

Board: Board of Selectmen/ Water Commissioner's Meeting
Date: Monday, November 16, 2020
Location: Online Video/Audio Conference Pursuant to Governor Baker's Executive Order in Response to the COVID-19 State of Emergency

Selectmen Present: Jacob Smith, William Bembury, Peter Sanders
Finance Committee: Daniel Hammock, Benjamin Fellows, Debra Smith, Charles Zilinski
Also, Present: Bryan Smith, Robert Holst, Mariah Kurtz, Michael Gordon
Press: Katherine Nolan, Montague Reporter

At 6:32 PM **Chairman Smith** called the meeting to order.

Chairman Smith explained that the meeting is being recorded and provided an overview of the functions of the video/audio conferencing platform.

Discussion Regarding Town Response to COVID-19

No update at this time.

Library Construction Project Update & Review of Change Order Requests

Bryan Smith, Town Administrator, explained that a project meeting has been scheduled for Tuesday, November 17, 2020 to review outstanding punch list items and to review any concerns with the facility. Daniel Hammock, Library Trustee, asked if the concern with the functioning of the front door hardware will be addressed. Bryan confirmed that the issue is on the list. Daniel also asked if the range for the wireless network could be adjusted to provide public use outside of the Library building. **Chairman Smith** explained that an analysis can be conducted to assess outdoor coverage of the wireless network. **Chairman Smith** explained that he anticipates a challenge with this goal as the wired locations for the network devices are not in locations that are conducive for outside coverage.

River, Warner & Strachan Street Project Update & Change Orders

Bryan explained that the Town is still awaiting a proposal on how the deviations from the construction plans will be addressed by the contractor on the project. Bryan explained that the Town's engineers are following up on the need for the proposal. Bryan explained that the pay requisition was amended and resubmitted to only include work that the Town was ready to accept.

Discussion Regarding Chief of Police Position Search

Bryan explained that the scope of work had been distributed to at least four (4) vendors that were recommended by other Massachusetts municipalities. Bryan explained that one (1) vendor explained that they did not have the required experience for Chief of Police searches but had done more Fire Chief searches. Bryan suggested that the Board could amend the procurement to allow experience searching for a Chief position within a public safety department. **Selectman Bembury** asked how many downloaded the procurement. Bryan stated that two (2) of the four (4) vendors had downloaded it. **Chairman Smith** expressed concern about only having one (1) response for the Board to consider. The Board members expressed agreement. **Selectman Sanders** made a motion to amend the procurement to allow experience searching for the "position of a Chief of a public safety department." **Selectman Bembury** seconded.
Vote: Unanimously approved.

Review of Streetlight Installation Project Procurement

The Board passed over this agenda item.

Discussion of Establishing Feasibility & Building Committee

The Board reviewed a memorandum from Bryan recommending the establishment of a Public Works Feasibility Committee to oversee the project for the Public Works offices and dry storage project. Bryan recommended a five (5) member committee with the following membership: Glenn McCrory, Highway Superintendent; Peter Sanders, Wastewater & Water Superintendent; Mariah Kurtz, Assistant Town Planner; and two (2) residents. **Chairman Smith** expressed his support for the recommendation and asked **Selectman Sanders** to also represent the Board. **Selectman Sanders** agreed.

Selectman Bembury discussed the amount of anticipated work that would be conducted by a permanent Building Committee and the possibility that the work may be appropriate to stipend. The Board members discussed taking time to carefully consider the composition of the proposed permanent Committee. Mariah joined the Board and discussed possible suggestions for the Committee composition. **Chairman Smith** asked that Mariah provide the Board with a written suggestion to review at a future meeting. **Chairman Smith** explained that he would want to discuss the proposed Committee with the Finance Committee and the Capital Planning Committee.

Chairman Smith asked how the Board would like to proceed with the recommendation to create a Public Works Feasibility Committee. **Selectman Bembury** discussed support for establishing the Committee and advertising the opportunity to residents. **Chairman Smith** made a motion to establish a Public Works Feasibility Committee consisting of five (5) members with two (2) members being residents of Erving. **Selectman Bembury** seconded. **Vote:** Unanimously approved

Review of Patrol Officer Position Screening Committee

The Board reviewed a memorandum from Bryan Smith requesting the establishment of a Patrol Officer Screening Committee consisting of seven (7) members. **Chairman Smith** summarized the request to include the current Patrol Officers in the search process. **Chairman Smith** reviewed the recommended Committee composition of Robert Holst, Sergeant and Acting Chief of Police; William Bembury, Selectman; James Loynd, Patrol Officer; Adam Paicos, Patrol Officer; Amanda Flower, Patrol Officer; and two (2) residents. **Selectman Bembury** and **Selectman Sanders** expressed their support for the requested composition. **Selectman Bembury** made a motion to establish the Patrol Officer Screening Committee, consisting of Robert Holst, Sergeant and Acting Chief of Police; William Bembury, Selectman; James Loynd, Patrol Officer; Adam Paicos, Patrol Officer; Amanda Flower, Patrol Officer; and two (2) residents. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Discussion Regarding Good Samaritans at the French King Bridge Incident

Selectman Bembury discussed his support for sending the letters prepared by Robert Holst, Sergeant and Acting Chief of Police, to the good Samaritans that were involved in the rescue at the French King Bridge. **Selectman Bembury** asked that the Board send a letter to each individual as well. **Chairman Smith** discussed his support and agreed that the Board's Office should draft a letter. The Town will reach out to the individuals involved to ask for permission to discuss the names publicly. **Chairman Smith** thanked Sergeant Holst for preparing the letters.

Joint Meeting with the Finance Committee

At 7:04 PM **Chairman Smith** called the joint meeting of the Board of Selectmen and the Finance Committee to order. Benjamin Fellows, Debra Smith, and Charles Zilinski joined the Board.

At 7:05 PM Daniel Hammock recused himself as a member of the Finance Committee for the discussion, noting that he will participate as a member of the Board of Assessors.

Discussion Regarding Elected Official Compensation Policy

The Board and the Finance Committee members reviewed a memorandum from Bryan summarizing the deliberation from the last meeting regarding the draft Elected Official Compensation Policy. **Chairman Smith** discussed his recollection of where the conversation ended regarding stipends for the School Committee and the need to complete the conversation related to the Board of Assessors. **Chairman Smith** noted that the topic of a stipend differential for the chair position on elected boards was brought up at the last meeting but was not discussed. Daniel discussed the history of the Board of Assessors members receiving a stipend for approximately the last thirty (30) years. Daniel discussed the evolution of the Town's elected boards prior to having hired professional staff and noted how the roles have changed. Regarding the Board of Assessors, Daniel explained the educational requirements that members must maintain. Daniel stated that he believes the Assessors current stipend is appropriate for the work and the responsibility, noting that the Board of Assessors discuss the stipend annually during the budget planning cycle. Daniel discussed his review of the FY2020 compensation survey data from the County. **Selectman Bembury** expressed support for the comments that Daniel provided and discussed the importance of the work done in the Assessor's office. **Selectman Bembury** expressed his belief that the Assessors have served the Town well, especially when presenting before the Appellate Tax Board. **Selectman Bembury** discussed his concerns about increasing the stipend but explained that he would not support reducing the stipend. **Selectman Bembury** discussed the importance of capping stipends for a three (3) year period.

