



TOWN OF KINGSTON
BOARD OF WATER COMMISSIONERS
OPEN SESSION
WATER DEPT OFFICE - 22 ELM ST, MICHAEL J.
MACPHERSON MEETING ROOM & VIA ZOOM
SEPTEMBER 13, 2022

4:30 PM – CALL TO ORDER

Chairman Richard W. Loring Jr called the meeting to order at 4:30pm.

In attendance were Vice Chairman Robert Erlandsen, Commissioner Robert Kostka, Mike Ohl and Mike Carmasine of CEI, Inc., Kristen Berger of Resilient CE, Superintendent Chris Veracka and Clerk Stacey Smith. Attending via ZOOM were Town Administrator Keith Hickey and David Gilmore of the Pyramid Group.

APPROVAL OF DEPARTMENT BILL SCHEDULES:

MEETING MINUTES:

VOTE TO APPROVE THE MINUTES OF AUGUST 18, 2022 AND AUGUST 23, 2022

Commissioner Kostka made the motion to approve the minutes of August 18, 2022 and August 23, 2022 as published. The motion was seconded by Vice Chairman Erlandsen and voted unanimously (3-0-0).

APPOINTMENTS:

ALEXANDRA ARTIANO RYAN, RESIDENT RE: UPDATE ON WATER SERVICE INSTALLATION AT 11 KINGSTON ST.

Ms. Artiano-Ryan called earlier in the day and asked to be removed from the agenda.

MIKE OHL & MIKE CARMASINE, CEI INC RE: GRASSY HOLE/I-86 TREATMENT PLANT UPDATES

Mr. Ohl told the Board the punchlist is down to a very short list. Mr. Carmasine updated the Board on the list. He said they have crossed off many of the larger items off the punchlist and what remains is list of about fifteen items. The larger items that remain consist of the repair of the lagoon liner, installing the solar display unit, replacing the butterfly valve indicator and replacing the UPS system in the control cabinet as it was "fried". This appears to be a result of the previous generator work that was done. This part is on order and should be arriving soon. The smaller items on the list consist of replacing a pressure gauge, fixing a leak, etc... Mr. Carmasine presented a monetized list with values for discussion.

Mr. Ohl said one of the items at the top of the list, the painting of the valves to match the piping, this item is the responsibility of the subcontractor, which is covered and owned by them in the contract. Winston Builders issued a directive to the painting subcontractor a week or two ago to complete this task. There was some pushback from the painting subcontractor and this remains unresolved as of today.

Chairman Loring asked with this small list of items on the punchlist, what he recommended. Mr. Ohl stated, he is in receipt of pay requisition #18, which consists of reducing the retainage from 5% to .5%. This would equate to \$37,397 left for retainage. He added, this does not include the additional change orders that were recently approved for both the roof trim and the electric heater in the chemical feed facility. Chairman Loring asked about the pipe discharge issue. Mr. Ohl stated, regarding the trench drain, Winston Builders did the work according to design. However, realizing it was flawed, a change order was created for approximately 47K. Subsequently, after having discussions with Chris and re-evaluating a solution, a new proposal is being priced by the contractor which should be more cost effective. Mr. Ohl estimates it should be somewhere between 10-15K. That would be a change order and outside the retainage.

Commissioner Kostka asked if Mr. Ohl felt confident there would be no further added expenses. Mr. Ohl stated he feels much more confident now with the bigger ticket items resolved i.e. the dehumidifier running as designed. Chairman Loring stated, it's just the percentage that concerns him as it may leave us with very little should something else come up. Discussion continued regarding the remaining retainage and concern about reducing it so much with a punchlist left to complete.

