an opportunity to settle its case. The District would have to affirmatively agree to a settlement amount or opt out of a settlement and continue its case.

Commissioner Sheldon asked if the mediator's role is strictly on the bellwether case or is the mediator involved with all the individual cases moving forward? Mr. Sansone stated that the mediator would be working with all the individual cases regardless of any outcome of the bellwether case.

Director Roy asked what the expected time duration would be for a trial assuming that no settlement is reached. Mr. Sansone stated that once the bellwether case has been resolved the District's case would move from the MDL to Federal Court in Boston and that would be less than two years.

There was no further discussion on this topic. The Commissioners thanked Attorneys Sansone and DiGiannantonio for attending the meeting.

### **4. REVIEW EMPLOYEE HANDBOOK**

Director Roy presented the Commissioners with a printed hard copy of the draft changes to the Employee Handbook for their review in preparation for their approval at a later meeting. Chairman Fox asked Mr. Roy if he had provided the Board with an original copy as well for comparison, to which Mr. Roy responded that he would forward them each a combined compare-contrast document to illustrate the proposed changes.

***Conclusion of Open Meeting:***

The motion to conclude the meeting was made, duly seconded, and approved by unanimous roll call:

Robert E. Boyd, Jr., Commissioner. - Aye

Robert H. Sheldon, Commissioner - Aye

Joshua M. Fox, Commissioner and Chairman - Aye

The Open Meeting concluded at 6:04 p.m.