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# Annual Town Meeting Warrant

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**Wednesday, May 10, 2023**

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

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

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

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

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

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## Erving's FY 2024 Proposed Operating & Capital Budget

Is available for review at

[www.erving-ma.gov/budgets](http://www.erving-ma.gov/budgets)

# COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

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

**Wednesday, May 10, 2023 at 7:00 PM,**

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

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## ANNUAL TOWN ELECTIONS

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**Monday, May 01, 2023**

To either of the Constables of the Town of Erving:

Greetings: In the name of the Commonwealth of Massachusetts you are hereby directed to notify and warn the inhabitants of the Town of Erving, qualified to vote in town affairs to meet in the meeting room at the **Town Hall**, 12 East Main Street in Erving Center on **Monday, May 01, 2023 at 10:00 AM** then and there to bring their votes for the following town offices and ballot questions:

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

**The polls will close at 8:00 PM.**

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## GENERAL ARTICLES

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### ARTICLE 1: ACCEPTANCE OF THE 2022 TOWN REPORT

To see if the Town will vote to accept the reports of the Town Officers for calendar year 2022 or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

*Article Information:* Approval of this article will accept the calendar year 2022 Town Report as presented. Approval of this article requires a majority vote.

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### ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL OR STATE GRANTS

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

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

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

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### ARTICLE 3: AUTHORIZATION TO DISPOSE OF SURPLUS PROPERTY

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

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

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

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### 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 2024 as permitted by Massachusetts General Law Chapter 44 Section 53F, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

**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 2024 OPERATING BUDGET

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### ARTICLE 5: FY2024 GENERAL OPERATING BUDGET

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To see if the Town will vote to raise and appropriate the sum of Five Million, Seven Hundred Forty-two Thousand, Forty-seven Dollars and No Cents (\$5,742,047.00) in the following itemized amounts, all for municipal purposes, or take any other action relative thereto:

Line	Divisions	Amount
1	General Government	\$ 1,355,359.00
2	Public Safety	\$ 1,095,893.00
3	Public Works	\$ 750,487.00
4	Health & Human Services	\$ 297,690.00
5	Culture & Recreation	\$ 383,218.00
6	Benefits	\$ 1,859,400.00
	<b>Grand Total</b>	<b>\$ 5,742,047.00</b>

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

**Article Information:** Detailed budget information for each department, that comprises each line-item above, is available in the Fiscal Year 2024 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)), and can be picked up at Town Hall. Approval of this article will establish the FY2024 operating budget in the categories identified above. Approval of this article requires a majority vote.

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**ARTICLE 6: FY2024 ELECTED OFFICIAL COMPENSATION**

To see if the Town will vote to fix the sum of One Hundred Sixty-two Thousand, Three Hundred Twelve Dollars and Fifty Cents (\$162,312.50) for Elected Officials' salaries for fiscal year 2024, and vote that the following salary and compensation be paid from this sum to the following Elected Officials of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended by Chapter 540 of the Acts of 1947, or take any other action relative thereto:

	Detail	Wage Total	Wage per Member	Chair Stipend
Assessor (3)		\$ 11,718.00*	\$ 3,881.00ea	\$75.00
Board of Health (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Library Trustees (3)		\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Moderator (1)		\$ 350.00*		
Planning Board (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
Recreation Commission (5)		\$ 5,075.00*	\$ 1,000.00ea	\$75.00
School Committee (5)		\$ 7,090.00***	\$ 1,403.00ea	\$75.00
Select Board/Water Commissioners (3)	\$ 12,451.00*			\$250.00
	from Water Department	\$ 879.00**		
	<b>Total Salary</b>	\$ 13,330.00	\$ 4,360.00ea	
Tax Collector (1)	\$ 17,304.00*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 2,026.00**		
	<b>Total Salary</b>	\$20,330.00		
Town Clerk (1)	\$25,956.00*			
	From Census Work	\$ 1,000.00*		
	<b>Total Salary</b>	\$26,956.00		
Treasurer (1)	\$60,827.00*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,875.00**		
	<b>Total Salary</b>	\$ 63,702.00		
Tree Warden (1)		\$ 2,536.50		
<b>Total Elected Official Salary</b>		<b>\$162,312.50</b>		

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

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

\*funding for this compensation is raised & appropriated in the omnibus budget in article 5.

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

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

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## ARTICLE 7: FY 2024 ERVING ELEMENTARY SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Three Million, Five Hundred Forty Thousand, Five Hundred Sixty-eight Dollars and No Cents (\$3,540,568.00) for the expense and operation of the Erving Elementary School for fiscal year 2024, or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-300-100-51000	School Committee Salary	\$7,090.00
2	01-301-200-57800	Erving Elementary School Expense	\$3,533,478.00
Grand Total			\$3,540,568.00

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

*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 2024 SECONDARY EDUCATION FUNDING

To see if the Town will vote to raise and appropriate the sum of One Million, Four Hundred Seventy-seven Thousand Four Hundred and Six Dollars and No Cents (\$1,477,406.00) for secondary education and expenses for fiscal year 2024 or take any other action relative thereto.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

*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.*

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## ARTICLE 9: FY 2024 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING

To see if the Town will vote to raise and appropriate the sum of Five Hundred Twenty-eight Thousand, Seventeen Dollars and No Cents (\$528,017.00) for secondary education and expenses at the Franklin County Technical School for fiscal year 2024 as itemized below or take any other action relative thereto.

Line	Account #	Description	Amount
1	01-320-100-51000	Tech School Committee Stipend	\$1,403.00
2	01-321-200-57800	F.C. Tech School Assessment	\$513,033.00
3	01-322-200-57800	F.C. Tech School Capital Assessment	\$13,581.00
Grand Total			\$528,017.00

SUBMITTED BY: Select Board



FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***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.*

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**ARTICLE 10: FY 2024 WATER DEPARTMENT ENTERPRISE FUND**

To see if the Town will vote to appropriate the sum of One Hundred Five Thousand, Two Hundred Forty Dollars and No Cents (\$105,240.00) to the Water Enterprise Fund for fiscal year 2024 Water operations. Said money to be raised from receipts, revenues, and funds from any source derived from the activities of the Erving Water Department or take any other action relative thereto.

SUBMITTED BY: Water Commissioners

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***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.*

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**ARTICLE 11: FY 2024 WASTEWATER DEPARTMENT ENTERPRISE FUND**

To see if the Town will vote to raise and appropriate the sum of One Million, Fifty-three Thousand, Four Hundred Sixty-six Dollars and No Cents (\$1,053,466.00) to the Wastewater Enterprise Fund for fiscal year 2024 Wastewater operations or take any other action relative thereto.

The \$1,053,466.00 is to be raised as follows:

Town of Montague and other receipts	\$ 236,232.00
Town of Erving (raise & appropriate)	\$ 817,234.00
<b>Total Wastewater Fund</b>	<b>\$ 1,053,466.00</b>

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***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 2024 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL  
ARTICLES**

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**ARTICLE 12: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS**

To see if the Town will vote to raise and appropriate the sum of Two Hundred Fifty-three Thousand Dollars and No Cents (\$253,000.00) for the continuing annual appropriations and special articles itemized below for the purposes stated, or take any other action relative thereto.

Line	Dept.	Account #	Description	Amount
1	Assessors	01-141-902-57800	Assessments Defense	\$25,000
2	Assessors	01-142-901-53000	Assessors Revaluation	\$35,000
3	Town Buildings	01-192-903-57800	Town Building Maintenance	\$30,000
4	Miscellaneous	01-199-901-57800	Purchase Space in Around Town	\$8,000
5	Highway	01-422-924-57800	DPW Wheel Loader Lease	\$55,000
6	Benefits	01-996-901-59661	Transfer to Other Post	\$100,000
			Employment Benefit Trust Fund	
<b>Grand Total</b>				<b>\$253,000</b>

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** The FY2024 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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**ARTICLE 13: APPROPRIATION FOR WAGE & COMPENSATION ADJUSTMENTS**

To see if the Town will vote to raise and appropriate the sum of Sixty Thousand Dollars and No Cents (\$60,000.00) for the purpose of wage and compensation adjustments, determined by the Select Board and the Finance Committee, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** Approval of this article would raise and appropriate \$60,000.00 to allow for wage & compensation adjustments to be determined by the Select Board and the Finance Committee upon the completion of a wage & compensation review. Approval of this article requires a majority vote.*

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## FISCAL YEAR 2024 CAPITAL IMPROVEMENT BUDGET

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### ARTICLE 14: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of Nine Hundred Eleven Thousand Dollars and No Cents (\$911,000.00) for the capital improvement projects itemized below and related expenses, by raising Four Hundred Thousand Dollars and No Cents (\$400,000.00) and by transferring Five Hundred Eleven Thousand Dollars and No Cents (\$511,000.00) from Free Cash, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	Fire-Ventilation System	\$150,000
2	01-422-911-57800	Bridge Street & Maple Reconstruction	\$500,000
3	New account	Plow Truck & Sander	\$125,000
4	New account	Door Access & Security	\$100,000
5	New account	Historical Structure Inventory Project	\$20,000
6	New account	Subdivision Regulation Revise/Update	\$16,000
<b>Grand Total</b>			<b>\$911,000</b>

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS:

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** The FY2024 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. Some requests are “recurring requests” that appear annually to maintain a consistent investment while other capital requests are one-time requests. Details about all proposed capital improvement projects, funding sources, and explanations are available for review in the FY2024 proposed Operating & Capital Improvement Budget book. Approval of this article requires a majority vote.*

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### ARTICLE 15: TO APPROPRIATE FOR WASTEWATER CAPITAL PROJECTS

To see if the Town will vote to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) for the capital improvement projects itemized below, and related expenses, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	POTW3 (Farley Wastewater) Paving	\$55,000
2	New account	Asbestos Pipe Disposal	\$20,000
<b>Grand Total</b>			<b>\$75,000</b>

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS:

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

**Article Information:** Approval of this article would appropriate \$75,000 for the Wastewater Department to fund the repaving of the Farley Wastewater Treatment Plant (POTW3) and for the proper removal and disposal of asbestos containing sewer pipe. 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

To see if the Town will vote to fix the maximum amount that may be spent during fiscal year 2024 beginning on July 1, 2023, 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	FY2024 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000
Library Use and Fees	Board of Library Trustees	\$10,000
Electric Vehicle Charging Stations	Select Board	\$15,000

or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

**Article Information:** Approval of this article would establish the FY2024 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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## LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS

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### ARTICLE 17: ADOPTION OF PARAGRAPH 4 OF MGL CHAPTER 40, SECTION 5B

To see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the fiscal year beginning on July 1, 2023, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

**Article Information:** Approval of this article would allow Town meeting to dedicate the deposit of specific receipts into a Stabilization Fund without needing to appropriate the receipts into the fund at future meetings. This approval only addresses the receipts of funds and does not address the

*expenditure of funds. That will require Town Meeting approval. Approval of this article requires a majority vote.*

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## STABILIZATION FUND ARTICLES

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### **ARTICLE 18: ESTABLISHMENT OF THE OPIOID SETTLEMENT STABILIZATION FUND & DEDICATION OF REVENUE**

To see if the Town will vote, pursuant to the provisions of G.L. c.40, §5B, to create a new special purpose Stabilization Fund, to be known as the Opioid Settlement Stabilization Fund, which may be expended for all of the purposes allowed by law, including those outlined in applicable opioid-litigation settlement documents, a document prepared by the Substance Abuse Bureau of the Commonwealth's Office of Health and Human Services Department, found at <https://www.mass.gov/doc/massachusetts-abatement-terms/download> entitled "Abatement Strategies", and consistent with any state guidelines or regulations further clarifying allowable uses of opioid litigation settlement funds; and further, to adopt the last paragraph of said §5B and dedicate to such fund, without further appropriation, 100% of the opioid litigation settlement funds received by the Town; and further, to transfer from available funds a sum of Twenty-two Thousand Seven Hundred Sixteen Dollars and Eighty-five Cents (\$22,716.85) which is equal to that received or to be received by the Town from opioid litigation settlements resulting from the Town's participation in the national Opioid Multi-District Litigation into said Opioid Settlement Stabilization Fund; or take any other action related thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** Approval of this article would create a new special purpose Stabilization Fund to hold the receipts of the national opioid settlement payments that the Town receives as a party to the settlements. As of the closing of this warrant, the Town has received \$22,716.85 in settlement funds that will be transferred into the newly established Fund. This approval does not address the expenditure of funds. That will require Town Meeting approval. Approval of this article requires a majority vote.*

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### **ARTICLE 19: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT**

To see if the Town will vote to raise and appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) into the Capital Stabilization Account, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** Approval of this article would raise and appropriate the sum of \$150,000 and deposit the sum 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.*

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## ARTICLE 20: 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 raising One Hundred Forty-five Thousand Dollars and No Cents (\$145,000) and by transferring One Hundred Twenty-eight Thousand Dollars and No Cents (\$128,000) from Free Cash, or take any other action relative thereto.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** Approval of this article would appropriate the sum of \$273,000 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 fourth of five (5) planned deposits into general stabilization related to the project. Approval of this article requires a majority vote.*

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## COMMUNITY ACCESS TELEVISION

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### ARTICLE 21: TO APPROPRIATE FOR COMMUNITY ACCESS TELEVISION

To see if the Town will vote to appropriate the Twenty Thousand, Two Hundred Dollars and No Cents (\$20,200.00) from the PEG Access Cable Revenue account for the purpose of operating the Town's local cable access channel as itemized below, beginning July 1, 2023, or take any other action relative thereto.

Line	Account #	Description	Amount
1	24-155-200-57800	Local Access Channel Operations	\$16,000.00
2	<b>TBD</b>	Local Access Insurance	\$1,200.00
3	<b>TBD</b>	Equipment	\$3,000.00
<b>Grand Total</b>			<b>\$20,200.00</b>

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [ Aye (4), Nay (0) Absent (0)]

***Article Information:** Approval of this article would appropriate \$20,200 from the PEG Access Cable Revenue account for the Select Board to use to operate the Town's community access television channel. Revenue in this account is received quarterly from Comcast from user fees in accordance with the Cable franchise agreement. Approval of this article requires a majority vote.*

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## GENERAL BYLAWS

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### ARTICLE 22: TOWN CLERK BYLAW EDITORIAL CHANGES

To see if the Town will vote to accept the following General Bylaw entitled "Bylaw Editorial Changes" as part of the Town Code, or take any other action relative thereto.

## BYLAW EDITORIAL CHANGES

The Town Clerk, or an agent designated by the Town Clerk, shall be authorized to make non-substantive editorial revisions of the Town general bylaws and zoning bylaws to ensure consistent and appropriate sequencing and numbering, including but not limited to the following actions:

1. Assign appropriate numbers to sections, subsections, paragraphs and subparagraphs
2. Reassign appropriate numbers to sections, subsections, paragraphs and subparagraphs
3. Formatting changes such as spacing, capitalization, font size, underlining or italics
4. Correct internal cross-references
5. Spelling

The assignment of such corrections shall be identified by a footnote or functionally similar editorial convention.

SUBMITTED BY: Town Clerk

***Article Information:** Approval of this article would allow the Town Clerk to properly maintain the newly codified bylaws in a logical and proper numbering sequence as bylaws are added, amended and repealed.*

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## ARTICLE 23: CABLE ADVISORY COMMITTEE

To see if the Town will vote to adopt the following General Bylaw entitled “Cable Advisory Committee” as part of the Town Code, or take any other action relative thereto:

### CABLE ADVISORY COMMITTEE

#### 1. Authority, Establishment; Members; Appointment

In accordance with Massachusetts General Law Chapter 166A, there is hereby established a Cable Advisory Committee (“Committee”) comprised of three (3) members. The members of the Committee shall be appointed by the Select Board, which serves as the appointing authority of the Committee and the Issuing Authority for all cable franchise licensing agreements on behalf of the Town.

#### 2. Terms of Office

Committee members shall serve three (3) year terms which shall be staggered. All subsequent appointments shall be for a three-year term commencing on July 1. In the case of a mid-term vacancy, the appointing authority shall select a new member for the remainder of the unexpired term and may re-appoint that person or select another for the term beginning July 1.

#### 3. Duties

The Committee shall have the following duties to support the Select Board in the implementation of the license:



- Inform and educate the public about cable television service;
- Assess the cable needs of the community and recommend policy changes;
- Conduct regular meetings with cable company representatives to discuss matters of mutual interest;
- Report to the Select Board on company compliance with the license;
- Supervise the cable operator's response to complaints;
- Respond to residents' questions regarding the cable television system;
- Keep abreast of community programming issues;
- Management of the Public, Educational, and Governmental (PEG) Access fund;
- Develop policies and operating procedures for PEG access television, with approval from the Select Board;
- Advises on issues related to the operation of PEG access television, in concert with the Town Administrator, and other subsequent staff and vendors contracted to provide related services, in support of the recording and broadcasting local government meetings, fostering the production of local events, and making production technology and training available to the public;

SUBMITTED BY: Town Administrator

***Article Information:** Approval of this article would formally codify the Cable Advisory Committee, which is currently voted into existence by the Select Board. The proposed Bylaw provides for greater delineation of the structure, term, and responsibilities of Committee members. We believe this is a good moment to make these revisions as the Town has worked to launch the Public Access channel. Approval of this article requires a majority vote.*

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## **ARTICLE 24: PERSONNEL BYLAW**

To see if the Town will vote to adopt the following General Bylaw entitled “Personnel Bylaw” as Chapter 53 of the Town Code, or take any other action relative thereto:

### **Chapter 53 PERSONNEL BYLAW**

#### **SECTION 1. PURPOSE AND APPLICABILITY**

(a) Pursuant to the provisions of Massachusetts General Laws Chapter 41, Sections 108A and 108C and Article LXXXIX of the amendments to the Constitution of the Commonwealth of Massachusetts (The Home Rule Amendment), the Town of Erving has enacted a Bylaw which provides for the administration of its personnel, creates a Classification and Compensation Plan, and establishes a Personnel Board whose purpose shall be to make recommendations to the Select Board concerning the administration of this Bylaw.

(b) The Bylaw is intended to classify any or all positions into groups and classes doing substantially similar work or having substantially equal responsibilities, except for the following:

1. Those positions under the control of the school district;
2. those positions filled by popular election; and
3. those positions with individual employment contracts with the Town.



(c) The purpose of the Bylaw is to establish a fair and equitable system of personnel administration based upon merit principles that insure a uniform, fair, and efficient application of personnel policies. The Bylaw is designed to represent the interests of taxpayers, town employees, town officials and Department Heads.

(d) Except as otherwise indicated, this Bylaw applies to members of a collective bargaining unit.

## **SECTION 2. ADMINISTRATION OF PERSONNEL BYLAW**

(a) The Select Board of the Town of Erving is charged with administering and maintaining the Bylaw and Personnel Policies as hereinafter provided.

(b) All lawful and statutory rights of the Town Administrator, the Select Board and Department Heads not specifically covered herein shall be, and are hereby reserved to them.

## **SECTION 3. DEFINITIONS**

As used in this Bylaw, the following words and phrases shall have the following meanings:

A. PERSONNEL ADMINISTRATOR: The Town Administrator or the Select Board's designee.

B. PERSONNEL BOARD: The Board is appointed by the Select Board to advise the Select Board on matters of policy concerning personnel.

C. COMPENSATION GRADE: A range of salary or wage rates appearing in the Classification and Compensation Plan established under this Bylaw.

D. EMPLOYEE: An employee of the Town occupying a position covered by this Bylaw.

E. PROBATIONARY EMPLOYEE: An employee who has not completed a probationary period of one (1) year, regardless of the number of hours worked per week.

F. REGULAR FULL-TIME EMPLOYEE: An employee who works forty (40) hours per week on a regular schedule for fifty-two (52) weeks per year, except for legal holidays and authorized vacations, sick leaves or other leaves of absence, and has completed a probationary period of one (1) year.

G. REGULAR PART-TIME EMPLOYEE: An employee who works twenty (20) hours or more, but less than forty (40) hours, per week on a regular schedule for fifty-two weeks per year, except for legal holidays and authorized vacations, sick leaves or other leaves of absence, and has completed a probationary period of one (1) year.

H. PART-TIME EMPLOYEE, LESS THAN TWENTY (20) HOURS PER WEEK: A part-time employee who works less than twenty (20) hours per week.

I. TEMPORARY EMPLOYEE: An employee who is hired either full-time or part-time on a temporary basis for a limited or specified period as an addition to the existing workforce, or as a temporary substitute for an employee.

J. SEASONAL EMPLOYEE: An employee who is hired either full-time or part-time to work temporarily in a specific season for a period of less than twenty (20) weeks.

K. SPECIAL EMPLOYEE: An employee, such as an election worker, who holds a position of limited employment and for which service is rendered according to the demands of the position.

L. EXEMPT EMPLOYEE: An individual who is paid on a salary basis at a rate not less than \$455 per week and is employed as a bona fide executive, administrative, or professional employee, and is not entitled to overtime compensation under the federal Fair Labor Standards Act if they also meet the following criteria:

- (1) Executive - primary duty is to manage a unit;
- (2) Administrative – primary duty is office or non-manual work directly related to management policies, or directly assisting an executive; and
- (3) Professional – primary duty requires advanced knowledge acquired by specialized study, work is intellectual, and the result is not standardized.

M. NON-EXEMPT (HOURLY) EMPLOYEE: An employee paid an hourly wage whose primary duty is not executive, administrative, or professional in nature. A non-exempt employee is entitled to overtime pay, generally after actually working more than forty (40) hours in a workweek.

N. CONFLICT: A dispute between an employee and the appointing or supervising authority arising as a result of discipline or by application of this Bylaw or the policies, procedures and regulations established for the administration of this Bylaw to the employee.

O. SCHOOL COMMITTEE: The Erving School Committee is the five- (5-) member school board for the Erving Elementary School. For the purposes of this Bylaw, the School Committee is the procurement authority for the Erving School District and the negotiating body for matters relating to school employees who are members of collective bargaining units.

#### **SECTION 4. PERSONNEL BOARD**

There shall be a Personnel Board, consisting of three (3) members, that shall, at the Select Board's direction and request, reviews policies, procedures, and regulations relating to the administration of the Personnel Bylaw. As well, at least once per quarter, the Personnel Board shall report to the Select Board, at which time the Personnel Board shall advise on personnel items and issues that require attention of the Select Board.

The members of the Personnel Board shall be appointed by the Select Board, each of whom shall be a registered voter. Members of the Personnel Board shall serve without compensation. The terms of office of such appointments shall be no more than three (3) years and will be staggered. The members may be reappointed by the Select Board for successive terms. In the absence, the Select Board shall serve as the Personnel Board of the Town of Erving.

The Personnel Board, as an advisory board, shall not interfere with nor act as an intermediary in any supervisor/subordinate relationship, except as directed by the Select Board. The scope of the Personnel Board's responsibilities are detailed in Section 5.

## **SECTION 5. DUTIES AND RESPONSIBILITIES OF THE PERSONNEL BOARD**

A. The Personnel Board and Town Administrator shall review policies, procedures, and regulations relating to the administration of the Personnel Bylaw, and ensure that there is uniform interpretation and application of the Bylaw.

B. The Board and the Town Administrator may make recommendations to the Select Board regarding such policies, procedures and regulations as they deem necessary for the administration of the Bylaw.

C. A majority of the Board shall constitute a quorum for the transaction of business. The votes of the majority of all the members shall be necessary on any matter upon which it is authorized to, or required to pass, under the Bylaw.

D. At the Personnel Administrator's request, the Board shall from time to time review the salary schedules and personnel and administration policies of the Bylaw. It shall keep informed as to the pay rates and policies in effect in other towns and in similar positions outside of the service of the Town and make recommendations regarding the equity of existing pay levels.

E. The Board may recommend to the Personnel Director that the Town add a new class to the classification schedules, or change an existing class to a different compensation grade, either higher or lower, subject to the provisions of Section 10, Amendment of the Bylaw.

F. No later than March 1st of each year, the Personnel Board shall make a recommendation to the Select Board concerning rates of pay for the forthcoming fiscal year subject to the provisions of Section 10, Amendment of the Bylaw, and may vote for "no increase," subject to the availability of funding. The Personnel Board's recommendation to the Select Board shall be non-binding.

G. Upon recommendation of the Department Head, supported by evidence in writing of special reasons satisfactory to the Board, said Board may recommend to the Select Board an entrance rate higher than the minimum rate for a position, and other such variances in the Classification and Compensation Plan as it may deem necessary for the proper functioning of the services of the Town, and to effectuate the intent of the Classification and Compensation Plan.

H. The Board shall act on matters officially brought before it within thirty (30) workdays of the date of receipt of written notice. Failure of the Board to act within those thirty (30) days shall constitute an approval of the matter before them, unless the Board votes to extend the time for resolution due to extenuating circumstances. As appropriate, notice in writing shall be forwarded to the concerned employee and respective Department Head within three (3) days of the Board's decision.

## **SECTION 6. PERSONNEL DIRECTOR**

The Town Administrator shall serve as the Personnel Director. The scope of the Personnel Administrator's duties and responsibilities is detailed in Section 7 below.

## **SECTION 7. POWERS AND DUTIES OF PERSONNEL DIRECTOR**

A. Under the general direction of the Select Board, the Town Administrator, as Personnel Director,

shall be responsible for the day-to-day administration of the Bylaw and the policies, procedures, and regulations that have been or may be established to administer this Bylaw.

B. The Town Administrator shall periodically review this Bylaw and shall make recommendations to the Personnel Board and the Select Board for any changes, as appropriate.

C. The Town Administrator shall be responsible for assisting the Personnel Board in the review and maintenance of the Town's Classification and Compensation Plan and for contacting the appropriate entities for survey and comparability data to accomplish this task, at reasonable intervals.

D. The Town Administrator, in conjunction with department heads, shall establish and maintain written descriptions of the jobs and positions listed in the Classification and Compensation Plan, describing the essential characteristics, requirements and essential functions of those positions.

E. The Town Administrator, in conjunction with department heads, shall maintain an individual personnel file containing personnel records for each employee of the Town, including therein such information as is required by law.

F. The Town Administrator, in conjunction with department heads, shall be responsible for all recruitment and selection procedures as outlined in any policy, procedure, or regulation that has been or may be established to administer this Bylaw.

G. For all positions in the Town of Erving, the Town Administrator shall be responsible for reviewing all employment offers, promotions, hires, changes in job titles, or other similar employment actions for the purposes of confirming that such action is consistent with the Town's Classification and Compensation Plan or collective bargaining agreement and consistent with the Town's budget.

## **SECTION 8. PERSONNEL FILES**

The Town Administrator, in conjunction with department heads, shall be responsible for maintaining and administering personnel records as may be required by law, and as necessary for effective personnel management.

A. Contents of Records: The Town Administrator shall maintain or cause to be maintained personnel records for each employee in compliance with Massachusetts General Laws, Chapter 149, Section 52C. A personnel record shall not include information of a personal nature about a person other than the employee if disclosure of the information would constitute an unwarranted invasion of such other person's privacy.

B. Confidentiality and Access to Records: Personnel records shall be confidential and access to an employee's records shall be limited to (i) the Appointing Authority, (ii) the Town Administrator, who shall be charged with administering the personnel system, (iii) the employee's Department Head, and (iv) the Town Treasurer on a need-to-know basis. Any employee may upon written request to the Town Administrator review their personnel file. Such review shall be in the presence of the Town Administrator or their designee. Should the Town receive a written request from an

employee, it shall provide the employee with an opportunity to review such employee's personnel record in accordance with Massachusetts General Laws Chapter 149, Section 52C. The review shall take place at the Town Hall and during normal business hours. An employee shall be given a copy of his/her personnel records in accordance with Massachusetts General Laws Chapter 149, Section 52C, upon written request for such copy to the Town.

C. Location of Records: A central file for all positions shall be located at Town Hall.

D. Release of Information: Subject to Massachusetts General Laws Chapter 66, Section 10, the Massachusetts Public Records law, except to verify employment dates and job title, no other information concerning and employee shall be released, unless written authorization is received from the employee.

## **SECTION 9. CONFLICT RESOLUTION PROCEDURE**

a) The intent of this procedure is to establish a means for the timely and careful review of employee issues related to employment. This conflict resolution procedure is not available to employees subject to collective bargaining agreements with the Town or employees covered by this Bylaw that have not completed their probationary period, or where otherwise in conflict with any provision(s) of a Town policy that provide that any decisions made pursuant to such policy are not subject to this conflict resolution procedure.

b) Any employee covered by this Bylaw who is subject to disciplinary action, alleges wrongful treatment or otherwise raises an issue related to his/her employment under the provisions of this Bylaw or other Town or department-wide personnel policies or practices, and who has completed their probationary period and is not in a collective bargaining unit, shall be entitled to utilize the following conflict resolution procedure:

### **Step 1**

Within twenty-one (21) calendar days (including Saturdays, Sundays, and holidays, unless the twenty-first calendar day falls on a Saturday, Sunday, or holiday, in which case the period shall be extended to the next non-holiday week day) of the incident or event upon which the issue is based, the aggrieved employee shall first present a summary of the issue in writing to his/her department head with a copy to the Town Administrator. The aggrieved employee shall then discuss the matter with their department head along with any pertinent information and indicating the relief that is desired. The summary of the issue shall spell out the provisions of the Bylaw, personnel policy, or other department- or town-wide rule or regulation that was allegedly violated. The department head within seven (7) calendar days of receipt of the written issue shall provide an answer in writing to the aggrieved employee.

### **Step 2**

If the issue has not been resolved at Step 1, the aggrieved employee may, within seven (7) calendar days after receipt of the written answer from the department head, present the issue in writing to the Personnel Director. The Personnel Director shall schedule an informal hearing on the matter, which hearing shall be held no later than fourteen (14) calendar days after notification, and shall answer the matter in dispute within fifteen (15) calendar days after the hearing. An employee shall have the right to be present, to present information and to be represented at any hearing. The

Personnel Director shall make a recommendation to the appointing authority at the time he/she answers the matter in dispute.

### **Step 3**

If the issue has not been resolved at Step 2, the aggrieved employee may, within seven (7) calendar days after receipt of the written answer from the Personnel Director, present the issue in writing to the appointing authority. If the appointing authority and the department head are the same, then the employee shall immediately follow the procedures set forth in Step 4 below. The appointing authority shall schedule a meeting on the matter shall be held no later than fourteen (14) calendar days after notification, and shall answer the matter in dispute within fifteen (15) calendar days after the meeting.

### **Step 4**

If the issue has not been resolved at Step 3, the aggrieved employee may, within five (5) calendar days after receipt of the written answer of the appointing authority, present the issue to the Select Board. The Select Board shall in a duly noticed meeting to the employee, department head, and appointing authority, hold a meeting to consider and determine the issue within fourteen (14) calendar days of its receipt of the grievance. The Select Board shall render a written decision within twenty-one (21) calendar days of the Step 4 meeting, which decision of the Select Board shall be final and binding.

## **SECTION 10. AMENDMENT OF THE BYLAW**

The Personnel Bylaw may be amended in the same manner in which the Town Bylaws are amended, provided that no amendment to the Bylaw shall be made other than at a scheduled Town Meeting, and not until it has been presented to and acted upon by the Personnel Board. The Select Board may, on its own motion, propose an amendment to the Bylaw.

In considering the proposed amendment, the Select Board, after giving the heads of affected departments and affected employees at least one (1) week's written notice, shall hold a meeting of the interested parties to consider the proposed amendment. If the Select Board shall approve of any such proposed amendment, it shall take the proper steps to bring the amendment before the next scheduled Town Meeting for its consideration and action. If the Select Board shall disapprove any such proposed amendment, and failure to act thereon within fifteen (15) days after the hearing shall constitute disapproval, a petition by the proponents of the proposed amendment may be presented to the next scheduled Town Meeting for its consideration and action, if so desired.

## **SECTION 11. TITLES OF POSITIONS**

No person shall be appointed, employed or paid as an employee in any position subject to the provisions of the Personnel Bylaw under any title other than those listed in the Classification and Compensation Plan or collective bargaining agreement, nor shall any person be employed unless they shall actually perform the duties of that job. The job title in the Classification and Compensation Plan shall be the official title for all purposes having to do with the position, and shall be used to designate the position in all payrolls, budget estimates and official reports, and in all other personnel and fiscal processes.



## **SECTION 12. NEW OR CHANGED POSITIONS**

Whenever a new position is established, or the duties of an existing position are so changed or reorganized that a new position is created, and upon presentation of substantiating data satisfactory to the Town Administrator and Select Board, the Personnel Board shall rate such new or changed position, and allocate it to its appropriate compensation grade and establish the rate therefore, subject to the provisions of Section 10, Amendment of the Bylaw, the availability of funding, and, if applicable, collective bargaining.

## **SECTION 13. POSITION DESCRIPTIONS**

The Town Administrator, in conjunction with department heads, shall establish and maintain written position descriptions of the positions in the Classification and Compensation Plan, each consisting of a statement describing the nature of the work, the characteristics that distinguish the position from other positions, the essential functions of the position, and the requirements for the job. The heads of departments shall be required to retain current position descriptions and submit proposed revisions as necessary to such position descriptions to the Town Administrator, who shall review such proposed revisions and determine whether to approve same.

## **SECTION 14. CLASSIFICATION AND COMPENSATION PLAN**

The Select Board will adopt and maintain the Town's Classification and Compensation Plan categorizing positions covered by this Bylaw into groups and classes performing substantially similar work and/or having substantially equal responsibilities. Said plan also establishes minimum and maximum hourly rates and salaries to be paid to employees in the positions so classified. Said plan shall be on file in the office of the Personnel Director.

## **SECTION 15. PROMOTIONS, RECLASSIFICATIONS AND TRANSFERS**

- A. When an employee is promoted to a position with a higher rate range or greater rate of pay, the department head may recommend, based on qualifications and performance, a salary increase, subject to collective bargaining, if applicable.
- B. No employee may be reclassified to a classification in another compensation grade, either higher or lower, until the Town Administrator and Select Board shall have determined such a classification is consistent with the provisions of the Personnel Bylaw and that funding is available, subject to collective bargaining, if applicable.
- C. If an employee is transferred to a position with a lower pay range, or lower rate of pay, they shall be paid at their existing rate, or at the maximum for the new position, whichever is the lower, provided the Town Administrator approves.

## **SECTION 16. NEW PERSONNEL**

The hiring rate for new personnel shall be the minimum of the rate range of the position for which the new employee is hired. If special circumstances exist, such as prior experience, a department head may submit a written request to the Select Board for authorization of a hiring step above the minimum. Department heads who are appointing authorities shall notify the Select Board of the proposed hiring of all personnel, the position classification, the compensation grade and the actual hiring date.

## **SECTION 17. DEPARTMENT BUDGETS**

Each department head shall include in the annual budget a pay adjustment section to provide funds for anticipated pay adjustments, if any, during the ensuing year. Expenditures of such funds will require approval of the Select Board and will be in accordance with the Classification and Compensation Plan or collective bargaining agreement, and the Town budget.

## **SECTION 18. SALARY ADJUSTMENT POLICIES**

Every employee not in a collective bargaining unit who has a labor grade under Schedule B of the Classification and Compensation Plan shall be eligible, on an annual basis, to be considered for a performance increase to a higher rate, subject to a satisfactory performance evaluation. Such increases are subject to available funds voted upon at the previous town meeting.

## **SECTION 19. POLICIES AND PROCEDURES**

Subject to the approval of the Select Board, the Town Administrator, as Personnel Administrator, may, from time to time, issue policies and procedures and other guidelines affecting the administration of this Personnel Bylaw.

## **SECTION 20. SEVERABILITY CLAUSE**

Each provision of this Bylaw shall be construed as separate, so that if any part of it shall be held invalid for any reason, the remainder shall continue in full force and effect.

## **SECTION 21. COLLECTIVE BARGAINING AGREEMENT**

If there is a direct conflict between a collective bargaining agreement and this Bylaw, the Collective bargaining agreement shall prevail over the conflicting provision(s) of this Bylaw.

SUBMITTED BY: Select Board

*Article Information: Approval of this article would establish a detailed Personnel Bylaw that reflects the existing practices of the Town. Some of these provisions have been policies within the Town that we believe should be elevated to the level of a Bylaw to provide voters and employees with greater clarity and definitions. Approval of this article requires a majority vote.*

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## **ARTICLE 25: MEETING MINUTES BYLAW**

To see if the Town will vote to accept the following General Bylaw entitled “Meeting Minute Requirements Bylaw” as part of the Town Code, or take any other action relative thereto.

### **MEETING MINUTE REQUIREMENTS**

#### **Section 1. Scope**

This Minutes Bylaw shall apply to every Board, Committee or Commission whether elected or appointed and whether permanent, standing or special. Throughout the rest of this bylaw the term Board shall be used with the understanding that it also applies to a Committee or Commission, and also to elected or appointed.



## **Section 2. Annual Board Organization**

Every board shall annually in July select a chair, a clerk or secretary, and such other officers, if any, as the board shall deem necessary. The clerk or secretary may, but need not, be a member of the board.

## **Section 3. Minutes Content Requirements**

Every board shall conduct its meetings in accordance with the Open Meeting Law of the Commonwealth, MGL Chapter 30A, Sections 18 to 25 as amended from time to time. It should be noted that the Open Meeting Law requires the following minimum information to be included in the minutes of any meeting:

- the date, time and place of the meeting;
- the members present or absent;
- a summary of the discussions on each topic;
- the decisions made and actions taken, including a record of all votes;
- a list of all documents and exhibits used at the meeting;
- the name of any member who participated in the meeting remotely;
- if any members participate remotely all votes must be rollcall votes. 940 CMR 29 10(7)(b)

## **Section 4. Filing Of Minutes**

The clerk or secretary shall keep accurate minutes of each meeting of the board, whether a regular, special or emergency meeting and shall file the minutes with an ink signature of the board clerk or secretary with the Town Clerk within ten (10) days following their approval by the board. The Town Clerk or his designee shall post the minutes on the town's website. Boards are expected to approve all minutes at the next regular meeting, but in any case, minutes are to be approved within 45 days unless regular meetings are more than a month apart in which case the minutes will be approved at the next regular meeting.

## **Section 5. Executive Session Minutes**

Executive session minutes need not be filed with the Town Clerk until such time as the reason for the executive session is no longer valid. Boards should regularly review executive session minutes to determine if the stated reason for the executive session is no longer valid, but in any case, executive session minutes are to be reviewed annually in June of each year at a minimum. Executive Session minutes are to be reviewed and released for the public under the provisions of the Open Meeting Law of the Commonwealth, MGL Chapter 30A, Sections 18 to 25 as amended from time to time.

## **Section 6. Disposition Of Minutes Prior To Effective Date of This Bylaw**

Every board shall file a copy of all minutes held in their custody that were created prior to the enactment date of this bylaw with the Town Clerk within six months of said enactment date.

SUBMITTED BY: Town Clerk

*Article Information: Approval of this article would firstly allow for the proper preservation and storage of permanent Town records, secondly to ensure that ongoing minutes will be properly*

*preserved and thirdly for the convenience of the public to inspect said minutes. Approval of this article requires a majority vote.*

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## **ARTICLE 26: WINTER & SNOW EMERGENCY PARKING BAN**

To see if the Town will vote to accept the following General Bylaw entitled “Winter & Snow Emergency Parking Ban Bylaw” as part of the Town Code, or take any other action relative thereto.

### **WINTER & SNOW EMERGENCY PARKING BAN**

#### **Section 1. Winter Parking Ban**

A winter parking ban will be in effect from November 30 until April 1 of each year prohibiting the parking of motor vehicles on any public way between the hours of 11:00 p.m. and 7:00 a.m. for the purpose of ensuring public safety.

#### **Section 2. Snow Emergency**

A declaration by the Select Board or the Highway Superintendent or their designee that street conditions caused by winter weather require the imposition of a Parking Ban. A snow emergency shall include, but not be limited to, snowstorms, ice storms, drifting conditions, snow removal after a storm, or ice buildup. A snow emergency may be declared at any time when weather conditions warrant.

#### **Section 3. Parking Prohibition**

No motor vehicle shall be parked on any public way within the town during the Winter Parking Ban or during a declared Snow Emergency.

#### **Section 4. Motor Vehicle Removal & Responsibility of Charges**

The Chief of Police and/or the Highway Superintendent or their designee may remove or cause to be removed any motor vehicle parked in violation of the Winter or Snow Emergency Parking Bans. The owner or operator of a motor vehicle which is removed pursuant to this by-law shall be subject to an additional fine and shall be fully responsible for all charges and expenses incurred for removal and storage of such motor vehicle.

#### **Section 5. Notice**

1. The Town will post entry points on municipal owned public roadways to inform individuals of the Winter Parking Ban.
2. In the event of a declared Snow Emergency, the Town will post notice on the Town website ([www.erving-ma.gov](http://www.erving-ma.gov)) and will utilize a reverse notification system to inform subscribed individuals of the declaration.

#### **Section 6. Penalty**

In addition to any other legal remedies that may be available, whoever violates any provision of this by-law, the violation of which is subject to specific penalty, may be penalized by non-criminal disposition as provided in Massachusetts General Laws, Chapter 40, Section 21D as amended in accordance with the penalty and fine schedule established in the Town of Erving Bylaw.

SUBMITTED BY: Town Administrator and Highway Superintendent

**Article Information:** Approval of this article would establish an overnight winter parking ban on Town roadways during the period of November 30<sup>th</sup> and April 1<sup>st</sup>. The approval of this proposed bylaw would also allow for a snow emergency to be declared during periods not covered by the ban and prohibit the parking of vehicles on town roads until the snow event has ended. Approval of this article requires a majority vote.

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## ARTICLE 27: AMENDED REVOLVING ACCOUNTS BYLAW

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 amending the expense limit for the fund for use by the Board of Library Trustees 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 <del>\$3,000.00</del> <b><i>\$10,000.00</i></b>		Fiscal Year 2020 and Subsequent Years
Electric Vehicle Charging Stations	<b><i>Select Board</i></b>	Receipts Related to the use of the Public Electric Vehicle Charging Stations and other Program Fees	Maintenance, replacement, electricity and expenses related to the use of the electric vehicle charging stations.	Limit of \$15,000.00		Fiscal Year 2021 and Subsequent Years

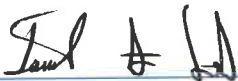
or take any other action relative thereto.

SUBMITTED BY: Select Board

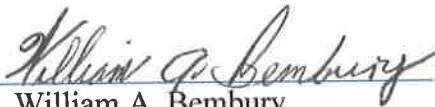
**Article Information:** *Approval of this article would increase the annual expense limit for revolving fund used by the Board of Library Trustees to accept funds paid for use of the Public Library as well as lost book fees, and fees related to programs. Expenses are related to the sources of the revenue. The expense limit will be voted on annually. A majority vote is required to adopt or amend the general by-laws.*

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 **10th day of April 2023.**



Jacob A. Smith, Chairman



William A. Bembury

\_\_\_\_\_  
Scott Bastarache

*Erving Select Board*

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### POSTING REQUIREMENT CERTIFICATION

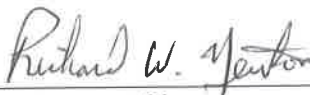
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FRANKLIN SS

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.

4/12/2023  
Date

  
Authorized Signature



Since the fall of 2021, the Town has worked with Comcast and Bernardston-Northfield Community TV, Inc. (BNCTV) to launch Erving's own community access TV content. During this time, BNCTV has worked to record and stream Select Board, School Committee, and Town Meetings to the public via the Town's YouTube channel.

We are happy to announce that as of February 2023, Comcast subscribers can also view content on local access channel 15.

We look forward to further stabilizing this service and considering ways to expand in the future. For more information regarding the service, visit:  
[www.erving-ma.gov/community-access-tv](http://www.erving-ma.gov/community-access-tv)



Comcast Channel #15

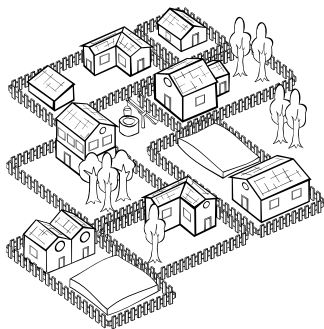


YouTube: Town of Erving



Thank you to our vendor  
and partners at BNCTV.





\*\*\*\*\*ECRWSS\*\*\*

**LOCAL  
POSTAL CUSTOMER  
ERVING MA 01344**

PRSRT STD  
U.S. Postage Paid  
ECRWSS  
EDDM Flat

Join your neighbors and the Planning Board for a public hearing on the  
2023 Zoning Bylaw updates:

**Wednesday April 26, 2023 at 7:00 PM**  
**Erving Senior & Community Center**  
**1 Care Drive**

## What is the purpose of a public hearing?

The Planning Board has carefully drafted new zoning bylaw language but they need input from the community! These bylaws regulate the use of land, building, and structures and they will shape the community for years to come and should reflect the values and priorities of Erving. Come listen to a summary of the changes and have your voice heard!

## Where can I get more information?

The official language on the back of this sheet outlines the sections being updated and the proposed vote at Town Meeting. The specific changes can be found in the Town Planner's office at Town Hall, at Erving Public Library, or online at <https://www.erving-ma.gov/planning-board/pages/town-erving-zoning-bylaws>

**The proposed Town Meeting vote language is as follows, subject to change until the warrant is published. The date of the new bylaw will be filled in once it is finalized.**

ARTICLE 1. TO SEE IF THE TOWN WILL VOTE TO AMEND AND RECODIFY THE ZONING BYLAW BY TAKING THE FOLLOWING STEPS:

1. Delete, in their entirety, the following provisions of the existing Zoning By-law, including the Zoning Map (dated November 2, 2021), adopted May 11, 2022 but not the Groundwater Map dated March 26, 2018:

- \* Section 1: Purpose and Administration
- \* Section 2: General Regulations
- \* Section 3: Districts
- \* Section 4: Use Regulations
- \* Section 5: Intensity Regulations
- \* Section 6: Special Permit and Site Plan Review
- \* Section 7: Phasing of Growth
- \* Section 8: Optimal Development Methods
- \* Section 9: Definitions
- \* Zoning Map Dated November 2, 2021

2. Substitute the following provisions in the document entitled “Zoning By-law, dated April XX, 2023, including the Zoning Map dated March 8, 2023 on file in the office of the Town Clerk and the Planning Board:

- \* Section 230-1.0 Purpose and Authority
- \* Section 230-2.0 Districts
- \* Section 230-3.0 Use Regulations
- \* Section 230-4.0 Dimensional and Density Regulations
- \* Section 230-5.0 Nonconforming Uses and Structures
- \* Section 230-6.0 General Regulations
- \* Section 230-7.0 Special Residential Regulations
- \* Section 230-8.0 Special Nonresidential Regulations
- \* Section 230-9.0 Special Districts
- \* Section 230-10.0 Administration and Procedures
- \* Section 230-11.0 Definitions
- \* Zoning Map Dated March 8, 2023

OR TO TAKE ANY OTHER ACTION IN CONNECTION THEREWITH.



Town of Erving  
12 East Main Street  
Erving, Massachusetts 01344

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ECRWSS  
EDDM Flat

# Town of Erving

\*\*\*\*\*ECRWSS\*\*\*

LOCAL  
POSTAL CUSTOMER  
ERVING MA 01344

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## Annual Town Meeting Warrant

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**Wednesday, May 10, 2023**

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

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

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

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

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

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