

Board: Board of Selectmen/ Water Commissioner's Meeting
Date: Monday, April 06, 2020
Location: Online Video/Audio Conference Pursuant to Governor Baker's Executive Order in Response to the COVID-19 State of Emergency

Selectmen Present: William Bembury, Peter Sanders, Jacob Smith
Also, Present: Bryan Smith, Barbara Friedman
Press: Kathleen Nolan, Montague Reporter

At 6:36 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 the Town Response to COVID-19

Chairman Smith provided an overview of the April 3, 2020 guidance that has been issued by the Town in relation to COVID-19. **Chairman Smith** explained that Governor Baker has extended the emergency order for non-essential businesses and organizations to close to the public as well as the stay-at-home order through May 4, 2020. **Chairman Smith** explained that in accordance with Governor Baker's order, the Town also extended the non-essential through May 4, 2020 which means that the Erving Elementary School, Erving Senior & Community Center, Erving Public Library, the Erving Recreation Office and all Erving playgrounds, and the Erving Town Hall will all remain closed to the public. **Chairman Smith** noted that the Annual Town Election and the Annual Town Meeting were postponed and the Almost Anything Goes program was cancelled at the Board's last meeting. **Chairman Smith** noted that while several offices are not physically staffed, the employees have been available as much as possible working remotely and responding to e-mails and voicemails. **Chairman Smith** added that the State has issued an essential business listing and business owners are encouraged to review the listing and contact the state with questions be e-mail at covid-19.biz@mass.gov. **Chairman Smith** noted that Mass211 is also available to residents for assistance navigating resources.

Chairman Smith explained that additional legislation has been passed by the State to allow municipalities to operate in the scenario where Annual Town Meeting has to be postponed beyond June 30, 2020. **Chairman Smith** explained that if the State of Emergency is still in effect and the need to postpone exists the Town could work with the Town Moderator to enact the changes. **Chairman Smith** added that provisions are being made to allow Towns to develop 1/12th budgets based on the FY2020 budget until Annual Town Meeting can occur. In addition, **Chairman Smith** explained that provisions are being made to make Free Cash and Undesignated Fund Balances available prior to their normal certification in the fall. Bryan explained that he will be reviewing the new provisions with the Town Accountant and the Treasurer to discuss how the Town would proceed. Lastly, **Chairman Smith** explained that the new provisions allow Towns to deficit spend for COVID-19 related costs and carry the deficit for what appears to be three (3) fiscal years.

The Board discussed the option to vote to delay the due date of real estate tax bills until June 1, 2020. **Chairman Smith** explained that the Tax Collector has been asked to consider the options and to provide thoughts on the impacts of extending the due date. Bryan explained that proactively the Tax Collector's office had mailed the second real estate tax bills in February 2020 even though they were not due until May 2020. Bryan explained that early feedback from the Tax Collector suggests that most property owners have elected to pay the second real estate bill earlier than the due date. Bryan explained that the

Tax Collector, Principal Assessor, and Treasurer are all in communication and will be offering guidance on whether they believe further relief in the form of a due date extension is necessary. The Board agreed reflect on the topic and to revisit the topic at the next Board meeting.

Selectman Bembury explained that he had received a complaint from a citizen who was directed to use the online process to pay taxes. **Selectman Bembury** explained that the citizen did not like the process and that they did not feel like they were told what the fee would be when they started the process online and that the final fee was too high. **Selectman Bembury** asked if the Town could provide another option for citizens to pay taxes without a high fee. Bryan explained that the issue of the convenience fee is tied to State statutes that prevent the municipality from absorbing the user fees for credit card use. Bryan explained that the Town's online payment option allows citizens to use credit cards or to pay through a checking account and that the fee for a cash payment from a checking account is much lower, approximately \$.25.

Library Construction Project Update and Review of Erving Public Library Furniture, Fixtures & Equipment Procurement and Proposed Change Orders

The Board agreed to pass over these agenda items and revisit at their next meeting.

IP Mill Hazardous Materials Clean-up Project Update

Bryan provided the Board with an update on the IP Mill asbestos and hazardous materials abatement project. Bryan explained that he has spoken to Air Quality Experts, Inc about the bid award and the company is excited to start discussing a construction schedule. Bryan added that additional guidance has been received from the Governor's Office and the Massachusetts Department of Labor that clarified that construction may continue in accordance with the COVID-19 safety precautions. Bryan explained that the contract is being finalized and the first construction meeting is being scheduled. Bryan also explained that the Town is working with the Project Manager at MassDevelopment to amend the Town's timeline. The Board expressed no concerns.

