

Minutes
August 28, 2007

The meeting of the Board of Sewer Commissioners was called to order at 7:00 PM by Elaine Fiore. Members in attendance tonight were Elaine Fiore and Peter Cobb.

The first item of business was to review an application for a Drain Layer's License for All Site Excavating Corporation. The Board reviewed the application and found all the references and insurance requirements to be in order. The license was approved and the license card provided to the owner, Ted Straub. A sewer connection application submitted by Mr. Straub for Harborview Condominiums was also approved.

The Board met with Don Freeman and Tom Morgan of CDM to discuss the engineering of the plant expansion. Ms. Fiore discussed that Lloyd Geisinger has proposed building his own plant for the new development on the O'Donnell property. His plant would be built and maintained by the association and would never be turned over to the Town. He still intends to provide 14 acres for the Town's leaching fields and pay for the design for the alterations of the WWTF. He has also proposed to lease back part of the Town's leaching fields for an annual fee to be determined. Mr. Vandal had concern with sharing the leaching fields with a private development. There would be no way to tell which plant was violating the disposal field permit if there was a violation. Mr. Cobb said he had spoken to Frank Mezzacappa at DEP and that Mr. Mezzacappa told him the Town would not be liable for any violations at a private treatment plant. However, this opinion has not been received in writing. Ms. Fiore clarified that Mr. Geisinger intends to purchase the Davis property and give 14 acres of it to the Town for a disposal field. If the development were to use part of it for their disposal site they would pay the Town on a permanent basis annually for the use of the leaching field. Mr. Freeman stressed the need to segregate the area into 2 separate leaching fields in the event one of them should fail. Mr. Morgan mentioned that most private plants are staffed part-time and are monitored the remaining days off site by computer. Eventually most are not staffed at all and the Town ends up staffing the plant.

Dan Sapir stated that if this new idea was a better deal for the Town then why didn't Mr. Geisinger proposed it before. This proposal varies greatly from the memorandum reviewed at the Annual Town Meeting. Ms. Fiore stated that it had not been presented in writing to the Board yet. Once it is received it will be gone over thoroughly. It sounds too good to be true at this point. If everyone within the department is not comfortable with the proposal then it will not be accepted. The Board went through 14 proposals to reach the one that has already been approved. The same review will take place with any new proposals. If the agreement was to change, the new agreement benefit to the Town would have to be as good if not better than the one that is in place now.

Ms. Fiore mentioned that Mr. Geisinger has been asked to have his consultants compare apples to apples. His thought was that the expansion would cost him about 8 million dollars and now it looks like that cost to him will be more. Mr. Freeman agreed that they need to compare apples to apples. The CDM proposal was item specific for a 15 million dollar expansion, which includes an 8% engineering fee. It is more work to expand an existing plant than to build a new one. The current plant must remain in operation. It appears clear that the Horsley Witten estimate is not giving the Town the same plant. Most private developments end up with a poured concrete slab, a prefabricated building and an SBR made to the specifications needed. They are sub contracting all of their electrical, plumbing, etcetera work out to others. The engineers will not be designing or overseeing it fully. Ms. Fiore stated that the Board was concerned with the idea of taking over a plant that they had no input into during the design and construction stages. Mr. Morgan added that if a scope of work were presented to all 3 firms, that he felt that CDM would be very competitive pricing it.

Mr. Freeman discussed what might happen to the Board's plans if Mr. Geisinger were to build his own plant. The Town would no longer be looking at a 1.2 million dollar design cost or a 15 million dollar expansion. There may be no need for a new headworks. Mr. Vandal said he was still concerned about the amount of flow to the headworks if both major pump stations and the septage receiving station were all pumping at the same time. Mr. Freeman said that adjustments could be made to the piping to address this issue. Mr. Vandal added that since the plant would not be receiving the amount of flow originally expected, it might be possible to just keep the critical replacement parts for the GBT on hand in the event of a problem, instead of adding another GBT. Ms. Fiore suggested that space should be added for a second GBT and the shower room should be added as well. The Board still is planning to add 1 more SBR for the waiting list. If the GBT is needed it can be added. Mr. Freeman said they could design the plant so it can easily be expanded in the future. The Board should plan to get as much leaching area as possible now for potential use in the future.

Mr. Sapir asked if Mr. Geisinger owns the Davis property. Ms. Fiore replied that the Board did not know the answer to that question. Mr. Sapir then asked if Mr. Geisinger might choose to use the O'Donnell property for his disposal site and not use the Davis property at all. He has heard that the Town had first refusal rights to purchase the Davis property and chose not to. Ms. Fiore was surprised by the statement and replied that the Sewer Commission did not have first refusal rights to purchase the Davis property. The Board did not know Mr. Geisinger was negotiating with her while the Sewer Commission was seeking an agreement with her for the use of her land as a disposal field. Mr. Morgan stressed that the Board needs to find out how a discharge permit issued to Mr. Geisinger would work if the effluent went to Town owned land. Mr. Freeman stated that the Board should obtain the land for use by the Town and that Mr. Geisinger should build his own disposal field on his own land. The Board should receive written confirmation that the disposal field for the development will be maintained by the association and not by the Town. The Town would need an easement from Mr. Geisinger to get the effluent to the Town owned leaching fields on the Davis property or the Town would have to access it from Country Club Way. Mr. Freeman offered to sit down with the other firms and discuss the engineering, but the other firms need to include everything included in the CDM specifications in their own estimates. Mr. Morgan added that the Board should be

aware that the vendors end up designing much of the plant in the other proposal the Board has received. Ms. Fiore said that for now the design is on hold until Mr. Geisinger funds it. She expects him to schedule a meeting for the third week in September. Mr. Freeman said he would be available for such a meeting. Mr. Morgan said he had a previous commitment for September 18th but would most likely be available.

Ms. Fiore asked why there would be a need for storage tanks in a leaching field. Mr. Freeman said that leaching fields contain concrete distribution chambers, not storage tanks. They distribute the water evenly into the leaching field. There would be no storage tanks.

Mr. Morgan said he would like to review the proposal from Tater and Howard if and when the Board receives one. They work mostly with water works projects.

Ms. Fiore asked when Mr. Casey would be returning from his vacation. The Board still has not received Change Orders 2 and 3 that were part of Pay Estimate #12. Mr. Morgan stated that Mr. Casey should be back on September 4th.

Ms. Fiore discussed that for all future Town Meeting requests for the use of surplus revenue, that the items already purchased should be crossed of the wants and needs list.

The Board discussed the memo received regarding a nominee for the Landfill Reuse Committee. The Selectmen have asked for a nominee from the Sewer Commission. Ms. Fiore would like to look into whether a member of the office staff would be eligible to participate in the committee or not.

Mr. Vandal reported that the maintenance of the SBR had been completed. The SBR will be filled and tested tomorrow. If the test goes well then the plant should be ready to begin taking septage in about a week. A significant amount of revenue was lost during the down time of the second SBR.

Various correspondence to customers that have not connected yet and lien releases for betterment payoffs were signed by the Board.

The Board discussed a letter received from Newton Heston regarding a request to extend the connection deadline for Tech Box. The sewer connections for Tech Box and for the proposed new Persy's Place lie in the path of extensive site work that is needed to rebuild Persy's Place. If the connection were made now it would have to be torn up, leaving Tech Box with no facilities. The Board agreed to approve the deadline extension for Tech Box to May 1, 2007. If they can connect before that date they must do so.

The deadline for articles for the Special Town Meeting is September 7, 2007. The Board will need one article for the taking of Hillcrest Road as a public way and a second article for funding to complete Phase 2. This article might not be needed.

Albanese Brothers has written a letter to Tom Casey asking that he prepare a Change Order for relief funding for increased paving materials costs. Ms. Fiore has contacted Mr. Casey to remind him that Paul Basler provided Town trucks to remove the ground material from the site and provided street sweeping as well during the final paving. These services should be considered relief for the added expense.

Ms. Fiore asked Mr. Vandal if he would be available for Mr. Geisinger's engineers to visit the plant on Thursday September 6th at 8:00 am. Mr. Vandal said that should be fine. Ms. Fiore asked that the meeting be posted.

Ms. Fiore discussed the signing authority for connection applications. Mr. Vandal has been approved to sign applications previously. The Association in Rocky Nook is

planning to add a bathroom to their pavilion. Members of the Sewer Commission are on the Association Board so Mr. Vandal will have to sign the application for this work.

The Board discussed that W & W Builders had made a \$300.00 deposit for a connection recently completed. Since then Mr. Wolfrum has obtained a bond. It is acceptable to refund the connection deposit.

A letter was received from the Kingston Housing Authority regarding the License Agreement they provided to the Sewer Commission, in lieu of granting the sewer easement requested. Ms. Fiore will consult with Katharine Klein at Kopelman and Paige about this matter.

The Board reviewed a letter from Tom Condon regarding the septic credit. Mr. Condon plans to attend the meeting on September 4, 2007 to discuss the credit and the method used to charge and bill sewer user fees. A letter was written to the Town Administrator quite some time ago regarding the inability of the software provider to charge user fees by a percentage of total water consumption.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to accept the minutes of July 24 and August 14, 2007. The motion was so voted.

Ms Fiore mentioned that she will be attending the Conservation Commission meeting at 7:00 PM on September 4, 2007. They will be discussing the Beasley proposal for elderly housing on Howland's Lane. Mr. Cobb should start the meeting.

Ms. Fiore reviewed that Kopelman and Paige had sent an invoice to the Sewer Commission totaling \$2681.50 for legal services. Some of the items billed were not Sewer Commission work. There were items for water main bidding, telephone calls from private citizens to Town Counsel and so forth. A letter will be prepared and sent to Mr. Donovan addressing the items in question and stating that the invoice will not be paid.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to adjourn the meeting at 8:50 PM. The motion was so voted.

Suzanne Richards
Administrative Assistant