

Groton Water Commission  
Regular Meeting of the  
Board of Water Commissioners  
Tuesday, July 18<sup>th</sup>, 2023  
First Floor Meeting Room

**Minutes**

Present are Chairman Vice Chairman Greg Fishbone, Member James Gmeiner, Superintendent Tom Orcutt, Business Manager Lauren Crory, John Amaral from Omni Properties, Robert Antcil, Attorney for the applicant, and Tyler Schmidt from Environmental Partners.

Mr. Fishbone called the meeting to order at 7:45pm.

Mr. Gmeiner made a motion to approve the minutes of July 11<sup>th</sup>, 2023 as amended, Mr. Fishbone seconded and the motion carried unanimously.

Mr. McCaffrey arrived at 7:55pm.

Mr. Gmeiner read the public hearing notice which states “In accordance with Chapter 40, section 42-A to 42-I, of the Massachusetts General Laws and the Town of Groton Usage Fee Regulations, the Board of Groton Water Commissioners will hold a Public Hearing, in the 1<sup>st</sup> Floor Meeting Room of the Town Hall on **Tuesday, July 11, 2023 at 7:30 P.M. which was continued to Tuesday, July 18, 2023 at 7:45 P.M.** in order to consider the System Development Fees associated with Groton Farms, Chapter 407-10, subparagraph D – “Unusual Circumstances” associated with this project.”

**Public Hearing Continued – System Development Fees – 500 Main St**

Mr. Amaral said there have been no changes at the ZBA level and they are still in agreement with the items listed in the Memorandum of Agreement. Mr. Orcutt said the highlights are that Mr. Amaral will be constructing 200 residential units plus a clubhouse. The agreement states that the System Development Fees were reduced to \$724,080 and will be paid in five equal installments beginning when the building permit is pulled, each unit will be metered separately and will be charged minimum quarterly charges, irrigation wells will be installed to reduce summer demands, they will install an 8” ductile iron water main within the project area which will be made on Main Street and loop through Taylor Street, and they will pay for water meters and parts directly to the town’s vendor. Mr. Orcutt explained that the town is applying for a Massworks grant and if unsuccessful they will reapply next year. Mr. Orcutt will prepare an article for town meeting, contingent on the Massworks funding. He also added that the town will be using \$246,000 of ARPA funds for Taylor Street improvements.

Mr. McCaffrey helped create the adjusted fee and would like to invite the other commissioners to share their input. Mr. Gmeiner said the hearing was opened last week and they reviewed and discussed these items. Mr. Gmeiner is glad to hear the project will be installing an irrigation well and having the ductile iron will bypass the asbestos pipe that breaks every couple of years on

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Taylor Street, and that each dwelling unit will have a separate meter and will collect separate minimum charges to support the capital projects. Mr. Fishbone asked about hydrants and Mr. Orcutt said the Taylor Street design includes 3 hydrants. Mr. Fishbone asked if the first of the five payments is due when the first building permit is paid and Mr. Orcutt said they will be invoiced and it will be due within 30 days.

Mr. Fishbone asked about the existing connection. Mr. Orcutt explained that the original system development fee calculated to \$1,127,280 and the existing connection was a total of \$53,200. This credit was applied to revise the system development fee to \$1,074,080. Mr. Fishbone thought the reduction was due to the Massworks grant and Mr. Orcutt clarified that it was not part of the reduction. Mr. Fishbone thinks this should be clarified in the memo that the existing connection has been credited.

Mr. Fishbone asked if there is a contingency if the Massworks falls through. Mr. Orcutt said Mr. Amaral knows he would still be responsible. Mr. Amaral asked for clarification on if they would be responsible for the full construction estimate if the grant money was turned down. Mr. Orcutt said he would be responsible, but hiring a private developer would be significantly less. Mr. Fishbone said we do have \$246,000 of ARPA funds to put towards it regardless of the grant. Mr. Orcutt said we will do as much as we can with those funds. Mr. Amaral did not realize he would be asked to complete the project if the grant falls through. Mr. Antcil asked if the Board would consider an additional reduction in the fee if the grant does not come through. Mr. Antcil said they check all the boxes for the Massworks grant projects and is confident it will come through. Mr. Orcutt said without the completion of that loop, the basis of the current fee reduction would be gone. Mr. Schmidt said they have not completed the hydraulic analysis, but without that loop the hydraulics would be strained at the project. Mr. Orcutt said they would not have the volume and the pressure they need and its essentially a dead end without the loop. Mr. Amaral added that part of the reduction was also under the understanding that the original fee was too high.

Mr. Orcutt explained that their onsite water cost is \$350,000. Mr. Orcutt said that the remainder of the loop will be closer to \$200K-\$250K with a private contractor (estimated \$200/ft and 1200 ft). Only Taylor Street to the building is \$350,000, not the entire loop. Mr. Amaral asked how they got from an estimated cost over \$1 million down to \$250,000 and Mr. Orcutt said it's the cost difference public verses private work.