Review of FY2021 Budget Draft

The Board discussed the revised FY2021 budget draft. Bryan explained that budget numbers have not changed from previous revisions, only the narratives are being worked on.

Chairman Smith discussed his concern with the cost associated with extraordinary vehicle repairs for the Police Department and the Highway Department and noted the burden they place on the operating budget. **Chairman Smith** suggested that it may make sense to have a specific line item for unanticipated vehicle repairs. Bryan agreed that the vehicle maintenance costs in recent years has increased and can place a burden on the departmental operating budget. Bryan explained that in the Highway Department budget additional line items have been identified to allocate budget costs such as vehicle maintenance. Bryan added that the Police Department carries a line item for cruiser maintenance as well. The Board agreed to monitor vehicle maintenance costs and to consider whether a special article for vehicle repairs that is not department specific is warranted.

Chairman Smith agreed to work with Bryan on the Board of Selectmen budget narrative and other narrative revisions. The Board agreed to review a revised FY2021 budget draft at the next meeting.

Review of Annual Tow Meeting Warrant Draft

The Board reviewed the revised version of the Annual Town Meeting warrant draft. Bryan explained that all changes approved at the last meeting have been accepted and any new revisions are noted in red font.

Bryan explained that all articles have been updated with the Finance Committee's votes and recommendations. The date of the Annual Town Meeting has been amended to read June 17, 2020 and the date for the Annual Town Election has been amended to read June 22, 2020 with polling hours from 12:00 PM to 7:00 PM.

Article 14: Raise & Appropriate for Capital Improvements

The Board reviewed the new. Bryan explained that the article is combination of the two separate capital improvement articles for an aggregate total of \$609,000. The Board discussed having no concerns with the revisions.

Article 26: Rescind Town Meeting & Election Dates Article

The Board reviewed a new Article 26 that would rescind Article 10 approved on June 28, 2016 that sets the Annual Town Meeting date as the first Wednesday in May and the Annual Town Election on the following Monday. Bryan explained that the following Article 27 would propose a new bylaw to the voters to establish a new schedule for the Annual Town Meeting and the Annual Town Election.

Article 27: Town Meeting & Election of Town Officials

Bryan explained that the proposed Article 27 would establish a new bylaw for the date of the Annual Town Meeting and the Annual Town Election. Bryan explained that the proposed bylaw would also set the term for an elected official to begin on July 1 of the year. As previously discussed, the time between the election and the date of the elected official taking office would allow for a transition of duties and the opportunity to have a swearing in ceremony. The Board discussed support for the proposed article and the term for elected officials beginning on July 1. The Board discussed the benefits of aligning an elected officials' term with the fiscal year calendar. The Board discussed adding more to the explanation in the article information so that voters understand why the proposed change is being proposed. **Chairman Smith** suggested amending the date of the Annual Town Meeting to read the second Wednesday of May to ensure that the Meeting always followed the Election. The Board expressed agreement.

Bryan will prepare a clean copy of the draft Annual Town Meeting warrant for the Board's anticipated adoption at the next meeting.

Review of Reconciliation Policy Draft – 3rd Reading

The Board conducted a third reading of the draft Reconciliations Policy. The Board discussed no concerns with the policy as presented. **Chairman Smith** made a motion to approve the Reconciliations Policy with an effective date of April 06, 2020. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Discussion of Re-use of Former Library Building

Bryan explained that most progress on the former Library Building has slowed, noting that the building is mostly clean. Bryan explained that a communication is being developed for the School Department and the Recreation Commission to assess office space and storage needs. **Chairman Smith** asked to have the former Library building included with the feasibility study for the Public Works office assessment. The Board agreed to revisit this topic in July 2020 with the relevant stakeholders.

Review of the Highway Superintendent Position Description

The Board reviewed the revised draft of the Highway Superintendent position description. The Board expressed agreement with the revisions. **Chairman Smith** made a motion to approve the Highway Superintendent position description as presented. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Discussion of Adopting the Property Assessed Clean Energy (PACE) Program

The Board discussed the Property Assessed Clean Energy (PACE) program and reviewed the draft resolution for the Town to officially join the program. **Selectman Bembury** discussed his support for the Town to join a program that would support energy efficiency projects for commercial businesses in town. The Board expressed agreement. **Chairman Smith** made a motion to adopt the following resolution:

