

Board: Board of Selectmen/ Water Commissioner's Meeting
Date: Tuesday, June 30, 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, Jacob Smith, Peter Sanders
Finance Committee: Charles Zilinski, Arthur Johnson, Benjamin Fellows, Daniel Hammock, Debra Smith
Also, Present: Bryan Smith, Todd Katz,
Press: Katherine 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 Town Response to COVID-19

Bryan Smith, Town Administrator, explained the ongoing planning for the Annual Town Meeting. Bryan explained that Richard Newton, Town Clerk, had suggested that the Board of Selectmen may want to consider options to help the Annual Town Meeting to proceed efficiently. Richard has suggested that the Board consider the use of a vote calendar to group like articles that are non-controversial with a single vote. Richard also suggested the consideration of pre-Town Meeting information session to help review the warrant with voters. The Board discussed reviewing these suggestions with the Finance Committee during the joint meeting. **Chairman Smith** asked for explanation of the day-of plans, noting that other towns have tried outdoor venues. Bryan discussed the indoor option and outdoor option. Bryan explained that the School leaders have expressed concerns with use of the school building. Bryan explained that if the Board would prefer to hold the Annual Town Meeting indoors, that he will secure professional sanitation services for the school for after the meeting. **Selectman Bembury** discussed support for an outdoor venue with the use of a tent. The Board expressed agreement. **Chairman Smith** noted that the Town Moderator recessed and continued the Annual Town Meeting until 10:00 AM on Saturday, July 11, 2020. **Chairman Smith** proposed that the Board of Selectmen meeting with Finance Committee begin at 9:30 AM, prior to the Annual Town Meeting. The Board expressed agreement.

Pole Hearing – Petition for Joint or Identical Pole Location at 143 Old State Road

At 6:45 PM **Chairman Smith** called the hearing on the petition for joint or identical pole location at 143 Old State Road to order. Bryan explained the petition from Eversource and Verizon for the placement of the utility pole. Bryan explained that the Highway and Police departments were notified of the petition and have not expressed concerns. **Chairman Smith** asked for public comment on the petition. **Chairman Smith** noted that no members of the public elected to speak on the petition. The Board discussed having no concerns with the petition as presented. At 6:49 PM **Selectman Bembury** made a motion to close the pole hearing for 143 Old State Road. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Selectman Sanders made a motion to authorize the petition for joint or identical pole location at 143 Old State Road. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Library Construction Project Update

The Board reviewed an update from the Owners Project Manager (OPM) regarding the Library construction project:

We are awaiting a response to the punch list from Jeff stating what items are completed and if they object to any items on the list (I do not believe they do). We will then have Phil out on site to do a back punch and assure all of his concerns are taken care of. I'll push this along. It is my understanding that the interior punch list is complete, but some exterior items remain.

Bryan will work with the OPM to update the punch list and to revisit the proposed change orders and project budget.

Review of Meeting Minutes for June 22, 2020

The Board reviewed meeting minutes for Monday, June 22, 2020. **Selectman Bembury** made a motion to approve the meeting minutes of June 22, 2020 as written. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

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.

Re-Appointments of Board, Commissions, & Committees

Chairman Smith explained that further research had been done regarding the appointments for the Capital Planning Committee and that a mistake in appointment terms had been made. **Chairman Smith** explained that the proposed reappoints should return the Committee to its originally planned rotation.

Capital Planning Committee

Selectman Bembury made a motion to re-appoint Linda Downs-Bembury for a two (2) year term ending on June 30, 2022, Peter Mallet for a three (3) year term ending June 30, 2023, and Debra Smith to a three (3) year term ending June 30, 2023 as members of the Capital Planning Committee. **Chairman Smith** seconded. **Vote:** Unanimously approved.

Franklin Regional Planning Board Representative

Selectmen Bembury made a motion to un-appoint Bryan Smith as representative to the Franklin Regional Planning Board. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Selectman Bembury made a motion to appoint Mariah Kurtz as representative for a one (1) year term to the Franklin Regional Planning Board. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Franklin County Solid Waste Management District Representative

Chairman Smith made a motion to appoint Bryan Smith for a one (1) year term ending on June 30, 2021 to the Franklin County Solid Waste Management District. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Pole Hearing – Petition for Joint or Identical Pole Location at 143 Old State Road (revisited)

Todd Katz, property owner of 143 Old State Road, joined the meeting. **Chairman Smith** explained that the hearing on the pole petition had already occurred and had been closed. **Chairman Smith** explained that the Board voted to approve the petition as presented.

