



TOWN OF KINGSTON
Office of the Sewer Commission/Wastewater
Department 26 Evergreen Street
Kingston, MA 02364

781-585-4058
781-831-6783 FAX

Elaine A. Fiore Chair
Thomas W. Taylor, II.
William E. Watson, Vice Chair

Minutes
June 07, 2022

A meeting of the Board of Sewer Commissioners was held in Room 203. Members in attendance were William Watson, Thomas Taylor, III and Superintendent Robert Monaghan. Also, in-person was Eric Salo of CDM Smith Engineering. On the phone was Elaine Fiore, Thomas Casey and Benjamin Mosher of CDM Smith Engineering and also David Young.

William Watson called the meeting to order at 4:30 PM.

1. Plant Upgrade

Mr. Watson asked Eric Salo if he would like to start off as there are some cost overruns. Mr. Salo asked Mr. Casey if he could please bring all up to speed. Mr. Casey stated that he and others have had several meetings with Methuen Construction over the past few months putting together a completion schedule date. The goal was to arrive at a date that everyone agrees is achievable and based on the completion date, the impact on the Project costs. Methuen's team provided a revised schedule that includes a substantial completion date of October 31, 2022, with a final completion date of November 16, 2022. The original contract completion date was April 23, 2022. There have been delays in the Project due to supply chain issues and staffing changes with Methuen Construction.

Last year Methuen gave us a "Force Majeure". The major control panel that is needed to run new SBR tanks 3 & 4 as well as the new blowers was delayed by six (6) months. The original date of delivery was August, 2021, however, it wasn't delivered to the site until February, 2022 and then installed at that time. Based on that Force Majeure, Methuen Construction requested a six-month time extension because that panel was delivered late. In CDM Smith's opinion, 4 months of the 6 months that they requested for Force Majeure were not substantiated and 2 months would be an accurate delay. The additional cost of CDM Smith's service due to the delays is estimated at \$222,000. CDM Smith's recommendation to the Commissioners is for Methuen Construction to absorb \$147,000 of the \$222,000 with the balance of \$75,000 being paid by the Project for the supply chain delay. Methuen Construction should also be responsible for any additional costs incurred buy the Project including pro-rating the additional cost of \$25,200 for the Builder's Risk insurance policy extension until 12/31/2022. Methuen Constructions share would be \$17,000 and the Project would pay the balance of \$8,200 for the supply chain delay.



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In summary, CDM Smith is recommending Methuen Construction pay \$147,000 for CDM Smith's services, \$17,000 for Town's Builder's Risk insurance policy extension for at least \$164,000 in damages plus any other costs the Town has or will incur between now and the completion date.

CDM Smith is recommending the Commissioners also include, in writing, the Town has the contractual right to assess liquidated damages for \$2,000 per calendar day against Methuen Construction for each day the Project is delayed passed the agreed upon completion date. Mr. Casey stated the goal is complete Change Order #5 after further discussions with Methuen Construction and present the Change Order to the Commissioner's at the June 21st meeting for review and approval.

Mr. Watson asked what our next steps are? Mr. Casey stated CDM Smith's next steps are meeting with Methuen Construction and tell them that the Town is seeking \$164,000 in damages. Mr. Casey would like to know if there are any additional costs from the Town so that CDM Smith can add it to the \$164,000. He would like to have all of the costs together as one amount so they only have to bring this to Methuen one time. Ms. Fiore stated that she has nothing extra to add and as long as Superintendent Monaghan doesn't have anything we can put it to rest tonight based on the numbers Mr. Casey presented.

Upon a MOTION made by Ms. Fiore and SECONDED by Mr. Taylor, it was unanimously VOTED to hold Methuen Construction accountable for damages in the amount of \$164,000.

Mr. Casey will move forward letting Methuen Construction know the Commissioners voted they are to be held accountable for the \$164,000. Mr. Casey asked that the Vote taken included the recommendation to assess \$2,000 per day after November 01, 2022. Elaine Fiore accepts that as a friendly Amendment. Mr. Watson Seconded that.

Upon a MOTION made by Ms. Fiore and SECONDED by Mr. Taylor, it was unanimously VOTED to hold Methuen Construction accountable for damages in the amount of \$164,000 plus the contractual right to assess liquidated damages for \$2,000 per calendar day against Methuen Construction for each day the Project is delayed passed the agreed upon completion date.

Mr. Casey asked the Board if they had any issues with CDM Smith sharing the project delay summary with Methuen Construction. Ms. Fiore, Mr. Watson and Mr. Taylor have no issues with CDM Smith sharing that information with Methuen Construction.



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2. Davis Property

Ms. Fiore stated that there are no updates for the Davis property.

3. 51 Evergreen Street-Sewer Bill

Ms. Deagle explained that per Office Administrator Stacey Smith, once the Water Department was able to update to the correct meter equipment, it was determined 51 Evergreen Street's water usage had been overestimated. The overestimate is 91,000 gallons over the course of several billing quarters. The sewer bill adjustment amount would be amount of \$156.00, resulting in a prorated credit of \$775.40. The homeowner would like this credit to remain on the account toward future bills.

Upon a MOTION made by Mr. Taylor and SECONDED by Ms. Fiore, it was unanimously VOTED to credit back to the owner's account.

4. 23 East Avenue-Plumbing Invoice Reimbursement

Superintendent Monaghan received a call from the resident of 23 East Avenue stating that her plumber told her to call the Town as she was having a back-up in her house. The Town went out to the property and looked down 2 manholes and did not see any back-up. The homeowner did tell Superintendent Monaghan the first plumber could not find the problem. She asked if she should call in another plumber. Superintendent Monaghan stated that it is up to her but may be the best way to go. Superintendent Monaghan followed up with the homeowner the next morning. She explained the second plumber couldn't find anything either. Superintendent Monaghan went back to the property, put a camera down the sewer line, found a clog and removed it. Superintendent Monaghan feels that if the Town had run the camera down the line at the initial call there would have been no need for the second plumber. Superintendent Monaghan is recommending we reimburse the homeowner \$1,041.83 for the 2nd plumber's bill.

Upon a MOTION made by Mr. Taylor and SECONDED by Ms. Fiore, it was unanimously VOTED to reimburse the homeowner of 23 East Avenue the cost of the second plumber's invoice of \$1,041.83.



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5. Update from Superintendent

Superintendent Monaghan worked with Chris Veracka of the Water Department to locate the force main from the Wastewater Treatment Plant to the golf course. The private as-builts aren't accurate causing an issue in locating the pipe. They tracked it back from the site of the discharge back to Indian Pond Road where they believe the line is. Mr. Veracka offered to dig in the area to locate the line. He is offering the Water Depts services to avoid paying Methuen Construction for the work, saving the Project the expense. Superintendent Monaghan asked if they wanted the Water Depts assistance or to have the work done by Methuen Construction. Mr. Watson asked if this is private property and Superintendent Monaghan stated there is an easement in place to allow us to do work on the property. The Commission is comfortable with the Water Dept assisting with the location of the sewer line.

Meeting Minutes 05/17/2022

Upon a MOTION made by Ms. Fiore and SECONDED by Mr. Watson, it was unanimously VOTED to accept the 05/17/2022 Meeting Minutes.

Commitment, #22-40, Quarterly Commitment for June Sewer Bills

Sewer Commission signed the #22-40 Commitment totaling \$262,580.81

Adjourn. Upon a MOTION made by Mr. Taylor and SECONDED by Ms. Fiore, it was unanimously VOTED: To adjourn. At 4:53 P.M.

Sara Deagle
Administrative Assistant
Wastewater Department