



TOWN OF KINGSTON
BOARD OF WATER COMMISSIONERS
OPEN SESSION
WATER DEPT OFFICE - 22 ELM ST, MICHAEL J.
MACPHERSON MEETING ROOM & VIA ZOOM
OCTOBER 25, 2022

4:30 PM – CALL TO ORDER

Chairman Loring called the meeting to order at 4:30 pm. In attendance were Commissioner Kostka, Superintendent Chris Veracka, Clerk Stacey Smith and Kristen Berger of Resilient, CE.

APPROVAL OF DEPARTMENT BILL SCHEDULES:

MEETING MINUTES:

VOTE TO APPROVE THE MINUTES OF OCTOBER 11, 2022

Commissioner Kostka made the motion to approve the minutes of October 11, 2022. Chairman Loring seconded the motion and it was voted on unanimously (2-0-0).

Vice Chairman Erlandsen entered the meeting at 4:34pm.

APPOINTMENTS:

INTERVIEW # 1 KRISTEN BERGER, RESILIENT CE RE: ENGINEERING CONTRACT

Chairman Loring stated the Board had decided to pursue the two smaller engineering firms of the four companies that had submitted RFPs. Those companies are Resilient, C.E. and Comprehensive Environmental Inc. He went on to state his concern with Resilient C.E., is due to the small size of the company, is there a back up to Ms. Berger or lack thereof. He asked how she would respond to that.

Ms. Berger stated she understood that concern. However, she stated, Resilient C.E. is not only herself, but she has Bob Bell, who is a professional engineer, and Curt Busto, who is on the payroll for drafting services, GIS and AutoCad.

Additionally, she has access to other subcontractors, such as a hydrogeologist. She said regarding who would be the primary contact, it would be herself, just as it has been. She feels that the level of experience and service the town needs is at the very level Resilient C.E. can provide. Ms. Berger stated she has 20 years of experience and when you have an issue and you call, that is who you want to talk to. She added, if you want answers forthcoming, she will be the primary contact for those answers. Commissioner Kostka said he understands the benefits of having a smaller firm. He said he didn't feel the Town got the best service or the individual attention from a larger firm in the past. His remaining concern is regarding whether the specialists are of the caliber the Town of Kingston would need. Ms. Berger responded, yes, whether it's a small or large engineering firm, the certifications are the same. She added, with regards to larger companies, if your point person leaves the company you are still left with a gap between someone who was familiar with you and someone who may not have been involved with you at all. Larger companies may have more specialists, but they may not have all the experience and expertise in any one individual.

Vice Chairman Erlandsen asked, as the OPM for the new treatment plant, what are the concerns and needs you see in the future for Kingston?

Ms. Berger stated, certainly the new projects that you're working on and the new well development. She said Bob Bell has over 40 years experience with engineering new wells and pump station work. That is his niche. She added, this work will require architectural, structural and electrical engineering experience but not unlike any other firm that would need to acquire those same services.

Commissioner Kostka asked, in case of a personal emergency, who would be able to fill in for you? Ms. Berger responded, Bob Bell. She stated it would have to be a pretty extreme emergency for that to happen.

Chairman Loring stated, Resilient C.E. as an independent company is looking for other municipalities as clients. He stated his concerns with Resilient CE being spread out and balancing the level of service across multiple clients. Ms. Berger responded that she prefers to work with smaller entities versus the experience she's had working for larger firms. She said it's a different attitude. Commissioner Kostka asked if she believed her previous position and her experience as OPM for the Town of Kingston on the Grassy Hole-I/86 Project has given her a better idea of how the Town works and the expectations of the Board. She responded, Yes I do.

Commissioner Kostka stated the Board has always been pro-active in planning projects and we would expect our engineers to think like that as well to avoid potential problems and issues. Ms. Berger stated it's important to have a good grasp of pending regulations that can impact her clients. Discussion continued about the manganese history and her experience in town. Ms. Berger stated she really enjoys having experience in one system and bringing the knowledge from that experience to other clients.