Joint Meeting with Finance committee & Capital Planning Committee

At 7:04 PM **Chairman Smith** called the joint meeting of the Board of Selectmen, the Finance Committee, and the Capital Planning Committee to order.

POTW#2 Sludge Dryer Project

Chairman Smith explained the request from ERSECO for the construction of a rotary sludge dryer at POTW#2. **Chairman Smith** explained that ERSECO working with Tighe & Bond for engineering. The Board and the Finance Committee reviewed a presentation from ERSECO on the project. **Chairman Smith** explained that the purpose is to dry the sludge material to allow for a long-term disposal option. **Chairman Smith** discussed the need for ERSECO to partner with the Town on the investment, explaining the upgrades will be made to the Town owned facility with the operation by ERSECO. **Chairman Smith** discussed the plan to fuel the dryer with a natural gas line that will cross the railroad. **Chairman Smith** discussed the need to employ emission controls as well as the anticipation of reduced truck traffic because of reduced volume of material.

The Board of Selectmen and the Finance Committee discussed the processes for permitting, construction, procurement, and funding. **Chairman Smith** explained that ERSECO expects the project to cost as much as \$13 Million and noted the need to work with wastewater counsel on the matter to ensure that the debt will be as secure for repayment as possible. **Chairman Smith** explained that the Clean Water Trust Fund can provide financing with a 20 to 30-year term with an approximate interest rate of 2%.

Benjamin Fellows asked about financing impacts on the Town's debt capacity. **Chairman Smith** explained that the Town can apply to the Clean Water Trust Fund for both the sludge dryer project as well as the Arch Street force sewer main replacement projects, noting that the applications will not adversely impact one another. Bryan explained that the Town is only working on the financing application now and will still need to explain the importance of the project to voters and to seek approval for the necessary borrowing authority. Debra Smith asked about how the Town can secure the debt service if for some reason ERSECO cannot repay the debt service. Bryan explained that this scenario would be addressed in a new amendment to the existing agreement between the Town and ERSECO. Bryan added that the long-term viability of the plant and the ability to dispose of waste produced at the facility is an issue shared by the Town and ERSECO. **Chairman Smith** discussed the need for the Town to update plans that were previously created to handle a scenario where ERSECO no longer operates the plant and the loss of waste from Erving Industries. The Board of Selectmen and the Finance Committee discussed the importance of knowing how the proposed rotary dryer would operate if the Paper Mill ceased operation, noting that such a scenario should be considered in the engineering.

Daniel Hammock expressed support for asking "what if" questions. Daniel discussed the need to be able to answer citizens questions adequately when the matter is taken to a Town Meeting. Daniel discussed the 50-year history between the Town and the Paper Mill with the operation of the treatment plant, noting the benefits to the Mill and the Town. Daniel spoke to the follow through exhibited by ERSECO over the years. Daniel explained that it is important to understand if the project will reduce odors or increase odor. Debra explained that it is also important to understand the expected useful life of the proposed equipment. Bryan explained that it was his understanding that the project is expected to have

a useful life of approximately 25 years, noting that there may be changes in technology and or regulations that could impact the anticipated useful life. **Chairman Smith** added that good maintenance and repair may keep the equipment operating longer than the anticipated useful life. **Selectman Sanders** expressed agreement and explained that with the replacement of wear items and proper maintenance, the equipment should keep in operation. Benjamin asked if the Town would be responsible for routine maintenance. **Chairman Smith** explained that the existing agreements between ERSECO and the Town have clarified that maintenance would be the responsibility of ERSECO and that Counsel will work to draft an amendment to the existing agreement for this proposed use. Daniel asked when the Town and ERSECO would make a public presentation about the project. Bryan suggested an August presentation, before a tentative September or October Special Town Meeting. Arthur Johnson asked about reviewing ERSECO revenues and if ERSECO could choose to pay the debt service off sooner than scheduled. Arthur expressed general support to review annual revenue and to develop plans to repay the debt service quicker. Debra discussed general support for the project but expressed concern for anything that increases the occasional odor from the treatment plant. Debra suggested that when the test equipment is in use, that residents are notified and allowed to offer the Town feedback. **Selectman Sanders** discussed the installation of an air scrubber unit to minimize odors from the treatment plant.

