

Shutesbury Selectboard Meeting Minutes
August 8, 2023 Hybrid Meeting Format

Selectboard members present: Rita Farrell/Co-Chair, Melissa Makepeace-O'Neil/Co-Chair and Eric Stocker

Staff present: Becky Torres/Town Administrator, Geneva Bickford/Administrative Secretary

Volunteers & Other Staff present:

Guests:

Makepeace-O'Neil calls the meeting to order at 5:36 pm.

Agenda Review: As posted.

Discussion Topics:

1. Overview of the Current Status of the Locks Pond Culvert Project, Dam Operation and Engineering, Review of Three Current Options, Costs Projections and Timelines, Discussion and Next Steps:

There has been a tremendous amount of rain that has fallen over July 4th and the levels are closer to a one hundred year storm. Two weeks ago MAS Builders came out to prepare for the work that was to begin on August 1st. At that time it became clear they could not proceed due to the high water flow and they gave notice to the Town. The TA had a zoom meeting with the contractor and the engineer to begin looking at alternatives. The flow on July 16th was at 100 cubic feet per second and then on July 21st it dropped down to around 30 cubic feet per second. The flow has dropped dramatically in the last two weeks however, the flow needs to be closer to a maximum of 8 cubic feet per second, 5 or 6 cubic feet per second would be ideal for the bypass to work correctly. Matt Stykeiwicz was on site and at that time the flow was at approximately 14 cubic feet per second. Stykeiwicz asked the TA to go back and check the flow and as of today the flow is still too high. Stykeiwicz states the contractor made the decision to pause the project and was hoping the rain would subside which it did but not as much as was anticipated. The TA has prepared a flow chart that gives different options to choose from which includes pros and cons and risks as we know them. All costs are approximate. At this time there is equipment sitting there not being used and there are costs associated with that. The TA shares the streamflow chart of the Swift River showing the numbers have come up a little from yesterday. The flow yesterday was at 9.73. The way this works is you take the 9.73 reading and multiply by .5. Howard Kinder believes this is like a normal year right now, normally there is 2 inches above the spillway and at the moment there is only one inch and the sluice way is shut down to a ½ inch. The green line on the stream flow chart shows last year's numbers and last year was a lower year than normal. The orange line on the flow chart shows this year's numbers and we are looking at quadruple the flow. The SB has five options to consider. The first option is to move ahead, this option is dependent on the flow and it has to be doable for the contractor to move ahead. The second option is to wait and determine how long would be feasible to wait. This project is presumed to take two months for in water construction and then we would have to do more work to close up and pave the roadway. The third option is to wait and increase the bypass pipe size. The costs associated with that are about \$150,000. It will take about 2-3 weeks for the contractor to secure the new pipe. The fourth option is to reschedule for next year. Rescheduling for next year would mean potential additional permitting, it will give us time for permitting. The cost to close up the road, install the guardrail and temporary paving will cost about \$80,000. The fifth option is to reschedule for next year and increase the bypass pipe size. The estimate to close up the road is about \$80,000 and the cost for the bypass is about \$100,000 and new permitting cost could be about \$5,000. The actual material costs for the bypass is about \$75,000 and there will be at least an additional three weeks before the larger pipe would be installed and that would add an additional \$40,000 to \$45,000. If the decision is to wait till next year the site would be demobilized which would come with some additional costs but you would not have the costs of the equipment sitting there. There are no penalties in the contract and the contractor has the liability if the bypass systems is flooded. If the contractor feels the risk is too high

the town should be listening to their recommendations. The contractor and engineer have to look out for the safety of the site and everything around it. Based on Stykeiwicz's latest conversation with the contractor the first two options seem risky and Stykeiwicz does not believe the contractors have much interest in waiting. The other issue with waiting is we are taking a risk by hoping that September is going to keep decreasing but the longer we wait the closer we get to colder months and that could affect the costs for concrete and pavement. Stykeiwicz wants to see about getting the larger pipe and getting the project done this year or get the larger pipe and wait till next year giving the town time to figure out scheduling and permitting. DeFant tells Stykeiwicz and the TA that the permit will expire in November and there is no extension for the permit because the permit was issued during the pandemic. The extension is only for permits issued before the pandemic. DeFant suggested that a pipe could be put directly into the sluice way gate so that the gate could be opened during a high water situation and perhaps a minor cofferdam system could be installed for leakage. Stykeiwicz does not see the benefit in doing that as the flow in the stream is being diverted to the bypass. Stykeiwicz states they are trying to minimize the impact on wetlands and running a pipe all the way up wasn't really considered. The decision to pause the project was a joint effort between the town, the engineer and the contractor. The plans required the bypass be designed for a consistent flow of 8 cubic feet per second with a maximum flow of 16 cubic feet per second. A request will be made to extend the permit as well as the TOY restrictions, currently in water work is restricted between August and September. It has been Stykeiwicz's experience that TOY restrictions are generally used in fresh water fishery passages where there are certain migration periods of endangered or fresh water fish and there is no indication that this current stream is a cold water fishery. It is DeFant's understanding that the sawmill river is a cold water fishery. Penny Jaques was on the ConCom when the original permit was issued and states the reason the TOY restriction was put in place was because the work would be done in August and September and that was low flow. Mark Rivers asks about the structural integrity of the existing culvert and asks if anyone can comment on the culpability of a catastrophic failure of the existing culvert in the next 12 months? Stykeiwicz says Mass DOT reports gave it a rating of four out of ten for being poor condition in their opinion and that has not changed in the past two years. The rain was expected to stop, June was an incredibly wet month and the hope was that July would be better. Unfortunately no one could anticipate three or four weeks of thunderstorms every evening and consistent rain just about every day. There have also been issues with utility replacement. Mass DOT is funding part of the project by putting \$500,000 towards the project and they have already granted one extension. National Grid is currently working in the area installing three phase power and they are aware of the work going on and will continue work when they are able to. They are aware of the project and have been planning for it. There was discussion about a cofferdam, conduits and pumps. Stykeiwicz advises a pump is not generally used as a primary system running 24 hours. Generally the pump is there on standby. Stykeiwicz also advises fuel costs would be extremely high if this approach were taken. Currently the contractor works Monday through Thursday 10 hour days, the town could ask the contractor once work is able to start again to do overtime and work six 10 hour days. The town has a contingency in the construction budget of about \$100,000 that could be used for the larger pipe. Stykeiwicz and the SB have received instructions from ConCom on how to request an amended OOC. Stykeiwicz has been in contact with MESA and they have indicated they do not need a separate permit. They need notification of the change and they would review the change and make a decision. The SB has decided to wait to make a decision and will discuss at the next SB meeting.

Farrell Motions to Adjourn (7:25 pm); Makepeace-O'Neil moves and Stocker seconds. Roll call vote: Makepeace-O'Neil: aye, Stocker: aye, and Farrell: aye; the motion carries.

Documents and Other Items Used at the Meeting:

1. Swift River Flowchart
2. Chart of Culvert Options

Respectfully submitted,
Geneva Bickford,
Administrative Secretary

** A full version of the 8/8/23 SB meeting is available to view on the Town of Shutesbury's YouTube page at: <https://www.youtube.com/channel/UC4ajoOcJsNzf5DBgMTZgcJA>