Benjamin discussed the importance of clearly defining what the Town means when it provides a stipend. Benjamin asked if it is meant to be a true stipend or if it was meant to be compensation that is determined by the work done on committees. Benjamin discussed the comparison of work conducted by the various elected boards and commissions. Daniel explained that he is not able to compare the work between the elected boards, but again discussed the importance of the work that the Assessors. Benjamin discussed his concern about the inequity between the boards and the stipends provided. Debra expressed agreement with the concern. Debra explained that using the FY2020 compensation survey from the County, the average stipend for an assessor is approximately \$1,800. Debra discussed her concern with increasing the stipend and the parity with Select Board. Debra suggested maintaining the current stipend for the Board of Assessors and to freeze the stipend for a period of three (3) years. Benjamin expressed agreement but asked that the Board of Selectmen and the Finance Committee develop criteria within that period to better explain the rationale. For the stipends that are provided. **Selectman Bembury** expressed agreement. **Chairman Smith** summarized his understanding of the preceding conversation, asking if the stipends for the Board of Assessors and the School Committee were being held at the current FY2021 rate. The Board and the Finance Committee members expressed agreement with that understanding. Daniel asked if the Board of Assessors were being singled out and if the stipends for the Selectmen would be increased. **Selectman Bembury** discussed his preference for maintaining the stipends for the Selectmen at the current rate. The Board of Selectmen expressed agreement. Bryan asked that the stipend for the position of Tree Warden also be maintained at the current rate, noting that in the draft policy it had been rounded down slightly. The Board and the Finance Committee members expressed agreement. Daniel discussed his appreciation for having a public debate about this topic in the interest of transparency.

Regarding the topic of a differential for the position of chair on elected boards, **Selectman Bembury** discussed his support for a stipend differential for the position of chair. **Selectman Bembury** discussed his experience serving as a chair and explained the tremendous amount of work and hours that are required weekly. **Selectman Bembury** explained that he believed it was fair to recognize the work of the chair. Benjamin asked if the stipend differential for the chair position would be for only the Board of Selectmen or if it would apply to all elected boards. **Selectman Bembury** explained that he was starting with the Board of Selectmen and wanted to discuss a differential for the chair positions of other boards.

Daniel discussed his support for the proposal and discussed the challenges the chair takes on with the full responsibility for the board's work. **Chairman Smith** discussed the chair role and his preference that if there is a stipend differential it should apply to all elected chairs. Debra discussed support for the proposal but cautioned against trying to compensate for pay, explaining that the stipend is meant to demonstrate appreciation. Debra suggested stipend differential of \$75 for most elected chairs and \$250 for Board of Selectmen chair. The Board and the Finance Committee members expressed agreement. **Chairman Smith** asked that section 5 of the draft policy is amended to address chair differentials. The Board and the Finance Committee members expressed agreement. Bryan will amend the draft policy and distribute to the Board and Finance Committee members.

Discussion Regarding Proposed Permanent Building Committee (revisited)

Chairman Smith explained that the Board of Selectmen are considering a proposal to draft a bylaw that would create a permanent Committee to oversee the Town's various construction projects. **Chairman Smith** explained that he would like to send the draft materials to the Finance Committee members for their review and feedback.

At 7:45 PM Daniel rejoined the meeting as member of the Finance Committee.

Review of Arch Street Force Sewer Main Replacement Project

Peter Valinski, Vice President, and Joseph Popielarczyk, Project Engineer, of Tighe & Bond joined the Board to review the proposed construction plans for the Arch Street sewer force main replacement project. Joseph provided an overview of the proposed construction path for the replacement of the sewer line from the Arch Street pump station to POTW#2. Joseph explained that the construction path requires crossings at Keyup Brook as well as the Pan AM railway in two (2) locations. Joseph explained that the plan had to change from the original concept to avoid existing wetlands and will use Route 2 as a path. Joseph reviewed the opinion of probable cost of \$1,750,000. Peter explained that the opinion holds a 20% materials and bidding contingency of \$240,520 in addition to the standard 10% construction contingency of \$120,260. Joseph and Peter discussed the need to trench through Keyup Brook as was done with the original line was installed in the 1970's. Joseph explained that the new path will proceed to the Pan AM railway and the plan will use horizontal directional drilling under the track which provides a cost savings when compared to alternatives. Joseph and Peter discussed using the existing second Pan AM railway crossing by using a cured in place pipelining that will again provide additional cost savings.

Peter explained that the project has been in the planning phase for over a year and discussed increases and decreases in individual line items, with no significant cost changes. Peter discussed the favorable bidding environment and discussed the recommendation to require that bid submissions are valid for a sixty (60) day period to allow an award in the event that a Special Town Meeting is necessary. Peter discussed an option to present part of the project as a bid alternate to further assist in the success of the bid. **Chairman Smith** discussed the previously approved budget is \$1,570,000 and the need to find about \$180,000. Peter encouraged allowing the project to go to bid, reminding the Board and the Finance Committee members about the contingency being held in the opinion of probable costs. **Chairman Smith** asked for an explanation of what work would be included in the proposed bid alternate. Joseph explained that the proposed work for the bid alternate would include work at the headworks. Peter explained that this work could be completed as a part of a future Wastewater Treatment Plant improvement. Peter explained that this part of the project will have a higher linear foot cost than the rest of the project because of the narrow working area and the proximity to other utilities and equipment. **Chairman Smith** asked if the cost of the work in the proposed bid alternate is already included in the opinion of probable

cost. Peter and Joseph confirmed that the cost is already included in the cost opinion. **Chairman Smith** asked for estimated cost of the bid alternate. Peter estimated a cost of approximately \$30,000 to \$45,000.

Joseph and Peter provided an overview of the proposed sewer layout. Joseph described the sleaving of the sewer line near residential wells. **Chairman Smith** asked about the impact to traffic on Route 2. Joseph explained that the proposed line would be installed about 3' from the double yellow line. Joseph explained that one (1) way traffic at a time will be required during the construction within the Route 2 layout. Joseph explained that Tighe & Bond is working with MassDOT through the permitting process. Joseph discussed the traffic management plans with police details and signage. Peter estimated that construction within the Route 2 layout will last approximately one (1) week. **Chairman Smith** asked about the impact to the asphalt surface. Joseph explained that the plans allow for a 5' maximum wide trench and that the permanent patch would be a maximum of 7' wide. Joseph discussed the plan to maintain open access for the Wastewater Treatment Plant. Joseph explained the work that is proposed at the second Pan AM railway crossing, noting that the existing line will have to be taken offline. During that period, Joseph explained that the Town will use a truck bypass for wastewater from the wet well at the Arch Street pump station. Joseph explained that the liner for the second crossing will be ordered and during that four (4) week period, construction on the force main will continue. Once the liner is received the tie over can be conducted. Joseph and Peter reviewed the challenges with the spatial alignment and working near the headworks between the settlement tanks. Peter explained that Tighe & Bond is prepared to submit a Notice of Intent (NOI) to the Erving Conservation Commission and that they are awaiting comments from Pan AM and MassDOT. Peter explained that Tighe & Bond is not expecting challenges from either entity. **Selectman Bembury** asked for an estimate of the lifespan for the proposed new sewer line. Peter explained that the existing force sewer line function for its fifty (50) year useful life. Peter estimated that the new pipe could have a seventy-five (75) year lifespan. **Selectman Bembury** asked for an explanation of the construction timeline. Peter explained that construction is expected to take approximately four (4) months with a six (6) month contract period. **Chairman Smith** asked when the project could be bid. Peter suggested going out to bid in January or February 2021 with construction beginning in April or May 2021.

Chairman Smith asked if members of the Board and the Finance Committee were comfortable with the project going to bid and then considering the need for a Special Town Meeting once bids are received. Daniel expressed his support for the approach. **Selectman Bembury** discussed wanting to be proactive with the scheduling of a Special Town Meeting instead of waiting. **Chairman Smith** discussed hoping for a competitive bid process that might keep prices within the existing budget. **Chairman Smith** discussed the challenges of holding a Special Town Meeting during the winter with the precautions needed for COVID-19. Peter emphasized that the bid submissions would be valid for a sixty (60) day period and with the use of a bid alternative that it is highly likely that the bid results will fit within the existing budget. **Chairman Smith** noted that changes to the plans for the Pan AM crossing and the construction within Route 2 instead of the wetland area will impact the project cost. The Board and the Finance Committee members discussed agreement with the approach proposed by Tighe & Bond.

