

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF FRANKLIN

SPECIAL TOWN MEETING

WEDNESDAY MAY 11, 2022

Pursuant to a warrant signed by the Erving Selectmen and duly posted, as directed by the vote of the Town, the legal voters met at the Erving Elementary School, 28 Northfield Road, Erving, Massachusetts, on Wednesday May 11, 2022, at 7:00 p.m. The Town conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:10 a.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.

GENERAL ARTICLES

ARTICLE 1: ACCEPTANCE OF THE 2021 TOWN REPORT

The Town voted unanimously to accept the reports of the Town Officers for calendar year 2021.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article will accept the calendar year 2021 Town Report as presented. Approval of this article requires a majority vote.

ARTICLE 2: AUTHORIZATION TO APPLY FOR FEDERAL OR STATE GRANTS

The Town voted unanimously to authorize the 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.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

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.

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 Select Board.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

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.

ARTICLE 4: AUTHORIZATION TO ENTER INTO COMPENSATING BALANCE AGREEMENTS

The Town voted unanimously to authorize the Treasurer and Collector to enter into compensating balance agreements for Fiscal Year 2023 as permitted by Massachusetts General Law Chapter 44 Section 53F.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** Approval of this article will allow the Treasurer and Collector to enter into compensating balance agreements with Massachusetts banking institutions. Approval of this article requires a majority vote.*

FISCAL YEAR 2023 OPERATING BUDGET

ARTICLE 5: FY2023 GENERAL OPERATING BUDGET

The Town voted unanimously to raise and appropriate the sum of Five Million, Four Hundred Sixteen Thousand, Five Hundred Sixty-seven Dollars and No Cents (\$5,416,567.00) in the following itemized amounts, all for municipal purposes:

Line	Divisions	Amount
1	General Government	\$ 1,233,688.00
2	Public Safety	\$ 1,052,050.00
3	Public Works	\$ 690,938.00
4	Health & Human Services	\$ 259,872.00
5	Culture & Recreation	\$ 343,619.00
6	Benefits	\$ 1,836,400.00
	Grand Total	\$ 5,416,567.00

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** detailed budget information for each department, that comprises each line-item above, is available in the Fiscal Year 2023 Town of Erving Proposed Operating and Capital Improvement Budget. A copy of the document is available on the municipal website (www.erving-ma.gov), can be picked up at Town Hall, and was mailed via direct mail through the United States Post Office to mail recipients in Erving. Approval of this article will establish the FY2023 operating budget in the categories identified above. Approval of this article requires a majority vote.*

ARTICLE 6: FY2023 ELECTED OFFICIAL COMPENSATION

The Town voted unanimously to fix the sum of One Hundred Sixty-one Thousand, Three Hundred Eighty-three Dollars and Twenty-eight Cents (\$161,383.28) for Elected Officials' salaries for fiscal year 2023, and vote that the following salary and compensation be paid from this sum to the following Elected Officials of the Town, as provided by Section 108, Chapter 41 of the General Laws, as amended by Chapter 540 of the Acts of 1947:

Detail	Wage Total	Wage per 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**		
	Total Salary		\$ 13,330.00	\$ 4,360.00ea
Tax Collector (1)	\$ 16,963.54*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,985.94**		
	Total Salary		\$ 19,949.48	
Town Clerk (1)	\$25,445.31*			
	From Census Work	\$ 1,000.00*		
	Total Salary		\$ 26,445.31	
Treasurer (1)	\$ 60,825.95*			
	Certification Award	\$ 1,000.00*		
	From Water Department	\$ 1,838.04**		
	Total Salary		\$ 63,663.99	
Tree Warden (1)		\$ 2,536.50		
Total Elected Official Salary		\$161,383.28		

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

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

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

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

ARTICLE 7: FY 2023 ERVING ELEMENTARY SCHOOL FUNDING

The Town voted unanimously to raise and appropriate the sum of Three Million, Three Hundred Thirty-one Thousand, One Hundred Eighty-six Dollars and No Cents (\$3,331,186.00) for the expense and operation of the Erving Elementary School for fiscal year 2023, beginning July 1, 2022.

Line	Account #	Description	Amount
1	01-300-100-51000	School Committee Salary	\$7,090.00
2	01-301-200-57800	Erving Elementary School Expense	\$3,324,096.00
Grand Total			\$3,331,186.00

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

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

ARTICLE 8: FY 2023 SECONDARY EDUCATION FUNDING

The Town voted unanimously to raise and appropriate the sum of One Million, Four Hundred Seventy-seven Thousand Four Hundred and Five Dollars and No Cents (\$1,477,405.00) for secondary education and expenses for fiscal year 2023, beginning July 1, 2022.

SUBMITTED BY: School Committee

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** This article provides funding for Erving's secondary education costs of sending students in grades 7 through 12 to other districts, excluding the Technical School. The development of this budget is a best estimation of the number of Erving students who may attend the Gill-Montague District for the coming school year. Actual decisions about a student's education aren't known until the start of the school year and as a result this budget may require a supplemental funding request in the future. Approval of this article requires a majority vote.*

ARTICLE 9: FY 2023 FRANKLIN COUNTY TECHNICAL SCHOOL FUNDING

The Town voted unanimously to raise and appropriate the sum of Five Hundred Thirty Thousand, Eight Hundred Seventy-five Dollars and No Cents (\$530,875.00) for secondary education and expenses at the Franklin County Technical School for fiscal year 2023 as itemized below, beginning July 1, 2023.

Line	Account #	Description	Amount
1	01-320-100-51000	Tech School Committee Salary	\$1,403.00
2	01-321-200-57800	F.C. Tech School Assessment	\$514,437.00
3	01-322-200-57800	F.C. Tech School Capital Assessment	\$15,035.00
Grand Total			\$530,875.00

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** This article provides funding for Erving's assessment to the Technical School and establishes the salary for Erving's representative to the Technical School Committee. Approval of this article requires a majority vote.*

ARTICLE 10: FY 2023 WATER DEPARTMENT ENTERPRISE FUND

The Town voted unanimously to appropriate the sum of Ninety-eight Thousand, Four Hundred Seventeen Dollars and No Cents (\$98,417.00) to the Water Enterprise Fund for fiscal year 2023 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 [Aye (4), Nay (0), Absent (1)]

***Article Information:** This article approves the operating budget for the water department and will allow the department to raise the necessary funds through water receipts and other activities. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.*

ARTICLE 11: FY 2023 WASTEWATER DEPARTMENT ENTERPRISE FUND

The Town voted unanimously to raise and appropriate, and transfer from available funds, the sum of Nine Hundred Seventy-four Thousand, Two Hundred Seventy-seven Dollars and No Cents (\$974,277.00) to the Wastewater Enterprise Fund for fiscal year 2023 Wastewater operations.

The \$974,277.00 is to be raised as follows:

Town of Montague and other receipts	\$ 230,470.00
Town of Erving (raise & appropriate)	\$ 743,807.00
Total Wastewater Fund	\$ 974,277.00

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***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. The significant increase in the FY2023 Wastewater budget is related to the debt service, previously authorized by the voters, for the replacement of the Arch Street force sewer main. FY2023 will be the beginning of the repayment schedule. As an enterprise fund, unspent revenue at the close of the fiscal year will remain with the fund. Approval of this article requires a majority vote.*

FISCAL YEAR 2023 CONTINUING ANNUAL APPROPRIATIONS & SPECIAL ARTICLES

ARTICLE 12: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS

The Town voted unanimously to raise and appropriate the sum of Four Hundred Seventeen Thousand, Five Hundred Dollars and No Cents (\$417,500.00) for the continuing annual appropriations and special articles itemized below for the purposes stated.

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	IT & Support	01-155-906-57800	Restore Permanent Records	\$20,000
4	Town Buildings	01-192-903-57800	Town Building Maintenance	\$30,000
5	Miscellaneous	01-199-901-57800	Purchase Space in Around Town	\$7,500
6	Benefits	01-996-901-59661	Transfer to Other Post Employment Benefit Trust Fund	\$300,000
Grand Total				\$417,500

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** The FY2023 continuing appropriation & special article plan outlined above is a continuation of the sound financial planning that the Town has engaged in over the past few years. The amounts requested are consistent with previous appropriations and allows the Town to meet the service obligations for the stated purposes. Approval of this article requires a majority vote.*

FISCAL YEAR 2023 CAPITAL IMPROVEMENT BUDGET

ARTICLE 13: RAISE & APPROPRIATE FOR CAPITAL IMPROVEMENTS

The Town voted unanimously to appropriate the sum of Six Hundred Thirty-seven Thousand Dollars and No Cents (\$637,000.00) for the capital improvement projects itemized below and related expenses, by raising Five Hundred Ten Thousand Two Hundred Dollars and No Cents (\$510,200.00) and by transferring One Hundred Twenty-six Thousand Eight Hundred Dollars and No Cents (\$126,800.00) from Free Cash, subject to Select Board approval.

Line	Account #	Description	Amount
1	01-491-902-57800	Preparation for New Cemetery	\$50,000
2	<i>New account</i>	Poplar Mountain Conservation Parking Area	\$40,000
3	01-291-901-57800	Emergency Communications Expansion & Upgrades	\$30,000
4	<i>New account</i>	Bridge Street Reconstruction	\$250,000
5	<i>New account</i>	Trench Box & Trench Shield	\$25,000
6	<i>New account</i>	Tractor Replacement	\$30,000
7	01-429-904-57800	Ford F550 Truck w/ Plow	\$125,000
8	01-210-904-57800	Police Cruiser & Body Cameras	\$27,000
9	01-210-901-57800	Police Cruiser Replacement	\$60,000
Grand Total			\$637,000

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval [Aye (5), Nay (0)]

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: The FY2023 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 FY2023 proposed Operating & Capital Improvement Budget book. Approval of this article requires a majority vote.

ARTICLE 14: TO APPROPRIATE FOR WASTEWATER CAPITAL PROJECTS

The Town voted unanimously to appropriate from the Wastewater Enterprise Fund Retained Earnings the sum of Sixty-six Thousand Four Hundred Dollars and No Cents (\$66,400.00) for the capital improvement projects itemized below, and related expenses, subject to Select Board approval.

Line	Account #	Description	Amount
1	<i>New account</i>	Asset Management Plan & Inventory Project	\$33,400
2	<i>New account</i>	Ford Transit Connect Van	\$33,000
Grand Total			\$66,400

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval [Aye (5), Nay (0)]

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would appropriate \$66,400 for the Wastewater Department to purchase a utility van for maintenance activities and to reduce reliance on personal vehicles. The article also provides matching funds for the Department to conduct an asset management inventory and

planning process that is being required by the Massachusetts Department of Environmental Protection (MassDEP). The entire asset management plan & inventory is expected to cost \$142,500. The Town successfully applied for a matching grant through MassDEP that is covering \$85,500 (60%) of the project costs with the balance of the project paid for with \$33,400 in matching funds and approximately \$23,600 of in-kind staff services and support. Approval of this article requires a majority vote.

ARTICLE 15: BORROWING AUTHORIZATION FOR CHURCH STREET BRIDGE

The Town voted unanimously to appropriate the sum of One Million, Six Hundred Thousand Dollars and No Cents (\$1,600,000.00) for the purpose of planning, permitting and constructing a replacement structure for the Church Street Bridge (E-10-011), located at the intersection of Church Street and North Streets, and to meet this appropriation, the Treasurer, with the approval of the Select Board, 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.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

CAPITAL PLANNING COMMITTEE RECOMMENDS:

***Article Information:** This article would authorize the town to borrow the necessary funding to replace the Church Street Bridge. The Town has completed a conceptual planning phase and the Select Board is recommending a preferred replacement option. This appropriation would allow the project to proceed with construction documents, bidding, and ultimately construction. The Town is actively pursuing grants and other funding that could reduce the final amount actually borrowed for the project. In accordance with MGL Chapter 44 Section 7, approval of this article requires a 2/3 vote at Town Meeting.*

DEPARTMENTAL REVOLVING FUND ANNUAL SPENDING LIMITS

ARTICLE 16: REVOLVING ACCOUNT SPENDING LIMITS

The Town voted unanimously to fix the maximum amount that may be spent during fiscal year 2023 beginning on July 1, 2022 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	FY2023 Spending Limit
Food Service	Council on Aging	\$10,000
Facility Use	Council on Aging	\$10,000
Library Use and Fees	Board of Library Trustees	\$3,000
Electric Vehicle Charging Stations	Select Board	\$15,000

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

***Article Information:** Approval of this article would establish the FY2023 spending limits in the above referenced revolving funds in accordance with Town bylaw and with MGL Chapter 44, Section 53E 1/2. Approval of this article requires majority vote.*

STABILIZATION FUND ARTICLES

ARTICLE 17: APPROPRIATION FOR THE CAPITAL STABILIZATION ACCOUNT

The Town voted unanimously to appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from Free Cash into the Capital Stabilization Account.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would transfer the stated funds from certified free cash into the capital stabilization account for use on future capital projects that will require Town Meeting approval. Approval of this article requires a majority vote.

ARTICLE 18: APPROPRIATION FOR THE GENERAL STABILIZATION ACCOUNT

The Town voted unanimously to appropriate the sum of Two Hundred Seventy-three Thousand Dollars and No Cents (\$273,000.00) into the General Stabilization Account by transferring from Free Cash.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would transfer the stated funds from certified free cash and raise the stated funds and deposit the aggregated amount into the general stabilization account. This article is meant to replenish funds used from the general stabilization account for the construction of the Erving Public Library. This is the third of five (5) planned deposits into general stabilization related to the project. Approval of this article requires a majority vote.

COMMUNITY ACCESS TELEVISION

ARTICLE 19: TO APPROPRIATE FOR COMMUNITY ACCESS TELEVISION – ORIGINAL ARTICLE

To see if the Town will vote to appropriate the Twenty Thousand Dollars and No Cents (\$20,000.00) 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	TBD	Local Access Insurance	\$1,000.00
3	TBD	Equipment	\$3,000.00
Grand Total			\$20,000.00

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would appropriate \$20,000 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.

AMENDMENT: It was moved and seconded to change the words “beginning July 1, 2023” to “beginning July 1, 2022”. **The amendment passed unanimously.**

ARTICLE 19 passed unanimously as amended.

PUBLIC WAYS

ARTICLE 20: ACCEPTANCE OF THE POPLAR MOUNTAIN ROAD LAYOUT – ORIGINAL ARTICLE

To see if the Town will vote to accept the layout of Poplar Mountain Road as a public way by the following description:

Poplar Mountain Road, Erving, MA

NORTH SIDE

Beginning at bound number 0 on the east side of Northfield Road (Route 63 a 1929 Mass. State highway layout) and on the north side of Poplar Mountain Road. Said bound 0 being 700.19 feet south of the Northfield Town Line.

