

**ANNUAL TOWN MEETING  
WEDNESDAY MAY 3, 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 Elementary School, 28 Northfield Road, Erving, Massachusetts, on Wednesday May 3, 2017, at 7:00 p.m. and conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:07 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 2016 TOWN REPORT**

The Town voted unanimously to accept the reports of the Town Officers for 2016.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: No Recommendation

*Article Information: Approval of this article will accept the 2016 Town Report as presented.*

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**ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL AND 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.*

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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.*



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## FISCAL YEAR 2018 OPERATING BUDGET

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### ARTICLE 4: FY18 GENERAL OPERATING BUDGET

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

Line Item #1	General Government	\$ 598,895
Line Item #2	Public Safety	\$ 759,286
Line Item #3	Public Works	\$ 551,863
Line Item #4	Health & Human Services	\$ 175,198
Line Item #5	Culture & Recreation	\$ 136,977
Line Item #6	Benefits	\$ 1,529,100
	<b>Grand Total</b>	<b>\$ 3,751,319</b>

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: Supplemental budget information available.*

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### ARTICLE 5: ELECTED OFFICIAL COMPENSATION

The Town voted unanimously to raise and appropriate for fiscal year 2018, the sum of One Hundred Eight Thousand, Three Hundred Thirteen Dollars and No Cents (\$108,313.00) and to authorize the sum of One Hundred Fifteen Thousand, Six Hundred Seventy-three Dollars and No Cents (\$115,673.00) for Elected Officials' salaries, and vote that the following salary and compensation be paid from this sum to the following Elected Officers of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended by Chapter 540 of the Acts of 1947:

<b>Assessor</b>	\$ 10,974.00	\$ 3,658.00ea
<b>Board of Health</b>	\$ 2,750.00	\$ 916.67ea
<b>Library Trustees</b>	\$ 1,500.00	\$ 500.00ea
<b>Moderator</b>	\$ 104.00	
<b>Planning Board</b>	\$ 4,335.00	\$ 867.00ea
<b>Recreation Commission</b>	\$ 4,372.00	\$ 874.40ea
<b>School Committee</b>	\$ 6,611.00	\$ 1,322.20ea
<b>Selectmen/Water Commissioners</b>	\$ 11,498.00	
from Water Department	\$ 828.00**	
<b>Total Salary</b>	\$ 12,326.00	\$ 4,108.67ea
<b>Tax Collector</b>	\$ 10,954.00	
Certification Award	\$ 1,000.00*	
From Water Department	\$ 1,834.00**	
<b>Total Salary</b>	\$ 13,788.00	
<b>Town Clerk</b>	\$ 9,126.00	
From Census Work	\$ 1,000.00*	
<b>Total Salary</b>	\$ 10,126.00	



<b>Treasurer</b>		\$ 43,699.00
	Certification Award	\$ 1,000.00*
	From Water Department	\$ 1,698.00**
	<b>Total Salary</b>	\$ 46,397.00
<b>Tree Warden</b>		\$ 2,390.00

**Total Elected Official Salary \$115,673.00**

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article outlines the compensation amounts for elected officials.*

\*Funding for this compensation is raised & appropriated in the General Government line item

\*\*Funding for this compensation is raised & appropriated in the Water Enterprise Fund article

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## **ARTICLE 6: FY 18 ERVING ELEMENTARY SCHOOL FUNDING**

The Town voted unanimously to raise and appropriate the sum of Two Million, Nine Hundred Forty-seven Thousand, Two Hundred Ninety-seven Dollars and No Cents (\$2,947,297.00) for the expense and operation of the Erving Elementary School for fiscal year 2018, beginning July 1, 2017.

SUBMITTED BY: School Committee  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides funding for the Erving Elementary School. It reflects a \$106,541 increase over the FY17 appropriation.*

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## **ARTICLE 7: FY 18 SECONDARY EDUCATION FUNDING**

The Town voted unanimously to raise and appropriate the sum of One Million, Three Hundred Thirty-six Thousand, Five Hundred One Dollars and No Cents (\$1,336,501.00) for tuition and expenses for secondary education for fiscal year 2018, beginning July 1, 2017.

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. This budget reflects a decrease of \$283,283 from FY17.*



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**ARTICLE 8: FY 18 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING**

The Town voted unanimously to raise and appropriate the sum of Five Hundred Ninety-six Thousand, Eight Hundred Fifty Dollars and No Cents (\$596,850.00) for secondary education at the Franklin County Technical School for fiscal year 2018, beginning July 1, 2017.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides funding for Erving's assessment to the Technical School. It reflects a \$52,198 increase from FY17.*

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**ARTICLE 9: FY 18 TECHNICAL SCHOOL REPRESENTATIVE STIPEND**

The Town voted unanimously to raise and appropriate the sum of One Thousand, Two Hundred Ninety Dollars and No Cents (\$1,290.00) for a stipend to be paid to the appointed Town of Erving representative to the Franklin County Technical School.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides a stipend to the Erving representative on the Technical School Committee.*

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**ARTICLE 10: FY 18 WATER DEPARTMENT ENTERPRISE FUND**

The Town voted unanimously to appropriate the sum of Ninety-two Thousand, Three Hundred Eighty-six Dollars and No Cents (\$92,386.00) to the Water Enterprise Fund for fiscal year 2018 Water operations. 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.*

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**ARTICLE 11: FY 18 WASTEWATER DEPARTMENT ENTERPRISE FUND**

The Town voted unanimously to appropriate the sum of Seven Hundred and Eighteen Thousand, Eight Dollars and No Cents (\$718,008.00) to the Wastewater Enterprise Fund for fiscal year 2018 Wastewater operations.



The \$718,008.00 is to be raised as follows:

Town of Montague and other receipts	\$ 203,703.14
Town of Erving (raise & appropriate)	\$ 514,304.86
<b>Total Wastewater Fund</b>	<b>\$ 718,008.00</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.*

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#### REVOLVING ACCOUNT AUTHORIZATIONS

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##### **ARTICLE 12: AUTHORIZATION TO ESTABLISH THE COA FOOD SERVICE REVOLVING FUND**

The Town voted unanimously to authorize the establishment of a revolving fund in accordance with Massachusetts General Law Chapter 44, Section 53 E 1/2, for the use of the Erving Council on Aging, during the fiscal year beginning July 1, 2016. The fund shall receive payments for food services provided by the Council on Aging and will make expenditures related to the provision of the food service for participating Erving seniors. The fund will be under the control of the Council on Aging and the expenditures will be limited to Ten Thousand Dollars and No Cents (\$10,000.00) or the total amount of the receipts, whichever is less. If this fund is not re-authorized for the following fiscal year, the remaining balance will be transferred to the general fund at the close of the fiscal year ending June 30, 2017.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** The Senior & Community Center operates a weekly meal program, but does not currently have a dedicated fund to operate it out of. The establishment of this revolving account in FY17 will provide a dedicated fund to collect revenues and process related expenses separate from the rest of the departmental budget.*

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##### **ARTICLE 13: RE-AUTHORIZATION: COA FOOD SERVICE REVOLVING FUND**

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The Town voted unanimously to re-authorize the establishment of a revolving fund in accordance with Massachusetts General Law Chapter 44, Section 53 E 1/2, for the use of the Erving Council on Aging, during the fiscal year beginning July 1, 2017. The fund shall receive payments for food services provided by the Council on Aging and will make expenditures related to the provision of the food service for participating Erving seniors. The fund will be under the control of the Council on Aging and the expenditures will be limited to Ten Thousand Dollars and No Cents (\$10,000.00) or the total amount of the receipts, whichever is less. If this fund is not re-authorized for the



following fiscal year, the remaining balance will be transferred to the general fund at the close of the fiscal year ending June 30, 2018.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

**Article Information:** *The re-authorization of the revolving account for FY18 will allow the Senior & Community Center to continue to operate the weekly meal program through a dedicated fund that collects revenue and processes related expenses.*

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#### **ARTICLE 14: RE-AUTHORIZATION: COA FACILITY USE REVOLVING FUND**

The Town voted unanimously to authorize the establishment of a revolving fund in accordance with Massachusetts General Law Chapter 44, Section 53 E 1/2, for the use of the Erving Council on Aging, during the fiscal year beginning July 1, 2017. The fund shall receive facility use payments from outside groups. The fund will be under the control of the Council on Aging and the expenditures from the fund on maintenance and repair related to making the facility available for use by outside groups will be limited to Ten Thousand Dollars and No Cents (\$10,000.00) or the total amount of the receipts, whichever is less. If this fund is not re-authorized for the following fiscal year, the remaining balance will be transferred to the general fund at the close of the fiscal year ending June 30, 2018.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: Approval

**Article Information:** *The re-authorization of the revolving account for FY18 will allow the Senior & Community Center to continue to allow use of the facility and collect revenue and process related expenses through a dedicated fund.*

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#### **FISCAL YEAR 2018 RECURRING ANNUAL APPROPRIATIONS**

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#### **ARTICLE 15: TOWN BUILDING MAINTENANCE**

The Town voted unanimously to raise and appropriate the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) to the continuing appropriation in account number 01-192-903-57800 for the purpose of maintaining and improving town buildings.

SUBMITTED BY: Administrative Coordinator

FINANCE COMMITTEE RECOMMENDS: Approval

**Article Information:** *This article provides the town with funding for the ongoing maintenance of all town owned properties.*



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**ARTICLE 16: PURCHASING SPACE IN THE AROUND TOWN**

The Town voted unanimously to raise and appropriate the sum of Seven Thousand Five Hundred Dollars and No Cents (\$7,500.00) into account number 01-199-901-57800 for the purpose of purchasing space in the Around Town newsletter.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article allows the town to purchase space in the Around Town newsletter for monthly communication with residents about upcoming projects and important notices.*

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**ARTICLE 17: COMPUTER SERVER MAINTENANCE / UPGRADE**

The Town voted unanimously to raise and appropriate the sum of Six Thousand Dollars and No Cents (\$6,000.00) for the computer server maintenance / upgrade continuing appropriation in account number 01-155-903-57800.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** These funds will allow the replacement of Town Hall and Police Department computer servers every five to six years.*

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**ARTICLE 18: TOWN COMPUTER UPGRADE**

The Town voted unanimously to raise and appropriate the sum of Eight Thousand Dollars and No Cents (\$8,000.00) for the computer upgrade continuing appropriation in account number 01-155-905-57800.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** These funds will allow the replacement of computers and related software in all departments (town hall, police, wastewater, highway, recreation, senior & community center, etc.) every three to four years.*

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**ARTICLE 19: TOWN FINANCIAL AUDIT EXPENSE**

The Town voted unanimously to raise and appropriate the sum of Three Thousand Five Hundred Dollars and No Cents (\$3,500.00) for the continuing appropriation for audit expenses in account number 01-135-901-53000.



SUBMITTED BY: Administrative Coordinator  
FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides continued funding for expenses related to the financial audit of the town.*

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#### **ARTICLE 20: STREETLIGHT REPAIR / REPLACE**

The Town voted unanimously to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for the continuing appropriation for the purpose of repairing and replacing existing street lights in account number 01-424-901-57800.

SUBMITTED BY: Highway Department  
FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides continued funding for expenses related to the maintenance of town owned street lights.*

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#### **ARTICLE 21: REVALUATION**

The Town voted unanimously to raise and appropriate the sum of Twenty-five Thousand Dollars and No Cents (\$25,000.00) for the continuing appropriation established for revaluation work by the Assessors in account number 01-142-901-5300.

SUBMITTED BY: Board of Assessors  
FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides the Board of Assessors with funding to contract for necessary revaluation services, in accordance with statutory requirements for all real and personal property.*

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#### **ARTICLE 22: ELEMENTARY SCHOOL COMPUTER UPGRADES STABILIZATION**

The Town voted unanimously to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) for the Special Stabilization Fund established for technical education supplies (such as computers and associated accessories at the Erving Elementary School).

SUBMITTED BY: School Committee  
FINANCE COMMITTEE RECOMMENDS: Approval

*Article Information: This article provides funding for the continuing appropriation for technology leases and related expenses for the Elementary School.*



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**ARTICLE 23: OPEB LIABILITY TRUST FUND**

The Town voted unanimously to raise and appropriate the sum of Three Hundred Thousand Dollars and No Cents (\$300,000.00) for the Other Post – Employment Benefits (OPEB) Liability Trust Fund.

SUBMITTED BY: Treasurer

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides the town with funding for the insurance costs of retirees. An OPEB study is being conducted this year as required and as a result future appropriations may change.*

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**ARTICLE 24: HIGHWAY ROAD WORK/ IMPROVEMENTS**

The Town voted unanimously to raise and appropriate the sum of One Hundred Fifty-five Thousand Dollars and No Cents (\$155,000.00) for the continuing appropriation established for highway road work in account number 01-422-904-57800.

SUBMITTED BY: Highway Department

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides continued funding for improvements that include sidewalks, catch basins, grinding, paving, and conduit (if conduit is feasible). The funding will also pay for related Police detail expenses.*

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**ARTICLE 25: PERMANENT RECORD PRESERVATION**

The Town voted unanimously to raise and appropriate the sum of Twenty Thousand Dollars and No Cents (\$20,000.00) for the purpose of restoring and/or preserving records which must be kept permanently by any Town office or department.

SUBMITTED BY: Town Clerk

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide funding for the Town Clerk to work with all town departments to preserve permanent records as required by law.*

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**ARTICLE 26: TRANSFER TO RENOVATE /REPLACE LIBRARY**

The Town voted unanimously to transfer from Free Cash the sum of Thirty Thousand Dollars and No Cents (\$30,000.00) for the continuing appropriation for potential renovations or replacement



(a new building) of the Library into account number 01-610-905-57800, subject to Library Trustee and Board of Selectmen approval.

SUBMITTED BY: Library Trustees

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides continued funding for potential repairs to the existing library or funding towards a new library if the town receives a state grant and voters approve the borrowing for the project.*

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## FISCAL YEAR 2018 CAPITAL IMPROVEMENT BUDGET

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### ARTICLE 27: NEW LIBRARY FUNDING

The Town voted by the required 2/3 majority (YES 62, NO 16) to appropriate the sum of Four Million, Nine Hundred Thirty-three Thousand, Seven Dollars and No Cents (\$4,933,007.00) for the purpose of constructing and equipping a new library to be located on parcel 4-8-7 of the Erving Assessors Map and to meet this appropriation, the Treasurer, with the approval of the Selectmen, is hereby authorized to borrow said amount under and pursuant to Chapter 44, Section 7 (3) of the General Laws, or any other enabling authority, and to issue bonds or notes of the Town therefore. This appropriation is contingent upon the Town being successful in being awarded a Massachusetts Library Construction Grant that is administered by the Massachusetts Board of Library Commissioners. This grant is expected to be awarded in FY2018. If the grant is awarded, it will pay approximately 58% of eligible project costs.

SUBMITTED BY: Library Building Committee

FINANCE COMMITTEE RECOMMENDS: Approval (vote of 3 to 1)

***Article Information:** This article would authorize the town to borrow the necessary funding to construct a new library. The authorization is conditioned on the town receiving a grant from the State to provide funding for the project. If approved, the project would be reimbursed by the State at a rate that is currently estimated to be approximately 58%, which would be \$2,722,627.*

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### ARTICLE 28: TOWN BARN REPAIRS

The Town voted unanimously to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for the purpose of making repairs to the town barn.

SUBMITTED BY: Highway Department

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide funding to repair the town owned barn on Moore Street. These repairs should extend the useful life of this structure.*



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## **ARTICLE 29: REPLACE BULLET PROOF VESTS**

The Town voted unanimously to raise and appropriate the sum of Eight Thousand Dollars and No Cents (\$8,000.00) for the purpose of replacing and purchasing bullet proof vests for the Police Department.

SUBMITTED BY: Police Department

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides funding for bullet resistant vests, which are generally replaced at (5) five year increments. Sweat and rain break down the vests ability to stop bullets. In the last few years we have hired several new police officers. These officers are wearing out dated or old vests handed down. Each vest is fitted to that officer so they may be wearing a vest that doesn't fit quite right. Next summer will be the fifth year that the rest of the Department had received their vest*

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## **ARTICLE 30: POLICE DEPARTMENT CAR PORT**

The Town voted unanimously to raise and appropriate the sum of Five Thousand Dollars and No Cents (\$5,000.00) for the purpose of installing a car port at the Police Department.

SUBMITTED BY: Police Department

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide funding for the purchase and installation of an exterior carport that could accommodate two (2) vehicles. The police station has a garage with two (2) bays. One side is used to park a cruiser and the other side is a sally port. The sally port needs to remain open in the event of an arrest. The officer brings the prisoner into the sally port and closes the door to provide a secure place to escort the person into the station. Cruisers that are left outside in the elements receive sun damage. Hot summer days are very dangerous to the cruisers electronics. The video camera and computer are in view thru the windshield and side windows which are exposed to the sunlight and heat. In the winter the cruiser gets covered in snow and ice. Removal of snow and ice could potentially delay a response.*

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## **ARTICLE 31: ELEMENTARY SCHOOL TRACK**

The Town voted by majority to raise and appropriate the sum of Fourteen Thousand Dollars and No Cents (\$14,000.00) for the purpose of installing a walking/running track on the property of the Erving Elementary School.

SUBMITTED BY: Recreation Commission

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** The Recreation Commission has partnered with the Elementary School to encourage regular exercise and walking through the 100 Mile Club. The Commission would like*



*to work with the School to install a running/walking track on the school property. This funding would be matched with existing funding that the Commission has dedicated to this project.*

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#### **ARTICLE 32: ELEMENTARY SCHOOL CLASSROOM FURNITURE**

The Town voted unanimously to raise and appropriate the sum of Twelve Thousand Dollars and No Cents (\$12,000.00) for the purpose of replacing and purchasing classroom furniture.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide the school with funding to replace outdated classroom furniture that is nearing the end of its useful life.*

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#### **ARTICLE 33: ELEMENTARY SCHOOL KITCHEN EQUIPMENT**

The Town voted unanimously to raise and appropriate the sum of Twenty-six Thousand, Seven Hundred Dollars and No Cents (\$26,700.00) for the purpose of replacing and purchasing kitchen equipment.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide for funding to replace failing kitchen equipment. Specifically the steamer oven and cafeteria tables that are at the end of their life cycles.*

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#### **ARTICLE 34: TRANSFER FOR RIVERFRONT PARK LOAN PAYMENT**

The Town voted unanimously to transfer from Free Cash the sum of One Hundred Seventy-five Thousand Dollars and No Cents (\$175,000.00) for the purpose of paying expenses related to the Riverfront Park construction project and to reduce the borrowing authorized under Article 13 of the Special Town meeting on June 29, 2015 by the sum of One Hundred Seventy-five Thousand Dollars and No Cents (\$175,000.00).

SUBMITTED BY: Treasurer

FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article would provide funding for the town's share of expenses related to the Riverfront Park project to date. The project was approved with the condition of receiving a State grant that provides a 52% reimbursement of up to \$400,000 for the park.*



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## OTHER FINANCIAL ARTICLES

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### ARTICLE 35: TRANSFER FOR WATER TANK INSPECTION

The Town voted unanimously to transfer from Water Retained Earnings the sum of Five Thousand Dollars and No Cents (\$5,000.00) for the purpose of inspecting the water tank.

SUBMITTED BY: Water Department  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides funding for the town to have the water tank inspected. This inspection occurs approximately every five (5) years.*

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### ARTICLE 36: TRANSFER FOR PRIOR YEAR INVOICES FOR PAN AM RAILWAYS

The Town voted unanimously to transfer from Wastewater Retained Earnings the sum of Two Hundred Fifty Dollars and No Cents (\$250.00) for the purpose of paying prior year real estate invoices from July 2011 in the amount of \$200 and from July 2015 in the amount of \$50, to Pan AM Southern LLC.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** On March 02, 2017 the Town was notified that 2 prior year real estate invoices from Pan AM Southern LLC were outstanding. This article provides the required funding to pay these invoices. Expenses from a prior fiscal year require approval at Town Meeting.*

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### ARTICLE 37: TRANSFER FOR STARTING BALANCE IN COA FOOD SERVICE FUND

The Town voted unanimously to transfer from Free Cash the sum of Three Thousand Dollars and No Cents (\$3,000.00) for the purpose of providing a starting balance for the Council on Aging Food Service Revolving Fund in Fiscal Year 2017.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** This article provides funding for a beginning balance in the newly requested Council on Aging Food Service Revolving Fund.*



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## BYLAWS

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### ARTICLE 38: ESTABLISHMENT OF THE CAPITAL PLANNING COMMITTEE

The Town voted unanimously to adopt a General Bylaw to establish the Capital Planning Committee for the purpose of overseeing the Town's capital planning process.

