



**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, Jr.

**MINUTES**  
October 20, 2009

The regular meeting of the Board of Sewer Commissioners was called to order at 7:03 PM by Elaine Fiore. Members attending tonight were Elaine Fiore, Peter Cobb and Thomas Taylor.

Lloyd Geisinger had an appointment with the Sewer Commissioners to discuss an amendment to the original infrastructure letter that was signed back in 2007. Lindsay Wilson arrived shortly after the discussion began. A new draft had been provided to Mr. Geisinger via email at an earlier date. He stated that he was pleased with the progress that had been made on the amended agreement and that the Sewer Commissioners were placing a cap on his contribution at 8% of the construction costs for the plant expansion. The biggest issue remaining is the schedule of payments. It is impossible to place dates on providing funding. Mr. Geisinger felt that spring would be the time to see things begin to move forward. Ms. Fiore asked if he felt it would be possible to at least get the body of the new agreement together in order to have it ready to fill in the dates when they are known. Mr. Geisinger said he thought that was possible. He stated that litigation was still pending regarding the Town Meeting vote and a land court case. He expects the appeals court to hear the land court case in the spring and they do not expect the ruling of the land court judge to be overruled.

The Groundwater Discharge Permit, design and engineering for the 40R and Town effluent site work has been budgeted for the next round of funding. Mr. Geisinger felt that MEPA will want all of the work done as one project. They may allow the Town to do a Notice of Project Change instead of an Environmental Impact Report but the work would have to be done in the Town's name and any construction work would have to be bid. Ms. Fiore stated that Town Counsel had already given an opinion on this matter. Mr. Geisinger said that the design of the leaching field and the groundwater analysis should be done by Thorndike Development with no problems. He will look into whether the Town can get the permit and have the work done by Thorndike Development. He asked if the Sewer Commission was able to move forward with their project if the 40R is delayed for 2 or 3 years. Ms. Fiore said that they would move forward but the leaching field is needed in order to provide service to the people on the waiting list. Mr. Geisinger stated that he could not relinquish the Davis property because of commitments that have been made for open space at the Town Meeting. He has also negotiated with Natural Heritage already. He will not prevent the Sewer Commission from moving ahead with the leaching field. The original conditions discussed with Town Counsel were that if there were any amendments to the original infrastructure letters that



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the new agreement would have to be as good as or better for the Town as the original agreement. If the Town is going to fund the leaching field work then Thorndike Development needs to know what the plans are and what the expected reimbursement would be. What would he have to do to offset that cost? Mr. Geisinger stated that he did not believe that Natural Heritage would allow 8 acres to be cleared without a planned set of conditions that must be met. This was not an easy task for Thorndike to do. If the Town is going to do it, how?

Ms. Fiore asked about the plant expansion. Mr. Geisinger said he had no financing and that as long as litigation was pending it would be difficult to get financing. He went on to say that if there is no agreement with the Sewer Commission then there can be no 40R. Town Counsel approved the original agreements allowing that there may be a need to amend them. Any payments should be event related to allow the Sewer Commission to move forward with the leaching field on the Davis property. If there is an agreement with a dollar amount attached to it then it can be presented to the Venture Capitalists when Thorndike Development is seeking funding. Mr. Wilson said that they were close to votes on a number of permits that have been applied for. Ms. Fiore continued that the issuance of a building permit for the 40R will be too far down the line for the Sewer Commission to wait for funding. To date the 20% design cost is \$200,000.00. Mr. Geisinger replied that he hopes to have approval from the Planning Board, Conservation Commission and Board of Selectmen by the end of the year and thinks he is close to financing another lump sum of money. The Groundwater Discharge Permit will be financed in the next round of funding.

Ms. Fiore stated that the agreement that was signed with the Sewer Commission said that leaching fields would be done by the end of this year. We do not have the leaching fields. It seems the Sewer Commission is being held up by the lawsuits against Thorndike Development. What is your timeline? Mr. Geisinger said they had been negotiating deals and should know more in 6 months. If the market shows recovery and they have all of their agreements and permits in place then someone can commit to funding the project. He repeated that he did not believe the Town could get a permit from Natural Heritage without his help. Some of their property is to be set aside in exchange for the property needed for the leaching fields on the Davis property and placing the Davis property into a conservation restriction.

Ms. Fiore returned to the plant expansion asking when Mr. Geisinger expected to be able to fund the design of the expansion. He replied that they should be able to fund some of it up front and then the rest would be paid to the Sewer



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Commission as a reimbursement. The Groundwater Discharge Permit will cost about \$100,000.00. Mr. Wilson commented that the permit will have a mutual benefit since they need a permit for the 40R and the Town needs a permit for the Davis site. Mr. Geisinger added that DEP has said Thorndike has to do the work for both permits and then 2 applications will need to be filed. They hope to start this work within the next 6 weeks. We need all the permits and agreements requisite to move forward with construction. Ms. Fiore asked if Mr. Geisinger would be agreeable to signing something that states that once all of the permits are in place and the project is ready to go, that if the project is sold, the Sewer Commission will get all of their funding. Mr. Geisinger said yes, that he would be agreeable to that since the new people that would be buying the project would be paying for it. He also suggested that since litigation is now part of the 40R project that litigation should be mentioned in the agreement. This project will be built. We do not want to make promises that can't be kept.

Mr. Geisinger said there are 2 main issues left. The first is to make the agreement and payments event driven rather than time driven. If that means reimbursement for invoices paid by the Sewer Commission then Thorndike should take a penalty for it. The second is finishing the Environmental Impact Report for the Groundwater Discharge Permit. Natural Heritage will allow the leaching field on the Davis property if the 40R puts 20 acres of their land in conservation. The Davis land is under contract with Thorndike Development so Mr. Geisinger needs to be involved with any discussions that go on in regard to the Davis property. Ms. Fiore asked for a timeline of events. Mr. Wilson said that they will provide a timeline of events that will trigger funding to the Sewer Commission. Mr. Geisinger will provide a revised agreement to the Sewer Commission within the next 10 days. He suggested that the Sewer Commission have a plan B in the event that Plan A doesn't work out in time for their needs.

Mr. Vandal discussed the generator program. Town Counsel is looking into 2 questions that remain unanswered. Jill Myers was to email Mr. Vandal about this today. The Enernoc program is the better deal as they will pay for all up front costs for any equipment needed. The Constellation program does not pay for these costs. One of the questions is that the Agreement is written as the Town of Kingston. Should it be written as the Kingston Sewer Commission so that the Sewer Commission receives the money for the program? Do we still want to do this if the money goes to the General Fund? It would not be beneficial to do that if the Sewer Commission ever has to pay for overtime to get someone to switch over to the generator.

Mr. Vandal reported that the gate for the North Street pump station is ready to be installed. The post holes need to be dug and the posts installed.



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The Board briefly discussed that a foundation permit has been issued for 3 Lantern Lane. No permits have been sent to the office for the Sewer Commission to approve. The project is before the ZBA.

Mr. Vandal stated that he needs to know how the Board wants to handle grinder pumps that have been inactive for long periods of time. There are 2 instances at 3 Lantern Lane and 11 Waterview Lane where the properties sat vacant for a long time, were sold and now the pumps need attention. The pump at 3 Lantern Lane was installed properly but was found inoperable when tested recently. The core has been replaced but who should be responsible to pay for it? The Board felt that the property owner should have to pay for it because it was not maintained properly. 11 Waterview Lane was originally installed properly but now the pump is not visible at all and the electrical box has been relocated inside of a building. A third problem is at 187 Main Street. This property is on its third pump. Over a year ago they were digging on the property and cut the electrical line, which fried the pump. The pump was replaced. A call was received today from this address stating that the alarm was going off frequently when the dishwasher and washing machine are running at the same time. Nothing is backing up into the house. There is an 8 foot deep pump chamber and it was filled to within 2 inches of the top. A fuse had burned out. You cannot have standing water around the vent cover. The soil must be sloped away from the vent cover. This installation had standing water all around it and it appeared the water had been entering the pump chamber and causing the pump to be overworked. The Board discussed sending out postcards to grinder pump customers to notify them that the Wastewater staff will be inspecting pumps and electrical boxes.

Delinquent tax accounts were discussed briefly. The listing in the paper was for 2008. There were 8 properties that should have been on the list but were not.

The Collector is now issuing a new Certificate that can be used to release the betterment lien once it is paid in full. She provided several of these new Certificates to the Sewer Commission to release the liens but the lien information was not listed on the form. She had already signed the form and had it notarized. It would not be proper to enter information on the form after it has been notarized. A check with the Registry of Deeds indicates that they will accept this form if the information is entered before it is notarized or we can continue to use the release forms as we have been.

Ms. Fiore discussed that budget packets were distributed and 3% budget cuts have been requested from each department. Mr. Vandal reminded the Board that the 2011 budget will have to include a new sludge removal contract that requires bids.



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A chart of sewer rates was received from a sewer customer. The chart compared Kingston rates to several other area towns. He was questioning why Kingston's rates are so much higher. An analysis is being prepared and a response will be sent out when it is finished.

The Board discussed the possibility of giving sewer customers another rate reduction. If the rate was lowered to \$10.00 per thousand gallons of water consumed the decrease in revenue from sewer rates could be offset by surplus revenue.

Mr. Vandal mentioned that he was also considering reducing the septage dumping fee to 7.5 cents per gallon in order to bring in more septage and increase revenue that way. He also discussed that on Saturday the plant received 111,000 gallons from the Rocky Nook pump station. On Sunday that number jumped to 155,000 gallons during the rain storm. He will be purchasing an inspecting camera soon to look at the sewer lines. This tool should help determine if there are sump pumps connected.

Mr. Vandal discussed that the diffusers in SBR 2 need to be replaced again. Capital Planning needs to be adjusted to include this maintenance cost. The diffuser heads alone will cost about \$11,000.00. The PVC replacement pipe will add significant cost to the project. SBR 2 needs to be taken down again to do this work.

Electrical work needed to repair damage caused by the NSTAR power surge has been completed. One pump had to be rebuilt at a pump station in addition to all of the other work done at the plant. Almost all of the money spent on repairs has been reimbursed to the Town, however the Wastewater Department will not be reimbursed for these expenses until a Town Meeting vote next April 2010 because the check was made out to the Town of Kingston.

MOTION, by Peter Cobb, seconded by Thomas Taylor, to accept the minutes from Sept. 8, the Summary of the Sept. 14 presentation given by Ms. Fiore at the Planning Board meeting, Sept. 22 trip to Falmouth and Sept. 24, 2009 meetings with CDM and the Green Energy Committee. The motion was unanimously voted.

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

Suzanne Richards  
Administrative Assistant