

Groton Water Commission  
Executive Session Meeting  
Of the  
Board of Water Commissioners  
Tuesday, January 7<sup>th</sup>, 2020  
1<sup>st</sup> Floor Meeting Room  
**Minutes**

Present are Chairman Jack McCaffrey, Vice Chairman Greg Fishbone, Member James Gmeiner, Superintendent Thomas Orcutt, Business Manager Lauren Crory, Attorney Deutsche from Brooks & Derensis.

Attorney Deutsche of Brooks and Derensis attended the meeting to review the consent order issued by Mass DEP regarding manganese treatment. Attorney Deutsche reviewed consent order and has comments for us.

- Mass DEP didn't file an administrative complaint prior to the consent order. The structure looks like a probationary note, based on the action plan, but Mass DEP is reserving the right to impose additional requirements, seek more remedies etc if the actions are not satisfactory or done on time.
- The deadlines must be feasible, action items must be feasible.
- We will want to ensure there are no unknown conditions or impediments for fulfilling these requirements. The levels should be as stated and want to be sure they are correct.
- There are public and political considerations, transparency can be a good thing and want buy in from other people, we should have good handle on what roles will be done by whom in terms of construction, planning, etc

Mr. Orcutt asked what the process is to respond to the draft. He does not want anything to refer to Baddacook because we are doing pilot testing before committing to a location. We need the consent order to be more open ended in terms of Baddacook Well versus Whitney Well. Mr. Ohl said from his experience DEP is worried about the end goal, wants a firm date where all the water will be treated, December 2024. That date is most important. Mr. McCaffrey thinks we should change any Baddacook reference to Groton Water Treatment Plant. Mr. Ohl said yes we can focus on treatment. Attorney Deutsche said it can read modified or additional treatment. Mr. Fishbone agreed. Attorney Deutsche said could say modified or newly constructed. Mr. Ohl will get the correct permit number to Attorney Deutsche.

Attorney Deutsche said some places say iron & manganese and others say manganese only. Mr. Ohl said we want to get rid of anything that says iron because although both may be treated the consent order is based off manganese. Attorney Deutsche will make a draft with redlines that can be finalized. The redline will be done by late tomorrow or Thursday. Mr. McCaffrey wants it for Monday's meeting with the Selectboard.

The board discussed other changes to be made in the consent order. See attached changes on the consent order from Attorney Deutsche.

Mr. Orcutt asked who should sign it and Attorney Deutsche thinks the town should. Mr. McCaffrey would prefer Mr. Haddad sign it because typically signs legal documents for the town.

Attorney Deutsche and Mr. Ohl will join the Board at the Selectboard meeting January 13<sup>th</sup>, 2020.

Mr. Gmeiner moved to close the executive session and to re-convene in public session at 8:40pm, Mr. McCaffrey seconded, and the motion carried unanimously.