

**Board:** Select Board / Water Commissioner's Meeting  
**Date:** Monday, January 24, 2022  
**Location:** Senior & Community Center, 1 Care Drive, Erving, MA 01344

**Select Board Present:** Jacob Smith, Scott Bastarache  
**Also, Present:** Bryan Smith, Mariah Kurtz, Robert Holst, Richard Newton, Brian Pollard, Bruce Pollard  
**Press:** Kathleen Nolan, Montague Reporter; Otis Wheeler, BNCTV

At 6:31 PM **Chairman Smith** called the meeting to order.

**Chairman Smith** explained that the meeting is being recorded and live streamed.

#### **Discussion Regarding Town Response to COVID-19**

**Chairman Smith** explained that the Town recently received an update on COVID-19 cases, the latest data includes a count of 30 new cases last week and 31 cases the week before. **Chairman Smith** asked to be notified when the Board of Health schedules their next meeting.

#### **Discussion Regarding Traffic Control in Erving Center Impacted by Church St. Bridge**

Bryan Smith, Town Administrator, explained the Town has received citizen feedback expressing concern about speeding on North Street and vehicles traveling the wrong way over the Church Street Bridge. **Chairman Smith** discussed concern about overweight vehicles, heading southbound, using the bridge. Bryan will follow up to ensure there are weight restriction postings in the southbound direction. **Chairman Smith** asked that the Select Board schedule the discussion regarding the potential replacement of the Church Street Bridge for an upcoming meeting, and to determine which bridge design, if any, is presented to the voters. **Selectman Bastarache** expressed agreement and asked if the Select Board should also schedule a meeting regarding the replacement of the Swamp Road Bridge. Bryan explained that an FY2023 capital request has been submitted to the Capital Planning Committee for the necessary engineering for the Swamp Road Bridge project. Bryan added that the Town is still awaiting guidance from the State regarding the availability of funding for damage sustained during the July 18, 2021, storms.

#### **Public Road Layout Hearing- Highland Avenue (continued from 1/3/2022)**

At 6:36 PM **Chairman Smith** called the public hearing on the proposed layout of Highland Avenue, continued from January 03, 2022, to order.

**Chairman Smith** provided an overview of the previous discussion held regarding the proposed layout of Highland Avenue with the taking of 247 sq. ft. from property owned by Mr. Brian Pollard. **Chairman Smith** explained that the surveyor and the Town Administrator had met onsite place markings for the proposed new pins and confirmed that there are no additional impacts regarding the proposed layout other than the impact to Mr. Pollard's property. **Chairman Smith** asked Mr. Pollard if he had any concerns with the proposed placement of pins as marked and the taking for the road layout. Mr. Pollard expressed support for proceeding as discussed. Mr. Pollard asked about paving driveway. **Selectman Bastarache** explained that the Town should pave and maintain the area of the proposed road that would be taken and that he could coordinate with the Highway Department. **Chairman Smith** expressed agreement.

At 6:40 PM **Chairman Smith** made a motion to close the public hearing on the proposed layout of Highland Avenue. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

**Order of Public Road Layouts: Care Drive, Highland Avenue, Pleasant Street, & Public Works Boulevard**

The Select Board members reviewed the draft orders of public road layouts for Care Drive, Highland Avenue, Pleasant Street, and Public Works Boulevard. Bryan reviewed the remaining steps of the process that includes approval of articles at Town Meeting and the recording the order of layout, the plans, and the vote certificates from Town Meeting at the Registry of Deeds. **Selectman Bastarache** discussed the concern that was raised at the previous public hearing about the plan for the proposed layout of Public Works Boulevard and a parcel ownership reference. **Chairman Smith** explained that a parcel reference on the layout had been questioned and in response the Principal Assessor conducted deed research and determined that the reference was an error. **Chairman Smith** explained that the surveyor confirmed the findings and has revised the proposed layout plan with the correct reference and that Mariah Kurt, Assistant Town Planner, has contacted the property owners to explain the findings and the correction that is being made.

***Order of Public Layout for Care Drive***

**Selectman Bastarache** made a motion to issue the Order of Layout as amended for Care Drive, dated January 24, 2022, as presented. **Chairman Smith** seconded. **Vote:** Unanimously approved.

***Order of Public Layout for Pleasant Street***

**Selectman Bastarache** made a motion to issue the Order of Layout of Pleasant Street, dated January 24, 2022, as presented. **Chairman Smith** seconded. **Vote:** Unanimously approved.

***Order of Public Layout for Public Works Boulevard***

**Selectman Bastarache** made a motion to issue the Order of Layout of Public Works Boulevard, as presented, dated January 24, 2022. **Chairman Smith** seconded. **Vote:** Unanimously approved.

***Order of Public Layout for Highland Avenue***

**Selectman Bastarache** made a motion to issue the Order of Layout for Highland Avenue, as presented, dated January 24, 2022. **Chairman Smith** seconded. **Vote:** Unanimously approved.

**Review of Electronic Voting Machine “Ballot Box” Procurement**

Richard Newton, Town Clerk, joined the Board to discuss the proposed procurement of an electronic vote tabulation machine. Richard explained that the Secretary of State has only certified two (2) machines to be used for official voting in the Commonwealth. Richard explained that both manufacturers were invited to conducted demonstrations of each machine and that the demonstrations were attended by himself, election workers, the Assistant Town Clerk, Elizabeth Sicard, and Bryan. Richard reviewed the comparison chart he prepared after reviewing both machines and discussed the features that were deemed to be more advantageous and his recommendation to purchase one (1) Imagecast Precinct 2 ballot tabulation machine from LHS associates. **Selectman Bastarache** discussed his review of the comparison chart and his agreement with the recommendation that is being made. **Chairman Smith** expressed agreement and highlighted the importance of voter security and privacy. Richard discussed wanting to incorporate several years of the annual maintenance in the procurement. The Select Board members discussed general support and Bryan will follow up with any limitations set by procurement procedures. **Chairman Smith** made a motion to purchase one (1) Imagecast Precinct 2 ballot tabulation machine from LHS Associates in the amount of \$5,700.00, and to purchase additional annual maintenance not to exceed the \$10,000 appropriation, and to authorize the Town Clerk, Richard Newton, to execute the agreement. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **Authorization for use of Electronic Voting Machine**

Richard discussed the statutory requirement for the Select Board to authorize the use of a specific model of electronic ballot tabulation machine for use in elections that must be reported to the Commonwealth. **Chairman Smith** asked about lead time necessary to order a new machine in order to have it delivered in time for the upcoming Annual Town Election. Richard explained that the vendor has guaranteed delivery within one (1) month of placing the order. **Selectman Bastarache** asked if the Select Board should wait to take the vote to authorize the use of the new equipment until the machine is received and the Town is sure there are no concerns. Richard acknowledged the concern but explained the concern about the timeline to notify the Secretary of State of the equipment change in relation to the Annual Town Election. Richard also explained that as part of the purchase and annual maintenance, the vendor will provide a backup machine if necessary and a company representative will be on-site for the first election to help Town staff. The Select Board members discussed support for proceeding with the authorization. **Selectman Bastarache** motion to discontinue the use of the Accu-Vote ES-2000 electronic voting machine and to authorize the use of the ImageCast Precinct 2 electronic voting machine, a device which is authorized by the Secretary of the Commonwealth of Massachusetts. **Chairman Smith** seconded. Vote: Unanimously approved.

### **Discussion Regarding Voting Location**

**Chairman Smith** opened the discussion about whether the Town needs to temporarily relocate the voting location from the ground floor of Town Hall to allow the Recreation office to use the space on a regular basis. The Select Board discussed the space needs for the Recreation office and the challenges with finding an alternative location. Richard expressed concern about moving voting out of Town Hall. Richard discussed the protocols in place for voter registration and the restrictions related to the use of the State computer that can only be accessed at Town Hall and the desire to continue to provide Erving voters with good customer service. Richard discussed the regulations that govern the timeline of moving an election location within a town and the requirement to notify every voter in town at least thirty (30) days in advance of an election. Richard explained that a potential voting location would need to be compliant with the requirements under the Americans with Disabilities Act (ADA) and may need to be reviewed and approved by the State. Richard explained that he will obtain the guidance on the process for the Select Board to review. Richard will also consider the use of the upstairs level of Town Hall as a voting location. The Select Board agreed to resume the conversation at the February 7, 2022, meeting.

### **Review of Arch Street Force Sewer Main Change Order Requests**

Bryan explained that he is working with the general contractor on the proposed change orders and should be able to discuss their status at the next Select Board meeting.

### **Review of Former International Papermill RFP Draft**

Mariah Kurtz, Assistant Town Planner, joined the Select Board to review the revised draft of the request for proposals (RFP) for the acquisition and redevelopment of the former International Papermill site. Mariah explained the revisions that have been made since the Select Board's last review. Mariah discussed the revised proposed dates and timeline for the procurement. Mariah explained that the draft RFP is being reviewed by Jacquelyn Boyden, Principal Assessor, to ensure that details about the parcel are accurate. **Selectman Bastarache** asked if the Select Board is open to a friendly MGL Chapter 40B comprehensive permit if the proposal includes affordable housing, and if so, should it be clearly stated in the RFP. **Selectman Bastarache** discussed wanting to have a variety of proposals at the end of the procurement process for the Town to review and consider. Mariah asked for permission to include language regarding the comprehensive permit process in the RFP and to review with Town Counsel. **Chairman Smith** expressed support. Mariah clarified that the provision of MGL Chapter 40B are applicable

for projects that include affordable housing. **Chairman Smith** asked for clarity if a comprehensive permit can include market rate housing with affordable housing. **Chairman Smith** asked if the Select Board would want to establish a minimum of affordable housing for a proposed project if it included housing. **Chairman Smith** discussed the lack of affordable housing in Erving and noted that the draft RFP has a placeholder with a 40% affordable housing requirement for housing proposals. **Selectman Bastarache** explained that he wanted time to reflect on that requirement before deciding. Mariah explained that representatives from the Town have recently participated in workshops on the MGL Chapter 40B comprehensive permit procedures to better understand how projects work and to consider examples from other communities. Mariah asked if the Select Board wants to set a minimum number of years of experience that a developer must possess to be considered. **Selectman Bastarache** discussed his preference for focusing on the number of successfully completed projects of similar complexity rather than focusing on years. **Selectman Bastarache** suggested revising to a minimum of three (3) years. The Select Board members agreed and discussed wanting developers to provide a minimum of three (3) examples of completed projects with references. The Select Board members discussed openness to backgrounds and experience and discussed the importance of the quality of the experiences provided as an example.

Mariah discussed the revisions that had been made to the draft rubric in Attachment A. **Selectman Bastarache** discussed his review of the rubric and expressed appreciation for the work, noting that it felt more manageable. **Chairman Smith** discussed support for the revisions and explained that the revisions captured more of what he wanted to see in a rubric. Mariah asked the Select Board members if they would want to have the proposals opened for an initial review prior to a Select Board meeting or held until a Select Board meeting. **Selectman Bastarache** and **Chairman Smith** discussed support to have Mariah and Bryan review the proposals to make sure that they meet the minimum criteria before the Select Board reviews formally, so the deadline for proposals should be approximately one (1) week before the Select Board is scheduled to review. **Selectman Bastarache** discussed wanting to set a timeline for the Select Board to review proposals and make a determination. The Select Board members agreed to the proposed timeline and instructed staff to prepare to release the RFP for March 2, 2022. **Chairman Smith** asked to have Town Counsel review the draft RFP and provide feedback by February 24, 2022.

#### **Review of Former Graded School RFP & Issuance of Addenda**

Regarding the request for proposals (RFP) for the acquisition and redevelopment of the former Graded School building, Bryan reviewed the November addendum that was issued that set a revised submission deadline for Thursday, January 27, 2022. Bryan asked the Select Board what guidance should be offered regarding zoning and potential housing proposals for the property and if the submission deadline should be adjusted a final time. **Chairman Smith** discussed support for issuing an addendum that extends the submission deadline and to explain requests related to zoning and the need to receive Planning Board feedback and Town Meeting vote for the potential zoning changes or to express support for a friendly 40B comprehensive permit. **Selectman Bastarache** discussed support for issuing an addendum and include support for friendly 40B comprehensive permit. **Chairman Smith** clarified that the proposed addendum would explain that status of pursuing zoning changes and state support for the MGL Chapter 40B comprehensive permit process. **Selectman Bastarache** expressed agreement. **Chairman Smith** made a motion to issue an addendum explaining the status of proposed zoning changes proposed by the Select Board to the Planning Board, the unknown timeline for a hearing, and further the option for a friendly 40B, if necessary, for a selected proposal and to amend the deadline to February 10, 2022. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **Review of Direct Local Technical Assistance Grant Response to FRCOG**

**Chairman Smith** provided an overview of the request form that was received from the Franklin Regional Council of Governments (FRCOG) regarding the Direct Local Technical Assistance program (DLTA). Mariah provided an explanation of the DLTA program and FRCOG's role in administering the program as the regional planning agency for towns within Franklin County. Mariah explained that the DLTA survey is designed to allow the Town to identify priorities that may align with regional efforts or Town specific initiatives. Mariah discussed the recommendation to prioritize a housing production plan and explained the benefits of engaging in the planning process and completing a plan that is certified by the State. **Chairman Smith** asked about timeline for projects identified for DLTA funding. Mariah explained that projects are expected to be completed by end of calendar year. Mariah explained a second recommendation is to explore the potential for shared services, specifically for a Conservation Agent and Information Technology (IT) support. Mariah explained that the Conservation Commission is aware that other Franklin County towns are interested in exploring a shared Conservation Agent position but has not taken a formal position on Erving joining the effort. Regarding shared IT support, Mariah explained that the Town of Wendell has a Community Compact grant to discuss regional IT and has invited Erving to participate in the project. For a third recommendation, Mariah discussed planning efforts for the potential of a public water supply for Erving Center. Bryan explained that this has not been an active capital project for the Town, to date, but has been a conceptual project that the Town has been involved with at the County level with regional and State partners. **Selectman Bastarache** discussed support for presented proposals. **Chairman Smith** discussed concern for staff capacity to handle the community engagement process required for a housing production plan this year. **Chairman Smith** suggested prioritizing the project to explore shared services for a Conservation Agent, then the potential public water supply for Erving Center, and the housing production plan project as third. **Selectman Bastarache** expressed support. Mariah will revise the DLTA response form and submit to FRCOG.

### **Review of Grant Opportunities and Recommendations**

Mariah discussed summary of current and ongoing projects and grant opportunities as well as potential financial opportunities that may align with future capital projects the Town may be interested in. Mariah specifically addressed a potential grant application for the Wheelock Street culvert replacement project for intermittent streams. Mariah explained that the Town had previously completed the engineering and environmental permitting work for the culvert replacement project and the proposed grant may allow for the construction of the project. Mariah asked if the Select Board would authorize here to submit an expression of interest for the grant. **Chairman Smith** expressed concern with staff capacity to handle the project and asked if a capital request form had been submitted to the Capital Planning Committee. Mariah explained that she has reviewed the opportunity with Glenn McCrory, Highway Superintendent, about the project and that he is okay with applying for funding. **Chairman Smith** discussed the option to defer to the Capital Planning Committee whether to apply for the grant to fund the project. **Selectman Bastarache** expressed agreement. Mariah will meet with the Capital Planning Committee to review.

### **Review of Draft Special Town Meeting Warrant**

The Select Board reviewed the revised draft Special Town Meeting warrant. **Chairman Smith** discussed the new Article 3 that would provide \$25,000 for the upgrade of the Assessing software. **Chairman Smith** explained the request and that the Capital Planning Committee has recommended to add the article to the warrant in order to fund the project from Free Cash during FY2022 rather than wait until FY2023. **Selectman Bastarache** discussed support for the recommendation.

Bryan explained that the only other edits to the draft warrant included the previous votes of the Finance Committee recommendations and language to allow the taking of 247 sq. ft. from the property of Brian

Pollard in the road layout of Highland Avenue. The Select Board discussed the use of the word "easement." Bryan explained that the word was recommend by Town Counsel and he will review again. The Select Board members discussed having no other concerns about the revisions.

**Review of Meeting Minutes for January 11, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for January 25, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for February 08, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for March 01, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for March 08, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for April 26, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for May 03, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for June 14, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for August 16, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for September 13, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for September 20, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for September 27, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for November 29, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for December 13, 2021**

The Board passed over this agenda item.

**Review of Meeting Minutes for January 03, 2021**

The Board passed over this agenda item.

### **Review of Meeting Minutes for January 10, 2021**

The Board passed over this agenda item.

### **13<sup>th</sup> Water Commitment**

The Water Commissioners reviewed the 13<sup>th</sup> Water Commitment for FY2022 for final charges at 2 Forest Street (Account #188) in the amount of \$67.30. **Commissioner Bastarache** made a motion to approve 13<sup>th</sup> Water Commitment for FY2022 in the amount of \$67.30. **Chairman Smith** seconded. **Vote:** Unanimously approved.

### **Issuance of Calendar 2021 Alcoholic Beverage Annual Report**

**Chairman Smith** made a motion to issue the 2022 Alcoholic Beverage Licenses Annual Report for Calendar Year 2021, as presented. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **2022 Seasonal Population Certification**

**Chairman Smith** made a motion to approve the 2022 Seasonal Population Increase Estimation Form of 1,800, depicting no change. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **2022 Renewal Certification**

**Chairman Smith** made a motion to certify the Renewal Certification for 2022. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **Establishment & Appointment of Patrol Officer Screening Committee**

**Chairman Smith** made a motion to establish a Patrol Officer Screening Committee and appoint a five (5) member committee, consisting of Chief Robert Holst, Sergeant Adam Paicos, Officer Gregory Moretti, Highway Superintendent Glenn McCrory, and Selectman Bembury, with Selectman Bastarache as an alternate. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

### **Miscellaneous**

#### ***Snow Clearing***

**Chairman Smith** explained that he has recently had a conversation with Glenn McCrory, Highway Superintendent, about snow clearing and treatment. **Chairman Smith** explained that Glenn has asked if the Select Board would like to meet to review the current policy and discuss any changes in expectations noting that changes experienced in weather patterns in recent years. **Selectman Bastarache** explained that he has no concerns with the current practices but that he is open to having the conversation at an upcoming Select Board meeting. **Chairman Smith** expressed agreement.

#### ***First Light Agreement in Principle***

Bryan explained that First Light Power Resources Inc has asked the Town to review a draft Agreement in Principle for a variety of recreational topics related to stakeholder negotiations as part of the Federal Energy Regulation Commission (FERC) relicensing process for the Northfield Mountain Project. Bryan asked if the Select Board would review and consider the draft Agreement in Principle at the February 07, 2022, Select Board meeting. Bryan added that he would work to schedule any necessary information or professional expertise the Select Board members would need to review the draft agreement. **Selectman Bastarache** discussed the importance of the topic and wanting to have the support of individuals with more expertise on these topics. The Select Board members discussed the importance of the overall FERC relicensing process for the Northfield Mountain Project. **Selectman Bastarache** suggested scheduling a specific Select Board meeting prior to February 07, 2022, to review the draft agreement and to collect information. Bryan and **Chairman Smith** will work to find a date.

**Executive Session**

At 8:36 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21 (a)(1) to discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or discuss the discipline or dismissal of, or complaints or charges against, a public officer, employee, staff member or individual; and immediately following, move into Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21 (a)(3) to discuss strategy with respect to ... litigation if an open meeting may have a detrimental effect on the ... litigating position of the public body and the Chair does so declare, and not to return to regular session. **Selectman Bastarache** seconded. A roll call vote was taken:

**Selectman Bastarache** Aye  
**Chairman Smith** Aye

The Select Board did not return to regular session.

Respectfully submitted,



Bryan Smith  
Town Administrator