

**March 22, 2022**

A meeting of the Board of Water Commissioners was held on Tuesday March 22, 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 4:31 p.m.

Present were Vice Chairman Robert Kostka, Commissioner Robert Erlandsen, Superintendent Matt Darsch, Clerk Stacey Smith, Mike Ohl, and Mike Carmasine of CEI, Kristen Berger of Resilient CE and Atty Robb D'Ambruoso and Mark Roundtree. In attendance via ZOOM, resident Dorothy Harlow.

A motion to approve the minutes of the joint meeting of Water & Sewer Commissioners as presented from February 15, 2022, was made by Vice Chairman Kostka, and seconded by Commissioner Erlandsen and voted unanimously (3-0-0).

A motion to approve the minutes of the regular meeting of Water Commissioners as presented from February 15, 2022, was made by Vice Chairman Kostka, and seconded by Commissioner Erlandsen and voted unanimously (3-0-0).

A motion to approve the minutes as amended from March 8, 2022, was made by Vice Chairman Kostka, and seconded by Commissioner Erlandsen and voted unanimously (3-0-0).

Chairman Loring announced that David Aitken from Pyramid Group had requested they be removed from today's agenda. In doing so, we will be moving on to Mr. Ohl and Mr. Carmasine of CEI, Inc.

Atty Robb D'Ambruoso asked if he could speak for a moment. He said he represents the Roundtree Family who is currently under contract to buy a parcel of land from Pyramid Group. He asked if it was possible to ask a question relative to that parcel. Chairman Loring stated as you represent a third party it is irrelevant and immaterial. Atty D'Ambruoso asked if he could ask a general question regarding the March 8<sup>th</sup> meeting. He stated Mr. Ohl brought up the possibility regarding the removal of the parcel of land from the water restriction agreement of 1988. Atty D'Ambruoso wanted to know if the Board could share any feedback from Town Counsel. Chairman Loring said that any conversations between this Board and Town Counsel remain between the Board and Town Counsel. Chairman Loring stated he doesn't find it appropriate that legal counsel would circumvent the Board and seek out Town Counsel without the knowledge of the Board. Atty D'Ambruoso replied, I did not. Chairman Loring acknowledged; I know you didn't, but someone did. He added, it seems to be lost on parties involved that this Board voted a "conditional approval" pending further review of completed designs and plans. The responsibility of the Board is to its residents and our ability to provide potable water to the Town. Atty D'Ambruoso responded, "understood".

Elaine Fiore entered the meeting.

Mr. Roundtree and Atty D'Ambruoso left the meeting.

**Mike Ohl and Mike Carmasine, CEI Inc. RE: Engineering Updates**

Mr. Ohl told the Board they have been in contact with Mass DEP regarding scheduling start up performance tests the end of April. There is a list of things that require approval, our due diligence has been done. One thing that has changed

since our last meeting, contractor was anticipating delivery of the variable frequency drives (VFD) that are needed to run the backwash pumps, the next week and that did not happen. When they didn't show up, the contractor called to find out what happened, and he was given no explanation or answer as to when he could expect these. He added, we will be having another meeting next Tuesday and hopefully something will have changed but this could be a big issue in causing a delay.

Vice Chairman Kostka asked if this was unusual. Mr. Ohl responded it's unusual but with all the issues with supply chain, this kind of stuff is happening. It could have been a situation where the VFDs were given to another project that needed them more, we don't know. Chairman Loring asked where they are being purchased and who are they being purchased by? Are they US made? Mr. Ohl stated, yes. This is case in point why we don't pay for stored materials in a warehouse. Commissioner Erlandsen asked, if this was out of control of the contractor. Mr. Ohl responded, yes from what we can tell. Commissioner Kostka asked if there was a worst-case scenario that you can give us? Mr. Ohl responded, it's hard to say because they're not even providing us a date for delivery now.

Ms. Berger stated that while the VFDs may be made in the US, they may have components made outside the country and especially with the microchips we are seeing delays in receiving those type of components. She said she's heard anywhere from 6 mos. to a year, for delivery, at the time of ordering but these were already ordered.

Commissioner Kostka asked for detailed updates as they become available so we may answer any questions as they come up accurately and promptly. Ms. Berger said she thinks we need more information as well as to how and why this occurred. Superintendent Darsch asked about the VFD on site that is referred to as a "spare", can that be used for startup in the meantime? Are they not suitable for that application? Mr. Ohl said it may be able to be used temporarily to get things started. Commissioner Kostka is concerned that the plant may not be up and running for the high usage season in the summer. Chairman Loring stated it's imperative we have accurate, written records of these delays so that all parties are on the same page.

Mr. Ohl added, at the same time the contractor has an established time extension. This hasn't changed, so the pressure will be on the contractor to figure something out and make this work.

Mr. Ohl stated Matt, Chris, Mike, and himself had been out at Trackle Pond today to discuss the location of the storage/maintenance shed. Based on what we saw today, we will go back and sketch it out relative to the location. Hopefully, we will have established ties and plans and set up for next meeting; unsure if contractor will have definitive prices by next meeting. Commissioner Kostka asked about the possibility for the design of the shed to allow for solar panels. Superintendent Darsch said that would be difficult due to the angle of the roof. Mr. Ohl said we could get prices two ways for the roof and see what they say. Discussion continued regarding location of shed and potential solar panels.

Mr. Ohl stated he is working on facility maintenance budget for replacement expenses, per the request of the Board at the last meeting. Speaking of budgets, Ms. Berger brought the Board's attention to the increase in price expected for potassium hydroxide. Ms. Berger said in other towns, she's seen budgets for that chemical double. Commissioner Kostka asked if it was possible to collaborate with other towns. Superintendent Darsch stated that is what we currently do. Vice Chairman asked if it was a petroleum-based product? Mr. Ohl said no, but something to remember is a lot of treatment chemicals aren't created solely for water treatment; they are often a byproduct of another chemical, so price increases may be a result of the primary chemical.

### **Kristen Berger, Resilient CE RE: Manganese Treatment Plant**

Ms. Berger updated the Board on the budget for the treatment plant project.

She said as of the last SRF submitted with work through February, she wanted to update the board on the budget and contracted services. Winston Builders, construction contractor, is at 78% of costs completed. They have approximately 1.6 million left remaining in budget. She added, they are doing well using their MBE/WBE contractors and their percentages of use is relatively high so there won't be any issue to close these out.

Ms. Berger went on to add, CEI Inc is just under 80% complete in their total agreement. She said there were some bid phase invoices that were paid separate outside of the SRF, so the total is 74% with the SRF and the bid phase invoices make up the difference. She said their MBE usage is still at 0%. She had asked Mr. Ohl to come up with a plan for this. 22K was budgeted for that purpose. She asked Mr. Ohl what would be done with that. He responded. He has no resolved solution but is working on it. Ms. Berger said the remaining budget for CEI is at 94K but that include 1 years' worth of post construction services. Ms. Berger asked Mr. Ohl if he'd an opportunity to look at the field rep service hours remaining in the budget. Mr. Ohl responded he hasn't had a chance to look at costs with the extended contract and determined the impact yet, but he will do it in the next few weeks.

Ms. Berger said Resilient CE is at 70% of her budget and it will depend on how long the contractor takes with the extension. Commissioner Kostka said that was his concern as the extension just doesn't extend time for the contractor, but it extends everyone. He said if there's a pause in the extension and you're able to conserve hours, that's fine but if it's extended and there's no pause it can add up. She stated they will be meeting with the contractor next week. Discussion ensued regarding the timing of the 4<sup>th</sup> filter installation at Trackle Pond. Ms. Berger stated Roberts Filter is planning on coming out to both the treatment plant and the extra filter; however, with the delay of the VFDs that may affect that schedule.

Ms. Berger stated, regarding her use of the MBE in Resilient CE contract, it was initially planned to do some handouts, brochures, or an information board. She stated her plan was to work with the printing agency that also does graphic design to make it a little more approachable for anyone to understand. She will be waiting to get some updated competed photos before competing this task.

She went on to say the SRF has been processing payments smoothly and routinely. She stated, Town Treasurer Carl Pike has been notifying her of when payments are received.

### **Matthew Darsch, Superintendent RE: Departmental Updates**

Superintendent Darsch said regarding Pyramid Group, he has spoken with Town Counsel. He said it was confusing bringing him up to speed midway through the project, so he asked Mr. Ohl to provide a summary of events and a timeline. Superintendent Darsch hasn't heard back from Town Counsel after sending the summary.

Chairman Loring stated there seems to be a level of confusion based on Mr. Cain's assertions in his emails (referring to Pyramid Group's attorney) regarding our conditional approval compared to what he's heard or been told. Vice Chairman Kostka stated the Board did not give full and final approval.

Superintendent Darsch stated KJS, LLC will be back out this week onsite at Marion Dr to complete some items. He added, minus the finish work and remaining punch list items, there is approximately 200k left in the Mass Works Grant. His recommendation is to allow sewer to use it for their project. Vice Chairman Kostka agreed, saying this grant came by means of the sewer chairperson and the previous town administrator and the water department benefited from the grant.

Vice Chairman Kostka made the motion to allow the leftover monies, in excess of the finishing work and punch list items needed for the water project, be allocated to the sewer commission for their work on their project. Commissioner Erlandsen seconded the motion, and it was voted unanimously (3-0-0). Ms. Fiore thanked the Board and said she looked forward to working with the water department on future projects.

Superintendent Darsch stated he is working on a flushing schedule for mid-April. Vice Chairman Kostka asked if this would be done during the day or night. Superintendent Darsch said, it will be at night as we plan to flush heavy, and it will alleviate traffic concerns. He said the areas flushed will work down from the Smith's Lane Tank and include Smith's Lane, Prospect St, Rocky Nook, and lower Main St.

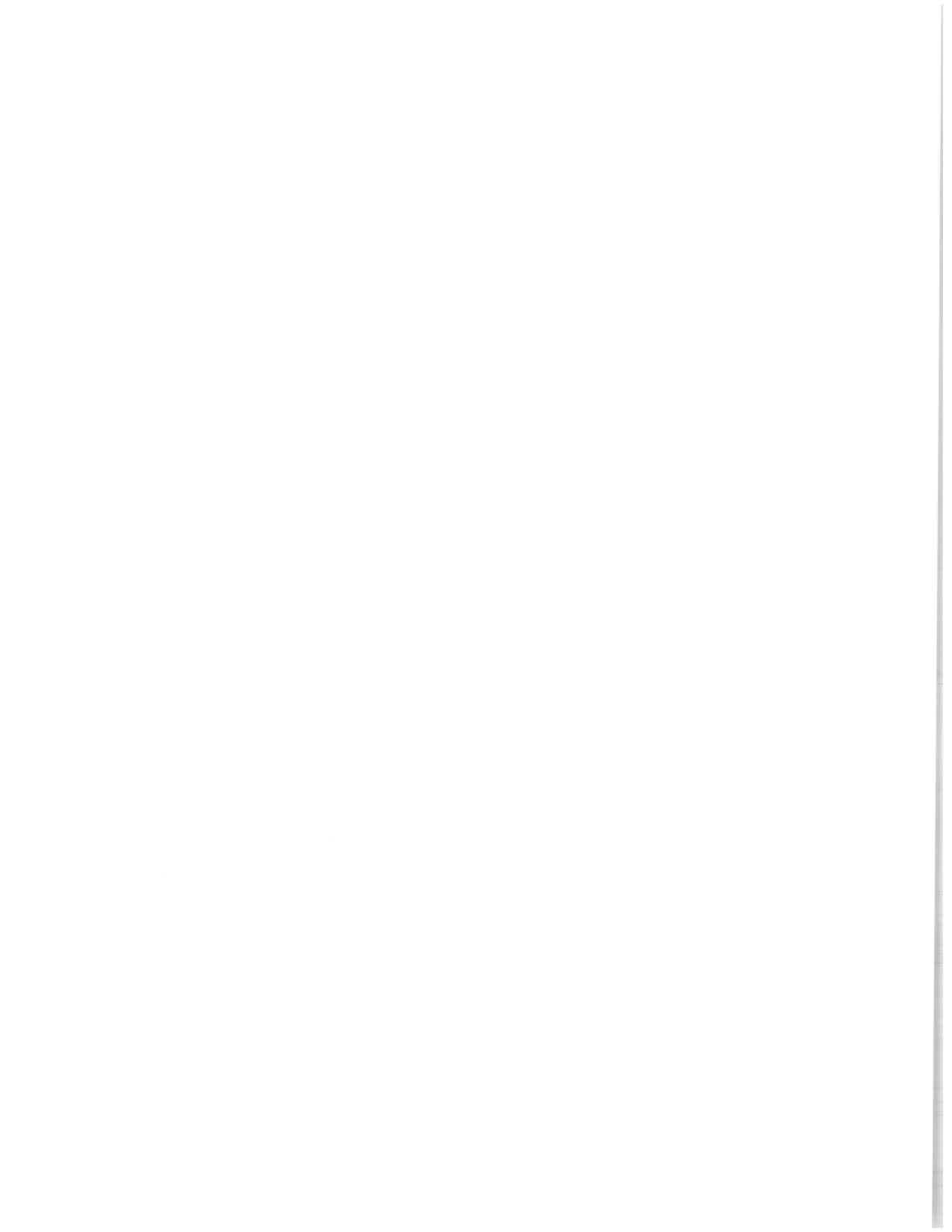
Mr. Ohl stated in addition to April flushing, there will be training sessions by manufacturers for the treatment plant that will require employees' time as well.

Superintendent Darsch brought an easement for Briarwood Construction regarding Grey Stone Village. One easement has already been signed by the Board regarding the homeowner's property on Hawthorne. This easement goes across the conservation area on the backside. It has been reviewed by Town Counsel and needs to be signed and notarized.

He added, the warrant articles have been sent to the Board of Selectmen for inclusion in the Town Meeting warrant. The town administrator has asked for a representative from the water department to join the Board of Selectmen meeting this evening in case there are any questions. One of the articles is for the road repair on Whistler Lane that had that major main break in December. He said Streets, Trees and Parks Superintendent Paul Basler is gathering figures, so that article does not have a dollar amount on it however, rough estimates are between 40-50K. This article will be in the special within the annual town meeting and requesting the money be transferred from Water Surplus Revenue. The remaining articles are transfer articles for purposes of stabilization fund and water tank painting. Discussion ensued regarding the BOS meeting and time. Vice Chairman Kostka said he would attend via ZOOM and would plan to be on at 6pm. He asked Ms. Smith to send him the meeting link.

Superintendent Darsch stated if the Board wanted to request an appointment with the Board of Selectmen for the purposes of discussing the office administrator position, then it should be discussed now. Chairman Loring explained a request was made to do so; however, since the request was informal and made outside of a meeting, the town administrator requested a vote in a meeting to make the request. ***Vice Chairman Kostka made the motion to request an appointment with the Board of Selectmen to discuss the position of office administrator, at the next meeting of the Board of Selectmen. Commissioner Erlandsen seconded the motion. The motion was moved and voted unanimously (3-0-0).***

Vice Chairman Kostka asked about the roof at Soule's Pond. Superintendent Darsch stated since the weather is getting nicer, they'll be able to have that replaced with a metal roof.



Vice Chairman Kostka made the motion to adjourn. Commissioner Erlandsen seconded the motion, and it was voted unanimously (3-0-0).

Meeting adjourned at 5:10 pm.

Respectfully submitted,

A handwritten signature in cursive script that reads "Stacey L. Smith".

Stacey L. Smith, Clerk