

TOWN OF ERVING

**Meeting of the
 SELECT BOARD / WATER COMMISSIONERS**
**Followed by a Joint Meeting of the
 SELECT BOARD, FINANCE COMMITTEE
 & CAPITAL PLANNING COMMITTEE**
 To be held at the Senior & Community Center
 1 CARE DRIVE, ERVING, MASSACHUSETTS 01344

Jacob A. Smith, Chair
 Scott Bastarache
 James Loynd
Select Board

Bryan Smith
Town Administrator

Meeting Agenda Monday, March 25, 2024

This meeting is open to the public.

Scheduled Business

<i>Time</i>	<i>Agenda Item</i>
6:30 PM	Call to Order
7:00 PM	Joint Meeting with the Finance Committee & Capital Planning Committee- Review and Discussion Regarding FY2025 Operating & Capital Budget Requests and Recommendations and the Annual Town Meeting Warrant Draft

Old Business

<i>Agenda Item</i>	<i>Section</i>
Review Surplus Equipment Request- Public Library- 4 th Read	1
Review Surplus Equipment Request- Recreation- 3 rd Read	2
Review of Draft Landscaping Services IFB	3
Review & Discussion Regarding FY2025 Operating & Capital Budget Requests and Recommendations	4

New Business

<i>Agenda Item</i>	<i>Section</i>
Review of Meeting Minutes: August 29, 2022, March 13, 2023 & February 26, 2024	5
Review of Annual Town Meeting Warrant Draft	6
Filing for Intervenor Status in the FERC Relicensing Process for the Northfield Mountain Project	7
Participate in Shared FERC Legal Costs	8

Other Business

Signing of the Treasury Warrant

Anticipated Next Meeting Dates

Monday, April 1, 2024

Monday, April 22, 2024

Note: These agenda items and estimated times are those reasonably anticipated by the Chair. Not all items listed may in fact be discussed and other items not listed may be brought up for discussion. Estimated agenda times may need to be changed on the night of the meeting for the sake of expediency. Section numbers correspond to agenda packets and are not an indication of the order of the agenda

Town of Erving

Select Board Public Meeting Participation Guidance

The Select Board welcomes residents to communicate questions, comments or concerns. Participants at Select Board meetings are notified that the meetings are both video and audio recorded, and comments provided will become part of the record. While offering public input, it is important that the Select Board is also allowed enough time to conduct their other business. The following guidelines have been established to make the best use of time at Select Board meetings.

1. To request time on the Select Board agenda, persons must contact the Town Administrator at (413) 422-2800, Ext.1102 or at SBRequests@erving-ma.gov by noon on the Tuesday before the meeting.
 - a. Requests will be submitted to the Chairperson for consideration and scheduling.
 - b. Supporting documentation related to the request must be provided to the Administrator's office by noon on the Thursday prior to the meeting. The Chairperson may remove requested agenda topics that are made without supporting documentation.
2. The Select Board encourages public participation as follows:
 - a. Town residents can bring comments before the Select Board that require discussion and are on the agenda, only after being recognized by the Chair. If your issue is not on the agenda, you may bring it up under "Future agenda items".
 - b. "Topics not anticipated" should be brought to the Chair for possible consideration prior to the meeting.
 - c. Please try to keep your comments short and to the point.
 - d. If it appears that the topic(s) being discussed will consume longer than the time allocated then, at the discretion of the Chair, the matter will be placed on an upcoming Select Board meeting agenda.
 - e. If you believe that your topic will require more time or desire to make a more formal presentation than is allowed under these guidelines, please contact the Town Administrator to ask to be put on a future agenda so that we can properly allocate enough time.
 - f. You are free to ask questions or to make your point for all to consider. However, engaging in active debate with Select Board or audience members will not be allowed.
 - g. All comments and questions must be directed to the Chair of the Select Board per MGL Chapter 30A, Section 20(g).
 - h. Participants are expected to speak from the presenter/guest table.
3. Employees and Board members who have business with the Select Board should be placed on the agenda beforehand (see Item # 1.).
4. Anyone wishing to contact the Select Board in writing may do so at:

Town of Erving, Attn: Select Board, 12 East Main Street, Erving, Massachusetts 01344

Alternatively, members of the public can complete a Select Board submission form at the meeting sign in table and office staff member will follow up.

The Select Board appreciates your cooperation in honoring these guidelines.

From Massachusetts Attorney General Official Website

What public participation in meetings must be allowed?

Under the Open Meeting Law, the public is permitted to attend meetings of public bodies but is excluded from an executive session that is called for a valid purpose listed in the law. Any member of the public also has a right to make an audio or video recording of an open session of a public meeting. A member of the public who wishes to record a meeting must first notify the Chair and must comply with reasonable requirements regarding audio or video equipment established by the chair so as not to interfere with the meeting. The Chair is required to inform other attendees of such recording at the beginning of the meeting.

While the public is permitted to attend an open meeting, an individual may not address the public body without permission of the Chair. An individual is not permitted to disrupt a meeting of a public body, and at the request of the Chair, all members of the public shall be silent. If after clear warning, a person continues to be disruptive, the Chair may order the person to leave the meeting, and if the person does not leave, the Chair may authorize a constable or other officer to remove the person.

Library Surplus / Recycling

February 2024

The library has the following items to get rid of.

Surplus items that may be of interest:

- Acoustic guitar
- Egyptian framed art
- Desktop hanging file folder rack
- Furniture moving pads with wheels (2) (seen in picture under printer)

To be recycled/discarded:

- Large format printer
- Paper cutter with broken handle
- iMac
- Dell desktop all in one (3)
- Kindle (6)

Pictured but not available: coats, blue plastic storage bin, rolled calendar



Surplus Property Disposition Request

Department/Board/Committee <u>Recreation Commission</u>	Request Date: <u>2/24/2024</u>
Item(s) to be disposed of: <u>Tennis Courts and Fence at Veteran's Field</u>	
Estimated Value of Item: <u>Trash and recycle the fence</u>	
Description of Item: <u>See attached fixed asset sheet with item descriptions; including make, model, and serial #</u>	
Reason for Request: <u>The Tennis courts are currently is disrepair and unable to be used. We have plans to do a complete renovation of the Park and in the redesign will have tennis courts but not in the current location.</u>	
Recommended Disposition: <u>We have spoken with Glenn McCrory and the DPW will demolish the tennis courts and fence.</u>	
 Department Head Signature	<u>2/24/24</u> Date

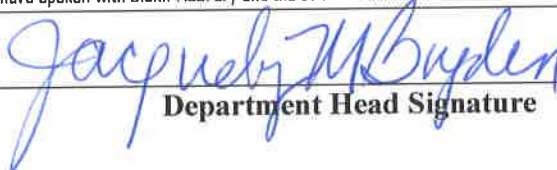
Select Board Review

Board Decision:	Approved <input type="checkbox"/> Denied <input type="checkbox"/>
Board Comments:	
Select Board Signatory	Date

Chief Procurement Officer

Method of Disposition:	Under \$10,000	\$10,000 or More
	<input type="checkbox"/> Advertise Newspaper	<input type="checkbox"/> Sealed Bids
	<input type="checkbox"/> Advertise on Website	<input type="checkbox"/> Public Auction
	<input type="checkbox"/> Seek Bids	<input type="checkbox"/> Advertise on Website
	<input type="checkbox"/> Scrap Value	<input type="checkbox"/> Governmental/ Charitable Entity
Date(s) advertised: _____	Other info: _____	
Sold to: _____	\$ Sold for: _____	
Date disposed of: _____	Receipt attached: _____	
Chief Procurement Officer Signature	Date	

Surplus Property Disposition Request

Department/Board/Committee <u>Recreation Commission</u>	Request Date: <u>2/24/2024</u>
Item(s) to be disposed of: <u>Dugouts and Fence including Bleachers</u>	
Estimated Value of Item: <u>zero</u>	
Description of Item: <u>See attached fixed asset sheet with item descriptions; including make, model, and serial #</u>	
Reason for Request: <u>Dugouts are in disrepair and we no longer use the field. Fence is old and needs to come down for our renovations of Veteran's Field</u>	
Disposition: <u>We have spoken with Glenn McCrory and the DPW will demolish the fence and the Fire Chief is willing to use the dugouts for fire practice</u>	
 Department Head Signature	<u>2/24/24</u> Date

Select Board Review

Board Decision:	Approved <input type="checkbox"/>
	Denied <input type="checkbox"/>
Board Comments:	
Select Board Signatory	Date

Chief Procurement Officer

Method of Disposition:	Under \$10,000	\$10,000 or More
	<input type="checkbox"/> Advertise Newspaper	<input type="checkbox"/> Sealed Bids
	<input type="checkbox"/> Advertise on Website	<input type="checkbox"/> Public Auction
	<input type="checkbox"/> Seek Bids	<input type="checkbox"/> Advertise on Website
	<input type="checkbox"/> Scrap Value	<input type="checkbox"/> Governmental/ Charitable Entity
Date(s) advertised: _____	Other info: _____	
Sold to: _____	\$ Sold for: _____	
Date disposed of: _____	Receipt attached: _____	
Chief Procurement Officer Signature		Date

Town of Erving

**Landscape Maintenance
Services**

Invitation for Bids

Procurement # 202403__

Bid Deadline: Tuesday, April 30, 2024 at 2:00 pm

ADVERTISEMENT

Advertisement for Public Works Construction (M.G.L.c. 30 § 39M)

- A. Town Hall & Webpage – March 27, 2024
- B. CommBUYS – March 27, 2024
- C. Central Register – March 27, 2024

CRITICAL DATES

- A. On site prebid meeting –**mandatory** – April 11, 2024, at 9am
- B. Deadline for written questions – April 18, 2024, at 4pm
All Questions Shall be Submitted by EMAIL to bids@erving-ma.gov
- C. Issue Addendum, if necessary – April 23, 2024
- D. Deadline for Submission of Bids – April 30, 2024, at 2pm

ESTIMATED DATES

- A. May 29, 2024– Notice of Award
- B. July 01, 2024– Services begin

There will be an onsite pre-bid meeting starting at the Erving Town Offices at 9:00am on April 11, 2024. This is a **mandatory meeting as the Town believes it is crucial to walk the areas and see the existing conditions before bidding.**

Legal ad:

INVITATION FOR BIDS

The Town of Erving will accept sealed bids for Landscape Maintenance Services on town properties. The contract will be 1 yr. with option to renew 2 additional yrs. Request bid documents from www.erving-ma.gov/bids. Sealed Bids clearly marked "ERVING LANDSCAPE MAINTENANCE BID" are due Tuesday, April 30, 2024 at 2:00PM at Erving Town Hall, 12 East Main Street, Erving, MA 01344. MANDATORY Prebid Meeting is April 11, 2024, at 9:00 AM starting at the Town Hall, 12 East Main Street, Erving, MA 01344. A 5% Bid Bond is required with the bid and 50% Payment Bond is required of the winning bidder. W/M/DBE firms are encouraged to apply. The Erving Select Board, who is the awarding authority, reserves the right to accept or reject any bid as they determine in the public's best interest.

Bryan Smith, Chief Procurement Officer
Town of Erving

PROJECT SPECIFICATIONS

Landscaping Services
Town of Erving

The Town of Erving seeks bids to complete Landscaping Services at multiple locations throughout the Town. The contract is for Fiscal Year 2025 (July 1, 2024 – June 30, 2025) with the Town’s sole option to renew the contract for two additional one (1) year terms at the same cost. The services are outlined on the following. The bid is solicited per MGL Ch 30 §39M.

July 2024	Location	Services
	Town Hall- 12 East Main Street	Weed and Add Mulch-12 Yards
	Fire Station 1- 10 East Main Street	Weed and Add Mulch-2 Yards
	Municipal Lot/Historical Trees	Weed and Add Mulch-4 Yards
	Historical Park- Hanson Court	Weed and Add Mulch-6 Yards
	Fire Station 2- 18 Moore Street	Weed and Add Mulch-2 Yards
	Erving Center Cemetery- Mountain Road	Mowing and line trim as needed
	Holton Cemetery (Old State Road)	Mowing and line trim as needed
August 2024		
	Town Hall- 12 East Main Street	Trim Shrubs and Weed
	Fire Station 1- 10 East Main Street	Trim Shrubs and Weed
	Historical Park- Hanson Court	Trim Shrubs and Weed
	Fire Station 2- 18 Moore Street	Trim Shrubs and Weed
	Municipal Lot/Historical Trees	Trim Shrubs and Weed
	Rte 2 Embankment and Gary Street	Grass Cutting/Line Trim (Leave clumps of wildflowers)
	Erving Center Cemetery- Mountain Road	Grass Cutting/Line Trim
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim
September 2024		
	Town Hall- 12 East Main Street	Weeding
	Fire Station 1- 10 East Main Street	Weeding

	Historical Park- Hanson Court	Weeding
	Fire Station 2- 18 Moore Street	Weeding
	Municipal Lot/Historical Trees	Weeding and cutting by Keyup Brook
	Between Gary Street and Rte 2	Grass Cutting/Line Trim
	Erving Center Cemetery- Mountain Road	Grass Cutting/Line Trim
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim
October 2024		
	Erving Center Cemetery- Mountain Road	Mowing and Fall Clean Up
	Holton Cemetery (Old State Road)	Mowing and Fall Clean Up
March 2025		
	Town Hall- 12 East Main Street	Spring Prune and Fertilize Shrubs -1 1/2 bags plant fertilizer
	Fire Station 1- 10 East Main Street	Spring Prune and Fertilize Shrubs -1/4 bag plant fertilizer
	Historical Park- Hanson Court	Spring Prune and Fertilize Shrubs -2 1/2 bags plant fertilizer
	Fire Station 2- 18 Moore Street	Spring Prune and Fertilize Shrubs -3/4 bag plant fertilizer
	Municipal Lot/Historical Trees	Spring Prune and Fertilize Shrubs -1 1/2 bags plant fertilizer
April 2025		Beginning last week of April
	Erving Center Cemetery-Mountain Road	Grass Cutting/Line Trim
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim
May 2025		
	Erving Center Cemetery- Mountain Road	Grass Cutting/Line Trim/Fertilize
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim
	Riverfront Park- Arch Street	Fertilize
	Hammock Park- Reynolds Street	Fertilize
	Veterans Memorial Field- Moore Street	Fertilize
	Zilinski Memorial Field- Prospect Street Ext.	Fertilize

June 2025		
	Town Hall- 12 East Main Street	Weeding and Pruning Forsythia and Spirea
	Historical Park- Hanson Court	Weeding and Pruning Forsythia and Spirea
	Fire Station 1- 10 East Main Street	Weeding
	Fire Station 2- 18 Moore Street	Weeding
	Municipal Lot/Historical Trees	Weeding and cutting by brook
	Rte 2 Embankment and Gary Street	Grass Cutting/Line Trim (Leave clumps of wildflowers)
	Between Gary Street and Rte 2	Grass Cutting and Trim Bushes
	Erving Center Cemetery	Grass Cutting/Line Trim
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim

Any equipment brought into the cemetery must be authorized by Highway Superintendent.

Appropriate measures must be taken to protect turf, gravestones and subterranean burial containers during cemetery work. All gravestones/markers are to be clear of all debris from grass mowing/trimming prior to completing work at the location. Any damage caused during mowing/trimming activities is to be reported to the Highway Superintendent immediately.

All debris, containers, materials, equipment, and protection materials must be removed from the premises and properly disposed of. All work areas must be in an undamaged and acceptable condition upon completion of clean up for payment to be made.

Payments will be made within 30 days of submission of invoices for work completed and deemed satisfactory by the Highway Superintendent or Town Administrator.

See additional Special Provisions as follows:

SPECIAL PROVISIONS

- A. The Town, at its discretion, MAY hold a start up meeting prior to the start of the work.
- B. In case of failure of the Bidder, after due notification of the contract, to sign the contract or provide appropriate bonds/insurance certificates, the Procurement Officer may, determine the Bidder has abandoned the contract, and thereupon the proposal and acceptance shall be null and void and shall be at liberty to make other contracts with other parties. In the event that a Bid Deposit is required, the vendor will forfeit said deposit to the Town.—A bid deposit is required for this project per MGL Ch30, 39M in the amount of 5% of the Total Year One bid amount. The Bid Deposit may be in the form of a bank/treasurer's check or bond drawn on a licensed surety. Personal checks are not acceptable.

PREPARATION OF BIDS

- A. Bid Prices: The bidder shall submit his bid upon forms furnished by the Town.
- B. The bidder shall specify prices for ALL work. All words and figures shall be in ink. In case of a discrepancy between the prices written in words and those in figures, the written word shall govern. The prices shall, without exception, include all permits and costs involved in the work. Bidders should be able to perform all the services. **Conditional Bids (those that exclude some services) will not be accepted.**
- C. Signatures: All proposals shall be signed correctly with ink in the proper places provided, as follows: If the proposal is made by an individual, his name and post office address shall be given. If the proposal is made by a firm, partnership or corporation, it shall be signed by a person having such legal authority from the firm, partnership, or corporation and the person so signing the proposal shall give his own name and title (if any) in addition to the name and address of the President, Treasurer, and Manager shall be given. If the proposal is made by a firm or partnership, the names and addresses of the individual members shall be given. If the proposal is made by a Corporation, the name of the State under which the laws of the Corporation are chartered and the names, titles, and business addresses of the President, Treasurer, and Manager shall be given

PROPOSAL & CONTRACT GUARANTY REQUIRED

- A. Simultaneously with his/her delivery of the executed contract, the awarded Contractor shall furnish surety bonds as security for faithful performance of this Contract and for the payment of all persons performing labor on the project under this Contract and furnishing materials in connection with this Contract. The surety shall be a duly authorized surety company satisfactory to the Owner.

50% Labor and Materials Payment Bond is required per MGL c30 §39M BASED ON YEAR ONE BID.

REGISTERED TO DO BUSINESS

- A. All Contractors shall be registered to do business within the Commonwealth of Massachusetts. Registration can be obtained through the Corporation Division of the Office of the Secretary. The Commonwealth of Massachusetts (617) 727-9640.

AWARD OF CONTRACT

- A. The low bid will be determined based on the total of all extensions per MGL C.30,§39M .

Should there be two or more bids for this Contract that are identical and where the bidders are determined to all be responsible and eligible in accordance with MGL Chapter 30, §39, the following procedure will be used to determine the winner.

a. The Contract will be awarded to that bidder with its office in THE TOWN OF ERVING

b. If there is no bidder within the TOWN OF ERVING, the bidder within FRANKLIN COUNTY will be chosen.

c. If there is no bidder with its office located within FRANKLIN COUNTY or if there are two or more bidders with offices located with FRANKLIN COUNTY, the award of the Contract shall be determined by the toss of a coin. Such a toss shall be done with two witnesses. The respective bidders will be notified and invited to come to the Town Hall offices.

d. If there are more than two bidders with identical bids, the coin toss method shall be used by selecting the first two bidders in alphabetical order and eliminating one with a coin toss. This process shall be continued until such time as there remains one bidder.

- B. Bidders are required to **disclose all Federal, State, or local agency citations** for the last three years.
- C. The Contractor will **not be permitted to either assign or underlet the contract**, nor assign either legally or equitably any monies hereunder, or its claim thereto without the previous written consent of the Town of ERVING.
- D. If in the judgment of the Town any property is needlessly damaged by an act or omission of the Contractor or his employees, servants, or agents, the amount of such damages shall be determined by the Town designee and such amount shall be deducted from any money due the contractor or may be recovered from said contractor in actions at law.
- E. It should be further noted that all construction safety precautions and/or regulations required by the U.S. Department of Labor, Occupational Safety and Health Administration shall be a condition of this project and shall be strictly enforced.

APPLICABLE LAWS

- A. All applicable laws and regulations of the State of Massachusetts will apply to any resulting agreement, contract or Purchase Order.

BILLING

- A. Invoices are to be mailed to:

TOWN OF ERVING
12 EAST MAIN ST
ERVING, MA 01344

Or by email to accountspayable@erving-ma.gov.

- B. All invoices shall be issued with a minimum term of net 30 days. The Vendor/Contractor cannot impose terms that conflict with this provision.

EQUAL EMPLOYMENT AND SMALL AND/OR MINORITY BUSINESS REQUIREMENTS

- A. It is policy of the Town that small and/or minority business enterprises shall have the maximum practicable opportunity to participate in the performance of public contracts. Bidder agrees that if this bid is accepted, they will not engage in employment practices which have the effect of discriminating against employees or prospective employees because of race, color, sex, religion, national origin, age, handicap, or political belief or affiliation. In addition, bidder agrees by submittal of this bid, that they will abide by all applicable terms and provisions of the Government’s Non-Discrimination Clause and Small and/or Minority Business Clause, Executive Order No. 11246, as amended by Executive Order No. 11375.
- B. No laborer, worker, mechanic, foreman, or inspector working within the Commonwealth, in the employ of the Contractor, Subcontractor or other person doing or contracting to do the whole or a part of the work contemplated by the Contract, shall be required or permitted to work more than eight hours in any one day, except in cases of emergency, the Awarding Authority, being subject to Section 31, of Chapter 149 of the General Laws.

LENGTH OF CONTRACT

- A. The Town, upon written notice of intent to cancel, may cancel any contract for cause. Cancellation by the Town does not relieve the Vendor/Contractor of any liability arising out of default or non-performance.

- | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none">B. The period of this contract will be one year with the Town’s sole option to renew for up to two additional one (1) year terms. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

INSURANCE REQUIREMENTS

- A. The Contractor shall at all times during the Contract maintain in full force and effect Commercial and Employer's Liability, Worker's Compensation, Bodily Injury Liability and Property Damage, and General Liability Insurance, and Umbrella Liability including contractual liability

coverage. All insurance shall be by insurers and for policy limits acceptable to the Town and before commencement of work hereunder the Contractor agrees to furnish the Town certificates of insurance or other evidence satisfactory to the Town to the effect that such insurance has been procured and is in force.

For the purpose of the Contract, the Contractor shall carry insurance per the attached Sample Contract.

The Town shall be named as an additional insured under the liability and automobile insurance. The excess/umbrella liability insurance policy should contain a broad form general liability endorsement.

EFFECTIVE PERIOD OF BIDS

- A. Bids submitted in response to this bid solicitation must be effective for a minimum of 45 days from date of bid opening to allow the Town to tabulate, review, award and administrate the processing of the Contract

INTERPRETATION OF BASIC ESTIMATE OF QUANTITIES

- A. Work under this contract will be done per the Unit Prices as bid.

MATERIAL GUARANTY

- A. All materials (NOT SUPPLIED BY THE TOWN) used shall be of the very best quality of their respective kinds and all of the work performed shall be executed in the most skillful and workmanlike manner and both materials used and work performed shall, in every respect, meet the complete satisfaction of the Supervisor or authorized agent.

GENERAL INSTRUCTIONS TO BIDDERS:

- A. All bids must contain a filled out signed BID FORM. Minor defects on a bid submittal may be waived by the Chief Procurement Officer as long as the error or variation is not prejudicial or preferential to the other bidders and that it may be corrected without affect upon substantive elements of the bid such as, but not limited to, price, quality, payment terms or delivery schedule. Resolution will be determined by the Chief Procurement Officer.
- B. Bids which are incomplete, not properly endorsed or signed, or otherwise contrary to instructions may be rejected as non-responsive by the Chief Procurement Officer. Conditional bids will not be accepted. Any bid arriving after the time and date of bid opening will not be accepted.
- C. The TOWN OF ERVING is exempt from the payment of Federal Excise Taxes and Massachusetts Sales Tax, prices quoted herein are not to include these taxes.
- D. A bidder will be held to the terms and the prices on the bid form for the duration of the contract period if a contract is signed by both parties within 45 days from bid opening. A 50% Labor and Materials Payment Bond (for the total cost of services in FY2025 only) in a form acceptable to the Town will be required from the successful bidder upon contract execution.

BIDDERS SHOULD DOWNLOAD THE BID SPECS FROM: www.erving-ma.gov/bids in order to be automatically be notified of any notices, addenda, meeting changes, etc.

Sealed bids, plainly marked "ERVING LANDSCAPING SERVICES" will be received by the Town of Erving, Attn: Chief Procurement Officer, 12 East Main Street, Erving, MA 01344, until **April 30, 2024, at 2:00PM**, at which time they will be publicly opened and read aloud.

- E. The Town reserves the right to reject any and all bids, in total or in part.
- F. The Contractor will be bound by all applicable statutory provisions of law of the Federal Government and the Commonwealth of Massachusetts.
- G. The Contractor will be required to indemnify and hold harmless the TOWN OF ERVING for all damages to life and property that may occur due to contractor's negligence or that of his/her employees, subcontractors, etc., during the contract.
- H. Any restrictions, qualifications, or deviations from specifications must appear either on the bid form or on an attachment thereto.

I. A contract (or contracts) will be signed between the awarded bidder(s) and the TOWN OF ERVING.

J. Once bids are opened, the Chief Procurement Officer will forward the information to the Select Board for review.

K. All inquiries concerning this bid should be directed to: bids@erving-ma.gov.

L. All awards are dependent on the Town appropriating funding for the work, annually.

M. **OSHA Certification is Required**

All contractors working on public works projects will be required to certify that ALL employees employed at the work site have successfully completed an OSHA approved course in construction safety at least 10 hours in duration. This law requires general contractors to have on file records of all employees OSHA 10- hour training and provide proof to the various agencies in charge of the work. This also applies to all subcontractors, hired trucks, and hired equipment with operators. Every bidder must certify that all persons who are employed by them for this bid are certified. Proof does not have to be submitted with this bid, but must be available upon request or with the first certified payroll, whichever is earlier.

N. Each bidder shall examine all Invitations for Bid documents. Any inquiries, suggestions, or requests concerning interpretations, clarification or additional information pertaining to the Invitation for Bid shall be made through the Chief Procurement Officer. The Town shall not be responsible for oral interpretations given by any Town employee, representative, or others not specified in the document. The issuance of a written addendum is the only official method whereby interpretation, clarification or additional information can be given. If any addenda are issued to this Invitation for Bid, the Town will attempt to notify by email all prospective bidders who have secured same through the Town's bid webpage: www.erving-ma.gov/bids. It is always prudent to check for addenda directly before submitting a bid.

O. Bids shall clearly indicate the LEGAL NAME, ADDRESS, AND TELEPHONE NUMBER of the Bidder (COMPANY, FIRM, PARTNERSHIP, and INDIVIDUAL). Bids shall be signed above the typed or printed name and title of the signer. THE SIGNER SHALL HAVE THE AUTHORITY TO BIND THE BIDDER TO THE SUBMITTED BID.

- P. No part of printed material contained in this Invitation for Bid should be obliterated by Bidder. If Bidder makes an error in any portion of the price quotation and corrects it, any and all such corrections should be initialed by the person signing the bid cover sheet.
- Q. PREVAILING WAGES. The Town Administrator has had a determination from the Mass. Dept of Labor that the work contemplated under this bid will not be subject to prevailing wages UNLESS the Contractor utilizes equipment such as Tractors, Bucket Trucks, etc. Handwork, which includes the use of lawnmowers, for the types of work under this contract will not necessitate the payment of the Prevailing Wage. For work for which Massachusetts Prevailing Wages are required per MGL Ch. 149, the appropriate wage schedule is attached to the bid specifications. Certified Payroll is to be submitted weekly to the Town's Select Board's office at the same address as directed for Invoices. If the bidder is exempt from paying Prevailing Wage (owner/operator), the Town will require written attestation that only the owner/operator will perform work on the premises.
- R. The contract will be awarded to the lowest price responsive and responsible bidder.

Checklist of Required Signed Submittals:

- Bid Form
- Bid Signature Page with Corporate Resolution or List of Partners if applicable
- Tax Compliance Form
- Non Collusion Form
- Debarment Form and Disclosure of any Citations
- OSHA Statement
- References (at least five), public/municipal clients preferred. List current phone numbers and contact names

FORM FOR GENERAL BID

To the Awarding Authority:

The Undersigned proposes to furnish all equipment, labor and materials required for TOWN OF ERVING LANDSCAPING SERVICES in accordance with the Invitation for Bids for the contract prices specified below. IN ALL CASES, WHEN THE TYPE OF SERVICE IS BY THE HOUR OR BY THE JOB, THE EXTENSION SHALL BE FOR ONE HOUR OR ONE JOB. THE ONLY BID EXTENSIONS THAT WILL BE MULTIPLIED ARE FOR THE MULCHING AND FERTILIZING JOBS WITH MULTIPLE YARDS OR MULTIPLE BAGS. SEE BID AWARD INFORMATION BELOW.

<i>MONTH</i>	<i>LOCATION</i>	<i>TYPE OF SERVICE</i>	<i>UNIT COST</i>	<i>TOTAL EXTENSION</i>
July 2024	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
	Town Hall	Weed and Mulch per hour		
	Town Hall	Mulch per yard 12 yds		
	Fire Station 1	Mulch 2 Yards per yard		
	Fire Station 1	Weed and Mulch per hour		
	Municipal Lot/Historical Trees	Weed and Mulch per hour		
	Municipal Lot/Historical Trees	Mulch 4 Yards per yard		
	Historical Park	Weed and Mulch per hour		
	Historical Park	Mulch 6 Yards per yard		
	Municipal Building	Weed and Mulch per hr		
	Fire Station 2	Weed and Mulch per hour		
	Fire Station 2	Mulch 2 Yards per yard		
	Erving Center Cemetery	Mowing and line trim per hour		
	Holton Cemetery (Old State Road)	Mowing and line trim per hour		
<i>MONTH</i>	<i>LOCATION</i>	<i>TYPE OF SERVICE</i>	<i>UNIT COST</i>	<i>TOTAL EXTENSION</i>

	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
August 2024				
	Town Hall	Trim Shrubs and Weed per job		
	Fire Station 1	Trim Shrubs and Weed per job		
	Historical Park	Trim Shrubs and Weed per job		
	Fire Station 2	Trim Shrubs and Weed per job		
	Municipal Lot/Historical Trees	Trim Shrubs and Weed per job		
	Rte 2 Embankment and Gary Street	Grass Cutting/Line Trim (Leave clumps of wildflowers) per hour		
	Erving Center Cemetery	Grass Cutting/Line Trim per hour		
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim per hour		
MONTH	LOCATION	TYPE OF SERVICE	UNIT COST	TOTAL EXTENSION
	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
September 2024				
	Town Hall	Weeding per hour		
	Fire Station 1	Weeding per hour		
	Historical Park	Weeding per hour		
	Fire Station 2	Weeding per hour		
	Municipal Lot/Historical Trees	Weeding and Cutting by Keyup Brook per hour		
	Between Gary Street and Rte 2	Grass Cutting/Line Trim per hour		

	Erving Center Cemetery	Grass Cutting/Line Trim per hour		
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim per hour		
October 2024				
	Erving Center Cemetery	Mowing and Fall Clean Up per hour		
	Holton Cemetery (Old State Road)	Mowing and Fall Clean Up per hour		
<i>MONTH</i>	<i>LOCATION</i>	<i>TYPE OF SERVICE</i>	<i>UNIT COST</i>	<i>TOTAL EXTENSION</i>
	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
March 2025				
	Town Hall	Spring Prune and Fertilize Shrubs per hour		
	Town Hall	Fertilizer -1 1/2 bags plant fertilizer		
	Fire Station 1	Spring Prune and Fertilize per hour		
	Fire Station 1	Fertilizer - 1/4 bag plant fertilizer		
	Historical Park	Spring Prune and Fertilize per hour		
	Historical Park	Fertilizer – 2 ½ bags plant fertilizer		
	Municipal Building	Fertilizer – ¼ bag fertilizer		
	Fire Station 2	Spring Prune and Fertilize Shrubs per hour		
	Fire Station 2	Fertilizer - 3/4 bag plant fertilizer		
	Municipal Lot/Historical Trees	Spring Prune and Fertilize Shrubs per hour		

	Municipal Lot/Historical Trees	Fertilizer - 1 1/2 bag plant fertilizer		
<i>MONTH</i>	<i>LOCATION</i>	<i>TYPE OF SERVICE</i>	<i>UNIT COST</i>	<i>TOTAL EXTENSION</i>
	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
April 2025	Erving Center Cemetery	Grass Cutting/Line Trim/Weeding per hour		
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim/Weeding per hour		
May 2025				
	Erving Center Cemetery	Grass Cutting/Line Trim /Fertilize per hour		
	Erving Center Cemetery	Fertilizer per bag – 1 bag		
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim per hour		
	Riverfront Park	Fertilize per hour		
	Riverfront Park	Fertilizer per bag– 1 bag		
	Veterans Memorial Field	Fertilize per hour		
	Veterans Memorial Field	Fertilize per bag– 1 bag		
	Hammock Park- Reynolds St	Fertilize per bag		
	Hammock Park- Reynolds St	Fertilizer per bag– 1 bag		
	Zilinski Memorial Field	Fertilize per hour		
	Zilinski Memorial Field	Fertilizer per bag– 1 bag		
June 2025				
	Town Hall	Weeding/Pruning Forsythia & Spirea per hour		
	Historical Park	Weeding/Pruning Forsythia & Spirea per hour		
	Fire Station 1	Weeding per hour		
<i>MONTH</i>	<i>LOCATION</i>	<i>TYPE OF SERVICE</i>	<i>UNIT COST</i>	<i>TOTAL EXTENSION</i>

	<i>See addresses in Project Specification Section</i>		Cost per Yard (Mulch)/50 lb Bag (Fertilizer)/ Job/ Hour as indicated	
	Fire Station 2	Weeding per hour		
	Municipal Lot/Historical Trees	Weeding and cutting by brook per hour		
		Grass Cutting/Line Trim per hour		
	Rte 2 Embankment and Gary Street	(Leave clumps of wildflowers) per hour		
	Between Gary Street and Rte 2	Grass Cutting and Trim Bushes per hour		
	Erving Center Cemetery	Grass Cutting/Line Trim per hour		
	Holton Cemetery (Old State Road)	Grass Cutting/Line Trim per hour		

GRAND TOTAL OF ALL EXTENSIONS (ONE YEAR) \$ _____

In Words: _____

Note: The Extensions are for the number of hours shown on the bid form and the bid award will be made based on that amount. However, it is recognized that additional hours, with permission of the Highway Superintendent may be charged at the unit rates herein.

Price for Years Two and Three will remain unchanged if Renewal is elected by the Town.

This bid includes addenda numbered _____

5% Bid Bond is determined by the Grant Total of All Extensions.

The above price includes all labor, parts, tools, materials, equipment, indirect costs and supervision necessary to accomplish the work as specified in this Invitation for Bids.

To the Town of Erving, Massachusetts, (hereinafter called the "Owner") acting through its Selectboard, duly authorized therefore, who act solely for said Town and without personal liability to themselves.

Ladies/Gentlemen:

The undersigned _____, as bidder, declares that the only persons or parties interested in this bid as principals are those named herein; that the bidder has carefully examined the Invitation for Bids and the Specifications (and amendments thereto); and s/he bids and agrees, if this bid is accepted, that the bidder will furnish all materials and labor necessary for the completion of the Work as specified in the Proposal, in the manner and time therein prescribed and according to the requirements of Owner as herein set forth.

The Bidder agrees that the Owner will have thirty (30) consecutive days from date of opening to accept the bid, except as described in the specifications, the unit(s) at the price, therein. The Bidder also understands that the Owner reserves the right to accept or reject any or all bids and to waive any informalities in the Bids if it is in the Owner's interest to do so. The Advertisement for Bidders, Information for Bidders, Specifications and Bid Form attached thereto, shall become a contract upon the receipt by the Bidder of written acceptance of this bid by the Owner.

The Bidder agrees that activities not expressly mentioned in these specifications, but involved in carrying out their intent are will be performed the same as though they were specifically mentioned, described, and delineated - including the provision of incidental equipment and supplies. I/We hereby agree to provide services for which we have provided pricing in accordance with the specifications in this bid and agree to the standard terms and conditions of the sample contract attached.

Pursuant to M.G.L. Ch. 62C, Sec. 49A, the Bidder certifies under the penalties of perjury that, to the best of their knowledge and belief, they are in compliance with all laws of the Commonwealth relating to taxes, reporting of employees and contractors, and withholding and remitting child support.

The undersigned certifies under penalties of perjury that this bid has been made and submitted in good faith and without collusion or fraud with any other person. As used in this certification, the word "person" shall mean any natural person, business, partnership, corporation, union, committee, club, or other organization, entity, or group of individuals.

The undersigned certifies under penalties of perjury that the said undersigned is not presently debarred from doing public construction work in the Commonwealth of Massachusetts under the provisions of Section 29F of Chapter 29 of the General Laws, or any other applicable debarment provisions of any other Chapter of the General Laws, or any Rule or Regulation promulgated thereunder.

The undersigned certifies that all of their employees who will be employed at the work site have successfully passed the OSHA approved 10-hour safety course, and we have proof on file. They also certify that they are able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the work.

Authorized Signature _____ Printed Name _____

Company Name * _____ Date _____

Postal Address _____ Email Address _____

_____ zip _____ Phone: _____

The Office of the Attorney General, Washington, DC, requires the following information on all bid proposals amounting to \$1,000.00 or more:

_____ Federal Tax ID Number (this number is regularly used by companies when filing their "EMPLOYER'S FEDERAL TAX RETURN, U.S." Treasury Department Form 941

*IF A CORPORATION, INCLUDE WITH YOUR BID A CORPORATE RESOLUTION LISTING ALL DULY AUTHORIZED SIGNERS ON BEHALF OF THE CORPORATION AND

CHECK HERE

*IF A PARTNERSHIP, INCLUDE A LIST OF NAMES/ADDRESSES OF ALL PARTNERS AND CHECK HERE

*IF A PROPRIETORSHIP, COMPLETELY FILL OUT INFORMATION ABOVE ONLY AND CHECK HERE

REFERENCES

List AT LEAST FIVE references, preferably for projects of similar and size and scope and for a public entity if you have not provided similar services to the Town of Erving in the past 5 yrs. Make sure contact information is CURRENT. Inability to check references may affect the bid eligibility. You may use your own form if it includes at least all of this information.

1 _____
Type of Work _____ Contract Dates _____
Name of Contact Person _____ Location of Work _____
Phone Number _____ Name of OWNER _____

2 _____
Type of Work _____ Contract Dates _____
Name of Contact Person _____ Location of Work _____
Phone Number _____ Name of OWNER _____

3 _____
Type of Work _____ Contract Dates _____
Name of Contact Person _____ Location of Work _____
Phone Number _____ Name of OWNER _____

4 _____
Type of Work _____ Contract Dates _____
Name of Contact Person _____ Location of Work _____
Phone Number _____ Name of OWNER _____

5 _____
Type of Work _____ Contract Dates _____
Name of Contact Person _____ Location of Work _____
Phone Number _____ Name of OWNER _____

In submitting a bid for this work, the Contractor agrees to the Terms and Conditions of this Sample Contract

SAMPLE CONTRACT

THIS CONTRACT, made and entered into this ___ day of _____, 2024 by and between the Town of Erving, Massachusetts (hereinafter called the "Town" or "Awarding Authority"), and **NAME ADDRESS AND PHONE NUMBER OF CONTRACTOR** (hereinafter called the "Contractor").

WITNESSETH:

WHEREAS, the Contractor did on the _____ day of _____, 2024, submit a Bid for **LANDSCAPING SERVICES** and to perform such work as may be incidental thereto; and

WHEREAS, the Town did on the _____ day of _____, 2021, award said bid to the Contractor;

NOW, THEREFORE, in consideration of the following mutual agreements and covenants, it is understood and agreed by and between the parties as follows:

1. The Contractor is hereby granted the license and privilege within the territorial jurisdiction of the Town of ERVING to perform all of the work called for and described in the Contract Documents.
2. The Contract Documents shall include the following documents, and this Contract does hereby expressly incorporate same herein as fully as if set forth verbatim in this Contract:
 - a. This Instrument
 - b. ATTACHMENT A: The Invitation for Bids and any addenda thereto.
 - c. ATTACHMENT B: The Contractor's Submission.
 - d. The authorization of the governing body authorizing the work and services contemplated herein.
 - e. Insurance Certificates evidencing the Insurance required.
 - f. EXHIBIT: Prevailing Wage Schedule
 - g. Any addenda or changes to the foregoing documents agreed to by the parties hereto.
3. All provisions of the Contract Documents shall be strictly complied with and conformed to by the Contractor, and no amendment to this Contract shall be made except upon the written consent of the parties, which consents shall not be unreasonably withheld. No amendment shall be construed to release either party from any obligation of the contract Documents except as specifically provided for in such amendment.
4. This Contract is entered into subject to the following conditions:
 - a. The Contractor shall procure and keep in full force and effect throughout the term of this Contract all of the insurance policies specified in, and required by, the Contract Documents.
 - b. The Contractor shall not be liable for the failure to wholly perform his duties if such failure is caused by catastrophe, riot, war, governmental order or regulation, strike, fire, accident, act of God or other similar or different contingency beyond the reasonable

- control of the Contractor.
- c. In the event that any provision or portion thereof of any Contract Document shall be found to be invalid or unenforceable, then such provision or portion thereof shall be reformed in accordance with the applicable laws. The invalidity or unenforceability of any provision or portion of any Contract Document shall not affect the validity or enforceability of any other provision or portion of the Contract Document, so long as the contract documents continue to fairly reflect the intent of the parties.
- d. Contractor's faithful performance of all obligations contained herein.

IN WITNESS WHEREOF, We, the contracting parties, by our duly authorized agents, hereto affix our signatures as of this _____ day of _____, 2021.

Town of Erving, Massachusetts

Selectboard

Selectboard

Selectboard

By _____
Authorized signature for CONTRACTOR

Printed Name of above

Company Name _____

Address

Address

CONTRACT GENERAL SPECIFICATIONS

1.00 DEFINITIONS

- 1.01 Town
- 1.02 Contractor

2.00 SCOPE OF WORK

3.00 COMPLIANCE WITH LAWS

- 3.01 Records
- 3.02 Prevailing Wages

4.00 WORKFORCE QUALIFICATIONS

5.00 NON-DISCRIMINATION

6.00 INDEMNITY

7.00 LICENSES AND TAXES

8.00 INSURANCE

9.00 BOND

- 9.01 Performance Bond
- 9.02 Payment Bond – 50% required based on Year One bid

10.00 BASIS OF PAYMENT / APPROPRIATION

11.00 MATERIALS AND EQUIPMENT WARRANTY

12.00 RISK OF LOSS

13.00 TIME FOR COMPLETION OF WORK

14.00 TRANSFERABILITY OF CONTRACT

15.00 MODIFICATIONS

16.00 TERMINATION

17.00 CHOICE OF LAW

18.00 NOTICES

19.00 CONFLICT OF INTEREST

20.00 FORCE MAJEURE

21.00 ENTIRE UNDERSTANDING

1.00 DEFINITIONS

1.01 Town – The Town of Erving, Massachusetts.
Awarding Authority – The Town of Erving, Massachusetts

1.02 Contractor - The person, corporation, or partnership performing **LANDSCAPING SERVICES** under contract with the Town.

2.00 SCOPE OF WORK

The work under this Contract shall consist of the items contained in the Invitation for Bids, including all the supervision, materials, equipment, labor and all other items necessary to complete said work in accordance with the Contract Documents.

3.00 COMPLIANCE WITH LAWS

3.01 The Contractor shall comply with applicable laws, by-laws and codes of the local, state and federal government. The Contractor shall make and keep for at least six years after final payment, books, records, and accounts, which in reasonable detail accurately and fairly reflect the transactions and dispositions of the contractor [MGL c 30 §39R(b)] and make such records available to the Awarding Authority.

3.02 MA Prevailing Wages ARE REQUIRED FOR THIS PROJECT

The Town Administrator has had a determination from the Mass. Dept of Labor that the work contemplated under this bid will not be subject to prevailing wages UNLESS the Contractor utilizes equipment such as Tractors, Bucket Trucks, etc. Handwork, which includes the use of lawnmowers, for the types of work under this contract will not necessitate the payment of the Prevailing Wage. For work that does require the payment of Massachusetts Prevailing Wages, the Contractor shall comply and shall cause its subcontracts to comply with Massachusetts General Law c. 149 § 27B, which requires that a true and accurate record be kept of all persons employed on the project for which the prevailing wage rates have been provided. The Contractor and all Subcontractors shall keep these records and preserve them for a period of six years from the date of completion of the Contract. The Contractor shall, and shall cause its Subcontractors to submit weekly copies of their weekly payroll records to the Awarding Authority. Attention is directed to the "Information about Prevailing Wage Schedules for Awarding Authorities and Contractors" on the attached COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF LABOR STANDARDS Prevailing Wage Rates. All requirements for reporting and posting wages shall be followed by the Contractor when required.

4.00 WORKFORCE QUALIFICATIONS

The Contractor shall: (i) employ competent workers; (ii) enforce strict discipline and good order among the Contractor's employees and other persons carrying out the Work; (iii) not permit employment of unfit persons or persons not skilled in tasks assigned to them. Whenever the Town shall notify the Contractor in writing that any work is, in the Town's designee's opinion, incompetent, unfaithful, disorderly, or otherwise unsatisfactory, such employee shall be discharged from the Work and shall not again be employed on the Work except with the consent of the Town.

If OSHA certification is required by the Contract per MGL Ch. 149, Contractor shall provide OSHA certifications of any personnel on site when requested by the Awarding Authority or with submittal of first Certified Payroll. Contractor certifies that all of their employees who will be employed at the work site have successfully passed the OSHA approved 10-hour safety course, and they are able to furnish labor that can work in harmony with all other elements of labor employed or to be employed in the Work.

5.00 NON-DISCRIMINATION

The Contractor shall not discriminate against any person because of race, color, religious creed, national origin, gender, ancestry, sexual orientation, age, handicap, gender identity, genetic information, military service or any other protected class under the law.

6.00 INDEMNITY

- a. To the fullest extent permitted by law, the Contractor shall defend, indemnify, and save harmless the Town and its respective duly elected or appointed officials, agents and employees from and against all demands, claims, damages, liabilities, losses, costs, and expenses (including, but not limited to, reasonable attorney fees) (referred to collectively as "demands") arising out of or resulting from any work performed pursuant to this Agreement including but not limited to any negligent acts, errors, or omissions of the Contractor, any Subcontractor, or any person directly or indirectly employed by any of them, or by a defect of a product or design supplied by the Contractor or Subcontractor. Such obligation shall not negate, abridge, or reduce in any way any additional indemnification rights of the Town, that otherwise may exist under statute or in law or equity.
- b. The Contractor shall defend, indemnify, and hold harmless the Town from any and all demands relating to wages, overtime compensation, or other employee benefits by employees employed directly or indirectly by the Contractor for work performed in connection with the work hereunder or required by state or federal law, including but not limited to Fair Labor Standards Act and Massachusetts Prevailing Wage Law.
- c. The indemnification obligations of the Contractor and Subcontractor shall not be limited in any way by any limitations on the amount or type of damages, compensations, or benefits payable by or for the Contractor or Subcontractor under any federal or state law.
- d. In the event of a breach of this Agreement by the Contractor, the Contractor shall pay the Town all reasonable attorney fees, costs and other litigation expenses incurred by the Town in enforcing its rights as a result of said breach in addition to any damages for said breach.

7.00 LICENSES AND TAXES

The Contractor shall obtain all licenses and permits (other than the license and permit granted by the Contract) and promptly pay all taxes required by the Town.

8.00 INSURANCE

The Contractor shall at all times during the Contract maintain in full force and effect Employer's Liability, Worker's Compensation, Bodily Injury Liability, Property Damage and General Liability Insurance, including contractual liability coverage for the provisions of Section 5.00. All insurance shall be by insurers and for policy limits acceptable to the Council and before commencement of work hereunder the Contractor agrees to furnish the Council certificates of insurance or other evidence satisfactory to the Council to the effect that such insurance has been procured and is in force.

For the purpose of the Contract, the Contractor shall carry the following types of insurance in at least the limits specified below:

COVERAGES	LIMITS OF LIABILITY
Worker's Compensation	Statutory
Employer's Liability	\$300,000/\$300,000/\$300,000
Automobile Liability	\$500,000 combined single limit for bodily injury and property damage

Contractor's Commercial
General Liability

\$500,000 each occurrence
\$1,000,000 aggregate

The TOWN OF ERVING shall be named as additional insured under the liability and automobile insurance. The general liability insurance policy should contain a broad form general liability endorsement.

9.00 BOND

9.01 Performance Bond – NOT REQUIRED FOR THIS PROJECT

9.02 Payment Bond – REQUIRED 50% of Year One Bid

The Contractor shall be obligated to provide the Town with a payment bond in the amount of 50% of the total amount of the contract in the form provided by the Awarding Authority. The Bond shall be submitted to the Town prior to Contract execution. Premium for the bonds shall be paid for by the Contractor. The bond shall be payable to the Town and be drawn upon a surety company licensed to do business in the Commonwealth of Massachusetts.

10.00 BASIS OF PAYMENT / APPROPRIATION

10.01 Rates - The charges shall not exceed the UNIT COSTS fixed by the Contract Documents, unless amended as allowed in Article 15 of this contract and by the limits of MGL Chapter 30, §39M.

10.02 Appropriation – The Awarding Authority certifies that at the time of the execution of this Contract, sufficient appropriations exist and shall be encumbered to fund the Contract Price. Payments are subject to appropriation and shall be made only for work performed in accordance with the terms of this Contract. The Contractor shall not be obligated to perform, and may not perform, work outside the duration and scope of this Contract without an appropriation amendment to this Contract, and a sufficient appropriation(s) to support such additional work. The Awarding Authority may immediately terminate or suspend this Contract in the event that the appropriation(s) funding this Contract is eliminated or reduced to an amount which will be insufficient to support anticipated future obligations under this Contract.

11.00 MATERIALS AND EQUIPMENT WARRANTY

Materials and equipment to be installed as part of the Work (both or either of which are hereinafter referred to as "materials") shall be as specified and approved by the TOWN and used in accordance with the best construction practices.

The Town may reject unsuitable work, notwithstanding that such work and materials may have previously been accepted for payment. If any part of the Work shall be found defective at any time before the final acceptance of the whole Work, the Contractor shall promptly correct such defect in a manner satisfactory to the Town. If any material brought upon the site for use in the Work shall be deemed as not in conformity with the Contract Documents, the Contractor shall promptly remove such materials from the site.

12.00 RISK OF LOSS

The Contractor shall bear the risk of loss with respect to any of its or its agents' employees or subcontractors' vehicles, equipment or tools brought onto or left at the worksite and for any materials stored at the worksite.

13.00 TIME FOR COMPLETION OF WORK

Time is of the essence of this Contract. The Work shall be completed during the time frame noted

in the IFB subject only to extensions specifically permitted in accordance with the terms of this Contract or by unforeseen circumstances of weather as negotiated with the Town.

14.00 TRANSFERABILITY OF CONTRACT

No assignment of the Contract or any right accruing under this Contract shall be made in whole or in part by the Contractor without the express written consent of the Town, which consent shall not be unreasonably withheld; in the event of any assignment, the assignee shall assume the liability and duties of the Contractor, but said assignment shall in no way relieve the Contractor of his liabilities or duties pursuant to the Contract.

15.00 MODIFICATIONS

No modifications, waiver or change shall be made in the terms and conditions of this Contract, except as may be mutually agreed upon in writing by all parties hereto and as may be permitted by MGL C. 30, §39M.

16.00 TERMINATION

The Town may terminate this Contract by providing the Contractor with written notice if the Contractor violates any of the terms of this Contract.

In the event of suspension, the Town will set forth the specific grounds for the suspension, any actions the Contractor could take to correct the problems or situations, and a stated period of time for the Contractor to comply with the corrections required. Failure to correct the problems or situations that necessitated the suspension within the stated period of time shall be grounds for termination.

The Town shall have the right to terminate this Contract without cause upon fifteen (15) days notice to the Contractor and all preceding paragraphs herein shall be applicable to this termination. See Article 10.02 Appropriation.

17.00 CHOICE OF LAW

This Contract shall be construed under and governed by the laws of the Commonwealth of Massachusetts. The Contractor, and agents thereof, agree to bring any federal or state proceedings arising under this Contract, in which either the Commonwealth or the Awarding Authority is party, in a court of competent jurisdiction in the County of Franklin, Massachusetts. The parties agree to pursue Dispute Resolution before proceeding to Court. This section shall not be construed to limit any rights a party may have to intervene in any action, in any court or wherever, pending, in which the other is a party.

18.00 NOTICES

Any and all notices or other communications required or permitted by this Contract or by law to be served or given to either the Town or the Contractor by the other party shall be in writing and shall be deemed duly served and given when personally delivered to the party to whom it is directed, or in lieu of such personal services when sent by U.S. mail, first-class, postage prepaid, addressed to the **TOWN OF ERVING, TOWN HALL, 12 E MAIN ST, ERVING, MA 01344** or the Contractor at **CONTRACTOR NAME, ADDRESS, PHONE NUMBER**

19.00 CONFLICT OF INTEREST

Each party shall adhere to the provisions of Massachusetts General Laws, Chapter 268A, with respect to the Conduct of Public Employees. In addition, no member, officer, or employee of either party, or its designees, or agents, no member of the governing body of the locality in which the program is situated, and no other public official of such locality or localities who exercises any functions or responsibilities with respect to the program during his tenure or for one (1) year thereafter (or such longer

period as may be provided in Chapter 268A of the Massachusetts General Laws), shall have any interest in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the program assisted under this Agreement. Each party shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest, pursuant to the purposes of this subsection.

20.00 FORCE MAJEURE

The parties shall not be liable for the failure to wholly perform their duties if such failure is caused by catastrophe, riot, war, governmental order or regulation, strike, fire, accident, act of God or other similar or different contingency beyond the reasonable control of the Contractor or the Owner.

21.00 ENTIRE UNDERSTANDING

This Contract, together with all documents included by reference pursuant to Clause 1.03 of this Contract, represents the entire understanding of the parties, and neither party is relying upon any representation not contained herein.

DRAFT

ATTACHMENT A

PREVAILING WAGE CERTIFIED PAYROLL REPORTING FORM

AND PERTINENT WAGE SCHEDULE.

The payment of the Prevailing Wage shall only be required if equipment such as Tractors, Bucket Trucks, etc. are used in the Work.

Handwork, which includes the use of lawnmowers, for the types of work under this contract will not necessitate the payment of the Prevailing Wage.

DRAFT



THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF LABOR
DIVISION OF OCCUPATIONAL SAFETY
PREVAILING WAGE PROGRAM
www.mass.gov/dos/pw

The Massachusetts Prevailing Wage Law
M.G.L. c. 149, §§26-27

NOTICE TO AWARDING AUTHORITIES

The enclosed wage schedule applies only to the specific project listed at the top of the schedule, and these rates will remain in effect for the duration of the project.

You should request an updated wage schedule from the Division of Occupational Safety if you have not opened bids or selected a contractor within 90 days of the date of issuance of the enclosed wage schedule.

The wage schedule shall be incorporated in any advertisement or call for bids for the project for which it has been issued.

Once a contractor has been selected by the awarding authority, the wage schedule shall be made a part of the contract for that project.

NOTICE TO CONTRACTORS

The enclosed wage schedule must be posted in a conspicuous place at the work site during the life of the project.

The wages listed on the enclosed wage schedule must be paid to employees on public works projects regardless of whether they are employed by the prime contractor, a filed sub-bidder, or any sub-contractor.

The enclosed wage schedule applies to all phases of the project, including the final clean-up. Contractors whose only role is to perform final clean-up must pay their employees according to this wage schedule.

All apprentices must be registered with the Massachusetts Division of Apprenticeship Training (DAT) in order to be paid at the lower apprentice rates. All apprentices must keep his/her apprentice identification card on his/her person during all work hours. If a worker is not registered with DAT, they must be paid the "total rate" listed on the wage schedule regardless of experience or skill level. For further information, please call 617-626-5409, or write to DAT, 19 Staniford Street, Floor 1, P.O. Box 146759, Boston, MA 02114.

**WEEKLY PAYROLL RECORDS REPORT
& STATEMENT OF COMPLIANCE**

In accordance with Massachusetts General Law c. 149, §27B, a true and accurate record must be kept of all persons employed on the public works project for which the enclosed rates have been provided. A Payroll Form has been printed on the reverse of this page and includes all the information required to be kept by law. Every contractor or subcontractor is required to keep these records and preserve them for a period of three years from the date of completion of the contract.

In addition, every contractor and subcontractor is required to submit a copy of their weekly payroll records to the awarding authority. This is required to be done on a weekly basis. Once collected, the awarding authority is also required to preserve those records for three years from the date of completion of the project.

Each such contractor or subcontractor shall furnish to the awarding authority directly within 15 days after completion of its portion of the work, a statement, executed by the contractor, subcontractor or by any authorized officer thereof who supervised the payment of wages, this form.

STATEMENT OF COMPLIANCE

_____, 20_____

I, _____,
(Name of signatory party) (Title)

do hereby state:

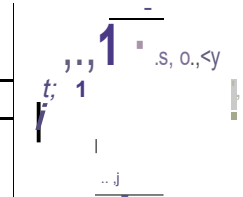
That I pay or supervise the payment of the persons employed by

_____ on the _____
(Contractor, subcontractor or public body) (Building or project)

and that all mechanics and apprentices, teamsters, chauffeurs and laborers employed on said project have been paid in accordance with wages determined under the provisions of sections twenty-six and twenty-seven of chapter one hundred and forty nine of the General Laws.

Signature _____
Title _____

MASSACHUSETTS WEEKLY CERTIFIED PAYROLL REPORT FORM



Company's Name:		Address:					Phone No.:			Payroll No.:								
Employer's Signature:		Title:					Contract No:		Tax Payer ID Number		Work Week Ending:							
Awarding Authority's Name:		Public Works Project Name:					Public Works Project Location:			Mini Wage Rate Sheet Number								
General / Prime Contractor's Name-:		Subcontractor's Name:					"Employer" Hourly Fringe Benefit Contributions											
Employee Name & Complete Address	Work Classification:	Employee rs OSHA 10 certified (?)	Appr Rate (%)	Hours Worked							Project Hours (A) All Oflfer Hours	Hourly Base Wage (B)	Health & Welfare Insurance (C)	ERISA Pensroo Plan (D)	Supp_ Unemp. (E)	Total Hourly Prev_ Wa_ ge (F)	Project Gross Wages Total Gross Wages	Check No_ /HI
				Su.	Mo.	Tu.	We.	Th.	Fr.	Sa.								

Are all apprentice employees identified above currently registered with the MA DLS's Division of Apprentice Standards?
 For all apprentices performing Work during the reporting period, attach a copy of the apprentice identification card issued by the Massachusetts Department of Labor Standards/ Division of Apprentice Standards_

YES 1 NO i
 No apprentices are identified above.

NOTE: Pursuant to MGL c. 149, s. 27B, every contractor and subcontractor is required to submit a **true and accurate** copy of their certified weekly payroll records to the awarding authority by first-class mail or e-mail. In addition, each weekly payroll must be accompanied by a statement of compliance signed by the employer. Failure to comply may result in the commencement of a criminal action or the issuance of a civil citation.



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800
Fax 413-422-2808
Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
James Loynd
Select Board

Bryan Smith
Town Administrator

March 23, 2024

To: Select Board
Finance Committee
Capital Planning Committee
From: Bryan Smith, Town Administrator

RE: FY2025 Budget Planning Update

Attached you will find the budget summary chart. I made the following changes to the budget summary as you all met and made tentative agreements:

- Increased benefits by \$84,000, to a new total of \$2,196,816
- Budgetted \$750,000 for Capital Stabilization
- Reduced the Library Construction repayment from \$273,000 to \$130,067, based on the discussion and the review of the prior Town Meeting warrant articles.

Regarding the anticipated budget deficit of \$365,055 at the end of Monday's meeting, I would like to offer the following for your consideration, as a strategy for closing the deficit and reaching a balanced budget.

Revenue:

- **New Growth:** I traditionally budget \$0 in anticipated new growth when planning our budget unless the Assessing Office is aware of confirmed new growth for the coming fiscal year. With that said, I have reviewed the past 3 fiscal years for new growth (FY22: \$101,376, FY23: \$77,265, FY24: \$43,712; average: \$74,117). You might want to budget with anticipation for some new growth.
- **Estimate Local Receipts:** I traditionally budget conservatively with estimated local receipts because this category includes excise taxes, permits & fees, fines & penalties, interest on accounts, and miscellaneous revenue such as one-time sales of equipment, etc. Because you cannot anticipate or budget one-time occurrences, we really can only rely on estimates for excise taxes, permits and fees. For the FY25 budget drafting, we began with an estimated \$240,000. With that said, I have reviewed the last 3 fiscal years of estimated local receipts (FY22: \$259,964, FY23: \$342,864, FY24: \$368,175; average: \$323,667). You might want to budget with the anticipation of an increase in estimated receipts.

- **Overlay:** For several years, the Town had reserved \$200,000 annually for the Assessors Overlay fund. This fund is used to address abatements and ATB decisions. In FY24, as part of the budget finalization the amount that was budgeted was \$100,000. Planning for FY25, I began with a goal of budgeting \$200,000. To consider how you may want to approach the budget for the Overlay, we hold a budget earmark, but the Assessors finalize the amount that is actually deposited into the fund each year. I reviewed the past 3 fiscal years of Overlay deposits and the fund balance for the beginning of FY24 (FY24 Fund starting balance: \$2,146,377, FY24 Fund deposit: \$150,244, FY23 Fund deposit: \$325,663, FY22 Fund deposit: 307,115). You might want to reduce the Overlay budget hold, which would increase available revenue to budget expenses for.

** I want to acknowledge that we do have pending ATB cases that the Town is awaiting decisions on.

Expenses:

- As for changes to expense requests, I have heard from the School Committee Chair that at the end of the School Committee meeting last night, the Committee intends to reduce the Elementary Education request by approximately \$78,000. I do not have a final updated budget request so that is just an approximation at this time.
- I am hesitant to recommend completely cutting the OPEB contribution. I wonder if you would consider reducing it to \$50,000 for FY25 with a goal to revisit in future years.

I am also going back through sources of Free Cash to see if I can make further recommendations.

**DRAFT FY 2025 Town Of Erving Budget Summary
Raise & Appropriate/ General Fund Free Cash**

DRAFT

3/20/2024

	FY2025
Revenue	
Previous Fiscal Year Levy Limit	\$ 12,422,348
2.5% Allowed by Law	\$ 310,559
Amendment from Previous Fiscal Year New Growth	\$ -
New Growth Estimate	\$ -
Estimated Funds Available to Raise & Appropriate	\$ 12,732,907
Assessors Overlay	\$ (200,000)
State Charges	\$ (229,009)
State Receipts	\$ 749,619
Local Estimated Receipts Projected	\$ 240,000
General Fund Free Cash (as of 3-8-2024)	\$ 747,110
Total Revenue	\$ 14,040,627
Expenses	
General Government	\$ 1,486,731
Public Safety	\$ 1,204,849
Education	\$ 5,876,697
Public Works & Facilities	\$ 774,472
Health & Human Services	\$ 314,292
Culture & Recreation	\$ 434,423
Assessments	\$ 62,100
Benefits	\$ 2,196,816
Wastewater Annual Appropriations R/A	\$ 857,235
Library Construction Repayment to Stabilization * RA	\$ 130,067
Capital Stabilization Deposit- Free Cash & RA	\$ 750,000
Other Special Articles (OPEB, AroundTown, revaluation, buildings, lease, Highway & Bridge) R/A	\$ 318,000
Total Expenses	\$ 14,405,682
Balance of Free Cash and Raise & Appropriate	\$ (365,055)

Notes:

Note: The budget summary reflects the Governor's estimated State receipts and charges. At this time I am not projecting new growth from the Assessor's Office and we are anticipating no changes in local receipts.

Note: Summary does not include Wastewater fees from Montague, Does not include Water Receipts,
Does not include Community Access TV funds

FY 25 Capital Planning Requests

Recommended Requests –

1. **IP Mill Demolition – \$4,000,000 (\$600,000 Grant, \$3.4M Town)** – Committee recommends moving forward with this request. At this time the committee feels a debt exclusion should be sought with a 3yr term. If the one-time debt exclusion is unsuccessful, then we recommend auction of the property.
2. **Update Rec and Open Space Plan – \$25,000** – this plan needs to be current to apply for things such as the PARC grant. Expires in 2025. There is some grant funding that may be available, though we would front full cost up front.
3. **Plow Truck Replacement - \$100,000** – Due to rust/rot and temporary repair this would fall under a safety concern.
4. **IT Computer Replacements - \$35,000** – would update 13 computers.
5. **Feasibility Study Vets Field - \$45,000** – committee agrees this should move forward. The committee expressed concern based on other capital requests received about having several large projects (water tower and Zilinski Field overhaul) going at one time. Will revisit rec's plans for upcoming fiscal years if a successful PARC grant is obtained.
6. **POTW #1 Fencing - \$63,600** – DEP requirement.
7. **Senior Housing Matching Funds - \$448,188** – The committee supports moving forward with the senior housing project and this request. The exact source of funds still needs to be determined.
8. **Care Drive Pump Station - \$1,000,000** – This is needed for senior housing. The exact source of funding is yet to be determined.
9. **Hazard Mitigation Plan - \$25,000** – Expiring soon and needs to be current for grant opportunities.
10. **Vehicle Extraction Equipment - \$45,633** – this would replace existing extraction equipment.

FY24 Hold Over Additional Funding Request –

1. **Security Upgrades at PD – Additional \$165,000 Request (\$100,000 approved FY24, total of \$265,000)** – After quotes obtained funding is not adequate. After discussions with the vendor, Jake was able to obtain a quote that included both the PD and the School for an additional \$165,000. As this is a safety and security issue with high priority the committee recommended the additional \$165,000 request.

Non-Recommended Requests –

1. **Animal Control Van – \$36010.44** – The Committee felt the cost was too much based on current call volume and that the regional plan wasn't far enough along in planning to consider recommending this at this time.
2. **Cemetery (Creation of New or Expansion) – \$???** – With no figures provided we cannot approve at this time.
3. **Shared Use Path Feasibility Study - \$34,000 (\$6,800 Match is our cost)** – This was low on our priority list at this time. Felt other projects were of higher need. Grant has been applied for can revisit once grant status is determined.
4. **2015 F550 Dump Truck Replacement - \$125,000** – Glenn stated this could wait another year if needed. The committee would recommend pushing this to FY26.
5. **Pearl B. Care Building - \$10,000** – This is more for maintenance, recommend moving to operating budget.
6. **PD Cruiser Replacement - \$71, 894.40** – After reviewing maintenance records for existing cruiser committee and current condition of the cruiser, felt this request could be moved to FY26.
7. **Library Lighting Controls - \$3-5,000** – This amount doesn't fall into capital. Funding may be available from other sources.

Totals –

Without IP Mill and Senior Housing - \$504,233

With IP Mill and Senior Housing - \$5,352,421*

*This number only considers the IP mill grant as that has already been awarded. All other projects have been totaled at their full price as no grants have been awarded at this time.



Erving FY2025 Budget Development Calendar

This document is subject to change as new information becomes available.

Month	Date	Action/Meeting	Location & Time
October 2023	Mon. Oct 30, 2023	Joint Select Board, Finance Committee & Capital Planning Committee Meeting: Discuss budget goals and guidance	Senior & Community Center at 7:00 PM
	Tue. Oct 31, 2023	FY2025 Budget goals & guidance sent to Departments along with Capital Improvement Request forms, Operating Budget Request & Instructions	
November 2023	Tue. Nov. 07, 2023	Department, Board & Commission Workshop for budget planning	Public Library at 10:00 AM
	Thu. Nov. 09, 2023	Department, Board & Commission Workshop for budget planning	Town Hall at 2:00 PM
	Thu. Nov. 23, 2023	Holiday- Thanksgiving Day	
December 2023	Mon. Dec. 11, 2023	Departmental Capital & Operating Budget Requests Due	Town Administrator's Office by 5:00 PM
	Thu. Dec. 14, 2023	Capital Planning Committee Meeting to review open capital special articles- Department Heads to attend and provide project status updates.	Public Library at 7:00 PM
	Mon. Dec. 25, 2023	Holiday- Christmas Day	
January 2024	Mon. Jan. 01, 2024	Holiday- New Years Day	
	Thu. Jan. 04, 2024	Capital Planning Committee meeting to review new FY2025 capital requests	Town Hall at 7:00 PM
	Mon. Jan 08, 2024	Select Board Meeting- Regular business	Senior & Community Center at 6:30 PM
	Mon. Jan 08, 2024	Finance Committee Meeting- Review FY2025 Budget Requests	Town Hall at 6:30 PM
	Thu. Jan 11, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- Public Works & Public Safety Capital & Operating budget presentations	Senior & Community Center at 7:00 PM
	Mon. Jan 15, 2024	Holiday- Martin Luther King Jr. Day	
	Mon. Jan 22, 2024	Select Board Meeting- Regular business	Senior & Community Center at 6:30 PM
	Mon. Jan 29, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- General Government Capital & Operating budget presentations	Senior & Community Center at 7:00 PM
February 2024	Mon. Feb. 05, 2024	Select Board Meeting- Regular Business	Senior & Community Center at 6:30 PM
	Mon. Feb 05, 2024	Finance Committee Meeting- Review FY2025 Budget Requests	Town Hall at 6:30 PM
	Mon. Feb. 12, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- Education Capital & Operating budget presentations	Senior & Community Center at 7:00 PM
	Mon. Feb. 19, 2024	Holiday- Presidents Day	
	Thu. Feb. 22, 2024	Select Board- Regular Business	Senior & Community Center at 6:30 PM
	Mon. Feb. 26, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- Culture & Recreation, Health & Human Services, and any remaining Capital & Operating budget presentations	Senior & Community Center at 7:00 PM
March 2024	Fri. Mar. 01, 2024	Responses to all outstanding FY2025 budget questions are due from departments	Town Administrator's Office by 5:00 PM
	Mon. Mar. 04, 2024	Select Board meeting- Regular business	Senior & Community Center at 6:30 PM
	Mon. Mar 04, 2024	Finance Committee Meeting- Review FY2025 Budget Requests	Town Hall at 6:30 PM
	Thu. Mar 07, 2024	Capital Planning Committee Meeting- Finalize FY2025 recommendations	Town Hall at 7:00 PM
	Mon. Mar. 11, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- FY2025 proposed Capital & Operating budget Review & Recommendation	Senior & Community Center at 7:00 PM
	Mon. Mar 18, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting- FY2025 proposed Capital & Operating budget Review & Recommendation	Senior & Community Center at 7:00 PM
	Mon. Mar 25, 2024	Joint Select Board, Finance Committee & Capital Planning Committee Meeting-	Senior & Community Center at 7:00 PM



Erving FY2025 Budget Development Calendar

This document is subject to change as new information becomes available.

Month	Date	Action/Meeting	Location & Time
April 2024		FY2025 proposed Capital & Operating budget Review & Recommendation	
	Mon. Apr. 01, 2024	Select Board Meeting- Approval of Annual Town Meeting Warrant	Senior & Community Center at 6:30 PM
	Mon. April 15, 2024	Holiday- Patriots Day	
May 2024	Wed. May 08, 2024	Annual Town Meeting	Elementary School at 7:00 PM

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Board: Select Board / Water Commissioner's Meeting
Date: Monday, August 29, 2022
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache
Finance Committee: Debra Smith, Benjamin Fellows, Charles Zilinski, Daniel Hammock (Remote)
Capital Planning Committee: Benjamin Fellows, Debra Smith, Linda Downs-Bembury, Peter Mallet, Jacob Smith
Also, Present: Bryan Smith, Mariah Kurtz, Mark Blatchley
Press: Otis Wheeler, BNCTV

At 6:36PM **Chairman Smith** called the meeting to order.

Discussion Regarding Town Response to COVID-19

The Select Board members reviewed the update from the Cooperative Public Health Service. **Chairman Smith** explained that a successful COVID-19 vaccination clinic was recently held at the Erving Senior & Community Center. **Chairman Smith** noted that Erving reported four (4) positive COVID-19 cases in the last week and two (2) positive cases the week before. **Selectman Bastarache** noted that the Cooperative Public Health Serviced included information regarding drought conditions in the county report and discussed wanting the Water Commissioners to monitor the situation. **Chairman Smith** added that the Town has shared the recent drought information on the Town website to inform to residents. Bryan Smith, Town Administrator, added that Peter Sanders, Water Superintendent, is monitoring Erving's wells.

Review of Town Bylaw Codification Project & Editorial Analysis

The Select Board members received the draft of the proposed Town Code and reviewed the editorial and legal analysis questions from the vendor. **Chairman Smith** provided an overview the project to codify the Town's existing bylaws and regulations. The Select Board members then reviewed the editorial and legal analysis questions in order to provide responses.

- **Question 305-001:** The Select Board members reviewed the question of whether the Board of Health floodplain regulations were necessary if the Zoning Bylaw addresses floodplain. **Chairman Smith** discussed deferring this topic to the Board of Health. **Selectman Bembury** discussed not wanting to address the floodplain regulations without an expert to advise. Bryan explained the Federal and State requirement to update the Town's floodplain bylaw and to identify a Floodplain Administrator identification, noting that the Building Inspector has declined to provide that service. The Select Board members agreed to have the Board of Health and the Planning Board respond.
- **Question 305-002:** The Select Board members reviewed the question of when the Board of Health Food Carts and Food Vendors regulation was adopted. Bryan will follow up with the Board of Health to respond.
- **Question 305-003:** The Select Board members reviewed the question of setting fees in the Board of Health regulation for Food Carts and Food Vendors. **Chairman Smith** expressed support for removing specific fees from the regulations and including language that explained that the current fees are on file with the Town Clerk and with the Board of Health. The Select Board members expressed agreement that all fee schedules should be on file at the Town Clerk's office.
- **Question 305-004:** The Select Board members reviewed the question of when the Board of Health Outdoor Wood-Burning Boilers regulation was adopted. Bryan will follow up with the Board of Health to respond.

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- **Question 305-005:** The Select Board members reviewed the question that asks if the Outdoor Wood-Burning Boiler regulation should be revised, noting that the Massachusetts Department of Environmental Protection (MassDEP) regulations were revised in 2008. **Chairman Smith** suggested deferring any revisions at this time and referring this question to the Board of Health for further review and action. The Select Board members expressed agreement.
- **Question 305-006:** The Select Board members reviewed the question that asks to have the State regulatory citation in the Board of Health Private Wells regulation verified. **Chairman Smith** suggested that the question should be forwarded to the Board of Health for further review and action. The Select Board members expressed agreement.
- **Question 305-007:** The Select Board members reviewed the question of setting fees in the Board of Health regulation for Private Wells. **Chairman Smith** again expressed support for removing specific fees from the regulations and including language that explained that the current fees are on file with the Town Clerk and with the Board of Health. The Select Board members expressed agreement.
- **Question 305-008:** The Select Board members reviewed the question of the MassDEP guidance reference and whether it is a current reference. **Chairman Smith** suggested that the question should be forwarded to the Board of Health for further review and action. The Select Board members expressed agreement.
- **Question 305-009:** The Select Board members reviewed the question of when the Board of Health Outdoor Public Swimming Pool regulation was adopted. Bryan will follow up with the Board of Health to respond.
- **Question 305-010:** The Select Board members reviewed the question of setting fees in the Board of Health regulation for Public Swimming Pools. The Select Board members expressed agreement for removing specific fees from the regulations and including language that explained that the current fees are on file with the Town Clerk and with the Board of Health.
- **Question 305-011:** The Select Board members reviewed the question regarding the Board of Health regulation for Shared Wells, noting that the regulation seems sufficient. The Select Board members agreed that no revision was necessary.
- **Question 305-012:** The Select Board members reviewed the question of setting fees in the Board of Health regulation for Tanning Facilities and for identifying the adoption date. The Select Board members expressed agreement for removing specific fees from the regulations and including language that explained that the current fees are on file with the Town Clerk and with the Board of Health. Bryan will follow up with the Board of Health to respond about the adoption date.
- **Question 310-001:** The Select Board members reviewed the question regarding the Select Board regulation for mutual aid in the Police Department, noting that the regulation seems sufficient. The Select Board members agreed that no revision was necessary.
- **Question 315-001:** The Select Board members reviewed the question regarding the Cemetery Rules and Regulations, asking if the reference to "Town Board" should be amended to read "Board of Selectmen" or "Cemetery Commissioners." The Select Board members agreed that it should be revised to read "Cemetery Commissioners."
- **Question 315-002:** The Select Board members reviewed the question regarding the Cemetery Rules and Regulations, asking if there should be a reference to MGL C.272 § 73B that addresses the sale or attempted sale of stolen commemorative grave markers. The Select Board members expressed support for adding the reference to MGL C. 272 § 73B, as recommend.
- **Question 315-003:** The Select Board members reviewed the question regarding the Cemetery Rules and Regulations, asking if there should be an amendment to the regulation, correcting a

Meeting Minutes

statutory reference to read “MGL C. 114 § 23. The Select Board members agreed to update the statutory reference as recommended.

- **Question 315-004:** The Select Board members reviewed the question of setting fees in the Cemetery Rules and Regulations. The Select Board members expressed agreement for removing specific fees from the regulations and including language that explained that the current fees are on file with the Town Clerk.
- **Question 315-005:** The Select Board members reviewed the question regarding the Cemetery Rules and Regulations as it relates to interment vaults and redundant references. **Selectman Bembury** expressed support for amending the references as recommended in Option #1. **Chairman Smith** and **Selectman Bembury** both expressed agreements.
- **Question 315-006:** The Select Board members reviewed the question regarding the Cemetery Rules and Regulations as it relates to interment permits. **Chairman Smith** explained that he would like to discuss this topic with the Cemetery Sexton. Bryan will follow up with the Town Clerk and the Cemetery Sexton.
- **Question 315-007:** The Select Board members reviewed the question of setting fees in the Cemetery Rules and Regulations, specifically in the fees and charges subsection. The Select Board members again expressed agreement for removing specific fees from the regulations and including language that explains that fees are set by the Cemetery Commission and are on file with the Town Clerk.

The Select Board members paused their review of the editorial and legal analysis questions with the intention of returning to the topic later in the meeting.

Recess

At 7:03PM **Chairman Smith** made a motion for the Select Board to take a short recess. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

At 7:10PM **Chairman Smith** called the Select Board meeting back to order.

Joint Meeting with Finance Committee & Capital Planning Committee- Review of STM Warrant Draft

At 7:10PM **Chairman Smith** called the joint meeting of the Select Board, Finance Committee and Capital Planning Committee to order.

Review of Special Town Meeting Warrant Draft

The Select Board, Finance Committee, and Capital Planning Committee members reviewed the draft Special Town Meeting warrant, containing five (5) articles.

Article 1: Appropriation for FY2022 Expenses: **Chairman Smith** reviewed Article 1 to raise and appropriate a total of \$7,173.39 to pay bills from FY2022, highlighting the departments attributed to the invoices. The Select Board, Finance Committee, and Capital Planning Committee members expressed no concerns with the Article.

Article 2: To appropriate for Public Works Wheel Loader: **Chairman Smith** reviewed Article 2, that would appropriate \$60,000.00 for the purchase or lease of a wheel loader, by transferring \$20,000.00 from an existing Special Article and by transferring \$40,000.00 from the Capital Stabilization Fund. **Selectman Bastarache** suggested adding the buyout cost in the article information. Bryan will revise the article information. The Select Board, Finance Committee, and Capital Planning Committee members expressed no further concerns with the Article.

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Article 3: To Appropriate for Elementary School Walk-in Freezer/Refrigerator: Chairman Smith reviewed Article 3 that would appropriate an additional \$22,000.00 to the Elementary School walk-in freezer/refrigerator Special Article, by transferring the same amount from the Capital Stabilization Fund, for a total appropriation of \$67,000.00. Bryan explained the change in project cost and the request for addition funding. Debra asked about the procurement and Bryan explained. Debra asked if excess funding could come from the Elementary School. Peter asked if the additional funding could be sourced from Free Cash. Bryan explained that Free Cash has not been certified yet and is not available. **Selectman Bembury** asked about the need for the replacement of the walk-in freezer/refrigerator. Bryan explained the rationale for the Elementary School's request. The Select Board members expressed support for the Article. The Select Board, Finance Committee, and Capital Planning Committee members expressed no further concerns with the Article.

Article 4: Amend the FY2023 Franklin County Technical School Funding: Chairman Smith reviewed Article 4, explaining that it would amend the funding article from the Annual Town Meeting to set the correct beginning date of July 1, 2022. The Select Board, Finance Committee, and Capital Planning Committee members expressed no concerns with the Article.

Article 5: Authorization to Sign Four Year Contract for Wheel Loader: Chairman Smith reviewed Article 5 that would authorize the Select Board to enter into a four (4) year agreement for the lease of the wheel loader that was funded in Article 2. The Select Board, Finance Committee, and Capital Planning Committee members expressed no concerns with the Article.

The Select Board, Finance Committee, and Capital Planning Committee members discussed how to handle the unavailability of the Town Moderator for a Special Town Meeting on September 14, 2022. **Chairman Smith** explained the situation and that Bryan has asked Town Counsel for guidance. **Selectman Bembury** asked if the Town should explore electing back up Town Moderator. Bryan will follow up with Town Counsel to understand if that is an option in the future. **Chairman Smith** asked how the Select Board, Finance Committee and Capital Planning Committee members would like to proceed. **Selectman Bastarache** discussed his support for proceeding with the plan to schedule the Special Town Meeting on September 14, 2022. Linda expressed agreement and noted that she would be willing to be nominated to serve as acting Town Moderator.

Finance Committee Recommendation: Benajmin made a motion to accept the Special Town Meeting agenda with changes. Daniel seconded. **Vote:** Unanimously approved.

Capital Committee Recommendation: Debra made a motion to recommend Article 2, Article 3, and Article 5 for the September 14, 2022, Special Town Meeting with amendments. Peter seconded. **Vote:** Unanimously approved.

Select Board Vote: **Selectman Bastarache** made a motion to approve the Special Town Meeting warrant, as amended, for September 14, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Debra asked the status of the analysis that was requested from the engineers about the performance of the solar array at the Public Library. Bryan explained that the Town has requested the information a second time.

At 7:37PM **Chairman Smith** made a motion to adjourn the joint meeting and continue with the Select Board meeting. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

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Daniel made a comment regarding the topic of the FirstLight FERC extension request, expressing his support for the Town to issue a letter of support for the filing extension sought by FirstLight with FERC. **Chairman Smith** acknowledged Daniel's statement and noted that the Select Board members will consider that when they address the topic later in meeting.

Review of Town Bylaw Codification Project & Editorial Analysis (continued)

The Select Board members resumed their review of the editorial and legal analysis of the draft Town Code of existing bylaws and regulations.

- **Question 340-001:** The Select Board members reviewed the question regarding the Recycling regulations, noting that the regulation seems sufficient. The Select Board members agreed that no revision was necessary.
- **Question 345-001:** The Select Board members reviewed the question regarding the Sewer Use Regulations, regarding definitions. **Chairman Smith** explained that he would like the Wastewater Superintendent to review and suggest revisions to the Select Board. The Select Board members expressed agreement.
- **Question 345-002:** The Select Board members reviewed a second question regarding the Sewer Use Regulations, regarding definitions. The Select Board members again agreed that they would like the Wastewater Superintendent to review and suggest revisions to the Select Board.
- **Question 345-003:** The Select Board members reviewed a second question regarding the Sewer Use Regulations, permit application requirements and the reference to the fee schedule. The Select Board members agreed to follow the recommendation to add a footnote to the regulation that refers to a fee schedule that is on file with the Town Clerk, to remain consistent across all regulations.
- **Question 345-004:** The Select Board members reviewed a question regarding the Sewer Use Regulations, regarding reporting requirements. The Select Board members agreed that they would like the Wastewater Superintendent to review the recommended reference amendment to ensure that it is accurate.
- **Question 345-005:** The Select Board members reviewed a question regarding the Sewer Use Regulations, regarding confidential information. The Select Board members agreed that they would like the Wastewater Superintendent to review the recommended reference amendment to ensure that it is accurate.
- **Question 345-006:** The Select Board members reviewed a question regarding the Sewer Use Regulations, regarding enforcement. The Select Board members agreed to accept the recommended amendment.
- **Question 350-001:** The Select Board members reviewed a question regarding the Subdivision Regulations. The Select Board members expressed support for revising as suggested in Option #2 but would like to refer this question to the Planning Board for review. Bryan will follow up with the Planning Board.
- **Question 350-002:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the fee schedule. The Select Board members expressed their preference to have the Planning Board revise the regulation to refer to a fee schedule on file with the Town Clerk. Bryan will follow up with the Planning Board.
- **Question 350-003:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the authority and purpose section. The Select Board members agreed to forward the proposed revision to the Planning Board for review and potential action.

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- **Question 350-004:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitions section, recommending the deletion of the term “Metric Equivalent Measure” as the term is not used in the regulation. The Select Board members expressed support for deleting the definition if it is not used. The Select Board members agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-005:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitions section, recommending a grammatical change. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-006:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitions section, recommending a reference to the “Massachusetts Department of Public Works” is amended to read “Massachusetts Department of Transportation.” The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-007:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the Plan believed not to require approval section, recommending a grammatical change as it relates to a fee. The Select Board members expressed support for the revision, and again stated their preference that references to fees relate to a fees schedule that is on file with the Town Clerk and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-008:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the Plan believed not to require approval section, recommending that the word “upended” is changed to read “appended.” The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-009:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the preliminary plans section. The Select Board members agreed to forward the proposed revision to the Planning Board for review and potential action. The Select Board members also requested that the reference to “Board of Selectmen” is amended to “Select Board.”
- **Question 350-010:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the preliminary plans section, and specifically a redundant reference. The Select Board members agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-011:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitive plan section. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-012:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitive plan section, addressing grammatical issues. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-013:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitive plan section, addressing plan requirements in subsection C (7). The Select Board members expressed support for the proposed revision in Option #1 and agreed to forward the proposed revision to the Planning Board for review and potential action.

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- **Question 350-014:** The Select Board members reviewed another question regarding the Subdivision Regulations, regarding the definitive plan section, addressing grammatical issues. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-015:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the definitive plan section, addressing the wording of a highlighted sentence in subsection 6E. The Select Board members expressed support for the proposed revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-016:** The Select Board members reviewed another question regarding the Subdivision Regulations, regarding the definitive plan section, addressing grammatical issues. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-017:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the design standards section, addressing grammatical issues. The Select Board members expressed support for the revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-018:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the design standards section, addressing an appendix that is missing. The Select Board members agreed to forward the feedback to the Planning Board for review and potential action.
- **Question 350-019:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the design standards section, recommending the rewording of a sentence in subsection 8E. The Select Board members agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-020:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the required improvements section, recommending a reference to the "Massachusetts Department of Public Works" is amended to read "Massachusetts Department of Transportation." The Select Board members expressed support for the proposed revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-021:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the required improvements section, recommending grammatical changes to subsection 9C (3). The Select Board members expressed support for the proposed revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-022:** The Select Board members reviewed another question regarding the Subdivision Regulations, regarding the required improvements section, recommending grammatical changes to subsection 9E (5). The Select Board members expressed support for the proposed revision and agreed to forward the proposed revision to the Planning Board for review and potential action.
- **Question 350-023:** The Select Board members reviewed a question regarding the Subdivision Regulations, regarding the administration section, recommending a statutory reference correction. The Select Board members expressed support for the proposed revision and agreed to forward the proposed revision to the Planning Board for review and potential action.

Regarding the proposed Traffic regulations in Chapter 360, Bryan asked the Select Board members if they would be willing to work on a comprehensive review of the regulations to meet the current required standards. The Select Board members expressed support for conducting a comprehensive review with the

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Highway Superintendent. In the meantime, the Select Board members agreed to respond to the questions in the editorial and legal analysis.

- **Question 360-001:** The Select Board members reviewed a question regarding the Traffic Regulations, recommending that all references to the “Massachusetts Department of Public Works” is amended to read “Massachusetts Department of Transportation.” The Select Board members expressed agreement for the proposed revisions.
- **Question 360-002:** The Select Board members reviewed a question regarding the Subdivision Regulations, asking for any identification for the locations of stop signs and parking restrictions. The Select Board members agreed to defer a response on this question until they meet with the Highway Superintendent.
- **Question 360-003:** The Select Board members reviewed a question regarding the Traffic Regulations, regarding the definitions section, recommending that the reference to “officer” is amended to read “police officer.” The Select Board members expressed agreement for the proposed revisions.
- **Question 360-004:** The Select Board members reviewed a question regarding the Traffic Regulations, regarding the operation of vehicles section, recommending revisions to subsection 10A. The Select Board members agreed to revise the subsection as recommended in Option #2.
- **Question 360-005:** The Select Board members reviewed a question regarding the Traffic Regulations, regarding the responsibility, penalties, and repeals section, that asks if the fine is still \$20.00. Bryan will research the current statutory limits. **Selectman Bembury** expressed support for aligning the penalty with the current statutes. The Select Board members agreed to defer a decision on revising this section.
- **Question 380-001:** The Select Board members reviewed a question regarding the Water Department Regulations, recommending a grammatical revision. The Select Board members expressed support for the proposed revision and asked the Water Superintendent to review the recommendation and advise the Water Commissioners.
- **Question 380-002:** The Select Board members reviewed a question regarding the Water Department Regulations, regarding fee references throughout the regulation. The Select Board members agreed that all references should clarify that fees are reviewed and set by the Water Commissioners and are on file with the Town Clerk.
- **Question 380-003:** The Select Board members reviewed a question regarding the Water Department Regulations, asking if the application form for a new water service needs to be included in the Code. The Select Board members agreed that the application form does not need to be in the Code, but it should be clarified that the application is available on the Town website and on file with the Water Superintendent’s office.
- **Question 380-004:** The Select Board members reviewed a question regarding the Water Department Regulations, regarding the testing of water meters and a discrepancy in two (2) different code sections. The Select Board members agreed to refer the question to the Water superintendent for review and to advise the Water Commissioners.
- **Question 395-001:** The Select Board members reviewed the question of when the Zoning Board of Appeals Rules regulation was adopted. Bryan will follow up with the Zoning Board of Appeals to respond.
- **Question 395-002:** The Select Board members reviewed a question regarding the Zoning Board of Appeals Rules regulation, asking if the forms relevant to the actions of the Zoning Board of Appeals need to be included in the Code. The Select Board members agreed that the forms do not need to be in the Code, but deferred to the decision of the Zoning Board of Appeals with the understanding that it should be clarified where the forms are available.

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- **Question 395-003:** The Select Board members reviewed the question regarding the Zoning Board of Appeals Rules regulation, in the function section, and specifically a proposed correction on a statutory reference. The Select Board members agreed to refer the question to the Zoning Board of Appeals to review and advise.
- **Question A400-002:** The Select Board members reviewed the question regarding the appendix of General Law Acceptances, regarding the inclusion of a Town Meeting acceptance from February 8, 1936. The Select Board members agreed to include the Town Meeting acceptance as recommended.

In summary after reviewing the questions regarding regulations, Chairman Smith noted that there will be follow up with the Planning Board, zoning Board of Appeals, Board of Health, Water Superintendent, and the Highway Superintendent. **Chairman Smith** also restated the Select Board's preference that all regulations refer to a fee schedule that will be on file in the Town Clerk's Office.

Proposed Bylaw Revision Regarding the Cemetery Commission

The Select Board members reviewed a memorandum from Bryan that outlines a proposed amendment to the Cemetery Commission Bylaw. **Selectman Bastarache** explained that he is okay with the members of the Select Board fulfilling the role, but he is open to having a new board of Commission members who want to serve. **Chairman Smith** asked if the Cemetery Commission should have the authority to appoint staff for the Cemetery, suggesting that the authority to appoint staff should stay with the Select Board. **Selectman Bembury** expressed concern about the Select Board members not being actively involved in the care of the Cemetery with the proposed change. **Chairman Smith** acknowledged the concern, noting that the existing Bylaw has the Town Moderator as the appointing authority for the Cemetery Commission, and that the proposed Bylaw would make the Select Board the appointing authority that would keep the Board in communication with the Cemetery Commissioners. **Selectman Bastarache** expressed his support for the proposed changes to the Bylaw. **Chairman Smith** expressed agreement and support for maintaining Select Board oversight. **Selectman Bembury** expressed agreement. The Select Board members instructed Bryan to save the draft Bylaw for review when preparing for the Annual Town Meeting warrant.

Regarding the review of the draft Town Code of Bylaws, the Select Board members agreed to review again in approximately four weeks.

Review of Criminal & Sex Offender Record Information Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Criminal & Sex Offender Record Information policy. **Selectman Bastarache** requested that section 11 is amended to change the section reference of "V" to read ".05." The Select Board members expressed agreement and no further concerns. **Selectman Bastarache** made a motion to approve the Criminal & Sex Offender Record Information Policy, file number ADM-020 as amended, with an effective date of August 29, 2202. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Drug & Alcohol-Free Workplace Policy – 3rd Reading

The Select Board members conducted a third reading of the draft Drug & Alcohol-free Workplace policy. **Selectman Bastarache** discussed wanting to address the employee assistance program (EAP) and a suggestion from Bryan to incorporate the information into a comprehensive policy that addresses benefits options. The Select Board members expressed agreement and no other concerns. **Selectman Bastarache** made a motion to approve the Drug & Alcohol-Free Workplace Policy, file ADM-110 as written, effective August 29, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Retirement Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Retirement Plan Participation & Insurance policy. The Select Board members expressed no concerns. **Selectman Bastarache** made a motion to approve the Retirement Plan Participation & Insurance Policy, file ADM-202 as written, with an effective date of August 29, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of COBRA Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Consolidated Omnibus Budget Reconciliation Act policy. **Selectman Bastarache** wants to add a definitions section for “gross misconduct” and any other terms that need definition. **Selectman Bastarache** also asked to use gender neutral terms such as the use of the term “they.” Bryan will make the requested revisions and the Select Board members will conduct a fourth reading at an upcoming meeting.

Review of HIPAA Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Health Insurance Portability & Accountability Act (HIPAA) policy. The Select Board members expressed no concerns. **Selectman Bastarache** made a motion to approve the Health Insurance Portability & Accountability Act Policy (HIPAA), file number ADM-021 as written, with an effective date of August 29, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of ADA Non-Discrimination Policy- 3rd Reading

The Select Board members conducted a third reading of the draft Americans with Disabilities Act Non-Discrimination Notice & Grievance policy. The Select Board members expressed no concerns. **Selectman Bastarache** made a motion to approve the Americans with Disabilities Act Non-Discrimination Notice & Grievance Policy, ADM-001, effective August 29, 2022. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Discussion Regarding Town Branding & Signage Project

The Select Board members reviewed a memorandum that proposed a scope of work for the development of a Town-wide brand, logo and signage. **Selectman Bastarache** discussed his review of the proposal and asked if there was a reason to hold off on new signage for Veterans Memorial Field and Zilinski Memorial Field. Bryan explained that both of those parks are scheduled for renovations and that the signage could be added as a part of those projects. **Chairman Smith** provided an overview of the conversation that took place during the last attempt to develop a Town-wide logo and brand. **Chairman Smith** discussed the example signage that had been included in the UMass Amherst project for Erving Center. **Chairman Smith** discussed the approach of developing a style guide as a foundation of a brand and how that can develop a different result for a logo and signage. **Chairman Smith** discussed the goal of identifying a firm to work with Town officials and citizens to gather feedback and develop a unique brand package. **Chairman Smith** questioned the inclusion of design specifications in the scope of work. Mariah Kurtz, Assistant Planner, joined the meeting to discuss the proposed scope of work and explained the deliverables outlined in task 1 for the style guide, and in task 2 for signage specifications, and task 3 for signage fabrication and installation. **Selectman Bembury** expressed concern about forcing a design on a department. Bryan explained that department heads have been wanting to coordinate their Department’s representation in a positive way as part of a holistic Town-wide approach. Mariah discussed the goal of a unified approach that can present differences for each department. Bryan and the Select Board members discussed the procurement approach using the State contract. The Select Board members expressed support for proceeding.

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At 8:49PM **Chairman Smith** made a motion for the Select Board to recess. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

At 8:59PM **Chairman Smith** called the Select Board meeting back to order and resumed the meeting.

Review of Meeting Minutes for August 01, 2022

The Select Board reviewed meeting minutes for Monday, August 01, 2022. **Selectman Bembury** made a motion to approve the meeting minutes of August 01, 2022, as written. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review of Meeting Minutes for August 15, 2022

The Select Board passed over this agenda item.

Review of Meeting Minutes for August 22, 2022

The Select Board passed over this agenda item.

Review of FY2022 Special Articles – Decision on Closeout or Carryforward

The Select Board members reviewed a memorandum from Bryan, reviewing the status of Special Article funds. **Chairman Smith** reviewed the recommendations to close:

Account #	Description	Balance
01-141-901-57800	Assessors Printer	\$4,098.12
01-162-901-57800	Ballot Counting Machine	\$200.00
01-541-912-57800	COA Wellness Room Upgrades	\$9,850.00

The Select Board members expressed no concerns about the recommendations and agreed not to close any further Special Articles. **Selectman Bastarache** made a motion to close out and return to the General Fund the following account 01-141-901-57800, Assessors Printer, in the amount of \$4,098.12; account 01-162-901-57800, Ballot Counting Machine, in the amount of \$200.00; and account 01-541-912-57800, the Council on Aging Wellness Room upgrades, in the amount of \$9,850.00. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

The Select Board members agreed to allow all other Special Articles to carry existing balances into Fiscal Year 2023.

Sale of Surplus Property 18 Pleasant Street & 17 Moore Street

The Select Board members reviewed a memorandum from Bryan regarding the sale of surplus property for 18 Pleasant Street and 17 Moore Street. **Chairman Smith** provided an overview of the procurement process and explained that drafts of the purchase and sale agreements for both properties have been prepared. **Selectman Bastarache** offered to serve as the authorized Select Board representative to complete the final sales. The Select Board members expressed agreement.

Selectman Bembury made a motion to deem 18 Pleasant Street (parcel ID: 4-5-73) as surplus real property and to sell the real property to Obear Construction Company, Inc. of 34-A East Main Street, Millers Falls, MA 01349, having submitted a highly advantageous proposal through the request for proposals process, in the amount of \$10,000.00, and to authorize Select Board member Scott Bastarache to execute all necessary agreements on behalf of the Select Board to complete the sale. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Selectman Bembury made a motion to deem 17 Moore Street (parcel ID: 4-5-16) as surplus real property and to sell the real property to Obear Construction Company, Inc. of 34-A East Main Street, Millers Falls, MA 01349, having submitted a highly advantageous proposal through the request for proposals process, in the amount of \$5,000.00, and to authorize Select Board member Scott Bastarache to execute all necessary agreements on behalf of the Select Board to complete the sale. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review & Issuance of the 4th Water Commitments for FY2023

The Water Commissioners reviewed the 4th Water Commitment for FY2023 for final water use charges at 35 River Road, in the amount of \$216.14. **Commissioner Bastarache** made a motion to approve the 4th Water Commitment of FY2023 in the amount of \$216.14, for final charges at 35 River Road. **Commissioner Bembury** seconded. **Vote:** Unanimously approved.

Review & Issuance of the 3rd Water Commitments for FY2023

The Water Commissioners reviewed the 3rd Water Commitment for FY2023 for backflow water charges in the amount of \$680.00. **Commissioner Bastarache** made a motion to approve the 3rd Water Commitment for FY2023, for backflow water charges in the amount of \$680.00. **Commissioner Bembury** seconded. **Vote:** Unanimously approved.

Reminder of Public Art Sculpture Unveiling- Riverfront Park on August 30, 2022

Chairman Smith announced that the Town will be holding an event at Riverfront Park on August 30, 2022, at 5:30PM for celebrate the Heron sculpture, followed by live music at 6:00PM. Mariah Kurtz, Assistant Planner, joined the meeting. Mariah gave an overview of the unveiling process, noting that Carter Wall from FirstLight will be present to speak as will the artist, Jon Bander. Mariah invited the Select Board members to speak at the event as well. Mariah explained that the program will also include an official ribbon cutting, refreshments provided by Erving Center business, and a concert in the bandshell will occur at the end. Mariah expressed appreciation to Highway Department staff for the installation of the sculpture and the beautiful landscaping surrounding the area. **Selectman Bembury** and **Chairman Smith** both expressed their appreciation for the sculptor and the Town staff, especially Mariah, that have worked to make this a reality. Mariah thanked the Select Board members for their support in allowing the project to happen.

Resignation from School Committee- Catherine McLaughlin

The Select Board members reviewed a letter of resignation from Catherine McLaughlin from her position on the School Committee. **Chairman Smith** thanked Catherine for her service to the community. **Chairman Smith** explained that the vacancy has been added to the notice of vacant elected positions. Bryan confirmed that the vacancy listing had been updated to include the School Committee and that it has been posted with a deadline for letters of interest of September 21, 2022.

Review of Request to Support FERC Filing Extension Request- FirstLight MA Hydro LLC and Northfield Mountain LLC

Chairman Smith provided an overview of the FirstLight relicensing update filing and the request for an extension for final submission to the Federal Energy Regulatory Commission, of December 31, 2022. Bryan explained the update that was included in the packet and the draft letter of support for the extension request. **Chairman Smith** discussed his review of the proposed letter of support for a timeline extension and his support. The Select Board members expressed agreement. **Chairman Smith** made a motion to

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send the included letter, to the Federal Energy Regulatory Commission Secretary Bose, indicating our support of the extended timeline. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Adjournment

At 9:22PM **Chairman Smith** made a motion to adjourn. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Respectfully submitted,

Bryan Smith
Town Administrator

DRAFT

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Board: Select Board / Water Commissioner's Meeting
Date: Monday, March 13, 2023
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

Select Board Present: Jacob Smith, William Bembury, Scott Bastarache
Finance Committee: Debra Smith, Charles Zilinski, Benjamin Fellows
Capital Planning Committee: Debra Smith, Benjamin Fellows, Jacob Smith, Linda Downs-Bembury, Peter Mallet

At 6:37 PM **Chairman Smith** called the meeting to order.

Review Animal Control Position Description Draft

The Select Board members reviewed the draft Animal Control position description. **Selectman Bembury** discussed his satisfaction with revisions that have been made that were based on previous conversations. **Chairman Smith** asked if a firearm is assigned to the Animal Control Officer. Robert Holst, Chief of Police, joined the meeting and explained that the Animal Control Officer is issued a .22 caliber rifle for injured or sick animals. **Selectman Bastarache** clarified that Select Board is not encouraging the Animal Control Officer to carry a firearm beyond that use. Chief Holst expressed agreement. **Selectman Bembury** asked for an explanation regarding the storage of firearms. Chief Holst explained that the Department issues firearms to staff and that they are kept secure unless in use, noting that there are security procedures in place. Chief Holst further clarified that the Animal Control Officer position does not hold police powers. **Selectman Bembury** asked if the position had previously been issued mace. Chief Holst explained that the position has not been issued mace previously. **Selectman Bastarache** asked if the Police Department policies require the position to be armed when operating a Police Department vehicle. Chief Holst answered "no, it is not required" and further explained that the Animal Control vehicle has had its markings revised to be clearer that it is a Town vehicle and not a police cruiser. **Selectman Bembury** asked Chief Holst to discuss whether the vehicle still used blue lights. Chief Holst clarified that the vehicle's response lights have been changed to amber and white. No further concerns were expressed. **Selectman Bastarache** made a motion to approve the Animal Control Officer job description, as written, effective March 13, 2023. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review Engineering Scope of Work Amendments for Bridge Street & Maple Avenue

The Select Board members reviewed correspondence from Weston & Sampson, the engineering firm working on the Bridge Street and Maple Avenue project and discussed their review of scope and tasks as presented in the professional engineering services proposal. **Selectman Bastarache** discussed support for proceeding with the work identified in all 5 items. **Selectman Bembury** made a motion to approve the engineering services for Bridge Street and Maple Avenue for Weston & Sampson, in the amount of \$29,900.00, effective March 13, 2023, and authorize Bryan Smith to execute all necessary agreements. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Review Engineering Scope of Work Amendment for Sanitary System Evaluation Project

Peter Sanders, Water & Wastewater Superintendent, joined the Select Board members to review a revised proposal from Tighe & Bond for professional engineering services on the sanitary system evaluation project. **Selectman Bastarache** expressed appreciation for the clarity that has been provided with the additional details in the task explanations with the associated costs. **Chairman Smith** asked about section 6, of the General Conditions, regarding the ownership of documents. **Selectman Bastarache** explained that he wants to ensure that the Town has unrestricted access to documents and data. Bryan Smith, Town Administrator, offered to draft the Town's own engineering agreement that would reflect written terms

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and conditions that aligned with the priorities of the Town. The Select Board members expressed agreement, but do not want to delay acting on the current proposal. **Chairman Smith** asked about funding for the proposal. Bryan explained that there is approximately \$4,000.00 in the Wastewater Department operating budget that could be used towards the project and suggested the need for approximately \$8,000.00 in a Reserve Fund transfer. **Chairman Smith** asked Peter Sanders if it was necessary to address the Reserve Fund transfer now to proceed with the work, noting the upcoming deadline. Peter Sanders explained that the deadline to respond is March 31, 2023. **Chairman Smith** asked to incorporate the deadline of March 31, 2023, for the project to be completed into the professional engineering services agreement. The Select Board members expressed agreement. **Selectman Bastarache** made a motion to approve the professional engineering services for the Erving sewer system evaluation survey through Tighe & Bond; tasks 1, 2 and 3 in the amount of \$12,800.00 and to authorize Town Administrator Bryan Smith to execute all agreements. **Selectman Bembury** seconded. **Vote:** Unanimously approved.

Review of Surplus Equipment Request- Police Dept- 2nd Reading

The Select Board members conducted a second reading of the surplus equipment request from the Police Department for the disposal of one (1) HP desktop printer model Q5987A (sn: CNTBB70780), and one (1) computer monitor model EZX15F (sn: AAX4302B01723). Both items are believed to be beyond useful life and are recommended for disposal with no value. The Select Board members discussed having no concerns with the request and will conduct a third reading at their next meeting.

Joint Meeting with Finance Committee & Capital Planning Committee

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

Review of FY2024 Budget Requests & Projected Revenue

The Select Board, Finance Committee and Capital Planning Committee members resumed their review of FY2024 budget requests and proposed reductions. **Chairman Smith** asked how the members would like to proceed with the review of the proposed changes. Linda expressed appreciation to the town departments for proposing the changes that they made, while expressing concern about the effort made by the School Department.

Review of the Education Budget Requests

Selectman Bastarache asked Jennifer Eichorn, School Committee Chair, to join the meeting to explain the spending freeze that the School Department has stated that they are under for the balance of FY2023. **Selectman Bastarache** asked if there is confidence in the School Department's capacity to work within the existing appropriations; noting that the Select Board and the Finance Committee have held \$150,000.00 in Free Cash in case it is needed. Jennifer said that she could not explain what the School Department was doing to control expenses but offered to follow up with the Director of Finance & Operations. Charles asked why there was limited representation from the School Department at the budget meetings to answer questions. Jennifer explained that the School Committee has experienced challenges working with the School Administration to understand the Department's financial situation. Debra asked if the School Committee was still holding the budget hearing on March 21, 2023. Jennifer confirmed that the meeting will address the FY2024 budget request, noting that more work is needed. Debra asked if there was a discussion about level funding. Jennifer discussed her understanding of the request and discussed her personal efforts to identify \$200,000.00 in potential reductions to the request. **Chairman Smith** asked **Selectman Bastarache** about his recent observations at the School Committee meeting. **Selectman Bastarache** discussed his review of the Elementary School budget draft, noting that there are only

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increases in three (3) line items beyond those related to utilities and wages. Debra asked for an explanation about the cost of preschool and the amount that is subsidized rate by the taxpayers. Jennifer explained that the School Department currently charges \$10.00 per day per student and that the rate for the upcoming School year will be addressed by the School Committee. Jennifer also explained that the School Committee will also decide about allowing school choice at an upcoming meeting. **Chairman Smith** discussed some of the challenges with allowing school choice. **Selectman Bastarache** explained that a request was sent to the School Administration for budget related information in preparation for the March 21, 2023, meeting. Peter raised the concern about the potential costs associated with allowing school choice. **Selectman Bastarache** provided his understanding of how the School Department approaches the decision regarding school choice annually, based on the anticipated capacity of the Elementary School. **Selectman Bastarache** offered that even if the School Committee considered allowing school choice that the Town would have to budget based on assumptions, noting the lack of historical data to rely upon.

Selectman Bastarache asked about a vacant paraprofessional position within the Elementary School and the potential to not back fill the position, noting the response from the School Administration about the detrimental impact on the Elementary School. **Selectman Bastarache** discussed the seriousness of the conversation, acknowledging the potential impact on the Elementary School, but discussed the challenges of not being able to have the conversation. Debra asked about the presentation that the Elementary School is an outlier when compared to similar districts. **Selectman Bastarache** explained that Erving has often had the capacity to fund the supplies and materials desired by the classrooms that other schools may not have the capacity to do. **Selectman Bastarache** further discussed the challenges with the levy limit for FY2024 and the impact of the requests on the overall budget. **Selectman Bastarache** noted that the line-item level of review that the Select Board and Finance Committee can conduct over the town side budgets is not as accessible for the school side budgets. **Selectman Bastarache** discussed his understanding of the School Committee conversation about conducting regular line-item reviews. Regarding the FY2024 budget requests, **Selectman Bastarache** suggested that the School Committee and School Administration need to be provided with a dollar amount to adjust the request by. **Selectman Bastarache** acknowledged that the School Committee and School Administration has reduced the initial request by about \$84,000.00.

Selectman Bembury asked about the current vacant position with the Elementary School. Jennifer explained that it is approximately \$31,000.00 in wages. **Chairman Smith** asked if the position is benefits eligible, and if so, should the Town increase the benefits budget by approximately \$20,000.00. Jennifer expressed agreement. **Chairman Smith** explained that based on his review of the current reduced Elementary School budget request, it still reflects approximately a 10% increase. Benjamin asked if progress had been made to explore transportation options to reduce costs. Bryan explained that there is no update regarding transportation options yet. Jennifer noted that the School District believes there is a need to budget for the cost, using an outside vendor, for now. **Chairman Smith** was adamant that the School Administration is responsible for addressing the concern. Kelly Loynd asked about the costs associated with students choosing to go to other Districts. Bryan explained the projected costs. Kelly asked for an explanation of the efforts that are made to find out why students have decided to leave the Erving School District and how to get students to return to the Erving School District. Debra asked about what research is done to understand why families choose to leave. Jennifer explained that she would need to follow up with the School Administration as the School Committee does not have that information. **Selectman Bastarache** discussed his understanding of past efforts that were made to connect with families to understand choices.

Chairman Smith asked if the School Department has considered options to provide additional special education services within the district for students in need instead of sending students out of district. Jennifer acknowledged the concern and explained that the Student Services Director is exploring a Union 28 program for all member schools to share. **Selectman Bastarache** discussed his support for the goal but noted that it will not make a change in time for the FY2024 budget. **Chairman Smith** expressed concerns about not having accurate costs for transportation in time for Annual Town Meeting. Debra expressed frustration that Select Board and Finance Committee have not received information about costs from the School Department while other departments have responded to requests for additional information related to the budget. **Selectman Bastarache** and **Chairman Smith** expressed appreciation for the responses and explanations that have been provided by Department heads throughout the process.

Review of General Government Budget Requests

Chairman Smith discussed the proposal from the Board of Assessors to reduce the budget request for revaluation, noting that it is a one-time option with the expectation that it will be funded in the following fiscal year. Bryan confirmed the understanding. **Selectman Bastarache** suggested attributing the funding for another one-time expenditure, so it's not built into an ongoing solution. **Chairman Smith** asked about the proposed reductions for ground maintenance and pest maintenance. Bryan explained the rationale for the proposed reductions.

Review of Public Safety Budget Requests

The Select Board and Finance Committee members discussed budgetary adjustments that should be made to reflect the changes in costs for electricity and heating fuel oil. Debra asked Chief Holst to discuss the option to remove the cadet program from the Police Department budget, raising the concern about removing something that is important for the operation of the Department. Chief Holst explained his rationale for the request, noting that the Department has operated without the program and that he can continue to operate the Department, if necessary, without the program. **Chairman Smith** added that the risk of attrition means that the recruitment is becoming more challenging. **Selectman Bastarache** raised the concern about reducing the line item that funds attendance at the police training academy while also reducing the proposed cadet program. Chief Holst acknowledged the concern.

Chief Holst further explained that he wants to protect the canine officer program. **Chairman Smith** expressed his understanding of the request and supporting for maintaining the canine officer program. **Chairman Smith** asked about the reduction to the academy training line-item. Chief Holst explained the budget assumptions and his rationale for the proposal. Debra expressed concern about the Police Department cutting too much from the budget and the that it could be challenging to restore funding in the future. Chief Holst explained that he intends to seek funding for the cadet program in future requests. **Chairman Smith** discussed support for splitting the academy training and the cadet wages for a partial year. **Selectman Bastarache** discussed the need to provide a minimum of funding to provide new equipment when onboarding staff. **Selectman Bembury** discussed his experience serving on hiring committees for the Police Department, noting the some of the challenges with attracting qualified candidates. Chief Holst acknowledged the concern and further discussed the experience with hiring officers and the costs related to the academy. **Chairman Smith** discussed the challenges with the implementation of the Peace Officer Standards Training (POST) Commission certification requirements and the loss of part-time certification options for hiring officers. Benjamin suggested that the Select Board and Finance Committee members review all the proposed operating budget reductions and consider prioritizing restoration for when funding becomes available. Debra discussed wanting to recognize the hard work that has been done to restore the Police Department and wanting to make sure that the Department has the funding necessary to maintain that progress.

Review of Public Works Budget Requests

Debra asked for explanations regarding increases in funding requested for testing in the Water and Wastewater departments. Bryan explained the recent changes requiring increased testing in both departments and the new line-item to track the expenses. Debra asked about the increased request for clothing allowance. **Selectman Bastarache** discussed the recent policy change. **Chairman Smith** asked for an explanation of the proposed reduction of \$10,000.00 in the Wastewater capital improvement line-item. Bryan explained efforts to better attribute regular maintenance to the operating budget and to take capital project requests through the necessary process. **Chairman Smith** asked about the proposal to reduce the Highway surveying line-item by \$25,000.00, noting the list of upcoming projects that would use the funding. Bryan acknowledged the concern but noted that it was a new request and that there may be additional capacity in other departmental budgets to help support initiatives.

Review of Health and Human Services Budget Requests

Debra asked about the proposed reduction of \$10,000.00 for veterans' benefits. Bryan explained that he has requested the same level of funding for veterans benefits for a few fiscal years and annually the actual expense has been less, so he feels confident that a \$10,000.00 reduction will not impact the ability to provide benefits to eligible individuals.

Review of General Government Budget Requests (revisited)

Returning to the General Government section of the budget, Debra suggested reducing the Finance Committee expense line-item by \$2,250.00. Finance Committee members expressed support.

Review of Capital Planning Budget Requests

Chairman Smith asked Select Board, Finance Committee, Capital Planning Committee members to review the proposed Capital Improvement Plan recommendation changes if the funding sources were identified as Free Cash. **Selectman Bastarache** noted that cutting expenses that have been attributed to Free Cash as a funding source does not change the capacity issues for the FY2024 operating budget. **Selectman Bastarache** expressed concern with suggestions to fund portions of the operating budget with Free Cash.

Review of Benefits Budget Requests

The Select Board and Finance Committee members reviewed the projections regarding annual contribution rates to the Other Post-Employment Benefits (OPEB) Fund that were provided by the Treasurer's office. **Selectman Bastarache** discussed his review of the projections, noting that they explored changing the annual contribution of \$300,000.00 to \$100,000.00 and the impacts on achieving the fully funded status. **Chairman Smith** and **Selectman Bastarache** discussed the position of the Town the progress that has been achieved to fund OPEB obligations. **Selectman Bembury** expressed agreement, noting the changes in the market, and explained that if a change in the annual contribution is made for FY2024 it can be reassessed in the future. The Select Board and Finance Committee members discussed support for amending the FY2024 OPEB contribution from \$300,000.00 to \$100,000.00. Jennifer Eichorn, Treasurer, discussed the projections for achieving fully funded status based upon the amendment.

Review of FY2024 Budget Summary

The Select Board, Finance Committee and Capital Planning Committee members reviewed the FY2024 budget summary document and discussed potential scenarios. Noting the reduction of \$200,000.00 in OPEB contributions, the budget summary total would change to a net positive of \$43,000.00. Bryan asked about how to address the Capital Improvement capacity through the Town's ability to Raise & Appropriate. The Capital Committee members responded with their thoughts. Benjamin discussed

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thoughts on the Capital Improvement Plan and discussed the need to consider reductions. **Chairman Smith** discussed the historical review he is conducting on the Town's funding of capital improvements and noted the importance of maintain capacity in the Town's ability to Raise & appropriate to support capital improvement projects. Benjamin expressed agreement and discussed the need to review the capital planning capacity and "tighten the belt." **Selectman Bastarache** expressed agreement and the need to review the replacement schedule of assets. **Selectman Bastarache** expressed support for maintaining the FY2024 budget plan with \$400,000.00 appropriated for capital improvements. Debra acknowledged the conversation and expressed concern that past practice is not sustainable and that future capital requests will be turned down more often. Benjamin discussed the approach that the Capital Planning Committee has used to consider requests and funding. **Selectman Bembury** discussed support for the Capital Planning Committee and Finance Committee members to conduct a review and provide a recommendation on the necessary capacity. **Chairman Smith** expressed agreement and offered caution that the Town avoids creating a deferred maintenance scenario as it can be more costly. **Chairman Smith** expressed support for developing a standardized policy for equipment replacement and added that this budget cycle may provide an opportunity to adjust the culture.

Selectman Bastarache suggested removing the \$150,000.00 in Free Cash from the budget summary, that the Select Board and Finance Committee had been holding for the Elementary School, noting the current spending freeze that the School Administration has implemented. **Selectman Bastarache** summarized that the boards were asking the School Committee and School Administration to further reduce the operating request. **Selectman Bastarache** requested the restoration of \$5,000.00 in funding for the Police Department academy training line-item. Debra asked about the need to appropriate funds for a potential debt service for the Church Street Bridge construction project and to fund wage adjustments for Town staff. Bryan provided the estimated balance in the Capital Stabilization Fund of \$704,500, noting that the actual balance may be different in accordance with the market value of the investment fund. **Selectman Bastarache** suggested budgeting \$50,000.00 for wage adjustments and \$100,000.00 for a debt service for the bridge. **Chairman Smith** discussed the need to consider a budget appropriation for equipment upgrades in the Information Technology Department. The Select Board, Finance Committee, and Capital Planning Committee members discussed support for increasing the source of funding for the Capital Improvement Plan by \$275,000.000 and for increasing the Police Department academy training line-item by \$5,000.00.

Chairman Smith summarized the discussed budget changes, noting the nuance in balancing funding sources to ensure sustainability. **Chairman Smith** suggested a minimum reduction in the operating budget request from the School Department of approximately \$200,000.00 or more, to achieve sustainability. **Selectman Bastarache** and **Chairman Smith** both discussed preference for restoring funding for the Assessor's revaluation article to the budget. Debra recommended that the Select Board identify an amount for the School Committee to reduce their operating budget request by. **Chairman Smith** suggested approximately \$300,000.00. **Selectman Bastarache** discussed support for reviewing costs related to transportation for the School Department. The Select Board, Finance Committee and Capital Planning Committee members discussed general support for one-time expenditures to address the long-term needs related to transportation. Debra noted the impact on the Town's other departments by the size of the request for the School Department. Debra asked that the Superintendent of Schools, Elementary School Principal and Director of Finance & Operations attend the upcoming joint meeting to discuss the budget request. **Selectman Bastarache** discussed the perspectives on costs that are outside of the School Department's control and argued that the out-of-district cost changes are within the district's control. Charles suggested that the Finance Committee and Select Board request the School Committee and School Department to reduce the Elementary School budget request by \$300,000.00 to

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\$350,000.00. **Selectman Bembury** and Benjamin expressed agreement with requesting \$350,000.00. **Selectman Bastarache** suggested requesting a reduction of \$250,000.00 to \$300,000.00. Debra suggested \$325,000.00, expressing concern about the per pupil costs and how they compare to other districts. Debra discussed the efforts that have been taken to give the best education possible to the children of Erving but believes that the Town's departments must work within reason. **Selectman Bastarache** suggested requesting a reduction of \$300,000.00 and drew distinctions between the different requests of School Department and the Town side departments.

At 10:09 PM **Selectman Bembury** made a motion to submit to the School Committee that the budget request be reduced by \$350,000.00. Charlie seconded. **Select Board Vote: Selectman Bembury and Chairman Smith** voted in favor. **Selectman Bastarache** voted no.

Finance Committee Vote: Benjamin and Charles voted in favor. Debra voted no.

Capital Planning Committee Vote: Benjamin, Jacob, Linda, and Peter voted in favor. Debra voted no.

Next Joint Meeting

The Select Board, Finance Committee and Capital Planning Committee members agreed that the next joint meeting would be tentatively scheduled for March 27, 2023.

Discussion Regarding Revised IP Mill Demolition Proposal

Chairman Smith asked if there is any further information that is needed to have the conversation with the voters about the proposal to demolish the former IP Mill site and consider a Proposition 2 ½ Override. Linda discussed the importance of explaining to voters how the options would impact the average tax bill. **Chairman Smith** discussed the need to identify the proposed path and to calculate the estimated impact for voters, explaining his preference for bringing forward a single option to the Town Meeting. **Selectman Bastarache** expressed agreement and suggested that the community informational meeting could provide an opportunity to straw poll interest in the various options from voters. Mariah joined the meeting to discuss the proposal. The Select Board, Finance Committee and Capital Planning Committee members discussed the option to finance the project by borrowing and after discussion, members of all three boards expressed agreement that they are not in support for recommending borrowing for the project. Regarding a potential capital debt exclusion option, the members of the three boards discussed calculating the impacts for scenario of borrowing \$1.8 Million with a payment schedule of three (3) years and another scenario for a capital exclusion for the full amount in one (1) year. For projecting the impact on average tax bills, the members discussed wanting to see the impact of each option per \$100,000.00 of value. Mariah asked for guidance for scheduling the community conversation, suggesting an April meeting and the potential for a Special Town Meeting in June. The Select Board, Finance Committee, and Capital Planning Committee members agreed to schedule the community conversation for Monday, April 24, 2023, at 7:00 PM. **Chairman Smith** requested the use of the Elementary School gymnasium with representation from the Town officials that represent finance, public safety, and public works.

Review of EV Charger Proposals for Police Station

The Select Board, Finance Committee, and Capital Planning Committee members reviewed a memorandum from Bryan regarding the proposed electric vehicle charging station for the Police Station, and four (4) options for installation, from Voltrek using the MassEVIP grant program. Capital Planning Committee members discussed their recommendation for proceeding with the scope of work outlined in quote #184B. **Selectman Bastarache** summarized the proposal and asked to confirm that the grant will fully fund the quoted amount. Bryan confirmed the understanding. At 10:41 PM **Chairman Smith** made a motion to move forward with the proposal from Voltrek, quote #184B in the amount of \$45,031.00,

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estimated to be \$0.00 after grant awards, for a two-port, level 2 charger at the Police Station and authorize Bryan Smith to execute all agreements. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

At 10:42 PM **Chairman Smith** made a motion to adjourn the joint meeting and to continue the Select Board meeting. Linda seconded. **Vote:** Unanimously approved.

Review of Multi-year Residential Curbside Collection Contract Negotiations

Selectman Bastarache explained he has heard back from representatives at Casella Waste Management and provided an overview of the negotiation related to the requested fuel surcharge article for the renewed agreement. Selectman Bastarache explained that the parties have agreed to a fuel surcharge if fuel increases able \$5.25/gallon and a fuel credit if prices are reduced below \$4.00/gallon. **Selectman Bastarache** explained that he has asked Casella to revisit the annual rate adjustment of 5% or the rate of the CPI-U index, whichever is greater, if the Town is not pushing back on the FY2024 proposed cost of \$122,000.00. **Selectman Bastarache** noted that Casella maintains that the increase in past years did not cover their cost increases and they cannot agree to a lesser amount annually. The Select Board members discussed the historical increase of the CPI-u index. **Selectman Bembury** explained that he thought the agreement on the fuel surcharge and credit was reasonable. **Selectman Bastarache** wants to meet again with Casella to set the percent increase in the proposed contract. **Selectman Bembury** discussed support for allowing **Selectman Bastarache** to proceed with the negotiation. **Chairman Smith** suggested asking for an annual adjustment of 4% or the CPI-U, whichever is greater.

Review of Meeting Minutes for February 17, 2023

The Select Board members passed over this agenda item.

Review of Meeting Minutes for March 06, 2023

The Select Board members passed over this agenda item.

Review of Bylaw Requests for Annual Town Meeting

The Select Board members passed over this agenda item.

Discussion Regarding Almost Anything Goes program for May 2023

The Select Board members reviewed the draft guidance for the Almost Anything Goes residential bulky waste collection program. Bryan asked the Select Board members if there was any interest in hosting a collection unit for mattresses and box springs. The Select Board members declined to add mattress and box spring disposal and approved the draft guidance for distribution.

Review of Proposed FirstLight Agreements and Recreation Management Plan

The Select Board members passed over this agenda item.

Adjournment

At 10:57 PM **Chairman Smith** made a motion to adjourn. **Selectman Bastarache** seconded. **Vote:** Unanimously approved.

Respectfully submitted,

Bryan Smith
Town Administrator

Meeting Minutes

Board: Select Board / Water Commissioner's Meeting
Date: Monday, February 26, 2024
Location: Senior & Community Center, 1 Care Drive, Erving, MA 01344

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

At 6:33 PM **Chairman Smith** called the meeting to order.

Review Asbestos Removal Professional Services Proposal – Wastewater Department, Historical Building and Fire Station 2

Town Administrator, Bryan Smith, explained the process for removal from site, disposal, and necessary paperwork and stated that it would be a one-day collection. Bryan informed the Select Board members that \$20,000 for this project was a special article approved at Annual Town Meeting. **Selectman Bastarache** made a motion to award the contract for ASB pipe removal to Strategic Environment Services, 362 Putnam Hill Road, Sutton, MA 01590 in the amount of \$9,565.00 and authorize Wastewater Superintendent, Peter Sanders, to execute all contracts as needed, seconded by **Chairman Smith**. **Vote:** Unanimously approved. **Chairman Smith** made a motion to engage Atlas, 73 William Franks Drive, West Springfield, MA 01089 for Hazardous Materials Consulting Services, Proposal #23-13691 for Erving Fire Station #2 in the amount of \$1,500.00 and to authorize Town Administrator, Bryan Smith to sign all documents necessary, seconded by **Selectman Bastarache**. **Vote:** Unanimously approved.

Review of Meeting Minutes of March 13, 2023

The Board tabled for a future meeting.

Review of Meeting Minutes of January 29, 2024

Selectman Bastarache made a motion to approve the meeting minutes of January 29, 2024, as written, seconded by **Chairman Smith**. **Vote:** Unanimously approved.

Review of Meeting Minutes of February 5, 2024

The Board tabled for a future meeting.

Review and Potential Appointment to Cultural Council Vacancy - Letter of Interest from Catherine Glennon

Selectman Bastarache made a motion to appoint Catherine Glennon to the Cultural Council effective February 26, 2024, with the term ending June 30, 2026, seconded by **Chairman Smith**. **Vote:** Unanimously approved.

Review and Potential Appointment to Council on Aging Vacancy - Letter of Interest from Leo Parent, Jr.

Chairman Smith made a motion to appoint Leo Parent, Jr. to the Council on Aging effective February 26, 2024, with the term ending June 30, 2025, seconded by **Selectman Bastarache**. **Vote:** Unanimously approved.

Review and Issuance of Water Commitment #10

Chairman Smith made a motion to approve FY24 Water Commitment #10 for final water use charges at 48 River Road for \$42.38 and 3 Central Street for \$43.71 for a total commitment of \$86.09, seconded by **Selectman Bastarache**. Vote: Unanimously approved.

Discussion Regarding Former IP Mill RFP Questions for Addendum

Town Administrator, Bryan Smith, explained that the Town has been asked if there would be an interest in making an available parcel to be part of the RFP process. He explained that the parcel is town-owned and is approximately 1.58 acres. He explained that it is part of the embankment that supports Papermill Road. **Chairman Smith** suggested revisiting the topic a little later in the meeting when the Capital Planning Committee and Finance Committee have joined them.

Review of Health & Safety Plan Policy – Use of Town Provided Vehicles & Equipment, Excavation and Trenching - 1st Read

The Select Board members conducted a first reading of the draft Town Provided Vehicles & Equipment policy, and draft Excavation & Trenching policy. Select Board members agreed to have the second reading at the next meeting.

Review Surplus Equipment Request – Library

The Select Board members conducted a first reading of the surplus property request from the Public Library that includes, 1- acoustic guitar, 1- Egyptian framed art, 1- desktop hanging file folder rack, 2- furniture moving pads with wheels, 1- large format printer, 1- paper cutter, 1- iMac, 3- Dell desktop all-in-one, 6- Kindles. **Selectman Bastarache** suggested maybe the guitar could be transferred to another department, maybe the school music department for example. The Select Board members agreed to table and discuss at the next meeting.

Review of Bridge Street & Maple Avenue Procurement Recommendation

Highway Superintendent, Glenn McCrory, joined the Select Board members. Town Administrator, Bryan Smith, reviewed the procurement recommendation from the engineers and verified the base bid numbers. Bryan explained that eight (8) vendors bid and that the three (3) lowest bids were put forward. **Selectman Bastarache** made a motion to award A. Martins & Sons Construction, Inc. for the Bridge Street Wall Replacement and Maple Avenue Roadway Improvements Project in the amount of \$707,810.00 for the Base Bid, and authorize Town Administrator, Bryan Smith to execute all documents necessary, seconded by **Chairman Smith**. Vote: Unanimously approved.

Review and Approval of Upper Pioneer Valley Veterans Services MOA

Selectman Bastarache made a motion for the Town of Erving to remain a member of the Upper Pioneer Valley Veterans' Services District by renewing the existing intermunicipal agreement, effective July 1, 2024, through June 30, 2026, and to authorize Jacob Smith, Select Board Chair, to execute all necessary agreements, seconded by **Chairman Smith**. Vote: Unanimously approved.

Joint Meeting with Finance Committee & Capital Planning Committee: Review of FY2025 Budget Requests: Education

Chairman Smith called the joint meeting with the Finance Committee and Capital Planning Committee to order at 7:00 PM. Finance Committee members Debra Smith, Daniel Hammock, Thomas Duffy, and Benjamin Fellows, as well as Capital Planning Committee members Linda Downs-Bembury and Peter Mallet joined the meeting.

Review of FY2025 Operating and Capital Budget Requests – Health & Human Services and Culture & Recreation

Review of the Board of Health & Health Agent Services Budget Request

Board of Health Chair, Jeffrey McAndrews joined the joint meeting to present the FY2025 operating budget request of \$59,608.00. Jeff briefly touched on several services that are being such as the Health Nursing Program through the FRCOG (Franklin Regional Council of Governments) that has been very successful, which includes the foot clinic and vaccine clinics. He mentioned that the Nursing Program is looking into specialized foot care for seniors and that it is currently in the discussion stage. Jeff stated that the Board of Health and the Health Agent continue to work on open correction/condemnation orders and active housing court cases. Jeff explained that our Health Agent shares services with the towns of Northfield and Shutesbury and recently placed an order for covid supplies that will be provided to the public. Jeff explained that the Board of Health fees have not changed in over 20 years and the Board will be reviewing them to try to be more in line with surrounding communities. He mentioned that the Board of Health recently agreed to contract with the Mosquito Control District Program for surveillance and monitoring. Jeff explained that through the Franklin Regional Council of Governments our Health Agent will soon be equipped with a new inspection software complete with inspection equipment and explained that the local Board of Health members will be receiving laptops and tablets to help meet the needs of online trainings that are now being required by the State Department of Public Health. Jeff explained the budget increase of \$600.00 for the Clerk to have a Town provided phone, and talked about the budget for the Health Agent expenses including mileage, training, certifications, etc. **Selectmen Bastarache** asked about the percentage of where services are being used per town for the Health Agent. Jeff explained that it has been broken down by percentage and he can provide that separately but stated that the requested \$59,608.00 budget does not reflect the assessment for the shared services. He explained that under the current assessment percentages, Erving will be responsible for \$23,843.20 after all assessments have been collected from Northfield and Shutesbury. The Select Board thanked Jeff for his presentation.

Review of Senior Services Budget Request

Senior & Community Center Director, Paula Better joined the joint meeting to present the FY2025 operating budget request of \$182,780.00. Paula explained that one of the goals is to offer more lunches. Paula stated that she and Activities Coordinator, Dulcie McAndrews, will be going for their ServSafe certification so that they can offer lunches from LifePath. Paula stated that Dulcie will be bringing in more programs and that the Senior & Community Center calendar is filling up. Paula reviewed upcoming activities and events. Paula shared that 50-60 people are coming to the Center daily. She explained that they want to plan more bus trips and expand afternoon offerings, new programs, and hope to bring in new people. Paula stated that the FY2025 budget is level-funded and went on to explain that she moved monies around between accounts to help keep the budget level-funded. Paula explained that the Purchases of Service line is for instructors. The Select Board thanked Paula for her presentation.

Review of Public Library and Board of Trustees Budget Request

At 7:24 PM Finance Committee member, Daniel Hammock, recused himself from the discussion due to a conflict of interest. Library Director, Abigail Baines, joined the joint meeting to present the Public Library's FY25 operating budget request of \$266,788.00 and the FY25 Estimated capital budget project request of \$3,000.00-\$5,000.00. Abby explained the increase in staff to meet the needs of patrons, specifically in Youth Services. Abby reviewed the goals and initiatives provided in her written summary which included assisting patrons in using digital resources, documenting building use practices and the accessibility of meeting rooms for Town Departments and talked about further grant funding for programs and services. Abby stated that there have been approximately 1,000 patrons visiting per month at the Library. Abby

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explained that they have new hours and have partnered with other Departments. Abby stated that one of the challenges is keeping up with the needs of the patrons. She explained that they must always have two staff on duty for safety and consistency purposes. Abby explained that they would like to increase the Youth Services Librarian from four days to five days a week. Capital Planning Committee member Linda Downs-Bembury asked if there are enough staff to meet the demands and support the increase of one more day for the Youth Services Librarian. Abby explained that the Public Library currently has one substitute and they are in the process of hiring another to help with staffing. Abby talked about the FY25 capital planning budget request of \$3,000.00-\$5,000.00 and the need to gain control of the lighting system, explaining that this is a leftover project from the original opening of the building in 2020. She stated that there are safety risks to be corrected and there is a potential impact with the electric bill. She stated that the number one safety risk is that the lights in the two main bathrooms shut off after 90 seconds, and there is no safety pull cords to be able to get help if a patron is left in the dark. Secondly, she has been getting reports from the community about the lights being on all hours of the night. Abby explained that it would be great to have it addressed in FY24 if possible. The Select Board members agreed that the capital request may not meet the threshold to be a capital project and **Chairman Smith** stated that it could be covered as an operating expense. The Select Board thanked Abby for her presentation.

At 7:41 PM Finance Committee Member Daniel Hammock rejoined the joint meeting.

Review of Recreation Services Budget Request

Recreation Commission members Erik Eichorn, Jacquelyn Boyden and Assistant Breta Petracchia, joined the joint meeting to present their FY25 operating budget request of \$86,135.00 and capital planning request of \$45,000.00. Jacquie described how each of the Recreation Commission members has taken on specific responsibilities which have proven to be successful with activities, events, and programs. Jacquie stated that the Halloween event was very successful and the event with Santa brought in 150+ people. She did describe, however, the challenge with the Summer Park Program as the enrollment decreased down to 20 with a new Director. Jacquie explained that for grounds and parks a playground specialist came in to evaluate what equipment needs to be replaced. Jacquie explained that goals include tracking costs and trying to improve programs year after year and they are promoting the summer concert series. Jacquie explained that the biggest driver is Summer Park. Jacquie stated that they were able to track and breakdown the budget with new software. Regarding wages for Summer Park, Jacquie explained that the Summer Park wages followed the town wage schedule. She explained that to cover some of the expenses for the program they've decided that they must increase the attendance fee and Jacquie and Breta expressed that they can't see how this program can be self-funding as the enrollment is low and the expenses are high (busses, events, and programs). She stated that some of the events are free. Jacquie explained that the Recreation Commission also needed a new tent for the Summer Park Program, and they felt it was more feasible to rent a tent rather than to purchase a new one with the reasoning that there is no need to store it, maintain it, or set up and take down. Jacquie explained that going into FY25 and beyond for Parks and Grounds projects, they are looking ahead to a necessary redesign of the playground at Zilinski Field in FY27, and in FY25, a feasibility study to do a total park redesign at Veterans' Field which will be a multi-year project. She stated that the tennis courts at Veterans' Field have been declared surplus, and there was talk of the prospect of the dugouts being burned as a training exercise for the Fire Department. That has yet to be determined. Finance Committee Chair, Deb Smith, asked what the timeline is for Veterans' Field. Jacquie explained the feasibility study process and the prospect of applying for a PARC grant, explaining that it would involve surveying and breaking out the Veteran Monuments and the Fire Station area. Jacquie also mentioned the goal of taking down the water tower at Riverfront Park to make space for other things. The Select Board thanked Erik, Jacquie, and Breta for their presentation.

Review of Pearl B. Care Building and Historical Commission Budget Request

Historical Commissioner Philip Johnson joined the joint meeting to present their FY25 operating budget request of \$14,000.00 and capital request of \$10,000.00. Phil announced that the Historical Commission has reached six (6) out of the seven (7) members needed for a full commission. Phil described a few accomplishments reached by the Commission such as a draft Demolition Delay By-Law and Archaeology Accountability Policy is under review by Town Counsel, they received grant funding for Erving Historical Structures Inventory and advertised for consultants, although received no responses and are working with Massachusetts Historical Commission to advertise again. Phil stated that now that the Historical Commission is responsible for the Pearl B. Care building, they have begun to study the contents of the building, the physical condition of the building and the prospect of its use and public access. Phil explained that it has been winterized for 4 years and that there is damage to sections of the building and is not heated and there is no running water currently. Phil was asked to explain the difference between a Historical Commission and a Historical Society. He explained that the Commission is project oriented, and a Society focuses on the history of the community. Phil explained that they will need money to bring the building up to code for ADA compliance and to fix the damaged sections and thought perhaps it would need a capital request. Deb Smith from the Finance Committee/Capital Planning Committee recommended the request be put into the operating expenses as it is considered maintenance and upkeep. The Select Board thanked Phil for his presentation.

Review of Veteran Services/Ceremonial Services Budget Request

Town Administrator, Bryan Smith, presented the FY25 budget requests for Veteran Services and Ceremonial Services. Under Veteran Services Bryan explained that there is a slight increase in benefits. He talked about the increase of \$600.00 in Professional Contracting Services due to an increase in the assessment from the Upper Pioneer Valley Veterans Services District. He stated other than that, the Veteran Services budget is level funded. For Ceremonial Services, Bryan explained an increase of \$1,000.00 due to the cost of flags having increased. This line covers seasonal decorations and flags throughout town. The Select Board thanked Bryan for presenting on behalf of Veteran and Ceremonial Services.

Budget Calendar

The Select Board, Finance Committee and Capital Planning Committee members agreed that the next joint meeting will be held on March 11, 2024, for FY2025 proposed Capital and Operating budget review and recommendations.

Continue Discussion Regarding Former IP Mill RFP Questions for Addendum

Chairman Smith explained about the 1.58-acre parcel that Bryan had put before the Select Board members in the beginning of the meeting. After a brief discussion, **Chairman Smith** made a motion to make parcel 4-0-35 available as part of the IP Mill Redevelopment RFP Addendum and to extend the submission date to April 4, 2024, and issue said addendum effective February 27, 2024, seconded by **Selectman Bastarache**. **Vote:** Unanimously approved.

Chairman Smith made a motion to adjourn the joint meeting with the Finance Committee and Capital Planning Committee at 8:58 PM, seconded by Deb Smith. **Vote:** Unanimously approved.

Executive Session

At 8:58 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

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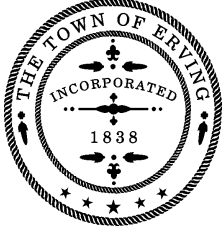
meeting may have a detrimental effect on the bargaining ... position of the public body and the chair so declares. **Chairman Smith** stated that he does so declare. (NEPBA 121, Police Unit) **Chairman Smith** stated that the Select Board will not return to Regular Session. **Selectman Bastarache** seconded. Roll Call Vote:

Selectman Bastarache Aye
Chairman Smith Aye

Respectfully submitted,

Elizabeth Sicard
Administrative Assistant

DRAFT



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800

Fax 413-422-2808

Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
James Loynd
Select Board

Bryan Smith
Town Administrator

March 23, 2024

To: Select Board
Finance Committee
Capital Planning Committee
From: Bryan Smith, Town Administrator

RE: Annual Town Meeting Warrant Draft

Attached, please find a draft of the Annual Town Meeting warrant, based on the current status of the draft FY2025 budget, as of March 18, 2024, as well as proposed capital projects and funding sources as I have understood them.

I also included a primer on the Capital Expenditure Outlay Exclusion process. If the Select Board wishes to proceed with this, I will need a vote, at least 35 days in advance of the Annual Town Election, directing the Town Clerk to add the ballot question to the ballot.

We discussed addressing the Senior Citizen Tax Work-off Abatement Program. I did find a nice example from another community that I have used to inform the proposed draft bylaw below:

ARTICLE __: SENIOR CITIZEN PROPERTY TAX WORK_OFF ABATEMENT

To see if the Town will vote to adopt the following General Bylaw entitled "Senior Citizen Property Tax Work-off Abatement Program" as part of the Town Code, and authorize the Town Clerk to assign the appropriate chapter, article, and sections, or take any other action relative thereto:

Senior Citizen Property Tax Work-Off Program

§__ - 1.0 Purpose

In accordance with the provisions of MGL c. 59, § 5K the Town offers a program which allows certain eligible seniors aged 60 the opportunity to perform work for the Town in exchange for an abatement of property taxes for the maximum amount of \$1,500 yearly.

§__ - 2.0 Eligibility

In order to be eligible to apply for the Senior Property Tax Work-Off Program, an individual shall meet all of the following requirements:

2.1 Owns and occupies a residential property in the immediate fiscal year preceding the fiscal year in which the taxpayer applies to volunteer his/her services;

2.2 Has reached 60 years of age by July 1 of the fiscal tax year for which the tax credit is given;

2.3 Otherwise qualified municipal employees may participate in the program as long as they are able to secure an exemption to MGL c. 268A, § 20.

§__ - 3.0 Program Administration

3.1 The Town Administrator or their designee shall be responsible for administering the Senior Tax Work-Off Abatement Program.

3.2 The Town Administrator or their designee shall review and approve the volunteer services to be included in the programs and place and/or assign eligible residents to perform such services.

3.3 The Town Administrator or their designee shall certify the amount of volunteer services performed by each participating taxpayer to the Erving Board of Assessors on or before December 1 of the year for which tax credits are to be given. Upon timely receipt of this certification, the Board of Assessors shall credit the real property tax obligations of the participating taxpayers in an amount not to exceed \$1,500 per taxpayer. A copy of each taxpayer's certification will be given to that taxpayer. This credit shall be in addition to any exemption or abatement for which the volunteer may otherwise be eligible.

3.4 There shall be a maximum number of 10 residents who may participate in the program in a given fiscal year.

§__ - 4.0 Program Criteria

4.1 The hourly rate at which the volunteer services are to be credited shall be the minimum wage of the Commonwealth in effect at the time the services are provided.

4.2 The Town will pay the volunteer's share of FICA taxes.

4.3 The maximum amount by which the real property tax obligation of any one volunteer may be reduced in any given tax year shall not exceed \$1,500.

4.4 Tax credits may be applied only toward real property, which the volunteer occupies as a principal residence and has property tax liability.

4.5 Only one tax abatement per property per fiscal year shall be allowed.

4.6 Participation will be awarded using a lottery system if qualified applications received exceed the number of available slots.

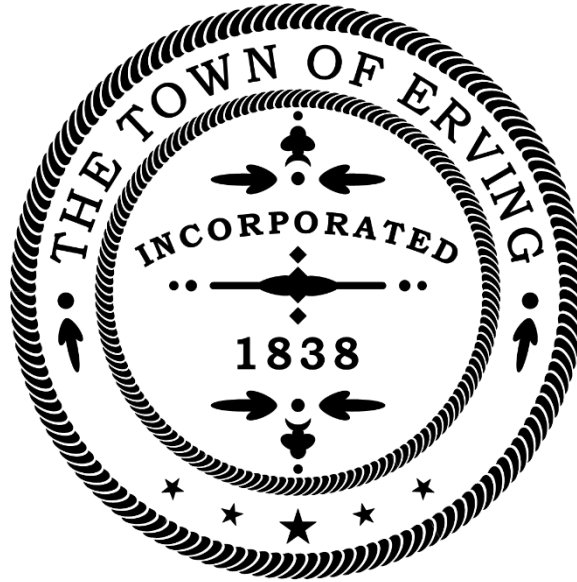
4.7 Taxpayers in the program may not participate in two consecutive fiscal years unless the number of applicants is less than the eligible slots.

SUBMITTED BY:

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would formally codify the Cable Advisory Committee, which is currently voted into existenc

DRAFT



Annual Town Meeting Warrant

Wednesday, May 08, 2024

Time: 7:00 PM | Location: Erving Elementary School

*Please bring this copy with you to the
Annual Town Meeting.*

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Erving, should contact the office of the Select Board as soon as possible but no later than 48 hours before the scheduled event.

The office of the Select Board is located at 12 East Main Street, Erving, MA 01344.

Email: administrator@erving-ma.gov | Phone: (413) 422-2800

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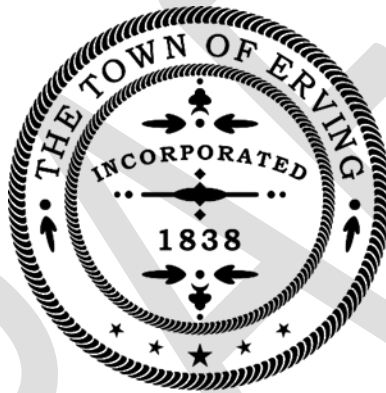
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Erving’s FY 2025 Proposed Operating & Capital Budget

Is available for review at

www.erving-ma.gov/budgets

COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

Town of Erving Constables, Town Clerk, and Administrative Assistant: In the name of the Commonwealth, you are directed to notify and warn the said inhabitants qualified to vote in Town affairs to meet in the **Erving Elementary School** located at **28 Northfield Road, Erving, MA** on

Wednesday, May 08, 2024, at 7:00 PM,

then and there to vote on the following articles in the Warrant:

ANNUAL TOWN ELECTIONS

Monday, May 06, 2024

To either of the Constables of the Town of Erving:

Greetings: In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Erving, qualified to vote in town affairs to meet in the meeting room at the **Town Hall**, 12 East Main Street in Erving Center on **Monday, May 06, 2024, at 10:00 AM** then and there to bring their votes for the following town offices and ballot questions:

- One (1) Select Board Member for three (3) years
- One (1) Assessor for three (3) years
- One (1) Town Clerk for three (3) years
- One (1) Library Trustee for three (3) years
- One (1) Moderator for one (1) year
- Two (2) School Committee members for three (3) years
- One (1) School Committee member for one (1) year
- One (1) Tree Warden for one (1) year
- One (1) Constable for three (3) years
- One (1) Planning Board member for three (3) years
- One (1) Recreation Commission member for three (3) years
- One (1) Board of Health member for three (3) years

Question 1: Capital Outlay Exclusion

Shall the Town of Erving be allowed to assess an additional \$3,400,000.00 in real estate and personal property taxes for the purposes of demolishing the structures and related site preparation services at the former IP Mill site for the fiscal year beginning July first, 2024?

The polls will close at 8:00 PM.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF THE 2023 TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers for the calendar year 2023 or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will accept the calendar year 2023 Town Report as presented. Approval of this article requires a majority vote.

ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL OR STATE GRANTS

To see if the Town will vote to authorize the Select Board to apply for Federal or State grants and to expend any monies received and in anticipation of being received, as set forth by the appropriate grant application, and to follow the appropriate procedures, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Select Board to apply for, receive, and take actions to comply with the requirements of grants throughout the year. Approval of this article requires a majority vote.

ARTICLE 3: AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY

To see if the Town will vote to authorize the Town to dispose of any Town property that is declared surplus by the Select Board or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Select Board to dispose of Town owned property that is determined to be surplus in accordance with the Town's surplus property policy. Approval of this article requires a majority vote.

ARTICLE 4: AUTHORIZATION TO ENTER INTO COMPENSATING BALANCE AGREEMENTS

To see if the Town will vote to authorize the Treasurer and Collector to enter into compensating balance agreements for Fiscal Year 2025 as permitted by Massachusetts General Law Chapter 44 Section 53F, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article will allow the Treasurer and Collector to enter into compensating balance agreements with Massachusetts banking institutions. Approval of this article requires a majority vote.

FISCAL YEAR 2025 OPERATING BUDGET

ARTICLE 5: FY2025 GENERAL OPERATING BUDGET

To see if the Town will vote to raise and appropriate the sum of Six Million Four Hundred Seventy-three Thousand, Six Hundred Eighty-three Dollars and No Cents (\$6,473,683.00) in the following itemized amounts, all for municipal purposes, or take any other action relative thereto:

Line	Divisions	Amount
1	General Government	\$ 1,486,731.00
2	Public Safety	\$ 1,204,849.00
3	Public Works	\$ 774,472.00
4	Health & Human Services	\$ 314,292.00
5	Culture & Recreation	\$ 434,423.00
6	Assessments	\$ 62,100.00
7	Benefits	\$ 2,196,816.00
	Grand Total	\$ 6,473,683.00

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Detailed budget information for each department, that comprises each line-item above, is available in the Fiscal Year 2025 Town of Erving Proposed Operating and Capital Improvement Budget. A copy of the document is available on the municipal website (www.erving-ma.gov) and can be picked up at Town Hall. Approval of this article will establish the FY2025 operating budget in the categories identified above. Approval of this article requires a majority vote.

ARTICLE 6: FY2025 ELECTED OFFICIAL COMPENSATION

To see if the Town will vote to fix the sum of One Hundred Eighty-one Thousand Four Hundred Thirty-six Dollars and Fifty Cents (\$181,436.50) for Elected Officials’ salaries for Fiscal Year 2025, and vote that the following salary and compensation be paid from this sum to the following Elected Officials of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended by Chapter 540 of the Acts of 1947, or take any other action relative thereto:

	Detail	Wage Total	Wage per Member	Chair Stipend
Assessor (3)		\$ 11,718.00*	\$ 3,881.00ea	\$75.00
Board of Health (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Library Trustees (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Moderator (1)		\$ 350.00*		
Planning Board (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
Recreation Commission (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
School Committee (5)		\$ 7,090.00***	\$ 1,403.00ea	\$75.00
Select Board/Water Commissioners (3)	\$ 12,451.00*			\$250.00
	from Water Department	\$ 879.00**		
	Total Salary	\$ 13,330.00	\$ 4,360.00ea	
Tax Collector (1)	\$ 21,486.00*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 2,026.00**		
	Total Salary	\$24,512.00		
Town Clerk (1)	\$29,460.00*			
	From Census Work	\$ 1,000.00*		
	Total Salary	\$30,460.00		
Treasurer (1)	\$ 72,265.00*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,875.00**		
	Total Salary	\$ 75,140.00		
Tree Warden (1)		\$ 2,536.50		
Total Elected Official Salary		\$181,436.50		

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

Article Information: This article outlines the compensation amounts for elected officials. Approval of this article requires a majority vote.

*funding for this compensation is raised & appropriated in the omnibus budget in article 5.
 **funding for this compensation is raised & appropriated in the Water Enterprise Fund, article 10.

*** funding for this compensation is raised & appropriated in Article 7.

ARTICLE 7: FY2025 ERVING ELEMENTARY ELEMENTARY SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Three Million Nine Hundred Fifty-four Thousand Five Hundred Seventy-eight Dollars and No Cents (\$3,954,578.00) for the expense and operation of the Erving Elementary School for Fiscal Year 2025 or take any other action relative thereto.

Line	Account #	Description	Amount
1	001-300-100-30000-511000	School Committee Stipend	\$7,090.00
2	001-301-100-30100-511100	Permanent Salary & Wages	
3	001-301-200-30100-578000	Expenses	
Grand Total			\$3,954,578.00

SUBMITTED BY: School Committee
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for the Erving Elementary School. Approval of this article requires a majority vote.

ARTICLE 8: FY2025 SECONDARY EDUCATION FUNDING

To see if the Town will vote to raise and appropriate the sum of One Million, Four Hundred Nine Thousand Forty-seven Dollars and No Cents (\$1,409,047.00) for secondary education and expenses for Fiscal Year 2025 or take any other action relative thereto.

SUBMITTED BY: School Committee
FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for Erving's secondary education costs of sending students in grades 7 through 12 to other districts, excluding the Technical School. The development of this budget is a best estimation of the number of Erving students who may attend the Gill-Montague District for the coming school year. Actual decisions about a student's education aren't known until the start of the school year and as a result this budget may require a supplemental funding request in the future. Approval of this article requires a majority vote.

ARTICLE 9: FY2025 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Five Hundred Thirteen Thousand Seventy-two Dollars and No Cents (\$513,072.00) for secondary education and expenses at the Franklin County Technical School for Fiscal Year 2025 as itemized below or take any other action relative thereto.

Line	Account #	Description	Amount
1	001-320-100-32000-519200	School Committee Stipend	\$1,403.00
2	001-320-200-32000-532000	Tuition Services	\$497,816.00
3	001-320-200-32000-578000	Capital Expenses	\$13,853.00
Grand Total			\$513,072

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

Article Information: This article provides funding for Erving’s assessment to the Technical School and establishes the salary for Erving’s representative to the Technical School Committee. Approval of this article requires a majority vote.

ARTICLE 10: FY2025 WATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to appropriate the sum of One Hundred Eight Thousand, One Hundred Ten Dollars and No Cents (\$108,110.00) to the Water Enterprise Fund for Fiscal Year 2025 Water Department operations. Said money to be raised from receipts, revenues, and funds from any source derived from the activities of the Erving Water Department or take any other action relative thereto.

Estimated Revenue	
User Charges	\$76,500.00
Administrative Fees	\$21,680.00
Fees for Testing, Hydrants, Final Reads, and Backflow Testing	\$10,785.00
Investment Income	\$2,000.00
Total Estimated Revenues	110,965.00
Proposed Expenditures	
Salary & Wages	\$43,710.00
Ordinary Expenses	\$64,400.00
Total Expenditures	\$108,110.00
Proposed Retained Earnings	\$2,865.00

SUBMITTED BY: Water Commissioners
 FINANCE COMMITTEE RECOMMENDS:

Article Information: This article approves the operating budget for the water department and will allow the department to raise the necessary funds through water receipts and other activities. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.

ARTICLE 11: FY2025 WASTEWATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to raise and appropriate the sum of One Million, Ninety-nine Thousand, Three Hundred Seventy-three Dollars and No Cents (\$1,099,373.00) to the Wastewater Enterprise Fund for Fiscal Year 2025 Wastewater operations or take any other action relative thereto.

Estimated Revenue	
Town of Montague and other receipts	\$242,138.00
Town of Erving (raise & appropriate)	\$857,235.00
Total Estimated Revenue	\$ 1,099,373.00

Proposed Expenditures	
Salary & Wages	\$297,226.00
Ordinary Expenses	\$411,902.00
Debt Service	\$390,245.00
Total Expenditures	\$1,099,373.00

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

Article Information: This article approves the operating budget for the wastewater department and will allow the Town to raise the necessary funds through the means stated. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.

FISCAL YEAR 2025 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES

ARTICLE 12: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS

To see if the Town will vote to raise and appropriate the sum of Three Hundred Eighteen Thousand Dollars and No Cents (\$318,000.00) for the continuing annual appropriations and special articles itemized below for the purposes stated or take any other action relative thereto.

Line	Dept.	Account #	Description	Amount
1	Assessors	001-141-900-14110-530500	Legal Services	\$35,000.00
2	Assessors	001-142-900-14210-530610	Appraisal Services	\$35,000.00
3	Town Buildings	001-192-900-19210-524100	Building Maintenance	\$30,000.00
4	Miscellaneous	001-199-900-19910-531100	Advertising in Around Town	\$8,000.00
5	Highway	001-422-900-42210-524060	Bridge Maintenance Services	\$5,000.00
6	Highway	001-422-900-42211-524050	Highway Maintenance Services	\$50,000.00
7	Highway	001-429-900-42915-585050	DPW Wheel Loader Lease	\$55,000.00
8	Benefits	001-919-900-91910-517990	Transfer to OPEB Trust Fund	\$100,000.00
Grand Total				\$318,000

SUBMITTED BY: Select Board
 FINANCE COMMITTEE RECOMMENDS:

Article Information: The FY2025 continuing appropriation & special article plan outlined above is a continuation of the sound financial planning that the Town has engaged in over the past few years. The amounts requested are consistent with previous appropriations and allow the Town to meet the service obligations for the stated purposes. Approval of this article requires a majority vote.

CAPITAL IMPROVEMENTS

ARTICLE ___ : APPROPRIATE FOR FY2024 CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of One Hundred Sixty-five Thousand Dollars and No Cents (\$165,000.00) for the FY2024 capital improvement project(s) itemized below and related expenses, by transferring One Hundred Sixty-five Thousand Dollars and No Cents (\$165,000.00) from the Capital Stabilization Fund, with the condition that all unspent funds are returned to the Capital Stabilization Fund upon completion of the project, subject to Select Board approval, or take any other action relative thereto.

Line	Dept.	Account #	Description	Amount
1	Town Buildings	001-192-900-19213-582010	Door Access & Security System	\$165,000.00
Grand Total				\$165,000.00

SUBMITTED BY: Select Board
CAPITAL PLANNING COMMITTEE RECOMMENDS:
FINANCE COMMITTEE RECOMMENDS:

Article Information: The proposed request is an amendment to the approved FY2024 capital improvement plan. The additional requested funding will allow the project for the proposed security upgrades at the Police Station to be completed as well as Elementary School. Approval of this article requires a 2/3 vote.

ARTICLE ___ : APPROPRIATE FOR FY2025 CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of Two Hundred Eighty Thousand Dollars and No Cents (\$280,000.00) for the FY2025 capital improvement projects itemized below and related expenses, by transferring Two Hundred Eighty Thousand Dollars and No Cents (\$280,000.00) from the Capital Stabilization Fund, with the condition that all unspent funds are returned to the Capital Stabilization Fund upon completion of the project, subject to Select Board approval, or take any other action relative thereto.

Line	Dept.	Account #	Description	Amount
1	Planning	<i>New account</i>	Open Space & Recreation Plan	\$25,000.00
2	Planning	<i>New account</i>	Hazard Mitigation Plan	\$25,000.00
3	Fire	<i>New account</i>	Extraction Equipment	\$50,000.00
4	Highway	001-429-900-42910-585000	Plow Truck	\$100,000.00
5	Info. Systems	001-155-900-15510-585100	Computer Replacement	\$35,000.00
6	Recreation	<i>New account</i>	Veterans Field Feasibility Study	\$45,000.00
Grand Total				\$280,000.00

SUBMITTED BY: Select Board
CAPITAL PLANNING COMMITTEE RECOMMENDS:
FINANCE COMMITTEE RECOMMENDS:

Article Information: The FY2025 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. Some

requests are “recurring requests” that appear annually to maintain a consistent investment while other capital requests are one-time requests. Details about all proposed capital improvement projects, funding sources, and explanations are available for review in the FY2025 proposed Operating & Capital Improvement Budget book. Approval of this article requires a 2/3 vote.

ARTICLE _ : APPROPRIATE FOR FY2025 WASTEWATER CAPITAL PROJECTS

To see if the Town will vote to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Sixty-three Thousand Six Hundred Dollars and No Cents (\$63,600.00) for the capital improvement project(s) itemized below, and related expenses, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	<i>New account</i>	Security Fencing	\$55,000
Grand Total			\$75,000

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS:

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would appropriate \$63,600 for the Wastewater Department to fund the installation of security fencing at the Erving-side Wastewater Treatment Plant (POTWI). Approval of this article requires a majority vote.

DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS

ARTICLE _ : REVOLVING ACCOUNT SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during Fiscal Year 2025, beginning on July 1, 2024, for the revolving funds established in Town bylaws for certain departments, boards, committees, agencies, or officers in accordance with Massachusetts General Laws Chapter 44, Section 53E1/2, as follows:

Revolving Fund	Department/Board/Committee/ Agency or Officer	FY2025 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000
Library Use and Fees	Board of Library Trustees	\$10,000
Electric Vehicle Charging Stations	Select Board	\$15,000

or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would establish the FY2025 spending limits in the above referenced revolving funds in accordance with Town bylaw and with MGL Chapter 44, Section 53E ½. Approval of this article requires majority vote.

STABILIZATION FUND ARTICLES

ARTICLE __: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate the sum of Seven Hundred Fifty Thousand Dollars and No Cents (\$750,000.00) into the Capital Stabilization Fund, sourced by transferring Seven Hundred Forty-seven Thousand Dollars and No Cents (\$747,000) from Free Cash and raising Three Thousand Dollars and No Cents (\$3,000.00), or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would raise and appropriate the sum of \$750,000 and deposit the sum into the Capital Stabilization Fund for use on future capital projects that will require Town Meeting approval. Approval of this article requires a majority vote.

ARTICLE __: APPROPRIATION FOR THE GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to raise & appropriate the sum of One Hundred Thirty Thousand, Sixty-seven Dollars and No Cents (\$130,067.00) into the General Stabilization Fund or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would appropriate the sum of \$130,067 into the General Stabilization Fund. This article is meant to replenish funds used from the General Stabilization Fund for the construction of the Erving Public Library. This is the final of five (5) planned deposits into General Stabilization related to the project. Approval of this article requires a majority vote.

COMMUNITY ACCESS TELEVISION

ARTICLE __: TO APPROPRIATE FOR COMMUNITY ACCESS TELEVISION

To see if the Town will vote to appropriate the Twenty-five Thousand Dollars and No Cents (\$25,000.00) from the PEG Access Cable Revenue account for the purpose of operating the Town's local cable access channel as itemized below, beginning July 1, 2024, or take any other action relative thereto.

Line	Account #	Description	Amount
1	240-159-200-15905-530000	Professional Contracting Services	\$20,000.00
2	240-159-200-15905-574000	Insurance Premiums	\$2,000.00

3	240-159-900-15910-578000	Equipment to Televisе Meetings	\$3,000.00
Grand Total			\$25,000.00

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would appropriate \$25,000 from the PEG Access Cable Revenue account for the Select Board to use to operate the Town’s community access television channel. Revenue in this account is received quarterly from Comcast from user fees in accordance with the Cable franchise agreement. Approval of this article requires a majority vote.

MULTI-YEAR CONTRACT AUTHORIZATIONS

ARTICLE __: AUTHORIZATION TO SIGN A 10 YEAR AGREEMENT WITH THE TOWN OF MONTAGUE

To see if the Town will vote to authorize the Select Board to enter into a ten (10) year contract, commencing in Fiscal Year 2025 with the Town of Montague for the treatment of wastewater, subject to the Select Board’s determination that the contract is in the best interests of the Town, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would authorize the Select Board to sign a ten (10) year agreement with the Town of Montague for the treatment of wastewater. The towns have long shared an arrangement that allows the wastewater from the village of Millers Falls in Montague to be conveyed to the Erving Wastewater Treatment Plant #1 for treatment, in exchange for a contractually agreed upon fee. Approval of this article requires a majority vote.

ARTICLE __: AUTHORIZATION TO SIGN A 10 YEAR AGREEMENT WITH THE FCRHRA

To see if the Town will vote to authorize the Select Board to enter into a ten (10) year contract, commencing on July 1, 2024, with the Franklin County Regional Housing & Redevelopment Authority, for the provision of administrative services for the Town’s Community Development Block Grant activities and the Housing Rehabilitation Revolving Loan Program, subject to the Select Board’s determination that the contract is in the best interests of the Town, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would authorize the Select Board to sign a ten (10) agreement with the Franklin County Regional Housing & Redevelopment Authority for the administration of the Town’s Community Development Block Grant activities and the Housing Rehabilitation Revolving Loan Fund program. The Town and the Authority have long had a

professional services arrangement for these activities and the current agreement expires this year. Approval of this article requires a majority vote.

ARTICLE __: AUTHORIZATION TO SIGN A 99 YEAR LAND LEASE WITH RURAL DEVELOPMENT INC.

To see if the Town will vote to authorize the Select Board to enter into a ninety-nine (99) year contract, commencing in Fiscal Year 2025, with Rural Development Incorporated, for the lease of real property on Care Drive to allow the construction of affordable housing, subject to the Select Board's determination that the contract is in the best interests of the Town, or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would authorize the Select Board to sign a ninety-nine (99) year land lease for the purpose of developing affordable housing, with parcel A providing age-restricted housing for individuals aged 62 or older, and upon such terms and conditions as the Select Board deems to be in the best interest of the Town. The Town identified the need and the goal of developing Senior Housing in the Town's 2002 Master Plan and the Town has continued to work towards that goal on Care Drive. The Town has conducted multiple procurements and has secured an advantageous proposal that has been reviewed publicly by the Select Board and Senior Housing Committee. Approval of this article requires a majority vote.

REAL PROPERTY TRANSACTIONS

ARTICLE __: TO AUTHORIZE DISPOSITION OF LAND ON CARE DRIVE

To see if the Town will vote to transfer from the board or officer currently having control for current purpose for which the property is held to the Select Board, for the purpose of disposition by lease, sale, or otherwise, the care, custody, management and control of the property located on Care Drive and shown as parcels A and B on _____; and to authorize the Select Board to rent, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of Massachusetts General Law Chapter 30B, Section 16 for the purposes of affordable housing, with parcel A restricted for housing for individuals aged 62 or older, and to authorize the Select Board to take such actions and execute such documents and agreements as are necessary to effectuate the purpose of this article; or take any other action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:
CAPITAL PLANNING COMMITTEE RECOMMENDS:

Article Information: Approval of this article would authorize the Select Board to lease, convey, or otherwise dispose of all or a portion of said property pursuant to the provisions of Massachusetts General Laws for the purpose of affordable housing, with parcel A restricted for individuals aged 62 or older, and upon such terms and conditions as the Select Board deems to be

in the best interest of the Town. The Town identified the need and the goal of developing Senior Housing in the Town's 2002 Master Plan and the Town has continued to work towards that goal on Care Drive. The Town has conducted multiple procurements and has secured an advantageous proposal that has been reviewed publicly by the Select Board and Senior Housing Committee. Approval of this article requires a majority vote.

ARTICLE __ : TO AUTHORIZE ACQUISITION OF PARCEL A

To see if the Town will vote to authorize the Select Board to acquire by eminent domain, or otherwise, on such terms and conditions as the Select Board shall determine, the following described parcel:

Beginning at an unmarked point in the easterly sideline of The French King Highway at Station 21+70.34, 40' Right, said point marking the northwesterly corner of land now or formerly of the Town of Erving; thence, along said French King Highway N 07°40'58" E to a MA Highway Bound; thence, S 80°42'08" E 40.01' +/- to a point at the center of a headwall; thence 174' +/- along the centerline of a dry brook and land now or formerly of The Commonwealth of Massachusetts to a 1.5" iron pipe at the centerline of said dry brook (Tie Course N 87°56'45" E 202.92'); thence, 410' +/- along centerline of said dry brook and land now or formerly of The Commonwealth of Massachusetts to a point in the centerline of said dry brook and land now or formerly of Frank Prondecki (Tie Course S 70°45'22" E 357.05') ; thence, 310' +/- along the centerline of said dry brook and land now or formerly of Frank Prondecki to a point in the westerly sideline of land now or formerly of The Vermont Central Railroad (Tie Course S 50°08'54" E 180.92'); thence, S 81°41'33" W 69.70' along the westerly sideline of said land now or formerly of The Vermont Central Railroad to a 5/8" rebar at the top of a ravine, said point being the northeast corner of land now or formerly of the Town of Erving; thence, 755' +/- (Tie Course N 79°35'05" W 636.87') along the top of said ravine and said land now or formerly of the Town of Erving to the point of beginning. Containing 1.217 acres of land +/- and being Parcel "A" as shown on plan titled "PLAN OF LAND TO BE TAKEN BY THE TOWN OF ERVING" by Daniel Salls Land Surveying dated March 05, 2024;

and further to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisitions and other acts authorized herein; or take any action relative thereto.

SUBMITTED BY: Select Board
FINANCE COMMITTEE RECOMMENDS:

Article Information: *Approval of this article would authorize the Select Board to acquire a parcel of land related to the parcel taken by the Town, in 1996, that is now used as the Police Station. During a recent survey of the Police Station parcel, a discrepancy in the deed language was discovered that dates to all deed transactions related to the property, after 1926. The area in question that is being referred to as "Parcel A" on the proposed plan for taking is largely the ravine on the property, between the Police Station and the MassDOT Highway Facility. The plan for the proposed taking is on file in the Town Clerk's office. Approval of this article requires a 2/3 vote.*

CAPITAL OUTLAY EXPENDITURE EXCLUSION

ARTICLE __ : RAISE & APPROPRIATE FOR THE DEMOLITION OF THE FORMER IP MILL SITE

To see if the Town will vote to raise and appropriate the additional sum of Three Million Four Hundred Thousand Dollars and No Cents (\$3,400,000.00), conditioned on the approval of a capital outlay expenditure exclusion ballot question, or take any other action relative thereto.

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS:

FINANCE COMMITTEE RECOMMENDS:

Article Information: Approval of this article would raise and appropriate the sum of \$3,400,000 to allow the Town to demolish the structures and complete site preparation activities at the former IP Mill site. Approval of this article would only increase the amount authorized to raise and appropriate for FY2025 and will not carry into future fiscal years. The Select Board, Finance Committee and Capital Planning Committee have met for over a year and have held discussions with citizens to arrive at the recommendation to demolish the structures. The total cost to demolish the site is estimated to be \$4 Million and the Town has successfully received a \$600,000 grant for the project. The Town has attempted to sell the property through a request for proposals process three times. If approval of this article at the Town Meeting or the ballot question at the Town Election fails, then the Select Board, Finance Committee, and Capital Planning Committee will request the Treasurer to auction the property to the highest bidder. Approval of this article requires a majority vote.

In addition, you are hereby directed to serve the above warrant and to post attested copies as directed by vote of the Town at least seven (7) days before said meeting. Fail not and make do return of this warrant with your doings thereon to the Town Clerk for the day of said meeting.

Given under our hands this **day of April 2024.**

Jacob A. Smith, Chairman

Scott Bastarache

James Loynd

Erving Select Board

POSTING REQUIREMENT CERTIFICATION

FRANKLIN SS

TOWN OF ERVING

I have served the above warrant by posting attested copies, as directed by vote of the Town, at least seven (7) days before the time of holding said meeting.

Date

Authorized Signature

DRAFT

Town of Erving
12 East Main Street
Erving, Massachusetts 01344

PRSR STD
U.S. Postage Paid
ECRWSS
EDDM Flat

Town of Erving

*****ECRWSS***

LOCAL
POSTAL CUSTOMER
ERVING MA 01344

Annual Town Meeting Warrant

Wednesday, May 08, 2024

Time: 7:00 PM | Location: Erving Elementary School

*Please bring this copy with you to the
Annual Town Meeting.*

In past years, prior to the COVID-19 pandemic, we were able to partner with other groups at the school to allow for childcare assistance. At this time, we are unable to provide a childcare option at the Annual Town Meeting.

Anyone who requires an auxiliary aid or service for effective communication, or a modification of policies or procedures to participate in a program, service, or activity of the Town of Erving, should contact the office of the Board of Selectmen as soon as possible but no later than 48 hours before the scheduled event.

The office of the Board of Selectmen is located at 12 East Main Street, Erving, MA 01344.

Email: administrator@erving-ma.gov | Phone: (413) 422-2800

Proposition 2 ½ - Part I

A Practical Guide

Proposition 2 ½ impacts every aspect of municipal governance and operations, but is difficult to understand and explain. In this two-part eUpdate, our goal is to summarize the important aspects of the law that arise during budgeting, and then provide practical guidance that can be utilized in preparing for an annual or special town meeting at which an override or exclusion will be presented. Here, we review key definitions, the two-step process required to increase taxes in excess of the amount allowed under Proposition 2 ½, the form of related town meeting articles and appropriation orders, the different functions and form of Proposition 2 ½ questions, and the process for placing a Proposition 2 ½ question on the ballot. In Part II, we will review the complexities of contingent appropriations and Proposition 2 ½ ballot questions.

1. Levy Ceiling and Levy Limit

In short, Proposition 2 ½, adopted pursuant to statewide initiative petition in 1981, establishes two types of limits on the amount that a municipality may raise by taxation. The first is the total amount that may be raised by taxation, known as the “levy ceiling”, the full and fair cash value of all property in the municipality, multiplied by two and one half percent. The second is the amount that a municipality may increase taxes from year to year, and that amount is known as the “levy limit”. In the most general of terms the levy limit is the amount a municipality could have raised by taxation the year before; plus, two and a half percent of that amount (hence the moniker “Proposition 2½”); plus “new growth” (an amount equivalent to increased value of properties based upon new development and of properties returning to the tax rolls).

Municipalities are not required to tax up to the levy limit (or the levy ceiling). Further, be reminded that the automatic 2 ½ percent increase each year is made with reference to the levy limit, and not the amount actually levied the prior year, and therefore, taxes can, at least in theory, increase more than 2 ½ percent each year.

2. Two Steps Required to Increase Taxes in Excess of Limits Imposed by Proposition 2½

If a municipality wants to raise taxes by amounts in excess of the levy limit, or wishes to ensure that it may do so in the future, it may pursue a Proposition 2 ½ override, debt exclusion or capital outlay exclusion. Two separate steps are required: (1) town meeting or city council must appropriate funds and (2) voters of the city or town must approve a ballot question. Either step may be taken first. Typically policy or timing issues dictate which order is preferable. In towns only, if the required election will occur after the town meeting, the appropriation may (but need not) be made contingent upon passage of a Proposition 2 ½ ballot question.

3. Form of Town Meeting Article or Appropriation Order

The statute does not dictate the form of article and motion or appropriation order to be used at town meeting or by the city council. Therefore, such format is in large part dependent on local practice (and, if a borrowing, on bond counsel’s requirements). The motion or order must identify the purpose, amount and funding source for

the appropriation. In towns, if it is intended that the appropriation be made contingent upon passage of a Proposition 2 ½ ballot question, the contingency may be included in the article, but must appear in the motion. The Department of Revenue has previously indicated that a motion that adds a contingency where one did not appear in the warrant article, or that omits a contingency that did appear in the article, is “within the scope” of the article. Therefore, whether to reference the contingency in the warrant article is a policy decision.

4. Form of Override, Debt Exclusion or Capital Outlay Exclusion Question

State election law dictates the form of the Proposition 2 ½ ballot questions, leaving a portion to be completed in each question with the purpose for the appropriation, and in the case of an override or capital exclusion override, a dollar amount. The purpose must be “substantially similar” to the purpose for which the monies were (or will be) appropriated. Moreover, to avoid running afoul of the Campaign Finance Law, G.L. c.55, the description inserted in the question must be a funding purpose (i.e., “a fire truck”), and not “advocacy” for the funding purpose (i.e., “because a new truck will save many lives”). The law does not authorize a summary to be included on the ballot in connection with any such ballot question.

Override – A levy limit override is a permanent increase in the amount allowed to be raised by taxation, typically used to address recurring operational expenses, such as higher assessments from a regional school district, increased staffing demands, additional services to be provided (i.e., providing full day kindergarten, 24-hour shift coverage, or operating a new building), and the like. In the first fiscal year, the additional room in the levy must be used for the purpose set forth in the ballot question. In later fiscal years, the “override” amount is not restricted, and is instead available for any legal purpose for which the funds may be appropriated. The ballot question for an override (G.L. c.59, §21C(g)) takes the following form:

Shall the (city/town) of _____ be allowed to assess an additional \$_____ in real estate and personal property taxes for the purposes of (*state the purpose(s) for which the monies from this assessment will be used*) for the fiscal year beginning July first, 20__?

Debt Exclusion – A debt exclusion is a temporary increase in the amount allowed to be raised by taxation for the period required to pay the principal and interest on an authorized borrowing. The exclusion only applies for the life of the borrowing - when the borrowing is paid off, the temporary exclusion terminates. A debt exclusion is frequently used as a way to finance significant projects such as the construction of a building or infrastructure project, or to purchase of significant equipment such as a fire truck. The ballot question for a debt exclusion (G.L. c.59, §21C(k)) takes the following form:

Shall the (city/town) of _____ be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to (*state the purpose or purposes for which the monies from the local issue will be used*)?

Questions are often raised as to why the ballot question does not provide for inclusion of a dollar amount. While a definitive answer cannot be provided, one likely reason is that the amount required to repay a borrowing will be dependent on various factors including the interest rate, length of the borrowing, and whether bond premiums will be applied to reduce the total project costs.

Also, be aware that there is no statutory requirement that a debt exclusion be authorized contemporaneously with the town meeting or city council vote to authorize the borrowing. For that reason, if a board of selectmen or

city council determine at any time after the appropriation vote, even years later, that it would be appropriate to “make more room in the levy” they may vote to place a debt exclusion question on the ballot.

Capital Outlay Exclusion – A capital outlay exclusion is a one-year only increase in the amount to be raised by taxation to pay for a particular item for which a municipality could borrow. Often, a capital exclusion is sought for the purchase of a piece of relatively expensive equipment such as a vehicle, acquisition of a piece of real property, or limited project. The ballot question for a capital exclusion (G.L. c.59, §21C(i)) takes the following form, which form is identical to the form of an override question:

Shall the (city/town) of _____ be allowed to assess an additional \$_____ in real estate and personal property taxes for the purposes of *(state the purpose(s) for which the monies from this assessment will be used)* for the fiscal year beginning July first, 20__?

5. Placement of a Proposition 2½ Question on the Ballot

Authority of “Local Appropriating Authority” - Proposition 2½ specifically provides that the “local appropriating authority” is responsible for placing debt exclusion, override, capital outlay and underride questions on the ballot. The “local appropriating authority” is defined by G.L. c.59, §21C as the board of selectmen, city council with approval of the mayor, or town council. Thus, whether to place a Proposition 2 ½ question on the ballot, and the form of such question (provided that the form complies with state law) is a matter solely within the jurisdiction of the local appropriating authority. This discretion extends to whether to: place a question on the ballot at all, even if a contingent appropriation has been voted by town meeting; place one question on the ballot for multiple purposes even if voted separately at town meeting; or to put multiple questions on the ballot, even if voted together at town meeting.

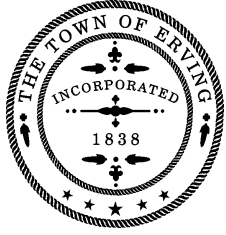
Note that in municipalities with an initiative petition process, such as are often found in city charters, that process may be used to require the city council to place an underride question on the ballot. In contrast, if no such initiative petition process exists in a charter or special act, an underride may only appear on the ballot if so voted by the “local appropriating authority”.

Quantum of Vote - For a debt exclusion or a capital outlay exclusion, the local appropriating authority must approve placement on the ballot by a 2/3 vote. For an override or underride question, only a majority vote is required.

Timing of Vote and Notice to Clerk - General Laws c.54, §42C requires that a vote to place a question on the ballot, and notice to the clerk of that vote, occur no later than 35 days prior the date of the election at which the question will appear. Further, pursuant to G.L. c.54, §64, the vote and notice must include the full text of the question.

If you have any questions about Proposition 2½, please contact Attorneys Lauren F. Goldberg or (lgoldberg@k-paw.com) or Mark R. Reich (mreich@k-plaw.com) at 617.556.0007.

Disclaimer: This information is provided as a service by KP Law, P.C. This information is general in nature and does not, and is not intended to, constitute legal advice. Neither the provision nor receipt of this information creates an attorney-client relationship with KP Law, P.C. Whether to take any action based upon the information contained herein should be determined only after consultation with legal counsel.



TOWN OF ERVING

SELECT BOARD

12 East Main Street
ERVING, MASSACHUSETTS 01344

Tel. 413-422-2800
Fax 413-422-2808
Email: administrator@erving-ma.gov

Jacob A. Smith, Chair
Scott Bastarache
James Loynd
Select Board

Bryan Smith
Town Administrator

UNITED STATES OF AMERICA FEDERAL ENERGY REGULATORY COMMISSION

In re:

FirstLight MA Hydro LLC) Turners Falls Hydroelectric Project No. 1889-085
Northfield Mountain LLC) Northfield Mountain Project No. 2485-071

MOTION TO INTERVENE OF TOWN OF ERVING, MASSACHUSETTS

Pursuant to Rules 210, 212, and 214 of the Federal Energy Regulatory Commission's ("Commission") Rules of Practice and Procedure, 18 C.F.R. § 385.210, 385.212, and 385.214, the Town of Erving, Massachusetts ("Movant") hereby moves to intervene and request party status in this proceeding.

On April 29, 2016, FirstLight Hydro Generating Company filed a Final License Application for the Turners Falls Project and Northfield Mountain Pumped Storage Project while several relicensing studies were still underway. On December 4, 2020, FirstLight MA Hydro LLC, owner of the Turners Falls Hydroelectric Project and Northfield Mountain LLC, owner of the Northfield Mountain Pumped Storage Project, collectively "FirstLight," filed an Amended Final License Application ("AFLA"). FERC issued a letter of deficiency and additional information request on January 14, 2021 and an additional information request on April 19, 2021.

FirstLight then re-engaged interested parties in separate settlement negotiations starting in late 2021. On March 31, 2023, FirstLight filed a Flows and Fish Passage Settlement Agreement, which also included whitewater releases for recreation. On June 12, 2023, FirstLight filed a Recreation Settlement Agreement.

On February 22, 2024, the Commission issued a Notice of Application Accepted for Filing, Soliciting Motions to Intervene and Protests, Ready for Environmental Analysis, and Soliciting

Comments, Recommendations, Preliminary Terms and Conditions, and Fishway Prescriptions, requiring motions to intervene to be filed on or before April 22, 2024.

I. Communications and Service of Process

All communications, pleadings and orders with respect to this proceeding should be sent to the following individuals. In the event of personnel or board member changes, the person in the positions listed below will serve the same role.

Name:	Bryan Smith, Town Administrator
Address:	Erving Town Hall, 12 East Main St., Erving, MA 01344
Phone:	413-422-2800 x. 1102
Email:	administrator@erving-ma.gov
Name:	
Address:	
Phone:	
Email:	

II. Position of the Town of Erving

Pursuant to the Commission’s rules, 18 C.F.R. § 385.214(b)(1), requiring a statement of the Town’s position, the Town seeks to have any license issued by FERC conditioned to assure that the operation of Northfield Mountain Pumped Storage Project is consistent with state water quality standards and federal clean water laws, while supplying energy to the regional grid. The FERC license for this facility should include conditions that will prevent these harms by erosion from occurring.

As a party to the recreation settlement agreement filed with FERC on June 12, 2023, the Town of Erving supports the recreation provisions in the settlement agreement and requests FERC to accept the Recreation Management Plan. The Recreation Settlement Agreement satisfies the Town’s recreational interests regarding the operation of both projects.

In accordance with Section 2.2 of the Recreation Settlement Agreement, though we were not a party to the flows and fish passage settlement agreement, the Town of Erving has agreed not to oppose any of the terms of the flows and fish passage settlement agreement. The Town has an interest in the Connecticut River and the Millers River being healthy river ecosystems. Additionally, the Town continues to maintain a Fire Pond, that is fed by Briggs Brook, on property owned by FirstLight on Wheelock Street, that is recorded in the Franklin County Registry of Deeds at Book 3868, Page 101, that provides a source of water for fire suppression in the village of Farley, in Erving, MA.

Interests of Movant

The Town has ample interest in participating in this matter to justify intervention as required by the Commission's rules, 18 C.F.R. § 385.214(b)2).

A. Direct Interests

The Town of Erving is a duly incorporated municipality in the Commonwealth of Massachusetts, with the responsibility to protect the health, safety, and well-being of the community. The Connecticut River forms a small portion of the western boundary of Erving, and Northfield Mountain Pumped Storage Project is an important part of the economy of the Town. Project lands include important recreational, tourism and natural resources for both the Town's 1,665 residents¹ and visitors. Town residents regularly use and care about the area of the Connecticut River affected by the presence and operation of the Turners Falls Dam and Northfield Mountain Pumped Storage Project, owned and operated by FirstLight.

Town context and financial interest

The Town of Erving is directly impacted by the existence and operations of Northfield Mountain Pumped Storage Project and indirectly impacted by operations of the Turners Falls Dam, because Northfield Mountain uses the impounded Connecticut River as its lower reservoir. Erving, therefore, will be directly impacted by the proposed relicensing. Northfield Mountain's upper reservoir is located within the Town of Erving. The Town of Erving interests include recreational amenities, local and regional economies, and archaeological, cultural, and historical sites within our town and the entire project boundary.

FirstLight is the largest taxpayer in the Town of Erving, accounting for XX% of the total assessed real and personal property taxes for Fiscal Year 2024. "LLC Northfield Mountain" owns 12 parcels of land, and "MA Hydro LLC FirstLight" owns 3 parcels.² Together, these parcels add up to 1,758.6 acres of land or 19% of the Town.³ LLC Northfield Mountain parcels have a total assessed value of \$371 million and MA Hydro LLC FirstLight parcels have a total assessed value of \$8,600, according to town tax assessment property cards.⁴

Recreation interests

Recreational amenities associated with the Projects are located within our town and are important

¹¹ U.S. 2020 Census population

² Online at <https://erving.patriotproperties.com/default.asp>

³ FirstLight acreage is from 2018 Erving Open Space and Recreation Plan. Total land area of Erving is 9,264 acres, according to MassGIS 2016 land use and land cover data.

⁴ Online at <https://erving.patriotproperties.com/default.asp>

to the regional and local economies and quality of life of our residents. Existing recreation facilities owned by FirstLight in Erving include several features of Northfield Mountain's Tour and Trail Center area – the Mountaintop Observation Deck, the upper part of the trail network, and the rock-climbing ledges called Rose Ledge and Farley Ledge. Relicensing Study 3.6.1, Recreation Use/User Contact Survey Study Report, found that of 945 survey responses, 69% were from 10 or fewer miles away. Local residents regularly visit and recreate on the Connecticut River.

Farley Ledge, located on FirstLight property, is one of the most popular rock-climbing destinations within Massachusetts. It is accessible via a trail from Route 2 in the center of Erving. Recognizing the importance of these rock climbing features, Erving's 2018 Open Space and Recreation Plan included, "Explore the need for improved parking and access to the Rose Ledges and Farley Ledges." In 2021, The Town of Erving, the Western Massachusetts Climbers Coalition, and the Franklin Regional Transit Authority began piloting an on-demand transit option to reduce parking problems for the climbing trails.⁵

Land uses along the Connecticut River

Erving has a limited amount of shoreline along the Connecticut River. On Dorsey Road, there is a pedestrian and bicycle footbridge over the Millers River at the confluence with the Connecticut River that links Erving to FirstLight's Cabot Camp facility. Going north along River Road, FirstLight owns the land between the river and the road. On the opposite side of the road, the Commonwealth of Massachusetts owns this land as part of the Connecticut River Greenway State Park. This area is forested.

The Erving Comprehensive Emergency Management Plan lists three dams in Erving: Northfield Mountain West Dike Inlet, Northfield Mountain Northwest Dike and Spillway, and the Northfield Mountain Main Dam. All three Northfield Mountain Project dams are classified as Significant Hazards by the DCR Office of Dam Safety. The upper reservoir for FirstLight's Northfield Mountain Pumped Storage Hydroelectric Facility is directly uphill from the Village of Farley in Erving. In the rare event that a compromise of the facility's dam should occur, residents would have six minutes of warning time to evacuate their homes. FirstLight currently has a "one call system" in place for Farley. In the rare event of a catastrophic failure of the upper reservoir's Main Dam, the leading edge of a theoretical reservoir breach would occur in the Briggs Brook area. It is more likely that a breach of the dam, if it were to occur, would develop slowly over the course of hours to days. In the event that either the west dike or the northwest dike fails, the effect on the Town Erving would be almost immediate and catastrophic. Erving Elementary School is the shelter identified in the case of failure of all three dams, which could affect up to an estimated 105 people. FirstLight monitors the Upper Reservoir on a 24 hour/7-day basis and maintains a

⁵ More information is on the town website here: <https://www.erving-ma.gov/tourism/pages/farley-ledges>

monitoring system of several culverts, weirs, leak detection equipment and cameras.⁶

Infrastructure interests

Erving has a spectacular cantilever arch bridge over the Connecticut River at the French King Gorge between the towns of Erving and Gill on Route 2. The French King Bridge, completed in 1932, and that year received an Annual Merit Award as “the most beautiful steel bridge” from the American Institute of Steel Construction. Recently restored, the bridge is listed on the State Register of Historic Places. Safety barriers were installed in 2023 as a suicide prevention measure.

The project boundary for Northfield Mountain includes a 0.03-acre pond in Briggs Brook that has been used by the Town of Erving as a source of water to fight fires since the 1930’s. The pond holds approximately 15,000 gallons. When the Northfield Mountain project was constructed, a concrete weir was added to the site to allow flow measurements to be taken by the Project owners. The Project Owner has licensed use of the Fire Pond with the Town since 1970.⁷

Indigenous, archaeological, and historical interests

According to FirstLight’s Response to FERC letter of Deficiency and Additional Information Requests filed with FERC on March 15, 2021, there are two archaeological resources identified in the area of potential effect in Erving. The upper Connecticut River valley has been used and inhabited by Native American groups for settlement, resource procurement and transportation from about 12,000 years ago through the historical period. Significant historic and archaeological resources are likely to be present within undeveloped archaeologically sensitive areas in proximity to the Connecticut River and other freshwater sources. These areas can provide important information for understanding Native American and settler-colonist history.

For these reasons, the Town has a direct and substantial interest in the outcome of the relicensing process for the Northfield Pumped Storage Project and the Turners Falls Project.

B. Public Interest

The Town’s responsibility to protect the interests of its residents and respond to any potential adverse impacts to its residents associated with the relicensing of the referenced projects is, by its very nature, in the public interest. The Town of Erving is not just responsible for protecting its direct interests but also those of its residents and the public throughout the course of this relicensing.

⁶ 2012 and 2020 Erving Hazard Mitigation Plans

⁷ FirstLight Request for Authorization of Non-Project Use and Occupancy of Project Lands, dated February 9, 2012.

The Turners Falls Dam and Northfield Pumped Storage Project affect the public interest by conducting project operations in Erving. The Town recognizes neighboring town's concerns about project operations causing erosion and contributing to the loss of prime farmland, diminishment of aquatic and riparian habitat for rare and endangered species and decline in water quality. Such impacts affect the quality of life, economic well-being, and access to a clean environment for the region's residents.

The Town has demonstrated its interest in the new license issued for both Northfield Mountain Pumped Storage Project (P-2485) and Turners Falls Dam (P-1889). In June of 2023, the Town of Erving signed on as a party to a Recreation Settlement Agreement to both licenses.

III. Conclusion

Granting intervenor status to the Town of Erving will allow the Town to present an important perspective and relevant information for the Commission's consideration. The Town is coordinating with other municipalities in Franklin County with the support of the Franklin Regional Council of Governments (FRCOG) and will, except where interests diverge, endeavor to coordinate the Town's participation with FRCOG and other similarly situated communities to minimize duplication and ensure the efficient presentation of relevant information to the Commission.

For these reasons, the Town respectfully requests that the Commission grant this Motion to Intervene as a party with full rights to participate in all further proceedings.

Jacob Smith
Select Board Chairman
Town of Erving
Jacob.smith@erving-ma.gov

Date

[EXTERNAL]FERC Legal Fees

Kimberly Noake MacPhee <KMacPhee@frcog.org>

Tue 2/20/2024 12:05 PM

To: Bryan Smith <bryan.smith@erving-ma.gov>

Cc: Jessica Atwood <JAtwood@frcog.org>

CAUTION: This email originated from outside of the Town of Erving. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, please contact the Erving IT Department

Hello Bryan – I am following up on the phone conversation you had with Jessica regarding legal costs related to the FERC relicensing process, FRCOG contributions and requests for funding we made to the towns.

The FRCOG Council approved spending up to an additional \$20,000 for legal services related to the FERC relicensing and MassDEP 401 Water Quality Certificate processes. The Council approved \$10,000 in FRCOG funding with \$2,500 each from Gill, Northfield, Montague and Erving. Gill, Montague and Northfield have contributed \$2,500 and we are asking if Erving would consider contributing the same amount to the legal services fund.

FRCOG's contract with Tarrant Gillies & Shems has been amended and they have already provided us with a Motion to Intervene template for our towns. We are preparing to be ready to engage with FERC as soon as the Ready for Environmental Analysis is issued.

Please let us know if Erving is willing to contribute \$2,500 to the legal services fund. Once we hear back from you, we will send an amendment to the Memorandum of Understanding between the FRCOG and Erving, and we will also amend the contract for legal services with Tarrant Gillies & Shems.

Thank you for considering our request.

Kimberly

Kimberly Noake MacPhee, P.G., CFM
Land Use & Natural Resources Program Manager
Climate Resiliency Specialist



12 Olive St., Greenfield, MA 01301

413-774-3167 X 130

www.frcog.org

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