

**Board of Public Works  
Meeting Minutes**

**Date:** August 10, 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
Thomas Reynolds	Superintendent
Shawn Patterson	Deputy Superintendent
Rod Procaccino	Town Engineer
Paul Tomkavage	Project Manager/Engineer
Dan Bowen	Business Manager
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 action items, items for discussion and Superintendent's report; motion to accept the agenda. **Seconded** by Dave Carriere.

**Unanimous**

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

**I.      Action Items:**

i.      Approval of Meeting Minutes for June 15, 2020

**MOTION:**      Dave Carriere motioned to accept meeting minutes of June 15, 2020.

**Seconded:**      John Cusick                      **Unanimous**

ii.      Place Holder for Authorization Re: Install of Power Wiring for Equipment Maintenance at 965 Plain Street.

Dave addressed the issue. He indicated that authorization for installation of power wiring for Equipment Maintenance at 965 Plain Street has been given to Hi-Voltage Associates who are under contract with Water and Wastewater. Hi-Voltage was the low bidder and was able to provide a quick response in getting Plain Street powered up.

iii.      Vote to Support Citizens Petition to Revise By-Law 15, Annual Audit

Dave indicated that this was an article that the BPW submitted at the Spring Town Meeting and it was not placed on the Warrant at the discretion of the Board of Selectmen. They do have authority over the Warrant. Dave has initiated a Citizens Petition to have the same article be included in the Fall Town Meeting. He indicated that the By-Law was written in 1938.

Board members were in support of the article as previously written to be included in the Fall Town Warrant.

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

## Unanimous

### iv. Award Recommendation Contract FY2021-02/Annual Landfill Environmental Monitoring & Reporting

Paul Tomkavage provided details of the services included in the contract. There are six Tasks. Tasks 1-4 follow from MassDEP requirements in 310 CMR 19.000, Solid Waste Management, and the Post Closure Monitoring Plan, May 2001. Weston & Sampson Engineers (WSE) designed the final landfill closure and the Transfer Station and has performed these monitoring services for years without increasing their prices unless the scope increased due to MassDEP action or Town request. They are requesting an additional \$1K for the Transfer Station, Waste Ban Compliance and Landfill Cap inspections, having indicated this more accurately reflects their costs. Task 6, BUD assistance, was added in 2014 and the cost has been held. WSE provides professional and staffing continuity in this work. Staff obtains routine assistance from WSE on various items including trend analysis and data interpretation. The Staff therefore recommends award Contract No. 2021-02 for Professional Landfill Environmental Monitoring and Reporting Services to Weston & Sampson Engineers, Inc.

On a separate issue:

Dave expressed concern over the Solar array units to be constructed on the landfill site is that it will add a weight load to the cap and cause gases to migrate in different directions and also is true for any water contamination that manages to make its way in. It is very important to go forward with the monitoring. John has concern of the impact of the weight on the landfill cap. Bob Shaughnessy asked about who is doing a base elevation survey which is required to put the photo systems in. Paul indicated that he has no knowledge and has no input at all. Dave indicated that this issue is under the purview of the Board of Selectmen. He has read the contract which has engineering and survey information built into it but does not know the extent it captures the height of the landfill cap.

The Town Administrator was zoomed in and stated that whatever concerns the DPW may have will be addressed.

Bob Shaughnessy asked that the funding for the \$49K be a shared responsibility with the Town. The Town Administrator indicated that he would review the issue with Town Counsel.

**MOTION:** John Cusick motioned to approve Contract No. 2021-02 for Professional Landfill Environmental Monitoring and Reporting Services to Weston & Sampson Engineers, Inc. in an amount not to exceed \$49,000.00 and to authorize the Chairman or designated member to execute the contract documents when they have been prepared.

**Seconded:** Dave Carriere

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

**Unanimous**

**Appointment:** Ed Tirabassi /44 13<sup>th</sup> Road / Water Issue

Mr. Tirabassi was present zooming into the meeting. He has requested to meet with the Board. He indicated that back in May he was seeing water in his basement in certain locations. Shawn Patterson indicated that he visited Mr. Tirabassi's home to view the problem and suggested he to meet with the Board. One of the Board member's will reach out to him to further discuss the problem as it has been difficult with the zoom process.