Chairman Loring stated his concern is the reduction. He said it seems to cut it very tight and he feels Winston wants to jettison the plant as completed when, in fact, there are still unresolved issues that need to be addressed. Mr. Ohl told the Board there was no payment request before them this evening. Chairman Loring said he is not arguing that we owe them money. He wants to make sure we are protecting the Kingston Water Department for the future. Commissioner Kostka asked Mr. Ohl if he feels Winston Builders has been responsive and cooperative throughout this process. Mr. Ohl referred him to the letter Winston Builders sent that is in the packet. Commissioner Kostka responded, that's why I asked the question and I appreciate your response in your draft response letter. He feels Winston Builders is asking for a lot to reduce the retainage to .5% and it is risky to reduce it as such. Mr. Ohl said it would be less efficient and likely more expensive if Winston Builders were to walk away and you would have to find another unrelated contractor. Discussion continued regarding the claims made in the Winston Builder letter and the counterpoints in response.

Ms. Berger added, we don't know if the repairs to Lagoon 2 are the same as in Lagoon 1; it could be a much different number than the 5k that is noted on the punchlist.

Vice Chairman Erlandsen asked Mr. Ohl if this is his recommendation to reduce the retainage. Mr. Ohl responded, it is my recommendation. However, it's the Board's vote and we can return to this at the next meeting. Commissioner Kostka said he feels these are all relatively minor problems that need to be addressed.

Mr. Ohl suggested revisiting this in two weeks to discuss payment. He reviewed a letter received from Winston Builders and their issues with not being paid and the continuance of the insurance remaining their responsibility. Mr. Ohl presented the history of the opening of the treatment plant back in late June, the issues that needed to be resolved and the issuance of the occupancy permit dated August 8, 2022. His suggestion is to issue the certificate of substantial completion with an effective date of 8/8/22, specifically excluding the punchlist items as they are not complete as of that date. That date starts the one year warranty period for whatever is in. The date of substantial completion also transfers the operation and utilities from the contractor to the town. We can give an estimated issue date based on when this can be covered by the insurance under the Town. Ms. Smith added, she was in discussion today with MIIA, the town's insurance provider, and they are in need of the occupancy permit, which we have, and the total building value and equipment/contents limit. Once provided, she stated she believed the building could be added to the town's policy immediately. Mr. Ohl stated he would be able to provide that information to Ms. Smith based on the contractors' pay requests.

Chairman Loring reiterated his reluctance to agree to issue the Certificate of Substantial Completion. Mr. Ohl added, from a construction standpoint, the certificate represents the benefit of use for the intended purpose. Ms. Berger stated, this is not unlike the list that was left remaining at Trackle Pond when that plant was constructed. She suggested we continue to stress the urgency to complete the punchlist. Discussion continued regarding the issuance of the certificate. Commissioner Kostka said it's not their intent to hold them up, but these punchlist items need to be addressed. It seems manageable to complete by our next meeting.

Vice Chairman Erlandsen asked if it sometimes happens that the contractor doesn't see the punchlist as worth their time, so they'll let 30 days expire, before addressing the punchlist, to make this an issue. Mr. Ohl said that's always a possibility. That's why you always make sure to hold enough retainage to keep their interest. Chairman Loring asked Mr. Ohl to share the Board's comments with Winston Builders so this can be resolved, hopefully, by the end of September.

Mr. Ohl stated regarding the request to Mass DEP to operate the treatment plant remotely. He has reached out for follow-up as he has not received a response as of yet. He said this should be a relatively straight forward issue due to Trackle Pond Treatment Plant running remotely.

KRISTEN BERGER, RESILIENT CE RE: OPM UPDATES ON GRASSY HOLE/I-86 TREATMENT PLANT

Ms. Berger presented pictures of display boards for both plants and the treatment process. Commissioner Kostka said this was an excellent display of the treatment process. He suggested we have copies of each to have available at the next town meeting. The pictures will be on 2 x 3 foot plastic boards and she will have 3 boards made of each of the pictures. Commissioner Kostka recommended we have copies available at the office, maybe 50-100, for residents should they have questions. Ms. Smith said it can be added to the website as well. Ms. Berger says the pictures of the two plants are very similar. Commissioner Kostka said that's a good thing because we didn't have to spend a lot of money on re-design work. We had a design that worked and we replicated it to fit our needs at the new site. Ms. Berger said she would send to print 50-100 of the 8.5 x 11 for handouts and three posters of each picture. Commissioner Kostka asked if we could place these at Town Hall with the permission of the Town Administrator. Ms. Smith said she would ask but she didn't think it would be a problem.

Ms. Berger stated the most recent SRF request was submitted to MassDEP about three weeks ago. She has yet to hear from the Town Treasurer if the money has been received, but she assumes it may just be delayed on the States end due to vacation schedules. She reminded Mr. Ohl and Mr Carmasine that any change orders or amendements require an SRF approval.

WATER SUPERINTENDENT DEPARTMENTAL UPDATE:

SEPTEMBER BILLS HAVE BEEN PROCESSED AND SENT TO THE COLLECTOR FOR BILLING

Water bills have been processed and should be out for delivery shortly.

UPDATE ON TOWN SERVICE LEAKS.

Superintendent Veracka said we are making progress on the service leaks in town. We have two leaks left to repair, one on Ocean Hill Drive and one on Winter Street.

He added, regarding the service installation at 11 Kingston Street, he and the foreman both went out last week to meet with the property owner to discuss the plan and resolve some discrepancies that were discovered in the plans. This service installation is on schedule to be done Friday, September 16th. Commissioner Kostka said he left the last meeting feeling rather discouraged about the service leak situation. Superintendent Veracka said yes, it's been a tough summer.

INQUIRY FROM ATTY SANDMAN REGARDING ANY INTEREST IN RETAINING HIS FIRM FOR LITIGATION REGARDING PFAS CLASS ACTION LAWSUIT

Superintendent Veracka stated he received a phone message from Atty Sandman inquiring if there was any interest in joining a class action lawsuit regarding PFAS results. Superintendent Veracka added, our preliminary PFAS results were low to minimal results. This is most likely related to the oil leak years ago near the Winthrop Street well which has been off and is not utilized. Chairman Loring recommended Superintendent Veracka speak with Town Counsel and the Town Administrator to see how they feel about the idea. Commissioner Kostka said, at this juncture, he would be disinclined to join any class action suit. Vice Chairman Erlandsen said if it's a class action lawsuit, then there must be a source identified and he wondered if it even affects us. Commissioner Kostka asked if this was just a general solicitation by the attorney. Superintendent Veracka said he believed that to be that case.

WHISTLER LANE PAVING UPDATE

Superintendent Veracka stated Plymouth County Paving would be out to Whistler Lane on Thursday to remove the damaged asphalt, re-grade and pave from the damage caused by the water main break back in December. He stated the residents have been notified and made aware of the planned work. The residents have been very patient considering their road has been mainly dirt and gravel since the break.

In other work, Superintendent Veracka said they repaired a leak on Winslow Road earlier this week. As a result, dewatering had to be done and residual dirt and soil particulate was left behind. A neighbor has called the water department to complain twice about the residual dirt; the water department responded, went out there and cleared up what they could. However, there's not much more that can be done. Chairman Loring suggested perhaps requesting the

street sweeper from the highway department. He stated that may help resolve the issue.

Superintendent Veracka said related to the filter addition at Trackle Pond, concrete was left behind, near the gate, and he was told by Winston Builders it would be picked up. It is still out there. He asked Mr. Carmasine if he could follow up with Winston Builders. Mr. Carmasine responded he would add it to the list.

In other matters, Superintendent Veracka said he met with the Town Administrator for the bid openings for the Engineering RFP.

There have been no inside or outside applicants for the position of Pump Operator. Superintendent Veracka stated he would have Human Resources post the position as an entry level Water Repairman. He expects this will be posted on Monday. It will be simultaneously posted both internally and externally; however, internal candidates have five days to respond before we can look at external candidates.

Chairman Loring asked if there was any response from the Kelleher Estate. Superintendent Veracka said he has placed multiple calls to the estate executor but has received no response. Commissioner Kostka suggested he continue to reach out. He is very concerned now with more residents being added to the system, that we may be dead in the water with no additional well. Superintendent Veracka said he has been tracking the frequency of the calls to the estate. Chairman Loring recommended he keep the Town Administrator aware as well. Commissioner Kostka said it's been nearly 10 months since we asked the voters at a special town meeting to consider eminent domain of the property. Discussion continued. Mr. Ohl suggested perhaps a certified letter sent from Town Counsel may open discussion and establish formal record of contact. Commissioner Kostka told Superintendent Veracka to speak with Town Counsel and the Town Administrator about that possibility. He went on to say, it's important we get "our ducks in a row".