IP Mill Update

Chairman Smith gave a brief update on the Brownfields work for asbestos and hazardous materials abatement at the IP Mill complex. Chairman Smith explained that the inventory of hazardous materials will be updated. **Chairman Smith** reviewed the abatement process and discussed next steps for the development of the property. **Chairman Smith** explained the goal of pursuing two paths that would include exploration for public funding to begin selective demolition and infrastructure upgrades as well as a request for proposals (RFP) to see if we can identify a developer to take over the site for mixed re-use or light industrial re-use. Bryan gave an update about work with FRCOG and Brownfields steering Committee. The Finance Committee expressed no concerns.

Discussion EV Charging Station Grant Program Update

Chairman Smith explained that the Town has been exploring a project to install electric vehicle (EV) chargers in Erving Center. The chargers would be publicly available in a municipal parking lot. **Chairman Smith** discussed National Grid grant that will pay for the infrastructure and up to 75% of the equipment costs and installation for up to three (3) units, which would provide up to six (6) charge ports. Bryan explained the process with the National Grid application and Green Communities grant, that could cover the majority of the associated costs. Bryan explained that Mariah Kurtz, Assistant Town Planner, is working with State contract vendors to gather quotes. Charles Zilinski asked to clarify if the proposed chargers would be for general use and not proprietary like Tesla. **Chairman Smith** agreed but noted that proprietary equipment users may have an adapter option.

Roadway and ADA Improvements for River Street, Warner Street, and Strachan Street Project Update

Chairman Smith gave the Finance Committee an update for the capital project for River Street, Warner Street, and Strachan Street, noting that the project has been put out for public bidding. Bryan explained that the bid opening is scheduled for July 9, 2020. **Chairman Smith** discussed bid alternate approach used for the bids, explaining that the base bid includes work for Sidewalk work for Warner Street, with alternate 1 including sidewalk work on Strachan Street, and alternate 2 including sidewalk work for River Street. Bryan explained that the Town has submitted a Complete Streets grant application and should have FY021 Chapter 90 Funds that may be able to assist if there is a budget gap between the currently appropriated funds and the full bid package. **Chairman Smith** explained that preliminary conversations have occurred with the Town's Mass DOT State Aid Coordinator and the additional funds for FY2021 may be allowed to

be used on the project because the project award is coming in July 2020. The Finance Committee expressed no concerns.

Discussion Regarding Annual Town Meeting & FY 2021 Budget Planning

The Board of Selectmen and the Finance Committee reviewed preparation for the Annual Town Meeting. **Chairman Smith** explained that the Board of Selectmen sent a request to the Town Moderator for a recess and continuance which the Moderator granted by issuing a recess and continuance to Saturday, July 11, 2020 at 10:00 AM with a rain date of Sunday, July 12, 2020 at 10:00 AM. **Chairman Smith** explained that the continuance provides an opportunity to meet outdoors in the event of inclement weather. **Chairman Smith** explained that the Annual Town Meeting will remain at the Erving Elementary School with onsite parking and the use of a rented tent.

Selectman Bembury asked if Bryan could explain the CARES Act. Bryan explained that that Federal government had issued the CARES Act which has provided available funding to help municipalities with expenses related to COVID 19. **Chairman Smith** explained that the State government had allowed the Town to develop a 1/12th deficit spending plan for the month of July 2020, noting that it is for operating costs and is based on the FY2020 budget. **Chairman Smith** explained that the deficit spending plan is not an FY2021 budget and does not allow the Town to spend on capital costs or on proposed wage adjustments.

Chairman Smith explained that a calculation error was noted in the FY2021 budget draft that did not include the Recreation Commission's programs expense line item for \$19,000. **Chairman Smith** asked if the Board of Selectmen and the Finance Committee would be supportive of a floor amendment at the Annual Town Meeting that would correct the error. The Board and the Finance Committee expressed support.

