

**Board:** Select Board / Water Commissioner's Meeting  
**Date:** Monday, October 30, 2023  
**Location:** Senior & Community Center, 1 Care Drive, Erving, MA 01344

**Select Board Present:** Jacob Smith, Scott Bastarache, James Loynd  
**Finance Committee Present:** Debra Smith, Thomas Duffy, Benjamin Fellows, Daniel Hammock, Charles Zilinski  
**Capital Planning Committee Present:** Benjamin Fellows, Debra Smith, Jacob Smith, Linda Downs-Bembury, Peter Mallet

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

**Chairman Smith** stated that the meeting is being recorded and broadcast.

#### **Discussion Regarding Police Station Parcel Subdivision Proposal**

Mariah Kurtz, Town Planner, joined the meeting to discuss the proposal to consider subdividing the Police Station parcel as was presented at a previous meeting. Mariah explained that a second proposal for professional surveying services has been provided for the Select Board to review. The Select Board members expressed appreciation for the specificity that is included in the second proposal. Mariah explained that the proposal would develop a plan that could be presented to the Planning Board for an Approval Not Required (ANR) review and likely the proposal of a new road layout. **Selectman Bastarache** explained that if the parcel is subdivided and the Town issues a request for proposals (RFP), the process is open to the public and could receive multiple proposals. Mariah expressed agreement and explained that the Town should draft the comparative criteria rubric to ensure that proposals are for compatible uses that complement the Police Station and are cognizant of traffic in the area. Mariah discussed a proposal to site a new road along the south westerly portion of the parcel, that encompasses a slope into a ravine. **Selectman Bastarache** discussed support for proceeding and expressed preference for awarding the procurement to the second surveying proposal, noting the thoroughness in the proposal and the cost being less than the first proposal. **Selectman Loynd** expressed agreement. Peter Sanders asked if there would be considerations for noise generated by the potential dog shelter. Mariah noted the concern and explained that the Town can maintain a tree buffer and that considerations for noise control could be included in the RFP process. The Select Board members expressed agreement. **Selectman Bastarache** clarified that this stage of the discussion is just to determine if surveying could proceed to propose a lot split and a new legal roadway, before a potential RFP could be considered. **Selectman Bastarache** made a motion to award the surveying contract to Daniel Salls Land Surveying of Sunderland, MA for the survey work at 71 French King Highway, tax map 1-3-24, in the amount of \$6,000.00 and to authorize Mariah Kurtz to execute any and all agreements. **Selectman Loynd** seconded. **Vote:** Unanimously approved.

#### **Discussion of MunEnergy Procurement Option**

Jennifer Eichorn, Treasurer, joined the Select Board to discuss the proposal to purchase the supply of electricity through the MunEnergy program. Jennifer discussed the benefits of locking in the electricity supply prices, in context of the market volatility that was experienced over the last year, and explained that proposal provides a wholistic review of all of the Town's electricity accounts. The Select Board members reviewed the pricing proposal as of October 30, 2023, and reviewed the monthly rates for Eversource and NationalGrid. **Selectman Bastarache** expressed support for proceeding with the MunEnergy program and for a term of three (3) years. Bryan reviewed the procurement options for supply. Jennifer explained that the Town could secure pricing as soon as tomorrow, and it would take

about a month to transition all accounts. The Select Board members expressed support for proceeding with three (3) year pricing. **Chairman Smith** made a motion to engage the MunEnergy program with Constellation for a 36-month term for fixed electricity pricing, as of 10-31-2023, at a rate not to exceed .14/kwh and authorize Treasurer Jennifer Eichorn to execute all necessary documents. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

**Joint Meeting with Finance Committee & Capital Planning Committee Meeting- Review of FY2025 Budget Planning Documents and Discussion Regarding Route 2 Electrical Services Project Request-Wastewater**

At 7:02 PM **Chairman Smith** called the joint meeting with the Finance Committee and Capital Planning Committee to order. Debra Smith, Benjamin Fellows, Charles Zilinski, Daniel Hammock, and Thomas Duffy of the Finance Committee, and Linda Downs-Bembury and Peter Mallet of the Capital Planning Committee joined the meeting.

**Review of FY2025 Budget Planning Document Drafts**

**Review of the FY2025 Budget Planning Calendar:** The Select Board, Finance Committee and Capital Planning Committee members reviewed the draft FY2025 budget planning calendar. The boards discussed tentative meeting dates, times and locations for the Finance Committee and Capital Planning Committee meetings. **Chairman Smith** provided a general overview of the workshops, presentations, and deadlines outlined in the calendar. The Capital Planning Committee discussed wanting to hold the December 14, 2023, Committee meeting at the Public Library. Bryan will confirm availability of the meeting room. **Chairman Smith** using the proposed joint meeting on February 26, 2024, to also address any outstanding items that need final reviews. **Chairman Smith** suggested tentatively scheduling a joint meeting on March 18, 2024. **Selectman Bastarache** expressed support and suggested scheduling joint meetings on March 11, 2024, March 18, 2024, and March 25, 2024, to finalize the proposed budget and Town Meeting warrant. There was general support for this proposed amendment. Bryan will amend as discussed and release the FY2025 budget planning calendar.

**Review of the FY2025 Capital Budget Guidance:** The Select Board, Finance Committee and Capital Planning Committee members reviewed the draft capital planning guidance document. Debra suggested changing the submission requirements for FY2025 to require a minimum of one (1) quote with each request. Benjamin and **Selectman Bastarache** requested that the guidance document is revised to instruct department heads to clearly identify items that must happen in FY2025 for safety or similar reasons. Bryan discussed the need to have time with the Capital Planning Committee for departments to present projects that are in an early development stage to obtain feedback on how to proceed. **Chairman Smith** expressed agreement and encouraged the Capital Planning Committee to provide an opportunity for department heads to present potential project ideas before the December 11, 2023, submission due date. As an example, Bryan discussed the want to consider the next round of sidewalk improvements through the Complete Streets grant program and needing to understand the Capital Planning Committee's prioritization for work like this so that Town staff know when to seek grant funding. Ben discussed the benefits of having as much preliminary information for projects as possible, to better make decisions. Debra expressed agreement and discussed needing information from all departments so that the Capital Planning Committee has a better understanding of the comprehensive priorities for the Town, so that the Committee can better produce a cohesive plan. **Selectman Bastarache** noted that he has a meeting coming up with the Town Planner to review the master plan and discussed efforts from Mariah to incorporate projects from the capital plan into the master project plan. **Chairman Smith** asked if tentative project plans should be submitted by the December 11, 2023, deadline, even if they are not requests for FY2025. Debra and Benjamin expressed agreement and Debra

encouraged submissions to include as much data as possible. Bryan will revise the capital planning guidance document as discussed and issue.

**Review of the FY2025 Operating Budget Guidance:** The Select Board, Finance Committee and Capital Planning Committee members reviewed the draft operating budget guidance memorandum. **Selectman Bastarache** discussed his concern that the requirement for departments to submit a level-funded request is not worded firmly enough. **Selectman Bastarache** wants it to be clearer that any contractual increases must be captured with the current budget amounts. Debra suggested changing the word “should” to read “shall”. **Selectman Bastarache** discussed willingness to have discussion regarding extenuating circumstances that may require budget increases. **Chairman Smith** added that each budget narrative should address any impacts to service levels. Debra discussed wanting to understand any potential income generating options. **Chairman Smith** expressed agreement and highlighted that the costs associated with employment benefits are an area that is expected to increase in FY2025. Thomas suggested scheduling a meeting to provide departments with the opportunity to propose changes to services or changes in fees in the month of November 2023, prior to the submission due dates in December 2023. **Chairman Smith** and Debra explained that they would ask departments to make those proposals during their individual budget presentations. **Selectman Bastarache** discussed his anticipation of how the departmental budget presentations should be used to discuss service levels and revenue options in the context of the request. Thomas discussed acknowledging the response but advocated for providing departments with an opportunity to get initial feedback before exploring an option further. **Selectman Loynd** suggested that any reasonable proposal should be considered. **Selectman Bastarache** discussed the need to consider the totality of all proposals, including revenues and potential cuts. **Chairman Smith** expressed concern that the costs associated with maintaining the “status quo” for services may not result in a balanced budget and discussed the likely need for making some adjustments. Benjamin asked if the Town would begin to investigate revenue options. **Chairman Smith** discussed the need to consider potential options, noting that the Town already has revenue sources that are attributed to the General Fund and the Enterprise funds. Debra requested that departments make their presentations to include the total impact of the request, services, potential changes and potential revenues. The Select Board members expressed general agreement. Bryan will provide the Select Board, Finance Committee and Capital Planning Committee members with a preliminary budget presentation, with revenue projections, for review by January 2024. Debra requested that departments highlight any proposed changes, in detail, in the narrative portion of the budget request. Bryan will revise the operating budget guidance document as discussed and issue.

#### **Discussion Regarding Route 2 Electrical Services Project Request- Wastewater**

Peter Sanders, Wastewater & Water Superintendent, joined the meeting to discuss a proposal to install a new electrical service for the Route 2 pump station forced sewer main. Peter explained that part of the sewer line was exposed and had frozen in a previous winter. Peter explained that in recent years the Department powered the heat trace with the use of a generator which is not cost effective and is proposing the new service as a long-term solution, for a total project cost of \$12,493.77. Debra suggested sourcing the funding for the project from Wastewater Enterprise Fund retained earnings. Peter acknowledged the option but expressed concern about waiting until a Town Meeting could be scheduled. Daniel suggested using a Reserve Fund transfer to fund the project. Debra expressed concern with the constraints on the FY2024 budget and suggested using the Wastewater operating budget in the meantime and the Department can monitor throughout the year and request a Reserve Fund transfer if necessary. Daniel acknowledged the concern. **Selectman Bastarache** expressed support for requesting a Reserve Fund transfer and explaining that a Special Town Meeting could be called in the future to transfer funds from retained earnings if necessary. **Chairman Smith** expressed his support for the

proposal and for requesting a Reserve Fund transfer. **Chairman Smith** asked the Capital Planning Committee members if they supported the request for the project. Benjamin, Peter Mallet, and Linda all expressed support for the proposed project.

Regarding the Select Board request for a Reserve Fund transfer request to fund the project, **Chairman Smith** made a motion to request a Reserve Fund transfer in the amount of \$12,500.00 for the Route 2 heat trace project for Wastewater. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

**Finance Committee Vote:** Daniel made a motion to approve the Reserve Fund transfer for \$12,500.00 Benjamin seconded. Discussion: Daniel explained that if the Finance Committee has concerns about the Reserve Fund balance later in the fiscal year that they could request a transfer into the Reserve Fund at a Special Town Meeting. **Vote:** Unanimously approved.

**Select Board Vote:** **Chairman Smith** made a motion to engage National Grid in the amount of \$3,993.77 for electrical service at 97 East Main Street and to authorize Pete Sanders to sign any and all documents. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

**Select Board Vote:** **Chairman Smith** made a motion to engage Paciorek Electric for job named "Erving pole 72" for a total sum of \$8,500.00 for the heat trace project and to authorize Pete Sanders to sign any and all documents. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

**Chairman Smith** discussed wanting to review the FY2024 budget in the context of the disapproval of the proposed Proposition 2 ½ override at the fall Special Town Meeting to identify shortfalls, such as hiring for positions town wide. **Chairman Smith** discussed wanting to schedule a joint meeting with the School Committee to discuss further and suggested sending some correspondence to the School and other Town departments raising the concerns. **Selectman Bastarache** discussed wanting to review the budget with spending to date each month. Bryan will have monthly expenditure reports sent to the Select Board, Finance Committee and Capital Planning Committee members.

#### **Discussion Regarding Farley Bridge Engineering Proposal- Sharing Costs**

The Select Board members considered the request to share engineering costs with the Town of Wendell to evaluate the Bridge in Farley. **Chairman Smith** provided a general overview of the topic that had been discussed at a previous meeting, noting that Erving representatives had a site visit with Wendell. **Chairman Smith** explained that the Road Commission in Wendell has received a design phase proposal from Gill Engineering for the project, with a cost of approximately \$31,000.00 and the Town of Erving would pay half the bill because it is a shared bridge. Bryan suggested that the Town can use the Select Board's consulting line item to source some of the cost. Glenn suggested that some funding from Highway contracted services line item could be used if we delayed line painting in spring 2024 until the summer months. The Select Board members discussed the possibility of delaying line painting until the summer months and the new fiscal year. **Selectman Loynd** discussed the option of closing the Bridge in the short term, until specific funds could be appropriated for the project. **Selectman Bastarache** acknowledged the option and expressed concern about spending money with the current budget constraints. **Chairman Smith** expressed concern that without conducting the engineering work the Town will not truly understand the condition of the bridge and what would be necessary to appropriate for a project. **Chairman Smith** also expressed concerns about the constraints on that stretch of Route 2 and noted that Bridge Street provides an alternative travel route in the event that Route 2 is closed. **Selectman Loynd** acknowledged the concern, noting that he personally benefits from the bridge, and explained that he is trying to balance the concerns. Kelly Loynd asked about the proposed shared use

path that has been explored and noted that the potential closure of the bridge could impact that project that she is in support of. Daniel expressed support for proceeding with the study. Bryan noted that the Town will not be able to accurately propose capital improvements for the bridge without the engineering work. Bryan also discussed the cost share arrangements in regard to shared bridges with neighboring towns, stating that if Erving would expect other towns to come to the table with us, then Erving should do the same when they ask. **Selectman Bastarache** asked Glenn for an overview of the road maintenance priorities for the coming year and if the budget could address minor bridge repairs. Glenn explained that the Highway Department has been primarily planning for culvert and catch basin replacement work. Glenn expressed support for conducting the engineering study and discussed the potential to align bridge repairs while the Bridge Street reconstruction project is underway. Peter Mallet asked if own could pursue funds from the Regional Transportation Planning Organization. Bryan explained that it is an option and explained some of the complexities with seeking the funding in a timely manner. **Selectman Bastarache** expressed support for proceeding and notifying the Town of Wendell. Bryan will follow up with representatives of Wendell.

#### **Review Proposal to Apply for 604B Grant Regarding Keyup and Jacks Brook**

The Select Board members reviewed a memorandum from the Franklin Regional Council of Governments (FRCOG) to apply for a Massachusetts Department of Environmental Protection (MassDEP) 604b Water Quality Management Planning Grant regarding the Keyup Brook watershed. **Selectman Bastarache** provided a general overview of proposal that would allow FRCOG to apply for grant funding on the Town's behalf and the Town's formal cost will be staff involvement. **Chairman Smith** and **Selectman Bastarache** discussed the proposed scope of work and **Chairman Smith** reviewed the anticipated timeline. The Select Board members expressed no concerns and support for proceeding. Bryan will follow up with the FRCOG planning staff.

At 8:44PM **Chairman Smith** made a motion to adjourn the joint meeting and continue the Select Board meeting. **Selectman Bastarache** seconded. Vote: Unanimously approved.

#### **Review of Water Tank Mixer Installation Project Procurement**

The Select Board members reviewed quote summary for the water tank mixer project procurement. **Chairman Smith** explained to that the Town received four (4) quotes, but only one (1) bid works with the approved budget. Peter explained that the proposed mixing unit is approved for use by MassDEP. Peter discussed his follow-up with neighboring towns that have used the proposed equipment for references and noted that there were no concerns with the units. Peter explained that the proposed unit contains food grade oil that needs to be changed appropriately every three (3) years, but the maintenance is reasonable. **Selectman Bastarache** asked for an explanation of other anticipated maintenance costs. Peter explained that maintenance costs should be minimal and suggested incorporating the maintenance for the mixer into the regular tank inspections. The Select Board members expressed support for proceeding with the procurement. **Chairman Smith** discussed support for cleaning the tank while on site for the mixer installation. The Select Board members expressed agreement. **Chairman Smith** made a motion to award the water storage tank mixer project to Aqueous Infrastructure Management in the amount of \$50,295.00, and to separately engage them for \$1,050.00 for additional diver costs, and authorize Bryan Smith, Town Administrator, to sign all necessary documents. **Selectman Loynd** seconded. **Vote:** Unanimously approved.

#### **Review of FFY2021 CDBG Housing Rehabilitation Loan Program Report- QE 9-30-2023**

The Select Board members reviewed the FFY021 Community Development Block Grant Housing Rehabilitation Program report for quarter ending September 30, 2023, from the Franklin County

Regional Housing and Redevelopment Authority (FCRHRA). **Chairman Smith** explained that according to the report, the FCRHRA has approved contracts to rehabilitate thirteen (13) housing units, with eight (8) units complete and five (5) units in process. **Chairman Smith** explained that the grant was funded to provide for the rehabilitation of a minimum of seventeen (17) units and that as of the end of the quarter, 70% for funds have been committed. **Chairman Smith** asked for clarification of the difference between the amount committed and the amount drawn down. The Select Board members expressed no concerns with the report as presented. Bryan reminded the Select Board that the Town needs to negotiate a new administrative agreement with FCRHRA in the coming months.

#### **Review Proposed Amendment for Traffic Rules & Regulations**

The Select Board members conducted a first reading of the proposed amendments to the Traffic Rules & Regulations. The proposed amendment is in Schedule I of the regulations to restrict parking on the north side of Wheelock Street to a length of 165' at the end of the layout. The Select Board members expressed no concerns and will conduct a second reading at the next meeting.

#### **Discussion Regarding Snow Plowing Backup Contract Proposal**

Glenn rejoined the Select Board to discuss the proposal for back-up support for snow removal plowing. Glenn explained that during the 2022-2023 winter, the Highway Department worked with a Town employee from another Department for plowing to assist with coverage in the event that Highway Department staff are on leave. Glenn reviewed the plowing rate proposal for Johnson Asphalt & Paving LLC. for the cost of plowing with sanding equipment, using ice melt material provided by the Town. **Selectman Bastarache** discussed the possibility of using the backup plowing in long storms to provide relief to Town staff. Glenn expressed agreement and added that other Town staff from other departments may be able to provide support as well. **Chairman Smith** asked how many plow truck units could be provided by the vendor. Glenn answered that vendor could provide a maximum of two (2) units. Glenn discussed the high expectations he has for road clearing and not wanting to reduce those expectations. **Selectman Loynd** expressed support for the proposal, from a safety perspective, discussing the concerns of operator fatigue and/or the demands of a lengthy storm. **Chairman Smith** discussed the safety concerns about the duration of the time spent by staff on the road while acknowledging the commitment that the staff has to ensure safe road conditions for the community. **Selectman Bastarache** discussed wanting the logistics of the 4-hour minimum requirement to be clarified in the agreement. The Select Board members expressed agreement. **Chairman Smith** requested that the process for notifying the vendor is also clarified. Bryan and Glenn will work on drafting a memorandum of understanding with the vendor.

#### **Review of FY2023 Financial Audit Professional Services Proposal**

The Select Board members reviewed a professional services proposal from Scanlon & Associates to conduct the FY2023 financial audit. Bryan explained that he had asked for a price to conduct the FY2023 financial audit as well as a price to conduct a federal single audit, if necessary, and the proposal reflects those prices. Bryan clarified that he has conducted an initial review of the Federal funds that the Town proceed in FY2023 with the Town Accountant, and it appears to be less than the \$750,000.00 threshold that would require a single audit. Bryan asked the Select Board to approval the proposal for the FY2023 audit, in the amount of \$16,000.00 for now, and if it is determined that a single audit is necessary, he will return to the Select Board for further approval. The Select Board members expressed support for proceeding. **Selectman Bastarache** made a motion to engage Scanlon and Associates for the financial audit for FY2023 in the amount of \$16,000.00. **Selectman Loynd** seconded. **Vote:** Unanimously approved.

**Surplus Equipment Request- Assessor's Filing Cabinet- 1st Reading**

The Select Board members conducted a first reading of the surplus equipment request from the Assessors' Office for one (1) legal size filing cabinet. The Select Board members expressed no concerns with the request. The Select Board will conduct a second reading at the next meeting.

**Review of Meeting Minutes for October 11, 2023**

The Select Board members passed over this agenda topic.

**Review of Meeting Minutes for October 18, 2023**

The Select Board members passed over this agenda topic.

**Executive Session**

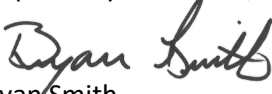
At 9:11 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Law Chapter 30A, Section 21 (a) (3) to discuss strategy with respect to collective bargaining ...if an open meeting may have a detrimental effect on the bargaining ... position of the public body and the chair so declares. **Chairman Smith** stated that he does so declare. (AFSCME, Wastewater & Water Unit);

And immediately following 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. **Chairman Smith** stated that he does so declare. (NEPBA Local 121, Police Unit). **Chairman Smith** stated that the Select Board will not return to Regular Session. **Selectman Bastarache** seconded. **Roll call vote:**

<b>Selectman Loynd</b>	Aye
<b>Selectman Bastarache</b>	Aye
<b>Chairman Smith</b>	Aye

The Select Board did not return to Regular Session.

Respectfully submitted,



Bryan Smith  
Town Administrator