

Selectmen Present: Jacob Smith, Scott Bastarache, William Bembury

Also Present: Bryan Smith, Philip Wonkka, Vivek Kulkarni, Mike Reider, Ralph Cutter, Tom Newton, Ben Thompson, Morris Housen, Jennifer Johnson, Mary Walker, Jeanie Schermesser, Deb Smith, Wory Parcell, Jerry Bucci, Russ Breault, Doug Black, Cynthia Cormier, Shannon Bordeaux, Ty Bordeaux, Rebecca Hubbard, Charles Zilinski, Glenn McCrory, Charles Housen, Marjorie Housen

Press: Mary Williams, Athol Daily News; Kathleen Nolan, Montague Reporter; Miranda Davis, The Recorder

At 6:30 PM **Chairman Smith** called the meeting to order.

Erving Industries 3rd Party Wastewater Agreement

Morris Housen, President, and representatives from Erving Industries Inc. joined the Board to discuss the renewal of the agreement for Amendment #4 regarding the Treatment of Third Party Wastewater. Morris explained that Erving Industries Inc. is prepared to accept sludge for POTW#1 with conditions and would like the annual fee to the Town to be 10% of annual revenue without a minimum of \$50,000. Ralph Cutter discussed considerations for accepting sludge from POTW#1 which includes: odor risk, system upset risk to POTW#2, NPDES Permit violation risk, cost, regulatory penalties, pass through risk, beneficial use risk, and the risk of a mill shutdown. **Chairman Smith** asked if these concerns include the same risks that all third party contributors pose. It was acknowledged that the risks are the same.

Ralph explained that if sludge from POTW#1 is accepted at POTW#2, there would have to be conditions which includes: the acceptance should be in the agreement for Amendment #4, that the Chief Operator of POTW#2 will have the right to refuse any sludge at any time, there will need to be a 12 month trial period, and the Town must follow the receiving protocol used by POTW#2 for third party waste. Additionally, it was explained that Erving Industries is not concerned with accepting approximately 200,000 gallons of sludge from POTW#1, but an increase from that could be of concern, so the arrangement should include a monitoring of the volume of sludge being delivered to POTW#2. **Selectman Bembury** asked if the proposed 12 month trial period was the same for all other third party wastewater contributors. Ben Thompson, Chief Operator, explained that some trial periods have been much shorter than 12 months. Ralph Cutter provided a presentation regarding the finances of operating POTW#2 between 2007 and 2017.

Morris summarized Erving Industries Inc. counter proposal for the acceptance of sludge from POTW#1 with the previously discussed conditions, to pay an annual fee to the Town of 10% of the revenues generated by accepting third party waste without a minimum fee, and that the agreement remain in the agreement for Amendment #4. **Chairman Smith** stated his appreciation for the consideration given to the acceptance of sludge from POTW#1. **Chairman Smith** stated that he would want Peter Sanders, Chief Operator, to review the incoming conditions and add additional language regarding how to address a situation where an extended period of time is experienced with POTW#2 refusing to accept sludge. **Chairman Smith** stated that he understood the Mill's revenue and expense analysis. **Chairman Smith** and **Selectman Bastarache** noted that they are agreeable to a 200,000 gallon limit on sludge from POTW#1 to be treated at POTW#2. **Selectman Bastarache** explained that he is open to the proposed 12 month trial period. **Chairman Smith** agreed to the proposed 12 month trial and discussed the need to include a termination clause if there is an issue. **Chairman Smith** further explained that he doesn't have an issue with the right for the Chief Operator to refuse acceptance, but does want to address a situation of long term refusal. **Chairman Smith** stated that he would like the acceptance of sludge from POTW#1 to be part of the base agreement and not the agreement for Amendment #4. **Chairman Smith** added that he is comfortable with the fee structure of 10% of revenue from third party wastewater receipts with no minimum fee.

Morris asked for an explanation as to why the Board wanted the acceptance of sludge from POTW#1 to be added to the base agreement instead of the agreement for Amendment #4. **Chairman Smith**

explained the Board's position is to ensure that the acceptance of sludge from POTW#1 is not tied to whether or not Erving Industries chooses to accept third party wastewater.

Tom Newton explained to the Board that the ten (10) year extension of the base agreement is the sole discretion of Erving Industries Inc. **Chairman Smith** explained that he understood and that the Board is simply asking them to consider an amendment. Ben Thompson explained that only a catastrophic issue would prevent POTW#2 from accepting third party waste. Tom explained his rationale for suggesting that the acceptance of treated sludge fits within the category of third party waste acceptance in Amendment #4.

Representatives from Erving Industries Inc. recessed from the meeting at 7:22 PM.

Review of Meeting Minutes from Monday, July 10, 2017

The Board reviewed meeting minutes from Monday, July 10, 2017. **Selectman Bastarache** made a motion to approve the meeting minutes from July 10, 2017 as written. **Selectman Bembury** seconded. Unanimously approved.

At 7:25 PM **Chairman Smith** recused himself

Firefighter II Position Screening Committee Appointment

The Board reviewed a letter of interest from Carolyn Warger-Czernich to serve on the Screening Committee for the Firefighter II- EMT/B position. **Selectman Bastarache** read the request and explained that Carolyn asked if there would be a concern about her being a member of the call force. **Selectman Bastarache** stated his support for her appointment. **Selectman Bembury** stated he had no concerns. It was clarified that the office did not receive any other letters of interest from the community. **Selectman Bastarache** made a motion to appoint Carolyn Warger-Czernich to the Firefighter II-EMT/B Position Screening Committee. **Selectman Bembury** seconded. Passed.

At 7:29 PM **Chairman Smith** rejoined the meeting.

FY18 FCSWD Memorandum of Understanding

The Board reviewed the memorandum of understanding between the Town of Erving and the Franklin County Solid Waste Management District for the hauling and disposal of sludge for Fiscal Year 2018. **Chairman Smith** made a motion to sign the agreement between the Town of Erving and the Franklin County Solid Waste Management District for Fiscal year 2018. **Selectman Bembury** seconded. Unanimously approved.

Building and Ground Maintenance Screening Committee

Glenn McCrory, Highway Foreman, joined the board. Glenn requested the establishment of a Building & Grounds Maintenance Position Screening Committee. Glenn made a recommendation for a five (5) member committee that would consist of Glenn McCrory, Michael Gordon, Jacob Smith, Alison Rollins, and Paula Betters. **Chairman Smith** made a motion to establish a five (5) member Building & Ground Maintenance Position Screening Committee and appoint Jacob Smith, Glenn McCrory, Michael Gordon, Alison Rollins, and Paula Betters. **Selectman Bembury** seconded. Unanimously approved. Bryan Smith, Administrative Coordinator, informed the Board that 14 applications had been received. The Screening Committee will meet on Monday, July 31, 2017 at 6:00 PM at Senior & Community Center, 1 Care Drive, Erving, MA.

Cell Phone Authorization Requests

The Board reviewed a cell phone authorization request for Rebecca Walsh, Custodian, submitted by the Highway Department. **Chairman Smith** made a motion to approve the request. **Selectman Bastarache** seconded. Unanimously approved.

Copy of Approved Meeting Minutes
The Board reviewed a cell phone authorization request for Julie Wonkka, Treasurer. **Chairman Smith** made a motion to approve the request. **Selectman Bastarache** seconded. Unanimously approved.

IT Department Surplus Equipment Request

The Board reviewed a request from Jacquelyn Boyden, IT Coordinator, to deem the following equipment surplus:

- Printer Duplexer part number JPBLB27350
- Dell Latitude E5500 Laptop
- Dell Optiplex GX270 OQrQ231
- Dell Optiplex Gx620 HNW6081

The Board discussed the value of the equipment and whether it was worth gifting to a non-profit organization. The Board discussed the need to remove and destroy the hard drives of each computer, leaving the equipment with little value. **Chairman Smith** made a motion to approve the request and deem the equipment surplus. **Selectman Bastarache** seconded. Unanimously approved.

Letter of Commendation – Police Department

Chairman Smith read a letter of commendation from Chief Blair regarding the service of Officer James Loynd. **Chairman Smith** echoed the commendation of Officer Loynd and expressed his appreciation for Officer Loynd's service to the Town of Erving and the Massachusetts Internet Crimes against Children taskforce. The Board shared the sentiment. The letter will be added to Officer Loynd's personnel file.

Millers Fall Paper (IP) Mill Hazardous Materials, Demolition & Site Preparation

Chairman Smith explained where the Town is with the hazardous materials cleanup and future redevelopment of the former mill site. **Chairman Smith** explained that the Town had applied for competitive Brownfields Cleanup funding, but did not receive a grant award. Bryan Smith, Administrative Coordinator, discussed an opportunity to apply for Brownfields Cleanup funding from Mass Development. The discussion with Mass Development representatives indicated that the Town could likely obtain the \$200,000 in funding necessary to remediate the hazardous materials at the site. Repayment terms for the funding included a term of 30 years, no interest, and obligation to repay when increased value is realized at the property. The Town would be responsible for paying back 15% of the realized increased value up to the amount obtained through the program. The Board agreed to pursue the application.

The Board began to review the estimated probable demolition and site preparation costs for concepts 1 & 2 of the Tighe & Bond feasibility study.

At 7:54 PM representatives from Erving Industries Inc. rejoined the Board.

Erving Industries 3rd Party Wastewater Agreement (continued)

Morris Housen explained that Erving Industries is not willing to change the base agreement to include acceptance of wastewater from POTW#1. Morris did explain that he is willing to accept sludge from POTW#1, in accordance with the conditions previously discussed, as part of the renewed agreement for Amendment #4 and they accept the amended annual fee of 10% of revenues received with no minimum fee. Morris stated that Erving Industries Inc. would be willing to extend the term of the agreement for Amendment #4 for a period up to ten (10) years if the Board would be interested in doing so.

Selectman Bembury stated he was open to a ten (10) year term for the agreement with Amendment #4.

Chairman Smith stated he appreciated the extended term option and explained that he is concerned about how that would work with the 12 month trial period. **Chairman Smith** proposed a one (1) year agreement, to allow for the trial period, with the option to extend for a ten (10) year agreement per the approval of Erving voters at Annual Town Meeting. Morris Housen agreed to the proposed term. Bryan Smith, Administrative Coordinator, will work with Morris and legal representation to draft the new agreement.

Chairman Smith made a motion to extend the current third party wastewater agreement until August 31, 2017. **Selectman Bastarache** seconded. Unanimously approved.

At 8:10 PM representatives from Erving Industries Inc. left the meeting.

Millers Fall Paper (IP) Mill Hazardous Materials, Demolition & Site Preparation (continued)

The Board resumed the discussion of clean-up activities, demolition, and redevelopment options for the former mill site. **Chairman Smith** stated that he would like the Board to schedule public meetings to discuss options with the public and to garner feedback. The Board agreed and asked that a meeting be scheduled for late September 2017. **Selectman Bembury** requested a site visit to look Building 8. The Board agreed. **Selectman Bastarache** stated that he would be comfortable with presenting both concept 1 and 2 to the public, but would like greater understanding of which concept is the most viable from experts in the field. The Board agreed that they would like to have Tighe & Bond present their report at the meeting. **Selectman Bastarache** stated that he would want potential developers to attend the meeting. Bryan Smith, Administrative Coordinator will coordinate with Mass Development, FRCOG, and Tighe & Bond for support.

Mass DOT Equipment Agreement with French King Bridge

The Board reviewed responses from the Massachusetts Department of Transportation (Mass DOT) to the questions that were generated at the last meeting. **Chairman Smith** explained that the Town's Legal Counsel would like additional time to assess concerns. **Selectman Bastarache** stated that he felt better about moving forward with the agreement knowing that the Town of Gill is willing to partner with the Town of Erving and are comfortable with Erving serving as the lead town. **Selectman Bastarache** explained to those in attendance where the Board was concerned about the difference in understanding between the Towns and Mass DOT. **Selectman Bembury** stated he had attended some of the initial meetings and recalls that Mass DOT had not stated that they would take over long term maintenance of the equipment, but he does not recall Mass DOT taking a position on the future relationship, noting that they mainly listened to the Towns' concerns. **Selectman Bembury** stated his belief that the Town should move forward and sign the agreement. **Chairman Smith** made a motion to sign the agreement with the Massachusetts Department of Transportation for the surveillance cameras at the French King Bridge, pending legal counsel review. **Selectman Bastarache** seconded. Unanimously approved.

Bryan Smith, Administrative Coordinator, will begin working with the Town of Gill to draft an agreement.

Executive Session

At 8:51 PM **Chairman Smith** made a motion to enter Executive Session pursuant to Massachusetts General Law Chapter 30A Section 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements.

A roll call vote was taken:

Chairman Smith	Aye
Selectman Bembury	Aye
Selectman Bastarache	Aye

The Board did not return to regular session

Respectfully Submitted,



Bryan Smith
Administrative Coordinator

Erving Board of Selectmen