

Copy of Approved Meeting Minutes  
MEETING MINUTES

**Board:** Erving Board of Selectmen  
**Date:** Monday, April 30, 2018  
**Location:** Town Hall, 12 East Main Street, Erving, MA

**Selectmen Present:** Jacob Smith, William Bembury, Scott Bastarache  
**Also, Present:** Bryan Smith, Phillip Wonkka, Richard Newton, Suzanne Owens, Peter Sanders, Glenn McCrory, Christopher Blair, Jeff Hoynoski, Deb Smith, Morris Housen, Ralph Cutter, Ben Thompson, Will Wescott, Mike Reisen  
**Press:** Katie Nolan, Montague Reporter

At 6:30 PM **Chairman Smith** called the meeting to order.

**Review of Meeting Minutes from April 23, 2018**

The Board reviewed meeting minutes from Monday, April 23, 2018. **Selectman Bastarache** made a motion to approve the meeting minutes of April 23, 2018 as written. **Selectman Bembury** seconded. Unanimously approved.

**13<sup>th</sup> Water Commitment of FY2018**

The Board reviewed the 13<sup>th</sup> water commitment for FY2018 for final charges at 25 River Road in the amount of \$410.32. **Selectman Bastarache** made a motion to approve the 13<sup>th</sup> water commitment for FY2018 for final charges at 25 River Road in the amount of \$410.32. **Selectman Bembury** seconded. Unanimously approved.

**Meeting with Town Clerk- Proposal to Codify Town of Erving Bylaws**

At 6:35 PM Richard Newton, Town Clerk, joined the Board with Suzanne Owens, Codification Account Manager, with General Code. Richard is proposing that the Town engage General Code to review all Town bylaws, to identify and address conflicts, compliance with state law, and to make the bylaws available to residents in a digital format. The proposal from General Code for this work is currently priced at \$8,801.

Suzanne made a presentation to the Board about the codification process. Suzanne explained that the product would be a printed general code and an online tool. Suzanne reviewed the process that would be used that will include editorial and legal analysis. Suzanne explained that General Code works closely with the Attorney General's Office throughout the process to ensure compliance. The full process can take 18 to 24 months. The process includes preparing a complete code for adoption and a presentation for the Attorney General's Office for approval. Richard asked how the process would impact zoning. Suzanne explained that they would need to confirm with the Attorney General's office and Town Counsel, but she believes that zoning hearings would be required. **Chairman Smith** asked what the timeline was for the Attorney General's Office to approve a town code. Suzanne stated that she believed the timeline was usually 40 days, but would confirm. Suzanne reviewed the features and capabilities of the online code tools called eCode360. The online tool is compatible with mobile devices and an application is available in the Apple store for users with iPhones. Suzanne explained that the code will be accessible on the website and it possible to have a copy of the code downloaded on a device. The eCode360 program is hosted on General Code's servers. **Selectman Bembury** asked if the program would assist Richard with improving access to public information. Richard answered "yes" and noted that it would save the Town time and resources. Richard added that he would like to see if the Town Meeting votes for local adoption of Massachusetts General Laws and Town regulations could be included in the code.

**Route 2 Safety Improvements- Presentation From Mass DOT**

Jeff Hoynoski, Mass DOT, joined the Board to provide an overview of the Route 2 safety projects that have been proposed for Erving and a status of where they are in the development process.

**Farley Area-** the project in Farley would begin at the eastern end of Old State Road and continue just west of Mountain Road. The project is in conceptual design, pre-25%. The project would work to improve lines of sight, widen the right-of-way to allow 12' travel lanes and 5' shoulders. The project would also work to improve access to Holmes Street and turning lanes for safety. The last public comment on this project occurred in December 2013. The project was estimated to cost \$7,000,000 in 2010.

**Erving Center Area-** The project in Erving Center would begin at the end of the Farley project and continue east to the Erving Paper Mill project that was completed previously. The project is in conceptual design, pre-25%. The project would focus on safety improvements that include improving lines of sight, widening shoulders to 5', improving the safety with turning by introducing turning lanes. The last public comment on this project occurred in 2013 and feedback about changes to the access at East Prospect Street generated concern. In 2012 the project was estimated to cost nearly \$20,000,000.

Jeff noted that for both projects, Mass DOT needs more input for the Town and residents about changes to the concept and to hold the 25% design hearings.

**Chairman Smith** noted that all of the safety concerns identified in the proposals for Farley and Erving Center are important concerns for the Town to be addressed. **Chairman Smith** explained that a priority safety concern for the Town is the barrier proposed for the French King Bridge. Jeff acknowledged this concern and explained that study was commissioned to propose four (4) alternative solutions for a barrier. Jeff explained that the Committee's recommendation was to erect a fence approximately 9' tall outside of the existing historical railing. This proposal still requires engineering and was estimated to cost approximately \$2,000,000. Jeff noted that the design work for this project is not currently included in the Mass DOT Capital Investment Plan (CIP). **Selectman Bembury** asked if there were other bridges within the state that utilizes similar barriers. It is believed that the Bourne Bridge may utilize similar barriers. Christopher Blair, Police Chief, discussed the service demand that is placed on the Police Department and other emergency responders because of the reputation of the bridge as a location to commit suicide. The Chief shared call statistics for responses to the bridge between January 2018 and April 2018. The Chief discussed the significant danger posed to first responders when responding to a late night call with the current high water levels. Additionally, Chief noted that the people of concern in these incidents are often not Erving residents, but individuals from outside the community that have heard of the bridge on line.