Chairman Smith asked if the Board of Selectmen and the Finance Committee would want to consider support for a vote calendar option for the Annual Town Meeting, that has been suggested by the Town Clerk, that would group non-controversial articles into single votes with the goal of realizing efficiency. **Chairman Smith** explained that if there was support for this idea that he would ask the Town Moderator to open the meeting with a message to be efficient with questions. **Chairman Smith** expressed concern about how voting would occur and if efficiency would actually be realized. **Selectman Bembury** explained that he has seen it done in other communities and has not heard from the Attorney General's office that there is a concern, but that he would not want to risk a legal challenge. Bryan offered to conduct an information session option for voters who want a review of the warrant in advance of Town Meeting to hopefully address questions. **Selectman Bembury** explained that he would want a legal opinion from Town Counsel. Bryan noted that more small venues may prevent shared information from reaching all voters. Debra expressed concern about interested voters missing deliberation if questions had previously been answered an information session in advance of the Town Meeting. Debra also expressed concern about grouping article votes. **Chairman Smith** noted the apparent lack of support for these options and suggested that they may be considered for a future Town Meeting. The Board and the Finance Committee expressed agreement.

Review of FY2020 Budget Line Items & Potential Transfers

Chairman Smith explained that today marks the end of fiscal year 2020 and that Deborah Mero, Town Accountant, is actively reviewing all funds for the potential to need end of the year transfers. Bryan explained that he and Deborah had begun the fund reviews and were working to submit reimbursement requests for grant funds. Bryan explained that the year-end line item transfers are not needed as of today,

but that he would like to carry the agenda item to the joint meeting on July 11, 2020 just in case. The Board of Selectmen and the Finance Committee agreed.

Library Construction Project Update (revisited)

Chairman Smith explained that punch list work is being completed and that the Town is working with vendors to finalize the PV array installation. **Chairman Smith** noted that the Massachusetts Board of Library Commissioners (MBLC) sent a payment of approximately \$544,000 that was expected in FY2021 early. Bryan explained that the payment was received and has been deposited into the bank. Bryan explained that an article will be presented at the upcoming Special Town Meeting to transfer the funds into the General Stabilization Fund. **Chairman Smith** noted that the Board of Library Trustees have hired Natane Halasz as Erving's Library Director. Debra asked if \$15,000 in state aid Libraries had been transferred into the project fund as had been proposed during the grant process. Daniel noted that he does not have the information available but would be willing to research the topic. Deb stated that a recent meeting of Board of Library Trustees raised the question, noting that the funds were committed to the project during the grant planning process. Daniel agreed to research the matter.

Discussion Regarding Compensation Policies

Chairman Smith explained that the Board of Selectmen and the Finance Committee had agreed to work on compensation policies in April and May 2020, but that the State of Emergency had interrupted the anticipated schedule. **Chairman Smith** reminded all that the newly adopted classification and grade & step system was implemented effective March 30, 2020. **Chairman Smith** added that a 2% cost of living adjustment (COLA) for stipend positions was planned for FY2021 with an understanding that they would be revisited in the future. **Chairman Smith** discussed the need to develop policies for stipend positions; specifically, how are they determined, when are they reviewed, and how can they be increased? **Chairman Smith** also discussed the need to set a policy regarding hiring ranges and levels of approval. Further, **Chairman Smith** discussed the need for establishing policies regarding the review of compensation tables and how to conduct future market studies. **Chairman Smith** asked how the Board of Selectmen and the Finance Committee would like to proceed with these topics. **Selectman Bembury** asked to address these topics at a future date after the Annual Town Meeting and to have Bryan prepare materials for review. **Chairman Smith** suggested drafting materials for July meeting. The Board of Selectmen and the Finance Committee expressed agreement.

Chairman Smith asked how the Board of Selectmen and the Finance Committee wanted to address elected official compensation; specifically, how to handle a situation when a challenger wins over the incumbent who may be compensated at a higher step because of years of service. **Chairman Smith** noted that it was discussed earlier in the year during the compensation discussions and there was an agreement to develop a policy that addresses these scenarios. **Chairman Smith** also discussed that the Annual Town Meeting warrant includes a bylaw amendment proposal that would delay the date that an elected official takes office to July 1st. Noting that during the most recent Annual Town Election, the position of Treasurer had been won by a challenger, **Chairman Smith** asked if there should be a floor amendment presented at Town Meeting to adjust the Treasurer's position compensation for FY2021. Daniel suggested caution with changing compensation for an elected position without a legal opinion but discussed support for having the conversation and to pose the question. **Chairman Smith** clarified the general expectation for the Town Clerk, Tax Collector, and the Treasurer positions that work established hours each week. **Chairman Smith** acknowledged that it would be important to know what the salary is if you are running for the position. Bryan explained that the topic has been reviewed with Town Counsel and that Town Meeting has the authority to change and set an elected official's compensation each year. Bryan suggested that it would be best to establish a policy so that registered voters that may run for office can be informed when

