

**Board of Public Works
Meeting Minutes**

Date: April 5, 2021

Time: 6:00 p.m.

Place: New DPW Building Conference Room
965 Plain Street Zoom Meeting

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

John Cusick	Chairman
Dave Carriere	Vice Chairman
Robert Shaughnessy	Member – <i>not present</i>
Tom Reynolds	Superintendent
Dan Bowen	Assistant Superintendent – <i>not present</i>
Rod Procaccino	Town Engineer
Ann Marie Sacchetti	Board of Public Works Secretary

The meeting convened at 6:02 p.m.

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

Seconded by Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

I. Action Items:

- i. Approval of Open Meeting Minutes for 3/8/21 – passed over until the next meeting
- ii. Drain Layer License Renewal

Tom Reynolds stated this is an annual renewal which has been vetted by the Collections Foreman, Jay Parker. He has recommended approval.

MOTION: John Cusick motioned to accept the license application from Sealund Corporation, Kevin Sealund applicant.

Seconded: Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

- iii. Town Administrator's Emergency Policy

John addressed the issue. He stated that you have enterprise fund employees working outside the duties of their current position. According to the Town Charter that cannot happen. He referred to Enterprise Funds G.L. c. 44, 53F1/2: the enterprise enabling statute provides that the enterprise revenues may only be used for enterprise-related expenses. He takes exception for the use of the Enterprise Accounts used to pay the volunteers. He is asking the Board members to rescind their vote on the policy because it conflicts with the Town Charter. Tom indicated that the time from when the policy went into place on March 25, 2020, was when the Governor declared it a health emergency. In health issues, the BOH has complete authority. We will have to check to see if the BOS voted to allow the Town Administrator to proceed with the emergency policy. He is not clear on what authority the

DPW/BPW has when the BOH has complete control during a state of emergency. Dave asked for Tom to inquire on if there was a review and a vote from the BOH, and then a subsequent vote by the BOS before the Town Administrator implemented the policy. According to the Charter; the Town Administrator with one actual authority, that is Town Hall. Everything else is delegated from the BOS. He wants to be sure the policy was executed in proper fashion.

John asked for a re-consideration of the Boards vote on March 8, 2021 to accept the policy. Dave stated that he will want follow-up information from Tom before he takes another action on this policy. He also indicated that they cannot not compensate the enterprise divisions for the diversion of labor unless it is through the normal channels of offsets through the indirects.

Tom stated that if the BOH declares a state of emergency, he would think the BOS would follow and give the Town Administrator the authority to do what is necessary to take action with the virus.

Dave stated, that until the questions are answered he does not feel comfortable changing his vote. John indicated that the DPW has always responded to situations when needed and does not see the need for the policy. Tom stated that we were asked if anyone wanted to volunteer, it wasn't mandated. People did come forward to volunteer including himself. He will go forward to find the answers Board members have and will re-discuss at the next meeting.

iv. Disposal Fee for Mattresses – passed over

v. Review Rockwood Road Easements/Vote to Accept Layouts for Street Acceptance

Dave opened the discussion referring to comments made from Town Counsel in regard to the Roadway Acceptance Policy. Rod stated that in regard to Rockwood Road he wants calculations before Town Meeting. He referred to a handout from Atty. Steven Guard. Rod continued to provide details on the project/easements at the location; discussion on the detention basin for destination of waters used on ballfields; drain lines etc. Dave stated he is not comfortable voting without complete information. Tom stated he has had conversation with the attorney for VRT in that we expect to have the calculations for Town Meeting.

Vote to accept layouts: Tom indicated that it has come to his attention that Horseshoe Farm has a covenant which states that they would not look for their road to be taken by the Town. In order to lift that covenant they will have to go back before the Planning Board at some point, but there is no time now.

He recommends to by-pass this until October until the Hearing is taken care of. Rod stated that if we decide to take the layout of the road we should also be taking the drainage. He believes the Planning Board agrees. If we did not take the drainage, he thinks they would be reluctant to release the covenant.

Tom stated that at some point we need to vote to accept the policy before we use it. Rod indicated that the Planning Board is waiting for some input from us regarding the policy. Dave stated that Town Counsel's position is not to accept the drainage and leave it up to the Homeowner's Association.

MOTION: Dave Carriere motioned to delay until the fall, the acceptance of the layout of the streets for reasons we have discussed.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

vi. Approval of Plan for Bid/Marshfield Hills Sidewalk Project

Tom provided an update referring to the plan project. He indicated that there are 12 trees that will have to be removed as indicated on the plan. He reviewed additional details of the plan including line of sight locations; some parking relief; grading; sidewalks, and reviewed them with Board members.

MOTION: Dave Carriere motioned that the plans as submitted tonight with the revisions that were not incorporated but were described by the Superintendent to be implemented and we approve the plans as amended based on tonight's meeting for the Hills sidewalk construction in preparation for it to go out to bid.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

Tom and Rod referenced a company already under contract with the Town, Mass Pavement who may be available to do the work. This would expedite the project as they are already in Town under contract. Board members were in favor of this approach.

MOTION: Dave Carriere motioned to authorize and proceed with conducting "Hills Sidewalk Project" with MASS Pavement Reclamation Inc., Hanover, MA under Contract 2020-08 Construction Equipment Rental and Labor on a time and materials basis at the approved rates in that contract.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

Tom stated that tree removal would begin next week.

- vii. Finalize John's Draft Letter/Inflated Indirect Charges – hold for a future meeting
- viii. Review STM/ATM Warrant Articles/Vote

Board members reviewed the articles: **ATM:** Acceptance of Chapter 90 Funding; Street Acceptance; Couch Cemetery Land Transfer to Marshfield Conservation Commission for Priority Habitat Mitigation; Emergency Repairs of Private Ways. **STM:** Marshfield General By-Law No. 15 Amendment; Solid Waste Disposal Supplemental Funding; Enterprise Accounts Retained Earnings Supplement; Easement at Rockwood Road.

Tom provided explanations on articles as needed.

MOTION: Dave motioned to accept the STM & ATM Warrant Articles as written. With the proposed amendments for Town Meeting as discussed this evening.

Seconded: John Cusick

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

Discussion:

- i. Update on 965 Plain Street

Dave indicated that an emergency generator was installed and test run successfully. Also, the diesel tank has been commissioned and is in use. Tom indicated that the parking lot will be paved for a place for the employees to park.

- ii. Status of DPW Volunteers/Vaccination Site – previously discussed

Superintendent's Report

Tom stated that April 14, is the day after Zoning reviewed the plan for 965 Plain Street. We will then begin clearing the site. There will be a geo tech from Weston & Sampson on site to assist with the test pits where we have to remove unsuitable material. Once we have a contractor in place we will schedule a ground breaking ceremony.

Tomorrow 3 Foreman will sit in on a webinar that has to do with traffic setups. This is done through MIIA and the Town receives credit for the training.

The Damon's Point project is underway.

We are finalizing our paving plans.

We will be going out to bid for 2 water main projects; one for Plain Street, the other for Surf Ave. which are under design at this time.

We have submitted applications for Hewitt's Point, Ocean Bluff, and Brant Rock.

Friday we hope to have answered questions from GEI to go over with the group from Ocean Bluff

We are out patching periodically, weather permitting

Pot holes are being taken care of

The Dyke Road Sluiceway permitting on target

Swap Shop will open 3 days a week; M-W-F starting Memorial Day. COVID protocol will be followed with 6 foot distancing and masks be worn. If there are problems it will be shut down.

Country Way and Mayflower drainage issue will be addressed this summer

Next Meeting: Tuesday, April 20, 2021.

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

Seconded: by Dave Carriere

Roll Call Vote: John Cusick yes Dave Carriere yes

Unanimous

The open meeting of the Board of Public Works for April 5, 2021 adjourned at 7:27 p.m.

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