Jeff explained that the Town can still work with Mass DOT to finalize preferred safety options while they are waiting for projects to be added to the CIP. Bryan Explained that the Route 2 Taskforce had recently met and voted to support the Erving Board of Selectmen's priorities for projects in Erving and would be willing to support a letter advocating for these projects during the CIP public comment period. Bryan explained that in particular, Ray Purrington from Gill stated their priority would be for safety improvements at the French King Bridge as well. **Selectman Bembury** asked how citizens could provide Mass DOT with feedback on the CIP. Jeff explained that a letter from the Board of Selectmen advocating and prioritizing specific projects would be helpful. Jeff explained that the CIP will be available in May on the Mass DOT website and that public listening sessions will be schedule with the closest western Massachusetts meeting likely happening in Springfield.

The Board agreed the Bryan will draft a memorandum to Mass DOT regarding Erving's priorities to be considered in the CIP. The Board will review at a future meeting.

### **3<sup>rd</sup> Party Wastewater Agreement Review- Meeting with Erving Industries**

At 7:40 PM Morris Housen, President, of Erving Industries and other representatives joined the Board and Peter Sanders, Chief Wastewater Operator, to discuss the existing Third Party Wastewater agreement and its renewal for the acceptance of outside wastewater at the POTW#2 treatment plant. The existing agreement is set to expire on June 30, 2018.

Morris presented a memorandum to the Board for review. The memorandum states that Erving Industries has decided to no longer accept wastewater from POTW #1 with the explanation that fecal coliform counts have been too high and the plant needs to reduce potential inputs. Ralph Cutter explained that the baseline changed and that for a period of time they exceeded acceptable limits by Mass DEP and as a result the land application processes had to cease. Ralph explained that the situation was monitored and land applications have since resumed. Ralph explained that the levels are still running uncomfortably high as it could cause a permanent issue with the Mass DEP land application permit. Additionally, the memorandum states that wastewater from POTW#1 was not supposed to exceed 2% solids and their records indicate that it had on some occasions. Peter explained that POTW#1 uses two (2) methods for measuring percent solids, including the Standard Method that was agreed, to and that loads had been sent to POTW#2 tested at or below 2% solids.

**Selectman Bastarache** stated that in Section 10 of the existing agreement, Erving Industries has the right to notify the Town in writing that it will no longer accept wastewater from POTW#1. According to the Agreement, in such a situation Section 3 is then deleted and the remaining agreement automatically renews for one (1) year and will be revisited prior to June 30, 2019. The Board agreed that Bryan Smith, Administrative Coordinator, will reissue the agreement with changes as required under the agreement and Peter will work with Ben Thompson to identify issue with bacterial levels.

Representatives from Erving Industries left the meeting.

The Board discussed with Peter that the Town will resume taking all wastewater loads from POTW#1 to Lowell for disposal. Peter stated that he has maintained the relationship with Lowell and has a sufficient budget for this expense. Peter also explained that he had followed up with Mass DEP about the statistical percentage difference that has been documented when using the Standards Method of testing. Peter noted that the percentage variance is not as great as was experienced between the Town and Erving Industries.

#### **Annual Town Meeting Warrant Review**

The Board reviewed the issued Annual Town Meeting Warrant for Wednesday, May 2, 2018. The Board discussed not having any concerns with the articles as presented. Bryan Smith, Administrative Coordinator, explained that he was still trying to reach the contact at Mass Development in regards to the Brownfields program for the missing dollar amount in the article. Bryan will continue to follow up and if necessary, a request should be made to pass over the article at the Town Meeting. **Selectman Bembury** asked to have recent account balance information available for the stabilization accounts to share with voters if questions arise.

#### **Miscellaneous**

##### ***Almost Anything Goes***

**Chairman Smith** explained that he understood that **Selectmen Bembury** and **Bastarache** had gone on a site visit on Sunday, April 29, 2018 to view piles placed curbside for collection with the almost anything goes program with Glenn McCrory, Highway Foreman, and Bryan Smith, Administrative Coordinator. The Board discussed observations that some piles include materials that are clearly not acceptable for collection per the issued program guidelines. **Selectman Bastarache** stated that there should be no change to the existing practices. **Selectman Bastarache** explained that if something is not a clear violation of the guidelines, the Town should take it and document the concerns. The Board agreed and stated that the Board should begin discussing the program earlier in the fiscal year to address concerns in advance. **Selectman Bastarache** discussed the need to reevaluate the purpose and goals of the program to protect public health and prevent illegal dumping. **Selectman Bastarache** also discussed his concern about having loose practices by the Town that may encourage property owners not to adhere to the program

guidelines. The Board discussed the benefit to also promoting the other alternatives for disposing of yard waste and similar items that cannot be collected as part of almost anything goes. **Chairman Smith** asked that the Board review definitions used in the program. Deb Smith asked if the residents would have input in any changes to the program. Deb asked if Saturday hours for the Highway Department would reopen to allow residents to drop off their items if weekday hours do not work with their schedules. **Selectman Bastarache** explained that all meetings are open to the public and the topic will be on a future agenda. **Selectman Bastarache** clarified that the list of what is accepted and not accepted isn't changing, but the Town needs to adhere to their own guidelines. **Chairman Smith** discussed trying to strike a balance between determining if the Town is meeting the wants of tax payers and if the Town is being mindful of employee safety and the increase in costs.

#### ***Street Lights***

**Chairman Smith** explained that he understood that **Selectmen Bembury** and **Bastarache** had gone on a site visit to view street lights that were recently installed in Leominster, MA and Ayer, MA with Glenn McCrory, Highway Foreman, and Bryan Smith, Administrative Coordinator. The Board acknowledged wanting to view installed equipment that the Town was considering for their own procurement. The Board will discuss their observations on Wednesday, May 2, 2018.

#### **Adjournment**

At 8:30 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. Unanimously approved.

Respectfully Submitted,



Bryan Smith  
Administrative Coordinator