

**Board of Public Works  
Meeting Minutes**

**Date: December 7, 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-not present
Rod Procaccino	Town Engineer
Dan Bowen	Business Manager
James Kent	Highway Foreman
Ann Marie Sacchetti	Board of Public Works Secretary

The meeting convened at 6:00 p.m.

John Cusick **motioned** to open the meeting and reviewed the agenda which included (1) appointment, action items, items for discussion and Superintendent's report.

**Seconded** by Dave Carriere.

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

**I.      Action Items:**

- i.      Approval of Meeting Minutes for: November9, 2020 – to be passed over
- ii.     PV on Fuel Station & Wheelers Pit

Dave Carriere addressed the (2) plans. Dave became aware of plans by the Marshfield Energy Committee at its meeting of November 10, 2020. During the discussion two proposed Photovoltaic (PV) installations were mentioned as being planned for a facility under the operational control of the DPW. One being the fuel island at 35 Parsonage Street and two being the sand pit off Forest Street. The fuel island at 35 Parsonage Street no longer has to be moved since the new DPW garage will be at a different location. The PV installation may have been feasible when the new DPW garage was to be located at Parsonage Street necessitating relocation of the fuel island. The sand pit off Forest Street also known as Wheeler's pit is a Zone 1 and 2 for the Furnace Brook Aquifer. As Water Commissioners for the Town we have a responsibility for this property. The Board of Public Works, as Water Commissioners, will not permit the installation of PV in this area. When the Town acquires property for water resource zones it is with the intention of excluding any potential development to protect the aquifer from contamination.

This is the first notice the BPW and DPW has had of either of these items. We should have specific notice of any plans to install PV on facilities or property that is under our authority directly from the Energy Committee or through the town Administrator.

Bob Shaughnessy indicated that in the past the Town has tried to put a dog park and ball fields at Wheeler's pit. Now they want to put PV there. At this rate we will have no water in Town. We need to

protect the land that the water is coming from. We will not allow anything that will degrade our drinking water supply.

**MOTION:** Dave Carriere motioned to not support PV in either of the locations as basically one is impracticable and the other risks contamination of our aquifer which is our most productive group of wells; 1, 2 and 4 Furnace Brook Well sites.

**Seconded:** John Cusick & Robert Shaughnessy **Unanimous**

iii. Upgrade of Plowing Rates

James Kent was present to request an increase in the rates in order to provide more incentive for the contract operators. He has reviewed the rates from adjoining towns and indicated that Marshfield is on the lower end of the rate scale.

**MOTION:** John Cusick motioned to increase and upgrade the plowing rates by 10%.

**Seconded:** Dave Carriere

**Role Call Vote:** John Cusick yes Dave Carriere yes Robert Shaughnessy yes  
**Unanimous**

**Appointment:**

**6:15 p.m.** Abatement / Ms. Regan

In a letter to the Water Department dated 10/10/20 Ms. Regan stated that she received an extremely high water bill. Upon inspection it was discovered she had an undetected water leak. Due to financial difficulties she is asking if an abatement would be considered. She indicated that currently she has paid \$600 towards the bill. After review of the issue Board members agreed to abate the Water Utility Bill. Dan Bowen stated that he would calculate a usage that comes to about \$1000.00. We will have to abate a portion of the water and sewer. The next bill will show that abatement. Penalties will be waived.

**MOTION:** Dave Carriere motioned to abate the bill of \$3014.45 to a total bill of \$1000 with \$600 already paid.

**Seconded:** John Cusick

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

**Action Item Continued:**

iv. Change Order to Contract 2020-15/Emergency Repair Dyke Road Sluiceway-Temporary Center Support for Culvert

Rod presented the Change Order. The concrete center support wall of the Dyke Road Tide gate structure that supports the Dyke Road base in in a deteriorated condition. The DPW obtained funds to conduct emergency repairs and funds became available in September 2020. The Engineering Staff received two proposals to conduct concrete repairs to the wall that exceeded the budget of \$3000K due to the extensive dewatering effort to achieve dry barrel condition in order to perform the work. The Town will seek emergency certification from the Conservation Commission to conduct the work within the next month and then later file an after the fact notice of intent if required. Staff recommends issuing a change order to existing Contract 2020-15 with Northern Construction Services LLC to

conduct bridge/culvert temporary repair work. Northern is experienced in Bridge Repair and has the most recent experience dewatering this tide gate structure on Dyke Road.

**MOTION:** Dan Bowen motioned to authorize Change Order to Contract 2020-15 in the amount not to exceed \$150,000 with Northern Construction Services LLC to furnish and install pre-engineered support structure to provide temporary support to center wall of Dyke Road tide gate structure and the Chairman or designee is authorized to 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 Amendment to Contract 2019-13/Green Harbor Tide Gate Inspection & Alternative Analysis

Rod presented the Change Order. The tide gate structure on dyke Road was found to be in deteriorated condition upon inspection in July 2019. The Towns Consultant Environmental Partners Group (EPG) identified an emergency condition that needs to be addressed immediately. The center concrete support wall that supports the culvert and road base above requires immediate repair or shoring. There sufficient funds to install temporary shoring but not enough funding to conduct permanent repairs due to the extensive dewatering efforts to achieve dry barrel condition. The town will need to file with the conservation commission and notify the Army Corp of engineers. Staff recommends amending Contract 2019-13 with EPG to conduct the permitting and submittal review based on a time and material basis.