Mr. Orcutt said if the Massworks goes through it should also cover their \$350,000 on site cost.

Mr. Amaral confirmed they would be at \$350,000 their land plus an estimated \$250,000 for the loop if the grant does not come through.

Mr. Antcil asked where the \$246,000 of ARPA funds came from and Mr. Orcutt said Mr. Haddad.

Mr. Amaral said given that they could do the work privately at a fraction of the cost and the \$246,000 ARPA money would still apply it may be agreeable.

Mr. Gmeiner wants this in the agreement. He is also willing add something about renegotiating if the Massworks grant application is rejected.

Mr. Antcil said they will have other changes to the memorandum of agreement and would like time to revise this. They want to add that they are referencing a plan that has been prepared for Taylor Street as the reference document. They would also like to have language added that they will work collaboratively to spend the ARPA funds to make sure that public works costs could use those funds. They will make the improvements as showed on the Taylor Street plan. The cost of that plan is to be paid for by the Massworks grant, otherwise the responsibility is on the developer but \$246,000 of ARPA funds is available towards that. Mr. Gmeiner said the \$246,000 gets them to Taylor Street on 119. Mr. Fishbone is hearing the referenced plan would still be completed and the ARPA funds would be used to minimize the cost in any way possible. Mr. Gmeiner would like to add the “work on the plan.”

Mr. Antcil wants to work collaboratively together regarding the town meeting article. Mr. Antcil asked if town meeting approval is needed to spend ARPA funds and Mr. Orcutt said no but they do need it for accepting the funds. Mr. Antcil reiterated they are trying to work on this project as town residents. Mr. Orcutt will share the article before submitting it to Mr. Haddad.

Mr. Amaral and Mr. Antcil stepped out to consult their engineer at 8:45pm and returned at 8:50pm.

Mr. Amaral said Mr. Orcutt’s ballpark is correct so that makes it more palpable.

Mr. Antcil wants to propose to designate the someone on the Board to finalize the draft and bring it back to the group. Mr. Orcutt said you can still close the public hearing and do that.

Mr. Gmeiner said public hearing is about waiving fees then can discuss details after and we can vote on the waiver subject to designated person reviewing the language and confirming that it is the wording that both parties wish it to be.

Mr. Amaral wants to make sure that all the members understand, but they are good on taking the risk after two tries to get the Massworks grant.

**Mr. Gmeiner made a motion to close the public hearing, Mr. Fishbone seconded and the motion carried unanimously.**

**Mr. Gmeiner made a motion that the distribution system will be substantially improved and the Board will waive \$350,000 and the applicant will pay \$724,080 in system development fees, contingent on the Memorandum of Agreement to be finalized, Mr. Fishbone seconded and the motion carried unanimously.**

Mr. Antcil asked if there is a plan they can reference and Mr. Orcutt said it is still being worked on.

Mr. Fishbone will be the Board’s designated representative and will work with Mr. Antcil.

### **PFAS Discussion**

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Mr. McCaffrey said he researched the upcoming EPA regulations and has found they have stated the PFOA and PFOS specifications are currently 70ppt, but plan to drop them to 4ppt in December 2023 (with a goal of 0 ppt for both PFOA and PFOS). This is for 6 of the contaminants. Municipal communities who are not in compliance may have 3 years to comply. Mr. McCaffrey said that this is a life-threatening contaminant. There has been engineering work done on the various options and Mr. McCaffrey said the Pepperell option is at 16.5 ppt. Mr. Orcutt will get the breakdown of that number. Mr. Fishbone asked about the breakdown of PFOS and PFAS levels and Mr. Orcutt said both are over 4 ppt. Mr. McCaffrey and Mr. Orcutt met with Board of Health and they agree that the Pepperell option does not meet the proposed EPA standards.

The Board Members are all up to date on the current Selectboard position to move forward with the Pepperell water connection to the high school. Mr. Schmidt explained the interbasin transfer issue extending Groton to Dunstable and HS and the volumes come to 28,125 gallons short on a max day basis including domestic demand at the school even though it is sewered through Pepperell. His contact at DEP said that Groton would have a 72,000 gallon insignificance because they factor historical approvals against this also. Therefore, this project would need an amendment on the current Lost Lake approval. Mr. Schmidt also said that about half of the Four Corners allocation is being used. Mr. Schmidt thinks that an amendment for Lost Lake area and Four Corners could free up the 30,000 needed. This process would take three monthly DEP meeting. Mr. Schmidt also learned that regulations have been updated so if Lost Lake was requested again down the road, the volume approved would be much less than the current allocation. DEP did think they would need their legal department to assist with this process because have not had a similar situation. Mr. Gmeiner asked if they would be giving up the Lost Lake allocation and Mr. Schmidt said that they would be.

