



TOWN OF KINGSTON
BOARD OF WATER COMMISSIONERS
OPEN SESSION
WATER DEPT OFFICE - 22 ELM ST, MICHAEL J.
MACPHERSON MEETING ROOM & VIA ZOOM
JULY 22, 2025

3:45 PM – CALL TO ORDER

Chairman Erlandsen called the meeting to order at 3:45pm.

In attendance were Commissioner Loring, Superintendent Chris Veracka, Clerk Stacey Smith, Town Administrator Keith Hickey, Katie Sestito of New England Villages.

Attending via ZOOM was Kristen Berger of Resilient CE, Town Counsel Matt Provencher, Town Planner Valerie Massard, Town Accountant Kathleen Barrett, Sewer Department Administrator, Jeanne Dunn and resident Glenn Priolo.

APPROVAL OF DEPARTMENT BILL SCHEDULES:

MEETING MINUTES:

VOTE TO APPROVE THE MINUTES OF ~~JUNE 24, 2025~~ – *JULY 8, 2025

The minutes were placed on hold until a full board is present as Commissioner Loring was not at the meeting of July 8, 2025.

REQUEST FROM KATIE SESTITO OF NEW ENGLAND VILLAGE, INC TO OPERATE A CAR WASH AT THE END OF AUGUST.

Chairman Erlandsen took Ms. Sestito out of order on the agenda. Ms. Sestito represents New England Villages, an independent adult day program for individuals with developmental disabilities. She stated many of these individuals will never be able to enter the workforce. She is presenting before the board to ask if New England Villages could operate a one-day car wash. She stated this has been a dream for many of the individuals in the program who, if they had different circumstances in life, would engage in social activities, work with cars, and/or volunteer in the community. She stated it would be a one-day event with a maximum of nine cars, due to time constraints. She's looking at a total of 90 minutes for the car wash and an average of 4 min per vehicle.

Commissioner Loring said he saw no reason not to approve this carwash. Chairman Erlandsen agreed and stated this more than meets the criteria for such an event. Commissioner Loring made the motion to approve a one-day car wash for New England Villages. Chairman Erlandsen seconded the motion, and it was voted on unanimously (2-0-0).

APPOINTMENTS:

KRISTEN BERGER, RESILIENT CE RE: ENGINEERING UPDATES

MAIN STREET WATER MAIN PROJECT - CLOSEOUT UPDATES (IF ANY)

Ms. Berger stated the punchlist is still waiting to be completed. CC Construction is coordinating with the state on their sidewalk project to avoid any conflict. Ms. Berger said regarding the project cost update, the same contingency amount remains from the last meeting, except for one police detail that was recently submitted.

NEW WELL PROJECT - TRACKLE POND WELL #2, KLEINFELDER UPDATE (IF ANY)

Kleinfelder is finalizing the WS-17 permit application. That is a request to Mass DEP for the site examination. Ms. Berger stated Kleinfelder is also moving forward with the access road survey for the alternative C route, which was the shortest route defined.

Ms. Berger stated a draft for the PEF (Project Evaluation Form) which is the interest submittal form for SRF funding has been updated with her comments and is due July 25, 2025.

Commissioner Loring stated he read the minutes from the previous meeting, and it appears Kleinfelder is moving forward at a good pace. Ms. Berger added, the southeast region of Mass DEP has been very responsive in recent years

with turn around. They understand this is a high priority project and she believes they will turn it around as quickly as they can.

Town Administrator Keith Hickey asked, from the audience, if it was at all possible to present a warrant article for the construction of the well. Commissioner Loring responded, in his opinion, he does not believe Kleinfelder is far enough along to put together a cost for construction.

3:53 pm, resident Mark Guidoboni entered the meeting room.

WATER SUPERINTENDENT DEPARTMENTAL UPDATE:

CHEMICAL CONTRACT UPDATE

Superintendent Veracka stated he is still working on the chemical contracts. He asked Town Administrator Hickey if he could add anything on that subject. Mr. Hickey stated he is awaiting a certificate of insurance from one vendor. Discussion continued regarding chemical supplies due to the delay.

NEW KWD TRUCK UPDATE

Superintendent Veracka stated the new truck had been ordered. Delivery is expected to be delivered within 1-2 months.

