

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

Select Board Present: Jacob Smith, Scott Bastarache, William Bembury
Finance Committee: Debra Smith, Benjamin Fellows, Charles Zilinski
Capital Planning Committee: Benjamin Fellows, Linda Downs-Bembury, Jacob Smith, Debra Smith
Also, Present: Bryan Smith, Glenn McCrory, Robert Holst, C. Mark Blatchley, Michael Gordon
Press: Otis Wheeler, BNCTV; Tyler Bourbeau, BNCTV; Chris Larabee, Greenfield Recorder

At 6:57 PM **Chairman Smith** called the meeting to order.

At 6:57 PM **Chairman Smith** made a motion to recess the Select Board meeting until following the Special Town Meeting. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

At 7:19 PM **Chairman Smith** called the Select Board meeting back to order from recess.

Discussion Regarding Town Response to COVID-19

The Select Board members reviewed the most recent report from the Cooperative Health Program. The Select Board members discussed having no concerns at this time. Bryan Smith, Town Administrator, announced the availability of upcoming booster clinics in Erving and the region.

Review of Special Town Meeting Warrant

Chairman Smith noted that the Special Town Meeting had recently concluded. **Chairman Smith** asked when the Select Board could review the lease agreement to procure the wheel loader approved at the Special Town Meeting. Bryan explained that all documentation would be ready for review and approval at the next Select Board meeting.

Review of Meeting Minutes for August 15, 2022

The Select Board reviewed the meeting minutes for Monday, August 15, 2022. **Selectman Bembury** made a motion to approve the meeting minutes of August 15, 2022, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of FY2023 Road Salt Procurement

Glenn McCrory, Highway Superintendent, joined the Select Board to discuss the procurement for road salt for snow clearing this winter. Glenn explained that the Town had transitioned to using pre-treated salt. Glenn noted that last year the vendor ran low on product so for this upcoming winter he proposes splitting the order and mixing it in house. Glenn explained that State contract VEH107 identifies the awarded vendor for each region and product and that the Town has had positive experience with the vendors. Glenn discussed his recommendation for the procurement. Glenn discussed the experience of using the materials and adjusting road applications. **Chairman Smith** asked if the quantity ordered can be changed if needed. Glenn explained his approach to the estimated quantity needed. **Selectman Bastarache** made a motion to utilize Massachusetts procurement contract VEH107 for the road salt procurement for FY2023, and further to authorize Glenn McCrory, Highway Superintendent, to be the signatory on the contract. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Mountain Road & Cemetery Bituminous Patch & Curb Procurement

Glenn explained the progress on the stormwater improvement project for Mountain Road and the improvements to the Center Cemetery slope to reduce erosion. Glenn explained that all new drainage structures have been installed, the slope has been graded, loamed, and seeded. Glenn explained that the last phase of the project is to have the curbing and asphalt paving done. Glenn explained that bids were due on Monday, September 12, 2022. **Chairman Smith** explained that the lowest bidder did not provide the bond as required in the solicitation, but that the second and third lowest bidders did provide the bond as required. Bryan explained that he has followed up with the Attorney General's Office, that by law the bond is not required because of the value of the project, but the Town can require the bond and that the bidding process should remain even for the participants. **Chairman Smith** discussed the options the Select Board could take. **Selectman Bastarache** stated he would want to follow the procurement as stated and would reject the lowest bid for not providing the required bond. **Selectman Bastarache** explained that he does not want the Town to change the conditions of the procurement after the opening of bids. **Selectman Bembury** and **Chairman Smith** expressed agreement. **Selectman Bastarache** made a motion to deem Taylor Davis Landscaping and Construction, of Amherst, MA as non-responsive for their bid on the Mountain Road and Cemetery bituminous patch and curb project procurement. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Chairman Smith reviewed the remaining bids the include:

Contractor	Location	Price
Johnson Asphalt Paving LLC	Northfield, MA	\$22,315.00
Clayton D. Davenport Trucking, Inc.	Greenfield, MA	\$28,500.00

The Select Board members discussed no concerns with proceeding with an award to Johnson Asphalt Paving, LLC. as the lowest responsive and responsible bidder. **Selectman Bastarache** made a motion to award the procurement for the construction of the Mountain Road & Cemetery bituminous patch & curb project to Johnson Asphalt Paving, LLC of Northfield, MA in the amount of \$22,315.00, and to authorize Bryan Smith, Town Administrator, to execute all necessary agreements. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Joint Meeting with Finance Committee & Capital Planning Committee- Review of FY2024 Draft Budget Development Calendar

At 7:32 PM **Chairman Smith** called the joint meeting of the Select Board, Finance Committee and Capital Planning Committee to order.

Review of FY2024 Budget Development Calendar & Guidance

FY2024 Budget Planning Calendar Review

Chairman Smith provided an overview of the draft budget development calendar for Fiscal Year 2024. Bryan explained that the calendar proposes to move the presentation of the capital improvement plan to January 2023. The Select Board, Finance Committee, and Capital Planning Committee members expressed agreement with the proposal. **Selectman Bastarache** stated that he would like the calendar to include joint meeting reviews on February 27, 2023, to review the draft FY2024 budget in addition to the meeting already scheduled for March 13, 2023. **Chairman Smith** expressed support noting that the Town receives the education budget request in February 2023, and suggested also adding a joint meeting review on March 6, 2023. The Select Board and Finance Committee members expressed support.

Chairman Smith suggested adding meetings for the Capital Planning Committee to the calendar so that department heads can plan to attend in advance. Benjamin Fellows suggested identifying two (2) meeting dates. Linda Downs-Bembury discussed the importance of meetings that the Capital Planning Committee has with the department heads, especially as they relate to forecasting needs. The Capital Planning Committee members discussed setting meeting dates for November 9, 2022, November 16, 2022, and November 30, 2022, at 7:00 PM, with an open meeting date for December 14, 2022, if it is needed. The Select Board, Finance Committee, and Capital Planning Committee members approved the revised budget planning calendar for issuance.

Review of the FY2024 Operating Budget Guidance Memorandum

The Select Board and Finance Committee members reviewed the draft operating budget planning guidance memorandum. **Selectman Bastarache** discussed wanting to pencil in the dates for review of wage and compensation information. **Chairman Smith** discussed the data gathering will be occurring over the next month with a goal to begin review in October and November. Debra suggested making them standalone meetings because they may be long. **Selectman Bastarache** explained that he is open to standalone meetings or topics on a larger agenda and noted that the last review was done to create a new structure and that this review is of the existing structure and making necessary adjustments. Debra explained that she wants to make sure that there is enough time for staff to speak and the committees to meet. **Chairman Smith** explained that there may be the need to review some positions and their classification. **Chairman Smith** added that elected official positions need to be reviewed as well. Bryan explained that the office is planning the end of October for data collection and preparing draft, tentatively, barring no unforeseen issues.

Regarding the operating budget guidance document and narrative form, the Select Board and Finance Committee members approved the drafts. **Chairman Smith** encouraged staff and boards to give feedback and to participate in the process as it is meant to be interactive. Bryan expressed agreement and discussed the importance of having boards and departments engage in the process and come to the table as some have not responded in the past or submitted a budget request. **Chairman Smith** expressed agreement and explained that the calendar will be issued this month and that departments, boards or commissions can request a date change if the preplanned date does not work. Debra expressed agreement and discussed the importance of meeting with the requestor to understand their needs.

Review of the FY2024 Capital Request Guidance Memorandum

The Select Board, Finance Committee, and Capital Planning Committee members reviewed the draft capital planning budget request guidance. **Selectman Bastarache** discussed the importance of reviewing the capacity of the board or the department to complete a requested project. Linda discussed appreciation for the master project list that Mariah Kurtz, Assistant Town Planner, maintains. **Chairman Smith** discussed inviting Mariah to a Capital Planning Committee meeting to review the master project planning and possible grant funding opportunities. Linda and Debra both expressed agreement and asked about holding it as a joint meeting. Bryan asked if the language in the guidance memorandum regarding the need to prioritize requests reflects the intention of the boards. The Select Board, Finance Committee and Capital Planning Committee members expressed support.

Chairman Smith suggested that the Capital Planning Committee request that all departments and boards with capital requests in the current five (5) year plan to submit updated request forms with current pricing and dates. **Chairman Smith** added that updates should be provided for any capital projects that have been funded and not completed to date. Linda expressed agreement for updated requests, especially in consideration of price increases. Debra talked about wanting the departments to review all previously

submitted requests and provide actual requests forms as some requests on the plan were placeholders and are lacking details. Debra added that there have been changes in departmental leadership and the plan reflects request from a prior department head, noting the importance of understanding if these requests are still needed for the departments. Bryan will revise the request forms with new costs and descriptions. **Chairman Smith** clarified that future requests can be estimates and generalizations. The Select Board, Finance Committee, and Capital Planning Committee members approved the memorandum and request forms to be issued as amended, with a due date of October 20, 2022.

At 8:16 PM **Chairman Smith** made a motion to adjourn the joint meeting of the Select Board, Finance Committee and Capital Planning Committee and to continue with the Select Board meeting. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Discussion of Patrol Officer Screening Committee Recommendation

The Select Board members reviewed the recommendation. Robert Holst, Chief of Police, joined the Select Board to discuss the search process and recommendation. Chief Holst explained that the Screening Committee conducted four (4) interviews and has made a recommendation for the Select Board to consider one (1) candidate for the Patrol Officer position. Chief Holst explained that the candidate has six (6) years of patrol experience and has all necessary training requirements. **Chairman Smith** explained that the other candidates did not have the full-time certifications and require additional training time. **Chairman Smith** asked the Select Board members if they would like to conduct another interview. **Selectman Bastarache** discussed his review of the candidate's certifications and experience and discussed support for proceeding with an appointment. **Selectman Bembury** discussed his reflections having participated in the interview process as a member of the Screening Committee. The Select Board members discussed agreement that another interview is not necessary at this time to consider the recommendation for appointment.

Chairman Smith discussed the consideration of the starting rate for the appointment, noting the past practice for standard hiring. **Chairman Smith** noted that most of the new hires for the Police Department have been for staff that didn't fully meet the requisite training and requiring time to complete the training. Chief Holst suggested a starting rate that aligned with Step 5 or 6 on Grade P2 of the Police Personnel compensation schedule. **Selectman Bastarache** and **Selectman Bembury** discussed support for Step 6. **Chairman Smith** suggested being comfortable with Step 4. **Selectman Bembury** expressed the importance of recruiting qualified candidates with experience and training. **Chairman Smith** discussed the current compensation structure. **Selectman Bembury** and **Selectman Bastarache** both discussed wanting to address appointments for staff with greater experience from other law enforcement institutions. Chief Holst discussed the challenges of attracting experienced Patrol Officers. **Chairman Smith** acknowledged the concern but offered caution about creating inequity. **Selectman Bastarache** expressed support for making the appointment at Step 6. **Chairman Smith** expressed agreement. **Selectman Bastarache** made a motion to appoint Matthew Ziomek as a full-time, benefited Patrol Officer, in accordance with MGL Chapter 41, Section 133 for a term of one (1) year, pending successful completion of a preemployment CORI, driving history check, health exam and drug screen, and psychological examination at a rate of Grade P2, Step 6, with an effective date on or before October 24, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Surplus Equipment Request- Cruiser

The Select Board members reviewed a surplus equipment request for one (1) 2019 Dodge Charger cruiser (VIN: 2C3CDXK18KH535825) because the vehicle was involved in an accident and the vehicle has been totaled by the insurance company. **Chairman Smith** provided an overview of the request and the incident

with the cruiser. **Chairman Smith** explained that because the insurance company has deemed the vehicle as a loss, the Town is in the process of reclaiming usable equipment and is preparing for replacement as the vehicle is covered for replacement cost. Bryan confirmed the understanding of the insurance coverage. **Selectman Bembury** asked for an explanation of the equipment that can be transferred to a new cruiser. Chief Holst explained that the Watchguard equipment, radio, and citation printer can all transfer to a new cruiser. Chief Holst explained that because he assumes the next cruiser will not be a Dodge Charger, the existing holding cell will likely not be transferable. **Selectman Bastarache** asked if there is a chance that another Town may be able to use the cell. Bryan will follow up with the insurance company. **Selectman Bastarache** made a motion to deem the 2019 Dodge Charger cruiser surplus and authorize Town Administrator, Bryan Smith, to sign over the title to the insurance company. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Update on Cruiser Purchase

The Select Board members reviewed a memorandum on the status of the procurement of a new Ford Utility Police Interceptor hybrid cruiser that the Select Board had approved on June 21, 2022. **Chairman Smith** explained that the vendor has informed the Town that Ford Motor Company has cancelled all open orders that have not been built yet, for the model year 2023. **Chairman Smith** discussed option to wait until model year 2024, though there is no clear timeline. **Chairman Smith** explained that the vendor, MHQ, Inc., has offered alternatives such as the purchase of a fully gasoline powered Ford Interceptor model or the option to purchase a fully electric 2023 Mach-E vehicle. Chief Holst and **Chairman Smith** discussed the recommendation to consider purchasing an electric vehicle. Chief Holst recommended progressing as a Green Community and discussed his satisfaction with the performance of the hybrid cruisers. **Chairman Smith** discussed his review of safety data that is available for the 2022 Mach-E model. **Chairman Smith** expressed his support for the piloting of a fully electric vehicle as the administrative vehicle before considering implementation for patrol vehicles. Chief Holst explained that the quoted price for the Mach-E model is less than the original purchase price of the Ford Interceptor Utility hybrid, therefore there should be sufficient funding available in the special article for the up-fit. **Selectman Bembury** asked about the anticipated timeline. Chief Holst discussed his understanding of timeline as the vehicle is already available at the vendor's site. **Chairman Smith** discussed setting up the charging accounts on the Town's electric vehicle charging stations for the Police Department and the future consideration for installing charging at the Police Station.

Chairman Smith noted that the Town is exploring options to purchase another Ford Explorer Utility Interceptor hybrid from the vendor with the possibility to benefit from an order that another town placed but now may not buy. Chief Holst expressed appreciation towards Officer Kimball for his work on this project.

Selectman Bembury explained that he would like the staff in the Police Department to undergo defensive driving trailer. Chief Holst acknowledged the concern and discussed the goal of bringing EVOC training to Town through the insurance company. Chief Holst clarified that all staff members have received EVOC training through the Police Training Academy and that this would be a refresher. **Selectman Bembury** discussed the expectation for all Patrol Officers to review Police Department policies on blue lighting. **Selectman Bembury** clarified that he understands that the incident was an accident. **Selectman Bembury** explained that he wants to be clear that the Town took action to review training protocols. **Chairman Smith** reiterated that the incident was an accident and the Officer involved followed all training and protocols. **Chairman Smith** added that all individuals, that were involved, are okay.

Review of Letter of Interest & Appointment to Cultural Council- Jonathan Flis & Elizabeth Donald

The Select Board reviewed a memorandum from Bryan recommending the appointment of Jonathan Flis and Elizabeth Donald as members of the Cultural Council, with terms ending June 30, 2024. **Chairman Smith** provided an overview and noted the receipt of a letter of interest in serving. The Select Board members discussed support for making the appointment and for having interest in new members. **Selectman Bastarache** made a motion to appoint Jonathan Flis as a member of the Cultural Council, with a term ending June 30, 2024. **Chairman Smith** seconded. **Vote:** Unanimously approved.

Selectman Bastarache made a motion to appoint Elizabeth Donald as a member of the Cultural Council, with a term ending June 30, 2024. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Letter of Interest & Appointment to Conservation Commission

The Select Board reviewed a memorandum from Bryan recommending the appointment of Michele Turner as a member of the Conservation Commission, with a term ending June 30, 2025. The Select Board members reviewed the letter of interest from Michele and discussed support for making the appointment. **Selectman Bastarache** made a motion to appoint Michele Turner as a member of the Conservation Commission, with a term ending June 30, 2025. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

The Select Board members expressed appreciation to all three individuals that were willing to volunteer to serve the community by joining those commissions. **Chairman Smith** noted that the Town still has vacancies. Bryan noted that advertisements for open seats for both elected and appointed positions have been advertised in the Around Town newsletter.

Issuance of Cemetery Deeds # 571- 573

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

- **Selectman Bastarache** made a motion to issue deed #571, lot #1260 to Fred Maguire of 4 Pratt Street, Erving, MA. **Chairman Smith** seconded. **Vote:** Unanimously approved.
- **Selectman Bastarache** made a motion to issue deed #572, lot #1261 to deed owner #1 Mike Pierce of 4 Pratt Street and deed owner #2 Kathy Pierce of 4 Pratt Street. **Selectman Bembury** seconded. **Vote:** Unanimously approved.
- **Selectman Bastarache** made a motion to issue deed #573, lot #1263 to Sheena Maguire of 4 Pratt Street. **Chairman Smith** seconded. **Vote:** Unanimously approved.

Review & Approval of Professional Engineering Proposal for Wastewater Asset Management Project-Tighe & Bond

Select Board members reviewed a memorandum from Bryan regarding the asset management plan project for the Wastewater Department for the proposed professional engineering services proposal from Tighe & Bond and to file the grant application with the Massachusetts Department of Environmental Protection (MassDEP). **Chairman Smith** provided an overview of the project and that the work is being required by MassDEP and the proposed grant award would be in the amount of \$85,500.00 with the Town provided match of \$33,500.00 that was appropriated at the Annual Town Meeting. **Chairman Smith** explained that the Town will also provide in-kind contributions in the amount of \$23,600.00, for a total project cost of \$142,500.00. **Chairman Smith** explained that the professional services proposal from Tighe & Bond is for a cost of \$118,000.00. The Select Board members discussed having no concerns with proceeding. **Selectman Bastarache** made a motion to engage Tighe & Bond for professional engineering services to conduct an asset management plan & inventory project of the Erving wastewater collection &

treatment facilities, in accordance with the proposed schedule, for a total cost of \$118,900.00, and to authorize Bryan Smith to execute all necessary agreements. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Authorization to File Wastewater Asset Management Plan to MassDEP

Selectman Bastarache made a motion for the Town of Erving to file all necessary agreements with the Massachusetts Department of Environmental Protection and the Massachusetts Clean Water Trust to proceed with the asset management planning grant program and to authorize Bryan Smith to execute all necessary agreements. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for August 22, 2022

The Select Board reviewed the meeting minutes for Monday, August 22, 2022. **Selectman Bembury** made a motion to approve the meeting minutes of August 22, 2022, as written. **Selectman Bastarache** seconded. **Vote: Chairman Smith** abstained. Passed by majority vote.

Review of Meeting Minutes for August 29, 2022

The Select Board passed over this agenda item.

Next Meeting

The Select Board members discussed the next tentative meeting date of September 26, 2022, with a plan to discuss information related to the waste ban for textiles and the multi-year contract for the wheel loader purchase approved at the Special Town Meeting.

Adjournment

At 9:13 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Respectfully submitted,



Bryan Smith
Town Administrator