

Board: Select Board / Water Commissioner's Meeting
Date: Monday, January 09, 2023
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, Scott Bastarache, William Bembury

Finance Committee: Debra Smith, Charles Zilinski, Daniel Hammock

Also, Present: Bryan Smith, Mariah Kurtz, Jacquelyn Boyden, Peter Sanders, Daniel Watson, Richard Newton, Leo Parent Jr., Erik Eichorn, Abigail Baines, Paula Betters, Mackensey Bailey

Press: Otis Wheeler, BNCTV

At 6:36 PM **Chairman Smith** called the meeting of the Select Board to order.

Discussion Regarding Recycling Center Proposal

The Select Board members reviewed a memorandum from Bryan Smith, Town Administrator, regarding the proposal to establish a formal recycling center at Public Works for the convenience of residents. **Chairman Smith** provided an overview of the estimated costs for the proposed improvements. The Select Board members discussed the option to approach the work in phases and the approximate cost of \$100,000.00 to \$120,000.00 with contingency. **Selectman Bastarache** discussed support for making progress on the proposal for a recycling center and expressed support for submitting the project for consideration to the Capital Planning Committee. **Chairman Smith** discussed potential budget implications related to the proposal. The Select Board members discussed wanting to review a staffing cost estimate that would provide for two (2) days a week, providing for both weekend and afternoon opening hours. Bryan will prepare a staffing cost estimate and draft a capital project request. The Select Board members will review the topic at a future meeting.

Review of Family and Medical Leave Act Policy Draft- 3rd Reading

The Select Board members conducted a third reading of the draft Family and Medical Leave Act (FMLA) policy. The Select Board members expressed no concerns and support for approving the policy. **Selectman Bastarache** made a motion to approve the Family and Medical Leave Act policy, ADM 181, effective January 9, 2023. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Remote Work Policy- 2nd Reading

The Select Board members conducted a second reading on the draft Remote Work policy. **Selectman Bembury** expressed no concerns with the draft policy. **Selectman Bastarache** asked if the policy is a shift from the current practice. Bryan explained that the policy is meant to formalize the current practice and address items that may not have originally been considered. **Chairman Smith** requested an edit to the first sentence in Section .15. **Selectman Bastarache** and **Chairman Smith** both discussed support for circulating the draft to department heads and staff for more feedback. Bryan will circulate the draft and gather feedback. The Select Board will conduct a third reading at the next meeting.

Review of Proposed Cemetery Commission Bylaw

The Select Board members reviewed a memorandum from Bryan that proposes two (2) bylaw amendments regarding the Cemetery Commission; one article to rescind the previous 1949 Town Meeting vote that created the Cemetery Commission and a second article that would re-establish the Cemetery Commission with specifications on membership and duties. **Selectman Bembury** expressed support for the proposed articles. **Chairman Smith** expressed concern about assigning the authority to appoint staff of the Cemetery. **Chairman Smith** suggested amending the duties to include making recommendations

regarding staff for the care of the Cemetery to the Select Board. The Select Board members expressed agreement to the proposed amendment. **Chairman Smith** asked the Select Board members if the proposed articles should be included on the next Special Town Meeting warrant. The Select Board members expressed agreement.

Review of Meeting Minutes of December 05, 2022

The Select Board members passed over this agenda topic.

Review of Meeting Minutes of December 19, 2022

The Select Board members passed over this agenda topic.

Calendar Year 2023 Business Licenses

The Select Board members reviewed a memorandum from Bryan regarding the proposed license renewals for calendar year 2023. **Chairman Smith** explained that the Select Board is reviewing some late license renewal requests and that the businesses are current on their taxes. The Select Board members expressed no concerns with approving the license renewals. **Chairman Smith** made a motion to issue a Class II/ Automotive Repair/Sell Second-hand Vehicles license to Accurate Automotive Services, Inc, at 21 Lester Street, expiring December 31, 2023; and an Auto & Marine Repair license to Johnson Auto & Marine Service, at 97 Mountain Road, expiring December 31, 2023, with an issue date of tonight for both. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review & Approval of 2022 Alcoholic Beverages Annual Report

The Select Board members reviewed the 2022 Alcoholic Beverages Annual report. **Chairman Smith** reviewed the report that shows that five (5) licenses were issued, with a total amount of fees collected of \$1,925.00, and no violations that the Town is aware of. **Selectman Bastarache** made a motion to approve the Alcoholic Beverages Annual Report 2023 for calendar year 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review & Approval of Renewal Certification Report

The Select Board members reviewed the Renewal Certification Report for 2023, noting that no establishments failed to renew their licenses for 2023. **Selectman Bastarache** made a motion to approve the Renewal Certification for 2023. **Chairman Smith** seconded. **Vote:** Unanimously approved.

Review & Approval of 2023 Seasonal Population Estimation Form

The Select Board members reviewed the 2023 Seasonal Population Estimation form. **Chairman Smith** explained that the Town anticipates no significant changes to the seasonal population in July and estimates 1,800 residents for 2023. The Select Board members expressed no concerns. **Selectman Bastarache** made a motion to approve the 2023 Seasonal Population Increase Estimation Form. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review & Issuance of the 11th Water Commitment for FY2023

The Water Commissioners reviewed the 11th Water Commitment for FY2023 for backflow water charges, in the aggregate amount of \$560.00. **Chairman Smith** made a motion to approve the 11th Water Commitment for FY2023 in the amount of \$560.00, for the testing of backflow prevention devices. **Commissioner Bastarache** seconded. **Vote:** Unanimously approved.

Issuance of Cemetery Deeds # 575-582

Selectman Bembury expressed concerns about issuing deeds to individuals who do not currently live in Erving, noting the limited availability of plots in the Cemetery. **Selectman Bembury** noted understanding the concerns and balancing those with the needs of current residents and suggested formalizing it as a policy and procedure. **Selectman Bembury** further clarified that he would support approving the current deed requests but would request support for a motion to not approve deed requests for non-Erving residents in the future. The Select Board members acknowledged the concerns and agreed to revisit the topic.

Selectman Bastarache made a motion to issue the following deeds to the right of burial in Erving Center Cemetery:

- Deed number 575 for lot number 357A, to Deborah Ann White and Raymond James Mayhew, Jr.; and
- Deed number 576 for lot number 357B, to Deborah Ann White and Kathleen Ann Mayhew; and
- Deed number 577 for lot number 357C, to Deborah Ann White; and
- Deed number 578 for lot number 357D, to Deborah Ann White and Daniel Richard White; and
- Deed number 579 for lot number 358A, to Deborah Ann White and Paul Frederick Mayhew; and
- Deed number 580 for lot number 358B, to Deborah Ann White and Amy Kathleen Mayhew; and
- Deed number 581 for lot number 358C, to Deborah Ann White and Kody Dean Mayhew; and
- Deed number 582 for lot number 358D, to Deborah Ann White and Bernadette Theodore Marx

Chairman Smith seconded. **Vote:** Unanimously approved.

Joint Meeting with Finance Committee- Review of FY2024 Budget Requests- Health & Human Services, Culture & Recreation, Public Works, and General Government

At 7:06 PM **Chairman Smith** called the joint meeting of the Select Board and the Finance Committee to order.

Review of the Board of Health & Health Department Budget Request

Leo Parent, Board of Health Chair, joined the meeting to review the FY2024 budget request of \$92,416.00. Leo reviewed the highlights & challenges that the Board has worked through in FY2023 that includes the offering of a CPR course, and the transition of the shared Health Agent from the District into the Town of Erving. Leo discussed the hiring of Claudia Sarti and the Oversight Committee reviewing the newly formed agreement by June 30, 2023. Bryan explained transition plan for the shared Health Agent service in the budget. **Selectman Bastarache** discussed additional potential cost of insurance for staff members. **Chairman Smith** explained that under the new arrangement, Erving is taking on the leadership role for the relationship with the towns of Northfield and Shutesbury. **Selectman Bastarache** clarified that Claudia has served as the Town's Health Agent for more than four (4) years and the change was only to internalize the service for the Town. The Select Board and the Finance Committee members expressed no concerns at this time.

Review of the Senior & Community Center Budget Request

Paula Betters, Senior Center Director, joined the meeting to review the FY2024 budget request of \$182,749.00. Paula reviewed the highlights and challenges experienced in FY2023, noting that there were minimal challenges with reopening the Center. Paula explained the loss of the regular lunch service and that she is exploring options to provide an alternative service for lunchtime. Paula discussed the strong turnout for programs with new senior participants, highlighting that the exercise classes are meeting the capacity of the space and may need to be broken into more frequent offerings to accommodate the

interest. Paula discussed the concept of an “emerging senior” and efforts to align programs and services to this demographic. Paula discussed the efforts to hire for the Activities Coordinator position and explained the goal of exploring evening programs and intergenerational programming. Paula discussed the potential programs with the Elementary School. Paula explained the rationale for increasing the budget requests for purchased services and for electricity. **Selectman Bastarache** asked about the increased usage of the Center and Paula provided explanations. **Selectman Bastarache** explained that he wants to see more senior and family programming as the Activities Coordinator comes on board. The Select Board and Finance Committee members discussed wanting to further explore the community aspect of the facility with Paula. The Select Board and the Finance Committee members expressed no further concerns at this time.

Review of the Veterans Services Budget Request

Bryan reviewed the FY2024 budget request of \$42,500.00. Bryan explained that he is requesting a level funded budget for the Upper Pioneer Valley Veterans Services District assessment and for the benefits line item and is suggesting the creation of a new line item in the amount of \$2,000.00 to support the Veterans recognition banner program that was recently established. The Select Board and the Finance Committee members expressed no concerns at this time.

At 7:46 PM Daniel Hammock recused himself as a member of the Finance Committee.

Review of the Library Budget Request

On behalf of the Library Trustees, Daniel provided some history for how the FY2024 budget request, in the amount of \$243,675.00, was developed. Daniel discussed some of the fixed costs changes as well as the review of position descriptions and revised classifications. Mackensy Bailey, Trustee, and Abigail Baines, Library Director, joined the meeting. Mackensy reviewed the highlights and challenges for the Library in FY2023, noting the pilot for new open hours for the Library that have attracted young children and seniors. Mackensy explained efforts to expand programming and the increased attendance at the Library, in general, and for programming. Mackensy discussed the settling of staffing with the hiring of the new Director and noted the challenges to complete the punch list on the construction project which includes the LEED certification. Mackensy discussed the increase in service costs, noting both the challenges as well as appreciation for the demand for programming. Abigail discussed the growing pains that have been experienced while transitioning from the projections that were made for operations with the building use assumptions and the experienced costs of running the new facility. **Chairman Smith** asked again for solar performance analysis. Bryan explained that the Town has received the analysis of the building’s energy consumption against the modeling and has been waiting for the solar generation analysis from the engineers. Abigail discussed the LEED certification process and explained that it requires Energy Star monitoring of the electrical systems. **Chairman Smith** asked about LEED certification status. Abigail provided an update on her work with the project architect to apply for certification from the Green Building Council.

Returning to the FY2024 budget request, **Selectman Bastarache** asked about the new positions at the Library. Mackensy clarified that there were newly approved position descriptions for existing staff members and that the Trustees followed the classification schedule. Abigail discussed the Library staffs efforts to increase programming while learning from the community what is needed. Abigail explained that the Department still relies on volunteers for programming support and that the FY2024 budget request includes an increase of \$1,500.00 to support those efforts with the understanding that most programs are funded by grants. Abigail reviewed the Library’s statistics for use in the past year. **Chairman Smith** discussed the potential for Library, Senior & Community Center, and Recreation Commission to

jointly survey the community and solicit feedback. Mackensy and Abigail discussed ongoing programming and the waiting list that has developed for crafts. The Select Board and the Finance Committee members expressed no further concerns at this time.

At 8:08 PM Daniel Hammock rejoined the joint meeting.

Review of the Recreation Commission Budget Request

Jacquelyn Boyden and Erik Eichorn, Recreation Commissioners, joined the meeting to review the budget request in the amount of \$142,623.00. Erik reviewed the challenges the Commission has experienced in FY2023, noting the rebuilding of the Commission membership. Erik noted the restoration of Summer Park program after the COVID-19 challenges made it difficult to operate the program. Erik also discussed the return of Trunk or Treat and Rag Shag Parade events for Halloween. Erik discussed challenges that were experienced with the seasonal sports programs, noting the reduction in registrations. Erik explained that the Commission is hopeful for a strong basketball registration. Regarding goals for FY2024, Erik discussed approaching new strategies for reaching out to the residents with direct mailings and continuing to use existing media. Jacquelyn discussed the use of sub-committees and committing to a regular meeting schedule for the Commission. Jacquelyn discussed revisiting the strategic plan for park improvements. Jacquelyn explained that the Commission is in support of the proposed shared use path and discussed the Commission's goal of adding community events. **Chairman Smith** asked for further review of the expenses for park maintenance and ground maintenance. Bryan will review the expense history. **Selectman Bembury** asked about the status of new park signage, explaining his concerns about clearly communicating the rules and expectations for using the Town's parks. Jacquelyn explained that the signage is in the works of being finalized. The Select Board and the Finance Committee members expressed no further concerns at this time.

Review of the Historical Commission Budget Request

The Select Board and Finance Committee members passed over this agenda topic.

Review of the Town Clerk Office & Elections Budget Requests

Richard Newton, Town Clerk, joined the meeting to review the FY2024 budget request in the amount of \$54,848.00. Richard reviewed the highlights and challenges of FY2023 for his office, noting the nuanced changes in election laws, and further procedures enacted by the Secretary of State's office for weekly updates and conferences until the State election in November 2022. Richard discussed the progress that has been made on the Bylaw codification project with a goal of completing the work in FY2024. Richard discussed the State's work to implement revisions for a new Vitals Records integrated system with all stakeholders, including Town Clerks. Richard noted that all Town Clerks are awaiting an update to the Statewide Voter registration system. Richard discussed the work that has been done to respond to public records requests and explained the exploration of new software for licensing, cemetery management, and board & commission management. Regarding the budget request, Richard explained that the wages section was adjusted in accordance with the compensation schedule and reflects an overall reduction because there are only two (2) elections in the coming Fiscal Year. The Select Board and the Finance Committee members expressed no concerns at this time.

Review of the Water Department Budget Request

Peter Sanders, Water & Wastewater Superintendent, joined the meeting to review the Water Department budget request in the amount of \$105,240.00. Peter discussed the launch of the new Per- and Polyfluorinated Substances (PFAS) testing programs for all three (3) public water systems that the Town oversees. Peter discussed the work in FY2023 for the inspection, repainting, and repair of fire hydrants

throughout the system as well as an effort to replace problematic meters. Peter explained the requested line-item increases related to changes in water testing requirements and well and pump station maintenance. **Chairman Smith** asked about the line item for distribution licenses. Peter explained that relicensing occurs every two (2) years. The Select Board and the Finance Committee members expressed no further concerns at this time.

Review of the Wastewater Department Budget Request

Peter reviewed the Wastewater Department budget request in the amount of \$1,062,111.00. Peter discussed the new nitrogen testing requirements that are the result of the newest Federal and State permits. Peter discussed the anticipated cost increases and therefore the requested increases for electricity and maintenance line items. Peter discussed the importance of rebuilding the maintenance line items to care for the collection and treatment systems. **Selectman Bembury** asked if the Wastewater Department was participating in the State program to monitor COVID-19 levels. Peter explained that the Town was interested in participation, but that the system was too small to participate. Daniel noted that much of the requested increases are directly related to external costs and regulatory changes. Bryan offered the context for the increases and maintenance requests as the Department is transitioning some maintenance costs from former special articles to the annual operating budget. Debra asked for an explanation of the unforeseen overtime costs, noting that the actual expenses have exceeded the budgeted amount. Peter explained that the line item was used to help cover staff time on special projects and response to alarm calls. **Chairman Smith** added that the line item also covers staff costs for call back and overtime for regular weekend coverage. **Chairman Smith** raised concern that the overtime expenditure for FY2023 will again exceed the appropriation. Debra asked for an explanation about the regular weekend coverage expectations and why it's associated with the overtime line item. Peter discussed the long-standing practice in the Department and explained that he is exploring if it is possible to reduce reporting requirements with the Massachusetts Department of Environmental Protection (MassDEP)

Chairman Smith noted the issues associated with estimating the usage of fuel and gas and predicting cost increase. Bryan discussed the review that had been done for budgetary line items and the additional tracking for costs related to testing. **Chairman Smith** discussed the option to consolidate the line item for the River Street pumpstation into the other line items that better define its use. **Chairman Smith** asked about the increased spending in consulting. Bryan explained that those costs were directly related to the reviews needed for the National Pollutant Discharge Elimination System (NPDES) permitting process that the Town underwent. **Chairman Smith** discussed rolling the line item for capital into line item for maintenance. Bryan discussed renaming line items to be clearer about intended purpose. The Select Board and Finance Committee members expressed agreement. **Selectman Bastarache** discussed sewer historical review of the maintenance line item and expressed concern about over funding the line item if not needed. Peter provided some examples of costs that are unexpected when issues in the collection system arise, such as inspectional cameras and jetting. Regarding the unforeseen overtime line item, **Selectman Bastarache** explained that the use of that line item for the weekend coverage can actually be anticipated and does not belong in that line item. Debra expressed concern about consistently scheduling overtime and discussed wanting to understand how scheduling can be structured to cover reporting requirements.

Discussion Regarding Water Dept. Project for Distribution System Lead Assessment & Potential SRF Forgivable Loan Opportunity

The Select Board and Finance Committee members reviewed a memorandum from Peter Sanders, Water & Wastewater Superintendent, and a professional engineering services proposal from Tighe & Bond to

conduct the Lead Service Line Replacement Plan and Inventory as required by MassDEP and the United States Environmental Protection Agency (EPA). **Chairman Smith** provided an overview of the topic. Peter provided an explanation of the new EPA requirements and assessment regarding lead in the public water distribution systems. Peter discussed the potential to apply for a State Revolving Fund (SRF) loan that can be 100% refunded. Peter discussed the scope of the project work to identify service lines that are lead and galvanized. Debra asked about risk to system. Peter and Bryan explained that the Town's system is expected to be a lower risk because of its age. **Selectman Bembury** asked about the current testing that is done for lead in the water system. Peter explained that the Town currently tests for lead in the water system and that to date all results were under limits. Peter discussed the strategic testing of locations to obtain a representative sample. Debra asked for information about available assistance to property owners that may have a connection to the system that contains lead. Debra also asked what would happen if the Town does not comply with the request from MassDEP. Bryan believes that the Town will be notified of the approval of a forgivable loan application by the Town Meeting. Peter noted that the resulting inventory report will be available publicly. **Chairman Smith** raised concern about the replacement plan component of the required work and how it may impact the customers of the system. Bryan speculated about the program to potential support for property owners.

Chairman Smith expressed concern about the statewide scope of this project and his preference to allow the State to pay for associated cost. Daniel expressed concern about the potential impact to homeowners who may not have the means to mitigate lead service pipes that are identified. The Select Board and Finance Committee members discussed needing to better understand the requirements of the replacement plan portion of the project, the available support for homeowners and the potential impact to property owners. Debra explained that the Capital Planning Committee wants to know what other communities are doing around the timeline with the State and the potential to advocate for more time. **Selectman Bastarache** discussed his support for public safety initiatives but noted that he still has questions. **Chairman Smith** wants the Town to follow up with MassDEP regarding the program and its requirements for the SRF loan funds, including: is there sufficient funding available for the Town; and will MassDEP contract for the professional services to conduct the plan because the Town's system serves fewer than 10,000 people; and is the Town guaranteed forgiveness; and does the Town have to carry a long term debt service until 2024 when the loan may be forgiven? The Select Board and Finance Committee will review the topic at the next meeting.

Discussion Regarding Scheduling a Special Town Meeting

The Select Board and Finance Committee members reviewed a memorandum from Bryan regarding the article requests to be considered for inclusion on a potential Special Town Meeting warrant. **Chairman Smith** reviewed the topics, that include authorization to pay bills of a prior year, amendments to the FY2023 operating budget for the Education and Board of Health budgets, as well as amendments to the F2023 capital budget, and asked the Select Board and Finance Committee members if they would like to review a draft Special Town Meeting warrant, including these items, at the next joint meeting. **Selectman Bembury** and **Selectman Bastarache** both expressed agreement. Daniel Hammock also expressed support for reviewing a draft warrant. Bryan will prepare the draft for review at the next joint meeting.

At 9:47 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Select Board and the Finance Committee and to continue with the Select Board meeting. Daniel Hammock seconded. **Vote:** Unanimously approved.

Review of Request for Qualifications for Town Hall Feasibility Study

The Select Board members passed over this agenda topic.

Review of Proposed Personnel Bylaw Draft- 4th Reading

The Select Board members passed over this agenda topic.

Review of Proposed Personnel Policies & Procedures Manual Draft- 4th Reading

The Select Board members passed over this agenda topic.

Review of Bid Documents for Wheelock Street Culvert Replacement Project

The Select Board members reviewed the draft procurement documents and specifications for the Wheelock Street culvert replacement project. **Chairman Smith** explained that the Capital Planning Committee has reviewed the project and suggest proceeding. **Selectman Bastarache** discussed his review of the plans, and the Select Board members discussed the scope of work in the base bid and the bid alternate. The Select Board members expressed agreement to approve the bid documents. **Selectman Bastarache** made a motion to release the bid documents for the Wheelock Street culvert improvement project. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Appointment of Activities Coordinator Preliminary Screening Committee Members

The Select Board members reviewed a memorandum from Bryan, recommending the appointment of Hilda Worden and Janis Fuller as members of the Activities Coordinator Preliminary Screening Committee. **Selectman Bastarache** made a motion to appoint Hilda Worden and Janis Fuller to the Activities Coordinator Preliminary Screening Committee. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Adjournment

At 9:56 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator