

Board: Select Board / Water Commissioner's Meeting
Date: Monday, November 14, 2022
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, Scott Bastarache, William Bembury
Recreation Commission: Erik Eichorn, Renee Tela
Also, Present: Bryan Smith, Mariah Kurtz, Kelly Loynd, James Loynd, Robert Holst, Laura Gordon, Nick Gordon, Matthew Ziomek, Makayla Ziomek, C. Mark Blatchley, Richard Newton, Paula Betters
Press: Otis Wheeler, BNCTV

At 6:34 PM **Chairman Smith** called the meeting of the Select Board to order.

Discussion Regarding Animal Control and Inspector of Animal Services

Review of the Draft Pregnant Workers Fairness Act Policy, Fraud Prevention Policy, Whistleblower Protection Policy, Workplace Violence Prevention Policy, and Domestic Violence Leave Policy

Selectman Bastarache asked to pass over the review of the draft Pregnant Workers Fairness Act Policy, Fraud Prevention Policy, Whistleblower Protection Policy, Workplace Violence Prevention Policy, and Domestic Violence Leave Policy. **Selectman Bastarache** explained that Labor Counsel had submitted suggested edits mid-day today and that he would like time for the Select Board to review the suggested revisions. The Board members agreed to pass over the agenda items and review at the next meeting.

Joint Meeting with Recreation Commission- Elected Official Appointment

At 6:35 PM **Chairman Smith** called the joint meeting of the Select Board and the Recreation Commission to order. The Select Board and Recreation Commission members reviewed a memorandum from Bryan Smith, Town Administrator, regarding the vacancies on the Recreation Commission and the process for appointment until the next Annual Town Election. The Select Board and Recreation Commission members reviewed the letter of interest submitted by Jacquelyn Boyden to serve in a vacant seat. **Selectman Bastarache** expressed his support for Jacquelyn's appointment to the position. The Recreation Commission members expressed agreement. **Selectman Bastarache** made a motion to appoint Jacquelyn Boyden to the Recreation Commission through June 30, 2023. **Selectman Bembury** seconded. **Discussion:** noting that there are two (2) open seats with different terms, the Select Board and Recreation Commissioners discussed which position to fill. Commission Chair Eichorn suggested filling the seat with a term of 2025. The Board members expressed agreement. **Roll call vote:**

Selectman Bembury	Aye
Selectman Bastarache	Aye
Chairman Smith	Aye
Commissioner Tela	Aye
Commission Chair Eichorn	Aye

At 6:38 PM **Selectman Bastarache** made a motion to adjourn the joint meeting of the Select Board and the Recreation Commission and to continue with the Select Board meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Administer Oath of Office to Patrol Officers Gordon and Ziomek and Introduction of K-9 Officer Ziva

Robert Holst, Chief of Police, introduced new Patrol Officers Matthew Ziomek and Laura Gordon to the Select Board and the community. Chief Holst also introduced Canine Officer Ziva, the Department's new

Bloodhound. Officer Gordon explained progress made to date to restore the canine program and training with Ziva. Richard Newton, Town Clerk, administered the oath of office to Officer Ziomek and Officer Gordon. **Chairman Smith** expressed appreciation to Officer Gordon and Officer Ziomek for their service to the community and appreciation for restoring the habit of formally meeting new patrol officers at a formal Select Board meeting with the administration of the oath of office. The Select Board members expressed agreement and discussed excitement for the restoration of the Canine Program.

Discussion Regarding Animal Control and Inspector of Animal Services

Bryan explained that the Town had anticipated receiving a draft memorandum of understanding from the Town of Athol for backup animal control services and that the draft had not yet been received. Bryan asked the Select Board to carry the agenda item for another meeting.

Review of Proposed Activities Coordinator Position Description

Paula Betters, Senior Center Director, joined the Select Board to review the revisions made to the draft Activities Coordinator position description. Bryan discussed revisions made after the last Select Board meeting and the recommendation for grading. **Chairman Smith** explained that the Select Board better understood that the position of Activities Coordinator is a common title for Senior Centers. **Selectman Bembury** expressed his support for the revisions that were made and for proceeding to approve the position description. **Selectman Bastarache** expressed agreement. **Selectman Bembury** made a motion to accept the job description for Activities Coordinator for the Senior & Community Center, effective November 14, 2022. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Chairman Smith asked Bryan and Paula about how they anticipated conducting the search. The Select Board will consider appointing a preliminary screening committee at the meeting.

Review of Blood Borne Pathogen Exposure Control Plan Policy- 4th Reading

The Select Board members conducted a third reading of the draft Blood Borne Pathogen Exposure Control Plan policy. **Selectman Bastarache** explained further edits that he would like made, including clarification that the policy applies to all employees in the Purpose Section, and to clarify the use of gloves in Section .07. **Chairman Smith** requested the addition of "unless another type of glove is required or recommended" to further clarify the glove use in Section .07. **Selectman Bembury** expressed agreement and discussed preference for the use of puncture proof gloves for the handling of sharps. Select Board members expressed agreement. **Chairman Smith** asked about the likelihood of the forms in the appendices changing. Bryan noted that the forms are provided by outside agencies and that they are subject to change, but that the frequency is low. **Selectman Bembury** discussed the need for training employees regarding the policy. Bryan explained that he is working with the Safety Committee to proceed with training. **Selectman Bastarache** expressed support for approving the policy as amended. **Selectman Bastarache** made a motion to approve the Blood Borne Pathogen Exposure Plan Policy HSP-001, as amended this evening, with an effective date of November 14, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Police Department Policy- 1.22 Co-Response Clinician Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Police Department Policy 1.22 Co-Response Clinician. Chief Holst rejoined the Select Board to discuss. The Select Board members discussed having no concerns with the draft policy as presented. **Selectman Bembury** Chief Holst to provide an update on the status of the Co-Response Clinician program. Chief Holst explained that based on the statistics he has reviewed for the program, participating towns are experiencing approximately an 86% to 87% jail and hospitalization diversion rate. Chief Holst discussed the importance of individuals getting the

assistance they need. Chief Holst discussed the aftercare follow up that the mental health clinician provides. Chief Holst discussed the relationship that has developed through the program between the officers, the clinician, and the participating departments. **Chairman Smith** asked about impact experienced by the other participating towns. Chief Holst clarified that the diversion rate is aggregate for all participating communities. **Selectman Bembury** made a motion to adopt policy and procedure No. 1.22 Co-Response Clinician, with an issue date of August 29, 2022, and with an effective date of November 14, 2022. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Police Department Policy- 1.23 Mounted Electric Bike Policy- 2nd Reading

The Select Board members conducted a second reading of the draft Police Department Policy 1.23 Mounted Electric Bike. **Selectman Bastarache** explained that he has no concerns with the policy as presented and asked Chief Holst for an explanation of how the program was working for the Department. Chief Holst explained that Officers Gordon, Ziomek and Barber have been trained to conduct patrol using the electric bike equipment. **Selectman Bembury** asked Chief Holst for an explanation of where patrol could be conducted with the equipment. Chief Holst explained the goal of using the equipment to patrol Laurel Lake, Erving Center and areas of town that are not on Route 2. Chief Holst clarified that the cruiser has been outfitted with the mounting equipment to transport the bike. The Select Board members noted not having concerns with the policy as presented. **Chairman Smith** will provide some grammatical feedback. The Board will conduct a third reading at the next meeting.

Review of Revised Traffic Regulations Draft- 3rd Reading

The Select Board members conducted the third reading of the draft revisions to the Traffic Rules and Orders. Bryan reviewed the revisions made to the draft from feedback given at the last Select Board meeting, including the reorganization of the tables in the appendices to alphabetize the street names and to assign subsection numbering to align with Town Code project. The Select Board members agreed to designate the Highway Superintendent as the official authorized to make curb markings. Bryan noted the revision in the fines and penalties section to reference the regulatory fee schedule, noting that there will be a printed copy on file with the Town Clerk. **Chairman Smith** requested that the reference is clarified to note that the most current version is on file with the Town Clerk. **Selectman Bastarache** asked that the same notation is on the printed version of the table. **Selectman Bastarache** made a motion to approve Chapter 360 of the Code, titled Regulation "Traffic Rules and Orders", as amended on November 14, 2022, with an effective date of November 14, 2022.

Review of Meeting Minutes for October 03, 2022

The Select Board members reviewed meeting minutes for Monday, October 03, 2022. **Selectman Bembury** made a motion to accept the meeting minutes of Monday, October 03, 2022, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for October 31, 2022

The Select Board members reviewed meeting minutes for Monday, October 31, 2022. **Selectman Bembury** made a motion to accept the meeting minutes of Monday, October 31, 2022, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for November 07, 2022

The Select Board members reviewed meeting minutes for Monday, November 07, 2022. **Selectman Bembury** made a motion to accept the meeting minutes of Monday, November 07, 2022. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review & Issuance of the 7th Water Commitment for FY2023

The Water Commissioners reviewed the 7th Water Commitment for FY2023 in the amount of \$40.00 for water shutoff charges at 3 Gunn Street. **Chairman Smith** made a motion to issue the 7th Water Commitment in the amount of \$40.00. **Commissioner Bastarache** seconded. **Vote:** Unanimously approved.

Discussion Regarding Electronic & Bulk Waste Collection & Procedures at Public Works

Glenn McCrory, Highway Superintendent, joined the Select Board to discuss the collection of electronic and bulk waste at Public Works. **Chairman Smith** provided an overview of the current situation and noted that the Select Board had been provided with an explanation from Bryan. **Chairman Smith** explained that while the Town was reviewing new waste ban requirements, the Town became aware that things the Town has historically taken at Public Works may need to be handled differently if the Town is to continue to collect them. **Chairman Smith** explained that he wanted to have the Select Board discuss the matter and consider options before proceeding. **Chairman Smith** discussed the possibility of the Town running a permitted transfer station which will require a complex process to permit. **Chairman Smith** discussed the option to run more of a recycling center, what items the Town could continue to take, and noted that mattresses need to be clean and dry and must be checked. **Selectman Bastarache** explained that he is not currently interested in setting up a full transfer station because it is not necessary to collect household waste at Public Works. **Selectman Bastarache** explained that other bulky items and soiled mattresses can be collected in other locations. **Selectman Bastarache** expressed support for pursuing a general permit to resume most of the recycling collection that the Town has conducted. Glenn discussed having no concerns with the recycling center option, except for handling used mattresses.

Selectman Bastarache discussed the need to establish hours of operation. Glenn expressed agreement, noting that it is a requirement of the regulations to establish hours of operation. Bryan added that a discussion regarding staffing is necessary with the establishment of hours. **Chairman Smith** explained that it is also likely that the Town will need to fund improvements at the site. **Selectman Bastarache** explained that he would like to further review the matter and consider both a staffing and funding plan. **Chairman Smith** explained that at this time the Town is not taking items other than e-waste and brush/leaves. **Selectman Bastarache** explained that he is open to considering the items allowed under the general permit. Bryan and Glenn will prepare information for the next meeting. Glenn raised the concern about needing to advertise the hours of operation publicly so that residents will not go to employees' homes to inquire. The Select Board members acknowledged the concern that employees should not be approached at home about Town business. **Selectman Bembury** discussed the importance of notifying residents. The Select Board members expressed agreement.

Selectman Bembury asked if the Town could do the site preparation work for the necessary improvements at Public Works. Glenn explained that the Town can prepare the site but would want a professional paving company to form and pour the concrete. **Chairman Smith** discussed wanting a proposed layout behind the gate that is secure and well laid out. **Selectman Bastarache** asked if it would be possible to allow open access to leaves. Glenn explained he understood the request but noted that employees occasionally find bulky trash in the pile that the Town then needs to deal with. **Selectman Bembury** asked about the area that was pushed back with leaves and brush. Glenn explained that the Town will have to pull material back and have it removed from the site and discussed a plan to complete the work in approximately six (6) months. Bryan will gather information for the next meeting and asked the Select Board members if the Town can proceed with applying for a general permit. The Select Board members discussed and expressed support for applying. Bryan will work with the Franklin County Solid Waste District and Glenn on the permit application. Glenn asked the Select Board to review the fee

schedule for recycling materials, noting that the Town currently does not assess a fee for collecting e-waste. The Select Board will review the fee schedule.

Discussion Regarding Snow Removal Practices & Protocols

Glenn remained with the Select Board to review the Highway Department's protocols for snow removal. The Select Board members reviewed a memorandum from Glenn. **Chairman Smith** provided an overview and wanting to better understand the Department's approach to plowing and the need to consider backup staffing coverage. **Selectman Bembury** asked Glenn if the Town has enough plow equipment and staff for a typical snowstorm. Glenn explained that the Town has four (4) trucks with an employee for each truck. **Selectman Bastarache** discussed working to ensure that there is enough coverage to provide employees with breaks for safety reasons. Glenn noted that the storm can manifest differently in Erving Center than it may in Ervingside. **Selectman Bastarache** discussed not wanting to lose service but not wanting to avoid staff breaks. **Selectman Bembury** asked if the Department experiences problems with individuals parking vehicles on roadways during snow events. Glenn noted that it is an issue in areas of Town and suggested that a Snow Parking Ban bylaw should be considered. **Selectman Bastarache** asked about planning for backup staffing and coverage. Glenn noted that there are current Town employees with the ability to plow, but that he hasn't discussed the possibility with anyone until the matter was discussed with the Select Board. **Selectman Bastarache** discussed a goal of identifying two (2) per diem employees to provide support for plowing to allow for vacations and time off. **Chairman Smith** added that per diem backup staff can also provide breaks for long storms. Bryan and Glenn will work on a proposal for how backup staffing will work.

Review of Proposed Personnel Bylaw Draft- 1st Reading

The Select Board members conducted the first reading of the draft proposed Personnel Bylaw. **Selectman Bastarache** explained that he had been working with Jennifer Eichorn, Treasurer, Bryan, and Attorney Higgins to identify portions of the Town's existing Personnel Policies & Procedures that would be best included in a proposed Bylaw. **Selectman Bastarache** explained that these items are foundational and that he would recommend returning the control of them to the voters. **Selectman Bastarache** explained that the working group adopted an approach to recommend policies that would be best as stand-alone policies, what should remain as a Personnel Policies & Procedures manual, and what should be proposed as a new Personnel Bylaw. The Select Board members discussed having no concerns with the draft as presented at this time. The Board will conduct a second reading at the next meeting.

Review of Proposed Personnel Policies & Procedures Manual Draft- 1st Reading

The Select Board members conducted the first reading of the draft Personnel Policies & Procedures Manual. **Selectman Bastarache** explained that the working group focused the content of the revised Manual to relate to the questions that a new employee would want and need answered. **Chairman Smith** explained that there is a lot included in the Manual and that he will need more time to review further. **Selectman Bastarache** discussed the review process that has occurred to date with Department Heads and thoughts on engaging employees to provide feedback. Bryan discussed his preference for holding meetings with employees to review the draft Manual and to gather feedback to present to the Select Board. **Chairman Smith** discussed the process to date with Department Heads, administrative challenges, and legal counsel to arrive at the current draft with proposed revisions. Bryan asked if the Select Board was comfortable with him scheduling sessions with employees to review the draft. **Selectman Bastarache** expressed support for allowing Bryan and Department Heads to meet with staff so that employees reviewing the draft can get their questions answered. The Select Board members expressed agreement. **Selectman Bembury** expressed general support for the draft Manual and acknowledged the effort that has been put into it. **Chairman Smith** expressed agreement and invited employees to attend Select Board

meetings as well to provide feedback. **Selectman Bastarache** discussed the importance of drawing a distinction between new policy items for future consideration and the wholesale review of the draft Manual. The Board will conduct a second reading at the next meeting.

Review of Request to Amend Holiday Benefit Usage for Prorated Employees

Jennifer Eichorn, Treasurer, joined the Select Board to discuss the request. Bryan explained the request to consider a change to the administration of paid holidays, noting that the current policy limits part-time benefited employees to only receive a benefit of 1/5th of their regular schedule, regardless of their daily schedule. Bryan clarified that the policy assumes part-time benefitted employees work five (5) days a week while most work three (3). Bryan explained that the request would be to remove the 1/5th limitation and provide a benefit of what the employee was scheduled to work, up to a maximum benefit of eight (8) hours. **Chairman Smith** asked for an explanation of how the holiday is honored on a day not schedule to work. Jennifer explained that the practice has been to allow a benefited employee to take the holiday on the day the proceeds or follows the observed holiday, that the employee is scheduled to work. **Chairman Smith** asked that the provide revisions to the Personnel Policies & Procedures Manual is clear on how that is administered. **Selectman Bembury** expressed support for the requested change. **Selectman Bastarache** discussed removing references for days and instead referencing hours. Jennifer discussed the importance of administering equitably across all departments. **Selectman Bastarache** expressed support for proceeding with the change. **Chairman Smith** asked if there was a recommendation for an effective date of the change. Jennifer explained that the personnel policy review has occurred over a long period of time and advocated to implement the requested change as soon as possible. **Selectman Bastarache** expressed agreement. **Chairman Smith** expressed support for the requested change but noted that all employees knew the holiday policy when they were provided the policy manual at the time of hire. **Selectman Bastarache** made a motion to strike the holiday pay language within the Personnel Policy Manual that reads "Holiday pay is based on one-fifth (1/5) of the employee's regular work week hours" and replace the holiday pay language to read as follows "Holiday pay is based on the number of hours a non-exempt hourly employee is regularly scheduled to work during any given workday, up to a maximum of 8 hours. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Maple Avenue Landfill Professional Engineering Services Proposal

The Select Board members reviewed the professional engineering services proposal from Tighe & Bond to conduct required monitoring of the Maple Avenue Landfill for FY2023 in the amount of \$15,650.00. **Selectman Bembury** made a motion to support and accept the post closure landfill monitoring and engineering service proposal for FY2023, for Maple Avenue Landfill site, with task 1 in the amount of \$13,200.00, task 2 in the amount of \$2,450.00, for a total of \$15,650.00, accepted on November 14, 2022, and task 3 for on-call engineering services. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Discussion Regarding Approach to Annual Town Report Cover

The Select Board members reviewed a request from Elizabeth Sicard, Administrative Assistant, to determine how to request submissions for the 2022 Annual Town Report cover. Bryan explained that the preparation for the Annual Town Report takes approximately five (5) months to have printed copies ready for the Annual Town Meeting in May. **Selectman Bembury** asked about the existing process and form that is used. Bryan clarified that to date the Town has used a submission process for the dedication but not the front cover. **Selectman Bastarache** expressed support for Elizabeth's suggestion to seek submissions from the residents. **Selectman Bembury** suggested using the new heron statue at Riverfront Park as a cover image. After discussion, the Select Board members agreed to issue a call for submissions

to community and staff members and for Elizabeth to set the timeline. Select Board will review submissions that are received.

Announce FY23 Rural & Small-Town Grant Award- Wheelock Street Culvert Replace

Mariah Kurtz, Town Planner, joined the Select Board to discuss the receipt of \$330,000.00 in grant funding for the replacement of culverts on Wheelock Street. Mariah explained that the project started a few years ago with Municipal Vulnerability Preparedness (MVP) action funds that the project to be designed and permitted. Mariah explained that she will work with Bryan, Glenn, and Weston & Sampson to prepare for construction in summer 2023. **Chairman Smith** asked that the project is submitted to the Capital Planning Committee, noting the funding, for inclusion in the FY2024 capital plan. Mariah explained that she is working on a grant list of awards and future opportunities that will be presented to the Capital Planning Committee, Finance Committee, and Select Board. Bryan added that the project was identified as an action item during the MVP planning process and that this is the first active stream crossing that the Town has permitted and constructed in decades, noting the new State standards for this work. Mariah discussed gaining the experience with cost benefit analysis for request funding on projects like this.

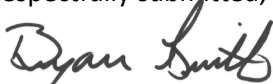
Review of Clothing Allowance Policy Draft- 1st Reading

The Select Board members conducted the first reading of the draft Clothing Allowance Policy. The Board members discussed having no concerns at this time. The Board will conduct a second reading at the next meeting.

Adjournment

At 8:35 PM **Selectman Bembury** made a motion to adjourn. **Selectman Bastarache** seconded. **Vote:** Unanimously Approved.

Respectfully submitted,



Bryan Smith
Town Administrator