



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, Jr.

Minutes
July 14, 2009

The regular 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, Peter Cobb and Thomas Taylor.

Ms. Castiglia was in attendance as trustee for the house at 16 Chilton Avenue and the vacant lot behind it located on the paper street called Charles Street. The owners have been paying sewer betterments on both lots as they are shown as separate lots on the assessors' maps and they receive separate tax bills. Sewer service has been allocated to the house and the vacant lot. Ms. Castiglia said she wanted to know if the property can be sold as 2 separate lots. The cottage lot is smaller than the vacant lot. Mr. Cobb added that even though they are separate lots he was told they were in contiguous ownership since zoning was established. Mr. Arrowsmith was in attendance as an abutter and also as an interested buyer. He said he was interested in purchasing the vacant lot and a family member was interested in purchasing the cottage. He is awaiting a ruling from the Zoning Board of Appeals (ZBA) as to whether the vacant lot can be sold separately.

Ms. Fiore stated that the Sewer Commission cannot decide if the lot is buildable or not and that the matter of the betterment remaining on the land depends on the configuration of the lots. If it has a betterment then it is entitled to sewer capacity. If the ZBA determines it is 1 lot and cannot be developed then the maps would have to be changed and the assessors would have to issue only 1 tax bill. Mr. Arrowsmith stated that if the ZBA would allow it that he would be interested in making the vacant lot part of his own substandard size lot. Ms. Fiore replied that the Sewer Commission would need the interpretation of the ZBA, Building Department, Assessors, etcetera.

Lindsay Wilson was in attendance and stated he was a lawyer and that he could offer some information. Ms. Fiore allowed him to comment. Mr. Wilson stated that according to the Merge Doctrine, abutting lots are looked at as 1 lot. They are separate abutting lots so if you wanted one to be conveyed to another abutting lot it could be done. As long as Mr. Arrowsmith owns to the center of the paper street it probably could be conveyed to him. It can probably be sold but not necessarily be built on after it is sold to him. The value would be determined by whether the lot is determined buildable or not.

Ms. Castiglia and Mr. Arrowsmith both expressed interest in obtaining a ruling from the ZBA and stated they would be in touch regarding attending a future meeting.

Mr. Wilson said he was the owner of the Cancun Restaurant at 145 Main Street and that the restaurant was assessed for sewer capacity for 188 seats. The current seating capacity is no more than 150 seats. He wanted to know if the excess capacity could be sold back. The Board said that it had been years since the assessment and that the period to apply for an abatement of the betterment assessment had passed. It is not the policy of the Board to reduce sewer capacity to such properties or buy back capacity as the use can change. It is the owner's decision to use the full capacity allocated to the property or not. The seating capacity will be reviewed.



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Mr. Wilson changed the discussion to Thorndike Development. He asked if the new draft agreement was ready for them to review yet and if the Board had spoken to Virginia Davis. Thorndike currently has the Davis property under a Purchase and Sale Agreement.

Ms. Fiore stated that the Sewer Commission needs to move forward with the plant expansion as soon as possible. It has been 2 years in the process so far waiting for Thorndike to provide the design of the effluent site and leaching fields. The Board needs to have the project designed and shovel ready in time for the next round of stimulus funding. The permitting process needs to start now. She stated that an email had been sent to Ms. Davis and that Ms. Davis had referred her to Mr. Winokur, her attorney. Ms. Fiore has only inquired as to whether Ms. Davis would allow the Town to move forward with the effluent site if Thorndike Development were agreeable to it. Ms. Fiore explained that the Town might be able to submit a Notice of Project Change (NPC) rather than an Environmental Impact Report (EIR). If DEP allows the NPC it would save time and money for the Town and Thorndike. If Thorndike is agreeable to allow the Town to go forward with the permitting they would ask Thorndike to fund the expense as they would have if they had done their own permitting. Thorndike cannot get a NPC and would have to do an EIR. If DEP determines that the Town also needs an EIR then perhaps both can be done at the same time.

Mr. Wilson stated that Ms. Davis and Thorndike would both have to give the Town permission to proceed with the work. He asked if the Draft Infrastructure Letter was ready. Ms. Fiore replied that Town Counsel was working on the agreement. She further stated that the Sewer Commission would be looking for 100% funding for the leaching field design and construction costs and for the expansion of the Wastewater Treatment Facility (WWTF) to be funded at 8% of the 1 SBR plan cost.

Mr. Wilson discussed the existing escrow account and the request he has made to release the funds. Thorndike would be looking for at least \$10,000.00 of the remaining \$15,000.00 + funds. Ms. Fiore mentioned that CDM had estimated a budget of \$5000.00 for the 40R site review work. Mr. Wilson said that Thorndike would have no problem with the Sewer Commission holding the \$5000.00 but that the escrow account was established for a specific item and that work has been finished. They would like the rest of the money back. Mr. Cobb said the Sewer Commission needs a new agreement to allow sufficient funding to move forward with engineering the plant expansion for the Town. The Sewer Commission will need a significant contribution from Thorndike very soon. Mr. Wilson replied that Thorndike originally had agreed to sit down with the Sewer Commission and Town Administrator to establish a budget for the project and that they will sit down and work out a new budget based on the 1 SBR plan.

MOTION, by Peter Cobb, seconded by Thomas Taylor, to return the balance in the escrow account minus the \$5000.00, which will be retained, as estimated for the 40 R site plan review by CDM. The motion was unanimously vote.

Mr. Vandal reported that he had obtained the new department vehicle today and that Paul Basler has decided that the Recreation Department will accept the old truck for use by their department.



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The Sewer Commission signed bills for \$636.60, \$22,635.00 for the truck, \$942.52, \$9319.00 and \$12,489.67 for electrical work needed as a result of the power surges.

Mr. Vandal discussed bills he has received for correcting the electrical problems at the plant caused by NStar's unstable voltage. He has received bills from CDM for \$6500.00, \$5000.00 for a pump surge protector at the Rocky Nook station and about another \$5000.00 in addition to the bills submitted tonight that total \$12,489.67. Mr. Cobb commented that he had spoken with Richard Arruda and he had spoken with an NStar lineman that said they still do not have the problem stabilized.

Ms. Fiore discussed that a letter had been sent to Bobby Laine asking him to call Mr. Vandal to finalize his connection plan.

Mr. Vandal reported that there had also been a problem with the bar screen at headworks. It has been running in reverse and they don't know what caused it to do so or specifically when it started running backwards. It was discovered a few days ago.

The Board discussed a memo from Henny Walters regarding 21 Crescent Street. The connection deferral has expired and the Board of Health will not be enforcing the connection requirement. The Sewer Commission will monitor the situation.

The Sewer Commission provided email addresses to the Board of Selectmen in memo form as requested and discussed other memos that had been received regarding providing the Selectmen and Town Administrator with a list of Goals and Objectives the Sewer Commission feels the Selectmen and Town Administrator need to achieve, as well as a table of services each department feels they might be able to share with neighboring towns.

The Board discussed offering educational tours to the local high schools as part of their course offerings. If the schools are interested, the groups would have to be limited to about 20 people at a time. Further details will be reported at a later date.

Ms. Fiore reported that the Dobbie's had written a letter complaining that the North Street pumping station has become a short cut for vehicles and is hazardous to residents that might be in their yards. Mr. Vandal said he had spoken with Paul Basler and they have agreed to put up a bar gate and mark it with reflective material and signs to warn motorists that they cannot travel through the area. The gate will remain locked to restrict access. The gate will protect the pump station from potential damage by vehicles and will make the neighborhood safer for outside use.

A building permit and memo were reviewed for 55R Main Street. The project calls for adding handicapped bathrooms but also shows a kitchen and dining room in addition to multiple rooms on the upper level that are not labeled for any type of use. The Board will request more details.

Ms. Poirier and Mrs. Richards attended a Grant writing overview session today at MEMA. The pre-application deadline is July 27, 2009. The Sewer Commission has already submitted this form. The final application deadline is Dec. 4, 2009. MEMA will work with applicants during this time span to help them provide all the required documentation to qualify for one of the Grant programs. They suggested Kingston provide photos of the project area and any areas that would be impacted by not correcting the current status. Show areas that might receive overflow/backups and provide all alternative remediation that is currently in use or proposed as an alternative should the project be denied funding.



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Ms. Fiore discussed that the real estate bills had gone out with errors on them to 81 sewer customers that have already paid off the betterments but were billed for a betterment. The assessors and the collector are handling this matter and are supposed to notify customers of the problem.

MOTION, by Elaine Fiore, seconded by Peter Cobb, to go into Executive Session to discuss ongoing litigation. The Sewer Commission will not return to Regular Session. A roll call vote was taken resulting in all members voting in favor of the motion.

Suzanne Richards
Administrative Assistant