

Annual Town Meeting Warrant

Wednesday, June 17, 2020

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 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

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COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

Town of Erving Constables: 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, June 17, 2020 at 7:00 PM,

NOTE: On March 30, 2020, in accordance with MGL Chapter 39 § 9, the Board of Selectmen voted to postpone the Annual Town Meeting: **Chairman Smith** made a motion to move the Annual Town to Wednesday, June 17, 2020. **Selectman Sanders** seconded. **Vote:** Unanimously Approved

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

ANNUAL TOWN ELECTIONS

Monday, June 22, 2020

NOTE: On March 30, 2020, in accordance with Chapter 45 of the Acts of 2020, the Board of Selectmen voted to postpone the Annual Town Election: **Chairman Smith** made a motion to move the Annual Town Election to Monday, June 22, 2020 with polling hours from 12:00 PM to 7:00 PM. **Selectman Sanders** seconded. **Vote:** Unanimously Approved. A copy of Chapter 45 of the Acts of 2020 is included in the appendix of this warrant.

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, June 22, 2020 at 12:00 PM** then and there to bring their votes for the following town offices and ballot questions:

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

The polls will close at 7:00 PM.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF THE 2019 TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers for 2019, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article will accept the 2019 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 Board of Selectmen to apply for Federal or State grants and to expend any monies received, as set forth by the grant, and to follow the appropriate procedures, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article will allow the Board of Selectmen 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 Board of Selectmen, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article will allow the Board of Selectmen to dispose of Town owned property that is determined to be surplus. 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 2021 as permitted by Massachusetts General Law Chapter 44 Section 53F, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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 2020 OPERATING BUDGET AMENDMENT

ARTICLE 5: AMENDED FY2020 ELECTED OFFICIAL COMPENSATION

To see if the Town will vote to amend the FY2020 Elected Officials' salaries as listed below, 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	Amendment	Amended Total
Tax Collector (1)	\$ 11,399.00*	\$1,052.11	\$12,451.11
Certification Award	\$ 1,000.00*	0	\$1,000.00
From Water Department	\$ 1,908.00**	0	\$1,908.00
Total Salary			\$15,359.11
Town Clerk (1)	\$ 9,495.00*	\$3,275.70	\$12,770.70
From Census Work	\$ 1,000.00*	0	0
Total Salary			\$13,770.70
Treasurer (1)	\$ 46,818.00*	\$219.60	\$47,037.60
Certification Award	\$ 1,000.00*	0	\$1,000.00
From Water Department	\$ 1,767.00**	0	\$1,767.00
Total Salary			\$49,804.60

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: This article outlines the compensation amounts for elected officials. It has been adjusted from the June 25, 2019 Special Town Meeting vote to incorporate adjustments to place elected officials on the newly adopted classification & compensation schedule. Approval of this article requires a 2/3 vote.

FISCAL YEAR 2021 OPERATING BUDGET

ARTICLE 6: FY2021 GENERAL OPERATING BUDGET

To see if the Town will vote to raise and appropriate the following itemized amounts, all for municipal purposes, or take any other action relative thereto:

Line	Divisions	Amount
1	General Government	\$ 1,053,813.00
2	Public Safety	\$ 931,150.00
3	Public Works	\$ 620,518.00
4	Health & Human Services	\$ 235,835.00
5	Culture & Recreation	\$ 268,322.00
6	Benefits	\$ 1,704,067.00
	Grand Total	\$ 4,813,705.00

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

***Article Information:** detail budget information for each department that comprises each line-item above is available in the Fiscal Year 2021 Town of Erving Proposed Operating and Capital Improvement Budget. A copy of the document is available on the municipal website (www.erving-ma.gov), can be picked up at Town Hall, and was mailed via direct mail through the United States Post Office to mail recipients in Erving. Approval of this article will establish the FY2021 operating budget in the categories identified above. Approval of this article requires a majority vote.*