NEW BUSINESS:

LETTER DATED 8/25/22 FROM KINGSTON CONSERVATION TO RESIDENTS OF RABOTH, SMELT POND AND MILLS HILL ROAD

RE: INVASIVE SPECIES ERADICATION AT SMELT POND

No action or conversation took place. Information only.

EMAIL FROM TOWN PLANNER, VALERIE MASSARD RE: PLANS FOR CUSHMAN FARMS LLC SITE ELIGIBILITY APPLICATION FOR 40B

Superintendent Veracka referred to the plans in the meeting packets regarding a proposed 40B development, called Cushman Farms. These are preliminary plans consisting of 3 3-story buildings consisting of 162 residential units. Superintendent Veracka went into detail regarding conversations he had with the Town Planner, Valerie Massard regarding setbacks, the MBTA, abutter concerns and easements.

Superintendent Veracka stated there are no water requests or consumption demand proposals at this time.

Commissioner Kostka asked about Copper Beech Drive and if that would be opened up to handle the traffic. Superintendent Veracka stated the abutters are looking for the documentation that would substantiate their claim that it was never to be opened up. Chairman Loring said, forgetting about the traffic, Copper Beech Drive was voted at a town meeting many years ago to be closed off. Our concern is whether or not we can supply water. He added, there is not much water pressure in that area. When we start adding hundreds of multiple units, until we know what the actual consumption demand at the mall apartments is going to be, we will be shooting ourselves in the foot. Discussion continued regarding water pressure and possible future needs of the water department, such as a water tank and a new well to accommodate these demands.

Superintendent Veracka added, CEI will be performing three hydrant flow tests tomorrow at the following locations: Wapping Road for Caton Connectors, Marion Drive for the DeMar property and Monk's Hill Road for the Trammel Crow proposed development. He said the only one which will run off the high zone is the Marion Drive property. The remaining two will be run off the low zone. He added, we received an inquiry regarding the old Carol property on Maple Avenue and what the fire flow is at that property. Superintendent Veracka believes the inquiry is regarding a sprinkler

system for fire protection and its requirements.

ENGINEERING RFP UPDATE - REVIEW OF PROPOSALS RECEIVED. THE DEADLINE WAS SEPT 7, 2022 AT 2PM.

No action taken. To be continued on next meeting agenda.

UNFINISHED BUSINESS:

1 TREMONT ST/163 SUMMER ST PROJECT - BROWN BUILT CONSTRUCTION

No action or discussion. Further review by CEI, Inc required.

WATER CORRESPONDENCE FROM LAST MEETING:

BUSINESS OF WATER QUALITY REVIEW COMMITTEE:

NEXT REGULAR MEETING:

SEPTEMBER 27, 2022 AT 4:30 PM

ADJOURNMENT OF OPEN SESSION:

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

The meeting adjourned at 5:23pm.

ZOOM INFORMATION

TOPIC: BOARD OF WATER COMMISSIONERS

TIME: SEP 13, 2022 04:30 PM EASTERN TIME (US AND CANADA)

JOIN ZOOM MEETING

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MEETING ID: 869 8818 8780

PASSCODE: 211027

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DIAL BY YOUR LOCATION

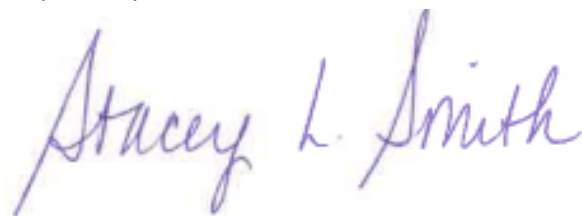
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Respectfully submitted,



Stacey L. Smith

Clerk to the Board of Water Commissioners