

October 29, 2014

**Present:**

Lee M. Azinheira, Chairman  
Manuel Branco, Clerk

Mark S. Nunes, Vice Chairman  
David T. Hickox, Director

Paul Pacheco, Superintendent Services & Infrastructure      Carlos Cardoso, WPC Plant Manager  
\*Steven Sullivan, Superintendent Water & Sewer Division  
David Cressman, Town Administrator

Mr. Sullivan was out due to a previously scheduled vacation.

The Chairman called the meeting to order at approximately 7:30 a.m.

**ACTION ITEMS**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to accept and approve the warrants for the bills payable for the period ending October 29, 2014. So voted.**

**A motion was made by Mr. Branco and duly seconded by Mr. Nunes to accept and approve the payrolls for the weeks ending October 4, 11, 18 & 25, 2014. So voted.**

**A motion was made by Mr. Nunes and duly seconded by Mr. Azinheira to approve and accept the meeting minutes of September 30, 2014. So voted. Mr. Branco abstained due to his absence from that meeting.**

**NEW BUSINESS**

**Application for Licensed Utility Layer – SLT Construction Corp.**

Mr. Nunes: Is that the guy you called about?

Mr. Hickox: Yes, I believe it is the one I called.

Mr. Azinheira: And the paperwork is all in order?

Mr. Hickox: Yes, this company is doing work out on 500 Faunce Corner Road. I believe this is a children's hospital?

Mr. Nunes: Is this the new one where the golf course was?

Mr. Cressman: No, this is where Sylvia Insurance is located. At that campus they are putting up another building 15,000 square feet. It will be a set of doctors there that are affiliated with Boston Children's Hospital.

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Mr. Branco: I was there the day before yesterday and there was no space to park cars. It was loaded and packed.

Mr. Nunes: Do you need a formal motion?

Mr. Hickox: Yes I do.

*A motion was made by Mr. Nunes and duly seconded by Mr. Branco to approve the application for a licensed Utility Layer for SLT Construction Corp. So voted.*

#### **Recommendation to Award – Desiccant Dehumidifiers**

Mr. Hickox: Mr. Chairman, we spoke about these a few months ago during the CIP (February 5, 2014). We only have dehumidification in one of our water treatment plants. These two dehumidifiers are the remaining two plants on Chase Road. They are needed because we can't do any maintenance, any painting because of the humidity and wet pipes. These are essentially the same unit we have at Old Westport Road.

Mr. Nunes: How is it working?

Mr. Hickox: It works fine on Old Westport Road. The building is like a different building, it's so dry and the pipes are dry.

*A motion was made by Mr. Nunes and duly seconded by Mr. Branco to award the Desiccant Dehumidifiers to Munters Corporation, Amesbury, MA for \$26,815.00 per unit for a total cost of \$53,630.00 for 2 units. So voted.*

#### **Recommendation to Award – Erection of 70' x 100' Signature Series Sprung Instant Structure**

Mr. Hickox: This is the award for the erection of the building itself. We are currently constructing the foundation and all the parts and skin are on site. Ironically this is the same company doing the foundation that bid on the erection.

Mr. Azinheira: Are they the only ones who do this type of work?

Mr. Hickox: This is the only one that bid.

Mr. Nunes: How much has this building cost us so far?

Mr. Hickox: This building is costing us more than we had planned, unfortunately. This is about \$20,000 more than the original estimates of \$55,000 and this came in at \$74,800.

Mr. Nunes: And what did that foundation cost?

Mr. Hickox: It was around \$90,000 (\$97,500), it is a massive foundation designed by Fay, Spofford & Thorndike. It has a lot of steel. The good news is we are doing all of the site work. It is going to be a nice facility once it's done.

Mr. Nunes: Any idea how much we are at?

Mr. Hickox: You'd be pushing \$250,000.

*A motion was made by Mr. Branco and duly seconded by Mr. Nunes to award the Erection of 70' x 100' Signature Series Sprung Instant Structure to N.E.L. Corporation, Middleton, MA for a total price of \$74,800. So voted.*

### **Discussion on Sanitary Sewer System Improvements During Parking Lot/ Roadway Paving or Reconstruction Operations**

Mr. Hickox: This is for discussion if the board wants to pursue, we will. Currently, we have no regulation that requires a contractor who is reconstructing a parking lot and raising structures, to bring the structures into compliance with our specifications. A good example would be on Dartmouth Street at Big Value where they are building the bank. So Big Value decides to update their parking lot, we have nothing that requires them to go in when they are raising a sanitary structure to put a cretext riser and a ladtech seal.

Mr. Nunes: Are we running into a problem over there?

Mr. Hickox: We have in the past so what I wanted to do is just get it into our sewer rules and regulations. If the Board agrees I will draft that up and I think it needs to go in the rules and regulations versus the construction specifications. I will look into it a little more. If it has to go into the sewer rules and regulations then we'll have to bring it to Town Meeting. Putting it in the construction specification avoids it. One of the big problems we had years ago is Claremont down at Sol-e-mar. We found them grinding all the parking lots and the roads and raising all the structures and there was no call. It really ties into our I/I.

Mr. Branco: By the way since we are talking about these structures, there are two man holes, I don't know if it is drainage or sewage, on Tucker Road right near Whiteweed Drive that makes a loud noise every time you drive on it. The person who lives right on the corner called me asking if we could do something.

Mr. Hickox: We had a problem on Slocum Road that was similar, remember that Paul? We tried a number of things. Yes (Mr. Branco), we'll take a look at that.

Mr. Azinheira: So if you put this in the Sewer regulations it takes more time but then they are permanent. I think that's something if you are putting it and you are retrofitting all ours then you should have some way, especially in Dartmouth you have a lot of private sewers.

Mr. Nunes: Can't we put it into the construction specifications now or whatever we agree on?

Mr. Hickox: We could and then enforce it.

### **Tucker Road Flooding**

Mr. Hickox: Mr. Branco, I am not sure if you recall but I do not recall this area flooding as much as it does.

Mr. Nunes: Is it that white house on the corner?

Mr. Hickox: No, if you are heading south and you go by Country Club and right before you approach the entrance to Hawthorne on the left is that big house and that is Dr. Klein's.

Mr. Azinheira: I have been there for almost 23 years and it has gotten worse since they put that subdivision. I saw the same thing happen in Mansfield about 18 years ago, someone had done the drainage for their subdivision which is actually smaller than that one and probably they just hadn't accounted for the additional water that was flowing through the area. I am not sure if that's what is happening there. You know what it is, it is getting there faster. I have driven in the middle of the road and hoped that I don't get stuck, it's that bad.

Mr. Hickox: A couple of observations. One is whenever there is a new development you are going to generate more water since there is less getting into the ground. It seems as though this occurs when the ground is saturated and have a high ground water table. Then what compounds the problem is the runoff goes into the detention pond. So you have flow coming off that site for a longer period of time prior to development and prior to the detention pond. The detention pond technically discharges at same rate as predevelopment and because this pond now has more volume in it, it is discharging for a longer period of time. Then you get a subsequent storm, there is a higher likelihood that you are going to have this base flow plus the storm.

Just one other thing, when we started to look into this at the corner where that stream comes through then makes its way under the culvert then drops down and makes its way down by Country Club Boulevard there is a sort of a natural detention pond built in that woods where they on two sides where they built up a big earth berm. If you are standing on Tucker Road and you go take a walk in those woods by the culvert there is a big earth berm there and an actual structure in the woods, it must have been for irrigation many years ago. I was never aware that it was there until I walked through there a couple of months ago.

A couple of things we are doing right away. Alan Heureux who worked on the design of the ponds up above and he did the permitting and everything with Conservation for Roland Valois. He has looked at the drainage calculations in conjunction with the Town's drainage consultant, Gus Raposo, and they have agreed that we can close up some of these low flow inlets so that the ponds will store more. And

David (Cressman) made an observation that one of the big ponds during one of the big storms and the pond was fairly full. That may help. I think Dr. Klein has to share some of this responsibility because essentially what he did is he created a low point at the culvert. He excavated his back yard, created a hole and created a hydraulic connection between the brook in his back yard. That land used to pitch down. He built his house and then put a hole in his back yard almost at the elevation of the road out front. He disturbed the natural contour.

Mr. Azinheira: Does he get flooding in the back yard?

Mr. Hickox: He gets sheet flow flooding in the back and to rectify that he created a swale essentially from his pool down to the stream. That is fine until the stream surcharges, starts coming backward and starts flowing and reverses flow and comes back up and floods his basement. We walked the site one morning with Tim and I, Alan Heureux, Dr. Klein and his contractor Jimmy Lannigan and we started thinking and talking about it. We told him one thing you can do is build a berm across the swale you built, stay in line with your house and put in an outlet underneath with a check valve. For 99% of the time when you have flooding in your back yard the flow will run through an 8 or 10 in pvc under this berm with a check valve and in the event we have a surcharge in the culvert, the flapper valve will close and maybe he would need a pump on the other side for the normal run off. He was receptive to that but in the letter he is asking us to do it which I just don't see that being our responsibility.

Mr. Azinheira: If they lowered the grade in the back yard.

Mr. Hickox: He did, he cut into the natural contour and we never had these problems I am sure with ground water as well.

Mr. Nunes: And if we have problems because of the calculations that were done in that development that's not our problem either.

Mr. Hickox: What I would recommend is we are going to do what we can with the ponds and this is a viable solution you should look into but we are not going to do work on private property. For the long term we could look at an overflow which is a big project. An overflow would be where I mentioned they have this natural detention on that lot he would create an overflow to bypass the culvert so when it gets to a certain point and it starts to flood the road we do it for public safety right before it hits the road elevation you have an overflow but that would require some easements, Conservation approval because you would have to bring that run parallel to the brook all the way down along. There is a conservation strip of land between Country Club Boulevard and Hawthorne Country Club, the golf course, and all the way down toward the Paskamansett. You could create a drainage overflow which is a lot of money and avoid having that road flooded.

Mr. Nunes: What is a lot of money?

Mr. Hickox: We would need an easement from one person to get across to Hawthorne, we need an easement from Hawthorne to get to conservation. You would have to engineer it and build it.

Mr. Branco: During the winter you are going to have some problems. If it freezes we will be there all the time.

Mr. Hickox: It seems to be a spring thing, high water table.

Mr. Azinheira: And these big intensity rain storms that we have been getting more of.

Mr. Cressman: July 4<sup>th</sup> was his other problem.

Mr. Nunes: Probably March to July 4<sup>th</sup>.

Mr. Azinheira: Based on the old numbers what we had here was a little over a hundred year storm. The new numbers coming out of Cornell that they are using for hydraulic analysis depends is around 9 inches. It has gone up over an inch. Under the new numbers it doesn't quite meet it but we have been getting them a lot more frequently. For a storm like that it is hard to design everything. If we designed everything in Town existing for a hundred year storm you would be spending millions of dollars. You cannot retrofit everything.

Mr. Hickox: We have a couple of other areas that frequently flood during the same event. Hawthorne will sometimes flood Allen and Sharp but Hawthorne will be the first one to go. Buttonwood Road as you come out of Hidden Bay the back, right above Jones Park we have looked at a solution there that we need to get on paper and permit. It is the same thing. It is an overflow to upgrade what is coming down. There has been development and the Town is part of it with the COA over the years there is a problem down there that we can come up with a solution. We can design the outlet coming from that wetland and getting it underneath Buttonwood and upgrading the line going down from Jones Park down to the beach.

Mr. Azinheira: If he created a low point it is pretty simple. Years ago when we did the Town Hall that I work out of they put a new main entrance at the basement level and they put a catch basin right in front of the door. When they did that they didn't realize that the drainage level and the street surcharges. We put one of those, luckily we had very good material under the common we put a check valve going out onto the street and discharge it into the common where we have gravel and a good water table and knock on wood what I designed fifty year from now will work but it is exactly the same principal.

Mr. Nunes: What is your recommendation? Do you need a motion on this?

Mr. Hickox: No, I think if we are all in agreement I will draft a letter back to Dr. Klein and let him know that we discussed it. I would solicit input from Mike O'Reilly, (Environmental Affairs Coordinator), they review the drainage and or Conservation Commission and/or planning board for this project.

Mr. Azinheira: Occasionally there may be some sheet flow over the road but if I remember correctly it's going to be a couple of inches before that. The July storm is not good to us as a gage but I have seen it more frequent. Again, we have been having a lot more high intensity storms so it is hard to tell but I think the travel times have shortened so it is getting there quicker. With all of those woods I think it would just sit there. In some cases it is days before it would actually get below. I think it's the travel time. I have definitely seen a bit more than what I am used to in fact I have been going through there for 23 years, every day for multiple times a day.

Mr. Hickox: Again I will solicit and talk to Mike (O'Reilly).

Mr. Azinheira: If they could tweak the detention pond.

Mr. Hickox: That's what we are going to do.

Mr. Azinheira: Have we accepted the sub-divisions?

Mr. Hickox: Yes we did. We have a request into the sheriff to have his crews come down and clean. One of the ponds is manicured but the other two need to be cleaned out as well. Then we can get in there and do what we have to do. We have to take the grate off, trash rack needs to be removed and tack weld and plate over these low orifices. Essentially what we are doing is allowing the pond to hold more water where the discharge is.

Mr. Azinheira: If you get the back to back storms in the spring time.

Mr. Hickox: Potentially, you still have a problem.

Mr. Nunes: There has to be an exception to the rule. That's the exception to the rule.

Mr. Azinheira: The thing you have to understand is that the steps you are taking will minimize the problem but will not eliminate it.

Mr. Hickox: Yes and the work that he did on that lot and the way his pool house was designed, the hydraulic connection made to the stream, the Town is not responsible for that. Through his engineer he should pursue the option. I don't believe it was Heurreux that did his site plan.

Mr. Branco: These sub-divisions when they have these detention ponds, who designs that? Who reviews that?

Mr. Hickox: It depends but right now it's the same guy, Gus Raposo.

Mr. Branco: He is hired by whom?

Mr. Hickox: Either Planning or Conservation. Most of the time it is by Conservation.

Mr. Branco: The problem is if someone screws up on the review and that does work then who is responsible?

Mr. Hickox: We are.

Mr. Azinheira: No. I say no matter how many people who look at it, the people who designed it and put their stamp on it are the responsible party. There are exceptions sometimes using the best available methods that some just trick you and nature can trick you sometimes and you can end up with a situation.

Mr. Hickox: I think you can meet all the requirements of the storm water regulations and design the pond according to our regulations and still have a problem because you are generating more runoff.

Mr. Azinheira: The reality is drainage analysis and I know when people try to use decimal points and so on, it is best estimate, it's not an exact science.

Mr. Nunes: I am in agreement with what David (Hickox) wants to do as far as advising them and take each step as it comes basically. Clean it up and create a higher flow.

Mr. Cressman: I want to give you a heads up and I don't want to make life rough for all of you but I looked at the lot behind Ed to build a house there and I walked away from it for a number of reasons. One of the things Roland proposed to do, and that's why I am going to say you have to watch out because if he sells that lot and builds a home. He is talking about bringing in material into that lot in order to bring the driveway in and have the house in a sense sitting up. This is going to create more water into that creek.

Mr. Hickox: I was out there this week and it looks as though they have surveyed. You (Mr. Cressman) are talking about the lot where there is almost like an easement for the cul-de-sac then it opens up in the back. That is all staked out and cleared right now. He must have sold it.

Mr. Pacheco: That whole area also takes the ponds from the Allendale to Allen Street.

Mr. Azinheira: This is what I was saying before that sometimes it's what's coming offsite that somehow that's a problem I had before, it wasn't a sub-division but we had to provide an overflow. It wasn't because of what was generated from the site it was while it was coming through and this case and somehow it could be what's coming off of Allendale in that area too.

Mr. Nunes: I would assume Roland is aware of this.

Mr. Hickox: Yes I mean the issue now is that it is a Town accepted subdivision.

Mr. Nunes: Mr. Cressman is saying just in case that lot is sold, it is going to create another situation.



Mr. Hickox: Yes there will be more run off running into Ed's back yard.

Mr. Cressman: Not so much the back yard but it is going to flow back into that creek.

Mr. Nunes: So we will have to put in the over flow at some point.

Mr. Hickox: It's something we could survey, design over the course of the winter when construction slows down.

Mr. Azinheira: I think in reality, if we try to go after different people, I think it's gray at best. You can spend more and get more or less. I think we are better off putting our efforts into the long term solution.

