

Board: Select Board / Water Commissioner's Meeting
Date: Monday, August 16, 2021
Location: Online Video/Audio Conference Pursuant to Massachusetts General Law, in Response to the COVID-19 Pandemic

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache
Finance Committee: Benjamin Fellows, Debra Smith, Charles Zilinski, Daniel Hammock
Capital Planning Committee: Jacob Smith, Benjamin Fellows, Debra Smith, Linda Downs-Bembury
Also, Present: Bryan Smith, Kelly Loynd, Glenn McCrory, Mariah Kurtz, Peter Sanders
Press: Kathleen Nolan, Montague Reporter

At 6:33 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, provided COVID-19 updates including that the Elementary School is preparing for reopening, the Department of Public Health has issued guidance to the schools, and that third dose booster vaccines are now being recommended for certain groups of individuals.

Library Construction Project Update & Review of Change Order Requests

Bryan explained that he has requested an update regarding the punch list items for the Library construction project. Bryan explained that he will share the updates when they are received. Bryan added that the Town is still awaiting information on the LEED Certification application for the Library.

Review of FY2022 Surplus Equipment Request- Roll-Off Container- 3rd Read

The Select Board conducted a third reading of the surplus equipment request for the disposal of the steel 40-yard roll-off container for scrap. The Select Board members discussed having no concerns with the request as presented. **Chairman Smith** made a motion to scrap the 40-yard roll-off dumpster. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

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 July 12, 2021

The Select Board reviewed the meeting minutes of Monday, July 12, 2021. **Selectman Bembury** made a motion to approve the meeting minutes of July 12, 2021, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for July 19, 2021

The Select Board reviewed the meeting minutes of Monday, July 19, 2021. **Selectman Bastarache** made a motion to approve the meeting minutes of July 19, 2021, as written. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for July 26, 2021

The Select Board reviewed the meeting minutes of Monday, July 26, 2021. **Selectman Bastarache** made a motion to approve the meeting minutes of July 26, 2021, as written. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for July 31, 2021

The Select Board reviewed the meeting minutes of Saturday, July 31, 2021. **Selectman Bembury** made a motion to approve the meeting minutes of July 31, 2021, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Re-issuance of Cemetery Deeds # 515 to 522

The Select Board reviewed the following deeds for the purchase of burial rights in the Erving Center Cemetery. The Select Board took the following action:

Chairman Smith made a motion to re-issue deeds numbered 515 through 518, corresponding to lots numbered 1425 to 1428, to Peter Sanders and Elizabeth Carroll of 25 Lillian's Way, Erving, MA. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Chairman Smith made a motion to re-issue deeds numbered 519 to 522, corresponding lots numbered 1388 to 1391, respectively, to Peter Sanders and Elizabeth Carroll of 25 Lillian's Way, Erving, MA. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Resignation from Board of Health- Bruce "Cyd" Scott

Chairman Smith explained that Bruce "Cyd" Scott is resigning from his position on the Board of Health effective on October 1, 2021. **Chairman Smith** thanked Cyd for his service to the Town over the years and the Select Board members expressed agreement.

Discussion Regarding Board of Health Operations

Chairman Smith explained that Board of Health has been challenged by obtaining a quorum of members before and during COVID-19, noting that Cyd has been reliably participating. **Chairman Smith** explained that the operations of the Board will be even more challenging upon the effective date of Cyd's resignation. Bryan added that the rest of the Eastern Franklin County Health District and Cooperative Health District also rely on the Erving Board of Health members to attend and vote at their meetings. **Chairman Smith** explained the need to advertise the vacancy on the Board of Health immediately to allow the opportunity to appoint a new member for the remaining balance of the year. Appointment to the vacant seat would require a majority vote of Select Board and the remaining Board of Health members. The Select Board members discussed needing to reach out to the remaining Board of Health members to encourage regularly meeting. The Select Board discussed researching what needs to occur if the Board of Health cannot meet and if the Select Board has any legal authority in that situation, should it arise. Bryan will review the matter with Town Counsel. The Select Board members discussed the imperative nature of getting the Board of Health to meet regularly. **Selectman Bembury** stated that the members need to be contacted and encouraged to attend or submit letters of resignation if they cannot fulfill their commitments. **Selectman Bastarache** discussed the reality that a new person appointed to the Board of Health will not have the 11+ years of experience that Cyd has, and that training and onboarding will need to be done with a new member. **Chairman Smith** explained that there have been previous attempts to contact the other two (2) Board of Health members and encourage participation that have been unsuccessful.

Review of Special Articles for Carryforward

The Select Board reviewed the current list of Special Articles and available fund balances. Bryan explained that this is the annual review requested by Deborah Mero, Town Accountant, on which Special Articles need to be carried into the new fiscal year or closed out. Bryan explained that the Library asked to keep two articles open. **Selectman Bastarache** pointed out that the Town is in the process of selling the property at 18 Pleasant Street but there is still an article open for wheelchair lift repairs which should be closed out. The Select Board made the decision to close out the following Special Article funds: 18 Pleasant Street Wheelchair lift in the amount of \$3,600.00, Highway Department Back-hoe in the amount of \$870.12, and the Highway Department Enclosed Utility Trailer in the amount of \$365.60.

Glenn asked if the Special Article for the upgrades to the PanAm railroad crossing in Erving Center (\$40,000) could be closed. **Chairman Smith** asked for an explanation on the status of the project. Bryan advised that the project is not complete and that it is on PanAm to complete the project. Bryan will follow up with PanAm and Legal Counsel to better understand why the Town set this money aside and then the project will be completed. The Select Board agreed and asked Bryan to carry the topic forward.

Joint Meeting with Finance Committee & Capital Planning Committee

At 7:01 PM **Chairman Smith** called the joint meeting of the Select Board, Finance Committee and Capital Planning Committee to order.

Review of Special Articles for Carryforward (continued)

Chairman Smith asked the Finance Committee members for their opinion about closing out the compensation adjustment reserve fund. Daniel Hammock expressed support for closing the fund. Benjamin Fellows, Debra Smith, and Charles Zilinski all expressed agreement to close the Special Article fund.

Discussion Regarding July 18, 2021 State of Emergency

Chairman Smith provided an overview of the State of Emergency and the damage that was experienced as a result of the storm event and the significant rainfall on July 18, 2021. **Chairman Smith** provided an explanation of the work that has occurred to date and a discussion of the financial and capital impacts as understood today. **Chairman Smith** explained that the Town experienced damage along Keyup Brook and North Street as well as the failure of the Swamp Road Bridge. **Chairman Smith** explained that the Town applied to the State Department of Revenue for an emergency spending authorization of up to \$200,000.00. **Chairman Smith** explained that the Town conducted an emergency procurement, and a contractor was hired to remove failing retaining wall blocks along Keyup Brook and North Street and provided a temporary repair with large diameter riprap. **Chairman Smith** explained that the guardrail was also significantly damaged and needs to be replaced, noting that the damaged area is currently protected by concrete barriers. **Chairman Smith** explained that the west side of the Swamp Road Bridge began sinking due to damage and that the recommendations from the Town's engineers was to remove it before further damage occurred.

Chairman Smith explained that Poplar Mountain Road also experienced significant damage with washouts in the upper section of the Road. It is estimated that some holes from the washout were approximately 3' to 4' deep. These washouts have been filled with larger diameter rocks so that the Road can be temporarily passable. It was discussed that the Road and the stormwater management system needs to be reengineered and reconstructed for a permanent fix. Bryan discussed the damage experience on Wheelock Street near Briggs Brook and explained that it has been repaired by the Highway Department staff. Glenn McCrory, Highway Superintendent, explained that representatives from the Town have met with representatives of the Massachusetts Emergency Management Agency (MEMA) and the Massachusetts Department of Transportation (MassDOT) today to review the damage and discuss next steps. Glenn explained that upon further review, the damage to the North Street stretches approximately 100' longer south along the road and bank of Keyup Brook than was previously known. Glenn explained that the upper section of Poplar Mountain Road has approximately 715' of roadway which needs to be reconstructed. Glenn added that there is damage at the base of Poplar Mountain Road to the headwall of the culvert and approximately 140' of resurfacing work to be done. Glenn explained that both MEMA and MassDOT have assisted in the measurements of the damage and documented them. **Chairman Smith** explained that Weston & Sampson has been asked to provide an engineering proposal for a wholistic approach to the reconstruction of Poplar Mountain Road, even if it is to be phased. Regarding Wheelock Street, **Chairman Smith** explained that the Town is working with FirstLight/ Northfield Mountain to dredge the fire pond along the edge of the road of additional silt material that has accumulated in the pond. Glenn explained that the Town will conduct the clearing of the pond at our expense since it is currently functioning to FirstLight's standards.

Chairman Smith discussed the damage experienced on Kavanaugh Lane, explaining that there was some washout along the Lane that extended from Forest Street to Route 2. **Chairman Smith** thanked MassDOT for the repair work there. **Chairman Smith** added that there was damage to Route 2 near POTW #3 and that MassDOT has repaired the highway and the embankment large diameter riprap and repaved the road surface. Bryan stated that there was further erosion at the Swamp Road Bridge abutment and needs to be repaired which could potentially be combined with the larger project of the North Street Repairs. Glenn confirmed and noted that there is a 5' deep void.

Debra asked what the order of priority for repair work should be. Glenn discussed the concerns with preparing for snow and plowing and identified Poplar Mountain Road as a priority to be ready for the winter season. Glenn stated that the Wheelock Street repairs can be done by Highway Department staff

and equipment and that the Swamp Road Bridge is currently blocked off. **Selectman Bastarache** asked about the scope of work necessary to make the repairs for North Street by the Swamp Road Bridge. Glenn estimated the most severe area is approximately 45' long and 7 feet deep. Bryan discussed the need for the Town to consider the replacement options for the Swamp Road Bridge and how that may impact the repair of the embankment on North Street. **Selectman Bastarache** asked about the extent of the void along the guardrail on North Street, created by the washout. Glenn explained that the void has left the guardrail unsupported and reminded the Select Board that the sewer line on North Street is about 4' from the side of the Road. **Chairman Smith** discussed the emergency spending approval authorized by the State and Bryan provided additional context. Daniel asked about potential infrastructure funds from the Federal government and whether those could be a source of funding for these projects. Bryan noted that Federal and State grant sources may be available to help the Town restore the infrastructure and that the Town is reviewing all available sources. Debra asked that these projects be submitted to the Capital Planning Committee for funding requests. Bryan will revise priorities with staff and report back to the Finance Committee and Capital Planning Committee.

Linda Downs-Bembury asked about MassDOT's repairs of Route 2 near POTW#3 and whether the repair work had addressed the Town's anticipated work on the Bridge Street retaining wall. Glenn explained that the repair work to Route 2 only addressed the erosion on the highway embankment and did not address the erosion with the Bridge Street retaining wall. Glenn explained the location of the retaining wall on Bridge Street in relationship to Route 2 and discussed the repairs that still need to be completed.

Glenn added that there are other areas along Keyup Brook, and the Historical Building that will need some repairs. Bryan expressed agreement and added that Hanson Court and the other side walls of Keyup Brook will need to be repaired. **Selectman Bembury** asked if the U.S. Department of Agricultural (USDA) services or funds can be used for this type of work. The Select Board and Bryan discussed their understanding of the available services. Bryan explained that he is looking at FEMA and hazard mitigation funding. Bryan will continue to investigate USDA funding opportunities. **Chairman Smith** discussed the review of Hazard Mitigation funding opportunities by Mariah Kurtz, Assistant Town Planner.

Review of Engineering Proposal for Flagg Hill Sewer Project

Chairman Smith provided an overview of the repetitive clogging and the potential damage to the sewer line that services Flagg Hill Road and explained that there had been a plan to repair the sewer line with Town staff and resources prior to state of emergency and the resulting repair work. **Chairman Smith** explained that when the sewer line last clogged, the resulting inspection revealed a significant crack in the pipe. After discussing a multitude of public works projects that need to be completed before the end of the construction season, the Select Board asked to understand the cost of engineering for the replacement of the Flagg Hill Road sewer line, which Bryan explained. The Select Board members expressed concern about the proposed timeline for the design process and the ability to bid and construct the project before the end of the construction season. Bryan will follow up with the Superintendents and Engineers to see if they can meet the timeline.

Review of Decorative Lighting Engineering Report

Bryan reported that Tighe & Bond is waiting on more information from Elm Electric and asked to carry this topic to the next meeting.

Review of the Massachusetts Clean Water Trust Asset Management Grant Application

Bryan explained that while updating NEPDES permits the U.S. Environmental Protection Agency (EPA) is asking the Town to update the Operations & Maintenance manual for the wastewater collection and

treatment systems, inspect and camera some of the collection lines and map them. Bryan explained that Tighe & Bond is offering to help prepare a grant application for funding from the Massachusetts Department of Environmental Protection (MassDEP) to help conduct this work. Bryan explained that the MassDEP Asset Management Grant would require a 40% match from the Town. The Select Board members expressed support for engaging Tighe & Bond and for submitting the grant application.

The Select Board, Finance Committee, and Capital Planning Committee tentatively agreed to meet jointly on August 23, 2021, to have further discussions related to the July 18, 2021 State of Emergency, the Flagg Hill Road sewer replacement, the Church Street Bridge conceptual design and the Public Works building feasibility study. Linda asked about the future of the Church Street Bridge. Debra asked about receiving the documents in advance to review. Bryan confirmed that he can send them to all members. **Selectman Bembury** and **Selectman Bastarache** expressed support for meeting. **Chairman Smith** discussed his anticipation that multiple public meetings will be held to discuss the Church Street Bridge.

At 8:19 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Select Board, Finance Committee and Capital Planning Committee and to continue the Select Board meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Former Graded School Request for Proposals Procurement Draft

The Select Board reviewed a draft request for proposals (RFP) for the redevelopment of the former Graded School building at 18 Pleasant Street. **Selectmen Bastarache** offered some initial revisions for the draft. The Select Board members agreed to carry the item on the agenda and plan to discuss again on September 13, 2021.

Review of Former IP Mill Request for Information Procurement Draft

The Select Board members reviewed a draft of the Request for Interest (RFI) for the redevelopment of the former International Papermill property. Bryan explained the proposal to use an RFI process to garner additional information for the Select Board to consider while developing the RFP that would be used to sell the property. Bryan suggested that the Select Board may recognize proposals in the RFP process with additional points if they also participated in the RFI process. The Select Board members discussed general support for connecting the RFI and RFP processes together and providing additional consideration with the grading rubric. **Chairman Smith** suggested revisions to Section 3 to address multi-use/housing options. Bryan discussed the inclusion of residential use. **Selectman Bastarache** discussed the potential of receiving proposals, in response to the RFP process, from out-of-state or multi-state companies and asked if the Town can request developers to be current on taxes in other places besides Erving. Bryan will ask Town Counsel about how to address tax compliance in multiple states. **Chairman Smith** asked about whether it is appropriate to have an optional site visit for the RFI. **Selectman Bastarache** expressed support for having the site visit be optional during the RFI process. The select Board members agreed that attendance at a site visit would be mandatory for the RFP process. The Select Board will carry the topic to a future meeting.

Executive Session

At 8:38 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining ...if an open meeting may have a detrimental effect on the bargaining ...position of the public body and the chair so declares (New England Police Benevolent Association); and also to enter 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

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Meeting Minutes

chair so declares. **Chairman Smith** stated that he does so declare and that the Board will not return to regular session. **Selectman Bembury** seconded. **Roll call vote:**

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| Chairman Smith | Aye |
| Selectman Bembury | Aye |
| Selectman Bastarache | Aye |

The Select Board did not return to regular session.

Respectfully submitted,



Bryan Smith
Town Administrator
BS/mk