**MOTION:** Rod Procaccino motioned to authorize Amendment No. 1 to Contract 2019-13 for engineering services for temporary support structure for the Dyke Road tide gate structure on a time and material basis for an amount not to exceed \$36,145 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**

II. **Discussion:**

i. John Cusick addressed the issue. He indicated in the past he met with Matt Abrahams in which he provided many edits regarding the newly created Enterprise Fund Indirect Cost Methodology and related calculation spreadsheet. In the end the edits were not included in the methodology. The problem is that Matt Abrahams is not a CPA. Not being a CPA there is no way we can agree to the methodology. He thinks we should start over and have a meeting with the Board of Selectmen to come to some agreement, perhaps hire a consultant that we mutually agree upon to review the issue. John stated in the calculations of the indirect charges the Town is not using the total Town budget. As a result, the percentages for the Enterprise Funds are almost doubled. He would like to see the total Town budget used for the percentage calculations for the Enterprise Accounts. Dave agrees but thinks this will fall on deaf ears which is his concern but is too difficult to change. We will proceed with the **two** Town Meeting Articles which (1) to amend By-Law 15 to have the annual audit of the Town's accounts include a detailed examination of all Enterprise Divisions accounts including the actual cost basis of all General Fund indirect charges and the basis of all Enterprise Division off set charges; (2) a New Marshfield General By-Law that establishes the requirement for indirect charges from the Town General fund that are transferred to the enterprise division budgets and the offset charges from the enterprise Divisions that are netted out against such indirect charges require a vote

annually by a majority of the Board of Selectmen and also a majority of the Board of Public works to be approved for use in the Town annual budgets.

Board members indicated that they will vote on the indirect charges at the next 1/4/20 BPW meeting. John Cusick indicated that he wants the \$256,000 which is owed to the Enterprise Accounts to be included in this year's indirects. Dan will go forward and send an email to the Collector/Treasurers regarding that request and that the BPW will plan to vote on January 4, 2021.

ii. Capital Budget of 11/16/20

Dave indicated that he sat in on the Capital Budget meeting along with Staff, Dan Bowen, Town Administrator and the Treasurer/Collector were also in attendance. We were presented with a letter from the BOS dated November 25, 2020. The letter was a follow up on the discussion that the BOS had on Monday night regarding the utility rates, Enterprise funds and the setting of the Town's annual tax rate. The letter implied that there is a potential issue regarding the utility rates. Included in their context among many others things, they are looking to secure a process by which the DPW Staff will work with the Finance Director/Treasurer/ Collector and the Town Administrator prior to setting any rates. The Board of Public Works responded accordingly to each issue presented in their letter. Notably, Paragraph 3: "the subsequent statements regarding the Town fiduciary concerns, at no time have the Enterprise Divisions been in a financial situation that caused such issues except when a prior Town Accountant misallocated Water and Sewer revenues to retained earnings, or double charged indirects as was done in that persons first year working for the Town, or an interim Treasurer/Collector failed to process utility bill payments for the Enterprise Divisions." I

"In conclusion, the Board of Public Works and the Department of Public Works will work with the Treasurer Collector and we are sure he will do the same with us."

Final paragraph of the letter to BOS: "It is our recommendation (BPW) that we revise the warrant presentation for Enterprise Budgets to again reflect that the amount of retained earnings to be used for rate subsidy is stated and that the adequacy of that budgeted item be reviewed and adjustments covered in the Spring STM Warrant. This will assure the reasons for any additional transfers are clearly explained o the DOR and to our citizens."

This response letter will be provided to each Selectman, Town Administrator and Finance Director/Treasurer/Collector.

Dave stated this letter from us is a reasonable response that covers most of the points they are trying to make. Another note: we had a Consultant a year ago (a professional) to discuss setting rates and on our budget. They are welcome to sit in during these discussions.

Bob Shaughnessy stated that he was totally shocked when he saw the letter. We have been running a tight ship. They change the rules, and then call "us" irresponsible.

iii. Spring STM & ATM Articles

There are two (2) articles that will be included in the Spring STM & ATM. (1) Marshfield General By-Law No. 15 Amendment, as it relates to auditing (2) New Marshfield General By-Law as it relates to indirect charges. Dave Carriere read aloud each article. Please note these will be Citizen Petition Articles.

iv. Mayflower/Country Way Drainage Problems

John Cusick addressed the issue. Jimmy Kent was present and indicated that there is an engineering consultant working on a design for that problem. He is not sure when that will be ready. It has been a problem in that neighborhood for so long.

#### IV. Superintendent's Report

In the absence of Shawn, Jimmy Kent gave an update.

Work is progressing moving from one location to another

Plows being ready for winter weather

Dave gave input on 965 Plain Street:

Electrical services done; we are waiting for Eversource

Dan has done a yeoman's job regarding furniture

New Hydraulic Lift is being purchased to go into the new Highway Garage

Next Meeting will be on January 4, 2021.

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 December 7, 2020 adjourned at 7:09 p.m.

Respectfully Submitted,

Ann Marie Sacchetti,

Board of Public Works Secretary