#### ESTABLISHMENT OF THE CAPITAL PLANNING COMMITTEE

1. In accordance with Massachusetts General Laws Chapter 41, §106B, there is hereby established a Capital Planning Committee ("Committee") comprised of five (5) members: one (1) Selectman or a designee appointed by the Board of Selectmen; two (2) Finance Committee members or designees appointed by the Finance Committee; and two (2) residents at-large appointed by the Board of Selectmen.

2. Committee members shall serve three (3) year terms which shall be staggered. The initial term for each original Committee member shall be one (1) Selectboard member for one (1) year, one (1) Finance Committee member and one (1) resident at-large for two (2) years, and one (1) Finance Committee member and one (1) resident at-large for three (3) years. 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. Each appointing authority shall notify the Town Clerk of all appointments and re-appointments in a timely fashion.

3. The Committee shall receive, evaluate and prioritize all capital expenditure requests for the next fiscal year and report out its recommendations in accordance with policies approved by the Finance Committee and adopted by the Board of Selectmen. The policies shall address, but are not be limited to:

- a. the definition of a capital expenditure and under what circumstances the Committee may make exceptions;
- b. the development and details of an annual capital budget calendar;
- c. responsibility for developing a standardized request form, distributing forms and communicating with departments, boards, committees and commissions regarding submissions;
- d. the treatment of expenditure requests submitted after established deadlines;
- e. the process for evaluating and prioritizing requests, and the steps for recommending and approving capital expenditures for Town Meeting consideration;
- f. the role of subjective opinion and objective criteria in the evaluation process;
- g. potential funding sources;
- h. the form a capital article or articles take in the Town Meeting Warrant;

4. With the exception of a request that the Board of Selectmen deems to be a time sensitive emergency or an article originating through the citizen petition process, a capital expenditure request shall not be placed before or considered by the Annual or a Special Town Meeting unless it has been formally presented to and reviewed by the Committee.

5. The Committee shall develop a multi-year capital plan based on information submitted by town departments, boards, committees and commissions and shall revisit and update the plan annually. Policies approved by the Finance Committee and adopted by the Board of Selectmen are not limited to, but shall include:



- a. assign the number of years that comprise the long range plan;
- b. determine the plan format;
- c. specify the information to be included;
- d. address whether and how the long range plan shall be posted or distributed.

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: Approval

***Article Information:** Approval of this bylaw would establish a Capital Planning Committee that would oversee the Town's capital improvement planning process, maintain a multi-year plan, and will make recommendations to the Finance Committee and the Board of Selectmen for future projects.*

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#### **ARTICLE 39: RESCIND ARTICLE 21 of 1903**

The Town voted by majority to rescind Article 21 that was adopted at Town Meeting in 1903, which reads "to see if the town will vote to compel abutters on concrete sidewalks to keep them clear of snow and ice or pass any vote in relation thereto."

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: No Recommendation

***Article Information:** This article would rescind Article 21 that was passed in 1903. The existing bylaw is limited in scope and is not specific to the expectations of a clear sidewalk. The bylaw also does not provide the Town with any mechanisms to enforce the bylaw. This makes it difficult for the Town to respond to citizens' concerns after a snow event.*

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#### **ARTICLE 40: RESCIND ARTICLE 33 SNOW REMOVAL BYLAW of MAY 9, 1979**

The Town voted unanimously to rescind Article 33 Snow Removal Bylaw that was adopted at Town Meeting on May 9, 1979, which reads "No person shall shovel, push, cast or cause to be thrown or plow any snow or ice from any privately owned property into any street, public way or Town owned land. Whoever violates this bylaw shall be punished by a fine of \$25.00 for each offense."

SUBMITTED BY: Board of Selectmen  
FINANCE COMMITTEE RECOMMENDS: No Recommendation

***Article Information:** This article would rescind Article 33 that was passed on May 9, 1979. The existing bylaw is limited in scope and the Board of Selectmen are proposing to replace this bylaw with a comprehensive bylaw.*

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#### **ARTICLE 41: WINTER SNOW, ICE, SLEET AND PARKING BYLAW**



The Town voted by majority to adopt a General Bylaw entitled the “Winter Snow, Ice, Sleet and Parking Bylaw”.

### **Winter Snow, Ice, Sleet and Parking Bylaw**

#### **1. Sidewalks abutting Town property**

The Town shall cause snow, ice or sleet to be removed from the full width of sidewalks abutting all Town property.

#### **2. Responsibilities of Property Owners to Remove Snow and Ice from Sidewalks and Fire Hydrants**

1. The owner of any real estate abutting any Town or public way where there is a sidewalk, shall within twenty-four (24) hours after the ceasing to fall or form of the accumulation from any other cause of any snow, ice or sleet upon said sidewalk, cause the same to be removed from the full width of the sidewalk.
2. The owner or persons occupying any real estate abutting upon any town or public way where there is a fire hydrant, shall within twenty-four (24) hours after the ceasing to fall or form, or the accumulation from any other cause, of any snow, ice or sleet surrounding said fire hydrant, cause the same to be removed to a width of two (2) feet around said fire hydrant except that there shall be kept clear a direct path at least two (2) feet wide to the open Town or public way for access by the Fire Department.

#### **3. Throwing of Snow onto Public Ways, Fire Hydrants, and Catch Basins Prohibited**

No person shall throw or put or cause to be thrown or put any snow, ice or sleet from any privately owned property into any street, sidewalk, or public way. Further, no person shall throw or put or cause to be thrown or put any snow, ice or sleet or any other substance upon or against any fire hydrant or catch basin in any street, lane, alley, or park in the Town.

#### **4. Approval required for sledding or coasting on public ways**

No person shall course, coast or slide upon any sled, board, or other contrivance upon any sidewalk, foot walk, street or highway in the Town without approval of the Board of Selectmen.

#### **5. Notification**

Whenever any way, sidewalk, public parking place or fire hydrant shall be encumbered with snow, ice or sleet contrary to the provisions of this bylaw, the Chief of Police, or his designee shall notify the owner or person having care of the land abutting thereon, to cause such way, sidewalk, public parking place or fire hydrant to be made safe and/or convenient for travel by removing the snow, and as far as practical the ice therefrom, within twenty-four (24) hours from the time of receiving such notice.

#### **6. Parking During a Snow Event**

During a snow event no vehicle may be parked on the streets or public parking lots listed below, except for emergency situations involving medical, police, or fire personnel. The snow event is defined as beginning at the start of snow fall and ending six (6) hours after the cessation of all snow fall.

Parking Prohibited:



- A. On all streets and roads
- B. All municipal parking lots

#### Notice of Snow Event

After a winter snow event has begun, whenever possible, notice will be given to residents through the reverse 911 system and may include other available media. It is the responsibility of each vehicle owner to ensure removal of his or her vehicle from the restricted areas during a snow event whether or not he or she has received notice.

#### 7. Enforcement

The Chief of Police or designee shall enforce the provisions of this bylaw.

#### 8. Violations and Penalties

Whoever violates any provision of the bylaw may be punished by a fine not exceeding twenty-five dollars (\$25.00) for the first offense, fifty dollars (\$50.00) for the second offense, and seventy-five dollars (\$75.00) for the third and each subsequent offenses in one (1) fiscal year.

This bylaw is in accordance with Massachusetts General Laws, Chapter 40 Section 21D, which pertains to the noncriminal disposition of ordinance, bylaw, rule or regulation violations.

SUBMITTED BY: Board of Selectmen

FINANCE COMMITTEE RECOMMENDS: No Recommendation

***Article Information:** This article would establish a bylaw to provide guidance for the removal of snow and ice from sidewalks, fire hydrants, and other public structures and provide the Town with a mechanism to enforce the provisions.*

93 registered voters attended this meeting. The meeting was dissolved at 10:14 p.m.

A true copy, ATTEST:



Richard W. Newton  
Erving Town Clerk