### **Insurance Limits**

Mr. Hickox: What is happening is that we have a diverse range of projects and it's not just projects, it is products as well. The last time we looked at the insurance requirements, John Beauregard provided upgraded limits. We inserted them and started using them. We then started to receive calls from Analytical Balance who provides a service for us and collects water samples. They looked at the limits and said they can't do it for the offered price. Other firms just aren't bidding because of the limits. Primarily the umbrella at \$5,000,000 and things like the general liability went from \$1 to \$2 million. It comes back to whether we need to have two different insurance requirements. Maybe one that is delivering sand to us or a company that is delivering any product to us versus when we do a project like Old Fall River Road which is a large project with a lot of liability. I thought I would run it by the Board and get your input before I go back to John Beauregard to see if there is something we could do.

Mr. Nunes: The only thing I see that is way out of line is the \$5,000,000 for a small company. It gets expensive. \$1 to \$2 million is standard on the general liability and \$500,000 on the worker's compensation. I am not sure how we can get brought in from Analytical Balance as an example. I am not sure what our exposure would be.

Mr. Hickox: It comes down to this \$5 million umbrella and if it should be required for all projects or just big projects. How do we determine?

Mr. Nunes: Also the \$1 million on the auto, a lot of guys have that, it is not unusual.

Mr. Azinheira: You would determine it on the value of the job.

Mr. Nunes: Then you create the "Who should really have that?"

Mr. Hickox: One guy could be delivering water to you and the other chemicals where there is a huge liability.

Mr. Nunes: Those guys would likely have it. Just like the guys doing large projects. They aren't going to go into another Town and do municipal projects that are large and not have a \$5 to \$10 million umbrella. I don't know how you would control that. I would go back to John but I think he needs specific vendors and say that we want to relieve this guy from the limits.

Mr. Hickox: Or we require it and have them request a waiver if they are aggrieved by it.

Mr. Nunes: Take it on a case by case basis and bring it before the Board. I don't know how many of those we are going to get. I don't want to get bombarded.

Mr. Hickox: You could get bombarded.

Mr. Azinheira: You don't want to do it on a case by case basis. You have to set the parameters and it is automatically steps.

Mr. Pacheco: How about types of services? Base it on what type of service you are providing.

Mr. Nunes: Then you have to think of any little thing that could possibly happen.

Mr. Cressman: What about a dollar limit based on the size of the contract?

Mr. Nunes: That could be one of the parameters but you could have a \$300 contract that exposes us to a lot of liability.

Mr. Hickox: Like an electrician working on the plant. If we put out a small electrical contract.

Mr. Nunes: Who is it that's complaining about this?

Mr. Hickox: Right now it's the water testing companies, the small contracts. They are not a lot of money, these contracts.

Mr. Nunes: I think we should look at that one specifically now if that's who we are getting the complaint from.

Mr. Azinheira: Did they say what they carry?

Mr. Hickox: They carry what we asked for before.

Mr. Azinheira: I think the \$5 million is excessive.

Mr. Nunes: For that contract it is but for others it's not. I would like to see if we are going to circumvent what our insurance consultant has suggested. We are not going to change the guys that are here and licensed drain layers. I don't think we should do that. Now if it is a vendor just bring it before

us and let's see where it goes. I don't want to paint everybody with the same brush. Whether it is a \$200 or \$2,000 contract, those exposures could be the same.

Mr. Hickox: Why don't I talk to John (Beauregard) and see if he could take another look at the \$5 million and ask him what they are doing in other communities. This would be just Dartmouth they are aggrieved by. See what other communities are doing and as it stands now, unless he says something otherwise we'll just bring it on a case by case basis before you. The only problem is that you may preclude people from bidding when they see the requirements.

## OLD BUSINESS


### Update on Ryder Street Betterment Assessment

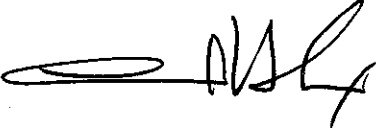
Mr. Hickox: I wanted to let the Board know that Ryder Street project is done. There is one more document that the Select board has to sign. It is just a transmittal to the Assessor's. The good news is the construction guys did a great job out there. The estimate was \$6,300 per lot and the final betterment is \$5,077.31. The residents should be pleased that the estimate was \$1,300 less than the estimate.

**Having no further business to discuss that morning, at approximately 8:20 a.m., a motion was made by Mr. Nunes and duly seconded by Mr. Branco to adjourn the meeting. So voted.**

Respectfully submitted:

Approved:

  
Jennifer Frates, Administrative Assistant

 11/13/14