

Approved 1/4/16

**Board of Public Works
Meeting Minutes**

Date: November 23, 2015

Time: 7:15 p.m.

Place: Marshfield Town Hall

Hearing Room 3 Second Floor

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

Stephen Hocking	Chairman
Robert Shaughnessy	Vice Chairman
John Cusick	Member
Thomas Reynolds	Superintendent
Shawn Patterson	Deputy Superintendent – <i>not present</i>
Rod Procaccino	Town Engineer
Dan Bowen	Business Manager
Jay Wennemer	Conservation Agent
Walter B. Sullivan	Attorney for Mr. Earley
Several Residents	Neighbors of Cross Street Area
Ann Marie Sacchetti	Board of Public Works Secretary

The meeting convened at 7:15 p.m.

Stephen Hocking opened the meeting and reviewed the evening's agenda which included 1 appointment and 13 action items with an executive session. He **motioned** to accept the meetings agenda as written.

Seconded by John Cusick.

Appointment:

1. Walter Sullivan / Cross St./ Flooding Issue

Tom Reynolds opened the discussion. He indicated that there have been several issues regarding the Pudding Hill spillway, the dam, and Veterans Park. There are some issues with the bogs. We need better communication with Duxbury to know in advance when they are going to release water from the bogs so that we can take steps to address any additional flooding. He, Rod and Charlie have been to the area on several occasions. There is silt building up in the river but that is not the only issue. Rod further explained the issues.

Steve Hocking referred to the letter dated November 3, 2015 from Mr. Sullivan, attorney for Mr. Early of 108 Cross Street. In it Mr. Sullivan referenced five (5) contributing factors for the flooding, siting failure on the town's part to:

- 1) Properly monitor the flow of water from the Ellis Bogs
- 2) clear the debris and overgrown vegetation between Cross Street and Route 139
- 3) clear debris and sediment under the culvert under Route 139
- 4) manage the boards at the Town Veterans Park during seasonal high water flow events; such events result in water backing up and flooding properties upstream
- 5) manage the boards at Pudding Hill spillway.

Rod indicated that the debris under 139 may be cleaned somewhat as it is difficult to access. There is a possibility that we may own part of the spillway.

In summary, before opening the questions or comments from the audience Steve stated that there seems to be some obligation to correct some of the issues causing the flooding problems. We need to create an action plan and budget to resolve the problems. Bob Shaughnessy stated our budget has been decreased with no added funding. Rod stated that the boards at Veterans Park can be managed and coordinate the effort with Chandler Pond.

Ron Montgomery, who lives at the very end of Cross Street spoke. He had a well but when the pond was lowered and raised repeatedly, the well became unreliable and undrinkable. They were forced to drill a new well which has not solved his problems. Removing the boards from the dam has caused flooding problems; when the boards were in there was never a problem. He has been there for over 30 years and never had these issues. In addition, no one seems to be concerned with wild life in the pond. Frank Hayes, Chairman of the Veterans Memorial Park, stated that the problem they have at the park is that someone keeps taking the boards there out. The last time, the DPW did not take the boards out, nor did Jay Wennemer. Someone is taking them out and throwing off to the side. We then lose all the water in the lagoon and as a result, the water fountain cannot be used. They are considering putting cameras in the area. Rod said there is a solution for the water flow. Frank said that just because people are getting flooded, they can't just go and take the boards out at the park. At one point the boards were missing.

Mr. Sullivan, attorney for Mr. Early, thanked the Board members and Rod for addressing this issue; also, Mr. Wennemer has been very helpful. The water rushes through the dam at great speed. This is a dangerous situation. He and his client wish to work with the Town and the neighbors so that we don't have someone taking matters into their own, which are not beneficial.

Tom Shields of 60 Cross Street spoke and went into detail on the boards. All of his property currently is flooded. This is a direct result on the way the dam is being managed. The pumps in his house are running 24/7. When it rains his basement gets flooded. And even if it doesn't rain they cannot go into their back yard. It has been this way since October. All boards should stay out of Veterans Park until some resolution has been determined. When the boards are back in the dam the water backs up into our basement. Frank Hayes stated that the boards would remain out for the time being.

Rod stated that the pond management is the real issue. In the past there was cooperation, now there isn't.

Resident of 258 Pudding Hill Lane spoke on the issue.

Bob Shaughnessy stated that if we do an elevation plan as part of the management plan, which may require capital improvements, the Board of Public Works can make a presentation at Town Meeting in order to secure the funding. Also, part of the plan would be to look at the aquifer and drainage systems to make the improvements upon. Residents must be present at Town Meeting to support this to help in the effort for funding.

Tom Shields of 60 Cross Street stated that the key is to control the level of the pond. When the level of the big pond is full no water goes over the Pudding Hill spillway crossing over Old Ocean to Veterans Park; all the water goes in the other direction. You have to have all the ingredients in order to solve this problem.

Kerry Richardson of 115 Cross Street spoke to the issue. He has lived there for sixteen years and the former owner for five years. Between the former owner and himself they have been operating the spillway for twenty-one years. There were issues in the beginning, but were resolved with the help of Dave Carriere and with the Veterans Memorial Trustees. We jointly developed a plan that is on file with the Conservation Commission. Conservation put an order of conditions on Mr. Earley's property in 2009. Since that time we have had more issues. Some people are under the misunderstanding about the over topping of the dam. He has had his personal boards taken from the spillway (at Old Ocean)

where he owns a portion of and at this time Conservation has the boards and he would like them back. There are many issues that can be solved easily; this has been done before, coordinate our actions. Ownership of the spillway is in question. We need to verify who owns it. He further detailed the issues including the historical background and possible solutions, as of now, all are mixed up. Betsy Applebee of 258 Pudding Hill Lane stated that we need to act on an emergency basis until a plan is in place.

Mr. Richardson stated that the proper way to do it is to put all the boards in the flume at Cross Street and to basically let any excess water go through the spillway on Pudding Hill Lane and if there is any damage that would be the least amount of damage that would be created.

Mr. Early stated he would consult with Amory Engineers.

Bob Shaughnessy asked Rod if there were grants available for funding for repairs of private dams.

Mr. Earley has been working in that direction with Samantha Woods of the NSRWS.

Bob indicated that CPC has a historical component to it; something to look into for possible funding.

Samantha Woods was present and indicated that there must be cooperation within the parties. This is a complicated issue, and suggests that the interested parties meet outside this forum and come to some consensus.

John Cusick stated that maybe the culvert needs to be looked at. Hopefully we can all work together and solve this problem.

In conclusion; Bob Shaughnessy stated this is a communication issue; the removal/adjustments of the boards have to be coordinated; funding is an issue, and avenues for support need to be investigated.

At this time the discussion ended at 8:25 p.m.

Action:

11. Old Business – 532 Ocean Street

Tom referenced 532 Ocean Street where the seawall was damaged during the January storm. The owner's nephew had previously been before the Board asking for assistance regarding the deteriorated seawall. Rod has met with the owner's nephew, David Hasset. He had some photos of the wall for Board members.

Rod indicated that the situation has gotten worse. Maybe they could put 6 to 12 inch rock, rip rap and bags to try to stabilize the wall bank. Board members indicated they would be interested in stabilizing the top slope, and help with some temporary repairs.

3. Avon St. /Central St. PS Upgrade/CO #5-D&C Construction Urgent Repairs at WWTF

Passed over.

5. Flood Maps

Rod addressed the issue on the flood maps. He stated that the methodology used is all wrong and the maps should not be released to the public. Tom stated that a vote by this Board in support of what Rod has said should be stated in a letter sent to the Selectmen informing them that the Engineering Department does not believe that the data is correct.

Bob Shaughnessy stated that he has reviewed the maps, comparing the previous maps to the current ones. They were incorrect originally and they are worse now. He is in full support of Tom's suggestion of sending a letter to the BOS.

MOTION: John Cusick motioned to request the Board of Selectmen not to present the recently revised FEMA Flood Maps, dated November 6, 2015, to the general public until such time as major discrepancies in flood elevations affecting homeowners can be resolved.

Seconded: Stephen Hocking *Robert Shaughnessy abstained because of family structure affected in a disputed area.*

1. Enterprise Funds Discussion

John Cusick opened the discussion. He indicated that we need to bring back the spread sheet which contains much more detail.

Dan Bowen indicated that he met with Matt Abrams and went over his draft document; went over each tab and brought different questions on the different tabs, nothing is set in stone. We will meet possibly this Wednesday at 1:00 p.m. to start addressing each of the tabs and calculations and made notations. We discussed issues but did not work on the methodology.

Board members reviewed the FY2009 spread sheet. They agreed this form is easier to read and understand.

Steve and Tom stated that we need to work on the methodology, once that is achieved we can review the numbers.

John had provided a list of concerns for discussion (1) spread sheet FY2009 (2) Town Administrator indirect charge (3) Town Counsel and labor council should be carried as direct charges (4) use DOR formula for pension costs (5) maintenance charge for vehicles prematurely breaking down due to heavy use for plowing (6) DPW administration line item needs to be looked at (7) offset dollar amounts need to be set for plowing and cemetery use of DPW equipment; offsets for solid waste for municipal buildings needs cost dollar amount (8) any indirect line item that is traceable can be removed and carried as a direct cost (9) need formulas for Treasurer; Town Accountant; and Town Administrator.

Tom stated that they would be meeting with the financial team on Wednesday at 1:00 p.m. John asked for the meeting to be recorded.

2. Purchase of New Loader

Tom asked if the Board would declare that the John Deere Loader that we have now as surplus so that we can use it as a trade in. Then he will have to have the BOS approval.

MOTION: Stephen Hocking motioned to declare the John Deere Loader as surplus.

Seconded: John Cusick All in favor.

4. Media Use; Meetings / Local Programming

Bob Shaughnessy suggested that the Board meetings be aired once again on the local Marshfield network. It is beneficial for public information regarding the Board of Public Works and its updates.

Board members agreed to film one meeting a month beginning in January.

6. Grease Trap Waiver Request

Tom indicated that we had a request for a grease trap waiver from a new establishment at the corner of Webster and 1899 Ocean Streets. About four years ago the owners of the property came before us and told us a restaurant would never be going there. At that time we had been discussing with the owners about installing a grease trap. Now there is a restaurant and we do believe there is a hardship in this situation. Tom went to the site with the Foreman of Wastewater along with the Supervisor and Assistant Operator and determined that there was a legitimate hardship.

MOTION: Stephen Hocking motioned to approve the grease trap waiver as stated in the requirements of the application..

Seconded: Robert Shaughnessy All in favor.

7. Advisory Board Updates

No updates; no one present from Advisory Board.

8. Abatements

MOTION: Stephen Hocking motioned to approve abatement packet #948.

Seconded: John Cusick All in favor.

MOTION: Stephen Hocking motioned to approve abatement packet #949.

Seconded: John Cusick All in favor.

9. Minutes

MOTION: Stephen Hocking motioned to accept open meeting minutes of November 9, 2016.

Seconded: John Cusick All in favor.

10. Tabled Items None

11. Old Business None

12. New Business

Fore next meeting, Tom would like to discuss white goods fees.

13. Executive Session None

At this time the open meeting of the Board of Public Works for November 23, 2015 adjourned at 9:30 p.m.

Respectfully Submitted,

Ann Marie Sacchetti,
Board of Public Works Secretary