The Board of Selectmen of the Town of Erving hereby approves the Municipality participating in PACE Massachusetts pursuant to the PACE Act, and authorizes the Town Administrator to enter into a PACE Massachusetts Municipal Assessment and Assignment Agreement (the "Agreement") with MassDevelopment, pursuant to which the Municipality will agree to (i) levy PACE betterment assessments and impose PACE betterment assessment liens on benefitted properties located in the Municipality, in the amounts determined by MassDevelopment to be sufficient to repay the PACE financing, (ii) assign the PACE betterment assessment liens to MassDevelopment, which MassDevelopment may in turn assign to the providers of the PACE financing (each a "capital provider"), as collateral for such PACE financing, (iii) include on the property tax bills for the benefitted properties the installment payments necessary to repay the PACE betterment assessments, in the amounts and at the times as determined by MassDevelopment, (iv) collect and pay over to MassDevelopment or its designee, the PACE betterment assessment installment payments, as and when collected, and (v) enforce, to the extent required by the Agreement, the PACE betterment assessments and liens; the Agreement to be substantially in the form presented to this meeting, with such changes, modifications and insertions as the Town Administrator may approve as being in the best interest of the Municipality. The Collector Treasurer of the Town or such other Town agency as may be designated in the Agreement is authorized to levy such PACE betterment assessments and impose the PACE betterment assessment liens on behalf of the Town without further authorization by this legislative body.

Notwithstanding any other provision of law to the contrary, officers and officials of the Municipality, including, without limitation, municipal tax assessors and tax collectors, are not personally liable to MassDevelopment or to any other person for claims, of whatever kind or nature, under or related to PACE Massachusetts, including, without limitation, claims for or related to uncollected PACE betterment assessments. Other than fulfillment of the obligations specified in the Agreement, the Municipality has no liability to the owner of the benefitted property or to any capital provider related to the Municipality's participation in PACE Massachusetts.

Selectman Bembury seconded. **Vote:** Unanimously approved.

Chairman Smith thanked Jacquelyn Boyden, Principal Assessor, and Mariah Kurtz, Assistant Town Planner, for their work with MassDevelopment to bring this opportunity forward to the Town. The Board expressed agreement. Bryan explained that the office will communicate the approval of the resolution to MassDevelopment and then work with their team to communicate the opportunity to Erving businesses.

2020 Business License Application Review- Thomas Duffy

The Board reviewed a 2020 business license application for Thomas Duffy doing business as D&W Services for lawn care at 6 Moore Street, Erving, MA 01344. The Board discussed having no concerns. **Chairman Smith** made a motion to issue a Business License to Thomas Duffy doing business as D&W services for lawn care at 6 Moore Street with an expiration date of December 31, 2020. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for February 24, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for March 02, 2020

The Board passed over this agenda item.

Review of Meeting Minutes for March 23, 2020

The Board passed over this agenda item.

Miscellaneous

Codification Project Update

Chairman Smith explained that the codification project has continued to progress. The Town has received a legal analysis based on the company's review of the Town's bylaws with recommendations on potential edits. The Town and Town Counsel will need to provide written responses to the analysis in order for the project to progress. **Chairman Smith** explained that his recommendation is for the administrative team with Town Counsel to do the initial review and focus the review to a scope that is more manageable. As a secondary review department heads and elected officials, as appropriate, would be asked to review and provide the Board with guidance on how to respond. The Board expressed agreement with that approach.

Route 63 Streetscape & Pedestrian Improvement Project

Bryan explained that the work on the Route 63 streetscape project is scheduled to resume this week, explaining that residents will begin to see the C & A Construction crew return to the area in the coming days. Bryan explained that the work had ended on Lester Street just after the railroad crossing and is scheduled to resume from that location and continue down Lester Street until the intersection with River and Gunn Streets. Bryan explained that the Town will be working with MassDOT to review the plans again because there are a few concerns and issues to be addressed.


Discussion Regarding the Town Response to COVID-19 (Revisited)

Selectmen Bembury asked if all staff and departments have access to masks and gloves that an individual might need for personal protective equipment. Bryan explained that each department has access to personal protective equipment. Bryan explained that employees have access to sanitizing materials for their workspaces and work vehicles, access to gloves, and masks with the understanding that N95 masks are in limited supply. Bryan explained that department heads have been working with Chief Wonkka to identify inventory needs and to source additional materials. Bryan explained that employees have been instructed to practice social distancing and protective equipment if they have to interact with members of the public. Bryan added that he is continuing to work with departments to review inventory levels and to develop a larger reserve.

Adjournment

At 7:44 PM **Chairman Smith** made a motion to adjourn. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator