

Office of the Town Manager

# North Attleborough Measure 2023-040

## EXECUTIVE SUMMARY

MICHAEL D. BORG  
TOWN MANAGER

22 FEB 23



# OVERVIEW

Previously the Town Council approved a borrowing authorization for \$11,518,000 under Measure 2022-075. The Town, on behalf of the Water Enterprise Fund, is seeking to add specific language to the measure to include the name of the lending authority, the Massachusetts Clean Water Trust.

# SUMMARY

The Town created the original measure in April of 2022 (Measure 2022-075) for \$11,518,000. It did not include the name of the lending authority. Under the advice of Bond Counsel, we are submitting a new measure to correct this.

Measure 2023-040 will include the name of the Massachusetts Clean Water Trust in the measure's language. As this is a capital project for the Water Enterprise Fund, the requirement for a public hearing was satisfied in the previous budget/capital plan submission to the Town Council.

Traditionally, the Town seeks bond funding for previously approved projects annually in April. This project was approved as part of the FY23 Budget and CIP.

The Massachusetts Clean Water Trusts provide no-interest/low-interest loans. The amount we are eligible for from the Trust is approximately \$9,250,000. We do not know the interest rate for this loan but are expecting a zero percent loan.

# THE SOLUTION

Refer Measure 2023-040 to the Finance Sub-Committee

# ANALYSIS

None Required

# KEY NEXT STEPS

1. Finance Sub-Committee referral
2. Finance sub-committee hearing, discussion, and update on the project status
3. Forward to Town Council for vote
4. The Treasurer/Collector proceeds to borrow funds from the Trust

# CONCLUSION

Referral to the Finance Sub-Committee and eventual passage of Measure 2023-040 will significantly aid the Water Enterprise Fund in its action plan to mitigate current PFAS contamination levels in certain town wells.

## TOWN COUNCIL MEASURE SUBMITTAL

Date:	2/27/2023	Submitted by:	Town Manager Town Manager	Telephone #	508-699-0100
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<p><b>MEASURE DESCRIPTION:</b></p> <p>Amend, per Bond Council, Measure 2022-075 "FY23 Water Enterprise Fund Capital Projects for Borrowing" for borrowing language purposes</p> <p style="text-align: right;">Signed: </p>
<p><b>PURPOSE AND JUSTIFICATION:</b></p> <p>I hereby submit the following measure to the Town Council for its re-consideration and action:</p> <p>Water System Remediation Projects</p> <p>That the Town of North Attleborough appropriates the amount of Eleven Million Five Hundred Eighteen Thousand Dollars (\$11,518,000.00) for the purpose of paying the costs of the design, planning, engineering, construction, reconstruction, rehabilitation and installation of water lines, water systems and water treatment facilities, including per- and polyfluoroalkyl substances (PFAS) water system remediation projects, fluoride injection systems, upgrades to the PLC and radio systems and water tank coating projects, in the amounts and as further described in the attachment hereto, including the payment of all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44 and/or M.G.L. c.29C, or pursuant to any other enabling authority, and to issue bonds and notes therefore; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Town Manager determines that such should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c.29C, §1; that the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to M.G.L. c.29C and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection (the "DEP" ) with respect to such loan or any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project; and to take any other action relative thereto.</p> <p>Descriptions of the projects are included in the attached FY2023 Capital Improvement Plan.</p>
<p><b>SPECIAL REQUIREMENTS:</b></p> <p>This measure requires a 2/3 vote of the Town Council.</p>
<p><b>ATTACHMENTS:</b></p> <p>Project Details</p>
<p><b>REFER TO SUB-COMMITTEE:</b></p> <p>Finance Sub-Committee</p>

TOWN COUNCIL MEASURE SUBSTITUTION

2023-2024

Telephone # \_\_\_\_\_

Town Manager/Town Administrator \_\_\_\_\_

Submitted by \_\_\_\_\_

2023-2024

Measure Description: Amend to add Board Council Measure 2023-078 FY23 Water Enterprise Fund Capital Projects for Borrowing for borrowing language to be added

*[Signature]*  
Signed \_\_\_\_\_

The Board hereby submits the following measure to the Town Council for its consideration and action:

Water Enterprise Fund Capital Projects

The Town of \_\_\_\_\_ (the "Town") is authorized to borrow the amount of Eleven Million Five Hundred Eighty Thousand Dollars (\$11,580,000) for the purpose of paying the costs of the following projects: reconstruction, rehabilitation and installation of water lines, water systems and water treatment facilities, including per- and polyfluorinated ethyl ether (PFAS) water systems and water injection systems, and related infrastructure, including the following projects: \_\_\_\_\_ and as further described in the attached letter of intent of all other related incidents and related matters, and that to meet this obligation the Town Manager is authorized to borrow said amount of money from \_\_\_\_\_ pursuant to M.G.L. c. 29C, or pursuant to any other applicable authority, and to issue bonds and notes that such bonds or notes shall be general obligations of the Town, and the Treasurer with the approval of the Town Manager determines that such bonds or notes should be issued and may be secured by local system revenues as defined in M.G.L. c. 29C, § 27B(1)(b). The Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to M.G.L. c. 29C, and to enter into a financing agreement with the Trust for the purpose of borrowing such amount with the Trust and the Department of Environmental Protection (the "DEP") with respect to such loan or state aid available for the project or for the financing thereof that the Town Manager is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project, and to take any other action relative thereto.

Conditions of the project are included in the attached FY2023 Capital Improvement Plan.

This measure requires a two-thirds vote of the Town Council.

Project Details

Financial Data

### TOWN COUNCIL MEASURE SUBMITTAL

Date: 04/11/2022	Submitted by: Town Manager	Telephone # 508-699-0100
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**MEASURE DESCRIPTION:**

FY2023 Water Enterprise Fund Capital Plan Projects for Borrowing

Signed:  08 APR 22

**PURPOSE AND JUSTIFICATION:**

I hereby submit the following measure to the Town Council for its consideration and action:

"That the Town of North Attleborough appropriate the sum of \$11,518,000.00 for the purpose of planning, construction, reconstruction and rehabilitation of water lines, water systems, water tanks, and water treatment facilities, including upgrades to the PLC and radio systems, Coating of Water Tanks and upgrades to the fluoride injection systems; and to meet this appropriation, the Treasurer, with the approval of the Town Manger, is authorized to borrow \$11,518,000.00 and issue bonds or notes therefor under Chapter 44 of the Massachusetts General Laws or pursuant to any other enabling authority; that such bonds or notes shall be general obligations of the Town; that any premium received upon the sale of bond or notes approved by this vote, less any such premium applied to the payment of costs of issuing such bonds or notes may be applied to the payment of costs of such project in accordance with Section 20 of said Chapter 44, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; that the Town Manager is authorized to accept and expend any state or federal grants that are, or may become available for these projects under provisions of the Town By-Laws where applicable; and that the Town Manager is authorized to expend all funds available for the project and to take any other action necessary to carry out the project."

Descriptions of the projects are included in the attached FY2023 Capital Improvement Plan.

**SPECIAL REQUIREMENTS:**

This measure requires a legal notice and public hearing.  
This measure requires a 2/3 vote of the Town Council.

**ATTACHMENTS:**

List of Capital Improvement Items - FY2023 CIP

**REFER TO SUB-COMMITTEE:**

Finance Sub-Committee

FY23 Water Bonding 075				
Department	Project	Dept Priority	Total Cost	Fund Source
Water	McKeon Plant PFAS Removal System	2	\$10,000,000.00	Bonding
Water	Town-Wide Control System Upgrade	1	\$210,000.00	Bonding
Water	Fiber Drop to WTF and McKeon Plant	3	\$150,000.00	Bonding
Water	Water Main Replacements	4	\$998,000.00	Bonding
Water	Meter Reading System Upgrades	5	\$100,000.00	Bonding
Water	Vehicle Replacement	6	\$60,000.00	Bonding

\$11,518,000.00

**TOWN OF NORTH ATTLEBOROUGH, MASSACHUSETTS**

**NEW MONEY BORROWING MEASURE (G.L. c.44; c.29C)**

*Water System Remediation Projects*

That the Town of North Attleborough appropriates the amount of Eleven Million Five Hundred Eighteen Thousand Dollars (\$11,518,000.00) for the purpose of paying the costs of the design, planning, engineering, construction, reconstruction, rehabilitation and installation of water lines, water systems and water treatment facilities, including per- and polyfluoroalkyl substances (PFAS) water system remediation projects, fluoride injection systems, upgrades to the PLC and radio systems and water tank coating projects, in the amounts and as further described in the attachment hereto, including the payment of all other costs incidental and related thereto, and that to meet this appropriation the Treasurer, with the approval of the Town Manager, is authorized to borrow said amount under and pursuant to M.G.L. c.44 and/or M.G.L. c.29C, or pursuant to any other enabling authority, and to issue bonds and notes therefore; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Town Manager determines that such should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c.29C, §1; that the Treasurer with the approval of the Town Manager is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust (the "Trust") established pursuant to M.G.L. c.29C and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise contract with the Trust and the Department of Environmental Protection (the "DEP") with respect to such loan or any federal or state aid available for the project or for the financing thereof; that the Town Manager is authorized to enter into a project regulatory agreement with DEP, to expend all funds available for the project; and to take any other action relative thereto.