

February 8, 2022

A meeting of the Board of Water Commissioners was held on Tuesday February 8, 2022, at 4:30pm in the Michael G. MacPherson Meeting Room at the water department office located at 22 Elm St, Kingston Ma.

Chairman Richard W. Loring Jr. called the meeting to order at 4:30 p.m.

Present were Vice Chairman Robert Kostka, Commissioner Robert Erlandsen, Superintendent Matt Darsch, Michael Ohl and Mike Carmasine of CEI, Inc, Kristen Berger of Resilient CE, and Clerk Stacey Smith. Additional guests, in attendance, were David Gilmore of Pyramid Group, Rich Tabaczynski of Atlantic Design Engineering, Buzz Artiano, Alexandra Artiano-Ryan. Attendants via ZOOM were David Aitken of Pyramid Group.

Vice Chairman Kostka made the motion to approve the minutes of December 21, 2021, as presented. Commissioner Erlandsen seconded the motion, and the minutes were voted unanimously (3-0-0).

Mr. Artiano's legal representation had not arrived, and Chairman Loring asked if the next appointment could be taken out of order while we waited. Mr. Artiano agreed and appreciated the courtesy.

David Aitken, David Gilmore, Pyramid Group

Rich Tabaczynski, Atlantic Design Engineering RE: Deed Restrictions and Car Dealership Proposal

Chairman Loring stated he was appalled by Director of Governmental Affairs, Mr. Aitken's behavior of attempting to contact each Water Commissioner individually on their home phones to discuss matters which should be held before the Board at a meeting in full transparency for the public. Beyond that, he added, Pyramid Group has not fulfilled their obligation to file promised deed restrictions as agreed to back in 2019. He stated, it is my belief, as Chairman of the Board, that we should not be discussing anything with Pyramid Group until they fulfill their commitment.

Mr. Aitken apologized to the Chairman and the Board for any concerns they felt were inappropriate. He was simply trying to make sure everyone was on the same page. Regarding the "poor transaction" back in 2019; he admitted the easements had not been filed but asked for an opportunity to get that done as both the Board and the mall have a good back and forth and the mall is committed to being a good neighbor.

Mr. Aitken went on to presenting the proposal of the car dealership. He stated he feels they have addressed issues that ay come up with the location being in the water overlay district. He went over the fluctuations in impervious pavement from 17.4% to 19.3%. This presentation seeks to bring the total percentage to 18.8%. Those issues such as roof runoff discharging into the water district, the car dealership parking lot, service bays and waste oil discharge being located outside the water district.

Chairman Loring thanked Mr. Aitken for the presentation but reiterated that he feels no further discussion should take place with Pyramid Group until such time as the deed restrictions are filed as originally agreed. Regarding the effort to register the easements, Mr. Aitken stated they did attempt to make communications to keep everyone in the loop. He added, we do not have the ability to file easements without signatures from the Town. Vice Chairman Kostka asked Superintendent Darsch if there may have been a gap of communication between Pyramid Group and Town Counsel at

the time. Chairman Loring referenced all easements in the past have been done by the developer or builder. It is not the responsibility of the Town to do so. Discussion ensued as to how to proceed.

Commissioner Erlandsen referred to Mike Ohl of CEI for explanation on proposal. He asked if it was legitimate to remove a piece from inside the water district and add it the outside of the district. Mr. Ohl said yes, and no. Mr. Ohl explained the delineation of the water overlay district. Superintendent Darsch stated for clarification, Commissioner Erlandsen is referring to the other two easement areas (related to the Amazon project), not the one in question. It is a separate issue.

Chairman Loring asked if any plans have been received relative to the area within the proposed car dealership area. Mr. Ohl stated no, he has not received any. David Gilmore stood up and presented a plan to the Commissioners and showed how the plan will keep the waste outside of the aquifer area. Rich Tabaczynski of Atlantic Design Engineering spoke and said he has been hired by both the mall and the auto dealership. He stated he will design the building to be located outside the water overlay district and design a roof run off system to recharge the water in the overlay district. Chairman Loring said this does not address discharge from parked vehicles as the entire parking lot is in Kingston's water overlay district. Commissioner Erlandsen said he understands Chairman Loring's concerns, but we are talking about new cars in the lot, is that as big a concern. Chairman Loring said new cars, old cars, wrecked cars it makes no difference. Commissioner Erlandsen asked if a drainage system could be constructed to drain the parking lot outside the overlay district.

