

September 8, 2009

A regular meeting of the Board of Water Commissioners/Water Quality Review Committee was held on Tuesday, September 8, 2009 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, Richard W. Loring, Jr., Mark Devine of Coler & Colantonio, Matthew J. Darsch, Superintendent and Marylou Joyce, Clerk. Fred D. Svenson, Jr. arrived late.

The following invoices were approved for payment:

See Attached

On a motion of Richard W. Loring, Jr., it was unanimously voted to approve the records of the meeting of August 11, 2009. There was no motion on the records of August 25, 2009.

APPOINTMENTS

Mark Devine – Coler & Colantonio

There was a lengthy discussion regarding our on-going problem with fluctuating levels of manganese. Superintendent Darsch reported on the mitigation measures to date – some of which have had no effect and others, which still seem promising. Main hydrological changes have been to prevent water from the high zone (most impacted by Trackle Pond) into the low zone for now. This will keep the effected consumers to a minimum. Secondly we have reduced the pumping rate at Trackle Pond back to an amount closer to our 2005 rate. Effects from this change will appear gradually. We will begin testing early next week and hope to see a reduction. If these methods do not produce the results needed, careful consideration will have to be given to more radical solutions. There was some discussion of the many homes and businesses impacted and of those seeking reimbursement or some other type of compensation. There was no motion to grant these requests and Ms. Joyce was instructed to write to those consumers explaining the situation.

Mr. Devine was asked to postpone the rest of his presentation until later this evening.

Raymond Monsini, 165 Lake St. – re: insurance claim

Commissioner Svenson arrived and was present for most of this appointment.

Mr. Monsini came in regarding the damage done to his washing machine and dishwasher. This equipment unfortunately continued to receive significant amounts of sediment following the Pembroke Street 16" water main break. The washing machine has been repaired but the dishwasher must be replaced. Mr. Monsini explained that Superintendent Darsch had referred to matter to our insurance company. Mr. Monsini stated that that he had just received a letter from them denying the claim on the grounds that it was a state not town project. The letter advised Mr. Monsini to pursue the matter with the state contractor's insurance company. Mr. Monsini objected to this and requested that the town pay for the costs to repair the washing machine and replace the dishwasher and then try to recoup it.

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Mr. Kostka stated that he could understand Mr. Monsini's frustrations in the matter. However, there was no motion to grant Mr. Monsini's request and he was encouraged to contact the Lawrence Lynch Co., (the contractor responsible for the break). Superintendent Darsch will contact Mr. Monsini tomorrow with the contact person's name and telephone number.

On a motion of motion of Fred D. Svenson, Jr., it was voted to approve the records of the meeting of August 25, 2009. The vote was as follows: Svenson, aye; Loring, aye, Kostka, abstain.

Attorney Walter Sullivan – South Shore Medical Center

Also present for discussion was Barbara J. Thissell, P.E. of Barbara J. Thissell, P.E., Inc. and Martin Coleman, Facilities Director of South Shore Medical Center.

Mr. Sullivan briefly summarized our meeting of August 25, 2009, stating that plans were filed to develop their former septic leaching lot into an employee parking area. Porous pavement with a collection/retention was proposed based on the recommendation of Thomas Bott, Town Planner and Paul Armstrong, Building Inspector/Zoning Enforcement Officer. An added consideration was the information that the D.E.P. now approved this material as suitable for a Zone 2. Mark Devine stated that he had looked into the matter and recommended that board continue with their current policy of requiring an impervious surface along with an approved retention/collection system for all development within a Zone 2, noting that the maintenance/inspection protocol recommended for porous pavement could be extremely difficult to monitor and that, in his opinion, impervious surface coverage along with an approved collection system best protects the aquifer within a Zone 2. Ms. Thissell indicated that she would be able to present a plan that would meet this requirement. Mr. Sullivan objected to the board's position, stating that it exceeded the D.E.P.'s newest regulation, and argued what he considered to be the ambiguity of the language contained in the water resource overlay section of the zoning by-law and additionally, that he believed the proponents of this project were misguided by Mr. Bott and Mr. Armstrong and had therefore spent a lot of money needlessly on the investigation of porous pavement. Since Mr. Bott was holding up their application process until they had fully investigated the possibility of using porous pavement, Mr. Sullivan stated that the proponents felt compelled to take this action. Mr. Sullivan presented a letter detailing some of his concerns (4A). Mr. Coleman stated that he now must face a group of doctors and let them know that their money had been wasted needlessly. The commissioners stated that they would follow the advice of their consultant, Mark Devine in this matter and oppose any plan containing porous pavement within a Zone 2 and suggested that Mr. Sullivan put his concerns in writing and we would request the use of town counsel to review the matter. Ms. Thissell again stated that she could develop a plan that would use impervious surface and also utilize a good collection/recharge system. There was no resolution to the question as to whether this plan, if submitted, would require a variance to the 15% impervious surface requirement. Since roof drainage of the existing medical center is not contiguous to the proposed parking lot, this too may require a variance. Mr. Kostka stated the position of the board to protect the drinking water and surrounding aquifer. Ms. Joyce was instructed to express our concerns to the Planning Board, Mr. Bott and Mr. Armstrong and to summarize tonight's discussion in a letter to Mr. Sullivan.

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Mark Devine – Coler & Colantonio (continued)

Mark reported on the recent on site meeting with the state and their contractor at the Pembroke Street project. Discussion centered on the breaks occurring during taps. The pipe manufacturer, as well as their insurance and legal representatives was also in attendance. We have questioned the integrity of the piping in the entire project and are awaiting a report on the findings.

There was discussion regarding the request of Nancy Howlett, Assistant to the Town Administrator/Board of Selectmen for comments on the earth removal application of Thorndike Associates. There was discussion of the frustration regarding the lack of the proponent to honor the agreement with this board or to present an amended agreement for consideration.

Work on the access road to well site 1-86 will begin tomorrow. Final plans for the construction of the pump station are complete and bids are awaited. Access Road and Water Main Installation shop drawings were presented (4B).

Matthew J. Darsch, Superintendent

Mr. Darsch took the opportunity to speak at length regarding the efforts being made to reduce manganese levels and the enormous effect this had on the drinking water we supply to residents.

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. Joseph Casna – Request for Service Tap

NEW BUSINESS

- a. 9/1/09 – Nancy Howlett, Asst. to the Town Administrator/Bd. of Sel.
- b. 8/31/09 – Email from Ken DeSiata, water quality issues
- c. 9/4/09 – Email from Ken DeSiata, water quality issues and request for reimbursement
- d. 8/30/09 – Sue Ann and John Hurley, 25 High Pines Dr. re: Water Quality Complaint
- e. 9/8/090 – Email from Mark Devine, Coler & Colantonio – 1-86

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APPLICATIONS

The following Application for Water was approved:

Kelleher Fine Building - 9 Pleasant St. \$3700.00

MONIES RECEIVED SINCE OUR LAST MEETING

Dana Miller - Meter \$310.00

Champion Builders – Meter \$1240.00

Mass Bay Commuter Railroad \$14,543.50 Return of Pottle Street Deposit Overpayment

ABATEMENTS

See Attached

COMMITMENTS

See Attached

WATER DEPARTMENT CORRESPONDENCE SINCE LAST MEETING

- a. 8/25/09 – Bernard McCourt – Ma Highway re: Pembroke Street Project
- b. 8/25/09 – Bernard McCourt – MA Highway re: Pembroke Street Project
- c. 8/27/09 – Jan Drake, DEP re: water quality
- d. 8/31/09 – Email to Ken DeSiata re: Water Quality Issues
- e. 9/1/09 – Mr. & Mrs. Matthew Ryalls, (and others) re: Water Quality Issues
- f. 9/2/09 – Jill Myers, Town Adm. re: Cellular Lease Revenue
- g. 9/4/09 – Email to Kenneth DeSiata re: Water Quality Issues and Request for Reimbursement

WATER QUALITY REVIEW COMMITTEE

No Additional Business

On a motion of Robert R. Kostka, it was unanimously voted to adjourn the meeting at 8:45 p.m.

Respectfully submitted,

Marylou Joyce, Clerk