Thence running S34°41'54"E a distance of 416.79 to bound point 1; thence S41°41'56"E a distance of 78.37 feet to bound point 2; thence S46°45'52"E a distance of 59.91 feet to bound point 3; thence S58°05'04"E a distance of 115.30 feet to bound point 4; thence S68°08'02"E a distance of 73.63 feet to bound point 5; thence on a curve to the right having a radius of 99.75 feet, a curve distance of 127.12 feet to bound point 6; thence S04°51'50"E a distance of 108.16 feet to bound point 7; thence on a curve to the left having a radius of 200.25 feet, a curve distance of 108.86 feet to bound point 8; thence S21°30'30"E a distance of 164.50 feet to bound point 10; thence S19°59'33"E a distance of 178.09 feet to bound point 11; thence S29°40'31"E a distance of 92.29 feet to bound point 12; thence S41°07'49"E a distance of 91.56 feet to bound point 13; thence S53°37'01"E a distance of 60.67 feet to bound point 14; thence S61°03'57"E a distance of 122.58 feet to bound point 15; thence S60°27'31"E a distance of 158.24 feet to bound 16; thence S57°52'38"E a distance of 75.22 feet to bound point 17; thence S46°25'52"E a distance of 175.03 feet to bound point 18; thence N86°21'38"E a distance of 151.04 feet to bound point 19; thence N88°32'45"E a distance of 191.46 feet to bound point 20; thence S78°23'54"E a distance of 256.17 feet to bound point 21; thence S55°31'39"E a distance of 88.92 feet to bound point 22; thence S27°03'01"E a distance of 61.05 feet to bound point 23; thence N75°05'59"E a distance of 35.00 feet to bound point 24; thence S14°54'01"E a distance of 103.70 feet to bound point 25; thence S71°35'14"W a distance of 64.68 feet to bound point 26 at the end of the layout.

SOUTH SIDE

Beginning at a point on the east side of Northfield Road (Route 63 a 1929 Mass. State highway layout) and on the south line of Poplar Mountain Road. Said point being 775.68 feet south of the Northfield Town Line.

Thence S34°41'54"E, a distance of 40.16 feet to a concrete bound #0A. Thence continuing S34°41'54"E, a distance of 322.63 feet to bound point 1A. Thence S41°41'56"E, a distance of 83.58 feet to bound point

2A. Thence S46°45'52"E, a distance of 67.01 feet to bound point 3A. Thence S58°05'04"E, a distance of 124.56 feet to bound point 4A. Thence S68°08'02"E, a distance of 77.99 feet to bound point 5A. Thence on a curve to the right having a radius of 50.25 feet a curve distance of 64.04 feet to bound point 6A. Thence S04°51'50"W, a distance of 108.16 feet to bound point 7A. Thence on a curve to the left having a radius of 249.75 feet a curve distance of 135.77 feet to bound point 8A. Thence S26°17'19"E, a distance of 101.33 feet to bound point 9A. Thence S19°59'33"E, a distance of 181.63 feet to bound point 11A. Thence S29°40'31"E, a distance of 101.45 feet to bound point 12A. Thence S41°07'49"E, a distance of 101.94 feet to bound point 13A. Thence S53°37'01"E, a distance of 69.31 feet to bound point 14A. Thence S61°03'57"E, a distance of 125.54 feet to bound point 15A. Thence S60°27'31"E, a distance of 156.86 feet to bound point 16A. Thence S57°52'38"E, a distance of 64.09 feet to bound point 17A. Thence N43°34'12"E, a distance of 0.50 feet to bound point 17B. Thence S46°26'38"E, a distance of 196.64 feet to bound point 18A. Thence N86°21'38"E, a distance of 171.95 feet to bound point 19A. Thence N88°32'45"E, a distance of 184.79 feet to bound point 20A. Thence S78°23'54"E, a distance of 240.34 feet to bound point 21A. Thence S55°31'39"E, a distance of 66.12 to bound point 22A. Thence S27°03'01"E, a distance of 37.87 feet to bound point 23A. Thence S75°05'59"W, a distance of 33.85 feet to bound point 24A. Thence S14°54'01"E, a distance of 112.64 feet to bound point 25A. Thence N69°55'21"E, a distance of 55.67 feet to bound point 26.

Said highway layout being 49.50 feet wide from bound point 0 to bound point 17 and 50 feet wide from bound point 17 to bound point 23 and 118.85 feet wide from bound point 24 to bound point 25.

Being more particularly shown on a plan entitled "Proposed Layout Plan of Poplar Mountain Road, Town of Erving, Massachusetts" dated March 14, 2022, by Edward C. Muszynski, PLS, and filed in the office of the Town Clerk.

All trees, if any, upon the land taken and all structures affixed thereon are included in the taking.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: *This article provides for the official acceptance of Poplar Mountain Road as a public way in the Town of Erving. Poplar Mountain Road has been a County Road which means the Franklin Regional Council of Governments Executive Council has legal authority over the layout while the Town of Erving has the maintenance responsibility. The Executive Council has approved a petition to transfer the Road to the Town of Erving with the condition that it must be approved by the voters at Town Meeting. The Select Board has already voted to approve the public way as proposed in the layout. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. A majority vote is required to approve this article.*

AMENDMENT: It was moved and seconded to insert the words "Thence S21°30'30"E a distance of 161.78 feet to bound point 10A." after "Thence S26°17'19"E, a distance of 101.33 feet to bound point 9A.". **The amendment passed unanimously.**

ARTICLE 20 passed unanimously as amended.

LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS

ARTICLE 21: SEMI-ANNUAL PRELIMINARY TAX PAYMENT SYSTEM

The Town voted unanimously to adopt the provisions of Massachusetts General Law Chapter 59, Section 57C, for the purpose of establishing a semi-annual preliminary tax payment system to be effective July 1, 2023 (Fiscal Year 2024).

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would authorize the Town to adopt a semi-annual preliminary tax billing system instead of the current true semi-annual tax billing system. This means that property taxpayers will receive a preliminary property tax bill that is estimated based on the previous year's tax rate and assessments; it would be issued in the month of July and due on October 1st and then an actual bill would be sent in December and be due on April 1st. This change would allow for consistent incoming cash flow for the Tax Collector and Treasurer's offices. A majority vote is required to adopt.

MULTI-YEAR CONTRACT AUTHORIZATIONS

ARTICLE 22: AUTHORIZATION TO SIGN FIVE YEAR CONTRACT FOR BODY & CRUISER CAMERA SERVICES

The Town voted unanimously to authorize the Select Board to enter into a five (5) year contract, commencing on July 1, 2022 with a qualified vendor for the lease of body and cruiser camera equipment, video processing, and storage services for the Town, subject to the Select Board's determination that the contract is in the best interests of the Town and subject annually to Town Meeting approval for funding for these services.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would authorize the Select Board to sign a five (5) year contract with a vendor to lease camera equipment for the Police Department. Approval of this article requires a majority vote.

ZONING BYLAW

ARTICLE 23: TO AMEND THE PURPOSE IN SECTION 1.1 OF THE ZONING BYLAW

The Town voted unanimously to amend the Town of Erving Zoning Bylaws, in Section 1.1 Purpose, as presented at the April 14, 2022, Planning Board public hearing, pursuant to Massachusetts General Law Chapter 40A.

Please note: Proposed additions are in *italics* and deletions are [underlined and in brackets]

1.1 Purpose

The purposes of this Bylaw are: to plan for the orderly growth of the Town of Erving; to promote the prosperity and well-being of its inhabitants while retaining the rural character of the Town; to conserve the value of land and buildings and prevent blight; to protect natural resources and prevent pollution of

the environment; to encourage the appropriate use of land throughout the Town; *to mitigate and reverse the effects of climate change; to encourage multi-modal transportation*; to protect public health and safety; to prevent overcrowding and undue concentration of population while providing housing guidelines appropriate for residents of all income levels; *to embrace and encourage racial, cultural, generational, and socioeconomic diversity*; to support the development of adequate municipal services consistent with managed growth of the Town; to maintain the scenic characteristics of the area as an attraction for recreational and tourist activities; and to preserve historical and other cultural resources, in accordance with the provisions of M.G.L. Chapter 40A, and Article 89 of the Amendments to the Massachusetts Constitution.