Chairman Loring said we have nothing now to look at. Without plans, he said he feels we are shooting at a dart board. Commissioner Erlandsen asked, assuming more complete plans, with drainage plans are provided, could it be approved? Chairman Loring responded, to approve something without complete plans and full review by our engineers, we need to hold off on approval.

Mr. Gilmore asked, to have the sale move forward, can the land in question be removed from the water district? He said it first needs to be determined if this land can be removed so that the developer can continue with his plans. Without knowing that, it would be a waste of money to spend doing these plans. Chairman Loring said, it is interesting you see this as a waste of money from your perspective. We are charged with the responsibility of protecting the water resources for our residents. To jump ahead when, in fact, you have not done what you agreed to do two years ago, I have a problem.

Mr. Aitken added, he feels confident an easement can be recorded in a phone call with Town Counsel and he appreciates the conversation and discussion regarding drainage. Superintendent Darsch stated he would like to see runoff drainage staying inside the water district and waste being discharged outside the water district, like what is happening at the mall currently. Commissioner Erlandsen stated assurances are needed to keep waste drainage outside the district.

Rick Tabaczynski stated they had focused on the roof runoff and creating a drainage system in the parking lot to meet the Town of Plymouth's stormwater management requirement. Vice Chairman Kostka stated his concerns would be something like a ruptured gas tank. We are talking about new cars in a parking lot but over time all it takes is one incident that could ruin service to two of our three largest wells. Mr. Tabaczynski stated there will be an emergency plan in place, emergency shut down valves, etc... Vice Chairman Kostka stated that is assuming someone reports an incident. Chairman Loring stated Mr. Tabaczynski's example does not apply to this situation with hundreds of cars on an

unsupervised lot in the Kingston Overlay District. He stated their job is to protect the resident's potable water and without more detailed plans, you are asking for something we cannot give you. We must look to the future and if it means we must hold off on a decision, then so be it. He added, Pyramid Group needs to understand the water department's sensitivities.

David Aitken stated he understands the feedback and asked if there were any questions regarding the easements.

Mr. Ohl of CEI, stated he had a couple questions. He said the original plan, submitted back in December, showed three parcels of land, two in blue and one in green. In subsequent submittals these were deed restricted areas. In the current plan, only two pieces in blue are memorialized as deed restricted and the green piece has disappeared. He asked, when did this come about? He said, referring to the last submittal, the green is no longer part of the discussion.

Mr. Aitken stated in the language dated 12/15/21, the Kingston Collection is requesting the water department release the area in green. Mr. Ohl stated for clarification, so there are three pieces that require deed restrictions. David Aitken responded, yes that is correct. Commissioner Erlandsen said, then we need to have those three deed restrictions filed as promised by Pyramid Group. Mr. Aitken said he will have the two easements reviewed with Town Counsel and file the two pieces in blue. Additionally, he will ask Mr. Tabaczynski to confer with the owner of the dealership regarding the Commissioner's comments and concerns on the parking lot.

Mr. Aitken said he appreciated the conversation and proceeded to review what the Board requires. Mr. Ohl stated to date, we will need paperwork on the third piece of land.

Commissioner Erlandsen said all three easements must be registered. The mall needs to stand by their original agreement, then we can discuss removing it in the future. Chairman Loring agreed. Vice Chairman Kostka asked Mr. Aitken is there any reason that cannot happen. He said we have an agreement in place, we want those deed restrictions recorded. Mr. Aitken said he was hopeful he could facilitate the two deed restrictions and address the drainage concerns of the Board. He added, he was sure this could be taken care with a 30 min phone call with Town Counsel and Chairman Loring interrupted him and said, I'm glad you think this can be handled so quickly but we have a responsibility to protect our residents water supply and if it means it takes, a week, two weeks or six months I don't really care. Mr. Aitken replied, I understand Mr. Chairman. Vice Chairman Kostka suggested he thinks what Mr. Aitken is trying to say is that the filing of the easements will take a short amount of time. Mr. Aitken said if it is the request of the Board to file all three parcels, then that is what we will do. Brief discussion ensued regarding confirming details.

Buzz Artiano, Alexandra Artiano-Ryan and Atty Robb D'Ambruso RE: Kingston St water service

Chairman Loring stated we reviewed your plans; the problem we have is the contractor hired installed water and sewer mains without any supervision or inspection from the water department. He stated, he proposes the Board does not accept the easement and the water remain private. Mr. Artiano stated sewer mains were done and inspected by the Sewer Department. The easement was always a private easement it was never for the town, it was the requirement of the Board. No water mains were installed, only a sleeve was installed.

Vice Chairman Kostka stated the easement is for shared services and should not affect any repair. Atty Robb D'Ambruso called attention to the easement which states any repairs will be the full responsibility of the property owners. Mr. Artiano stated the only reason the sleeve was installed was to prevent digging up entire driveways. Commissioner

Erlandsen said we had concerns about future property owners being made aware that they are responsible for any repairs or replacement. Atty D'Ambruso said yes, as this is a modern easement it will appear in any title search at closing. The easement goes to the property and is bound to the land. Superintendent Darsch stated Town Counsel has reviewed, made some changes, and approved the language of the easement. Chairman Loring stated a letter from the Fire Chief, dated 10/22/21, indicates KFD does not approve this type of plan. Mr. Artiano said the furthest house is less than 500 ft from the nearest hydrant.

Superintendent Darsch reminded the Board that the original landowner/developer came before the Board to ask for town water service. The Board advised him to install a water main at his expense. He decided that was not cost effective and sold the lots off. He added, he believes that the Fire Chief wanted to make sure, in the future, that it is preferred to have a water main directly in front of properties rather than service lines running down the street.

Vice Chairman Kostka stated, has the Fire Chiefs suggestion to insert a fire hydrant in between the 2nd and 3rd dwelling been presented in the plans? Mr. Artiano stated, no. Vice Chairman Kostka asked is there a reason it has not been? Mr. Artiano stated, for the same reason the water main was not installed. It is cost prohibitive. Discussion continued regarding the placement and location of hydrants in relation to the lots.

Superintendent Darsch suggested, if this is approved, that the meter pit be removed, and individual meters should be installed in each house.

Commissioner Erlandsen made the motion to accept the language in the presented proposal. The motion was seconded by Vice Chairman Kostka and voted (2-1-0). Chairman Loring voted against the motion. Chairman Loring stated this includes the stipulation that services will have individual meters in the homes and the meter pit will be eliminated.

Michael Ohl & Mike Carmasine Comprehensive Environmental Inc RE: Engineering Updates

Grassy Hole/I-86 Manganese Treatment Plant Project

Mr. Ohl allowed Mike Carmasine to update the Board on the status of the project. He told the Board the building as a shell is complete and the roof is completed. The generator duct bank for the primary tower is being done and the painting is near completion. He said they are putting together an estimate of when start-up operations could begin. Paving will be completed once the weather breaks. Mr. Ohl said all interior doors are up and the exterior doors are waiting to be installed. Vice Chairman Kostka stated so we should have no more worries with waiting on back ordered supplies that could hold up progress. Mike Carmasine of CEI said the contactors have asked for the 60-day extension (late May); however, Ms. Berger stated as discussed before and it has not been granted yet. We can discuss it again probably at the first meeting in March.

Mr. Ohl indicated the only concern was regarding solar panels to be mounted on the roof. He said Mike Carmasine had questioned the contractor about the progress as he had not received any submittals and the contractor seemed to be surprised by the question. However, this will be cleared up and it will not hold up the construction schedule. The contractor owes it as it is in the plans, but the solar panels may be installed later than planned. He added, the contractor believes testing and start-up of the facility should be sometime between April and May.

Vice Chairman Kostka stated that is good; we should be up and running by peak water usage season.

Chairman Loring asked Ms. Smith to compose a memo to the Board of Selectmen updating the progress of the project and letting them know the treatment plant should be up and running by summer. He also asked the Board to consider the idea of naming the new treatment facility after the late Fred Svenson. Mr. Svenson was a water commissioner for over 25 years, and it was his insistence that treatment needed to be brought to this area of town, which helped bring us to where we are today. This would be an honor to his memory and his family. Commissioner Erlandsen made the motion to name the treatment plant after Fred Svenson, with an official naming to occur later. Vice Chairman Kostka seconded the motion, and it was voted unanimously (3-0-0).

Kristen Berger, Resilient C.E RE: OPM for the Treatment Plant Project/SRF Updates

Kristen Berger said she liked that idea and added that Fred was a strong proponent for the water department and bringing treatment to this part of town.

Ms. Berger said as far the SRF is going, we are waiting on receiving funds from the last request (#10). The Eversource utility install is significant at approx. \$30,000; however, it will be included on the next SRF submittal. She said while she was sitting in the meeting, she received information and instruction on how to proceed with including this expense from the SRF program. Regarding the total SRF submittals, this next submittal brings the contractor, Winston Builders to 74% completion, CEI to 68% and Resilient CE to 65%.

She stated there was a construction progress meeting out at the site today. The windows are on site. They are still waiting on a few pieces of pipe. Once the power is supplied, that's when water can start being pumped and things will really start happening. Discussion ensued regarding the site.

Michael Ohl & Mike Carmasine, CEI Inc. (continued)

Water Upgrade Expansion- High Zone (Marion Dr)

Mr. Ohl presented the final payment requisition for this project. All outstanding on this project is the retainage (+-10,000 dollars).

Vice Chairman Kostka said this project is all complete. Mr. Ohl said they have a punch list of miscellaneous items to complete but they are small in scale. Superintendent Darsch asked if KJS, LLC is responsible to set up the Pressure Relief Valve (PRV). Mr. Ohl responded, yes. Superintendent Darsch stated, he would prefer that set up not be done until the new treatment plant is online. Superintendent asked about "as built" and if we are receiving them direct from KJS, LLC or CEI. Mr. Ohl said, we will get them to you, and we will chase KJS.

Matthew J. Darsch, Superintendent RE: Departmental Updates

Superintendent Darsch stated we have dealt with some substantial leaks since we last met. One involved a 12-inch water main on Whistler Lane in Gurnett Woods that split. This involved considerable damage to the roadway for approx. 300 ft. The bell had been cracked and leaking and over time the pipe just gave way. The road will need to be repaved. Superintendent Darsch inquired about town insurance covering the paving and it will not cover the work. He said he asked Paul Basler, Superintendent at Streets, Trees and Parks to price out a cost estimate, it is going to be about 50K. We may need to go to Special Town Meeting within the Annual Town Meeting for surplus revenue. He stated the needed funds are not in our operating budget.

Superintendent Darsch stated he has not received an answer regarding if we have any ability to use the remaining funds for the extra filter at the treatment plant. He added the MassWorks Grant Program meets every 6 weeks.

He stated the Finance Committee has scheduled our department meeting on March 31st. The liaisons are Jim Soule and Jerry McCarthy. They would like to meet prior to March 31st on February 15th at 10:30am.

Superintendent Darsch provided the Town Allocated Costs which require a sign off. It has an increase of 28K over last years allocated costs. Most of the increase is the IT salary, and we are responsible for 15% of that.

Superintendent Darsch provided a packet from the Town administrator regarding the ARPA Funding and the approved allotments. A total of \$401,341.90 has been approved for the Main Street Water Main Project. He asked if the Board wants to place an article at annual town meeting to borrow the remainder of the funding to complete this project or use stabilization funds.

Chairman Loring stated we need to acquire a new well site first. Superintendent Darsch stated he will attend a meeting on Thursday to discuss the Sisters of Divine Providence property and potential development. Vice Chairman Kostka asked Superintendent Darsch to send another email to the Kelleher estate.

Chairman Loring stated we must advance this matter, as quickly and thoroughly as possible, ahead of town meeting if we need to pursue eminent domain.

Ms. Smith stated there is a request for an abatement on a water bill at 36A Cole St. The resident had a large September water bill due to a toilet leak. The leak has since been repaired and receipt of the plumbing repair was attached to this request. Residents are looking for financial relief if possible. The total consumption was 179,000 gals.

Chairman Loring made the motion to charge to total gallons consumed at the lowest tiered rate of \$2.50 per thousand gallons. The motion was seconded by Vice Chairman Kostka and voted unanimously (3-0-0).

Vice Chairman Kostka made the motion to adjourn, Commissioner Erlandsen seconded the motion, and it was voted unanimously (3-0-0). Meeting adjourned at 5:52 pm.

Respectfully submitted,



Stacey L. Smith, Clerk