

December 8, 2009

A regular meeting of the Board of Water Commissioners/Water Quality Review Committee was held on Tuesday, December 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, Fred D. Svenson, Jr., Richard W. Loring, Jr., Mark Devine of Coler & Colantonio and Matthew J. Darsch, Superintendent.

The following invoices were approved for payment: See Attached

On a motion of Fred D. Svenson, Jr., it was unanimously voted to approve the records of the meeting of November 17, 2009.

APPOINTMENTS

Mark Devine – Coler & Colantonio

Chairman Kostka requested a postponement in Mark's presentation to the board so that the board could spend some time reviewing all the documents presented tonight that deal with 1021 Kingston Place.

Lloyd Geisinger and David Eastridge – Thorndike Dev.– 1021 Kingston's Place

Also present for discussion was Paul L. Armstrong, Zoning Enforcement Officer

Mr. Geisinger indicated that he would like to discuss several agenda items regarding 1021 Kingston Place.

The first is the hydro-geologic presentation done for the Planning Board. The second is a discussion regarding the proposed second amendment to our original agreement.

Mr. Loring spent some time explaining to Mr. Thorndike the level of his dissatisfaction with Mr. Geisinger's work to date. Most significantly is the fact that the promises to the town have not been kept, including the \$1,000,000 check to the water department for an advance payment toward the connection fees. Mr. Geisinger stated that he fully accepts the criticism and while not making excuses did assert that the terrible economic times – the worst in his career – have resulted in many problems and delays for the project. Delays have resulted from the on-going litigation as well. The project does have general master plan approval and on December 21, 2009 will receive a decision from the Planning Board regarding conditional site plan approval. They do have financing for the costs relative to the EIR and some aspects of the permitting. Mr. Loring stated that he would like something in writing to document this. In addition, Mr. Geisinger stated that he has met with our counsel and would welcome his input in negotiating an amendment to the agreement with the Water Commissioners. Mr. Svenson stated the he has concerns regarding the easement granted by Mr. Tonsberg to Mrs. Davis. Mr. Geisinger stated that he has had his attorneys review the easement and is comfortable that it is sufficient to allow water main to be tied into the main on Country Club Way. He suggested that it be forwarded to town counsel for review as well. Mr. Geisinger stated that he agrees to do the required loop through the 1021 Kingston Place project prior to any occupancy permit in Phase 1 of the site plan approval. Two buildings will be constructed in Phase 1 – in addition to the loop. Phase 2 of the Site Plan will fill out gaps in Phase 1.

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A forced sewer main in Phase 1 will be directed to the leaching field on the Davis property. Mr. Geisinger stated that the Sewer Commissioners have requested that Thorndike Development do their own sewer system so that the Sewer Commissioners can concentrate on the plans to expand their plant for future hook-ups.

There was unresolved discussion regarding the size of the easement through the Davis property. It is 16', while water department Rules and Regulations require 20'.

Mr. Geisinger stated that he has been working with the Natural Heritage Foundation. The proposal is to have 32 acres go into conservation in return for project approval.

The project does not exceed the 15% limit for impervious surfaces as detailed in our zoning by-laws.

There was a brief discussion regarding the groundwater model for storm water discharge as prepared by GeoHydrocycle, Inc. in relation to Smelt Brook. There will be discharge into one large and one small filtered, lined pond. Mr. Loring questioned the plans for irrigation and discharge during Phase 1. Mr. Geisinger stated that he would like to move another leaching field, but does not know if DEP would permit it closer to Smelt Brook.

Mr. Loring questioned the application by Thorndike for the removal of 200,000 yards of gravel and the impacts of the resultant change in grade.

Mr. Geisinger stated that it will probably be twelve months between the gravel removal permit and the settlement of the lawsuit and EIR.

Mr. Geisinger discussed the December 21st meeting to approve the requirements of the master plan and stated that he can not exercise the plan (get a building permit) until all agreements have been met.

Mr. Loring stated that he is opposed to the granting of the earth removal permit while the project is still in flux. Mr. Geisinger stated that he can not make the payment to the Water Department until he gets financing and needs the earth removal funds to move forward.

Mr. Geisinger stated that he will provide us with more information in writing and will be back to meet with us on January 12, 2010.

Mark Devine – Coler & Colantonio (continued)

Mark provided an update on the construction of the pump station at well site 1-86. Commissioner Svenson had a number of questions regarding Mark's review and expressed some dissatisfaction with the amount of time the review has been taking. Mark Devine provided answers to some specific questions posed by Mr. Svenson.

Richard W. Loring, Jr., left the meeting.

Mark briefly reviewed the work that Jesse Schwalbaum of Watershed Hydrological is doing for us regarding the manganese problem. More quotes on drilling will be obtained. We may need to review our plans with the DEP.

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Superintendent Darsch was instructed to ask Bob Sgarzi to map out the easement plan for Soule's Pond through the former Caruthers property.

Mark Devine will provide a response to the plans to add to the cell apparatus at Pembroke St.

Mark explained the status of the work to bill MA Collaborative for the reimbursement of charges for the micro-hydro plant.

Daria Cresti is assisting us in the efforts to the McLaughlin Bros. to reimburse us for the training sessions for the Pottle Street Crossing project.

Matthew J. Darsch, Superintendent

Superintendent Darsch reported that the service has been moved at 25 High Pines Dr. in an attempt to relieve the on-going water quality problems.

Superintendent Darsch reported on the Pembroke Street Project and stated that the water main at 1-86 has passed bacteriological testing.

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. 11/10/09 – Comm. of Ma Div. Of Adm. Law Appeals – Final Decision - Hanson
- b. 11/17/09 – Email from Walter Sullivan of Sullivan & Sullivan P.C. re: South Shore Med. Center
- c. 11/30/09 – Copy of letter from Sullivan & Sullivan, P.C. to Kingston Planning Board re: South Shore Med. Center
- d. 12/3/09 – Email from Mark Devine – Coler & Colantonio re: 1-86
- e. 12/3/09 – email from Mark Devine, Coler & Colantonio re: 1-86
- f. 11/18/09 – Email cc from Mark Devine – Coler & Colantonio re: 1-86
- g. 11/20/09 – Jill Myers, Town Administrator re: Ethics Reform Bill
- h. 11/30/09 – Jill Myers, Town Administrator re: Pandemic Planning Manual
- i. Old Colony Planning Council – Agenda 12/2/09

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APPLICATIONS

None

MONIES RECEIVED SINCE OUR LAST MEETING

Pillar Contracting, Inc.	Meter	\$310.00
Delwin LLC (Barrows Brook)		\$793.32 (Eng. Reimbursement)

ABATEMENTS

See Attached

COMMITMENTS

See Attached

WATER DEPARTMENT CORRESPONDENCE SINCE LAST MEETING

- a. 11/18/09 – Nancy Howlett, Assistant to the T.A./Bd. of Sel. Re: Contract 1-86

WATER QUALITY REVIEW COMMITTEE

No Additional Business

On a motion of Fred D. Svenson, Jr. it was unanimously voted to adjourn the meeting at 9:35 P.M.

Respectfully submitted,

Matthew J. Darsch