

**Board of Public Works
Meeting Minutes**

Date: May 22, 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
Rod Procaccino	Town Engineer
Ken Ryan	Environmental Engineer
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, minutes and the Superintendent's report.

Seconded by Diane Jordan

All in favor. Unanimous

APPOINTMENT:

6:15 P.M. Abatement Issue/Diane Butler – *passed over until the 6/5/23 meeting*

ACTION

3) Drain Layer's License Renewal

John read the memo dated May 15, 2023, from Jay Parker, Collections Foreman. Mr. Sealund of Sealund Corp has submitted an application to renew his license.

Diane read the renewal agreement which stated; the Town of Marshfield Department of Public Works hereby issues Kevin Sealund a Master Drain Layers License for the calendar year 2023. The person named on the permit agrees to abide by all conditions set forth by Federal, State and Town of Marshfield laws, rules, regulations or conditions applicable to the performances of services executed under this license. Failure to comply with any applicable laws, rules, regulations and conditions set forth by Federal, State or the Town of Marshfield is reason for immediate revocation of any drain layers license or permit, dated 12/23/23.

MOTION: John Cusick motioned to accept the Master Drain Layer's License as read by the clerk.

Seconded: Diane Jordan

All in favor. Unanimous

2) Trash Carts

Ken Ryan was present to review the request for the use of trash carts. Background: Marshfield currently has a hybrid pay-as-you-throw program (PAYT) for trash collection whereby 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. The program was instituted back in 2007. Since that time, we have lost control of the size of the barrel. We are now looking to apply for a grant from the state for the purchase of a 35-gallon barrel for each household. Bob is in favor of the grant. He said since we have consistency regarding the recycling bins, trash sized barrels would be consistent as well.

Diane asked confirmation that this request is for the grant only and if it was given, there would be further discussion on the issue. Ken confirmed that would be the process. He indicated that we may

not hear on the grant until the end of the second quarter and the money would not be released until later in the year. John indicated that he was in favor of pursuing the grant.

MOTION: Robert Shaughnessy motioned to authorize the DPW staff to apply for a grant from the MassDEP to procure and distribute 35-gallon trash carts to households in Marshfield that participate in the curbside trash collection program.

Seconded: Diane Jordan

All in favor. Unanimous

5) Change Order Willow Street Bridge Design

Rod Procaccino was present to review the change order. Project status; final design is underway for the bridge since the State MassDot awarded a grant in the amount of \$219,582. The Town is responsible for funding permitting. Town Meeting authorized the funding for permitting at the Spring ATM of 2023. Description; the Town's Consultant BSC Group is in the process of final design of the Willow Street bridge and it was determined that additional borings are required for proposed retaining wall. It is estimated that \$7,195 will be required for borings and to update the report.

Board members agreed this has been a long time coming.

MOTION: John Cusick motioned to authorize Amendment No. 6 to Contract 2019-08 with BSC Group Inc. in the amount of \$7,195 for additional geotechnical work and \$26,241 to begin preparing permit drawings and to authorize the Chairman or designee to sign the contract amendment when the documents are prepared.

Seconded: Robert Shaughnessy

All in favor. Unanimous

6) Brant Rock Seawall Repair Project/Contract 2023-05 Change Orders No. 2 & 3

Rod provided details of the change orders. Project Status; the seawall repair work was completed on 5-19-23 which included ditch cleaning at Johnson Terrace (600 LF previously authorized Change Order No. 1) and additional cleaning at Plymouth Ave. 300 feet to Pershing and 100 LF from Plymouth Ave. along the Plymouth Ave. Pump Station completed on Thursday, May 18th to be included as Change Order No. 2. Authorization for additional drainage ditch cleaning is requested to include approximately 100 LF behind house No. 307 Plymouth Ave. starting at the street drain outlet pipe.

Proposal: SumCo 5-12-23 lump sum \$14,995 cleaning 300LF Plymouth Ave. to Pershing 300LF and the ditch approximately 100 LF from Plymouth Ave. along Plymouth Ave. Pump Station property. lump sum \$14,995 include as Change Order No. 2.

Proposal: SumCo 5-22-23 amount not to exceed \$3,500 for additional time and mobilizations costs to complete 100LF drainage ditch cleaning behind house No. 307 Plymouth Ave. to be included as Change Order No. 3.

Staff recommends Change Order No. 2 to clean the ditch from Plymouth Ave. to Pershing and the ditch along the Pump Station before demobilizing.

Staff recommends Change Order No. 3 to clean the ditch at street drainage outlet at 307 Plymouth Ave. from Pershing to Plymouth Ave. for one day of work including excavator, operator and laborer.

MOTION: Robert Shaughnessy motioned to ratify/authorize Change Order No. 2 to Contract 2023-05 with SumCo, to clean out the drainage ditch along Plymouth Ave. from Pershing to Plymouth Ave. approximately 300LF and along the Plymouth Ave. PS approximately 100LF for an amount not to exceed \$14,995, and the Chairman or designee will sign the change order when the documents are prepared.

Seconded: John Cusick

All in favor. Unanimous

MOTION: Robert Shaughnessy motioned to authorize Change Order No. 3 to Contract 2023-05 with SumCo, to clean out the drainage ditch behind house no. 307 Plymouth Ave. from drainage outlet

a distance approximately 100LF for an amount not to exceed \$3,500, and the Chairman or designee will sign the change order when the documents are prepared.

Seconded: Diane Jordan

All in favor. Unanimous

APPOINTMENT

6:30 P.M. Agricultural Commission/Presentation/Horse Manure Fees

Lorrie Dahlen, Chair of the Agricultural Commission requested to meet with the Board regarding commercial horse manure fees at the transfer station and the impact on the farms that utilize the location for horse manure disposal. Ms. Dahlen provided a power point presentation. Some points of the presentation were as follows: *Right to Farm By-Law* encourages the pursuit of agriculture, promotes agriculture based economic opportunities. The new manure fees do not encourage, support, or promote farm economic opportunities. *Results of the Fees*; over 75% of horses in Marshfield are owned by residents for personal use, either in their own yard or boarded in Town. Average financial impact of small equine business is \$20,000-\$27,000. Results are potential loss of farms, farmland open to development, community partners, and local small agricultural businesses. *Integral Community Builders*; the farms build community. Therapeutic riding, alternate activity for children, helps lives of financially disadvantaged or challenged individuals. Equine businesses in Marshfield are not high-end high dollar operations and provide opportunities to make friendships, connections and be part of the community. *Risks*; generally, Marshfield horse properties have or abut wetlands and are in residential areas. Nitrogen run-off adds risk to sensitive lands, increase of flies and odors create discord with neighbors. Space/Volume-the problem; space issue at the Transfer Station, penalizing input does no solve long term issue, manure is key component to making good compost and is used as a natural fertilizer. *Request*; what determines commercial, discriminates against farmers versus yard waste. The Commission is asking elimination of fees on manure. Requesting a 120 day hold on all fees to provide an opportunity to work with DPW to develop a plan. DPW personnel should be assigned to work with the AgCom immediately. *Summary*; new fees do not support farms as per the Right-to Farm Bylaw, requests a reversal on the fees or a temporary lift and create a team of Ag/Com/DPW to find better solutions. Ms. Dahlen asked for someone to work with on the issue. It would be more efficient. Bob asked about the tonnage per year, what is the impact on the waste stream, where does it go. Ken Ryan indicated that the manure is blended in with the yard waste. The winter months present a problem as there is not yard waste during that time of year. We just have a separate product. He is looking into outside entities to take the manure. Diane asked Ms. Dahlen if they have people interested in creating a group to look at the commercial possibilities of selling the manure/composting. She said that they are seven volunteers appointed by the Selectmen. They are happy to work with groups who wish to work with them. Diane asked about the farms and are they in contact with them and would they be willing to help. Ms. Dahlen said they would not do the composting and selling. That is a whole other job. Diane stated that she can see businesses interested in buying Marshfield compost if it were marketed correctly. It would require farmers, the Commission, the DPW to work together to create a safe place for the process. Ms. Dahlen said they would be happy to make phone calls. We don't have a budget so we can't advertise for you. Tom stated that we do use compost at some town locations. He said there needs to be a dedicated staff to the compost facility. John stated that he does not want to see anyone put out of business. He would like to work together and would like the consensus of the Board in regard to extending the 120 day hold on fees as requested by the Commission to a 6 month hold on fees and come up with a solution. Bob said that we need to do more work and figure out the numbers. He is in favor of John's proposal. He (Bob) is concerned with the affects on our water supply. Diane asked if the farmers would be willing to come together and work on a plan. Ms. Dahlen said she would reach out to them.

MOTION: John Cusick motioned to allow a 6-month moratorium on fees for manure disposal; Bob Shaughnessy added; while we develop a data base and come up with a number of strategies to come up with a solid plan and work with the Agricultural Commission.

Seconded: John Cusick

All in favor. Unanimous

ACTION

1) Superintendent's Contract

Tom asked to have it on the agenda in regard to the cost-of-living adjustment as well as his annual employee performance appraisal that he had sent to the Board in February. Tom indicated that he received his review from Bob and Dave. John indicated that he would complete it as well.

4) Article 10/Restricted Water uses

John wanted to address the Restricted Water Uses Bylaw and reversal of September 12, 2022 Board vote. He **motioned** that: *the Board votes to accept the current language of 285-16 of the Town's General bylaws, as voted on by Town Meeting, as the Restricted Water Uses policy of the Board and the Board votes to reverse the vote of September 12, 2022 that added language, to prohibit the installation of irrigation on town land, to the bylaw language without a vote of Town Meeting.* Tom said that this was the rules and regulations with the Water Department that changed, it wasn't a bylaw. There is a bylaw for restrictions but the rules and regulations is what is listed. Bob said it is under bylaw; it is confusing regulations with bylaws. The Water Department has state regulations and the town has additional bylaws and regulations on top of it. It is premature to make this motion as what are we exactly trying to do, change the bylaw or regulations. In September I believe we changed the regulations not the bylaw. If we changed the bylaw we would have had to go back to Town Meeting. Diane said that it did say at the last meeting E reads; automatic/manual irrigation system whereas this says automatic sprinkler system. The installation of irrigation system automatic or manual precluded on Town owned land and traffic islands. That was voted on in 2022. She thinks it is appropriate to change it to use. If you were being restricted of water usage, and you had a contractor install an irrigation system at this read, they would not be able to test it. If you have just use, they are installing a system they can't touch. It should just say use. John wants the language that was voted in 2005 with this language in it, the language that is in the bylaw. Bob said he doesn't agree or disagree. He wants to put it into the right context and would like to put the vote off to another meeting to compare the bylaw with the regulations, not to mixing. If there were a problem, he would be in favor of making that change. He wants to be sure that we are not making a change to the bylaw/regulations. John indicated he has a problem with the regulations. Bob doesn't and is asking to delay the vote for another meeting.

Seconded: Diane Jordan

Bob wants to be sure if it's a bylaw or regulations change. John said the vote is 2 to 1.

Bob asked Diane for reconsideration to be sure the vote is not to change the bylaw. She said we can't vote to change the bylaw. Bob said in September, we did not vote to change the bylaw.

Bob Shaughnessy voted "no"

VOTE TO ACCEPT MINUTES – 5/8/23 Open Meeting Minutes

MOTION: John Cusick motioned to accept open meeting minutes of 5/8/23

Seconded: Diane Jordan

All in favor. Unanimous

7) Permit for Driebeek Way/New Driveway Connections

John indicated that a new permit is required. Checking back on the minutes regarding a new guardrail opening, there was no discussion on the new driveway opening. There were five different meetings where the new opening wasn't discussed. The new opening should be closed and the old opening put back. At this point Diane, read all the minutes and indicated she watched the videos and quoted all the dialogue from videos of the meetings and excerpts of minutes of 7/18/22, 8/20/22, 11/7/22, 1/17/23 and 2/13/23 related to the guard rail. She also said she attended the 3/14/23 ZBA meeting regarding the building permit violation of the site. She watched the video twice. Her concerns about the

relocation of the entrance which needs significant fill and grading has to do with the many procedures which are required and were clearly not followed through with the Planning Department, Zoning, Conservation and a vote by this Board. No one, not the DPW, and not the Town Administrator. It is now an unstable entrance but it cannot be refilled and graded without a surveyed site plan, permit and an affirmative vote by this Board. She sees no option but to close out the entrance and reopen the original entrance.

If there still a need to relocate the entrance then all the proper procedures are to be followed. Bob said if there is an issue with the driveway, protocol should be followed.

MOTION: John Cusick motioned that we close the new driveway vehicle opening and open up the old legal opening because it was not permitted.

Seconded: Diane Jordan

Bob Shaughnessy voted "no"

8) Summer Hours

Bob addressed the hours and indicated that in the past for the summer months of June, July and August when it is vacation time, we go from two meetings a month to one. He wanted to have it on the agenda to determine if that procedure will continue. Tom stated that traditionally for the last ten years we have done one meeting in the summer months. John stated that we can look at it. Bob said we could always schedule a meeting if a contract comes up which we have done in the past. Diane said cancelling a meeting if we don't have anything to do, is much easier. John said to keep it the way it is and if we have to cancel, we will.

SUPERINTENDENT'S REPORT

- 1) Dredge Spoils area ramp – pass over
- 2) Paving List update – Forest Street; Summer Street to Martinson School; Furnace Street to Plain Street and Furnace Street from 3A up through the intersection of the first three roads
- 3) Update on Surf Ave. project – currently working on drainage, moving back from Monitor towards Ocean Street in order to connect the drainage; they can then proceed in the opposite direction; the drainage system will handle what has already been set up.
- 4) Update on Plymouth Ave. Project – is on schedule to have the final design by the middle of June and are looking at a July or August time frame to put out to bid.

At this time John Cusick **motioned** to adjourn the open meeting of May 22, 2023 at 7:42 p.m.

Seconded: John Cusick

All in favor.

Respectfully Submitted,

Ann Marie Sacchetti,
Board of Public Works Secretary