

# COMMONWEALTH OF MASSACHUSETTS

## ANNUAL TOWN MEETING WEDNESDAY MAY 1, 2019

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 Wednesday May 1, 2019, at 7:00 p.m. and conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:05 p.m. and noted that a quorum was present. The Moderator read the call and the Officer's return, and lead the body in the Pledge of Allegiance to the Flag.

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### GENERAL ARTICLES

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#### **ARTICLE 1: ACCEPTANCE OF THE 2018 TOWN REPORT – ORIGINAL ARTICLE**

To see if the Town will vote to accept the reports of the Town Officers for 2018, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: No Recommendation

*Article Information: Approval of this article will accept the 2018 Town Report as presented. Approval of this article requires a majority vote.*

**It was voted unanimously to PASS OVER Article 1 since the Town Reports were not yet received from the printer.**

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#### **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

*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.*

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### 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

*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.*

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### 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 2020 as permitted by Massachusetts General Law Chapter 44 Section 53F.

SUBMITTED BY: Board of Selectmen

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.*

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### FISCAL YEAR 2020 OPERATING BUDGET

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### ARTICLE 5: FY2020 GENERAL OPERATING BUDGET

The Town voted unanimously to raise and appropriate the following itemized amounts, all for municipal purposes:

Line	Divisions	Amount
1	General Government	\$ 908,431.00
2	Public Safety	\$ 860,865.00
3	Public Works	\$ 554,714.00
4	Health & Human Services	\$ 224,865.00
5	Culture & Recreation	\$ 229,192.00
6	Benefits	\$ 1,680,368.00
	<b>Grand Total</b>	<b>\$ 4,458,435.00</b>

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

**Article Information:** detail budget information for each department that comprises each line-item above is available in the Fiscal Year 2020 Town of Erving Proposed Operating and Capital Improvement Budget. A copy of the document is available on the municipal website ([www.erving-ma.gov](http://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 FY2020 operating budget in the categories identified above. Approval of this article requires a majority vote.

## ARTICLE 6: ELECTED OFFICIAL COMPENSATION

The Town voted unanimously to fix the sum of One Hundred Twenty Thousand, One Hundred Sixteen Dollars and Forty-eight Cents (\$120,116.48) for Elected Officials' salaries, 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	Wage Total	Wage per Person
<b>Assessor (3)</b>		\$ 11,193.48*	\$ 3,731.16ea
<b>Board of Health (3)</b>		\$ 2,805.00*	\$ 935.00ea
<b>Library Trustees (3)</b>		\$ 2,295.00*	\$ 765.00ea
<b>Moderator (1)</b>		\$ 200.00*	
<b>Planning Board (5)</b>		\$ 4,422.00*	\$ 884.40ea
<b>Recreation Commission (5)</b>		\$ 4,460.00*	\$ 892.00ea
<b>School Committee (5)</b>		\$ 6,744.00***	\$ 1,348.80ea
<b>Selectmen/Water Commissioners (3)</b>	\$ 11,728.00*		
from Water Department	\$ 845.00**		
<b>Total Salary</b>		\$ 12,573.00	\$ 4,191.00ea
<b>Tax Collector (1)</b>	\$ 11,174.00*		
Certification Award	\$ 1,000.00*		
From Water Department	\$ 1,871.00**		
<b>Total Salary</b>		\$ 14,045.00	
<b>Town Clerk (1)</b>	\$ 9,309.00*		
From Census Work	\$ 1,000.00*		
<b>Total Salary</b>		\$ 10,309.00	
<b>Treasurer (1)</b>	\$ 45,900.00*		
Certification Award	\$ 1,000.00*		
From Water Department	\$ 1,732.00**		
<b>Total Salary</b>		\$ 48,632.00	
<b>Tree Warden (1)</b>		\$ 2,438.00	
<b>Total Elected Official Salary</b>		<b>\$120,116.48</b>	

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

**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 4.*  
*\*\*funding for this compensation is raised & appropriated in the Water Enterprise Fund article.*  
*\*\*\* funding for this compensation is raised & appropriated in Article 6.*

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#### **ARTICLE 7: FY 2020 ERVING ELEMENTARY SCHOOL FUNDING**

The Town voted unanimously to raise and appropriate the sum of Three Million, One Hundred Eighty-one Thousand, Four Hundred Forty-five Dollars and No Cents (\$3,181,445.00) for the expense and operation of the Erving Elementary School for fiscal year 2020, beginning July 1, 2019.

Line	Account #	Description	Amount
1	01-300-100-51000	School Committee Salary	\$6,744
2	01-301-200-57800	Erving Elementary School Expense	\$3,174,701
<b>Grand Total</b>			<b>\$3,181,445</b>

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

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

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#### **ARTICLE 8: FY 2020 SECONDARY EDUCATION FUNDING**

The Town voted unanimously to raise and appropriate the sum of One Million, Three Hundred Fifty-eight Thousand, Seven Hundred One Dollars and No Cents (\$1,358,701.00) for secondary education and expenses for fiscal year 2020, beginning July 1, 2019.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

*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. This budget reflects level funding from FY2019. Approval of this article requires a majority vote.*

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#### **ARTICLE 9: FY 2020 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING**

The Town voted unanimously to raise and appropriate the sum of Five Hundred Eighty-one Thousand, Eleven Dollars and No Cents (\$581,011.00) for secondary education and expenses at the Franklin County Technical School for fiscal year 2020 as itemized below, beginning July 1, 2019.

Line	Account #	Description	Amount
1	01-320-100-51000	Tech School Committee Salary	\$1,349
2	01-321-200-57800	F.C. Tech School Assessment	\$561,899
3	01-322-200-57800	F.C. Tech School Capital Assessment	\$17,763
<b>Grand Total</b>			<b>\$581,011</b>

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***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: FY 2020 WATER DEPARTMENT ENTERPRISE FUND**

The Town voted unanimously to appropriate the sum of Ninety-three Thousand, Six Hundred Eighty-one Dollars and No Cents (\$93,681.00) to the Water Enterprise Fund for fiscal year 2020 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

***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: FY 2020 WASTEWATER DEPARTMENT ENTERPRISE FUND**

The Town voted unanimously to raise and appropriate the sum of Seven Hundred Sixty-nine Thousand, Nine Hundred Eighty-three Dollars and No Cents (\$769,983.00) to the Wastewater Enterprise Fund for fiscal year 2020 Wastewater operations.

The \$769,983.00 is to be raised as follows:

Town of Montague and other receipts	\$ 214,015.00
Town of Erving (raise & appropriate)	\$ 555,968.00
<b>Total Wastewater Fund</b>	<b>\$ 769,983.00</b>

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***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.

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## FISCAL YEAR 2020 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES

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### ARTICLE 12: 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
<b>Grand Total</b>				<b>\$382,500</b>

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

**Article Information:** The FY2020 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.

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## FISCAL YEAR 2020 CAPITAL IMPROVEMENT BUDGET

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### ARTICLE 13: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS

The Town voted unanimously to raise and appropriate the sum of Four Hundred Thirty-one Thousand Four Hundred Dollars and No Cents (\$431,400.00) for the capital improvement projects itemized below, subject to Board of Selectmen approval.

Line	Account #	Description	Amount
1	01-155-903-57800	Server Maintenance/Upgrade	\$ 8,000
2	01-210-912-57800	Speed Monitoring Equipment & Trailer	\$13,000
3	New account	Enclosed Utility Trailer	\$8,000
4	01-422-904-57800	Roadwork/Sidewalks Repair Replace	\$200,000
5	New account	Site Preparation for Dry Storage Building-DPW	\$35,000
6	New account	Street Light Expansion Project	\$22,250
7	01-301-906-57800	EES Classroom Furniture	\$20,000
8	New account	EES Technology Replacement/ Upgrades	\$73,600

9	<i>New account</i>	COA Wellness Room Upgrades	\$9,850
10	01-541-906-57800	COA Fitness Equipment	\$6,700
11	<i>New account</i>	Volley Ball Court Restoration at Zilinski Park	\$5,000
12	<i>New account</i>	ADA Compliance & Upgrades to Zilinski Park	\$30,000

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**Grand Total**

**\$431,400.00**

SUBMITTED BY: Board of Selectmen

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** The FY2020 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.*

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**ARTICLE 14: TO APPROPRIATE FOR WATER CAPITAL IMPROVEMENT**

The Town voted unanimously to appropriate from the Water Enterprise Fund Retained Earnings the sum of Thirty-five Thousand Dollars and No Cents (\$35,000.00) for the installation of an emergency generator, and associated work at the Ervingside Well house.

SUBMITTED BY: Board of Selectmen/ Water Commissioners

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would allow the Water Department to install an emergency generator at the Erving side Well house. The installation of the equipment would provide a back-up power source to continue operations at the well in the event of a power outage. Approval of this article requires a majority vote.*

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**ARTICLE 15: TO APPROPRIATE FOR WASTEWATER PICKUP TRUCK**

The Town voted unanimously to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Forty-five Thousand Dollars and No Cents (\$45,000.00) for the purchase of 2019 Ford 250 and associated equipment.

SUBMITTED BY: Board of Selectmen/ Water Commissioners

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** The Department's current truck is 2012 model year and is scheduled for replacement. It is proposed that the existing truck would be deemed surplus and made available at public auction. Approval of this article requires a majority vote.*

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## DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS

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### ARTICLE 16: REVOLVING ACCOUNT SPENDING LIMITS

The Town voted unanimously to fix the maximum amount that may be spent during fiscal year 2020 beginning on July 1, 2019 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	FY2020 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000

or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS:

***Article Information:** Approval of this article would establish the FY2020 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.*

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## FISCAL YEAR 2019 CAPITAL IMPROVEMENT EXPENSE

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### ARTICLE 17: TRANSFER FOR RIVERFRONT PARK ELECTRICAL SERVICE

The Town voted unanimously to transfer the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) from Free Cash for the capital improvement projects itemized below, subject to Board of Selectmen approval.

Line	Account #	Description	Amount
		Riverfront Park Electrical Service & Lighting	\$25,000
<b>Grand Total</b>			<b>\$25,000.00</b>

SUBMITTED BY: Board of Selectmen  
CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** Approval of this article would allow for the installation of the electrical service and lighting at the Riverfront Park. The request was originally included with the FY2020 capital plan, but the Recreation Commission and the Cultural Council would like to begin concerts in the park in June 2019 and this use requires the completion of the electrical service installation before FY2020. Additionally, the installation of the electrical service and lighting was requested during the construction of the Park although funding at the time was not sufficient. Approval of this article requires a majority vote.*



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## ACQUISITION OF LAND

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### ARTICLE 18: TO ACQUIRE PARCEL 4-0-79 AS CONSERVATION LAND

The Town voted unanimously to authorize the Board of Selectmen to acquire by eminent domain, purchase, gift, or otherwise the following described parcel, ID 4-0-79, as conservation and recreation land for public use.

SUBMITTED BY: Board of Selectmen  
CONSERVATION COMMISSION: Approval  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** Approval of this article would authorize the Board of Selectmen to acquire parcel ID 4-0-79 which is a 55-acre parcel that abuts the Town's conservation land off of Old State Road. The Land is owned by the Mount Grace Land Conservation Trust and was purchased with the intention of gifting the land to the Town for conservation and recreation. Approval of this article would allow the Town to accept this gift of land as intended. Approval of this article requires a 2/3 vote.*

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## MULTI-YEAR CONTRACT AUTHORIZATIONS

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### ARTICLE 19: AUTHORIZATION TO SIGN TEN YEAR CONTRACT FOR RECYCLING PROCESSING SERVICES

The Town voted unanimously to authorize the Selectboard to enter into a ten (10) year contract, commencing on July 1, 2020 with the qualified vendor selected by MassDEP through a competitive bid process for recycling processing services for the Town, subject to the Selectboard's determination that the contract is in the best interests of the Town and subject annually to Town Meeting approval for funding for these services.

SUBMITTED BY: Board of Selectmen  
REQUESTED BY: Franklin County Solid Waste Management District  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** Approval of this article would authorize the Board of Selectmen to sign a ten (10) year contract with the new Mass DEP selected vendor that will operate the recycling facility in Springfield, MA. The contract with the existing vendor expires in the year 2020 and a new procurement is underway. Approval of this article requires a majority vote.*

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### ARTICLE 20: AUTHORIZATION TO SIGN FIVE YEAR CONTRACT FOR SCHOOL TRANSPORTATION SERVICES

The Town voted unanimously to authorize the School Committee to enter into a five (5) year contract, commencing on July 1, 2019 with F. M. Kuzmeskus to provide school transportation services for the Town, subject to the School Committee's determination that the contract is in the

best interests of the Town and subject annually to Town Meeting approval for funding for these services.

SUBMITTED BY: School Committee

BOARD OF SELECTMEN RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** Approval of this article would authorize the Board of Selectmen to sign a five (5) year contract with F.M. Kuzmeskus for the provision of school transportation services for students in Erving. Approval of this article requires a majority vote.*

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## BYLAWS

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### ARTICLE 21: HEAVY COMMERCIAL VEHICLE RESTRICTION BYLAW

#### 1. Restriction

*[Carrying capacity of more than 2½ tons prohibited:]* The use and operation of heavy commercial vehicles having a carrying capacity of more than 2½ tons is hereby prohibited through the residential sections of the following streets and portions thereof. This restriction shall not apply to heavy commercial vehicles originating from, going to or coming from places upon sections of such streets for the purpose of making deliveries of goods, materials, or merchandise to or similar collections from abutting land or buildings or adjoining streets or ways to which access cannot otherwise be gained; or to vehicles used in connection with the construction, maintenance and repair of such streets or public utilities therein; or to federal, state, municipal or public service corporation vehicles.

*Church Street*, entire length.

*North Street*, entire length.

#### 2. Violations and Penalties

In accordance with Massachusetts General Law Chapter 85 Section 10, whoever violates the provisions of this bylaw may be punished by a fine of twenty dollars (\$20.00).

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS:

***Article Information:** Approval of this article would establish a bylaw that would restrict the use of heavy commercial vehicles from the listed sections of public ways. In preparation for this restriction, a traffic engineering study was conducted for this area and a request was made to the Massachusetts Department of Transportation (MassDOT). MassDOT has approved the requested exclusion, but it is not enforceable until this bylaw is approved. Approval of this article requires a majority vote.*

**The Town voted unanimously to pass Article 21.**

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**PUBLIC WAYS**

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**ARTICLE 22: ACCEPTANCE OF THE RELOCATION OF WHEELOCK STREET – ORIGINAL ARTICLE**

To see if the Town will vote to accept the relocation of Wheelock Street as a public way by the following description:

**Wheelock Street, Erving, MA**

Beginning at a railroad spike set in pavement on the north sideline of Route 2, a 1929 state highway alteration, located S66°08'05"W and 360.78 feet from a Massachusetts Highway Bound opposite Station 116+ 96.50.

Thence N21°35'03"W and 648.48 feet to a capped iron pin set.

Thence N62°04'12"E and 662.19 feet to a point.

Thence S15°52'58"E and 40.90 feet to an iron pipe.

Thence S62°04'12"W and 617.85 feet to a railroad spike set in pavement.

Thence S21°35'03"E and 611.09 feet to a capped iron pin set on the north sideline of Route 2.

Thence S66°08'05"W and 40.03 feet to the point of beginning.

Laidout 40 feet wide. Discontinuing and abandoning areas outside, which will be gifted, of the altered layout as described below:

**Description of Parcel to be Gifted to Western Massachusetts Electric Co. on Wheelock Street in Erving MA (Assessors Map 5-1-36)**

A certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at a point on the east side of the 2018 Alteration of Wheelock St., said point being at the south west corner of the parcel herein conveyed. Thence N21°35'03"W, along the east line of the 2018 Alteration of Wheelock St., A distance of 312.05 feet to a point.

Thence N61°56'39"E, a distance of 3.32 feet to an iron pin.

Thence S21°35'03"E, along land now or formerly of Western Massachusetts Electric Co., a distance of 312.29 feet to an iron pin.

Thence S66°08'05"W, a distance of 3.32 feet to the place of beginning.

Containing 1,033 square feet.

**Description of Parcel to be Gifted to Sharon L. Bradshaw on Wheelock Street in Erving MA (Assessors Map 5-1-37)**

A certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at an iron pin at the intersection of the north line of State Road (Route 2) and the on the east line of the 2018 Alteration of Wheelock St. Thence N21°35'03"W, along the east line of the 2018 Alteration of Wheelock St., a distance of 99.02 feet to a point.

Thence N66°08'05"E, a distance of 3.32 feet to an iron pin.

Thence S21°35'03"E, along land now or formerly of Sharon L. Bradshaw, a distance of 99.02 feet to an iron pin.

Thence S66°08'05"W, along the north line of State St. (Route 2), a distance of 3.33 feet to the place of beginning.

Containing 329 square feet.

**Description of Parcel to be Gifted to Craig A. & Jennifer A. Cadran on Wheelock St. in Erving MA (Assessors Map 5-1-31)**

A certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at an iron pin, said iron pin being at southwest corner of the parcel herein conveyed and on the north line of the 2018 Alteration of Wheelock St. Thence N62°04'12"E, along the north line of the 2018 Alteration of Wheelock St. a distance of 237.31 feet to a point.

Thence N27°07'33"W a distance of 7.18 feet to a point.

Thence S62°10'12"W, along land now or formerly of Craig A. & Jennifer A. Cadran, a distance of 238.18 feet to a stone bound.

Thence S33°45'22"E, along land now or formerly of Daniel B. Hammock and Kathleen F. Hammock, a distance of 7.63 feet to the place of beginning.

Containing 1,755 square feet.

**Description of Parcel to be Gifted to John P. & Brook A. Doleva on Wheelock St. in Erving MA (Assessors Map 5-1-34)**

A certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at a point on the east side of the 2018 Alteration of Wheelock St., said point being at the southwest corner of the parcel herein conveyed. Thence N21°35'03"W, along the east side of the 2018 Alteration of Wheelock St. a distance of 200.02 feet to a set RR spike.

Thence N62°04'12"E, along the south line of the 2018 Alteration of Wheelock St. a distance of 3.35 feet to a point.

Thence S21°35'03"E, along land now or formerly of John P. & Brook A. Doleva, a distance of 200.01 feet to an iron pin.

Thence S61°56'39"W, a distance of 3.32 feet to the place of beginning.

Containing 663 square feet.

**Description of Parcel to be Gifted to Sheila Burnett & Bert Pike, Trustees on Wheelock St. in Erving MA (Assessors Map 5-1-32)**

A certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at a point on the north line of the 2018 Alteration of Wheelock St., said point being at the southwest corner of the parcel herein conveyed. Thence N62°04'12"E, along the north line of the 2018 Alteration of Wheelock St. a distance of 287.37 feet to a point.

Thence N15°52'58"W, a distance of 6.58 feet to an iron pin.

Thence S62°10'11"W, along land now or formerly of Sheila Burnett & Bert Pike, Trustees, a distance of 288.65 feet to a point.

Thence S27°07'33"E, a distance of 6.94 feet to the place of beginning.

Containing 1, 926 square feet.

In addition, a certain parcel of land in Erving, Franklin County, Massachusetts bounded and described as follows:

Beginning at a point on the north line of the 2018 Alteration of Wheelock St. said point being at the southwest corner of the parcel herein conveyed. Thence N62°04'12"E, along the north line of the 2018 Alteration of Wheelock St. a distance of 137.50 feet to a point.

Thence N27°07'33"W, a distance of 9.64 feet to a point.

Thence S62°04'12"W, along land now or formerly of Ursula J. Kersavage, a distance of 137.50 feet to a point.

Thence S27°07'33"E, a distance of 7.18 feet to the place of beginning.

Containing 970 square feet.

Being more particularly shown on a plan entitled “Alteration Plan of Wheelock St. in Erving MA” dated Feb. 20, 2018 by Edward C. Muszynski, PLS and filed in the office of the Town Clerk.

or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS:

***Article Information:** This article provides for the official acceptance of the relocation of Wheelock Street as a public way in the Town of Erving. The Planning Board and the Board of Selectmen have already voted to approve the public way as proposed in the layout. Approval of this article will abandon some land owned by the Town that is unneeded for the layout and will gift the land to the current abutting parcels. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

**AMENDMENT:** Moved and Seconded to change “Feb 20, 2018” to “April 10, 2019”.  
**The Amendment passed unanimously.**

**Article 22 PASSED unanimously as amended.**

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## CITIZENS PETITION

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### **ARTICLE 23: RESOLUTION IN SUPPORT OF CHANGING THE STATE FLAG AND SEAL OF MASSACHUSETTS**

***Whereas*** the history of the State of Massachusetts is replete with instances of conflict between the European Colonists and the Native Nations of the region, who first extended the hand of friendship to the Colonists on their shores in 1620, and helped them to survive starvation during the settlers' first winters on their land;

***Whereas*** members of the Native Nation for whom the State of Massachusetts is named were ambushed and killed by Myles Standish, first commander of the Plymouth Colony, in April of 1623, barely two years after the Pilgrims arrived on their shores;

***Whereas*** the naked Colonial broadsword brandished above the head of the Native man on the Massachusetts State Flag and Seal is modeled over Myles Standish's own broadsword, borrowed from the Pilgrim Hall in Plymouth by the illustrator Edmund Garrett in 1884;

***Whereas*** the belt binding the Native's cloak on the Flag and Seal is modeled after a belt worn by Metacomet, known to the English as King Philip, who was among the Wampanoag leaders who resorted to a mutually destructive war in 1675-76 in defense of Native lands against Euro-Colonial encroachment;

***Whereas*** the proportions of the body of the Native man in the Flag and Seal were taken from a Native skeleton kept in Winthrop, the bow modeled after a bow taken from a Native man shot and killed by a colonist in Sudbury in 1665, and his features taken from a photograph of an Ojibwe

chief from Great Falls, Montana, considered by the illustrator to be a “fine specimen of an Indian,” though not from Massachusetts;

*Whereas* the history of relations between Massachusetts since Colonial times and the Native Nations who continue to live within its borders includes the forced internment of thousands of so-called “praying Indians” on Deer Island, in Boston Harbor, where they died by the hundreds of exposure in 1675, their subsequent enslavement in Boston, Bermuda, and the Caribbean Islands, the offering of 40 pounds sterling as bounty for the scalps of Native men, women and children in Massachusetts beginning in 1686, increased to 100 pounds sterling for the scalps of Native adult males by 1722, half that amount for Native women and children;

*Whereas* Native Nations within the boundaries of Massachusetts were kept in a state of serfdom, and their members legally considered incompetent wards of the state until the nonviolent action of the so-called Mashpee Rebellion of 1833 led to the granting of Native self rule by the Massachusetts legislature in 1834, as if the sovereign right of Native self-government was the Massachusetts legislature's to confer;

*Whereas* Native Americans were legally prohibited from even stepping foot into Boston from 1675 until 2004, when that law was finally repealed;

*Whereas* the 400th anniversary of the landing of the Euro-Colonists at Plymouth Plantation, which gave rise to the long chain of genocidal wars and deliberate policies of cultural destruction against Native Nations of this continent, is approaching in the year 2020, affording every citizen of the Commonwealth a chance to reflect upon this history and come to a new awareness of a better relationship between the descendants of the Euro-Colonial immigrants and the Native Nations of the Commonwealth;

*And whereas* Native Americans have long suffered the many abuses of racism, the appropriation of their symbols for public schools and sports teams, the diminution and pollution of their ancestral lands and the encroachment of their cultural lifeways;

*Whereas* the land area now known as the Town of Erving shares a rich Native history with modern tribal Nations like the Nipmuc and the Abenaki, who frequented this area for thousands of years before the first colonial settlers arrived;

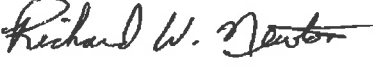
Now, therefore, **BE IT RESOLVED** that the Town of Erving hereby adopts this resolution in support of H.2776 and S.1877, a “**Resolve Providing for the creation of a Special Commission relative to the Seal and Motto of the Commonwealth,**” and requests that Representative Susannah Whipps and Senator Jo Comerford continue their strong advocacy and support for the aforementioned Resolve (H.2776 and S.1877) in the General Court, and that the Joint Committee on State Administration and Regulatory Oversight, after holding a public hearing on the Resolve report it out favorably, and if the legislation shall pass that the governor shall sign it and work with members of the General Court to ensure its enactment.

SUBMITTED BY: Citizens Petition

**Article Information:** *The above citizens petition was received by the Town Clerk on Monday, March 25, 2019 with the required ten (10) signatures of registered Erving voters. Approval of this article will demonstrate the Town of Erving's support for the stated resolution and support for H.2776 and S.1877 and request that Representative Whipps and Senator Comerford act to support these initiatives. Approval of this article requires a majority vote.*

Article 23 passed by majority. 23 YES 21 NO

67 registered voters attended this meeting. The meeting was dissolved at 9:25 p.m.

A true copy, ATTEST:   
Richard W. Newton  
Erving Town Clerk