



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

781-585-4058  
781-585-5874 FAX

Elaine A. Fiore  
Peter C. Cobb  
Thomas W. Taylor, II

Minutes  
December 14, 2010

The regular meeting of the Board of Sewer Commissioners was called to order at 7:00 PM by Elaine Fiore. Members attending tonight were Elaine Fiore, Peter Cobb and Thomas Taylor.

Mr. Vandal reviewed that the proposed sewer connection for 6 Wapping Road had been reviewed with a Drain Layer. According to the Drain Layer the house could be connected by gravity but it would be very close to the minimum pitch. The homeowner is of a different opinion. Mr. Vandal was making the Board aware of this in case a grinder pump is requested.

An application to be placed on the waiting list for additional sewer capacity was received from David Iantosca, owner of Summer Hill Plaza. They are requesting an additional 10,000 gallons per day of sewer flow for restaurant and other capability. The Board had no objections to adding this request to the waiting list. The application will be kept on file in the office.

A Drain Layer license renewal application was reviewed and approved for Powell Construction Company. The license will expire on December 31, 2011. The application will be kept on file in the office.

Letters to Diane Hubbard, co-owner of the Calista property, and to Alicia Busconi, representative of the Kingsbury Square Plaza, were reviewed and signed.

Ms. Fiore discussed that the original deed restriction has been sent out to the two property owners that were waiting for their building permits to be approved. It has also been sent to Jay Talerma for his opinion. He has made suggestions for changes to the document. Please review the edited DRAFT for the next meeting on January 11, 2011. Copies are on file in the office.

The Board reviewed a Building Permit Application for 21 Bayview Avenue. The property is an existing 3 bedroom home. The proposal will not change the number of bedrooms, but will enlarge an existing bedroom and add bathroom space and storage space. The Board saw no issues with the plan and approved the permit application. The application will be returned to the Building Department.

New Conflict of Interest packets were distributed to the Board. Each member signed and returned their acknowledgement of receipt form that will be turned in to the Clerk's office. A copy of this information is on file in the office.

Several lien releases were signed and the 2011 meeting schedules for the Selectmen and Board of Sewer Commissioners were distributed to each member.

Ms. Fiore discussed that Plymouth has been helping Kingston with their GIS files. Don Freeman of CDM has been contacted regarding creating electronic files of the sewer as-builts so that they can be added to the Kingston records. Don has



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estimated that it would take a couple of hours to create them. Does the Board want to authorize that this be done? Should the Board obtain an estimate of the cost involved? After brief discussion the Board decided that an estimate should be obtained so Mr. Vandal can determine if there is sufficient funding available in the budget.

Ms. Fiore asked Mr. Vandal if the aeration system was going to be replaced this winter. Mr. Vandal said he had spoken with the contractor and that the best estimate is that the work should be done around the second or third week in January 2011. The Wastewater staff will take the tank down in preparation for the replacement of the diffusers when the date has been confirmed.

Brad McKenzie attended tonight to discuss issues the Bog is having with installing a second waterline and meter, in order to separate the water flow that does not go into the sewer. He said that he had spoken with the Water Department about the second service. Currently there is a large 4 inch line serving the building, in addition to a second line the serves the fire service. They wanted to branch off of the main line going into the building and move their meters outside. The zamboni uses 200 gallons of hot water every 50 minutes. The cost of a second water service would be \$2950.00 plus additional labor costs. Currently they use hot and cold water for the rink operations, bathrooms and heating. A plumber has stated that separate hot water tanks and heat exchangers would be needed in order to separate the flows. The estimated cost would be roughly \$10,000.00. After meeting with the plumber he spoke to Matt Darsch again. He was told that if their meters are moved outside that the Water Department will not read them. They will only read the water meter. Currently they have one Town meter that is read for water use and two of their own meters monitoring water that doesn't go into the sewer. They have been looking for a metering system the will calculate the flow going into the sewer. Mr. McKenzie has asked the Water Department if they could be billed a percentage of their water use similar to RK Crossing. He posed the same question to the Sewer Commission and asked how residents that have irrigation systems are billed. Ms. Fiore stated that the Water Department does not allow second meters for irrigation purposes. Residential customers are billed for 100% of the water they use, including irrigation. At first it was an issue for customers but then everyone adjusted and became familiar with how the billing worked and now they conserve water. Mr. McKenzie stated that if the Bog were to move their meters outside, they could be read every six months. According to their records the sewer use has been consistently about 16% of their water use. Mr. Vandal commented that he had spoken with Matt Darsch and that Matt was fine with installing a second water line. He said that the Water Department would read the meter. Mr. McKenzie stated that both lines would have to go to a hot water heating system. At that time Mr. Vandal asked to meet with Matt Darsch and Mr. McKenzie, at the Bog, to



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review the pipes in order to evaluate the situation better. Mr. McKenzie reviewed how the hot water lines are run and agreed to meet with Mr. Darsch, Mr. Vandal, and his plumber, on site. He will contact his plumber and get back to Mr. Vandal with a date and time. Mr. McKenzie stated again that the Sewer flow was only between 11% and 14% of their total water use.

