

**Board:** Erving Board of Selectmen  
**Date:** Monday, April 23, 2018  
**Location:** Town Hall, 12 East Main Street, Erving, MA

**Selectmen Present:** Jacob Smith, William Bembury, Scott Bastarache  
**Also, Present:** Bryan Smith, Peter Sanders, Jan Ameen, Barbara Friedman  
**Press:** Katie Nolan, Montague Reporter

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

#### **Review of Meeting Minutes of April 09, 2018**

The Board reviewed meeting minutes from Monday, April 09, 2018. **Selectman Bastarache** made a motion to approve the meeting minutes of April 09, 2018 as written. **Selectman Bembury** seconded. Approved. **Chairman Smith** abstained.

#### **Amended FY2018 Water Commitment #10**

The Board reviewed the amended 10<sup>th</sup> Water Commitment of FY2018 for final charges at 17 Forest Street in the amount of \$186.40. **Selectman Bastarache** made a motion to approve the amended 10<sup>th</sup> Water Commitment for FY2018, for final charges at 17 Forest Street, in the amount of \$186.40. **Selectman Bembury** seconded. Unanimously approved.

#### **Curbside Solid Waste IFB Response Review**

Jan Ameen, Executive Director, joined the Board to review the results of the solid waste & recycling IFB process. The Board reviewed a memorandum from Bryan Smith outlining the process that was followed. Jan provided an analysis of the two (2) bid packages that were received. Alternative Recycling's bid package left out the three (3) required references for other customers that they provide curbside collection services for. Alternative also submitted a flat rate disposal bid that did not fully conform to the bid form and suggested changing over to a dumpster service for municipal buildings. Duseau Trucking failed to submit three (3) copies of the bid package as requested and though three (3) references were provided, Jan spoke with two (2) of the references who stated that Duseau does not provide curbside collection services for them. Jan has not heard back from the final reference. Duseau's 2018 bid is substantially less than the bid 2013 rate by approximately \$6,000 a year. The Town of Erving has experience service concerns with Duseau. Jan explained that Alternative's bid could be rejected for the references and the flat rate bid. Duseau bid does not require the Town to award a contract because of references and performance.

The Board discussed the fact that municipal Solid waste disposal is exempt from Chapter 30B and the Town can negotiate a contract with any provider. The IFB process is used to solicit competition. **Chairman Smith** asked Jan about her experience with Alternative. Jan explained that Alternative has provide the curbside collection service for the Town of Gill for five (5) or more years. Gill has reported being satisfied with the service. **Chairman Smith** noted that feedback from residents regarding the solid waste collection service has been a concern for Duseau. **Selectman Bastarache** questioned how it could be possible for the FY2019 bid from Duseau to be significantly less than their same bid from FY2013. It was noted that the prevailing wage rate, the cost of vehicle maintenance, and fuel has all increased in recent years so that it is hard to explain how the price could drop. **Chairman Smith** noted that there are too many questions and concerns about the bid to award a contract. **Selectman Bastarache** agreed.

**Chairman smith** made a motion to reject Alternative Recycling's bid for not responding to all the bid requirements. **Selectman Bastarache** seconded. Unanimously approved. **Chairman Smith** made a motion not to award the contract to Duseau Trucking based bid concerns and experience as a responsible bidder. **Selectman Bastarache** seconded. Unanimously approved.

### **Laurel Lake Solid Waste Draft MOU Review**

Bryan Smith, Administrative Coordinator, presented the Board with a draft memorandum of understanding (MOU) for the solid waste and recycling disposal of the Laurel Lake property owners. The Board discussed the term of June 30, 2020 and how it correlates to the length of the agreement sought by the Town for the next solid waste and recycling disposal agreement. After reviewing the draft MOU, the Board had no concerns. **Chairman Smith** made a motion to approve the memorandum of understanding between the Town of Erving and the Laurel Lake property owners for solid waste and recycling disposal through June 30, 2020. **Selectman Bastarache** seconded. Unanimously approved.

### **Erving Center Cemetery Maintenance Discussion**

The Board reviewed a memorandum from Bryan Smith, Administrative Coordinator, regarding erosion along Mountain Road and Gary Street, gravestone repair, and a new cemetery sign. The memorandum included a proposal from Tighe & Bond to evaluate the erosion concerns and prepare three (3) potential options for mitigating the issue. The Franklin Regional Council of Governments has provided contact information for professionals who are experienced with grave stone repair. The Board reviewed the June 30, 2017 fund balances in the Cemetery Perpetual Care fund. **Chairman Smith** suggested that the Town should move forward with the slope study and the development of a new sign with funding out of the perpetual care fund. The Board discussed wanting an estimate for gravestone repair and care. The Board discussed wanting to develop a consistent Town landmark sign that would allow for a cohesive sign appearance. **Chairman Smith** made a motion to engage Tighe and Bond in the Cemetery evaluation for engineering services funded from perpetual care for \$5,300. **Selectman Bembury** seconded. Unanimously approved.

### **Third Party Wastewater Agreement Discussion**

Peter Sanders, Chief Wastewater Operator, joined the Board to discuss the Town's experience with disposing wastewater from POTW#1 at POTW#2 as a condition of the 3<sup>rd</sup> party wastewater agreement with Erving Industries. **Selectman Bastarache** raised the concern about discrepancies in percent solids. Peter stated that about ten (10) loads have been sent from POTW#1 to POTW#2 under this agreement and he estimates that about five (5) loads have been critiqued. Peter stated that the Town has measured below 2% while Erving Industries stated that they measured over 2%. **Selectman Bastarache** would like to attempt to negotiate again the acceptable range of +/- .3 solids. **Chairman Smith** asked Peter to research the accepted margin of error for the standard test. Peter explained that the Town is using both the Standard method and another method that is EPA approved. In both cases the percent solids are less than 2% by the Town's calculations, noting that he has been trying to maintain 1.7% or 1.8% Peter will follow up with the Department of Environmental Protection to see about margin of error for the Standard method. **Chairman Smith** asked if there are any other concerns. Peter answered that other than general operational matters, from his perspective, the arrangement has run okay. **Selectman Bastarache** asked how many wastewater loads have gone out to Lowell for disposal. Peter explained that he tries to maintain that two (2) loads will go to POTW#2 and one (1) load will go to Lowell. **Selectman Bembury** asked if Peter could calculate the cost savings of this arrangement for the Town. Pete will review available data and estimate the savings.

### **Discussion of Solar PILOT**

The Board reviewed a memorandum from Bryan Smith, Administrative Coordinator, regarding a proposed solar project that is working through the permitting process and has approach the Board of Assessors to consider a PILOT agreement. Bryan reviewed the process that is described by law and the recommendation to contract with a consultant who is experienced in photovoltaic installation valuation and structured tax agreements. Bryan clarified that PILOT is misleading in this case as the structured agreement would have to be based on the fair market value of the installation. **Chairman Smith** stated that Erving is often tax attractive for businesses and his opinion that an agreement may not be necessary.

**Selectman Bembury** stated that he would like to know more about the size of the proposed solar installation. **Selectman Bastarache** explained that he wants to hear from assessors if they are interested in considering such an agreement, also speaking to the Town's good tax rate. **Chairman Smith** raised the concern about setting a precedent for all alternative energy generating project tax agreement requests. Bryan explained that the Assessors have sought guidance from the Department of Revenue and if the Town successfully negotiates a structure tax agreement with one entity does not require the Town to negotiate an agreement with another entity if the two (2) parties cannot agree to terms. Bryan will follow up with the Board of Assessors and the Board of Selectmen will take their lead.

#### **Senior Center Water Heater/ Geothermal System**

The Board reviewed a memorandum from Bryan Smith, Administrative Coordinator, to discuss operational concerns with the water heater and the geothermal control system at the Senior & Community Center. The water heater is oversized for the center and is constantly shutting down requiring regular repairs. The proposed solution is to remove the heater and replace with a more appropriately sized unit. S&J Jamrog has proposed completing the work for \$6,093. The Board recognized the concern of running an oversized unit, but also discussed the concern of installing an undersized unit and would like to know that gallon capacity of the proposed water heater. **Selectman Bastarache** discussed wanting to anticipate increased use. The Board discussed anticipating an increase of 50 to 100% use growth of current use. The Board discussed the malfunctioning of the geothermal control system and considered a proposal to replace the controller with the same outdated unit for \$3,310 or with a more modern unit for \$8,780. The Board discussed the concern that this system is a proprietary system and their concern that the system will continue to experience system malfunctions. The Board discussed wanting to see if the Town can get out of the proprietary system. **Chairman Smith** made a motion to request a reserve fund transfer of \$10,000 into Town Buildings for the water heater and geothermal controller pending the appropriate sizing of the water heater. **Selectman Bastarache** seconded. Unanimously approved.

#### **Route 63 Streetscape Project – Easement on Town Property along State Highway Layout**

Bryan Smith provided the Board with an update on the Route 63 project in the Municipal layout. Nearly every property owner has been spoken to and nearly all property owners have signed certificates of donations. Bryan explained that property owner feedback has improved the right-of-way plans. **Chairman Smith** expressed appreciation to all citizens involved with this project. The Board discussed appraising the two (2) parcels of unknown ownership and railroad property. Bryan will continue to work on this. The Board reviewed the permanent and temporary construction easements for the sidewalk project in front of 28 Northfield Road and 34 Northfield Road. The Town is entitled to just compensation for these easements if the Board wishes. The Board agreed that they did not want the appraisal or the written offer and instead would like the sidewalks constructed. **Chairman Smith** made a motion to approve the donation request for Easements 8-TE-22, 8-D-1, and E-D-GR-S-7, all at 28 Northfield Road and 8-TE-23 and 8-D-GR-S-8 at 34 Northfield Road. **Selectman Bembury** seconded. Unanimously approved.

#### **Historical Commission Surplus Property Request**

Board reviewed a request to deem five (5) wooden benches as surplus equipment by the Historical Commission. The benches are from the former Town Hall. These benches have been in basement storage for several years and have no perceived use while needing repairs. **Chairman Smith** made a motion to declare the five (5) wooden benches as surplus property and make them available to the public and to dispose of them if there is no interest. **Selectman Bastarache** seconded. Unanimously approved.

#### **Street Light Financial Analysis**

The Board reviewed information from Tanko Lighting about the twenty (20) year costs saving projection for General Electric, Phillips, and AEL. Based on the analysis, Phillips would have the greatest cost savings over the term. **Chairman Smith** noted an interest in visually inspecting a fixture and would like to sample Phillips and General Electric. Bryan will follow up with Tanko and examine options for sampling fixtures.

### **Route 2 Safety Project Discussion**

The Board reviewed a memorandum from Bryan Smith regarding the recent Route 2 Taskforce meeting and the outstanding projects related to Erving. The projects include improvements to Farley, improvements to Erving Center, and a barrier at the French King Bridge. Bryan discussed the pedestrian concerns in Farley with the hikers and rock climbers. **Selectman Bastarache** spoke to his support for listing the French King Bridge barrier as a priority and discussed the challenges of alternative transportation in the Farley area. **Chairman Smith** suggested that the immediate and urgent need is the barrier at the French King Bridge. The Board agreed and then noted that the Farley stretch of Route 2 would be a secondary priority with public safety incident concern within the next 2 to 3 years. Bryan will draft a position statement and schedule a representative from Mass DOT to meet with the Board. **Selectman Bastarache** would like to provide residents with information to communicate their support for Route 2 projects. **Selectman Bembury** asked Bryan to include references to mental health concerns in the rationale for the French King Bridge barrier. **Chairman Smith** asked to have public safety detail include as it relates to the concerns for the Bridge.

### **Miscellaneous**

#### **12<sup>th</sup> Water Commitment of FY2018**

The Board reviewed the 12<sup>th</sup> Water Commitment of FY2018 for final charges at 24 Prospect Street in the amount of \$129.04. **Chairman Smith** made a motion to approve the 12<sup>th</sup> Water Commitment of FY2018, for final charge at 24 Prospect Street, in the amount of \$129.04. **Selectman Bembury** seconded. Unanimously approved.

### **Sound Equipment Use**

**Selectman Bembury** asked if the Board was okay with the use of the announcement equipment in the Cemetery for a funeral this weekend. **Chairman Smith** expressed support, but questioned how it would be powered. The Board discussed that the last time the equipment was used for this it was powered with a small generator and that the Cemetery Sexton or another staff member would be present. Board agreed to the use.

### **Executive Session**

At 8:59 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21(7) to comply with, or act under the authority of any general or special law or federal grant-in-aid requirements. **Selectman Bastarache** seconded.

A roll call vote was taken:

<b>Chairman Smith</b>	Aye
<b>Selectman Bembury</b>	Aye
<b>Selectman Bastarache</b>	Aye

The Board did not return to regular session.

Respectfully Submitted,



Bryan Smith  
Administrative Coordinator