Chairman Loring stated he wants an engineer who has self-confidence, is articulate and can speak from experience and knowledge regardless of the size or presence of the group. He stated they may be asked to speak in front of a town meeting body or other board meetings. We need that level of confidence. Chairman Loring asked the Board if they had any other questions. Vice Chairman Erlandsen stated he was good and was basing much of his decision on the experience of Ms. Berger and her work as OPM. Chairman Loring thanked Ms. Berger for her time and asked to call Mr. Ohl of CEI into the meeting to continue with the business portion of the meeting.

MIKE OHL & MICHAEL CARMASINE, COMPREHENSIVE ENVIRONMENTAL INC.

RE: GRASSY HOLE/1-86 TREATMENT FACILITY UPDATES

*PROJECT STATUS/COMPLETION

Mr. Ohl entered the meeting at 4:52pm.

Mr. Ohl updated the Board on the status of the Grassy Hole/I-86 Treatment Plant. He said the punchlist referenced at the last meeting had been narrowed down substantially and was re-issued to the contractor a couple of days later. Subsequent to that, there has been some progress. Mr. Ohl asked Superintendent Veracka if the painter has been at Trackle Pond. Superintendent Veracka said he was unsure. Mr. Ohl went on to say the roofing trim is being worked on.

Commissioner Kostka asked about the solar panels and when will those be installed. Mr. Ohl stated the panels are installed. It is just a matter of installing the solar display panel which has arrived and is in the hands of the electrical subcontractor. There has been no further request for any additional payment from the contractor. Commissioner Kostka asked when the solar display will be installed. No date was supplied.

All that remains, Mr. Ohl stated, was the close out of the SRF contract. Mr. Ohl provided the flash drive of the shop drawings. Ms. Berger asked about CEI's O&M manual. Mr. Ohl stated that is his responsibility to read through and make sure it is correct and the useful life certification for MassDEP, which all remains on his plate.

Ms. Berger asked Mr. Ohl about the status of the remote operation request. Mr. Ohl responded, he spoke to Gilliane Tardieu at MassDEP a month ago and has yet to hear back. He will follow up with Jim McLaughlin.

Ms. Berger stated she received an email from Jeff Nyren of Winston Builders regarding the Certificate of Substantial Completion. She stated Jeff's concern is more about meeting the completion date. Discussion continued regarding the extension of the completion date to August 8, 2022. Commissioner Kostka asked if there was a reason why we wouldn't say the project was completed on time? Mr. Ohl said technically the plant was not substantially complete. Ms. Berger stated, once you set a date of substantial completion, you can say 'yes, they completed it on time' and it's normal to have some punchlist items. However, if you agree to the August 8th date as substantially complete and the original date was June 25th then no, you can't say it was completed on time. She stated there was a significant change in the tone

from the previous letter Winston Builders sent threatening legal action, whereas now, the tone is much more cooperative. Ms Berger suggested we could extend the completion date to August 8th but they need to sign the substantial completion certificate at the same time and the Board doesn't sign anything until Winston Builders signs. Commissioner Kostka asked Ms. Berger if she recommended that. She stated she thought it was a good idea. Commissioner Kostka stated it's interesting to hear the change in tone from the builder. Ms. Berger instructed Mr. Ohl to get the certificate to her, she will get it over to Jeff for his signature and we can go from there. She stated there is no vote required now, we can continue this at the next meeting.

Mr. Ohl said at the last meeting, there was question regarding the KOH transfer pump at Grassy Hole and why the same issues never occurred at Trackle Pond. He stated he believes it is a case of the contractor piping things differently from what was in the detailed plans. It appears additional valves were added in different locations. Mr. Ohl went on to say he believes this is a contract issue to be resolved and not a change order. Ms. Berger stated, this is the first she'd heard of this. Mr. Ohl said, yes I can walk through it with you.

Vice Chairman Erlandsen asked, was this a contractor issue due to the space and location of the piping? Mr. Ohl provided more technical detail regarding the design and stated the schematics were the same at both treatment plants. Mr. Ohl said the piping is clearly explained on the design plans. Mr. Ohl presented some pictures of the design and the current piping. Superintendent Veracka says what is currently set up, delays the fill time extensively and requires an operator to watch two tanks at once while filling the day tanks, which isn't practical. Mr. Ohl agreed and stated it needs to be addressed. Superintendent Veracka asked if the bypass was absolutely necessary. Mr. Ohl provided a detailed explanation of how the pump and valve work. Superintendent Veracka asked if it was feasible to eliminate the bypass all together and asked if the manufacturer recommended a bypass for that. Mr Ohl stated he would be reluctant to remove it.

Chairman Loring had several questions. Who was watching the contractor do this? Where was the Field Rep to oversee this work? How did we get into this situation? Chairman Loring stated, why wasn't someone paying attention to the detail when the detail is so critical to the safe and effective operation of the plant? Mr. Ohl stated, it was initially paid attention to in the design; however, it was not done according to the plans due to the location of the valves. Vice Chairman Erlandsen asked, a change in the valve locations was made by the contractor without consultation with the engineer? Mr. Ohl said, with chemical feed piping it's shown schematically and things are supposed to be accessible. Superintendent Veracka mentioned the location of valves on the day tanks are limited.

KRISTEN BERGER, RESILIENT CE

RE: GRASSY HOLE/I-86 TREATMENT FACILITY UPDATE

*SRF STATUS/ CLOSEOUT

Ms. Berger stated she followed up with Leila at MassDEP regarding the close out process of the SRF. She said the project is not ready to close out but the punchlist remains. MassDEP recommended it was better to wait until the punchlist is complete before proceeding with the final payment process. Ms. Berger also made mention to Leila of the dedication date of the building. Leila said she would pass that on the MassDEP section chief in case they would like to attend. Ms. Smith asked about specifics for the event and what would be needed regarding light refreshments.

DISCUSSION OF POTENTIAL FOR WATER MORATORIUM

Chairman Loring stated Superintendent Veracka had been in discussion with the Town Planner recently. Superintendent Veracka stated Valerie Massard, Town Planner, had expressed concern about the ability to provide water and wastewater due to the water supply and demand regarding recent large growth proposals. Commissioner Kostka asked, who would make that decision regarding a potential moratorium. Superintendent Veracka stated the Town Planner said that was under the purview of the Board of Water Commissioners. Commissioner Kostka was concerned whether or not it could withstand a legal challenge. Chairman Loring stated there are no firm plans before the Board for large-scale developments. Only conceptual plans or ideas were floated before the Board and those developers have been told there is no water, no water pressure and no additional water storage available. He continued, 'We need engineering back up to present this'. He believes any moratorium would affect large-scale projects only; buildings with 10-12 units would minimally impact the system. Chairman Loring stated, 'We do not want to be the department that prevents growth but we need controlled growth'.

Vice Chairman Erlandsen asked if a moratorium is conditional or is it a blanket policy. Chairman Loring stated he thinks everything is conditional. He added, the apartment complex at the mall is not fully occupied and we have no history of a complex of similar size. Vice Chairman Erlandsen stated he feels the word moratorium is a charged word.

Commissioner Kostka said, perhaps a big developer would be willing to look at contributing toward the development of a new well. Chairman Loring said he is not willing to sell the water department to a builder unless improvements benefit the entire system and every single resident of the Town of Kingston; not just any one development. Commissioner Kostka stated he completely agrees. Superintendent Veracka stated the Town Planner shared other town's moratoriums with water services. He said many have sunset clauses, where a moratorium can last up to a specified period. For instance, if it's for a 3-5 year period while improvements are made to the water system. Then the moratorium can be reviewed after the improvements are made or the clause expires to determine whether to continue, modify or end the moratorium.

Chairman Loring stated the "devil is in the details" with how it's written. Discussion continued. Superintendent Veracka mentioned another proposed development off Wapping Road.

Commissioner Kostka suggested inviting the Town Planner to the next meeting. Chairman Loring stated that in addition, Superintendent Veracka should continue these discussions with the Town Planner.

Mr. Ohl stated the Board will want to substantiate any decision with information and should continue to be reasonably conservative.

Aside from this discussion, Mr. Ohl told the Board he had been speaking to his electrical engineer regarding the multiple Millgate lightening strikes that have occurred recently. This particular engineer had been involved with the plans for the Millgate Stabilization project and had been on site with the previous superintendent and remembered how it was explained to him how Millgate gets power. He said Millgate has a direct reduced voltage motor starter with no surge protection. Given the damage has only been to the motor and not the building, lighting hits the ground somewhere and finds power lines that lead to equipment and runs out. A surge protector would be the solution. Superintendent Veracka stated one was just installed yesterday. He said he repurposed one from Grassy Hole. Discussion continued regarding wiring and issues with past faults and lightning strikes.

FY24 BUDGET DISCUSSION - BUDGET DUE TO THE TOWN ADMINISTRATOR NO LATER THAN OCTOBER 28, 2022

Ms. Smith referenced the FY24 budget in the meeting packets. She stated both she and Superintendent Veracka had worked together on this. The budget is due to the Town Administrator on Friday, October 28th. She explained the spreadsheet showing the expected capital planning expenses and the certified surplus revenue from the state. She recommended review and discussion to determine the priorities of the department as well as the ARPA funding that needs to be spent by the end of December 2024. Commissioner Kostka recommended personal review of the budget outside the meeting and any questions Board members have can be submitted to Ms. Smith and Superintendent Veracka. Commissioner Kostka made the motion to submit the preliminary budget to the Town Administrator on October 28th.

Vice Chairman Erlandsen seconded the motion and it was voted on unanimously (3-0-0).

Ms. Berger left the meeting at 5:45pm.

INTERVIEW #2 MICHAEL OHL, COMPREHENSIVE ENVIRONMENTAL INC. RE: ENGINEERING CONTRACT

Chairman Loring stated the Board has decided to pursue the two smaller firms of the four engineering firms that submitted RFPs. He went onto explaining the history the Board has had with CEI and the future.

Mr. Ohl thanked the Chairman and the Board for this opportunity. He wants to highlight one of the key items in the proposal as 'company-client' focused. CEI has experienced knowledge, is innovative and cost effective. He said they listen to their clients and they are able to respond accordingly versus being in a sales-focused role. Mr. Ohl stated he has been with CEI for the last fifteen years. He said some of the stand-outs as an employee of CEI are that it's much more pleasant to work for a smaller company, the employee mentoring program and the team focus at the company. Mr. Ohl

referenced that he appreciates the opportunity to mentor associates like Mike Carmasine, similar to how he was mentored earlier in his career.

Mr. Ohl presented the Board with a copy of the Organizational Chart of CEI, which is also in the proposal. He proceeded to provide an explanation of the workflow and explanation of employees and the services they provide on the chart. Mr. Ohl stated one of the strengths of CEI is their ability to provide better service due to the many layers of contacts and services offered at the company.

Chairman Loring stopped Mr. Ohl and stated that he is sorry to have to be the one to say this but, Mike Carmasine does nothing for him. Chairman Loring says he feels Mr. Carmasine shows no direction or initiative. Chairman Loring says his impression is that he's a subservient body that sits on the side. He wonders if some of the issues experienced at Grassy Hole-I/86 could've been the result of Mr. Carmasine's lackadaisical attitude. We are now looking for the "next step" and he is not it and it scares this Board. Mr. Ohl thanked Chairman Loring for his openness and welcomed an open discussion.

Chairman Loring referred to Mr. Ohl when he was the back up to the previous engineer, Mark Devine, and how he was full of energy and motivation. He proceeded to say, that's what we are looking for in the next step. He added, as far as he is concerned, that next step is vacant.

Vice Chairman Erlandsen stated our relationship with CEI and your advice has been spot on until recently with the plans at Grassy Hole/I-86 Treatment Plant. Has there been any discussion internally regarding what has happened?

Mr. Ohl stated these conversations have taken place internally. He added, he thinks a gap occurs when individuals, like Kristen who have 20 plus years experience leave, and younger, less experienced employees like Mr. Carmasine are moved in to fill those roles. Mr. Ohl understands that they are asking a lot of Mr. Carmasine. He feels he's made significant progress from where he was when he started until now; but he's not there yet. Chairman Loring stated it looks and feels like CEI stepped away from the water industry and focused more on environmental engineering and perhaps that has led to a lack of prepared employees being able to provide back-up. He stated that the founder of CEI, Eileen, does have an environmental engineering background. They have added various degrees of expertise to the company over the years. Mr. Ohl stated he is not going anywhere for at least another ten years. He added, we have other individuals to bring in on a personnel level, if that is needed. Eileen checks in and has confidence in her employees and staff to make staffing changes if needed.

Commissioner Kostka stated all his questions had been answered. Vice Chairman Erlandsen asked, what procedures have been implemented to prevent issues as at Grassy Hole/I-86 from occurring again? Mr. Ohl stated that oversight and ensuring that anything that leaves the firm needs to be checked and verified. He stated that responsibility needs to be on the senior employee.

Chairman Loring stated it's important we have confidence in the next engineer to be able to present to a board meeting, town meeting body, etc...

Commissioner Kostka stated it's important the Board trusts the recommendations and advice that we are given by whomever we decide to hire.

Mr. Ohl stated, you may not appreciate it, but compared to other water systems, this Board sets a very good standard that you hold consistently in terms of how you treat developers. He added, it's critical because in other communities they can have a tendency to hand the keys over to the developers. Commissioner Kostka said that will never happen here.

WATER SUPERINTENDENT DEPARTMENTAL UPDATE:

UPDATE ON INTERVIEWS FOR WATER REPAIRMAN 10/24 & 10/25

Superintendent Veracka said, as stated earlier, Millgate is up and running from lightning strike #2. The surge protector has been installed. He added, the contact on the main circuit breaker needed to be replaced and we are still waiting on the VFD from the first lightning strike.

Superintendent Veracka said the water repairman interviews have been conducted and completed by him and the

foreman. He said a candidate has been chosen and he will discuss with Human Resources what the next step in the hiring process will be.

Regarding the Level II Assessment with MassDEP for our water samples, corrective action has been completed and respectfully submitted to MassDEP.

Continued discussion regarding the hiring process, training classes and the time frame for certifications.

NEW BUSINESS:

FIRST AMENDMENT AUDIT PROTOCOL

Information is only presented to the Board. No discussion.

LETTER DATED OCTOBER 19, 2022 FROM MASS DEP RE: ASSESSMENT FEE. BILL TO BE RECEIVED IN DECEMBER 2022

Information is only presented to the Board. No discussion.

WATER CORRESPONDENCE FROM LAST MEETING:

NONE

BUSINESS OF WATER QUALITY REVIEW COMMITTEE:

NONE

UNFINISHED BUSINESS:

NONE

NEXT REGULAR MEETING:

NOVEMBER 8, 2022 AT 4:30PM

ADJOURNMENT OF OPEN SESSION:

Commissioner Kostka made the motion to adjourn the meeting. Vice Chairman Erlandsen seconded the motion and it was voted on unanimously (3-0-0).

The meeting adjourned at 6:10pm.

ZOOM INFORMATION

TOPIC: BOARD OF WATER COMMISSIONERS

TIME: OCT 25, 2022 04:30 PM EASTERN TIME (US AND CANADA)

JOIN ZOOM MEETING

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MEETING ID: 896 3754 4383

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Respectfully submitted,

A handwritten signature in blue ink that reads "Stacey L. Smith". The signature is written in a cursive, flowing style with a large initial 'S'.

Stacey L. Smith
Clerk