

January 12, 2010

A regular meeting of the Board of Water Commissioners/Water Quality Review Committee was held on Tuesday, January 12, 2010 in the Michael G. MacPherson Meeting Room at the Elm Street Pumping Station and was called to order at 7:00 P.M. by the Chairman, Robert R. Kostka. Present were: Robert R. Kostka, Fred D. Svenson, Jr., Richard W. Loring, Jr., Mark Devine of Coler & Colantonio, Matthew J. Darsch, Superintendent and Marylou Joyce, Clerk.

On a motion of Robert R. Kostka, it was unanimously voted to approve the records of the meetings of December 29, 2009 and January 5, 2010.

With regard to the letter from MA Highway (6D) Ms. Joyce was instructed to draft a letter back to Mr. McCourt letting him know that we still look to Lawrence Lynch Corporation as culpable for the failed tap and the resultant loss of water. We would like a bond to protect the town from additional problems related to other deficient taps and will consider holding any payments to Lawrence Lynch until we receive such surety.

APPOINTMENTS

John LaBrache – Town Treasurer

Mr. LaBrache explained that the town adopted financial guidelines back in June of 2008 and provided a copy of those regulations to the board (4A). Mr. LaBrache noted that the guideline states, in part, that water debt service limit shall be set within established percentage of revenue (30-35%). A breakdown of our debt schedule shows that we have always met this limit until the projection for FY11, which is estimated at 43%. In view of this, Mr. LaBrache stated that although he has always supported water department warrant articles in the past, he could not support any borrowing in the FY11 budget. Mr. Kostka explained the seriousness of the manganese problem and how it was unlikely we could avoid borrowing. Mr. LaBrache stated that he may have to do a note instead and requested details on how much and how soon funds would be needed. Mr. Devine will provide this information no later than 3/1/10. Mr. LaBrache explained that S & P rather than Moody now do our bond rating. As a result, our new bond rating is AA.

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Present for future discussion was Paul L. Armstrong, Zoning Enforcement Officer.

Mark Devine presented a draft of ideas discussed at our last meeting that may be considered in the list A (required) and B (optional and 50% reimbursable) to be presented to the proponents of 1021 Kingston Place as well as to town counsel. A lengthy and spirited discussion ensued with Mr. Loring and Mr. Svenson insisting that a bond (in the amount of future costs, projected through 2020, of all items on the A list) be provided to the town to protect our interests in the event the project is never completed. Mr. Loring expressed his opinion that perhaps the amount of the bond be increased to protect future hook-up fees. Mr. Kostka and Mr. Armstrong countered that while a phased in bond is reasonable, expecting the proponents to pay the costs of a full bond in any amount is unreasonable and to suggest that it include future hook-up fees is both unreasonable and unprecedented. There was no resolution.

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Lloyd Geisinger and David Eastridge of Thorndike Development – 1021 Kingston's Place

Also present for discussion was Town Counsel, Mark Bobrowski of Blatman, Bobrowski and Mead, LLC.

Mr. Geisinger apologized for being a few minutes late. He explained that the Planning Board meeting had got off to a late start but that he had received unanimous approval for the site plan.

Mr. Geisinger asked for explanation of rumors he had heard regarding water quality problems at well site 1-86. Mr. Kostka explained that there are no problems at 1-86 but unfortunately there is a significant manganese problem at Trackle Pond – the main source for the high zone (where the proposed project is located).

Mr. Kostka went on to say that unfortunately the situation is very different from those that existed when we signed the original agreement in 2007 and this means that the town as well as the proponent will face additional costs in order to supply adequate potable water to 1021 Kingston's Place.

Mr. Devine explained what steps we have taken to date to alleviate the manganese problems. In addition, for discussion purposes only, presented those in attendance with a copy of the draft A and B list as well as the project distribution map that had been presented at our meeting of January 5. Mr. Devine briefly explained the relationship of the high and low pressure zones and how they function within the town's distribution system.

It was agreed that Mark would explain each item on the A and B list in detail and that the discussion would remain informational only. Mark did explain that the costs shown reflected the costs the town would have to pay – of course this would be less if the work was contracted by the developer. While the board did suggest that the loop through the Davis property and the rehabilitation of Soule's Pond Booster Pump Station would have to be completed before the issuance of the first building permit, there was no clear timeline for other items. Mr. Bobrowski stated that he would need a definite timeline for each item; for example, 1st building permit, 200th building permit, etc. Mark briefly discussed the items on the "b list". Mr. Geisinger explained that although he was always prepared to do the loop through his development, some of the other items on the "a list" are new or somewhat different than had been previously discussed. It would take him some time to be able to comment on each one. He did state though that funding the costs of all of these items did not seem possible given the scope of the project. He stated that his opinion was that if a proposed project benefited only 1021 Kingston's Place (such as the loop through the development) then it would be fully funded by the project proponent, but if it benefited the project and other areas of town – then it could be considered for a possible reduction in hook-up fees. Mr. Geisinger asked if it might be possible somehow to include a well site within the 34 acres of the Davis property set aside for conservation purposes. Mr. Kostka stated that this was the first time anyone had ever considered an option such as that and we would not be able to comment tonight. Mr. Loring stated that he has real concerns that this project will ever get off the ground and that he would like a bond to cover the future costs of the items on the "a list" to protect the ratepayers. Mr. Geisinger stated that he would be willing to consider a bond for a particular part of the project once work has begun, but expecting a full bond up front is not possible. Mr. Bobrowski was instructed to keep the advance payment of \$1,000,000 in hook-up fees as part of the new agreement, but to omit the

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Paragraph 5 detailing the commitment of the developer to construct leaching fields adjacent to Smelt Brook. (Mr. Devine, however, cautioned that this may need to be kept in as a part of our approval of 1-86) and to make paragraph 6, commitment of the developer to mitigate impacts within the Second Brook Street Water Resource District an item on the proposed "b list" instead of a requirement in the agreement. Mr. Bobrowski stated that he intends to write a better definition of the engineering charges that Mr. Geisinger would be required to pay – Mr. Geisinger explained that he reimburses the town when he receives a bill.

After some discussion it was agreed to meet again and a tentative meeting of February 2, 2010 was agreed on. Mr. Bobrowski stated that he would need to have an informal meeting prior to that date. Mr. Kostka explained that we would expect that Mr. Bobrowski's fees would be paid out of the funding set aside by the town. Mr. Bobrowski stated that he will discuss this with Jill Myers, Town Administrator.

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Mr. Armstrong asked for comments on the application of Smelt Pond Bogs to square off a section of their cranberry bog. Mr. Loring stated that he can see the wisdom of squaring off the bog in a manner shown on the plan. Mr. Svenson cautioned that the excavation may be deeper than needed and may impact an adjacent private well. Mr. Loring stated that the excavation should only be permitted to the depth of the ditch and that the proponent should be cautioned that we will not approve any further expansions of this bog.

Mark Devine, Coler & Colantonio

Mark presented several invoices for work at 1-86. These were unanimously approved for payment.

Matthew J. Darsch, Superintendent

Mr. Darsch had no additional items for discussion.

UNFINISHED BUSINESS

1. Well Site 1-86
2. Indian Pond Tank
3. R.F.P. – parking at Smith Lane Tank
4. Police Antenna Repair
5. Second Brook Well Site
6. Marty's
7. Manhasset Gardens Easement

NEW BUSINESS

- a. 1/6/10 – Jill Myers, Town Adm. re: FY11/10 Combined ATM Warrant Art.
- b. 1/11/10 – emails - Jill Myers, Town Adm. re: FY11/10 Warrant Art.
- c. 1/8/10 - emails – Mark Bobrowski, Town Counsel
- d. 1/4/10 – Bernard McCourt, Dis. Highway Dir. Dist. 5 re: Pembroke St.
- e. 1/11/10 – Paul L. Armstrong, Bldg. Insp. Re: Smelt Pond Bogs
- f. 1/11/10 – CC of email from M, Devine, Coler & Colantonio to PKM re: 1-86 pay requests

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APPLICATIONS

None

MONIES RECEIVED SINCE OUR LAST MEETING

So. Shore Med. Center	\$457.18	Engineering Reimbursement
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ABATEMENTS

See Attached

COMMITMENTS

See Attached

WATER DEPARTMENT CORRESPONDENCE SINCE LAST MEETING

- a. 1/7/10 – Theresa Standley, 11 Loring Ave. re: Sewer Charges

WATER QUALITY REVIEW COMMITTEE

No Additional Business

On a motion of Robert R. Kostka, it was unanimously voted to adjourn the meeting at 9:15 p.m.

Respectfully submitted,

Marylou Joyce
Clerk