ARTICLE 7: FY2021 ELECTED OFFICIAL COMPENSATION

To see if the Town will vote to fix the sum of One Hundred Forty-four Thousand, Four Hundred Seventy Dollars and Eighty-six Cents (\$144,470.86) for Elected Officials' salaries for fiscal year 2021, 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 Person
Assessor (3)		\$ 11,645.70*	\$ 3,881.90ea
Board of Health (3)		\$ 2,918.31*	\$ 972.77ea
Library Trustees (3)		\$ 2,387.73*	\$ 795.91ea
Moderator (1)		\$ 208.00*	
Planning Board (5)		\$ 4,600.65*	\$ 920.13
Recreation Commission (5)		\$ 4,640.20*	\$ 928.04ea
School Committee (5)		\$ 7,016.45***	\$ 1,403.29ea
Selectmen/Water Commissioners (3)	\$ 12,201.81*		
from Water Department	\$ 879.15**		
Total Salary		\$ 13,080.96	\$ 4,360.32ea
Tax Collector (1)	\$ 15,988.86*		
Certification Award	\$ 1,000.00*		
From Water Department	\$ 1,946.59**		
Total Salary		\$ 18,935.45	
Town Clerk (1)	\$ 23,983.29*		
From Census Work	\$ 1,000.00*		
Total Salary		\$ 24,983.29	
Treasurer (1)	\$ 48,715.65*		
Certification Award	\$ 1,000.00*		
From Water Department	\$ 1,801.97**		
Total Salary		\$ 51,517.62	
Tree Warden (1)		\$ 2,536.50	
Total Elected Official Salary		\$144,470.86	

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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.

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

ARTICLE 8: FY 2021 ERVING ELEMENTARY SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Three Million, Two Hundred Ninety-five Thousand, Nine Hundred Twenty Dollars and No Cents (\$3,295,920.00) for the expense and operation of the Erving Elementary School for fiscal year 2021, beginning July 1, 2020, or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-300-100-51000	School Committee Salary	\$7,017.00
2	01-301-200-57800	Erving Elementary School Expense	\$3,288,903.00
Grand Total			\$3,295,920.00

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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

ARTICLE 9: FY 2021 SECONDARY EDUCATION FUNDING

To see if the Town will vote to raise and appropriate the sum of One Million, Four Hundred Fourteen Thousand, Sixty-four Dollars and No Cents (\$1,414,064.00) for secondary education and expenses for fiscal year 2021, beginning July 1, 2020, or take any other action relative thereto.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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 10: FY 2021 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Five Hundred Five Thousand, One Hundred Thirty-seven Dollars and No Cents (\$505,137.00) for secondary education and expenses at the Franklin County Technical School for fiscal year 2021 as itemized below, beginning July 1, 2020, or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-320-100-51000	Tech School Committee Salary	\$1,403.50
2	01-321-200-57800	F.C. Tech School Assessment	\$488,703.00
3	01-322-200-57800	F.C. Tech School Capital Assessment	\$15,085.00
Grand Total			\$505,191.50

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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 11: FY 2021 WATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to appropriate the sum of One Hundred Three Thousand, Three Hundred Eighty-six Dollars and No Cents (\$103,386.00) to the Water Enterprise Fund for fiscal year 2021 Water operations, or take any other action relative thereto. 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.

SUBMITTED BY: Water Commissioners

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

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 12: FY 2021 WASTEWATER DEPARTMENT ENTERPRISE FUND

To see if the Town will vote to raise and appropriate the sum of Seven Hundred Eighty-six Thousand, Nine Hundred Twelve Dollars and No Cents (\$786,912.00) to the Wastewater Enterprise Fund for fiscal year 2021 Wastewater operations, or take any other action relative thereto.

The \$786,912.00 is to be raised as follows:

Town of Montague and other receipts	\$ 219,365.00
Town of Erving (raise & appropriate)	\$ 567,547.00
Total Wastewater Fund	\$ 786,912.00

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: This article approves the operating budget for the wastewater department and will allow the Town to raise the necessary funds through 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 2021 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES

ARTICLE 13: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS

To see if the Town will vote to raise and appropriate the sum of Three Hundred Eighty-two Thousand, Five Hundred Dollars and No Cents (\$382,500.00) 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	01-142-901-53000	Assessors Revaluation	\$25,000
2	IT & Support	01-155-906-57800	Restore Permanent Records	\$20,000
3	Town Buildings	01-192-903-57800	Town Building Maintenance	\$30,000
4	Miscellaneous	01-199-901-57800	Purchase Space in Around Town	\$7,500
5	Benefits	01-996-901-59661	Transfer to Post Employment Benefit Trust Fund	\$300,000
Grand Total				\$382,500

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: The FY2021 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 allows the Town to meet the service obligations for the stated purposes. Approval of this article requires a majority vote.