pulling papers. Daniel expressed concern about making surprise changes. **Chairman Smith** discussed the legal mechanics of setting elected official compensation. **Selectman Bembury** asked if this conversation was regarding future elected officials and discussed concern about changing compensation for the current situation. **Chairman Smith** clarified that he was not advocating for or against a change, rather he was just bringing the conversation back to the table as it was left several months ago and noted the need to address the topic going forward. **Selectman Sanders** discussed his assumption that a challenger is going to earn the salary of the incumbent. Arthur explained his support to meet and discuss the topic further. Arthur discussed his general support for the holder of the position getting what is currently budgeted. Debra expressed support to have a policy to ensure that elected officials are treated in a similar manner to appointed staff. Debra asked about treating them as fixed salary. Bryan explained market comparison and the goal of creating internal equity amongst the department head positions. **Chairman Smith** discussed his support to establish a policy and explained the rationale for reviewing the approach to compensation. Daniel discussed support for developing a documented procedure in the absence of any statute, that is reviewed by Town Counsel to ensure that it is handled in an open and transparent manner. **Selectman Bembury** offered caution, noting that appointed staff have to have specific knowledge, experience and education when determining salary. The Board of Selectmen and the Finance Committee agreed to revisit the topic at a future meeting.

At 8:53 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Board of Selectmen, the Finance Committee, and the Capital Planning Committee and to continue with the Board of Selectmen meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Re-Appointment of Police Chief and Fire Chief

Bryan provided the Board with a review of Massachusetts General Law Chapter 41, Section 97A that addresses the appointment of the Police Chief, and Massachusetts General Law Chapter 48, Section 42 that addresses the appointment of the Fire Chief. Bryan explained that both statutes provide "Strong chief" status, with different requirements. Bryan clarified that the Police Chief statute requires a re-appointment with a term, of up to three (3) years, and that the Fire Chief statute requires a re-appointment with a term, up to three (3) years, because the Town's population is less than 5,000 persons.

Selectman Sanders made a motion to re-appoint Christopher Blair as Police Chief for a three (3) year term expiring June 30, 2023 in accordance with MGL Chapter 41, Section 97A; and to re-appoint Philip Wonkka as Fire Chief for a term of three (3) years expiring June 30, 2023 in accordance with MGL Chapter 48, Section 42. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of 2020 Business License for Johnson Auto & Marine Services

Bryan explained that the Board had issued a 2020 business license to Johnson Auto & Marine Services with an expiration date of June 30, 2020, to be revisited prior to the expiration date, out of a concern for past due tax payments. Bryan explained that the Tax Collector has indicated that all past due tax payments have been paid and the account is current. Bryan explained that the recommendation is to amend the 2020 business license with an expiration date of December 31, 2020. **Selectman Bembury** made a motion to amend the 2020 Business License for Johnson Auto & Marine Services with an expiration date of December 31, 2020. **Selectman Sanders** seconded. **Vote:** unanimously approved.

13th Water Commitment for FY2020

The Commissioners reviewed the 13th Water Commitment for final charges at 20 Pratt Street in the amount of \$40.10. **Commissioner Bembury** made a motion to approve the 13th Water Commitment for

FY2020 in the amount of \$40.10 for final charges at 20 Pratt Street (#59). **Commissioner Sanders** seconded. **Vote:** Unanimously approved.

1st Water Abatement for FY2020

Commissioner Bembury made a motion to approve the 1st Water Abatement in the amount \$2,133.60 to the Commonwealth of Massachusetts. **Commissioner Sanders** seconded. **Vote:** Unanimously approved.

Chairman Smith asked Bryan to follow up with the Water Collector to review the calculated gallons of water used.

Miscellaneous

Next Meeting Dates

The Board agreed to meet next on July 11, 2020 and July 27, 2020.

Vendor Access at Town Hall

Selectman Bembury expressed concern about the need for clearer signage and directions for vendors and other persons needing to conduct business at Town Hall. **Selectman Bembury** asked Bryan to work with Town Hall staff on clearer communication. The Board expressed agreement.

Adjournment

At 9:20 PM **Selectman Bembury** made a motion to adjourn. **Selectman Sanders** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator