

May 17, 2022

A meeting of the Board of Water Commissioners was held on Tuesday May 17, 2022, at 4:30pm in the Michael G. MacPherson Meeting Room at the water department office located at 22 Elm St, Kingston Ma.

Present were Vice Chairman Robert Kostka, Commissioner Robert Erlandsen, Superintendent Matt Darsch, Clerk Stacey Smith, Mike Ohi, and Mike Carmasine of CEI, Kristen Berger of Resilient C.E., Dave Aitken, David Gilmore of Pyramid Group, Rich Tabaczynski of Atlantic Design and Mark & Robert Rountree. Attending remotely via ZOOM was Nathan Hedberg.

Chairman Richard W. Loring Jr. called the meeting to order at 4:31 p.m. Chairman Loring stated reorganization needs to be done and handed the meeting to Ms. Smith to take nominations. Ms. Smith suggested the Board vote on a slate of candidates and asked for nominations for Chairman. Commissioner Kostka moved to nominate Commissioner Loring as Chairman; Commissioner Erlandsen seconded. Commissioner Kostka moved to nominate Commissioner Erlandsen as Vice Chairman and Commissioner Loring seconded. A motion to vote the slate of candidates, Richard Loring as Chairman and Robert Erlandsen as Vice Chair, was made by Commissioner Loring and voted unanimously (3-0-0).

A motion to approve the meeting minutes of April 26, 2022, as printed, was made by Commissioner Kostka and seconded by Vice Chairman Erlandsen and voted unanimously (3-0-0).

Chairman Loring told Mr. Aitken from Pyramid Group his group would be heard out of order.

Dave Aitken, David Gilmore of Pyramid Group, Rich Tabaczynski of Atlantic Design and Mark & Robert Roundtree
RE: Proposed car dealership and water overlay district

Mr. Aitken stated he appreciates the Board's time. He reviewed the progress made since the last meeting and deferred to Mr. Tabaczynski for further explanation of materials presented.

Chairman Loring stated the issue of the termination of the deed restriction is still an ongoing issue and he referenced an email received earlier this afternoon from Town Counsel Jay Talerman, that makes it hard for him to move forward with questions regarding the legality outstanding.

Mr. Aitken referenced an earlier email dated April 26, 2022, from the malls legal counsel showing communication between the two legal counsels and suggested Mr. Talerman's email today references wording regarding paragraph 10 in the two proposed deed restrictions and not the termination of the previous deed restriction. Mr. Aitken proposed Mr. Tabaczynski continue with his presentation from the engineering perspective and the Board revisit the legal aspect after.

Mr. Tabaczynski reviewed the map showing what areas are within the water resource district and what areas will be draining outside the district. The map represents less than the 15% impervious calculation requested by the Board. A worksheet was provided showing the formula and calculations. He went on to show the grading lines which mark the divide with water draining to respective catch basins. He said, the defined line of the water resource district will be marked by striped lines in the parking lot. As requested, customer service spaces, for those either awaiting service or completed service, will be parked outside the water resource district. The parking spaces, where vehicles are parked within the water resource district, will be designed to drain outside the water resource district.

Mr. Tabaczynski showed the drainage system and proposed location of the shut off containment manhole and valves for all the drainage lines going into the drainage basins. He added there will be a series of “no salt zones” signs and no de-icing or salt would be used in the parking lots. He stated the proposed snow storage area will be located outside the water resource district as it is a requirement for both the towns of Plymouth and Kingston. Mr. Tabaczynski went on to show the drain direction of melted snow that will be outside the district. In the case of larger Nor’easters, the excess snow will be hauled away off site. He stated these site plans have been submitted electronically and he has hard copies available here as well.

Vice Chairman Erlandsen questioned the snow area and the drainage. He asked if it would be better to leave the snow to drain in the re-charge area of the water resource district. Mr. Tabaczynski said, that is up to you, I guess. Mr. Ohl stated, it has more to do if the snow is contaminated. Mr. Tabaczynski suggested they could move the snow closer to the catch basin area and the containment tanks would catch any sand or potential contaminants before discharging into the catch basins. Mr. Ohl stated the assumption is if the plowing is done correctly according to the drainage patterns, it should all work fine. Discussion continued. Commissioner Kostka stated Vice Chairman Erlandsen mentions a good point, it may recharge the system better. Chairman Loring asked about the end of the aisle in the parking lot, will that be raised or striped? Mr. Tabaczynski stated most of those lines will be striping. Chairman Loring stated, so it is basically asphalt from there to the retention area (pointing to map). Mr. Tabaczynski shook his head in the affirmative.

Chairman Loring stated Vice Chairman Erlandsen brings up a valid question. Vice Chairman Erlandsen said it would appear to be a pain to push all the snow to an area where it would not be beneficial to recharge the district. Commissioner Kostka asked if the catch basins will be equipped with grease traps. Mr. Tabaczynski responded, yes, they are designed to catch sand, sediment etc... Chairman Loring asked if Plymouth requires them to be cleaned every so often. Mr. Tabaczynski responded, yes at least twice a year or if sediment builds up more than three quarters of the way to full.

Chairman Loring stated, as an observation, since COVID he has noticed car dealership parking lots do not appear to be as full of inventory as they were in the past. He said it would be nice to see that trend continue to reduce maintenance and any contamination issues.

Chairman Loring asked if there were any comments from CEI’s standpoint. Mr. Ohl commented he reviewed the plan and Mr. Tabaczynski has responded to his previous comments and concerns. He added, it is helpful to have as part of the record “sand only” marking the divide. The only issue that remains is the removal of the deed restriction which is separate from the engineering. Mr. Ohl stated it seems satisfactory with what was being offered in the two new deed restrictions, it is just the removal that is of legal concern. Commissioner Kostka stated we must come to some sort of conclusion regarding the email from Jay and determine if we have the authority to remove the former deed restriction.

Mr. Aitken passed out copies of the proposed deed restrictions. Mr. Aitken stated all parties agreed that these deed restrictions would be filed after the land sale took place between the mall and Rountree. Chairman Loring raised his concerns regarding the legality and the language recommended by Town Counsel Jay Talerman. Ms. Elmes wanted to clarify the wording in the termination of the deed restrictions. She proceeded to show the Board the “red lined” language that Town Counsel Jay Talerman had suggested being inserted in his email sent over today. Commissioner Kostka stated he had concerns and questions regarding Jay’s email, and he wants to be comfortable with the legalese. He

asked if this could be postponed a week so that the Board may ask for clarification. He added, without clarity he does not like the idea of voting to move forward on this when it could all be clarified at the next meeting.

Discussion continued regarding holding another meeting next week, May 24, 2022, with Town Counsel or a representative in attendance. All parties agreed to meet next week to obtain further clarification.

Chairman Loring stated this may seem awkward and time consuming, however; there has been a lot of interest from the public regarding the videos of these meetings and this proposed development, and we want to be able to be sure we are doing everything we can to do it right.

Mr. Aitken and the rest of the Pyramid and Rountree Group left the meeting at 5:05pm.

Mike Ohl and Mike Carmasine, CEI Inc. RE: Engineering Updates & Kristen Berger, Resilient CE RE: OPM Updates

Mr. Ohl stated there was a project meeting last week and today at the Grassy Hole site. The VFD's are on site. He said the plant overall is in decent shape. The biggest missing piece is the electrical. They were waiting for the VFD's to be onsite for the connection to be made to the building by Eversource. The filter supplier will be available the first week of June. Commissioner Kostka asked how long it will take once he is onsite. Mr. Ohl responded the current schedule suggests two weeks once he is onsite and by the third week, the performance test should be ready to go by June 20 and should take approximately seven days to complete. Mr. Ohl stated we just need to coordinate with Mass DEP with the dates.

Commissioner Kostka asked if we receive phone calls from residents is it optimistic to say we should be online by July 1, 2022? Overall response in the room was, No. Ms. Berger stated there is still lots of consideration needed with the scheduling. Ms. Berger reviewed the different processes and forms involved that CEI will need to complete leading up to Mass DEP coming out for their part. Superintendent Darsch asked when training for the employees could be expected. Mr. Ohl responded, the second week of June. Chairman Loring asked when we will receive a written schedule. Mr. Ohl said they will be firming up the schedule in the next couple of days. The big accomplishments were receiving the VFD's and Eversource connecting the power to the building. He added, the electrical sub-contractor has formally submitted a submittal with comments for the solar panels.

Mr. Carmasine added, we may have a timeframe regarding the solar panels for the next meeting.

Mr. Ohl stated at the last meeting we referenced the erosion site change order for the construction site, he now will turn this over to Mr. Carmasine for further detail. Mr. Carmasine said the previous changes added to the change order were the plumbing on the sample sinks, the chemical feed at Trackle Pond and this new one to modify erosion control at Grassy Hole Treatment Plant. There are questions as to whether some of these modifications are the contractor's responsibility based on the storm model versus additional work.

Commissioner Kostka asked if consideration is given to the high number of storms and substantial amounts of precipitation we have had in the past. Mr. Ohl stated there were some contractor recommended modifications that were not necessary but may have been overly cautious.

Mr. Carmasine stated they have whittled down the access road to approximately 27K. This will include paving around the pump station moving to the stormwater basin and then we realized there were modifications that needed to be made to the area of the loading dock to allow for turn radius required by delivery trucks.

Ms. Berger asked what storm is this based on? Mr. Ohl responded, it is based on a 50-year storm. Mr. Carmasine added, we will be making changes on site as soon as tomorrow. Mr. Ohl asked what the total was for the change order. Ms. Berger stated the last numbers she saw was \$67,698. Mr. Carmasine stated it is slightly over 65K at \$65,793. Commissioner Kostka asked if this was still within budget. Ms. Berger stated, yes, approximately 100K includes the plumbing, sitework and these additional change orders. The total remaining contingency, in the budget, for the project is 245K.

Chairman Loring asked both CEI and Resilient CE about extended cost estimates due to the extension of the project. Both Mr. Ohl and Ms. Berger stated they will both put some numbers together. Ms. Berger referenced the SRF and requested that Mr. Ohl do his part. Superintendent Darsch specified to the Board and asked if they were ok with the change order numbers and confirmed that the official change order will come in extending the timeframe of the project as well. The Board agreed with all aspects of the change order.

Matthew Darsch, Superintendent RE: Departmental Updates

Superintendent Darsch stated regarding the water restriction that we are under the 65% per capita. The only water restriction that applies is watering before 9am and after 5pm. Chairman Loring said he still believed it should be restricted to even numbered houses/even days and odd numbered houses/odd days for consistency. Commissioner Kostka stated it is important to keep restrictions consistent. Chairman Loring asked for a motion to keep the water restriction to even houses on even days and odd houses on odd days with watering before 9am and after 5pm. Commissioner Kostka seconded the motion, and it was voted unanimously (3-0-0). Ms. Smith asked for clarification on this motion as she was not familiar with this schedule as it differs from past water restrictions. She stated we do not have signs for that type of water restriction. Superintendent Darsch stated we have signs for about every other scenario except that one, we will have to get some more. Chairman Loring said he would rather absorb the cost of the signs rather than confuse the public. Superintendent Darsch stated the only thing that could affect this water restriction is the streamflow. If the stream flow decreases, then we would have to modify the restriction.

Superintendent Darsch referenced the Consumer Confidence Report (CCR) in the packets. Commissioner Kostka complimented Ms. Berger, as the author, and said it is good material to refer residents to read.

Superintendent Darsch said he had received a request from Elaine Fiore, Sewer Chairperson inquiring if the Water Commissioners had any intention of installing water mains in the Von Rohr Estates within the next twenty years. This is all part of the Wastewater Management Study. Chairman Loring stated there are no plans currently to extend water beyond where it currently exists; however, it is his belief that should potential development projects come in it should be incumbent upon the developers to absorb the cost and install water main(s). Vice Chairman Erlandsen asked if a specific neighborhood wanted to connect to town water; would they have to install their own mains to connect to the town connection. Chairman Loring provided further clarification of his original statement. Commissioner Kostka said it is in his best guess, in the next 5-10 years, there will be resolution to this area depending upon who buys the property in question and what the plans entail referring to the Sacred Heart land.

Superintendent Darsch stated the only other item he had was the letter he was passing out to the Board. Chairman Loring read the letter aloud announcing the retirement of Superintendent Darsch and his last day will be June 29, 2022. Chairman Loring said it is not with any degree of acceptance that he shares this news. He added, the Board and the water department are losing a valuable member and he is personally extremely sorry to see Superintendent Darsch retire.

Vice Chairman Erlandsen stated to Superintendent Darsch, I have known you only a few years, but it is easy to see quality.

Commissioner Kostka stated there are only two people in the room right now that were here when I began as a commissioner and they are Chairman Loring and Superintendent Darsch. He stated Superintendent Darsch became a very valuable resource after he stepped into the position suddenly 32 years ago. You became a very dependable employee; someone we could count and depend on, and I want to thank you for your years of service.

Ms. Smith referenced a package from South Shore Community Action Council in their packets. This package represented a funding relief program for residents struggling with their water bills. However, the information was disseminated too late to place into action as the deadline to submit application was May 13, 2022. After speaking with a representative from South Shore Community Action Council, Ms. Smith said the program may return later and they are asking for input from communities if they would be willing to participate in the future. She explained a May deadline would not be conducive for Kingston as the shut off program does not even start until May. A more appropriate deadline would be September 1. Ms. Smith asked the Board to read the program at their leisure and submit any questions or recommendations they may have so that she can then submit input to South Shore Community Action Council.

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

Meeting adjourned at 5:37 pm.

Respectfully submitted,

Stacey L. Smith

Stacey L. Smith, Clerk