FISCAL YEAR 2021 CAPITAL IMPROVEMENT BUDGET

ARTICLE 14: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of Six Hundred Nine Thousand Dollars and No Cents (\$609,000.00) by raising Four Hundred Forty-six Thousand Dollars and No Cents (446,000.00) and by transferring One Hundred Sixty-three Thousand Dollars and No Cents (\$163,000.00) from Free Cash, for the capital improvement projects itemized below, and related expenses, subject to Board of Selectmen approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-155-903-57800	Server Maintenance/ Network Upgrade	\$ 103,000
2	01-210-901-57800	Cruiser Replacement	\$43,000
3	01-210-908-57800	Police Vehicle Computers	\$7,000
4	01-429-918-57800	Dry Storage Building - DPW	\$150,000
5	<i>New account</i>	Pedestrian Safety & Speed Monitoring	\$25,000
6	01-301-907-57800	EES Kitchen Equipment	\$26,000
7	<i>New account</i>	EES Carpet Replacement	\$60,000
8	<i>New account</i>	EES Window Shade Replacement	\$30,000
9	<i>New account</i>	Park Street Park Renovation & Improvements	\$150,000
10	<i>New account</i>	Zilinski Park Dugout Replacement	\$15,000
Grand Total			\$609,000.00

SUBMITTED BY: Board of Selectmen

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: The FY2021 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. Approval of this article requires a majority vote.

ARTICLE 15: TO APPROPRIATE FOR WATER CAPITAL IMPROVEMENT

To see if the Town will vote to appropriate from the Water Enterprise Fund Retained Earnings the sum of Ten Thousand Dollars and No Cents (\$10,000.00) for the installation of sampling stations and related equipment, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen/ Water Commissioners

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: This article would allow the Water Department to install new sampling stations, as required by MassDEP, for the routine testing for bacterial monitoring. The proposed sampling stations would allow the Department to no longer rely on private residences and businesses for access to sampling sites. Approval of this article requires a majority vote.

ARTICLE 16: TO APPROPRIATE FOR WASTEWATER AUTOCLAVE SYSTEM

To see if the Town will vote to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Six Thousand Dollars and No Cents (\$6,000.00) for the purchase of an autoclave system and associated equipment, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen/ Water Commissioners

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: The Department's current autoclave equipment was last replaced in 1998. The unit is leaking hot steam and water and is not energy efficient. Approval of this article would allow for the purchase of a new replacement unit. Approval of this article requires a majority vote.

DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS

ARTICLE 17: REVOLVING ACCOUNT SPENDING LIMITS

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2021 beginning on July 1, 2020 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	FY2021 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000
Library Use and Fees	Board of Library Trustees	\$3,000

or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would establish the FY2021 spending limits in the above referenced revolving funds in accordance with Town bylaw and with MGL Chapter 44, Section 53E 1/2. Approval of this article requires majority vote.

STABILIZATION FUND ARTICLES

ARTICLE 18: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) from Free Cash into the Capital Stabilization Account, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would transfer the stated funds from certified free cash into the capital stabilization account for use on future capital projects that will require Town Meeting approval. Approval of this article requires a majority vote.

ARTICLE 19: APPROPRIATION FOR THE GENERAL STABILIZATION ACCOUNT

To see if the Town will vote to appropriate the sum of Two Hundred Seventy-three Thousand Dollars and No Cents (\$273,000.00) into the General Stabilization Account, by transferring One Hundred Twenty-three Thousand Dollars and No Cents (\$123,000.00) from Free Cash and by raising One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would transfer the stated funds from certified free cash and raise the stated funds and deposit the aggregated amount into the general stabilization account. This article is meant to replenish funds used from the general stabilization account for the construction of the Erving Public Library. This is the first of five (5) planned deposits into general stabilization related to the project. Approval of this article requires a majority vote.

BYLAWS

ARTICLE 20: AMENDED REVOLVING ACCOUNTS

To see if the Town will vote to amend the General Bylaw entitled Departmental Revolving Funds, adopted on June 20, 2017 in Section 5 “Authorized Revolving Funds” by establishing and authorizing a new revolving fund for use by the Board of Selectmen under Massachusetts General Laws Chapter 44, § 53E1/2, .

Please note: Proposed additions are in *bold italics*.

DEPARTMENTAL REVOLVING FUNDS

5. Authorized Revolving Funds. The Table establishes:
- A. Each revolving fund authorized for use by a town department, board, committee, agency or officer.
 - B. The department or agency head, board, committee or officer authorized to spend from each fund.
 - C. The fees, charges and other monies charged and received by the department, board, committee, agency or officer in connection with the program or activity for which the fund is established that shall be credited to each fund by the Town Accountant.
 - D. The expenses of the program or activity for which each fund may be used.
 - E. Any restrictions or conditions on expenditures from each fund.
 - F. Any reporting or other requirements that apply to each fund, and
 - G. The fiscal years each fund shall operate under this by-law.

Revolving Fund	Entity Authorized to Spend	Fees, Charges, or Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable	Other Requirements/ Reports	Fiscal Years
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	from Fund			from Fund	
Food Service	Council on Aging	Receipts Related to the food service program at the Council on Aging	Operation of a food Service Program	Limit of \$10,000.00	Fiscal Year 2018 and Subsequent Years
Facility Use	Council on Aging	Receipts Related to the use of the Senior & Community Center	Maintenance, staffing and repair related to making the facility available for use by outside groups.	Limit of \$10,000.00	Fiscal Year 2018 and Subsequent Years
Library Use and Fees	Board of Library Trustees	Receipts Related to the use of the Public Library, Lost Book Fees, and Other Program Fees	Maintenance, staffing and repair related to making the facility available for use by outside groups, replacement of books and materials, expenses related to programs offered	Limit of \$3,000.00	Fiscal Year 2020 and Subsequent Years
<i>Electric Vehicle Charging Stations</i>	<i>Board of Selectmen</i>	<i>Receipts Related to the use of the Public Electric Vehicle Charging Stations and Other Program Fees</i>	<i>Maintenance, replacement, electricity and expenses related to the use of the electric vehicle charging stations</i>	<i>Limit of \$15,000.00</i>	<i>Fiscal Year 2021 and Subsequent Years</i>

or take any other action relative thereto.

SUBMITTED BY: Administrative Coordinator

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would establish a new revolving fund for use by the Board of Selectmen to accept funds paid for use of the publicly available electric vehicle charging stations and related fees. Expenses are related to the sources of the revenue. The expense limit will be voted on annually. A majority vote is required to adopt or amend the general by-laws.

ARTICLE 21: TOWN MEETING QUORUM

To see if the Town will vote to amend the General Bylaw adopted on May 04, 1994 in Article 3 in accordance with Massachusetts General Law Chapter 39, Section 13:

Please note: Proposed additions are in *bold italics*.

The number of voters needed to establish a quorum for all town meetings shall be seventeen (17). ***A quorum is required to call any Town Meeting or reconvened Town Meeting to order, however, that once the meeting has been called to order there shall be no minimum quorum required to conduct the business of the Town.*** If the posted ***or reconvened*** meeting lacks a quorum ***to be called to order*** the meeting may be adjourned or recessed to a fixed time ***and place***.

or take any other action relative thereto.

SUBMITTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would allow the Town to continue consideration of articles presented at Town Meeting if attendance falls below the stated quorum minimum. A majority vote is required to adopt or amend the general by-laws.

ARTICLE 22: RESCIND TOWN MEETING & ELECTION WARRANT POSTING ORDER

To see if the Town will vote to rescind the order adopted at Town Meeting on December 19, 1955 in Article 1, or take any other action relative thereto.

December 19, 1955 – Article 1:

Voted that the order directing the serving of warrants for town meetings and elections be changed to read as follows:

You are directed to serve this warrant by posting attested copies thereof one at the entrance of the Town Hall Building in Erving Center, one on the bulletin board in Farley Village, and one on the bulletin board in Millers Falls, all in the Town of Erving, seven days, at least, before time of holding said meeting.

SUBMITTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article is the first step in amending the posting locations of all Town Meeting and Election warrants. A majority vote is required to rescind this order.

ARTICLE 23: CREATE TOWN MEETING & ELECTION WARRANT POSTING BYLAW

To see if the Town will vote to create a Meeting and Election Warrant Posting Bylaw in accordance with Massachusetts General Law Chapter 39, Section 10:

WARRANT POSTING BYLAW

Notice of each Town Meeting and Election, whether Annual or Special, shall be given by the Selectmen at least seven (7) days before the date on which the Annual Town Meeting or Annual Election, and at least fourteen (14) days before the date on which a Special Town Meeting or Special Election, is to commence. The Selectmen shall direct either the Constables, Town Clerk or Administrative Assistant to post attested copies of the warrant for that Meeting or Election at the entrance of the Town Hall Building and shall make the warrant available on the Town's website, or take any other action relative thereto.

SUBMITTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would create a bylaw to post all Town Meeting and Election Warrants to require that an attested copy of the warrant is posted on the Town website as well as at the Town Hall. A majority vote is required to adopt or amend the general by-laws.

ARTICLE 24: DRIVEWAYS AND CURBCUTS

To see if the Town will vote to adopt a General Bylaw entitled the Driveway and Curb Cut Bylaw, or take any other action relative there to:

Driveway and Curb Cut Bylaw

1. Permitting of Driveways Accessing Public Roads

Any new driveway accessing a Town-owned public road shall require a Driveway/ Curb Cut Permit from the Town’s Superintendent of the Highway Department. Appeals regarding decisions of the Superintendent may be made to the Board of Selectmen.

2. Driveway Requirements

A. Paved Surfaces: Driveways accessing a paved Town-owned public road shall have a paved apron. The paved apron must meet whichever is greater: extend a minimum of ten (10) feet from the edge of the paved public road or through the width of the public road layout.

B. Appropriate Drainage & Runoff Control: The Permittee shall be responsible for the disposal of all surface water from the proposed driveway. Under no circumstances shall any of this surface water enter the Town-owned public road layout. The Permittee must make provisions, at their own expense, proper management of runoff that may require the installation of drainage by installing pipe, inlets, catch basins, manholes, headwalls, and ditches of proper size, material. Depending on the grade of the driveway proposed, erosion control measures may be necessary, in the Highway Department's determination, to protect the Town's drainage rights

Where the construction of a driveway necessitates crossing a Town road drainage ditch, a culvert pipe shall be installed in the ditch by the Permittee at their own expense. The culvert shall be no less than twelve (12) inches in diameter, and of sufficient size to carry the stormwater runoff for a twenty-five (25) year storm, as determined by the National Oceanic and Atmospheric Administration, from the watershed area. Under no circumstances will existing ditches, swales, or gutters be filled without adequate alternate provisions for drainage being made and approved by the Highway Department.

C. Dimensional Requirements:

	Minimum	Maximum
Residential	9 feet	20 feet
Commercial & Industrial		
One-way Use	10 feet	20 feet
Two-way Use	24 feet	40 feet

Setback Requirements & Visibility:

	Residential	Commercial & Industrial
Minimum Setback for Corner Lots from Public Intersections	20 feet	20 feet
Minimum Setback from Side Property Lines	5 feet	10 feet

Applicant should consider placing their driveway as close to a 90-degree angle to the road in order to maximize the visibility to oncoming traffic.

Any plantings or placement of objects adjacent to the permitted driveway and the roadway must not impede safety or visibility.

3. Responsibilities of Property Owners

- A. The driveway shall be graded in such a manner that no ponding of water occurs within the Town road layout. If such ponding results, the property owner shall be responsible for its correction.
- B. All disturbed areas within the Town road layout shall be graded, loamed, and seeded to the satisfaction of the Superintendent of the Highway Department.
- C. The portion of the driveway located within the Town road layout shall be maintained by the property owner at his/her expense to the satisfaction of the Superintendent of the Highway Department.

4. Enforcement

The Building Inspector/ Zoning Enforcement Officer or designee shall enforce the provisions of this bylaw.

5. Fees

There shall be a fee assessed for the driveway permit and for each required inspection. The Board of Selectmen shall determine the amount of the fee.

6. Violations and Penalties

Anyone found to be in violation of this bylaw shall be given sixty (60) days' notice. If not corrected, the property owner shall be fined One Hundred Dollars (\$100.00) on the sixty-first day and Ten Dollars (\$10.00) a day after that until such time as the non-compliance is corrected.

This by-law is in accordance with Chapter 40, Section 21D which pertains to the non-criminal disposition of ordinance, by-law, rule or regulation violations.

SUBMITTED BY: Highway Department

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would formalize the requirements for a driveway/curb cut in the Town. A permit to construct a driveway/curb cut from the Highway

Department has long been a requirement. This proposed bylaw addresses concerns regarding dimensions, drainage, and owner responsibilities. A majority vote is required to adopt or amend the general by-laws.

ARTICLE 25: RESCIND TOWN MEETING & ELECTION DATES ARTICLE

To see if the Town will vote to rescind the order adopted at Town Meeting on June 28, 2016 in Article 10, or take any other action relative thereto.

June 28, 2016, Article 10:

The Town voted unanimously to change the Annual Town Meeting from First Monday in May to the First Wednesday in May and to change the Annual Town Election Date from the First Wednesday in May to the Monday following the Annual Town Meeting

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: no recommendation

Article Information: Approval of this article is the first step in amending the posting locations of all Town Meeting and Election dates. A majority vote is required to rescind this order.

ARTICLE 26: TOWN MEETING & ELECTION OF TOWN OFFICIALS

To see if the Town will vote to adopt a General Bylaw entitled the Town Meeting & Election of Town Officials Bylaw, or take any other action relative there to:

Town Meeting & Election of Town Officials

1. Annual Town Meeting

The Town of Erving will hold its annual town meeting on the second Wednesday of May each year.

2. Annual Election of Town Officials

The Town of Erving will hold its annual election on the first Monday of May each year. An official elected at the annual election shall take office on the following July 1. Incumbent elected officials shall continue to serve until their successor is sworn.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: no recommendation

Article Information: Approval of this article would amend the annual dates of the Town Meeting and the Town Election. Further, approval of this article would establish that elected officials will begin their term on July 1st, following the election. This bylaw is proposed so that elected officials would serve terms that begin and end with fiscal years, would allow for the continuity in service after an election until the start of a new fiscal year, and would allow the compensation of elected official to be amended on the floor of Town Meeting in accordance with the Town's grade and step compensation schedule. A majority vote is required to adopt or amend the general by-laws.

LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS

ARTICLE 27: LICENSE FEES AND SERVICE CHARGES

To see if the Town will vote to adopt the provisions of Massachusetts General Law Chapter 40, Section 22F:

Any municipal board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the city or town or any department thereof, for any person or class of persons; provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board.

A fee or charge imposed pursuant to this section shall supersede fees or charges already in effect, or any limitations on amounts placed thereon for the same service, work, license, permit or certificate; provided, however, that this section shall not supersede the provisions of sections 31 to 77, inclusive, of chapter 6A, chapter 80, chapter 83, chapter 138, sections 121 to 131N, inclusive, of chapter 140 or section 10A of chapter 148. The provisions of this section shall not apply to any certificate, service or work required by chapters fifty to fifty-six, inclusive, or by chapter sixty-six. The fee or charge being collected immediately prior to acceptance of this section for any license, permit, certificate service or work will be utilized until a new fee or charge is fixed under this section.

The provisions of this section may be accepted in a city by a vote of the city council, with the approval of the mayor if so required by law, and in a town by vote of the town meeting, or by vote of the town council in towns with no town meeting.

or take any other action relative thereto.

SUBMITTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: Approval of this article would allow the appropriate board of officer that is authorized to issue a permit, certificate or license to set and amend a reasonable fee. A majority vote is required to adopt or amend the general by-laws.

STRUCTURED TAX AGREEMENT

ARTICLE 28: STRUCTURED TAX AGREEMENT FOR FRENCH KING SOLAR, LLC

To see if the Town will vote to authorize the Board of Selectmen to enter into an Agreement for the Payment In Lieu of Taxes for Personal Property with French King Solar, LLC, for a term of twenty (20) years for the development and operation of a solar electric generating facility, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen
BOARD OF ASSESSORS RECOMMENDS: Approval
FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (3), Nay (0), Absent (2)]

Article Information: In accordance with Massachusetts General Law Chapter 59, § 38H the Town can enter into a structured tax agreement, also known as a PILOT agreement, with a developer to establish an annualized payment in lieu of a personal property tax bill. The agreed upon annual rate is based on an assessment of the value of the project and considers an annual increase in rate. Approval of a structured tax agreement provides the developer with a predictable cost model and provides the Town with an agreed upon tax payment for the duration of the agreement. The developer is seeking a term of twenty (20) years which requires Town Meeting approval. The proposed agreement can be reviewed at Town Hall during normal business hours. Approval of this article requires a majority vote.

SPECIAL LEGISLATION REQUEST

ARTICLE 29: SPECIAL LEGISLATION AUTHORIZATION TO CHANGE BOARD OF SELECTMEN TO SELECT BOARD

To see if the Town will authorize the Board of Selectmen to file special legislation to change the name of the Board from Board of Selectmen to Select Board, or take any other action relative thereto

SUBMITTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS: no recommendation

Article Information: Approval of this article would authorize the Board of Selectmen to file special legislation with the Town's Representative and Senator to request a legal change in the Board's name to Select Board. The Board is requesting this change to be more inclusive of everyone who has and will serve on the Select Board. Approval of this article requires a majority vote.

APPENDIX

CHAPTER 45 OF THE ACTS OF 2020

AN ACT GRANTING AUTHORITY TO POSTPONE 2020 MUNICIPAL ELECTIONS IN THE COMMONWEALTH AND INCREASE VOTING OPTIONS IN RESPONSE TO THE DECLARATION OF EMERGENCY TO RESPOND TO COVID-19.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to forthwith provide for the rescheduling of elections as a result of the governor's declaration of emergency to respond to COVID-19 and to increase voting options, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. (a) Notwithstanding section 9 of chapter 39, sections 26 and 28 of chapter 51 and chapters 53 and 54 of the General Laws or any other general or special law or by-law to the contrary, a city or town with a municipal caucus or annual or special municipal election scheduled between the effective date of this act and May 30, 2020, may postpone such municipal caucus or municipal election in accordance with this act.

The select board, town council, board of registrars or city council of the city or town may vote on any day prior to the date of their scheduled municipal caucus or municipal election to postpone the municipal caucus or municipal election to a date certain on or before June 30, 2020. Such rescheduled caucus or election shall be held in accordance with all applicable election laws except as otherwise provided in this act.

(b) The select board, town council or city council of a city or town postponing a municipal caucus or municipal election pursuant to this act shall, following consultation with the local election official and the chief operating officer of the municipality as to logistics and feasibility, vote to reschedule the municipal caucus or municipal election. A copy of this act, the vote of the select board, town council or city council and a sample ballot shall be placed on the official municipal website not later than 20 days before the date to which the rescheduled caucus or election has been postponed. Notice of such action shall be provided to the public in other ways reasonably calculated to enable eligible voters to learn of the rescheduled election date and to cast ballots therein. The notice may include, but shall not be limited to, a “reverse-911” call, municipal list-serve notifications, advertisement on local cable television or issuance of a press release sent to local news media.

(c) Consistent with section 107 of chapter 41 of the General Laws, an incumbent elected official whose term would have expired at a municipal annual town election if the election was not postponed pursuant to this act shall continue to serve in the official’s position until a successor is elected and qualified.

(d) If this act does not take effect until after the date of a scheduled municipal caucus or municipal election during the state of emergency declared by the governor pursuant to executive order 591, declaration of a state of emergency to respond to COVID-19, the actions of the board of selectmen, town council, city council and local election officials to postpone a municipal caucus or municipal election shall be ratified, validated and confirmed as if this act had been in place prior thereto.

SECTION 2. The last day to register to vote for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 shall be 10 days before the date to which the rescheduled election has been postponed; provided, however, that the board of registrars shall hold a registration

session on that date not less than from 2:00 PM to 4:00 PM and from 7:00 PM to 8:00 PM. The voting list to be used at such rescheduled election shall include all eligible voters registered as of that date.

SECTION 3. The caucus or election materials, including, but not limited to, absentee and official ballots, prepared for a municipal caucus or any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19 and bearing that date shall be used for the rescheduled caucus or election to the extent practicable. If additional ballots are required to be printed, the ballots shall be identical in form to those prepared for the original caucus or election.

SECTION 4. Absentee ballots cast in connection with the original election date for any annual or special municipal or state election postponed pursuant to this act or otherwise postponed in response to COVID-19, whether returned before the original election or otherwise, and received by the local election official before the close of polls on the date of the rescheduled election, shall be processed in accordance with applicable law; provided,

however, that any voter who chooses to vote in person on the date of the rescheduled election may do so if their absentee ballot has not yet been counted. Completed applications to vote by absentee ballot in the rescheduled election shall be accepted by the board of registrars until 12:00 noon on the last business day before the rescheduled election.

For an election held on or before June 30, 2020 any person taking precaution related to COVID-19 in response to a declared state of emergency or from guidance from a medical professional, local or state health official, or any civil authority shall be deemed to be unable by reason of physical disability to cast their vote in person at a polling location.

SECTION 5. (a) Notwithstanding section 25B of chapter 54 of the General Laws or any other general or special law to the contrary, any eligible voter may vote early by mail for any annual or special municipal or state election held on or before June 30, 2020.

(b) Any qualified voter wanting to early vote by mail may file with their local election official an application for an early voting ballot. Any form of written communication evidencing a desire to have an early voting ballot be sent for use for voting at an election shall be given the same effect as an application made in the form prescribed by the state secretary. Local election officials shall send early voting by mail ballots to those who have applied as soon as ballots are available. No application shall be deemed to be seasonably filed unless it is received in the office of the local election official before noon on the last business day before the date on which the rescheduled election is held.

(c) Local election officials may substitute absentee ballots for early voting ballots for those voters requesting to vote early by mail in municipal elections. An early voting

ballot or absentee ballot substituted for an early voting ballot, along with an envelope bearing an affidavit as set forth in section 25B of chapter 54 of the General Laws, shall be provided to each qualified voter who participates in early voting by mail.

(d) The local election officials shall cause to be placed on the voting lists opposite the name of a qualified voter who participates in early voting the letters "EV" designating an early voter.

(e) The counting of early voting ballots shall be consistent with section 25B of chapter 54 of the General Laws and implemented regulations to the extent practicable. All envelopes referred to in this section shall be retained with the ballots cast at the election and shall be preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots.

(f) All early voting ballots voted by mail shall be received by the town clerk before the hour fixed for closing the polls on the date on which the rescheduled election is held. Early voting ballots cast under the authority of this section shall be processed at the polls in a manner consistent with that set forth in said section 25B of said chapter 54.

Approved, March 23, 2020.

Constables... 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 due return of this warrant with your doings thereon to the Town Clerk for the day of said meeting.

Given under our hands this 11th day of May 2020.


Jacob A. Smith, Chairman


William A. Bembury


Peter Sanders

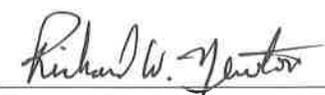
Erving Board of Selectmen

POSTING REQUIREMENT CERTIFICATION

FRANKLIN SS TOWN OF ERVING

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

5/14/2020
Date


Erving Constable

Board of Selectmen
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, June 17, 2020

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 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