SUBMITTED BY: Select Board

PLANNING BOARD RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: *Approval of this article would amend the Purpose Section in 1.1 of the Zoning Bylaw. The amendments add two proposed phrases to the Purpose statement but does not propose to delete anything from the previously adopted bylaw. Approval of this article requires a 2/3 vote.*

ARTICLE 24: TO AMEND DEFINITIONS IN SECTION 9 OF THE ZONING BYLAW

The Town voted unanimously to amend the definitions, as specified below, in the Town of Erving Zoning Bylaws, in Section 9 Definitions, as presented at the April 14, 2022 Planning Board public hearing, pursuant to Massachusetts General Law Chapter 40A.

Please note: Proposed additions are in *italics* and deletions are [underlined and in brackets]

Multi-[Family] *Unit* Dwelling - A dwelling containing three (3) but not more than four (4) dwelling units, separated by vertical walls or horizontal floors, designed for occupancy by not more than four (4) families.

Single-[Family] *Unit* Dwelling - A building containing one dwelling unit.

Two [Family] *Unit* Dwelling - A building containing two dwelling units also known as a duplex.

SUBMITTED BY: Select Board

PLANNING BOARD RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: *Approval of this article would amend the title of the following uses: "Single-Family Dwelling" to now read "Single Unit Dwelling," "Two Family Dwelling" to now read "Two Unit Dwelling," and "Multi-Family Dwelling" to now read "Multi-Unit Dwelling". Approval of this article requires a 2/3 vote.*

ARTICLE 25: TO AMEND THE USE TABLE IN SECTION 4.2 OF THE ZONING BYLAW

The Town voted unanimously to amend the Residential Uses table, as specified below, in the Town of Erving Zoning Bylaws, Section 4.2 Use Regulations Schedule, as presented at the April 14, 2022 Planning Board public hearing, pursuant to Massachusetts General Law Chapter 40A.

Please note: Proposed additions are in *italics* and deletions are [underlined and in brackets]

4.2 Use Regulations Schedule

No building, structure or land shall be erected or used except as permitted in this section and all other sections of this Zoning Bylaw. No more than one principal structure or dwelling may be erected on a lot. Symbols employed in the following use regulations schedule shall have the following meaning:

Y – Yes, the use is permitted by right in that Zoning District

N – No, the use is not permitted in that Zoning District

SP – The use may be permitted if a Special Permit is granted by the Planning Board

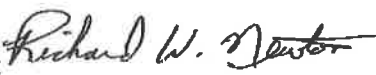
Residential Uses	Central Village	French King District	Village Residential	Rural Residential
Single[-Family] Unit Dwelling	Y	Y	Y	Y
Two[-Family] Unit Dwelling	[SP] Y	Y	[SP] Y	Y
Multi-[Family] Unit Dwelling	SP	[N] SP	[N] SP	N
Accessory Apartment	SP	Y	SP	Y
Temporary Mobile Home (see Section 4.8)	Y	Y	Y	Y
Mobile Home & Mobile Home Parks	N	N	N	N
Bed and Breakfast, up to 6 rooms	Y	Y	Y	Y

SUBMITTED BY: Select Board

PLANNING BOARD RECOMMENDS: Approval [Aye (4), Nay (0), Absent (1)]

Article Information: Approval of this article would amend the Use Table in the Zoning Bylaw to allow Two Unit development by right in Central Village and Village Residential districts, to amend to allow Multi-Unit development by special permit in Village Residential and French King districts and changes the references to “family” to now read “unit.” Approval of this article requires a 2/3 vote.

54 registered voters attended this meeting. The meeting was dissolved at 8:34 p.m.

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