Mr. Orcutt said they are no longer looking at emergency SRF plan so the urgency is gone. Groton or Dunstable/Pepperell interconnection were original plans. The Dunstable/Pepperell option was removed for flow rates and PFAS reasonings. Mr. Fishbone asked if they would still be establishing that connection with Dunstable and Pepperell on their own and Mr. Schmidt does not foresee that happening due to those same issues.

The options now are to connect Pepperell's Jersey Well to the high school and surrounding residences in Dunstable with and without temporary PFAS treatment at high school. Mr. Schmidt created a matrix to show what the current options look like and said that the with treatment option from Pepperell is estimated to cost about \$8.4-\$9.9 million (Groton's portion). The Groton connection is estimated at about \$9.9 million (Groton's portion). The Pepperell option without treatment was estimated at \$6.1 million. Mr. McCaffrey explained it is about the same price to get any type of clean water there. The contaminated water is the only less expensive option.

Mr. Schmidt believes the EPA will be moving forward with their assessments. Mr. Schmidt thinks MA DEP will keep the 4 ppt but will become aggressive with planning for remediation. Mr. McCaffrey explained the Pepperell option buys Pepperell three years to treat its water. Mr.

Orcutt assumes that Mr. Haddad will reach out to DEP after the decision meeting on July 31<sup>st</sup>. Mr. Gmeiner asked about Groton paying capital costs towards Pepperell's treatment plant. Mr. Haddad negotiated to contribute \$1 million towards the design, or to make up the difference in rates. Mr. Gmeiner pointed out that those negotiations may take a while to nail down. Mr. Gmeiner pointed out that if you add that \$1 million in the Pepperell cost is up to \$7 million.

Mr. Fishbone reiterated that we are only advising the Selectboard and cannot make the decision. Mr. McCaffrey agrees they are handling it but believes the Water Commissioners were elected to monitor water quality and is not sure if that means our customers only or the town, but wants to make their opinion known.

Mr. McCaffrey said it is not the Water Department's decision to pick Groton or Pepperell, but they have a responsibility to make sure the water quality in Groton is up to par. He added that Board of Health is responsible for the health of the town.

Mr. Schmidt said the Groton connection increases fire protection by 15% in Groton.

Mr. Orcutt is not sure if Pepperell can provide drinking water in Groton without the Water Department's approval. Mr. Gmeiner is not sure if it would be the Water Department or the Selectboard to give approval.

**Mr. McCaffrey made a motion that the Board state that any potable water to the high school must meet the current proposed EPA standards as written, Mr. Gmeiner seconded and the motion carried unanimously.**

### **Manganese Treatment Plant – EP**

Mr. Schmidt spoke about the amendment #4 to prepare for the Whitney Well Manganese Treatment Plant for future PFAS treatment. Mr. Schmidt said some work can be done now to alleviate future construction. The intent is to sign off on the change order for a PFAS preparedness study. Mr. McCaffrey asked if this would affect the startup of the treatment plant and Mr. Schmidt said it would not. The PFAS preparedness study will look at three wells, hydraulics to see if and what pumps are required if additional treatment is added, treatment medias, predominant pfas strains, piloting and more. Mr. Schmidt said iron exchange PFAS treatment has been the most flexible but it is more expensive. The report would cover all these items.

Mr. Orcutt asked how long would step 9 and 10 would take and he said they would start with hydraulics and siting to find out what would be necessary for RH White to do this work which will take 30-45 days. Mr. Schmidt agreed they want to rush this part to figure out if it makes sense for RH white to do the work. Mr. Schmidt is not sure if there will be benefit to use RH White. The Board discussed various PFAS mitigation technologies. Mr. McCaffrey asked if you can treat raw water if needed and Mr. Schmidt said you can do this individually but there are pros and cons. Mr. McCaffrey added that Whitney Well III could be treated separately since it does not have a lot of iron and manganese. Mr. Schmidt said they can evaluate anything the

Board wants to see in the preparedness report. Mr. Orcutt wants to look at the three options. Mr. Orcutt does not think they need to look at treating Whitney Well III temporarily and separately.

Mr. McCaffrey and the board agreed to move forward with tasks 9 and 10.

**Mr. Fishbone made a motion to approve tasks 9 and 10 on the contract amendment #4 with EP in the amount of \$55,550, Mr. Gmeiner seconded and the motion carried unanimously.**

### **Whitney Pond Well #3**

No updates.

### **Other Business**

Next Meeting will be posted for the July 31<sup>st</sup> Selectboard Meeting.

Mr. McCaffrey made a motion to adjourn at 10:03, Mr. Fishbone seconded and the motion carried unanimously.

Respectfully Submitted,

Lauren Crory