Chairman Smith asked if there were any concerns with the proposed construction plans. Debra asked if there is a concern with Pan AM being for sale and the impact on the proposed railway crossings. Peter discussed the low risk of any changes to permitted crossings. **Chairman Smith** asked for an explanation regarding the status of conversations with the property owners of Tim's RV and the proposed crossing. Bryan explained that the property owner was open to the Town assessing the viability of the sewer crossing the property and signed the right of entry form. Bryan explained that if the plans were to move forward, the Town would need to meet with the property owner to discuss the status of the project and

a potential easement. Bryan asked for the Board's permission to pursue an easement with the landowner. The Board members expressed agreement.

Discussion Regarding POTW#2 Sludge Dryer Project

The Board discussed the recent correspondence from Morris Housen, President of Erving Industries, regarding the sludge dryer project at the Erving Center Wastewater Treatment Plant (POTW#2). Bryan reviewed the communication noting that according to the correspondence the Mill no longer wants to pursue funding for the project through the Federal Economic Development Administration (EDA) or the borrowing applied for through the Massachusetts Clean Water State Revolving Fund (SRF). Bryan explained that he will work with the Town's lawyers to address the other request that Morris has listed. **Chairman Smith** expressed disappointment that based on the recent communication the project would not be moving forward with the funding options that the Town had been partnering on. **Chairman Smith** thanked the Town staff for the work that had been put into exploring the funding options, organizing Special Town Meeting, and connecting the Mill with potential partners. **Selectman Bembury** asked what would happen to the applications that had been submitted. Bryan explained that the EDA application was never submitted and that the SRF loan application is currently under review with a decision expected in January 2021. **Chairman Smith** asked if SRF program would allow the Town to change the application to provide funding for the Arch Street force sewer main project instead. Bryan will reach out to the state to find out if that would be an option. The Board and the Finance Committee members had no further questions.

At 8:58 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Board of Selectmen and the Finance Committee and to continue with Board of Selectmen meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Discussion of Water Line Upgrade Request Near Water Tower

The Board discussed the email sent earlier by **Selectman Sanders** regarding two (2) options for upgrading the waterline near the water tower. **Selectman Sanders** explained that the options for pipe material include plastic or ductile iron and that his recommendation would be the use of ductile iron. **Selectman Sanders** explained that the Town's ownership for the water distribution system includes the water main and the line to the curb stop. **Selectman Sanders** explained that the property owners own the water line from the curb stop to the building. Bryan explained that the Town is researching the ownership of the water line near the water tower. **Selectman Sanders** explained that he has reviewed maps that the Department has and the existing 1" water line, branching from the 12" main, is shown on the map. **Selectman Sanders** explained that the 1" line would have needed to be installed around the time of the water systems installation because its connection to the 12" plastic water main would have been very challenging after the water system had been pressurized and in the ground for several years.

To meet the service request of the new homeowners, **Selectman Sanders** suggested responding with the proposal to install a 4" water line, connecting from the ductile iron ring, that would run to the first curb stop. **Selectman Bembury** asked what cost would be incurred by the Town. **Selectman Sanders** explained that the need to upgrade the line may be the cost of the requesting parties and not the Town's. **Chairman Smith** asked if there was an estimated project cost, noting the preference for the use of ductile iron. **Selectman Sanders** explained that he estimates a cost of \$6,000 for materials and approximately \$10,000 for installation. **Chairman Smith** explained that he would consider supporting the upgrade if the requestors would cover the cost of the upgrade. **Selectman Bembury** expressed agreement. **Chairman Smith** asked if there would be any impact to any other water system users during the proposed upgrade. **Selectman Sanders** explained that there should not be an impact to any other users. **Selectman Bembury**

asked if there was the potential for any other additional home construction near the water tower. **Selectman Sanders** explained that based on his understanding it was highly unlikely, noting the steep grades and the presence of ledge. **Selectman Sanders** explained that he has contacted the Massachusetts Department of Environmental Protection, requesting feedback.

Chairman Smith expressed concern about attaching a waterline to the maintenance loop and not wanting to disrupt water service during any maintenance. **Selectman Sanders** explained that a gate valve would be installed. **Selectman Bembury** asked when the water tower was next scheduled for maintenance. **Selectman Sanders** explained that the outside of the tank is being cleaned now this week and that the interior of the tank is inspected every five (5) years. The Board will revisit this topic at a future meeting.

Review of Meeting Minutes for April 27, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for April 29, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for June 01, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for June 08, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for September 14, 2020

The Board reviewed meeting minutes for Monday, September 14, 2020. **Selectman Bembury** made a motion to accept the meeting minutes of September 14, 2020 as written. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for November 09, 2020

The Board reviewed meeting minutes for Monday, November 09, 2020. **Selectman Bembury** made a motion to accept the meeting minutes of November 09, 2020 as written. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

6th Water Commitment for FY2021

The Commissioners reviewed the 6th Water Commitment for FY2021 in the amount of \$250.00 for water use charges. **Commissioner Bembury** made a motion to accept the 6th Water Commitment for FY2021 in the amount of \$250.00 for water use charges. **Commissioner Sanders** seconded. **Vote:** Unanimously approved.

1st Water Abatement for FY2021

The Commissioners reviewed the 1st Water Abatement for FY2021 in the amount of \$104.00 for account #220. **Commissioner Bembury** made a motion to approve the 1st Water Abatement for account #220 in the amount of \$104.00. **Commissioner Sanders** seconded. **Vote:** Unanimously approved.

Discussion Regarding Setting EV Charger Use Rate

The Board reviewed a memorandum from Bryan regarding the need to set a FY2021 use rate for the electric vehicle (EV) charging stations. Bryan described the approach to setting the rate based on the policy that has been approved. Mariah explained her review of rates charged by other Massachusetts

communities. Mariah explained that some municipalities installed EV chargers under a grant program that required the municipality to offer the use of the charger at no cost. Mariah explained that in recent years, municipalities are installing EV chargers under new programs and are setting use fees. Mariah explained the comparison to similar municipalities along Route 2. **Chairman Smith** suggested an FY2021 use rate of .25/kWh. **Selectman Bembury** and **Selectman Sanders** expressed agreement. Mariah discussed anecdotal feedback that she had received from electric vehicle drivers, noting that rates nearing .30/kWh would be considered to be high. **Chairman Smith** discussed wanting to continue to monitor other Massachusetts municipalities user rates as communities that originally provided EV charging at no costs switch to a fee model. Mariah noted that larger communities like Northampton are charging a parking fee as well. **Selectman Bembury** made a motion to set the electric vehicle charging rate for FY2021 to 0.25/ kWh. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Miscellaneous

Storm Damage

Chairman Smith noted that during the storm on Sunday, November 15, 2020 the emergency generator at PTOW#1 seized and has failed. **Chairman Smith** explained that the Treatment Plant facility is safe and that the Wastewater staff worked throughout the night to ensure that there was no interruption to the Plant's operations. **Chairman Smith** explained that a rented emergency generator is being brought to the site to provide support to the Treatment Plant while the Town works to determine the estimated cost to procure a new generator for the facility. **Selectman Bembury** expressed agreement with the described approach. **Selectman Sanders** explained that the generator was installed in 1975 and has run weekly for its tests and through power outages until this week. **Selectman Bembury** asked if it had been determined what size generator would be necessary. **Selectman Sanders** explained that the Treatment Plant would require at least a 155-kW generator to meet the needs of the plant. **Chairman Smith** explained that he would like the replacement generator to be appropriately sized to provide power to the proposed office space and dry storage. **Selectman Sanders** explained that it may be appropriate to transition from a diesel fueled generator to a propane fueled generator, similar to what is installed at other Town facilities. The Board expressed agreement. **Selectman Sanders** noted a possible concern with the use of diesel at the plant because of the proximity to the Millers River. **Chairman Smith** expressed appreciation to the Wastewater staff and the Fire Department staff for working to protect the Plant.

Review of Town-wide Project List

The Board agreed to pass over this agenda item and to revisit at the next Board meeting. **Chairman Smith** expressed appreciation to Mariah for compiling the list for the Board's review.

Adjournment

At 9:39 PM **Chairman Smith** made a motion to adjourn. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator