

**Board of Public Works
Meeting Minutes**

Date: October 5, 2020

Time: 6:00 p.m.

Place: Town Hall

Hearing Room 3 Zoom Meeting

In attendance for all or part of the meeting were the following:

John Cusick	Chairman
Dave Carriere	Vice Chairman
Robert Shaughnessy	Member
Shawn Patterson	Superintendent
Rod Procaccino	Town Engineer
Paul Tomkavage	Project Manager/Engineer
Dan Bowen	Business Manager
Ann Marie Sacchetti	Board of Public Works Secretary

The meeting convened at 6:03 p.m.

John Cusick **motioned** to open the meeting and reviewed the agenda which included action items, items for discussion, Executive session and Superintendent's report. John would like to address Executive session at the beginning of the meeting and would return to Open session.

Seconded by Dave Carriere.

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

At this point the Board of Public Works adjourned to enter into Executive session: Negotiation & Vote for Interim Superintendent Contract. They would return to Open session.

Board members returned to Open session. Dave announced that Shawn Patterson is officially the Superintendent of the Department of Public Works.

I. Action Items

i. Approval of Meeting Minutes for: August 10 & August 24, 2020

MOTION: John Cusick motioned to approve meeting minutes of August 10, 2020.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

MOTION: John Cusick motioned to accept meeting minutes of August 24, 2020.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes
Unanimous

**Robert Shaughnessy was not present for this meeting therefore did not vote*

ii. Contracts for Salt & Sand

Board members reviewed the contracts.

MOTION: John Cusick motioned that the Board of Public Works accept the lowest bid to Morton Salt, Inc. for the Salt contract at \$45.45 per ton.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes

Unanimous

MOTION: John Cusick motioned that the Board of Public Works accept the bid from G. Lopes Construction, Inc. for the Sand contract at \$16.88 per ton.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes

Unanimous

iii. Re-Vote: Order of Taking Brant Rock Seawall Easement & Shoreline Protection Easement

Rod Procaccino was present to explain the need for a re-vote. He indicated that it is necessary due to delays in final review and shall be recorded at the Registry of Deed, Plymouth, MA within 30 days of adoption.

Seawall Easement: The seawall easement required for phase 2 of the Brant Rock Seawall Reconstruction Project includes area to be taken for access, reconstruction and future maintenance of the seawall which includes 15 feet behind the seawall and approximately 15 feet to 18 feet in front of the seawall along Ocean Street; from #9 Middle Street to #21 South Street as shown on the taking plan.

MOTION: Dave Carriere motioned to rescind approval of the Order of Taking dated August 10, 2020 and to approve of the Order of Taking dated October 5, 2020 prepared by Staff and approved by Town Counsel as authorized by the Town Meeting June Article 14 of the Annual Town Meeting held on June 22, 2020 to take by Eminent Domain an easement for the purpose of access, reconstruction, and future maintenance of seawall and appurtenances as described in the Order of Taking and shown on the plan "Seawall Easement Plan, Brant Rock, Marshfield, MA" dated 3-16-2020 last revised 6-17-2020, with no damages awarded to owners listed in the Order of Taking.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes

Unanimous

Shoreline Protection Easement: The Shoreline protection easement is required to protect the shore front by allowing installation of protective barriers and/or beach nourishment and to allow public use of the beach. The public access designation qualifies the Town for Federal and State funding for future projects. The shoreline protection easement to be taken by Eminent Domain extends from the seawall to the mean low water line as shown on the taking plan along the seawall from #9 Middle Street to #21 South Street.

MOTION: John Cusick motioned to rescind approval of the Order of Taking dated August 10, 2020 and to approve of the Order of Taking dated October 5, 2020 as authorized by the Town Meeting under Article 13 of the Annual Town Meeting held on June 22, 2020 to take by Eminent Domain an easement to protect the shore front and to allow public use of the beach between the mean low tide line and the seawall as described in the Order of Taking and shown on the plan "Shoreline Protection Easement Plan Brant Rock, Marshfield, MA" dated 3-16-2020 last revised 6-17-2020, with no land damages to owners listed in the Order of Taking.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

iv. Contract 2020-15 Change Order/Emergency Revetment Repair to Ocean Bluff Area

Rod Procaccino explained the need for the change order. He indicated there are a number of areas on the revetment protected slope along Ocean Street from Shephards Ave. to Massasoit Ave. that require immediate attention. The Town is currently under contract with Northern Construction Services LLC To repair the Bay Ave. Seawall between house #70 and #76. That work is substantially complete. Staff is requesting authorization to have Northern Construction conduct temporary emergency repairs to Ocean Bluff revetment within the next month. The Conservation Commission will require an emergency certification be requested by the DPW. This work is subject to the weather and will be conducted during low tide.

MOTION: Dave Carriere motioned to authorize Change Order No. 2 Contract 2020-15 with Northern Construction Services LLC to conduct emergency revetment repairs to stabilize accessible areas of failed sections of the revetment slope along Ocean Bluff on a time and material basis for an amount not to exceed \$100,000 and the Chairman or designee will sign the change order when the documents are prepared.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

v. Contract 2020-20 Change Order (s) (Supplemental Agreement) Construction
Marshfield Senior Center Phase 3 Recreational Amenities

Rod Procaccino addressed the contract agreements: Project Status; The project in near completion. The DPW Engineering Division has performed general oversight to the project in conjunction with Senior Center Director Carol Hamilton. The following amendments have been authorized by the Director and Town Administrator and will require formal adoption by the BPW the Town's Representative as Contractual Owner. This additional work is being funded by the CPC approved project for work included in Supplemental Agreements 1 through 3 and with Council on Aging budget funds for work specified in Supplemental Agreements 4.

Supplemental Agreement No. 1: consists of additional drainage, pavement and concrete work related to moving the location of the speed table, additional work associated with replacing two utility poles, removal and replacement of existing steel guard rail with wood guardrail on upper parking lot and installation of irrigation system for new grass areas. Supplemental Agreement No. 2: Consists of installation of drainage drywell in low area within grass pavilion and installation of sod in lieu of seeding grass 25,000SF. Supplemental Agreement No. 3: consists of furnishing and installation of batting cage, additional irrigation along walking path, installation of Bocce court, installation of 11 concrete pads for additional benches. Supplemental Agreement No. 4: consists of furnishing and installation of outdoor exercise equipment, including cross country ski, Recumbent Bike, elliptical cross trainer. Also included: extend contract completion date from October 1, 2020 to October 30, 2020 with no liquidated damages paid by the contractor or cost incurred to the Town.

MOTION: Dave Carriere motioned to authorize Supplemental Agreements No. 1 through 4 to Contract 2020-20 with Ronald A. Marini, Corp., Newton, MA in the amount of \$118,300.68 and extend the contract completion date to October 30, 2020 with no liquidated damages paid to the Town or additional costs incurred by the Town, and authorize the Chairman or designee to sign the Supplemental Agreements when the documents are prepared.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

II. Discussion

i. Ocean Bluff Association Revetment Study Update

Rod Procaccino gave an extensive update. Residents from the Ocean Bluff Association had zoomed into the meeting. Some had questions and comments. A resident, named Maria stated that she purchased her home in 2018 and is angry that the Town has not maintained the slope. Bob Shaughnessy stated that it has been an on-going effort for many years in the effort to obtain seawall funding. Not until the Sewall failure of 2009 on Farragut Road did the Town decide that it was time to secure funding. The BPW has consistently asked for seawall funding for years and years and was denied. As stated, not until the failure, that funding was taken seriously. Through the efforts of the previous State Representatives, Frank Hynes and James Cantwell funding was secured at the State level. Dave Carriere stated that former DPW Superintendent, Jeb DeLoach put together a plan in 2002-2004 for shorefront protection and the Town was not in support of the seawall funding he was looking to get. As previously mentioned, it took a collapse of the seawall in 2009 to get everyone's attention. With regard to the seawalls built in the 1930s and 1940s, none of the regulations we deal with today existed at that time. The construction used back then is not allowed now. In addition, a lot of shorefront protection has in fact contributed to the erosion we see today. The State has stopped certain methods. Building barriers off the coast is expensive and they also are difficult to site and permit. It is not an easy task to get done. This BPW since 2009 has been diligent about putting issues forth. Marshfield as a whole, as a Town, now has been very generous on funding seawalls. For example, the Town of Duxbury has chosen to assign betterments to residents but Marshfield has chosen not to go in that direction. We intend to continue to work to get it done and it will be funding and permit entailed needed to conduct repairs.

