

Minutes
November 27, 2007

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

The Board discussed the best solution to connecting 11 Leland Road to the sewer. CDM has said they feel a change to the internal plumbing is the best option in order to accommodate a gravity service. This will be discussed with the homeowner and Norman Short tonight.

Department bills totaling \$29,530.22 were signed as was a schedule for the Registry of Deeds and a bill from Fred Nava for work done on Foster Lane totaling \$2916.23 for a correction of a service connection. CDM will reimburse the Sewer Commission for this expense.

A MEPA comment letter to Deidre Buckley regarding 1021 Kingston's Place was signed.

The Board discussed the Village at Crescent Street, 40 B project application. There is only enough sewer capacity allocated to this parcel for 2, 3 bedroom homes. The project is proposing 8, 3 bedroom homes on an acre lot. There is no sewer capacity for 6 of the homes. Mr. Vandal recommended requiring a manhole on the property that 2 homes would connect into and then discharge into the existing sewer lateral that is servicing the existing 2-family home. He does not recommend connecting any homes to Smith's Lane as it would require a deep excavation in the road approximately 10 to 12 feet deep. Smith's Lane would have to be shut down and there is a risk of damaging the existing sewer main.

A water conservation notice targeting sewer customers was reviewed for approval. The Board agreed to post the notice to the Town web site. The Water Department and Jones River Watershed have similar notices posted. Ms. Fiore discussed holding a customer information seminar for water saving landscaping methods. It was mentioned that Kevin Doyle was interested in conducting such a seminar for the Board. The Board will contact him to schedule a date.

McDougall Brothers has requested that the Sewer Commission provide him with a letter stating that his work as a Drain Layer in the Town of Kingston is satisfactory. A general letter was written, approved and signed, stating there have been no problems with the quality of the work done by this company.

Mr. Alves of 11 Leland Road attended tonight with his Drain Layer, Norman Short, to discuss how to connect his house to the sewer. Mr. Short suggested that whatever decision is made, that the connection be delayed until the spring. The Board agreed to the extension of the connection deadline. The house is a split level ranch and

the basement is finished. The pipe is believed to come out under the concrete stairs. There is a septic tank and 2 pits. The septic tank is located at the corner of the stairs. The Board asked that Mr. Alves get a cost estimate to change the plumbing enough to allow for a gravity connection. Mr. Short stated that there is a large oak tree in the path of the connection. If the tree were removed they might be able to get more depth for the connection. Mr. Alves stated that he preferred not to remove the tree. He said he had previously used Coakley Plumbing in Marshfield to install an ejector pump for the basement bathroom and that he replaced the distribution box about 5 years ago. At the time his septic system was empty and clean. The Board stated that if there is no viable way to connect the house to the sewer, then the Board of Health would have to be consulted about keeping the septic system in use. Mr. Short said he would be happy to meet with Mr. Alves' plumber to look into the location of the existing waste pipe and determine the best connection options. Mr. Alves will look into this and report back to the Board with the results of the review of the plumbing.

Dr. Harlow, Mrs. Harlow and their sons Courtland and Daniel attended tonight with their Drain Layer, Norman Short, to discuss the connection of their house at 3 Pebble Lane. Dr. Harlow stated that over a year ago he had filed a building permit application to finish the house. That permit was from October 2006. Ms. Fiore reviewed a copy of the permit application and it mentions a breakfast nook, garage extension, asphalt roof and finish work inside such as heat, electrical work, plumbing and insulation. The permit does not detail the number of plumbing fixtures that was presented for a recent plumbing permit. There was no drawing enclosed with it other than the details for the breakfast nook and garage alterations. There were no details of how many bedrooms were intended. Mrs. Harlow commented that she had a problem with the Sewer Commission signing off on the building permit application without asking questions about the number of bedrooms. On a single family home of 8000 SF, the Board might have asked for a floor plan. The Harlows mentioned that Mr. Cobb had reviewed the house in the past. Mr. Cobb replied that he had been to the house and that there was no mention of multiple kitchens or how many bedrooms there would be. The Harlows added that at the previous meeting they attended Mr. Cobb had stated the application gave the impression of an apartment building. There will not be 4 kitchens. Some of the kitchen sinks are for wet bars. Mrs. Harlow felt that Mr. Cobb's comment about an apartment building was misleading. Mr. Cobb replied that the Board has to be concerned about the maximum future potential use of the building. Mrs. Harlow replied that someone would have to see a change in use plan if that were the case. The Board replied that they never are informed about change in use plans. That is where the problem lies. They do not have the opportunity to review it before it happens. Courtland Harlow stated that this home would not be used as a bed and breakfast, condos or a brownstone as has been rumored. People have approached him and his brother for condo units in exchange for a house. This is a very large, 200 foot long home and is intended to stay the same. All the rumors are untrue. Ms. Fiore said the decision was not based on the rumors as the Board was not even aware of any of them until the day after the last meeting. Mr. Cobb presented Dr. Harlow with a list of other projects needing additional sewer capacity. Ms. Fiore stated that the Board bases the total flow on the number of bedrooms. The Harlows stated that even if the list indicates fixtures for 4 kitchens, there will not be 4 kitchens. Some of the kitchen sinks are for wet bars and dishwashers. The O'Donnell property was originally 2

