



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

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

Minutes  
January 12, 2010

The Board of Sewer Commissioners held their first regular meeting of 2010 tonight. Members in attendance were Elaine Fiore and Peter Cobb. Also in attendance tonight were Don Freeman, Tom Morgan and Ben Mosher from CDM and Wastewater Chief Operator/Superintendent, Ken Vandal. Ms. Fiore called the meeting to order at 7:00 PM.

Mr. Vandal mentioned that he had received an estimate of \$63,000.00 to supply the materials for new Sanitaire aeration systems in both SBRs. Installation would be an additional charge.

The Thorndike Development leaching field proposal and diagrams submitted to NHESP were provided to CDM and reviewed. The diagrams indicate 8 acres of land for the Town leaching fields, which should be sufficient to double the current effluent disposal capabilities for the WWTF.

Mark Guidoboni submitted a letter and information via fax regarding parcels on the paper street end of Thomas Street. A list of parcels was provided with a zoning map. Mr. Guidoboni is proposing this land as a potential leaching field site. CDM will review the information and report to the Sewer Commission.

Ms. Fiore discussed that the Sewer Commission was considering building the plant expansion in stages starting with the additional SBR. This would cost approximately 7.4 million dollars. The Sewer Commission would seek approval for funding at the next Annual Town Meeting. The Sewer Commission will seek to retain surplus revenue to fund the debt service until funds from the Thorndike Development project are provided. The final design for the 1 SBR expansion would cost approximately \$375,000.00. The funding article would include language for the plant expansion to include design, construction, land acquisition, etcetera. The final amount for the article is yet to be determined. Mr. Morgan suggested that it would be wise to design the full project or at least to include the garage and then bid the project with add on elements for when funding becomes available. The article should also include language that allows the Sewer Commission to use any remaining money. Mr. Freeman discussed that the site work would predominantly be paving. Septage receiving was not included in the 7.4 million dollar estimate.

Mr. Freeman asked what the average daily flow was. Mr. Vandal reviewed that the WWTF is currently taking in approximately 300,000 gallons per day (gpd) on an average dry day. Wet days are slightly higher at 335,000 gpd. The WWTF is permitted for 375,000 gpd. There are still a number of Phase 2 properties that need to be connected. Septage has been very limited recently as the current rate is 8



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cents per gallon and Plymouth is charging 6.5 cents per gallon. Reducing the rate to 6.5 cents per gallons should bring back some of the regular haulers.

Ms. Fiore continued the discussion stating that if the Sewer Commission were to proceed with the full expansion at 12 million dollars, it would probably cause an increase in the user rates, which the Sewer Commission is trying to reduce. If septage revenue can be maintained and retained, it may cover the annual debt service costs.

The discussion was paused shortly to allow the Sewer Commission to meet with John Hajjar, owner of the BoCaTu property on Main Street. Mr. Hajjar stated that he wanted his betterment reduced or removed completely because the building is not occupied and there is no water going through it. Numerous brokers have tried to rent the space and cannot. Ms. Fiore explained that according to Mass. General Law (MGL) if there is sewer going by a property it is assessed a betterment. The betterment was assessed for the capacity needed by the restaurant. The Sewer Commission can only eliminate a betterment by abatement within 6 months of the final betterment assessment. The 6 month application period has already expired. The Sewer Commission must follow MGL in this regard. Personal opinions on such issues do not matter. Mr. Hajjar began asking questions about other building projects he had proposed for an adjacent parcel, which the Sewer Commission was not involved with. The Board stated that they had no jurisdiction in such matters. He then referred to being overtaxed, became very emotionally charged at the Board's reply and although the Sewer Commission attempted to refer him to the proper Town departments to address other questions he had, regarding the use of his property for other purposes and his taxes, he only became agitated, shouting as he left the building.

The Board returned to discussion of the expansion stating that Phase 2 was still not at 100% compliance with approximately 30 properties left to connect. There are also about 80 vacant lots that would require capacity if they are developed in the future. These properties must be considered when calculating flow. The long term goal is to reduce the sewer rates even further. The Board hopes to maintain septage receiving to maintain the additional revenue needed to help reduce the rates. Mr. Freeman asked what the highest flow received at the WWTF was. Mr. Vandal stated he had one occasion when the flow was over 400,000 gallons but that the average maximum on a rainy day would be about 335,000 gpd.

The discussion switched to septage receiving. Mr. Vandal stated that in the summer the WWTF can receive as much as 20,000 gallons in one day but that they do not always receive that much or are capable of receiving that much. A third SBR would not help the volume or discharge problems. Ms. Fiore mentioned that the S & P bond ratings have just come in and Kingston's rating was very good. The Board should be able to find out about the borrowing rate by Thursday. Expansion



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estimates have been based on a rate of 6%, however if the project qualifies for the Intended Use Plan the rate could be reduced to the 2% SRF rate. Mr. Vandal stated that the expansion estimate included a lakeside unit for septage receiving bringing the cost to about 2 million dollars. The system does not necessarily have to be automated as long as it could keep the grit out of the septage tanks. If CDM could design an easier way to clean the tanks then it wouldn't have to be an automated system. Mr. Freeman agreed and stated that if the lakeside unit were eliminated then the building could also be eliminated. An add on element to the bid document would be useful in this instance. The lakeside unit could be added and the building housing it built at a later date, taking advantage of the existing tanks. Mr. Freeman felt a plant expansion could be designed and built for under 8 million dollars. CDM will prepare the bid document with some alternative bid items. If the Federal Government comes through with the second round of stimulus funding the Town would be ready to move forward. He also mentioned that he had spoken with DEP regarding any environmental problems the expansion would correct and septic system failures. He said he felt that the State was interested in trying to get Kingston included on the Intended Use Plan.

Mr. Morgan provided the Sewer Commission with a copy of the invoice CDM paid for work done at 163 Summer Street. The invoice totaled \$48,465.41. Mr. Morgan said they would appreciate any help the Sewer Commission could give them with this invoice. Ms. Fiore reminded Mr. Morgan that the Sewer Commission has already paid to correct several other connections on Tremont Street and that the money had to come from some special funding articles that had been set aside for other projects they had planned. Mr. Morgan said he had the list of costs associated with the other corrections the Town had paid for and that he has presented the list to the proper department at his office. They are aware of the added costs.

Ms. Fiore discussed that there will probably be Town Meetings in April and June 2010. Mr. Freeman advised the Board to seek the funding article at the April meeting if possible to be ready to move ahead. He also mentioned that if the Sanitaire system is installed in the 2 SBRs before the expansion is done then the cost of the expansion could be reduced even more. The project would be bid as 1 contract by a general contractor. The add on elements would be priced separately. The administrative space would be one of these items. The general contractor would subcontract certain elements of the project to plumbers, electricians and so forth. Ms. Fiore asked how the Sewer Commission would purchase a Sanitaire system in Massachusetts. Mr. Freeman replied that if it is not State funded then you don't have to accept the low bidder. Mr. Vandal provided a sample of the Sanitaire unit for the Board to look at. Mr. Freeman said CDM could provide a bid document for the diffusers.



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CDM mentioned that Tom Casey had received a subpoena regarding the Revoli claim on Christmas Eve and that a reply had been sent out on January 5, 2010 by their counsel. Mr. Cobb commented that he had been on site when Revoli did the work and that they had used their own machine that had been sitting a short distance down the road. It only took them 3 days to finish the work.

The discussion concluded with Mr. Freeman stating that DEP would post the SRF list on their web site once they have it completed. They will check this regularly. Mr. Vandal will consult with the Town Administrator regarding the Sanitaire system and CDM will help prepare the bid document.

Ms. Fiore discussed the possibility of changing the sewer betterment billing from the 1<sup>st</sup> and 2<sup>nd</sup> quarter estimated tax bills to the 3<sup>rd</sup> and 4<sup>th</sup> quarter tax bills. Billing them on the first 2 installments creates payment errors because of the way they have to be posted into the software system. What would changing this mean to the sewer customers? Would this reduce the SRF loan payment reserve too much by delaying collection of the next round from August and November of 2010 until February and May of 2011? When are loan payments made? Is the work and the time required to make the change worth it when compared to the number of mistakes found? The Board will look into this further.

Several requests for abatement of sewer charges were received and reviewed. The real estate broker for 402 Country Club Way had submitted a request for a reduction of bills incurred dating back to 2006 stating there had been an irrigation leak. A large adjustment was made in December 2006 when converting from flat rate to consumption based billing totaling \$1339.56. Requests for abatement of sewer charges are required within the same billing period the charges were incurred (the current billing period). No concrete proof was provided to indicate a leak. The Board decided that no additional credit should be approved.

The owner of 20 Main Street requested abatement of her charges due to a water leak that caused her to use 225,280 gallons in one billing quarter. An analysis of the account indicated the highest use during the same period over the last 7 years was 52,340 gallons. The Board agreed to average all of the sewer use back to 1998 and adjust the bill down to the resulting average gallons.

The owner of 72 Main Street asked that his 2 accounts be reviewed. He recently installed a second water meter at the direction of the Water Commissioners. There was one main line with 2 branches coming off of it and only 1 branch was being metered. The owner has requested that he only be charged a service fee for 1 meter and that he receive only 1 bill. The Sewer Commission questioned why the Water Commission was allowing 2 meters as others have been denied the same option. They also questioned why the Water Commission approved waiving the second service charge for the meter. The Sewer Commission agreed to waive the service charge billed to the second meter for this bill. To write a letter



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explaining that it is not common practice to provide 2 meters to the same property and to suggest that they consult with the Water Commission again regarding installing 1 meter on the main water line. Consumption records will be monitored.

The owner of 11 Loring Avenue requested abatement of sewer charges due to a pool leak and because the use of the pool increases water consumption by 58% over the average home without a pool. She asked that all customers with pools be given a 58% bill reduction during pool season. She stated that the pool has had a leak for 2 years, although no specific proof was given. An analysis of her water consumption dating back to 2007 indicated that the consumption during the same billing periods seemed consistent. The Board determined that there was no evidence that an unusual amount of water had been used and that they cannot bill a 58% reduction during the pool season. No adjustment will be given.

The Board discussed that at an earlier date the Sewer Commission had approved charging a \$50.00 fee for expired sewer connection applications that must be renewed, but that the charge has never been enforced.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to begin charging a \$50.00 fee for renewal/reapplication for a sewer connection after the original application has expired. The motion was so voted.

The Board discussed the memo the department received regarding designating a person of contact to manage the department web page. The person does not have to be the same person that performs the maintenance work but should be someone that can accept responsibility for the content of the web page. The Sewer Commission discussed this with the office staff and Mr. Vandal. Mr. Vandal agreed to be the contact person for the web page content.

Ms. Fiore reported that Mr. Geisinger would like to meet with the Sewer Commission without Town Counsel present; however, the Sewer Commission and Lisa Mead feel that this is unacceptable. Before a final draft is signed the Sewer Commission should be sure that possible alterations to the pipes under Rt. 3 and to the Indian Pond disposal site are included and to ask for a performance bond, projected out to 2020 pricing, to cover any work the Sewer Commission might need to complete if Thorndike Development does not. Ms. Fiore will speak to Ms. Mead about these matters and see if the January 26th date will work for everyone.

The Board discussed the meeting with the Green Energy Committee held on January 7, 2010. They were pleased that the turbine siting was shifted from the WWTF/Transfer Station to the capped landfill site. Steve Wiehe from Weston and Sampson provided some very informative information.

Mr. Vandal discussed that the WWTF has not been receiving much septage recently and he feels it is due to the fact the Kingston is charging 8 cents per gallon and Plymouth is charging 6.5 cents per gallon. He asked for approval to reduce the fee from 8 cents to 6.5 cents per gallon.



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MOTION, by Elaine Fiore, seconded by Peter Cobb, to approve reducing the septage rate from 8 cents per gallon to 6.5 cents per gallon. The motion was so voted.

The Board reviewed that the owner of 16 Bradford Avenue has requested that the betterment be removed from his adjacent vacant lot because it has been deemed unbuildable. The lots are combined by deed and the owner is willing to relinquish the sewer rights to the lot. They also request that all money paid on the betterment for the vacant lot be applied to the house lot betterment. The Board discussed that they cannot remove the betterment as the owner did not file within 6 months of the final assessment. The matter will be referred to the Assessors to combine the lots. A letter will be sent to the attorney representing the owner.

Minutes will be held until the January 26, 2010 meeting to allow everyone more time to review them.

MOTION, by Peter Cobb, seconded by Elaine Fiore, to adjourn the meeting at 9:06 PM. The motion was so voted.

Suzanne Richards  
Administrative Assistant