vi. Household Hazardous Waste Day Update

Paul Tomkavage was present and gave an update on the event. He wanted to get the sense of the Board on whether to act quickly and obtain another vendor or wait. This past spring and summer many of the hazardous events were closed. Ours has always been scheduled for September. We were fortunate to secure a State approved vendor at the last minute. The event was very heavy. There were vendor performance issues. Donna Loomis and Debbie Sullivan customarily work the event provided Paul with the update. It had to be closed early and stopped taking cars at 12:30 p.m. The company was not packed up and off site until 7:30 p.m. that evening. They left items behind on the school property which is a performance issue. The Transfer Station received many calls from unhappy citizens that could not get in the event. He has had a discussion with Shawn about the issues. The Monday after the event a former vendor contacted him (Paul) and asked if he wanted to book them right away for next year. The company is Clean Harbors. We have not used their services for the past couple of years due to their price increases. There are not many firms that do this type of work. It was frustrating to folks on the ground and at the Transfer Station. He just wanted to relay this information. It may have been anomalous due to Covid. Maybe the thing to do is to contact every certified vendor and see what their availability for next year is. He would like the sense of the Board on the issue. Shawn indicated that he would like to have a meeting with Staff to explore the process and get back to the Board with findings

ii. Abrahams Discussion of Methodology

John Cusick addressed the issue. He referred to emails put forward Bob Shaughnessy and Steve Robbins regarding updates on the meetings that took place. He stated that the methodology was

audited by Matt Abrahams who is not a CPA and is not exempt from Chapter 30B. We need to do something about the issue. He would like to see what can be done to straighten the problem out, possibly at the State level. Bob Shaughnessy agreed. Dave Carriere suggested that we should proceed is to put together a proposal and give to Town Counsel first then to whatever authority is appropriate. The idea is that we want to get to actual charges. Something this Board has unanimously wanted for some time. Getting an audit of the actual indirects is a By-Law revision which will be on the Spring Town Meeting. The By-Law (15) proposes that there is an actual vote by a majority of the Board of Public Works and the majority of the Board of Selectmen in order to authorize indirect charges and offsets for the Enterprise Accounts. Failing that, it should go to either mediation or arbitration to DOR. This will be an article for the Annual Town Meeting and a Citizens Petition Article also. Bob Shaughnessy stated that the methodology may not be perfect. We are looking for a clear and concise formula that shows the real cost of the services provided by other departments to the Enterprise Accounts on an annual basis with a Departments Head's annual explanation of the costs to the BPW. John Cusick reiterated and agreed that we need to have the audit done.

iii. Audit Discussion/Letter from Town Treasurer

John Cusick reviewed a letter from Patrick Dello Russo Jr. Treasurer/Collector as a follow up to a meeting that took place on 11-28-16. He read a portion of the first paragraph of the letter: "It is my belief that this information would be discovered by Standard & Poors, the town's bond rating agency, and result in the conclusion that there is a lack of confidence in the Town's financial position and result the lowering of our bond rating". John stated that if the figures are correct there is not a problem.

iv. Hiring of Auditors

John Cusick stated from the IG's office: Best Practices Obtaining the services of a certified public accountant (CPA) to conduct an audit of your jurisdiction or perform other accounting services is exempt from the competitive requirements of Chapter 30B. If jurisdiction uses the same CPA for many years in a row, the CPA's impartiality may be compromised. In addition, as best practice, they recommend to use a fair and open process to obtain price quotes or bids from qualified CPA's to ensure a high level of service at a favorable price.

v. Review of STM Articles

The Superintendent and Board members reviewed the DPW items as listed on page 9 of the Warrant. Shawn expressed his concerns. Dave Carriere had concern for the need of a by-pass related to the Plymouth Ave. Pump Station in case a repair is needed.

III. Superintendent's Report

Shawn first thanked Board members for their support and having the faith in him to fill Tom's shoes. He has a nice Staff around him including Jimmy, Dan, Rod and others. We will be in good shape going forward.

Shawn's updates:

New facility: painting is completed in the offices; Carpentry work is being done. Rugs and carpets will be done during the week of the 12th. There will be new flooring downstairs and new rugs upstairs. The heating and HVAC system is being upgraded which is in rough shape, getting ready to fail. Tomorrow, he and Dan will meet with the furniture group to review setup

Currently we are cleaning the floors in the garage areas, painting and insulation. Outside work includes tree cutting and clearing of drainage ditches, done by our Staff. More to come.
Early elections will be held at the new facility. Cleaning is taking place to look nice for residents.
Couch Cemetery expansion is nearing completion as far as loam and seeding down.
Plymouth Ave. & Ocean Street project is complete other than we need to mill and pave trenches.
Bartlett's Island project has begun
There are many other projects to be done

He has not heard back from the Marshfield Yacht Club.

The next meeting will be on October 19, 2020.

At this time John Cusick **motioned** to adjourn.

Seconded: by Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes Robert Shaughnessy yes
Unanimous

The open meeting of the Board of Public Works for October 5, 2020 adjourned at 7:40 p.m.

Respectfully Submitted,
Ann Marie Sacchetti,
Board of Public Works Secretary