

Board: Erving Board of Selectmen
Date: Monday, January 22, 2018
Location: Town Hall, 12 East Main Street, Erving, MA

Selectmen Present: Jacob Smith, William Bembury, Scott Bastarache

Finance Committee: Shirley Holmes, Daniel Hammock, Arthur Johnson

Also Present: Bryan Smith, Peter Sanders, Deb Smith, Glenn McCrory, Barbara Friedman, Jacquelyn Boyden

Press: Christine Miranda, Athol Daily News; Michael Johnson, Montague Reporter

At 6:31 PM **Chairman Smith** called the meeting to order.

Infiltration/Inflow Assessment Proposal- Tighe & Bond

Peter Sanders, Chief Wastewater Operator, joined the Board to discuss the next step of the Infiltration and Inflow Assessment project. In response to the assessment and report submitted by the Town in 2017, the Massachusetts Department of Environmental Protection (DEP) issued an extension through March 2018 with the need to conduct some additional assessments and submit a final report. Tighe & Bond has prepared a proposal to finish the work and meet the requests issued by DEP. The cost of the proposal is \$21,000. The project can be funded from the Inspect & Repair Sewer line item. Tighe & Bond understands that the work must be completed at the end of March 2018. The Board had no concerns about the proposal. **Chairman Smith** made a motion to authorize the execution of the Amendment Request – Response to Mass DEP Comments Infiltration/Inflow Assessment for Erving Wastewater Collection Systems with Tighe & Bond in the amount of \$21,000. **Selectman Bastarache** seconded. Unanimously approved.

FY19 Fuel Contracts- Oil, Diesel, and Gasoline

Glenn McCrory, Highway Foreman, joined the Board to discuss the FY2019 fuel contracts. The Town procured gasoline, diesel, metered heating fuel, and tractor trailer delivered heating fuel in FY2018 for one (1) year terms. The contracts give the Town the opportunity to extend the agreement for two (2) 1-year terms and to lock in a new unit price each year. The existing agreements expire on June 30, 2018 and need to be extended or a new procurement needs to take place. Bryan Smith, Administrative Coordinator, informed the Board that the procurement agent that the Town uses is recommending that the Town extend the existing contracts. Glenn explained to the Board that his Department has experienced issues with the fuel service from Roberts Energy. Glenn noted that all buildings are on auto delivery. Fire Station #1 has run out of fuel twice during the heating season. During the long cold period below 0 degrees Fahrenheit, the diesel fuel congealed in the fuel systems of the large dump truck and the loader. Both pieces of equipment required service to correct the matter in order to prepare for a pending winter storm. The fuel is contractually required to maintain a pour point of -20 degrees Fahrenheit. Roberts explained that they treat the fuel and the Town has the option to purchase additional kerosene to add to the fuel. The Town has since added approximately 20% kerosene to the diesel fuel. **Chairman Smith** stated that he would like to review the options provided by the State contract. The Board agreed to revisit at their next meeting.

LED Street Light Retrofit Project Update

Bryan Smith, Administrative Coordinator, provide the Board with an update regarding the project. He explained that Phillips has offered to provide the Town with example fixtures. Bryan asked the Phillips contact to coordinate with the Metropolitan Area Planning Commission. Tanko Lighting and MAPC have been preparing the comparison criteria that the Town will use for the request for proposals (RFP) process.

Surplus Equipment- 1997 John Deere Backhoe Loader

Glenn McCrory, Highway Foreman, explained to the Board that he has spoken with the Highway Department in Sandisfield, MA and they do not require the use of the Town's backhoe. With this understanding he would like the Board to consider his original request to deem the equipment surplus. The Board agreed. **Chairman Smith** made a motion to declare the 1997 John Deere Backhoe as surplus equipment, to use Municibid for an online public auction, and to set the starting bid at \$17,000. **Selectman Bembury** seconded. Unanimously approved.

Letter of Commendation- Officer James Loynd

The Board reviewed a letter of Commendation prepared by Christopher Blair, Police Chief, for James Loynd, Police Officer. **Chairman Smith** read the following into the record:

On January 12, 2018 at approximately 0736 hours, Officer James Loynd responded to a report of a man standing on the French King Bridge with his chin on the railing staring down. Officer Loynd arrived promptly and approached the man. This man was later identified as a (32) thirty-two-year-old Gardner, Massachusetts resident. When Officer Loynd was within (15) fifteen feet of him he turned and faced Officer Loynd asking him why he was there. When Officer Loynd advised the man that he had received concerned calls the male pulled out a knife from his pocket telling him "get back"! The male assumed a fighting stand with the knife in his left hand. Officer Loynd drew his weapon and ordered him to drop the knife. Officer Loynd requested assistance and updated the dispatch center of the situation. Officer Loynd began communicating with the man asking him his name and advising him he would assist him in getting help. The man complied and dropped the knife and he was taken into custody without further incident. The man was transported to the hospital for a mental health evaluation.

I commend Officer James Loynd for utilizing his training and experience reacting to the situation. He remained calm and communicated with the man quickly defusing a very tense situation. Officer Loynd updated the dispatch center not only requesting assistance but notifying responding units of the situation. Police Officers sometimes make split second decisions that could result in life or death. Officer Loynd made the right decision and he did this keeping himself safe. This man was later transported to the hospital with no injuries.

Respectfully Submitted

Chief Christopher w. Blair
Erving Police Department

Chairman Smith expressed his appreciation for bravery and handling of the situation to avoid injury to all parties. The Board expressed their agreement.

2018 Business License: TL Valle Woodworking

Chairman Smith made a motion to issue the 2018 Business license to Thomas Valle doing business as TL Valle Woodworking at 11 Mountain Road, Erving, MA 01344. **Selectman Bastarache** seconded. Unanimously approved.

FY2018 Backflow Water Commitment #7

The Board reviewed the 7th Water Commitment for FY2018. The 7th Water Commitment is for seven (7) backflow testing services in the amount of \$600.00 at the following locations: Renovator's Supply Inc, Town of Erving POTW#1, Town of Erving Elementary School, Town of Erving Fire Station #2, Town of Erving Police Station, Town of Erving Senior & Community Center, and Commonwealth of Massachusetts Department of Transportation. **Chairman Smith** made a motion to sign the 7th Water Commitment of FY2018 in the amount of \$600.00. **Selectman Bembury** seconded. Unanimously approved

FY2018 Water Commitment #8

The Board review the 8th Water Commitment for FY2018. The 8th Water Commitment is for water use charges in the aggregate amount of \$14,207.91. **Chairman Smith** made a motion to approve the 8th Water Commitment of FY2018 in the amount of \$14,207.91. **Selectman Bastarache** seconded. Unanimously approved.

Discussion of Snow & Ice Removal Practices

Glenn McCrory, Highway Foreman, explained that he has reached out to some sub-contractors who have indicated that they would not be interested in a contract to clear sidewalks for the Town. This response raises concern that vendors may not be interested in bidding on this service. **Selectman Bembury** explained that he would still want to see sidewalks on Main Street cleared by the Town because it is a travel route and a business area. Glenn acknowledged that it is safer for the Department to stay on the sidewalks on Main Street and clear them rather than to spot clear in front of Town owned property and uses the street to travel between properties.

Glenn explained that on Erving side the Town has always cleared the sidewalks on the Millers Bridge and along Route 63 until the Elementary School. The Board discussed that the new sidewalk that is planned for installation in front of the Elementary School that will run to the Senior & Community Center will need to be maintained by the Town. Glenn raised concern of equipment expenses and taking on more sidewalks. As an example, Glenn informed the Board that in the last storm the snow blower head was damaged when it hit a raised panel while snow blowing Route 2. The replacement cost for a new snow blower head is approximately \$1,850.00. **Chairman Smith** asked if the snow blower head is reusable on other tractor models. Glenn explained yes it is transferable to other tractor models with some alterations.

Selectman Bastarache expressed concern about putting more work on a small staff. **Selectman Bastarache** expressed practical support for snow blowing the sidewalks on Main Street in Erving center and noted that in Erving side there is no time savings realized for the Town by stopping at each Town owned property rather than continuously snow blowing the current stretch from the Bridge to the Town owned properties. The Board noted that there has been no change to sidewalk clearing practices for the current year.

Discussion of Filing for Intervenor Status with FERC Regarding Northfield Mountain Project License

The Board reviewed a draft filing for intervenor status on behalf of the Town in regards to the FERC relicensing process for the Northfield Mountain Project. The Board had no concerns with the drafted language. The Board agreed that Section 3 is unnecessary and should be removed. The Board asked Bryan Smith, Administrative Coordinator, to send to Town Counsel for review.

2018 Animal Control Officer Appointment

The Board reviewed the Massachusetts Department of Agriculture's request to identify the Animal Control Officer for 2018. The Board reaffirmed Arthur Johnson's appointment from July 1, 2017 as Animal Control

Officer and asked Bryan Smith, Administrative Coordinator, to complete the appointment form and submit to the State.

FY2019 Budget Requests- Joint Meeting with Finance Committee

At 7:30 PM **Chairman Smith** called the joint meeting with the Finance Committee to order. Shirley Holmes, Daniel Hammock, and Arthur Johnson joined the Board.

Highway Department

Glenn McCrory, Highway Foreman, joined the Board and the Finance Committee to discuss the Highway, Snow Removal, Streetlight, and Fuel budget, and Cemetery maintenance budgets. The Board had previously reviewed the FY2019 budget requests and had no concerns. Glenn spoke to his rationale for requesting a merit increase for Michael Gordon, noting his strong work ethic and performance since hiring in 2016. In regards to the Road work paving and repair line item, Glenn explained that he expects to use Chapter 90 funding to help support the Route 63 sidewalk project and to use the Town appropriation to pave municipal parking lots in Erving Center.

MIIA Property, Liability, Professional, and Workers Compensation

The Board and Finance Committee reviewed a memo from Bryan Smith, Administrative Coordinator, regarding the FY2019 insurance budget request. Currently the budget was submitted level funded at \$108,645.00. After a review of FY2018 usage and FY2019 estimates, the budget number seems sufficient. No change recommended. The Board and the Finance Committee agreed.

Franklin Regional Council of Governments (FRCOG) Assessments

The Board and Finance Committee reviewed a memo from Bryan Smith, Administrative Coordinator, regarding the FY2019 FRCOG budget request. FY2019 assessments for the Cooperative Inspections Program are level funded at \$7,500.00 and the County Radio assessment reflects a slight increase for a total of \$5,269.00 with sufficient funding budgeted in the Police and Fire Department budgets. The FRCOG Statutory and Regional assessment has increased significantly by \$11,462.00 for a total of \$52,397.00. This increase is tied to the Town's EQV. The Board and the Finance Committee expressed their displeasure with this increase, but acknowledged that the funding formula dictates the change and agreed to make the budget amendment.

Health, Life, and Dental Insurance

The Board and Finance Committee reviewed a memo from Bryan Smith, Administrative Coordinator, regarding the FY2019 Health, Life, and Dental Insurance budget request. After reviewing the premium increases of approximately 4.7% for health insurance and a review of the Life and Dental premiums, it is the recommendation of the Treasurer to increase the FY2019 Insurance budget request by \$28,000.00 to a total of \$1,188,000.00. The Board and the Finance Committee agreed.

Council on Aging

Chairman Smith asked the Board and the Finance Committee to reconsider the budget request for the Council on Aging for the part-time position for meal site coordination. **Chairman Smith** raised the concern about appropriating sufficient funding to allow for negotiating an appropriate hourly wage, noting that Life Path is currently offering \$13.00 per hour. **Chairman Smith** suggested amending the budget request to all for funding for \$14.00 or \$15.00 per hour. **Selectman Bembury** expressed his support for the amendment. Arthur Johnson spoke to the range of responsibility for the proposed position and the challenge of attracting a strong candidate with the compensation limited to \$12.00 per hour. **Chairman**

Smith suggested amending the Council on Aging's part-time staffing line to \$11, 700.00. The Board and the Finance Committee agreed to the change.

Public Library

Following the previous discussion, **Selectman Bastarache** raised the question of a similar thought process for the proposed part-time position of library assistant. The proposed FY2019 budget requested funding to all for a wage of \$15.00 per hour. **Selectman Bastarache** asked Barbara Friedman, Library Director, if that request provided sufficient funding to attract candidates. Barbara explained that the Library would appreciate additional funding for staff and noted a concern about the impact of lower hourly wages on the ability of the Town to attract and maintain employees. The Board and Finance did not make a change to the proposed part-time staffing request for the Library and noted that they would consider it.

Review of Special Town Meeting Warrant

The Board and the Finance Committee reviewed a draft Special Town Meeting warrant articles.

Appropriation for the Riverfront Park Construction Project

The request is to appropriate the funds for the final construction costs of the Riverfront Park and to rescind the borrowing authority. The Board and the Finance Committee had no concerns about the draft article.

Finance Committee Recommendation: Arthur Johnson made a motion to recommend approval of the article. Shirley Holmes seconded. Unanimously approved.

Appropriation for the FY2018 General Government Budget

The request is to appropriate the \$14,493.00 that was presented during the FY2018 budget process but was erroneously left out of the vote on the General Government budget. The request is to The Board and the Finance Committee had no concerns about the draft article. **Finance Committee Recommendation:** Arthur Johnson made a motion to recommend approval of the article. Shirley Holmes seconded. Unanimously approved.

Appropriation for the FY2018 Culture & Recreation Budget

The request is to appropriate \$4,200.00 to amend the Library budget and allow for additional substitute staffing. The Board and the Finance Committee discussed the request with Barbara Friedman, Library Director. Barbara explained that she recommends keeping the temporary funding through June 30, 2018. The Board and the finance Committee asked that the article explanation to be amended to clarify that the funding is for substitute staffing. **Finance Committee Recommendation:** Arthur Johnson made a motion to recommend approval of the article. Shirley Holmes seconded. Unanimously approved.

Appropriation for the Purchase of Library Computers in FY2018

The Board and the Finance Committee reviewed the request for \$1,800.00 for the purchase of two (2) laptops for public use. Barbara Friedman, Library Director, explained the intended use for the computers. Arthur Johnson asked whether or not the amount requested was necessary. The Board discussed the cost of computers designed for public use and noted that the request for two (2) machines was reasonable. **Chairman Smith** asked Barbara how many public use devices the Library offers. Barbara reviewed the technology inventory of the Library. **Chairman Smith** asked Barbara what the anticipated useful life of the equipment is. Barbara explained that the Library tries to replace computers after three (3) years. **Selectman Bembury** asked how the Library assesses appropriateness of games that patrons play on computers. Barbara explained that the Library has a few accounts that patrons are accessing and that the Library is very thoughtful about appropriateness. Barbara noted that patrons are not censored. **Selectman Bastarache** encouraged the Library to review gaming policies from other entities, noting that

the School may be able to provide an example. Barbara explained that a computer use policy is in place. **Finance Committee Recommendation:** Daniel Hammock made a motion to recommend approval of the article. Arthur Johnson seconded. Unanimously approved.

Appropriation for the FY2018 Public Works Budget

This article requests an amendment to the Highway Departments budget in the amount of \$15,000.00. This request in response to unanticipated expenses related to pedestrian and traffic safety work being done as well as equipment repairs related to the extreme period of cold weather that impacted equipment fuel systems. **Finance Committee Recommendation:** Shirley Holmes made a motion to recommend approval of the article. Arthur Johnson seconded. Unanimously approved

Selectman Bastarache questioned the need for free cash transfers at this stage of the fiscal year versus monitoring the situations until the end of the fiscal year and conducting the necessary line item transfers as allowed by law. The Board discussed the line item transfer process.

Appropriation for the purchase of a Utility Van

This request is for an appropriation to purchase a utility van for use by the town wide building custodian. The Capital Planning Committee recommended this project for FY2018. Glenn McCrory, Highway Foreman, asked the Board and the Finance Committee to consider removing this article from the Special Town Meeting warrant and including it in the FY2019 capital budget. Instead he proposed moving the purchase of a dump truck, in the amount of \$110,000.00, that is scheduled for replacement in 2019 out of the FY2019 capital plan and moving it to FY2018. The current truck has had \$7,000.00 of repairs conducted over the last two (2) years and it is currently experiencing similar issues. Glenn explained that 2010 Ford introduce twin turbos that are problematic and the part is not covered by the warranty. Glenn explained that he is concerned that the twin turbo will need it be replaced again. **Selectman Bastarache** asked if there is still a value to the truck if the twin turbos are at risk of failure. Glenn explained that he believes that the truck should have a decent value on resale or trade-in. **Selectman Bembury** asked how long the Town should expect a dump truck to have for a useful life. **Selectman Bastarache** explained that the Capital Planning Committee had discussed this issue and that for a truck, 8 years of useful life is expected and that by the time a new truck is received the current truck will be between 9 to 10 years old. Glenn noted that the quote for the dump truck includes a multi-purpose stainless steel body that can be repurposed onto a future cab and chassis. Glenn explained that the truck is a custom order that can take up to 10 months to fill. **Chairman Smith** discussed a strategy for introducing the project ahead of time to ensure there is a new truck in place for winter 2019. The Board and the Finance Committee agreed to the change. **Finance Committee Recommendation:** Arthur Johnson made a motion to recommend approval the amended of the article. Shirley Holmes seconded. Unanimously approved

Appropriation for FY2017 Expenses

This article requests and appropriation to pay expenses from a prior year. These invoices were unknown at the close of FY2017. **Recommendation:** Daniel Hammock made a motion to recommend approval of the article. Shirley Holmes seconded. Unanimously approved

To Amend the Winter Snow, Ice, Sleet, and Parking Bylaw

The proposed article changes Section 8 regarding violations and penalties to establish a specific fine of \$25.00 for the first offense instead of the phrase "up to" which was deemed not specific by the Attorney General's Office. **Finance Committee Recommendation:** Daniel Hammock made a motion to recommend approval of the article. Arthur Johnson seconded. Unanimously approved

Resolution in Support of the Remediation and Redevelopment of the Milers Falls Paper(IP) Mill Property

This article provides a resolution required by Mass Development to submit an application for Brownfields Financing for the remediation of hazardous materials at the former IP Mill. **Finance Committee Recommendation:** Daniel Hammock made a motion to recommend approval of the article. Shirley Holmes seconded. Unanimously approved

At 9:05 PM Daniel Hammock made a motion for the Finance Committee to adjourn. Shirley Holmes seconded. Unanimously approved.

Barbara Friedman, Library Director, informed the Board of Selectmen of budgetary concerns for the Library and encouraged an earlier scheduling of a Special Town Meeting for March 2018. Barbara stated that without additional funding, the Library may be required to close early on some days.

Discussion of Draft Invitation for Bid (IFB) for Trash & Recycling Contract

The Town's current contract with Duseau Trucking will expire on June 30, 2018. This requires the Town to conduct a new procurement process for a multiyear contract. The Board reviewed a draft IFB and sample contract for this service based on the Town's past agreements. The Franklin County Solid Waste Management District provides procurement support for the contract and is recommending a two (2) year agreement with the option to extend for three (3) 1-year terms. The reason is that the recycling center that the County uses has an agreement through June 30, 2020 and there is some uncertainty about recycling options in FY2021. The Board discussed alternatives to conducting an IFB process. Bryan Smith, Administrative Coordinator, explained that the Town could review the statewide contract to see if the terms of the contract and the available vendors could provide the Town with the necessary services. The Board asked to review the available State contract. The Board will review at their next meeting.

Discussion of Draft Zoning Bylaw Amendment Regarding Marijuana

Take a read. Jacquelyn Boyden, Planning Board Chair, joined the Board to discuss an overview of the draft bylaw amendment. The draft bylaw amendment was provided by FRCOG's Planning Department. The Board has made some edits. In particular, the Board is concerned about excessive setback requirements that would prohibit a facility from operating in the Central Village zone. The Planning Board has requested feedback from Town Counsel. The Board is next scheduled to meet on February 15, 2018. Jacquelyn noted that the Planning Board has additional bylaw amendments for a future Town Meeting warrant.

Discussion of Information Technology Support

The Board passed over this topic and will discuss at their February 5, 2018 meeting.

Review of Meeting Minutes from January 17, 2018

The Board passed over the review of meeting minutes for Wednesday, January 17, 2018 until their February 5, 2018 meeting.

Adjournment

At 9:30 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. Unanimously approved.

Respectfully Submitted,



Bryan Smith
Administrative Coordinator