The Collector, Priscilla Palombo, met with the Board tonight, at her request, to discuss sewer betterments. She said that she called the meeting because the Sewer Commission is not in the building daily and she only works with the office staff. She discussed that payoff requests are initiated in the Sewer Commission office. The Assessors' office writes the Warrant for the payoff. The Warrant states that there are 30 days to pay but some of these Warrants can run more than 30 days until payoff. The Town cannot charge interest if they are not paid within 30 days. If a payoff is received during a preliminary (estimated tax bill) billing period the payoff can only be posted to a third or fourth quarter actual tax bill. In most cases it is posted to the previous tax year to the fourth quarter actual tax bill period. The problem lies in that preliminary (estimated) tax bills cannot be adjusted. After January first the Collector's office adjusts the actual tax bills with the Assessors' office. When a Warrant becomes 90 days old, the Collector is supposed to contact the property owner and notify the owner that there is an outstanding Warrant for the betterment payoff. They inform the property owner to contact the Sewer Commission office to rescind the Warrant because the owner no longer intends to pay the betterment in full. Ms. Fiore stated that the Sewer Commission office receives the request for the Warrant and sends it to the Assessors. The ongoing problem is that when it is paid there are still some that continue to be billed in the next tax year. How does someone get a refund if they have been overbilled and have paid it? Ms. Palombo commented that the Sewer Commission had sent out letters to the property owners telling them that they had been overbilled on their betterments. She asked that the Board stop sending these letters out. Ms. Fiore stated the letters were sent out when our numerous letters to her went unanswered. Ms. Fiore commented that the Commissioners responsibility is to the sewer customers and if they are being overbilled and the correction hasn't been made, the customers should be made aware of it. The Board felt it was their responsibility to the customers to notify them of the billing errors. Ms. Palombo continued that whenever an MLC is requested or someone asks what is outstanding on their betterment, the Collector's office goes through each billing year to see what was billed and what was collected. In 2000 and 2001 there were manual records kept that were not entered in MUNIS. There were estimated betterments that were paid in full. The Treasurer, at the time, prepared the final assessment letters through mail merge. Some of them showed that preliminary (estimated) betterments had been paid, when actually they may not have been paid. The



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manual records need to be checked. When the Assessors create the Warrant it is sent to the Collector and the person requesting the payoff. The Assessors put a disclaimer on the Warrant stating that the requestor call the Collector to verify the amount they should pay. The Collector's office explains what the Warrant means. Nancy Shea, Assessor, explained that if the betterment appears on the bill after it is paid in full, then the owner can go to the Collector to verify if it should be paid or is no longer due. Ms. Fiore asked if the installments due on the preliminary tax bills could be added to the Warrant and collected at the payoff in order to avoid having additional installments appear on the tax bill after the property closing has taken place. Ms. Shea reworded the question and asked if a taxpayer could pay the Committed Unpaid amount shown on the Warrant and the Remainder Unpaid shown of the Warrant. Ms. Palombo said that could be done. The process changes every six months depending on whether the Town is in preliminary or actual tax billing. The Collector is currently working on a list for the Assessors in preparation to create the actual tax bills. The dissolving Certificate will not be created until the Collector has confirmed that the original assessment has been collected. Ms. Poirier explained that the Sewer Commission office is very clear to a customer what creating a Warrant means and asks specifically if they intend to pay it off. The Sewer Commission office cannot rescind the Warrant so the customer is referred to the Assessors' office if they intend to rescind a Warrant. Approximately 350 out of 1600 customers have paid the betterment in full. Ms. Palombo commented that there have been several betterments that have been paid in full, at present, and that the Certificates to dissolve them are being created. Ms. Palombo then referred to a letter from the Sewer Commission from 2004 stating that the lien remains as originally recorded and it will not be released and re-recorded upon sale of the property. They will only be released if the betterment is paid in full or abated. Ms. Palombo questioned new credit bureau practices of looking at the records at the Registry of Deeds and considering original betterment liens as attachments to the owner at the time it was recorded. That owner may have since sold the property. Ms. Fiore suggested contacting Town Counsel, Jay Talerman, for an opinion on this matter. Ms. Palombo mentioned that there are some betterments that were overpaid years ago that still need to be addressed. She is working with the Assessors to determine how to correct this problem.

Ms. Fiore asked if Ms. Palumbo had addressed all the issues she wanted to discuss. Ms. Palumbo said that she did, so Ms. Fiore stated she had a few things to address. She stated that the Wastewater Department's revenue has been severely impacted by delinquent accounts. Mr. Cobb stated there are some large customers that have not paid their bills leaving the average person to pay their share of the operating budget. Ms. Palombo stated that any bill that was delinquent through the June 2010 billing is being transferred to the third quarter 2011 tax bill. In the



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spring, the Water Department sends out shut off notices to delinquent customers. The September and December bills are what they would be seeking collection of. This year all delinquent bills through the June 2010 bills have been transferred to the third quarter 2011 tax bill. Ms. Fiore questioned whether pending litigation allows someone not to pay their bills. Ms. Shea stated that pending litigation does not mean the bill can remain unpaid pending resolution of the matter. Any bill issued in June 2010 and older is on the FY 2011 third quarter tax bill as tax title. She continued that all of the names should be published in the paper. It is legal to do so and does occur when a property goes into tax taking. Jill Myers, Town Administrator, asked about the checks that are being held pending recording of the lien releases. Have any of the checks expired? Ms. Poirier commented that there are some that are near the expiration date. Ms. Palumbo stated that the Certificates are in progress at the Collector's office. Ms. Fiore asked what the time table was for delinquent accounts to be transferred to the real estate bills. Ms. Palumbo stated all the delinquent accounts have been processed to the real estate tax bills. Ms. Fiore asked if the letters sent to her by the Commissioners would be handled in a timely fashion. Ms. Palumbo stated she would continue to place the letters in her pile and get to them when she could. The discussion concluded.

MOTION, by Peter Cobb, seconded by Thomas Taylor, to accept the Minutes of November 16, 2010. The motion was voted unanimously.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to adjourn the meeting at 9:00 PM. The motion was voted unanimously.

Suzanne Richards  
Administrative Assistant