homes and 2 parcels. The small home had 3 bedrooms and the main house had 4 bedrooms. The second house was taken down about 1995 or 1996. Ms. Fiore commented that this piece of property was allocated 330 gallons per day of sewer flow which equals a 3 bedroom single family home. Title V allows 110 gallons per day per bedroom. Five bedrooms would be 550 gallons per day. Phase 1 sewer allowed this parcel 330 gallons per day. Dr. Harlow stated that the house originally had 4 bedrooms and an in-law apartment. Everything has been shifted around but nothing has been added. Ms. Fiore stated that if the house was on a septic system the system would have to be expanded. Dr. Harlow stated that it was served by 2 septic systems in order to accommodate the size of the house. Ms. Fiore reviewed the Oct 2006 application again and said it did not mention 5 bedrooms. The Board has to go by Title 5. If the Board did not request a detailed floor plan it was because based on the application and plan shown at the time, there was no reason to. The application detailed the kitchen nook and garage. It was not presented as a 5 bedroom house. Courtland Harlow and Mrs. Harlow felt that comment was inappropriate because they did not intend to misrepresent anything. Ms. Fiore stated the Board cannot approve a sewer connection for a 5 bedroom home because there is not enough capacity for it. If they choose to, they can present a new plan for a 3 bedroom home. The Board is not questioning their integrity. They have to abide by the permit issued by DEP. If the plant exceeds the flow limits the Town can be fined on a daily basis. Decisions are based on Title V. If a plan is presented that exceeds the allocated capacity then the Board has to deny the permit application. Mrs. Harlow asked about access to Town Counsel. Ms. Fiore stated that the Board must get permission to use Town Counsel and her understanding is that private citizens do not use Town Counsel. The Board is billed for the use of Town Counsel. At the last meeting a plumbing permit was reviewed. A plan was brought in showing there are 5 bedrooms. The permit application and sewer connection application were denied at that time. The connection permit was denied originally based on discussion with the building inspector. They provided the list of plumbing fixtures and said it needed to be reviewed further. Mrs. Harlow asked if there could be an exception if efficiency plumbing fixtures were used. Mr. Cobb replied he did not believe DEP made exceptions for efficiency plumbing fixtures. The Board has a large waiting list for capacity. If the Board were to give any out to anyone not on the waiting list, all of those people would be affected. Ms. Fiore stated she felt it was unfair to come before the Board with an old permit application that mentions no bedrooms, only a kitchen extension and a garage. There was no reason to think there was anything else involved with this application. Mrs. Harlow once again suggested that the Sewer Commission should request more detailed plans for building permit applications that are submitted to them for approval. Ms. Fiore asked if they would like to be added to the waiting list for future capacity. They would not be obligated in any way but it would put them on the list. The Harlows said they would think about it and that they would provide a plan to the Board for review. An appointment was made for the next meeting on December 11, 2007 at 7:00 PM.

Lloyd Geisinger attended the meeting but did not have an appointment. He told the Board that he had a copy of the comment letter the Board had sent out regarding the MEPA review and the ENF and Waiver. He stated that the ENF Scoping session was scheduled for December 6, 2007. The Standard ENF review would provide him with a scope of work MEPA will require him to include in the EIR. The Sewer Commission

comments are expected to be in the scope. The Phase 1 Waiver would allow him to go into design with Ma. Highway at the same time as the EIR is being prepared. The work with Ma. Highway is expected to take at least a year. Mr. Geisinger stated again that he expected the Secretary would stipulate the conditions stated by the Sewer Commission in their comment letter if the Phase 1 Waiver is approved. The Town Meeting vote does not allow any adverse impact on the Treatment Facility or the Transfer Station. He asked if the Sewer Commission was going to support the Phase 1 Waiver. It is not clear from the letter if the Board is expressing approval or disapproval of the Phase 1 Waiver. There is compelling public need to go ahead with the design of the ramp in order to get it online a year earlier than it would be without the waiver. Ms. Fiore stated that the Board does not have a final design layout for the wastewater plant yet so it is not beneficial to the Sewer Commission to state they approve of the location of the ramp at this time. Mr. Geisinger stated that the road layout being requested is the same one attached to the signed agreement with the Sewer Commission. The Phase 1 Waiver could state that all of the Sewer Commission's questions have to be addressed. Ms. Fiore asked how the Phase 1 Waiver stipulations would protect the Sewer Commission any better than the original signed agreement. The diagrams attached to the signed agreement were only proposed layouts. No effort has been made by Mr. Geisinger to obtain the final plant design. Once a road is built the Sewer Commission will be confined to a specific area. Mr. Geisinger said that Town Meeting approved a ramp to be built in that area. If the plant were to have to expand into the ramp area he doesn't know how that would happen. Ms. Fiore reminded Mr. Geisinger that the treatment plant, the wind turbine and the transfer station all have to fit into the limited space within that circle. Mr. Cobb commented that because Mr. Geisinger had not provided the funding, that there was no design work ongoing, which it should have been at this point. Mr. Geisinger stated that he was not going to touch the treatment plant area and that he would provide additional space as needed. Ma. Highway will not permit the ramp to be designed without the Phase 1 Waiver. Ms. Fiore stated again that the Sewer Commission would be further along with a more concrete layout if Mr. Geisinger had provided the \$24,000.00 needed for CDM to do the work. Without a plan in place it is better to stay neutral. Mr. Geisinger then said he would fund the study and ask MEPA for an extension of the comment period. He does not necessarily need a cost estimate, just the layout. He will deliver a check to Don Freeman for the layout. Mr. Geisinger commented that the ramp was being built on a hill and that the plant would not be able to expand into this area. There might be a need for a bigger retaining wall. Ms. Fiore said she would contact Don Freeman to ask what the timeline would be for a plant layout to be completed.

Dan Sapir attended and commented that it was interesting that Mr. Geisinger showed up at the meeting and is now agreeing to deliver the \$24,000.00 he was suppose to give the Sewer Commission for the layout work long ago. It seems he is doing so because he needs something. Is it his intention to expect the Sewer Commission to support the Phase 1 Waiver because he is finally funding the work? Ms. Fiore stated that the Board never indicated that they would support the Waiver in order to get the layout funded. Mr. Sapir said he felt that the ENF should have included the wind turbine.

The Board discussed hiring Lee Alfieri to pursue the collection of the unpaid sewer user fees from Indian Pond Country Club. Mr. Tonsberg has never paid any of his user fees.

MOTION, by Elaine Fiore, seconded by Sean Walsh, to request that the Selectmen approve the use of Lee Alfieri as special counsel to the Sewer Commission for the collection of unpaid sewer user fees from Mr. Tonsberg. The motion was unanimously voted.

The Board approved a letter to David Fitzgerald regarding 8, 8A and 10 Wharf Lane sewer connections.

Building permits were reviewed for 11 North Street and 10 Wharf Lane. Both permits were in order and will not add any further sewer flow to the sewer system. Both projects are for work to existing 1 bedroom homes. Both plans were approved.

Final sewer betterments should be billed in July 2007. The final balance will be billed. The Board will need to obtain the deadline dates for notices to be sent, need to determine who will generate the letter, etcetera. The final Revoli pay estimate needs to be determined but CDM still needs to resolve the issue of the Change Orders before it can be prepared.

Jim Judge has asked for a report of the betterment balances. Ms. Fiore and Ms. Poirier will work with MUNIS to get this information.

Don Freeman provided a revised estimate of 8.2 million dollars for a 1 SBR expansion of the WWTF. What would it mean to the WWTF if a tank has to be taken down when Phase 2 is connected if another SBR is not added? Mr. Vandal stated a third SBR would be needed to divert flow to once the plant is at capacity. The only way that an SBR can be taken down for repairs is to pump the contents (approximately 475,000 gallons) into the other existing SBR. Under present conditions this must be done slowly to minimize overloading the remaining SBR, since the tank is also receiving flow from the collections system in Town. This process can take up to 2 weeks under optimal conditions and can take up to 4 to 6 weeks in the winter because of freezing conditions. The treatment process in the remaining tank is seriously degraded because the SBR is being constantly overloaded. This puts the wastewater treatment facility at risk of violating the discharge permit. Each of the existing SBR's has been taken down once over the past 3 years for repairs to the aeration system on the bottom of the tanks. It was done without violating the discharge permit but the plant was operating at just over half of the maximum capacity. Once the plant reaches capacity, Mr. Vandal feels it will not be possible to meet the permit requirements if one of the two tanks is taken down for repairs. A third SBR would allow a rapid transfer of contents from one tank to another if repairs are needed. Adding a third SBR would require software changes to the control system in order to sequence the tanks properly. If 3 SBR's are not going to be filled and used, then another GBT and Headworks would not be needed until a future date. The ancillary equipment would be minimal. The third SBR and piping could be designed and built in such a way as to accommodate future expansion once more funds become available. The Board asked if an equalization tank would be a viable alternative to an SBR. Mr. Vandal stated that it would have to be a very large tank to be of any use and it would not prevent the online tank from being overloaded. There would still be a limit as to how much flow one tank could accept and still provide adequate treatment of the wastewater. Mr. Cobb asked if the third SBR could be used to increase septage receiving slightly, in effect, if it could be partially filled. Mr. Vandal stated that an SBR essentially needs to be full operate properly. At the present design capacity, the facility should be able to treat the

wastewater adequately using 2 SBR's. The plant is still limited to the amount of effluent it can discharge at this time.

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

Suzanne Richards
Administrative Assistant