Mr. Tirabassi indicated that he has had to replace carpet. He referred to the issue at Plymouth and Ocean Streets which seems to be the cause of the problems he is experiencing along with other neighbors. His insurance does not cover the damage and wants the Town to cover the costs. Dave will investigate the issue with the Water Supervisor and Shawn Patterson. Once that has been done we will schedule another appointment with Mr. Tirabassi at which time we will be prepared to take any additional information he may have as well as our findings. Shawn indicated there were others in the

area that experienced water issues but that was when we had 27 days of rain. Bob Shaughnessy indicated there needs to be much fact finding into the issue. Dave indicated that he would reach out to Mr. Tirabassi at some point tomorrow afternoon and set up a date to meet in addition to follow up with Staff.

v. Order of Taking / Brant Rock Phase 2, Seawall & Shoreline Protection Easements

Rod Procaccino was zoom present to explain details of the takings.

**Seawall Easement:** The seawall easement required for phase 2 of the Brant Rock Seawall Reconstruction Project includes area to be taken for access, reconstruction and future maintenance of the seawall which includes 15 feet behind the seawall and approximately 15 feet to 18 feet in front of the seawall along Ocean Street from 9 Middle to 21 South Street as shown on the taking plan.

**MOTION:** John Cusick motioned to approve the Order of Taking prepared by Staff as authorized by the Town Meeting under Article 14 of the Annual Town Meeting held on June 22, 2020 to take by Eminent Domain an easement for the purpose of access, reconstruction, and future maintenance of seawall and appurtenances as described in the Order of Taking and shown on the plan Seawall Easement Plan, "Brant Rock, Marshfield, MA" dated 3/16/2020 last revised 6/17/2020, with no damages awarded to owners listed in the Order of Taking. The Order of Taking is subject to final review by Town Counsel prior to recording.

**Seconded:** Dave Carriere

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

**Unanimous**

**Shoreline Protection Easement:** The Shoreline protection easement is required to protect the shore front by allowing installation of protective barriers and / or beach nourishment and to allow public use of the beach. The public access designation qualifies the Town for Federal and State funding for future projects. The Shoreline Protection Easement to be taken by Eminent Domain extends from the seawall to the mean low water line as shown on the taking plan along the seawall from 9 Middle Street to 21 South Street.

**MOTION:** John Cusick motioned to approve the Order of Taking prepared by Staff as authorized by the Town Meeting under Article 13 of the Annual Town Meeting held on June 22, 2020 to take by Eminent Domain an easement to protect the shore front and to allow public use of the beach between the mean low tide line and the seawall as described in the Order of Taking and shown on the plan "Shoreline Protection Easement Plan Brant Rock, Marshfield, MA dated 3/16/2020 last revised 6/17/2020, with no land damages to owners listed in the Order of Taking. The Order of Taking is subject to final review by Town Counsel prior to recording.

**Seconded:** Dave Carriere

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

**Unanimous**

vi. Contract Award No. 2021-05 / Engineering Services Seawall & Revetment Storm Damage Repairs

Rod was zoom present to provide details of the contract. There are 5 remaining sites requiring seawall related repairs as a result of damage from Coastal Storm Riley. The funding to address all but one of the repairs was approved and will be made available in September 2020. The local permitting to address these areas has been issued through the Order of Conditions for Region 2 Brant Rock Area. This proposal includes engineering services for external permitting, design bid document preparation, and construction oversight for the following areas: 8 Ocean Street Seawall Undermine – Footing

Overlay – Minor Seawall face repair: 24 to 96 Ocean Street SW Toe revetment 155 LF – Minor Seawall face repair: 207 to 230 Ocean Street SW Toe revetment 408 LF: North of 328 Ocean Street 350 LF reveled revetment at steel sheeting. Staff recommends awarding the contract to GZA-GeoEnvironmental Inc. base on the proposal provided and prior work by GZA. GZA prepared the design for similar seawall and revetment repair work in this area from damages caused by the Coastal Storms NEMO (2013) and Juno (2015). Based on budgets for design, permitting, and oversight from another consultant for this work, and GZA’s familiarity with this area, Staff recommends the contract be awarded to GZA. The cost proposal is less than a third of the other consultant’s budget for this repair work.

**MOTION:** Dave Carriere motioned to award Contract 2021-05, Engineering Services-Brant Rock Seawall Maintenance Repairs at various locations along Ocean Street, to GZA-GeoEnvironmental Inc., Amesbury, MA, in the amount of \$85,400 and the Chairman, or designee is authorized to execute the contract with the documents are prepared.

**Seconded:** Robert Shaughnessy

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

**Unanimous**

**vii. Recommendation FY2021 Water/Sewer/Solid Waste Rates**

Paul Tomkavage provided a recommendation for Solid Waste Rates. Rod was not ready for Water and Sewer rates. He will need a little more time. Paul provided details on F2021 Solid Waste Rate Projections. FY2020 ended with the SW Enterprise in good shape. Major contributing factors include: A high residential collection rage: continued revenue from weigh and Pay, up from previous years and : advantageous pricing in our contract with Republic Services, which spared us from market pricing for recycling and provided below average pricing for trash. He provided two scenarios using the latest numbers regarding collection rate (87.5%), number of residential accounts, abatements, revenues and charges for including the current recycling market cost.

After a brief discussion Board members decided to table a decision regarding Solid Waste Rates until the next meeting.

**MOTION:** John Cusick motioned to table a vote on the Solid Waste Rate for FY2021.

**Seconded:** Dave Carriere

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

**Unanimous**

**viii. Contract Amendment 2015-05 / Engineering Services Repair Seawall Green Harbor**

Rod Procaccino provided details of the amendment. Project status: As of August 6<sup>th</sup> the project (repair of 105 LF of Seawall at 70 to 76 Bay Ave.) is over 95% complete. The back shore concrete patio work is scheduled for completion by August 21. This project final backshore restoration work has been delayed due to abutters delay in timber pile installation. The restoration of the beach access batter board abutment and guides remain incomplete. Additional design services were required to complete final seawall repair section from engineering staff comments and field conditions observed during construction. The overall project was delayed from spring to fall to accommodate permitting and funding. The active construction administration was extended beyond the original 6 weeks budgeted to accommodate private property construction activity. Staff recommends authorization of Amendment No. 1. This project was also delayed by Covid 19 pandemic which required additional project coordination by the Engineer. There was significant time spent to coordinate back shore restoration with contractor. The additional funds requested seem reasonable.

**MOTION:** John Cusick motioned to authorize Amendment No. 1 to Contract 2020-05 Engineering Services Repair of Seawall Green Harbor with Tighe and Bond Inc. Pocasset, MA in the amount of \$7,500 for additional design services and the Chairman or designee is authorized to execute the change order when the documents are prepared.

**Seconded:** John Cusick

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

**Unanimous**

**Viii. Contract Amendment 2015-05 / Engineering Services Foster Ave. Seawall Repairs**

Rod Pocaccino provided details of the amendment. Contract amendment no. 9: as of August 6<sup>th</sup> the project is over 75% complete. The 3<sup>rd</sup> and 5<sup>th</sup> Road stairs have been repaired. The Seventh Road stairs is scheduled to be poured on Friday the 7<sup>th</sup>. The anticipated completion date is August 16<sup>th</sup>. Staff recommends authorization of amendment no. 9 as this project was held up for over a month due to permitting delays caused by Covid 19 pandemic, which extended the project to occur during the holiday and vacation period. The construction activity caused the Town to request GZA provide additional oversight and time to generate special reports at the request of the Conservation Dept. and DEP to respond to citizen complaints. The time of construction will be 11 weeks, one more than budgeted and GZA reports they have spent an average of 9 hours per week above original estimate. At approximately \$100 per hour this equates to \$15,000.

**MOTION:** John Cusick motioned to authorize Amendment No. 9 to Contract 2015-05 Engineering Services-Foster Avenue Seawall Repairs with GZA GeoEnvironmental, Hingham, MA in the amount of \$15,000 for Engineering Oversight and the Chairman or designee is authorized to execute the change order when the documents are prepared.

**Seconded:** Dave Carriere

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

**Unanimous**

**x. Change Order 2020-14 / Foster Ave Revetment Improvement Project**

Rod Pocaccino provided details of the amendment. As of August 6<sup>th</sup> the project is over 75% complete. The 3<sup>rd</sup> and 5<sup>th</sup> road stairs have been repaired. The seventh road stairs is scheduled to be poured on Friday the 7<sup>th</sup>. The Town requested that a temporary set of stairs be constructed at Seventh Road beach access to accommodate pedestrian beach traffic on Monday July 6 after the Town met with residents on Friday July 3<sup>rd</sup>. The Contractor had committed in the week prior to demo and repair all three sets of stairs in the immediate area prior to the July 4<sup>th</sup> weekend but failed to do so due to equipment failure. Staff recommends authorization of Change Order No. 2. This project was held up for over a month due to permitting delays caused by Covid 19 pandemic which extended the project to occur during the holiday and vacation period. There was no specific language included in the contract specification requiring stairs to remain in service. The Town did not stop the contractor from demolishing all three stairs at once. It was conceivable that this work could have been accomplished in a week's time prior to the holiday. As a concession, the Contractor did not mark up the labor charges by 15% for overhead and profit which realized a savings of \$513.

**MOTION:** John Cusick motioned to authorize Change Order No. 2 to Contract 2020-14 Foster Ave. Revetment Improvement Project with T. Ford Co. of Georgetown, MA in the amount of \$3,983.33 to construct temporary stairs at 7<sup>th</sup> Road and the Chairman or designee is authorized to execute the change order when the documents are prepared.

**Seconded:** Dave Carriere

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

## Unanimous

### **xi.**     Contract Award 2021-04 / Engineering Services painting of Telegraph Hill & Forest Street Distribution Storage Tanks

Rod Procaccino provided details of the contract. The description is to provide Engineering Services related to painting the Telegraph Hill water Tank last painted in 1990 and painting of the Forest Street Water Tank Exterior Roof surface which was last painted in 1997 and including miscellaneous repairs. It is anticipated that bid documents will be ready within 6 weeks of notice to proceed. Staff recommends award of Contract 2021-04 to Amory Engineers P.C. Duxbury, MA. The subcontractor's budget is based on an estimate provided and selection will depend on availability and shall be approved by the Town. Amory engineers designed and oversaw the construction of the Telegraph hill Tank in 1990. The paint system lasted over 30 years. The proposal is reasonable and current work by Amory Engineers has been more than satisfactory.

**MOTION:**     John Cusick motioned to award Contract 2021-04 Engineering Services-Painting of the Telegraph Hill Water Tank and Forest Street Water Tank Exterior Roof to Amory Engineers P.C., Duxbury, MA for the amount of \$54,000 and the Chairman or designee will execute the Contract when the documents are prepared.

**Seconded:**     Dave Carriere

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

**Unanimous**

## **II.     Discussion:**

### **i.**     Update on Indirect Costs

John Cusick indicated that the total Town budget should include the schools when determining percentages for indirect costs to the Enterprise Accounts. This is not being done. As a result, percentages increase for the indirect cost formula. He also stated there is still an outstanding amount of \$256,000 which was the determined overcharge to the Enterprise Funds. He is not in agreement with the current methodology. Dave Carriere is in agreement with John's comments regarding the indirect costs. Dan Bowen does not disagree with the points John indicated. The basis of his presentation is regarding conversations he has had with the Town Administrator and the Treasurer/Collector. All offset information was provided to them. They provided all backup documentation. He reviewed details of the accounting figures which included the 3 Enterprise accounts indirect costs. He indicated there was about a \$16,000 decrease from last year. Some items increased and others decreased. John wants to see the total Town budget used for the percentages. They are not using the schools budget which results in an increase in percentages being charged to the Enterprise accounts which affects the rate payer's costs. The methodology should include the total Town budget. Bob Shaughnessy indicated that the methodology he worked on with Tom is not perfect but the idea was that each year as we move forward to try to get as much of direct costing as possible and get away from percentages. He agrees with John, that the total Town budget should include the schools when determining percentages, not everything but the schools which is what is being done. Dave stated that the Board of Selectmen will be voting on the methodology on August 24, 2020 for the 2022 budget. This is happening earlier than normal times which occurs more towards the end of October. We need to provide Staff with what our particular objections are and to go forward prior to the vote of the Board of Selectmen. John will provide the figures and will also make the point that we feel that it is out of time right now, and not timely to be addressing these budgets issues prior to completing Special Town Meeting. Dave Carriere stated that the Board of Public Works has concern that this issue is being rushed and should not be this quickly done and should be done subsequent to Special Town Meeting.

John will prepare a letter to the Board of Selectmen

ii. 965 Plain Street Update: Work to Date/Meetings with Town Administrator & Owner Project Manager/Status of Sunk Costs

Dave gave the update. We have had a number of meetings with the Town Administrator and the owner's Project Manager finally obtaining a final number of \$400,500 which is the sunk cost at Parsonage Street. Work has begun to implement the electrical changes in order for the Equipment Maintenance can move into the new location. We began moving the Equipment Maintenance materials to Plain Street. We are marching in the right direction. We have a crew coming to clean the garage area and the administration building. Hopefully by the end of September we will be able to move the Administrative Staff from Parsonage Street to the new location.

iii. Spring STM/ATM Future New By-Law Vole to Approve Enterprise Charges & Enterprise Offset Costs

Dave indicated that he would like to draft a new By-law that requires that both Board of Selectmen and Board of Public Works, have to vote to support the indirect costs. A majority from both Boards would have to agree. Should that fail it would be given to the Department of Revenue for a resolution. This would move us towards an all direct charge process. All BPW members are in favor of this approach. Dave will prepare an article for the BPW as well as a Citizens Petition.

iv. Revise By-law 56 / Capital Committee to make any Enterprise Division Capital Project Funding from Retained Earnings Exempt from Capital Budget Committee Approval

There have been situations where the Capital Budget Committee does not support Capital spending coming from Retained Earnings. There really is no reason not to as long as there are sufficient retained earnings. He is will draft 2 options for Town Counsel to review and determine which would be the best option. Board members are all in agreement for this action.

v. Superintendent's Contract Amendment

Tom asked that Board members consider an amendment to the contract by striking the language in paragraph B., section 6 and replace the language with: B. Superintendent shall be entitled to earn additional compensation up to, but not to exceed 160 hours in a contract year for duties performed beyond normal daily operations and responsibilities. Hours earned are to be reimbursed within the contract year that they were earned. Dave would like to add additional language which excludes certain responsibilities such as certain meetings that are part of the executive function of the job.

**MOTION:** Dave Carriere motioned to amend the contract for the Superintendent and would carry forward into the contract for the Interim Superintendent for both the current and future contract going forward.

**Seconded:** John Cusick

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

**Unanimous**

vi. Update on Ocean Bluff Revetment

Rod gave an update. The drone provided survey data and reduced to a plan format. He will meet with the Engineer who was awarded the study for Ocean Bluff, either the end of this week or the beginning



of next week. Once we get further along we can meet with the Board and invite the residents if that is the procedure. He worked with Patrick regarding borrowing in September.

### III. Superintendent's Report

#### **Shawn's updates:**

We are in the process of finishing up the Winslow Ave. Extension boardwalk. It has taken some time due to inclement weather.

We are finishing the grading on the Cemetery expansion

He has secured funding for the Plymouth Ave. and Ocean St. flooding issue

He has secured funding for the Bartlett's Island Causeway problems

Paving on Spring Street is being done

#### **Tom's updates:**

Planning Board will be approving the Horse Farms development. The contractor agreed he would give the DPW \$35K towards the paving after they put the culvert in. The \$35K will be put into an account Solid Waste: It takes about 2 years to negotiate a contract. He would suggest that at the beginning of the year to begin re-negotiating in getting all the best possible bids in. It would benefit the Town to move on that.

In doing the expansion at Couch Cemetery, around the perimeter of the columbarium we would recommend the installation of the cemetery vaults which will prevent additional digging when graves are sold. There would be 100 in place. This is something that is important. It's an added feature we can offer residents. Bob has previously discussed about updating the rules & regulations regarding the Cemetery. He would recommend going forward. Something that is long overdue.

The Water Department requests at the Annual Town Meeting, were not voted on by the Capital Committee. They need to be re-submitted to Capital for the fall STM.

In closing, Tom indicated that this will be his last meeting. He has enjoyed his tenure and is proud of the accomplishments made as a Team. He "thanked" everyone for all they have done for him.

The next meeting will be on August 24, 2020.

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

**Seconded:** by Robert Shaughnessy

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

The open meeting of the Board of Public Works for August 10, 2020 adjourned at 8:44 p.m.

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