

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF FRANKLIN

ANNUAL TOWN MEETING SATURDAY JULY 11, 2020

Pursuant to a warrant signed by the Erving Selectmen and duly posted, as directed by the vote of the Town, the legal voters met in the Erving Elementary School, 28 Northfield Road, Erving, Massachusetts, on Saturday July 11, 2020, at 10:00 a.m. The Annual Town Meeting was originally scheduled for May 6, 2020, but on March 30, 2020, in accordance with the provisions of MGL Chapter 39 § 9, the Board of Selectmen voted to postpone due to the COVID-19 pandemic until June 17, 2020. On June 4, 2020, the Moderator in consultation with the Board of Selectmen and local public safety officials, in accordance with the provisions of MGL Chapter 39 § 10A, declared a recess and continuance of the Annual Town Meeting to Saturday July 11, 2020. We met at the school outside under a tent, with people social distancing by 6 feet and wearing face masks. The Town conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 10:05 a.m. and noted that a quorum was present. He then thanked everyone that worked so hard to make this meeting possible and as safe as possible. The Moderator read the call and the Officer's return, and lead the body in the Pledge of Allegiance to the Flag.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF THE 2019 TOWN REPORT

The Town voted unanimously to accept the reports of the Town Officers for 2019.

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

The Town voted unanimously 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.

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

The Town voted unanimously to authorize the Town to dispose of any Town property that is declared surplus by the Board of Selectmen.

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

The Town voted unanimously 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.

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

The Town voted unanimously 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:

| | 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 – ORIGINAL ARTICLE

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 | \$ 286,710.00 |
| 6 | Benefits | \$ 1,704,067.00 |
| | Grand Total | \$ 4,832,093.00 |

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.

AMENDMENT: Moved and Seconded to increase line 5 from \$286,710.00 to \$287,322.00 for a Grand Total of \$4,832,705.00.

The Amendment passed unanimously.

Article 6 PASSED unanimously as amended.

ARTICLE 7: FY2021 ELECTED OFFICIAL COMPENSATION – ORIGINAL ARTICLE

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.*

AMENDMENT: Moved and Seconded to increase Library Trustee Wage Total to \$3,000.00 giving each Trustee \$1,000.00 and changing the Total Elected Official Salary to \$145,083.13.

The Amendment passed unanimously.

Article 7 PASSED unanimously as amended.

ARTICLE 8: FY 2021 ERVING ELEMENTARY SCHOOL FUNDING

The Town voted unanimously 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.

| 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

The Town voted unanimously 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.

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

The Town voted unanimously 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.

| 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

The Town voted unanimously 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.

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

The Town voted unanimously 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.

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

The Town voted unanimously 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.

| 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

The Town voted unanimously 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.

| 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 | New account | Pedestrian Safety & Speed Monitoring | \$25,000 |
| 6 | 01-301-907-57800 | EES Kitchen Equipment | \$26,000 |
| 7 | New account | EES Carpet Replacement | \$60,000 |
| 8 | New account | EES Window Shade Replacement | \$30,000 |
| 9 | New account | Park Street Park Renovation & Improvements | \$150,000 |
| 10 | New account | 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

The Town voted unanimously 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.

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

The Town voted unanimously 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.

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

The Town voted unanimously 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 |

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

The Town voted unanimously to appropriate the sum of Two Hundred Fifty Thousand Dollars and No Cents (\$250,000.00) from Free Cash into the Capital Stabilization Account.

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

The Town voted unanimously 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).

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

The Town voted unanimously 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 from Fund | Fees, Charges, or Receipts Credited to Fund | Program or Activity Expenses Payable from Fund | Restrictions or Conditions on Expenses Payable from Fund | Other Requirements/ Reports | Fiscal Years |
|-------------------------------------------|--------------------------------------|------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-----------------------------|----------------------------------------------|
| 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> |

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

The Town voted by majority 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***.

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

The Town voted by majority to rescind the order adopted at Town Meeting on December 19, 1955 in Article 1.

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 – ORIGINAL ARTICLE

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.*

AMENDMENT: Moved and Seconded to add "with a copy mailed to each residence" after the word website.

The Amendment failed by majority.

AMENDMENT: Moved and Seconded to add "and entrance to Town Library" after the words "Town Hall Building".

The Amendment passed by majority.

Article 23 PASSED by majority as amended.

ARTICLE 24: DRIVEWAYS AND CURBCUTS

The Town voted unanimously to adopt a General Bylaw entitled the Driveway and Curb Cut Bylaw.

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

The Town voted unanimously to rescind the order adopted at Town Meeting on June 28, 2016 in Article 10.

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

The Town voted unanimously to adopt a General Bylaw entitled the Town Meeting & Election of Town Officials Bylaw.

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

The Town voted by majority 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.

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 or 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

The Town voted unanimously 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.

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

The Town voted unanimously to authorize the Board of Selectmen to file special legislation to change the name of the Board from Board of Selectmen to Select Board.

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.*

62 registered voters attended this meeting. The meeting was dissolved at 12:49 p.m.

A true copy, ATTEST: 

Richard W. Newton
Erving Town Clerk

