

Board: Select Board / Water Commissioner's Meeting
Date: Monday, December 05, 2022
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, Scott Bastarache, William Bembury
Board of Assessors: Erik Eichorn
Finance Committee: Debra Smith, Benjamin Fellows, Charles Zilinski
Also, Present: Mariah Kurtz, Jacquelyn Boyden, Deborah Mero, Jennifer Eichorn, Michele Turner
Press: Otis Wheeler, BNCTV

At 6:35 PM **Chairman Smith** called the meeting of the Select Board to order.

FY2023 Tax Classification Hearing- Joint Meeting with Board of Assessors

At 6:35 PM **Chairman Smith** called the FY2023 Tax Classification hearing to order. Jacquelyn Boyden, Principal Assessor, and Erik Eichorn, Board of Assessors member, joined the Select Board to discuss the Fiscal Year 2023 tax rate setting recommendation. Jacquelyn reported that the Board of Assessors had previously met and voted to recommend that the Select Board adopt a minimum residential factor (MRF) of 65% for the FY2023 tax rate and referred to the analysis conducted by the Assessors' Office. The Select Board members discussed support for adopting the recommended MRF shift. **Selectman Bembury** made a motion to shift the minimum residential factor known as the MRF to 65% per recommendation of the Assessors. This will result in a tentative tax rate of \$8.00 for Residential and Open Space and \$13.14 for Commercial, Industrial and Personal Property. This is an increase of \$.10 per \$1,000.00 in valuation for Residential and Open Space and \$.22 per \$1,000.00 of valuation for Commercial, Industrial and Personal Property. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Discussion of FY2023 Small Business Commercial Tax Exemption

The Select Board members conducted a review of the recommendation from the Board of Assessors regarding the adoption of the small business commercial tax exemption for FY2023. Jacquelyn explained that it is a local option to be voted on annually and that the Board of Assessors has recommended adoption. The Select Board members expressed support. **Selectman Bembury** made a motion to authorize the Small Commercial Exemption statute for Fiscal Year 2023. This will shift the tax burden of \$101,087.00 to the remaining Commercial, Industrial and Personal Property classes. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

At 6:41 PM **Chairman Smith** made a motion to close the FY2023 Tax Classification hearing and to continue with the Select Board meeting. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Clothing Allowance Policy Draft- 3rd Reading

The Select Board members conducted the third reading of the revised draft Clothing Allowance policy. The Select Board members expressed agreement with changes that have been made after the last review and support for approving the policy. **Selectman Bastarache** made a motion to approve Clothing Allowance Policy, file ADM-160, with an effective date of December 5, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Family and Medical Leave Act Policy Draft- 2nd Reading

The Select Board members conducted the second reading of the Family and Medical Leave Act Policy draft. The Select Board members discussed having no concerns with the draft policy as presented. **Chairman**

Smith noted that the policy reference in Section .01 needs to be corrected. The Select Board will conduct a third reading at the next meeting.

Discussion Regarding Shared Health Inspection Services- Review of Draft Position Description & Draft Intermunicipal Agreement

The Select Board members reviewed a draft inter-municipal agreement between the towns of Erving, Northfield and Shutesbury, as well as the draft position description for the Health Agent position. **Selectman Bastarache** discussed his review of the draft documents and the importance of getting feedback from the Board of Health and the current Health Agent. Bryan explained that the draft documents are being sent to the stakeholders for review. **Chairman Smith** and **Selectman Bembury** expressed agreement and discussed wanting the Boards of Health from all three (3) towns to review and offer feedback. The Select Board will carry the topic for the next meeting and await feedback from the Boards of Health.

Regarding the draft intermunicipal agreement, **Selectman Bastarache** discussed wanting to clarify the quorum for the Oversight Committee with the host community serving as the tie breaker for tie votes. Bryan will work on revisions and collect feedback from the members of the Boards of Health. The Select Board members discussed the goal of implementing the agreement for January 1, 2023, and to review the agreement with the Oversight Committee by June 30, 2023.

Review of Meeting Minutes for November 28, 2022

The Select Board members reviewed the meeting minutes for Monday, November 28, 2022. **Selectman Bembury** made a motion to accept the meeting minutes of November 28, 2022, as written. **Selectman Bastarache** seconded. **Vote:** Approved by majority. **Chairman Smith** abstained.

Review of Request for Qualifications for Town Hall Feasibility Study

The Select Board members conducted an initial review of the request for qualifications (RFQ) for a feasibility study of Town Hall. The Select Board members noted that the draft was prepared over a year ago but the capacity to support the project has been a challenge. **Selectman Bastarache** noted that he has some slight revisions to the draft that he will communicate to Bryan. **Selectman Bastarache** acknowledged that Mariah has posed some questions about listing potential locations for the siting of a potential Town Hall and discussed wanting to make sure there are no other potential or perceived uses for those Town-owned lots before an architect is asked to consider them. **Chairman Smith** discussed not wanting to limit the senior housing potential if a lot on Care Drive was considered. Similarly, **Selectman Bastarache** expressed concern about considering property like Veterans Memorial Field. Mariah joined the Select Board and clarified that the list suggests a lot behind the Senior Center and not the lot that is intended for future senior housing. Jacquelyn noted that some parcels may need to have their intended use revisited and it may require voting at a future Town Meeting. The Select Board members discussed the considerations of forming a standing building committee versus a special building committee for the project. Mariah will provide thoughts on a potential building committee charge for review by the Select Board.

Review of FY2024 Budget Requests- General Government- Joint Meeting with Finance Committee

At 7:05 PM **Chairman Smith** called the joint meeting of the Select Board and the Finance Committee to order. Finance Committee members, Debra Smith, Charles Zilinski and Benjamin Fellows joined the Board.

Review of Town Accountant FY2024 Budget Request

Deborah Mero, Town Accountant, joined the meeting to review the Town Accountant's budget request that totals \$84,071.00, an increase of \$17,350.00 over FY2023. Deborah explained that there are limited significant changes, noting that there is some uncertainty for the funding of software support because the Town is exploring options. Deborah explained that the costs for the annual financial audit have increased, and that the Town has the potential need for a federal single audit for FY2023, for compliance with Federal grants in aid. **Chairman Smith** reviewed the narrative that accompanied the request, explaining that progress in the Office has been moving steadily. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Assessors' Office FY2024 Budget Request

Jacquelyn and Erik rejoined the meeting to review the Board of Assessors' Office budget request that totals \$195,001.00, an increase of \$45,358.00 over FY2023. Jacquelyn explained that the request includes the funding necessary to hire an Assistant Assessor to provide a year of training before her anticipated retirement. Jacquelyn discussed the work that was completed to transition to a new software version and to set the FY2023 tax year. Jacquelyn explained that the Office had been preparing for Appellate Tax Board hearings with FirstLight for FY2016 and FY2017 valuations, but those cases have been withdrawn. Jacquelyn explained that the Office is still preparing for pending cases for FY2019, FY2020, FY2021 and FY2022, noting that the hearing date has not been set yet. Jacquelyn discussed the goals associated with learning the new software and preparing for the transition of preliminary tax billing in FY2024. Jacquelyn explained that preliminary tax bills will go out by August 1st and will be due on October 1st, and that actual bills will be issued by December 31st and will be due April 1st. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Treasurer's Office FY2024 Budget Request

Jennifer Eichorn, Treasurer, joined the meeting to review the Treasurer's Office budget request that totals \$103,290.00, an increase of \$1,117.00 over FY2023. Jennifer discussed the work of the Office and the progress that has been made on revisions to the Personnel Policies. Jennifer discussed the challenges with reporting and the needs of new financial software and the justification for a capital request to fund the project. Jennifer explained that the Town is expecting changes to the health insurance premiums after a few years of limited increases. **Chairman Smith** asked about tentative timeline for the software project. Jennifer described the goal of selecting and implementing new software for July 1, 2023. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Tax Collector FY2024 Budget Request

Michele Turner, Tax Collector, joined the meeting to review the Treasurer's Office budget request that totals \$37,302.00, an increase of \$1,146.00 over FY2023. Michele discussed the Office's work to maintain ongoing operations with minimal budget increases. Michele discussed the work to document formal office procedures for future succession. Michele noted that the tax collection software costs could change because the contract is coming due this winter. **Chairman Smith** asked if the Tax Collector's Office would be impacted by the software change for the Treasurer and Accountant. Michele discussed the potential for an interface between the software, but otherwise limited impacts. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Information Technology Department FY2024 Budget Request

Jacquelyn, in her capacity as IT Coordinator, rejoined the meeting to review the Information Technology Department budget request that totals \$117,332.00, an increase of \$21,070.00 over FY2023. Jacquelyn discussed the progress that was made on website revisions and improvements for email access for Town

officials. Jacquelyn explained that the budget increases are related to anticipated improvements to the website for the Senior Center and Police Department, for improved licensing requirements for Town officials, increased costs related to copier maintenance, and staffing to work on projects throughout Town. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Planning Board FY2024 Budget Request

Jacquelyn, in her capacity as Planning Board Chair, joined the meeting to review the Planning Board's budget request that totals \$10,325.00, an increase of \$1,100.00 over FY2023. Jacquelyn discussed the current progress that has been made on the proposed Zoning Bylaw revisions and preparing for a future Town Meeting. Jacquelyn discussed efforts by Board members to participate in ongoing training and the challenges of filling vacant seats. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Conservation Commission FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Conservation Commission's budget request that totals \$21,000.00, an increase of \$17,000.00 over FY2023. **Chairman Smith** reviewed the highlights and challenges outline by the Conservation Commission in the narrative that accompanied the request. **Selectman Bastarache** asked for an explanation of the new request for trail maintenance. Mariah discussed the progress that the Conservation Commission has made with the Poplar Mountain Conservation Area in the past year and that past budget requests didn't fully reflect what the Commission needed. Mariah discussed the turnover in the membership of the Commission and the efforts that they have made regarding training. Debra Smith asked to reschedule the review of the budget request with the Conservation Commission so that a representative of the Commission can attend a future meeting and present the budget.

Review of Zoning Board of Appeals FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Zoning Board of Appeal's budget request that totals \$550.00, which is a level funded request. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Community Planning Department FY2024 Budget Request

Mariah joined the meeting to review the Community Planning's Office budget request that totals \$87,910.00 and explained the first-time request for the FY2024 budget as a new department. Mariah noted that without a previous year to compare to and that some items are first time requests; explaining that the Select Board's Office budget has covered most of the costs to date. Mariah discussed the community engagement focus of the budget. **Selectman Bastarache** discussed appreciation that the focus of the line items included public engagement. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Town Clerk's Office FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Town Clerk's Office and Elections budget request that totals \$54,848.00, which is a decrease of \$1,055.00 from FY2023. **Chairman Smith** discussed wanting to carry the topic for a future evening so that the Town Clerk can attend to present the request, even though the request reflects a reduction based on the number of elections anticipated. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Community Access TV FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Community Access TV budget request that totals \$20,200.00, which is an increase of \$200.00 from FY2023. **Chairman Smith** provided an overview with highlights for the current year and the upcoming fiscal year, noting the approval of a new three (3) year professional services agreement with Bernardston Northfield Community TV, Inc. **Chairman Smith** discussed the goal of broadcasting over local cable this year and for regular meetings of the Select Board, the School Committee, and all Town Meetings to be recorded and broadcast. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Chairman Smith discussed interest in potentially expanding coverage of public hearings and special permits for boards and commissions. Debra and Jacquelyn discussed support for having the Planning Board participate.

Review of Town Moderator FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Town Moderator's budget request that totals \$350.00, which is a level funded request. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Select Board & Administration FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Select Board and Administration Office budget request that totals \$277,310.00, which is a decrease of \$33,381.00 from FY2023. **Chairman Smith** provided an overview of the request and reviewed the FY2023 highlights and challenges as well as the FY2024 goals that were outlined in the narrative that accompanied the request. **Chairman Smith** explained that the significant changes to budget include the removal of the Planning Assistant position from the Office and transitioning to a separate budget, increase to steps for personnel, as well as anticipated increases to costs for software, counsel, and advertising. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Finance Committee FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the Finance Committee's budget request that totals \$52,500.00, which is a level funded request. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

Review of Insurance, Franklin Regional Council of Governments and Town Newsletter FY2024 Budget Request

The Select Board and the Finance Committee members reviewed the "miscellaneous" budget request, that include liability insurances, assessments to the Franklin Regional Council of Governments, and the purchase of advertising space in the Around Town Newsletter, that totals \$208,650, which is an increase of \$18,100 from FY2023. **Chairman Smith** provided a general overview of the budget estimations to date, noting that the majority of the increase is attributed to increases in insurance premiums. **Chairman Smith** noted that the rates will be updated for January 2023. The Select Board and Finance Committee members had no concerns regarding the FY2024 budget request at this time.

The Select Board and Finance Committee members agreed that they would next meet on December 19, 2022, at 7:00 PM to review FY2024 budget requests for Public Safety and Public Works as well as the Conservation Commission and Town Clerk, if available.

At 8:06 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Select Board and the Finance Committee and to continue the Select Board meeting. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review & Appointment for Golden Cane Committee- John Rice & Kelly Loynd

The Select Board members reviewed recommendations from Bryan to appoint John Rice and Kelly Loynd as members of the Golden Cane Committee. The Select Board members expressed support for making the appointments as recommended. **Selectman Bastarache** made a motion to appoint Kelly Loynd as a member of the Golden Cane Committee, with a term ending June 30, 2025. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Selectman Bastarache made a motion to appoint John Rice as a member of the Golden Cane Committee, with a term ending June 30, 2024. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

The Select Board expressed appreciation to both individuals for their willingness to serve.

Review of Professional Engineering Services Agreement for Wheelock Street Culvert Project- Weston & Sampson

Mariah rejoined the Select Board to discuss the Wheelock Street culvert improvement project and the scope of work for bidding and construction administration services with Weston & Sampson. The Select Board members discussed support for proceeding with the professional engineering services agreement. **Selectman Bembury** made a motion to adopt the proposal for engineering services for Wheelock Street culver replacement, with bidding assistance for \$4,000.00 and construction administration for \$10,000.00, for a total of \$14,000.00, with Weston & Sampson, effective December 5, 2022. **Chairman Smith** seconded. **Vote:** Unanimously approved.

Review of Professional Services Proposal for the FY2022 Financial Audit- Scanlon & Associates

The Select Board members reviewed the professional services proposal from Scanlon & Associates to conduct the FY2022 financial audit of the Town. **Chairman Smith** discussed proposal for annual financial audit and expressed support for proceeding. **Selectman Bastarache** made a motion to engage Scanlon & Associates for the annual audit in the amount of \$16,000.00 for the year ending June 30, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Proposed Personnel Bylaw Draft- 3rd Reading

The Select Board members conducted a third reading of the proposed Personnel Bylaw draft. **Selectman Bastarache** provided additional feedback from Counsel that was received that include edits to definitions, striking positions covered by collective bargaining agreement and updates to numbering. The Select Board reviewed proposed definitions for part-time employees under 20 hours per week and for seasonal employment. **Selectman Bastarache** noted that Section 4 was updated to allow the Select Board to serve as the Personnel Board. **Selectman Bembury** asked if the proposed Bylaw should reference elected officials on boards & commissions that receive compensation, explaining that the topic had previously been an issue that was considered by a former Personnel Board. **Selectman Bastarache** expressed concern about the Personnel Board setting elected official stipends, questioning if it should be part of the Bylaw or a policy. **Selectman Bembury** clarified that the Personnel Board makes a recommendation and does not set compensation. The Select Board members discussed having no further questions at this time. The Select Board will conduct another reading at the next meeting.

Review of the Personnel Policies & Procedures Manual Draft- 3rd Reading

The Select Board members reviewed a memorandum from Bryan about revisions to the draft Personnel Policies and Procedures manual with feedback from the previous meeting.

Review of Article 1

Chairman Smith discussed the shift in the definition of a payroll week, noting that he is in support of the change, but wanting to call attention to the proposed change. **Selectman Bastarache** explained the rationale for the proposed change. **Chairman Smith** asked if the policy should state the pay day, noting that the current policy does not currently state. The Select Board members agreed to consider language. **Chairman Smith** discussed the need to clarify what happens when a pay day falls on a recognized holiday.

Chairman Smith asked questions about the policy regarding how department heads are to handle workdays when they must attend Board meetings. **Chairman Smith** explained that he understands the intention but questions if it is realistic. **Selectman Bastarache** discussed the purpose and acknowledged that it requires the department head to exercise discretion. The Select Board members discussed the policy regarding hazardous weather. Select Board members discussed having no concerns at this time. **Selectman Bastarache** discussed the reference to remote work capability. **Chairman Smith** clarified that the policy references the Remote Work Policy which is drafted and will be standalone.

Review of Article 2: Benefits

Selectman Bastarache discussed the goal of being succinct in the employee benefits section and having the details readily available in the human resource offices. The Select Board members discussed having no concerns as Article 2 is currently presented.

Review of Article 3: Compensation Plan

Selectman Bastarache discussed pay plan references and suggested that the Select Board consider reviewing the compensation plan at least every five (5) years instead of the recommendation for seven (7) years. Regarding longevity, **Selectman Bastarache** discussed the suggestion to strike Section 6 for part-time eligible employees, explaining that the policy should focus on years of service and not proration. Jaquelyn advocated for the change and noted that it has a minimal impact on the budget. **Selectman Bembury** discussed being okay with maintaining the proration. **Selectman Bastarache** discussed leaning towards not prorating longevity for part-time benefited employees; acknowledging that small towns often use part-time employees to meet operational needs and noted that it is a relatively small cost to the Town for the acknowledgment to the employee's service. **Chairman Smith** discussed openness to revise the policy to only reflect years of service but wanting to return to the conversation.

Regarding call-back pay, **Selectman Bastarache** explained that he had received a request to consider call-back pay for part-time employee and provided an example of an appointing authority calling an employee in on a day that they are not regularly scheduled to work. **Selectman Bastarache** discussed the need to work on the Town's work culture to better understand what an emergent need is truly and what should wait until the employee's scheduled work shift. **Chairman Smith** asked if the other Select Board members understood where the four (4) hour minimum originates from. **Selectman Bastarache** discussed his personal experience in other public work environments. Jacquelyn discussed the question regarding call-back pay applying to part-time employees and the perception that it would acknowledge the impact on the employee and to attempt to provide equity. Mariah raised a concern about call-back for a remote work situation. The Select Board members discussed needing more time to consider the impacts. **Selectman Bastarache** will revisit with Counsel.

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Meeting Minutes

Regarding compensatory time, **Selectman Bastarache** noted that some part-time employees asked if they could accrue compensatory time. **Selectman Bastarache** explained that the request was considered but that in accordance with Federal law, it is time that is paid out as straight time and cannot be accrued. **Selectman Bastarache** added that there is a question about waiving the thirty (30)-day requirement to use accrued time before it is paid out to the employee. **Chairman Smith** and **Selectman Bembury** both expressed concern about the Town allowing compensatory time accruals and a preference for paying employees for their time as it is worked. **Selectman Bastarache** acknowledged the concerns and discussed support for allowing the accrual of compensatory time as it can support the operational needs of the departments. **Chairman Smith** discussed the management complexities of compensatory time and **Selectman Bastarache** discussed the financial impact for the Town. The Select Board members discussed the guidelines for using accrued compensatory time and clarified that it cannot be used if it would create an overtime situation. The Select Board members discussed the benefits and challenges of compensatory time accruals and agreed that it should not be carried into the next fiscal year. **Selectman Bembury** expressed concern about the impact of compensatory time on small departments like the Police Department. Mariah asked if it is possible to establish a maximum limit on compensatory time accruals. **Selectman Bastarache** explained that there is a request to consider a maximum accrual balance for any one time. The Select Board members will continue their review at the next meeting.

Executive Session

At 9:32 PM **Chairman Smith** made a motion to enter Executive Session pursuant to MGL Chapter 30A, § 21(a)(7) to comply with, or act under the authority of, M.G.L. c. 30A, the Open Meeting Law, to review draft minutes of the Select Board's November 7, 2022, and that the Board will not return to Open Session. **Selectman Bastarache** seconded. **Roll Call Vote:**

Selectman Bembury	Aye
Selectman Bastarache	Aye
Chairman Smith	Aye

The Select Board did not return to Regular Session.

Respectfully submitted,



Bryan Smith
Town Administrator