

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF FRANKLIN

SPECIAL TOWN MEETING
June 20, 2017

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 Senior/Community Center, 1 Care Drive, Erving, Massachusetts, on Tuesday June 20, 2017, at 7:00 p.m. and conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:03 p.m. who 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.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF CARE DRIVE

The Town voted unanimously to accept Care Drive as a public way by the following description:

Care Drive, Erving, MA

Beginning at a point on the north line of Route 63 (Northfield Rd.) a 1929 Mass. State Highway Layout. Said point being 162.96 feet northeasterly from a Mass. State Highway Bound at Sta. 65 + 60.49.

Thence N16°29'24"W, along land now or formerly of the Town of Erving, a distance of 1.18 feet to a stone bound.

Thence continuing N16°29'24"W, along land now or formerly of the Town of Erving, a distance of 337.47 feet to an iron pin.

Thence N73°30'36"E, along land now or formerly of the Town of Erving, a distance of 40.00 feet to a concrete bound.

Thence S16°29'24"E, along land now or formerly of the Town of Erving, a distance of 212.54 feet to a concrete bound.

Thence on a curve to the left having a radius of 185.00 feet, a distance of 71.85 feet to a concrete bound.

Thence S38°44'38"E, along land now or formerly of the Town of Erving, a distance of 20.04 feet to a concrete bound.

Thence on a curve to the left having a radius of 24.00 feet, a distance 13.54 feet to a concrete bound on the North line of Route 63 (Northfield Rd.).

Thence southwesterly on Route 63 (Northfield Rd.) on a curve to the left having a radius of 2030.00 feet, a distance of 74.73 feet to the point of beginning.

Being more particularly shown on a plan entitled Layout Plan prepared for the Town of Erving” dated March 15, 2017 by Edward C. Muszynski, PLS.

Being on a portion of the premises (Tract A) taken by the Town of Erving by Order of Taking dated September 9th 1994 and recorded in the Franklin County Registry of Deeds in Book 3150 Page 259.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: No Recommendation

Article Information: *This article provides for the official acceptance of Care Drive 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 allow the Town to formally record this road with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

BYLAW ARTICLES

ARTICLE 2: REVOLVING ACCOUNTS

The Town voted unanimously to amend the general by-laws of the Town of Erving by adding a new section to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies or officers under Massachusetts General Laws Chapter 44, § 53E1/2.

DEPARTMENTAL REVOLVING FUNDS

1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies or officers in connection with the operation of programs or activities that generate fees, charges or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44 § 53E1/2.
2. Expenditure Limitations. An authorized department or agency head, board, committee or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:
 - A. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund (except for those employed as school bus drivers.)
 - B. No liability shall be incurred in excess of the available balance of the fund.
 - C. The total amount spent during a fiscal year shall not exceed the amount authorized by this by-law, or town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Selectboard and Finance Committee.
3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.
4. Procedures and reports. Except as provided in General Laws Chapter 44 §53E1/2 and this by-law, the laws, by-laws, rules, regulations, policies or procedures that govern the receipt and

custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Town Accountant shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund and the balance available for expenditure in the regular report the town accountant provides the department, board, committee, agency or officer on appropriations made for its use.

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

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: *The Municipal Modernization Act of 2016 requires that Towns adopt local bylaws to authorize the establishment of revolving accounts for use by the Town. The wording of this bylaw was recommended by the State. A majority vote is required to adopt or amend the general by-laws.*

FINANCIAL ARTICLES

ARTICLE 3: FREE CASH TRANSFER FOR FY2018 STABILIZATION – ORIGINAL ARTICLE

To see if the Town will vote to transfer from Free Cash the sum of Three Hundred Fifty Thousand Dollars and No Cents (\$350,00.00) into the General Stabilization account, or take any other action relative thereto.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

Amendment: To change the amount from \$350,000.00 to \$146,000.00. Moved and Seconded. The amendment passed unanimously.

Article 3 passed unanimously as amended.

Article Information: Approval of this article will transfer the stated amount of money from certified Free Cash into the general stabilization account. A majority vote is required to approve this article.

ARTICLE 4: RAISE & APPROPRIATE FOR FY2018 STABILIZATION

The Town voted unanimously to Raise and Appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) into the General Stabilization account.

SUBMITTED BY: Board of Selectmen
FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: Approval of this article would authorize the Town to raise and appropriate the stated amount of money for the general stabilization account. A majority vote is required to approve this article.

FISCAL YEAR 2018 CAPITAL IMPROVEMENT BUDGET

ARTICLE 5: REPLACE BACKHOE EQUIPMENT

The Town voted unanimously to transfer from Free Cash the sum of One Hundred Twenty-five Thousand, Dollars and No Cents (\$125,000.00) for the purchase of a John Deere Backhoe.

SUBMITTED BY: Highway Foreman
FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: The Town's current John Deere backhoe was purchased in 1997. The equipment has required several repairs in recent years, some of which are safety concerns. A quote to replace many of the aging components was received for approximately \$70,000. This work would not guarantee a useful life of the equipment and would not extend a warranty for future maintenance issues that arise. The Highway Department is recommending the replacement of the equipment.

ARTICLE 6: STREET LIGHT LED UPGRADE PROJECT

The Town voted unanimously to transfer from Free Cash the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) for the purpose of repairing and replacing existing street lights in account number 01-424-901-57800.

SUBMITTED BY: Administrative Coordinator
FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: *The Town of Erving has been approved by the State for funding to support the replacement of 163 cobra head style street lights with LED fixtures. The Town is working with the Metropolitan Planning Council on the project. The Project is estimated to cost a total of \$58,617.00. The State grant is scheduled to reimburse the Town \$13,154.85. Utility Company incentives are estimated to reimburse the Town \$ 7,432.50. It is projected that the LED fixtures will reduce the Town's energy consumption by 29,730 kWh. The funding of this Article will be added to the existing fund for street light repairs (which should have a balance of \$32,800 on July 1, 2017) and will provide sufficient funding to conduct the upgrade and await reimbursements. A majority vote is required to approve this article.*

ARTICLE 7: ERVING ELEMENTARY SCHOOL COMPUTER UPGRADES

The Town voted unanimously to transfer from the Special Stabilization fund established for technical educational supplies (such as computers and associated accessories at Erving Elementary School) the Sum of Twenty Eight Thousand Dollars and No Cents (\$28,000.00).

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: *This request is to withdraw funds necessary to replace 6 of the iMac computers in our lab for \$8,000 and to begin a new 4 year lease for the iPad and Mac Air computers for \$20,000. A 2/3 vote is required to approve this article.*

26 registered voters attended this meeting. The meeting was dissolved at 7:33 p.m.

A true copy, ATTEST: 

Richard W. Newton
Erving Town Clerk
