

**Board of Public Works
Meeting Minutes**

Date: May 8, 2023

Time: 6:00 p.m.

Place: Library Program Room, Library Plaza

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

John Cusick	Chairman
Robert Shaughnessy	Vice Chairman
Diane Jordan	Member
Tom Reynolds	Superintendent
Ken Ryan	Environmental Engineer
Todd Koep	MassDEP Municipal Assistance Coordinator
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 an appointment, action items, items for discussion, minutes and Superintendent's report.

Seconded by Robert Shaughnessy All in favor.

ACTION ITEMS

1) Re-organization of Positions-BPW after Town Elections

Following a Town election for a seat on the Board of Public Works, it is customary to reorganize positions at the next Board meeting.

Town elections took place on Saturday, April 29, 2023. Diane Jordan was elected to serve for the three-year term on the Board of Public Works.

The next Board member who would be up for re-election, traditionally, is voted as the next Chairman. Board Member, John Cusick is currently serving his third year on the Board. He will be up for re-election next year, 2024. At that time, he will have completed the three-year term serving on the Board of Public Works.

Motions for re-organization of positions:

MOTION: John Cusick motioned to appoint himself as Chair.

Seconded: Diane Jordan All in favor.

MOTION: John Cusick motioned to appoint Robert Shaughnessy as Vice Chair.

Seconded: Diane Jordan All in favor.

MOTION: John Cusick motioned to appoint Diane Jordan as Clerk.

Seconded: Robert Shaughnessy All in favor.

At this time Bob Shaughnessy took the opportunity to recognized Dave Carriere who has been on the Board for the last four years. He was the former Superintendent for the Public Works and was Staff Engineer for many years working for the Town. Dave put his heart and sole into his position as Superintendent, Staff Engineer and the last four years as a Board of Public Works member. Dave focused on energy and solar power. During his tenure as Superintendent, he was instrumental in the purchase of Metuxet Woods in the interest of protecting our water supply which was under the major

threat of a 40B development. The Board worked through Dave. Bob would like to see that he receives proper recognition. He has also focused much time in the development of the new DPW building on Plain Street. He also has devoted much time in the protection of our water supply researching the forever chemicals such as PFAS.

Bob **motioned** to ask the Superintendent to send a letter to the Select Board to recognize Dave for his due diligence and service to Marshfield so that he would be honored at a Select Board meeting or at the Fall Town Meeting.

Seconded: Diane Jordan

All in favor.

5) Trash Carts

Ken Ryan was present along with Todd Koep from DEP. Ken provided the current background regarding the Town trash collection. The system uses a hybrid pay as you throw (PAYT) program for trash collection where by residents are allowed one bag or 35-gallon barrel per week for trash and any excess trash must be placed in a Marshfield PAYT bag. During Covid the barrel size was not strictly enforced. Trash collection cost increases 4% per year. Disposal cost is based on limited options. Mr. Koep indicated that MassDEP has aggressive waste reduction goals to be reached by 2030. He is hoping Marshfield will help reaching such goals. There are only three active landfills left. One of the top programs that MassDEP has found that has greatly reduced solid waste is the PAYT program. PAYT municipalities dispose 25-40% less trash. Ken indicated that for 2021 the average trash disposed per household was; non PAYT communities, 1,757 lbs.; PAYT communities, 1,276 lbs. Marshfield's per household was 1,259 lbs., just below the average. The program we have is working but could be better. Cart size matters and we are trying to standardize it throughout the Town. If residents have a larger cart, they will fill it up. Bigger cart means more trash = higher fees. We are looking to try to unify the cart size using a 35-gallon barrel. The industry is pushing towards the cart collection which would be an automated system where the truck driver does not have to touch the trash. Wheeled carts are easier to maneuver; provide equal volume for all households; limits overage from larger barrels; covered carts keep animals out of trash and minimize litter due to the integrated lid; uniform appearance throughout the Town; and safer for the hauler to empty. Financial consideration is that MassDEP offers a grant available for the 35-gallon Town-owned trash carts. The town is eligible for \$30 per household serviced. Thirty-five-gallon carts will effectively limit waste generation. Ken is looking for some affirmation from the Board to go forward with the grant from the MassDEP to procure and distribute 35-gallon trash carts to households in Marshfield. Tom stated that it will get the tonnage where it was and maintain the revenue of the PAYT bags. Bob stated that he is in in favor of uniformity and thanked Mr. Koep for coming to the meeting. John and Bob provided historical facts regarding the inception of the PAYT bag system.

At this time John indicated that the issue be added to the agenda for the next meeting in order to further review the proposal.

APPOINTMENT

6:15 P.M. Abatement Issue/Diane Butler

Ms. Butler was present to appeal her abatement denial. On March 23, 2023 she applied for an abatement regarding her high-water use. She stated the Town Treasurer suggested that she apply for an abatement. Ms. Butler proceeded to read aloud her six-page letter that she provided with the application. She subsequently received a letter of denial from Tom Reynolds, Superintendent of the DPW. Part of the letter indicated that the documents Ms. Butler provided shows that the source of the water usage was a running toilet of which she was aware; this type of instance does not constitute an abatable event; the leak is considered to be the responsibility of the homeowner as well as the related water usage. In addition, it seems as though this issue has compounded over several billing periods dating back to the spring of 2022 and is only now being addressed. The letter also stated to contact the Treasurer/Collector's office to set-up a payment plan.

Part of Ms. Butler's concern was water running in the street. Tom Reynolds explained to her that would not impact her water bill, only when the water is running through the meter that it becomes a charge. All water that passes through the meter is due to something inside the house. Ms. Butler claims there is no box on the outside of her house that reads the water meter. Tom tried to explain to her about the radio read box. John said to her that we, the Board members, are here to help. In addition, Bob tried to explain how the box outside the house is used to read the water use electronically which has been done for years. He said a leaking toilet is a silent money pit. He stated we can adjust and work with the bill to make it more reasonable, but the problem needs to be determined. We will help you as John has said.

Ms. Butler stated that she has not made any payments towards her bill. Bob stated that in the past, we have postponed doing anything until a plumber certifies in writing that there are no leaks in the house; then we would possibly waive all the sewer fees back to normal and negotiate the water usage. Tom indicated he will have the water meter checked as well. John said to schedule Ms. Butler for the next BPW meeting and for her to have documentation from the plumber. She agreed and would return for the next meeting.

John Cusick **motioned** to address action item #3. Bob Shaughnessy **seconded**. All in favor.

3) Article 14/Irrigation System

John wanted to address Article 14 which was voted at the fall 2022 STM Town Meeting. He wants this Board to vote for the article exactly as it was written in order for future BPW Boards to have clarity.

Bob read the article: ARTICLE 14 "will the Town vote to name the parcel of land located at the juncture of Plymouth Ave. and Ocean Street The Veteran's Memorial Gardens and allow it to be maintained at no cost to the Town by the Marshfield AmVets Ned Egan Post #1996; further will the Town allow a small irrigation system to be installed at this Memorial Garden at no charge to the Town and in compliance with all rules and regulations of the Town and water usage as may be determined by the Marshfield DPW. The DPW has provided a water connection and a water meter charging water usage to the Marshfield AmVets Ned Egan Post #1996." Petition of Kerry Harrison, et al. Bob stated that the previous Board worked with the AmVets to work with legal counsel on a license. The petitioners did not want the language that was included in the license. Bob stated that since then, the previous Board made sure that they would not be charged water use at that island, as the Brant Rock esplanade was not being charged. We wanted to be sure we treat this island similar to the other islands. He continued to say the sticking point on the license was the issue of holding the Town harmless." Town Council recommended this for all islands in the Town. All islands should have some type of written release or waiver releasing the Town from any liability or damages associated with working on or about a traffic island. We should have the right to terminate and cease activity on an island and the Town should not be liable for any reason. The Town shall have no liability of any damages or loss of property against the Town. The Town Counsel had good recommendations.

At this point John told Bob to keep his mouth shut. John said there would be no liability on any of the islands. Bob disagreed with that statement.

MOTION: Diane Jordan motioned to accept ARTICLE 14 as written and approved at STM.

Seconded: John Cusick

Bob Shaughnessy voted "no" because the previous Board voted to "not" charge the AmVets for water use.

4) Abatement Financial Hardship Guidelines/Effective 5/5/2023

Bob said this is an annual housekeeping document.

MOTION: John Cusick motioned to accept the “Guidelines Covering Abatements for Financial Hardship Meeting Current Federal Non-Farm Poverty Income Levels.” Effective May 8, 2023.

Seconded: Diane Jordan

All in favor.

6) Restricted Water Use

John wanted to address this issue. He referenced the by-law from Article 5 of the May 2, 2005 STM, Section 5 - restricted water use, Automatic/manual irrigation systems-The installation of irrigation systems, automatic or manual is prohibited on town owned lands and traffic islands.

John stated that on 9/12/22 at the BPW meeting he voted against section E. The vote at that meeting was 2 yes and 1 no, the “no” vote being Johns. John stated it was a fraud. He said the wording including Town owned lands and traffic islands was added and is fraudulent. He stated that the by-law was amended in 2017 which states: “285-15 Declaration of state of water supply conservation (Amended 4-24-17 ATM by Art.10), the Town through the Board of Public Works may after public hearing declare a state of water supply conservation upon a determination by a majority vote of the Board of Public works that a shortage of water exists and conservation measures are appropriate to ensure an adequate supply of water to all water consumers. Public notice of a state of water supply conservation shall be given under S285-17 of this bylaw before it may be enforced.” John said there was no public hearing, no declaration of a state of water supply-not voted. Bob stated that we have 2 separate documents. One is the by-law that was passed in 2005. He was on the Board at that time and we had no control over any of the water systems in the middle of a drought. It was done in the fall of 2005. Having the by-law, allows the Water Department to establish the rules and regulations of the department. What you are reading and calling a fraud is not a fraud, it’s the Rules and Regulations of the Water Department. It’s different than a by-law. John repeated, the by-law was amended in 2017. Bob said when you have a by-law, you can then write the rules and regulations against it. Bob stated again to John, what you are reading is not a by-law. What you are calling a fraud, are the rules and regulations of the department, not the by-law.

7) Roadway Management Contract/So. Shore Consortium

Tom presented the contract. Initially the low bidder didn’t perform so they were not awarded the contract. They protested the bid but TL Edwards was awarded the bid/contract. This is an annual bid for Roadway Management for the fiscal year (2023). We have funding that we have to spend before the end of June. They have guaranteed they can get the money spent. There are a number of roads we have quotes on which are for Ferry Street, Furnace Street, parts of Forest Street, and Old Main Street at this time.

MOTION: John Cusick motioned to award Roadway Management for FY23 Contract SS 2023 PW1.

Seconded: Diane Jordan

All in favor

8) Extension of WWTF Residuals Transportation & Disposal Contract.

Tom stated that this is an existing contract that we have that we are looking to extend.

MOTION: John Cusick motioned to execute the third year and final extension of the Residuals Transportation and Disposal Agreement, Contract No. 2023-01, to Waste Water Services, Inc. and to authorize the Chairman or designated member to execute the contract documents when they have been prepared.

Seconded: Diane Jordan

All in favor.

9) Brant Rock Seawall Repair Project / Contract 2023-05 Change Order

Tom explained the change order. Project status; the Seawall Repair Work along Ocean Street is underway and at about 50% completion. The contractor, SumCo, assisted the Town to address an

emergency situation causing Plymouth Ave. to flood at house #307 by cleaning vegetation out; 600 LF by 8-foot-wide drainage ditch adjacent to Plymouth Ave. starting at the end of Johnson Terrace. The work was performed on April 27, 2023 and completed April 28, 2023. The water level in the street dropped approximately .5 feet. Staff recommends that the drainage ditch along Plymouth Ave. in the marsh behind the abutting houses starting at Johnson terrace that is heavily blocked with phragmite growth be cleared. SumCo has experience in this type of riverine restoration. After receiving authorization from the BPW to proceed, and notifying Con Com, SumCo mobilized and completed the work within two days.

MOTION: John Cusick motioned to authorize Change Order No. 1 to Contract 2023-05 to assist the Town by cleaning out a 600 LF drainage ditch for an amount of \$5,135 and to authorize the Chairman to sign the change order when the documents are prepared.

Seconded: Robert Shaughnessy All in favor.

2) New Septage Hauler Permit / Flowmaster Corp.

John reviewed the permit. The hauler has submitted application for a new Permit for 2023. The applicant has met the requirements as set forth by the Wastewater Treatment Facility.

MOTION: John Cusick motioned to approve the new Septage Hauler Permit for Flowmaster for year 2023 and authorizes the Chairman to sign the permit as approved.

Seconded: Diane Jordan All in favor.

DISCUSSION

1) Town Pier/Boat Pumping into Sewer System

John had questions regarding the boats emptying into the sewer system. Tom stated Green Harbor Marina is also tied into the sewer system. They pay the fees for the connection. They are billed based on their water usage. Clint, of the Wastewater Division, called DEP to ask about it. DEP's response was why you wouldn't want them to dump their boat into the system instead of the ocean. John asked if we could charge the Harbormaster for the water as well. Tom stated we could do that and we can proceed. Bob stated that he doesn't mind if it's free, it's an environmental issue/protecting the public health. John wants it to be fair for everyone.

Tom will do research on the water use and will come back to the Board with his findings.

2) Forensic Audit

John brought up the issue of the audit that was passed at Town Meeting. Town Counsel stated that it was improper. Tom stated that Town Counsel's opinion was that we didn't have a standard to follow. In 2015 we had the current policy in place. We didn't have a standard for an accountant to do an audit. What we need to do is to go back to Town Meeting and ask for that again with the policy we have in place now. Bob stated that it is an audit of the direct and indirect charges not a forensic audit. You have to define the scope of the audit and also what the dates are. We can go back to Town Meeting and do it the right way knowing the mistakes we made, it keeps people honest going forward. Diane agrees and is in favor in going back to Town Meeting.

At this time John wanted to go back and discuss the restricted water use issue. Bob said what you are referring to is the Water Department's rules and regulations which is based on Town Meeting's by-law. John would like the language changed to **use** instead of **installation**. Bob stated that basically if we are in a water restricted zone during a drought, under "E" automatic/manual irrigation systems, it should state, **the use** of irrigation systems, automatic or manual is prohibited on town owned lands and traffic islands. Diane agrees with that wording change.

Bob suggested to accept the minutes which caused John to chastise Bob, saying he is the Chair (John) and to understand that. Bob stated he is the Vice Chair and has a voice.

Steve Lynch, resident brought up the subject of the audit. Bob was Chair at the time and worked with the BOS to create the methodology. John took exception with Bob when he tried to explain the process to Steve.

John then stated that the BOS never includes the school budget which causes the budget to be inequitable.

3) Trash Carts – previously discussed

VOTE TO ACCEPT MINUTES – 4/18/23 & 4/24/23 Open Meeting Minutes

MOTION: John Cusick motioned to accept minutes of 4/18/23 as written.

Seconded: Robert Shaughnessy Motion passes

Diane Jordan did not vote as she was not a member of the Board at the time.

MOTION: John Cusick motioned to accept minutes of 4/24/23 as written.

Seconded: Robert Shaughnessy Motion passes

Diane Jordan did not vote as she was not a member of the Board at the time.

SUPERINTENDENTS REPORT

3) Surf Ave. Update – right now we are working on some drainage issues there, hoping to complete that work this week and then be back on schedule. There was an issue with a drainage line, about 600 feet and was pitched in the wrong direction. All those homes are below sea level. Hoping once the pipe is fixed it may help with the drainage issues. Bob brought up historical facts and again was chastised by John stating to go through the chair to have a discussion.

2) Plymouth Ave. Pump Station Update – we are in the final design stage to be completed by the middle of May. Looking at a mid-June bid date. Hopefully to start sometime in the fall.

2) Seawall Update – we are about 3 weeks from completion. Some of the hours had to be changed because of the tide which resulted in the contractor working late hours; it is now close to completion.

4) Paving – as mentioned earlier, have quotes for paving. Currently we have a moratorium on paving side streets. The Board voted on this issue prior to his tenure. This is due to the fact that the Town does not give much money in support of roads and the maintenance of. As a result, no accepting of roads will take place until the Town contributes funding. Chapter 90 funds have not been released yet. We do not know when we will receive funding.

NEXT MEETING – May 22, 2023

At this time John Cusick **motioned** to adjourn the open meeting of May 8, 2023 at 8:15 p.m.

Seconded: Diane Jordan

All in favor.

Respectfully Submitted,

Ann Marie Sacchetti,
Board of Public Works Secretary