INSPIRE KINGSTON PRESCHOOL, 24 MAIN ST RE: LEAD TESTING

Superintendent Veracka stated Inspire Preschool had a lead concern last week. They had a private testing company affiliated with UMass come out to the school and take some samples. Those samples came back with abnormal results. The preschool contacted the KWD out of concern and alarm.

KWD responded and took samples on Friday, July 18, 2025. Results are expected to come back within 1-2 weeks.

Commissioner Loring asked if any samples in any part of town have returned with lead results. Superintendent Veracka stated, no. Discussion continued regarding sampling protocols. Commissioner Erlandsen asked if Superintendent Veracka followed up with the original testing company. Superintendent Veracka stated he spoke with the individual who took the original samples. Superintendent Veracka stated he was unsure about the collection methods taken by the original company. Commissioner Erlandsen asked how this company got out to the school in the first place. Superintendent Veracka stated it sounded as if it was a solicitation as part of a grant program.

NEW BUSINESS:

ABATEMENT REQUEST FROM 36A COLE ST, A RE: SUBSEQUENT ABATEMENT FOR JUNE BILL AS LEAK REPAIR WAS DONE IN MID-APRIL

Ms. Smith presented the abatement request and reviewed the situation and the previous abatement made prior. This abatement is subsequent to the March bill abatement as the repair of the shower leak happened mid-billing cycle for the June bills. Ms. Smith told the Board, at the time, there would be another request with the plumbing repairs submitted. This is that request.

Chairman Erlandsen made the motion to abate the total gallon consumption at the lowest tiered rate. Commissioner Loring seconded the motion, and it was voted on unanimously (2-0-0).

DISCUSSION REGARDING MASS DEP AND THE MORATORIUM

Chairman Robert Erlandsen stated he spoke with Jim McLaughlin at Mass DEP inquiring about a response to our request to pump both Grassy Hole and I86 at the same time. Mr. McLaughlin indicated the concern of Mass DEP is the unaccounted-for water usage. He stated he would like to sit down to review processes and give assistance in that area.

Commissioner Loring stated it's always been the position of the Board to have a paper tracking system and until we hear in writing, in response to our request, anything else is considered hearsay. He stated the moratorium was voted based on the expertise and facts provided by our engineer. Commissioner Loring stated we had a sewer commissioner come here and say they're in need of money, and we are the reason. He went on to review the history of the sewer phases in town and the point that the sewer commission omitted approximately 100 homes from the sewer system. He added, so

for the sewer commissioner to say we stopped growth in the town, this board understood the moratorium would limit development, but it was done to protect the residents. He said to suggest that we lift the moratorium and place a total ban on outside watering and be able to police it ourselves is short-sighted. Commissioner Loring stated he is not against lifting the moratorium, but he is against doing so without a solid plan, funding for the new well and a construction contract. He added, for more than 40 years he's been a commissioner, he's seen the construction of three major capacity wells, two treatment plants, and two tanks. For anyone to suggest that any one of us is against the growth of this town is an insult to him.

Chairman Erlandsen stated, Mr. McLaughlin's goal is to discuss water usage and unaccounted-for water, not the moratorium. Chairman Erlandsen said he feels the decision to vote on the moratorium was made without enough information. He feels the moratorium was too restrictive. Chairman Erlandsen stated he got the impression from Jim McLaughlin that by sitting down with Mass DEP that a consent order may put us on a fast track for funding. He asked Ms. Berger her thoughts on that.

Ms. Berger stated that in general, the Southeast Region of Mass DEP is good about turning around permit review. Regarding funding, she stated an enforcement order could give you additional points in scoring. She told the board well projects are scored at a base of 400 and the PFAS projects are scored with a base of 500 points, so those projects will get the priority.

Commissioner Loring stated we used Kristen's expertise and knowledge of the system. We currently have ongoing litigation stemming from this moratorium. We understood the ramifications but did it to protect the residents. He made a motion to have a roundtable discussion with Jim McLaughlin at Mass DEP and that the Board put off any discussion until a meeting with Mass DEP has occurred. Chairman Erlandsen stated he wouldn't second the motion because as he understands it, the letter we will receive from Mass DEP within a week will demand such. Commissioner Loring stated he would make a motion to wait until we receive the Mass DEP notification and have meeting with Mass DEP before taking a vote to lift the moratorium.

4:10pm Vice Chairman Kostka joined the meeting via ZOOM from his vehicle. Vice Chairman Kostka said he thought Chairman Erlandsen had already met with Mr. McLaughlin. Chairman Erlandsen updated Vice Chairman Kostka on the discussion that had been ongoing prior to him joining the meeting. Vice Chairman Kostka stated he is not leaning on continuing the moratorium.

Superintendent Veracka stated the moratorium was put in place with research and guidance from our engineer. He stated he is disappointed he has been kept in the dark with these sidebar discussions with Mass DEP and finds it very offensive. He went on to say that he is the one watching the tank trends when all the wells are running and the tank levels drop to low level alarms, and then it takes a considerable amount of time for those wells to recover. During that time, the concern is if there is a fire emergency requiring a large amount of water or a breach resulting in a large amount of water loss puts the town in jeopardy. If this moratorium is lifted, we will have large-scale projects using a lot of water wasted that we don't have now to fill, chlorinate and flush water mains. Superintendent Veracka stated the tank trends keep him up at night concerned if there will be enough water in the morning for the areas in the high zone to have water come out of their faucets as expected.

Town Counsel Matt Provencher offered some comments. He stated that related to water supply and capacity issue, the town is involved in ongoing litigation regarding a 40B development in an appeal to a ZBA decision. The water supply is a critical issue in this litigation. Any discussion specific to his opinions and expertise relative to the litigation is appropriate in executive session. However, with regard to this discussion, he may be able to answer questions regarding Mass DEP.

Vice Chairman Kostka stated more information has come out since the moratorium was voted. The information we have now, in his opinion, buffers the issues we had prior to that. Vice Chairman Kostka went on to say the likelihood of a catastrophic event resulting in Trackle Pond being offline for a period of time is unlikely, but if it occurred, we would have to address the public with a complete water ban and start policing and issuing enforcement. If nothing happens to Trackle Pond, and we lift the moratorium, it gives the Town of Kingston an opportunity to increase its tax base, and it would bail the sewer commission out of a problem we created by implementing the moratorium. Kingston Water is

creating a problem for the town and the water department's credibility. He added, he feels it's not the water department's responsibility to prohibit growth and our job is to work with the other departments in town to create the best situation for Kingston. Vice Chairman Kostka referenced the new information is the effluent that is drinking water quality to be deposited near Smelt Pond with the newest sewer leaching field.

Superintendent Veracka stated he's not privileged to any new information as superintendent, and he takes offense to that. He stated the issue isn't just if Trackle Pond goes down. He went on to say if we lost South Street or Grassy Hole that would be detrimental to the town.

Vice Chairman Kostka stated the sewer department stated 350K gallons of clean effluent will recharge into Smelt Pond once that new leaching field is utilized was shared at the last meeting.

Superintendent Veracka responded we didn't cause the sewer department's current financial situation. Regarding the new leaching field, that effluent benefit only exists when the leaching field is turned on and the leaching fields are rotated so it's not a daily 350K gallons being recharged into Smelt Pond.

Town Counsel Matt Provencher added, if the moratorium is lifted, there is no current issue with restarting water service connection permits. He said, based on the information Ms. Berger provided the town is not in a position to be compliant with state regulation. The guidelines are enforceable against the Town through Chapter 111 under both Public Health and Mass DEP. The issue is straightforward: the unaccounted for water and other recoverable amounts is not sufficient to make up the difference of what the town's required maximum daily demand metric is and how much is pumping to satisfy with the largest well source offline. He said, regarding what Mass DEP may do, without anything in writing, he cannot advise the board to rely on anything said in a conversation regarding any enforcement.

Commissioner Loring agreed and stated that it goes back to his original motion to not make any decision until Mass DEP provides something in writing to the Kingston Water Department. Chairman Erlandsen stated he believes there is a manageable amount of risk if the moratorium is lifted.

Vice Chairman Kostka asked Town Counsel, what other towns have had moratoriums, and how have they impacted those communities? Atty. Provencher responded he did not have that specific information. However, based on expert testimony in the current case, an expert stated a couple of towns in his 30-year career have done something similar, where a town had a rapid rise of growth and needed time to develop a new source or pursue another avenue to obtain more water. Atty. Provencher added, the town will have limited latitude in granting water services and the availability will apply to everyone, both subsidized and unsubsidized housing. Atty Provencher referenced Ms. Berger's report where it was documented the actual water demand has exceeded the projected water demand. Vice Chairman Kostka believes the risk is small compared to the potential increase of the tax base if they vote to remove the moratorium.

Commissioner Loring asked what commercial development are we holding up? He said, when speaking about the 3A corridor there is one property, to his knowledge, formerly known as Benea Block. He said the mall and the apartments are already hooked up to both water and sewer. He said there is the potential for Town & Country Estates to tie into sewer, but that has been in planning for years. Commissioner Loring stated he wants something in writing from DEP before voting to lift the moratorium.

Vice Chairman Kostka stated the redevelopment of the mall is one of the potential proposals. They will require more water and possibly need larger diameter pipes installed.

Superintendent Veracka asked if Town Administrator Keith Hickey could respond to commercial development projects before the town. Mr. Hickey stated there has been interest, but nothing specific. He said many developers have come with interest but once they learn of the moratorium, they walk away.

Mr. Hickey referenced the car wash project on Main Street and the redevelopment of the mall projects. He stated a major player for the mall has stated they will need more water. Discussion regarding future development and the needs required. Lengthy discussion took place regarding high usage at the mall and the apartments. Mr. Hickey stated a conversation should take place with Mass DEP so they could review the data and determine if the moratorium was applied properly. He feels they are hesitant to do so. Mr. Hickey warned that FY27 is going to be very ugly when it comes to the town's financial picture and any conversation that can take place where there is water that be recovered

and utilized, he implored the board to do so. Commissioner Loring stated that is all he's asking to do is to have that conversation or at least receive something in writing from Mass DEP before lifting the moratorium.

Vice Chairman Kostka asked what the prospects are that Mass DEP would offer an opinion on the moratorium. His sense is they will stay out of it. Mr. Hickey says his impression is Mass DEP will not make a policy decision on the moratorium and this is why he's asked and made comments to, that the analysis be reviewed and determined if it was applied properly according to best practice. Superintendent Veracka asked Mr. Hickey if he's had conversations with Mass DEP. Mr. Hickey stated he has not had conversations with Mass DEP. Superintendent Veracka stated from what Mr. Hickey was saying it sounded as if he had and was asking for clarification.

Chairman Erlandsen stated he feels any conversation with Mass DEP will lead to the suggestive steps in between having water and having a moratorium. He believes those steps in between are what need to be utilized and that this moratorium has been more of a hindrance than a help.

Mr. Hickey asked Ms. Berger for her thoughts on the memo written by CDM, the sewer engineer, to Mass DEP. Ms. Berger stated they discussed similar findings that she had. However, they suggested Grassy Hole and I-86 could pump concurrently. The Mass DEP permit prohibits that. The board decided they did not want to pump those wells concurrently due to the potential environmental impact. Mass DEP would have required environmental monitoring for at least 1 year pumping them separately to acquire a baseline. Once the baseline is established, then continued monitoring would need to be done while pumping the wells concurrently for at least one year. She added, CDM was saying that Mass DEP would allow KWD to pump concurrently in an emergency. KWD has nothing in writing from Mass DEP stating that would be the case. She said, Mass DEP would need to provide guidance on that and any regulatory repercussions would be.

Vice Chairman Kostka made the motion to defer any vote on the moratorium until the next meeting. Commissioner Loring seconded the motion, and it was voted unanimously (3-0-0).

UNFINISHED BUSINESS:

NONE

WATER CORRESPONDENCE FROM LAST MEETING:

NONE

BUSINESS OF WATER QUALITY REVIEW COMMITTEE:

NONE

NEXT REGULAR MEETING:

AUGUST 12, 2025 AT 3:45PM

ADJOURNMENT OF OPEN SESSION:

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

The meeting adjourned at 5:10pm.

ZOOM INFORMATION

TOPIC: BOARD OF WATER COMMISSIONERS

TIME: THIS IS A RECURRING MEETING

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Respectfully submitted,



Stacey L. Smith
Clerk