

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF FRANKLIN

SPECIAL TOWN MEETING
WEDNESDAY OCTOBER 18, 2023

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 October 18, 2023, at 7:00 p.m. The Town conducted the following business. The meeting was called to order by Moderator Richard K. Peabody at 7:09 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.

ACCOUNTS PAYABLE OF A PRIOR YEAR: FY2023

ARTICLE 1: APPROPRIATION FOR FY2023 EXPENSES – ORIGINAL ARTICLE

To see if the Town will vote to authorize the expenditure of Eight Hundred Twenty Dollars and Fifty Cents (\$820.50) from the FY2024 Water Enterprise Fund appropriation, and to authorize the expenditure of One Hundred Ninety-six Dollars and Fifty Cents (\$196.50) from the FY2024 Conservation Commission appropriation, for the purpose of paying Fiscal Year 2023 invoices from the identified line items, as listed below, or take any other action relative thereto.

Line	Department/ Agency	Vendor	Amount
1	Conservation Commission	Minuteman Signs	\$196.50
2	Water Department	Housatonic Basin	\$820.50
3	IT Department	GovConnection, Inc.	844.14
Grand Total			\$1,861.14

SUBMITTED BY: Town Administrator

FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (5), Nay (0)]

***Article Information:** In the above listed instance(s), invoice(s) were identified and/or received after the start of Fiscal Year 2024 and after the books for FY2023 were closed. Approval of this article will authorize the Town to pay the above referenced vendors in the amounts indicated. Approval for expenditures in a previous fiscal year requires a 9/10 approval at Special Town Meeting per MGL Chapter 44 Section 64.*

ARTICLE 1 was moved and seconded as printed.

AMENDMENT: It was moved and seconded to insert after "Conservation Commission appropriation" the words "and to authorize the expenditure of \$844.14 from the FY24 IT Department appropriation". **The amendment passed unanimously.**

ARTICLE 1 as amended passed unanimously.

FISCAL YEAR 2024 OPERATING BUDGET

ARTICLE 2: AMEND FY2024 ELECTED OFFICIAL COMPENSATION – ORIGINAL ARTICLE

To see if the Town will vote to amend the fiscal year 2024 Elected Official Compensation, as is detailed in the table below, approved in Article 6 of the May 10, 2023 Annual Town meeting, by an additional Fourteen Thousand Five Hundred Fifteen Dollars and Eighty Cents (\$14,515.80) for a fixed sum of One Hundred Seventy-six Thousand Eight Hundred Twenty-eight Dollars and Thirty Cents (\$176,828.30) 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, or take any other action relative thereto:

	Original Detail	Proposed Amendment	Amended Wage Total	Wage per Member	Chair Stipend
Assessor (3)		\$0.00	\$ 11,718.00*	\$ 3,881.00ea	\$75.00
Board of Health (3)		\$0.00	\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Library Trustees (3)		\$0.00	\$ 3,075.00*	\$ 1,000.00ea	\$75.00
Moderator (1)		\$0.00	\$ 350.00*		
Planning Board (5)		\$0.00	\$ 5,075.00*	\$ 1,000.00ea	\$75.00
Recreation Commission (5)		\$0.00	\$ 5,075.00*	\$ 1,000.00ea	\$75.00
School Committee (5)		\$0.00	\$ 7,090.00***	\$ 1,403.00ea	\$75.00
Select Board/Water Commissioners (3)	\$ 12,451.00	\$0.00			\$250.00
from Water Department	\$ 879.00				
Total Salary			\$ 13,330.00	\$ 4,360.00ea	
Tax Collector (1)	\$ 17,304.00	\$1,778.40			
Certification Award	\$ 1,000.00				
From Water Department	\$ 2,026.00				
Total Salary			\$22,108.40		
Town Clerk (1)	\$25,956.00	\$3,174.60			
From Census Work	\$ 1,000.00				
Total Salary			\$30,130.60		
Treasurer (1)	\$60,827.00	\$9,562.80			
Certification Award	\$ 1,000.00				
From Water Department	\$ 1,875.00				
Total Salary			\$ 73,264.80		
Tree Warden (1)		\$0.00	\$ 2,536.50		
Total Elected Official Salary			\$176,828.30		

SUBMITTED BY: Select Board

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

Article Information: This article outlines the compensation amounts for elected officials. This proposed change for the Town Clerk, Tax Collector and Treasurer salaries is related to the revised compensation scheduled for FY2024 and the funding will be sourced from the existing special article that was approved at the Annual Town Meeting. Approval of this article requires a 2/3 majority vote.

Article 2 was moved and seconded as printed. A secret ballot was taken with results of YES 49 and NO 41.

Article 2 failed by not meeting the 2/3 majority requirement.

ARTICLE 3: AMENDED FY2024 GENERAL OPERATING BUDGET – ORIGINAL ARTICLE

To see if the Town will vote to amend the FY2024 General Operating Budget, approved at the Annual Town Meeting on May 10, 2023, in Article 5, by raising and appropriate the additional sum of Six Hundred Eight-seven Thousand Dollars and No Cents (\$687,000.00) conditioned on the approval of a levy limit override ballot question, by the following itemized amounts, for the purpose of general operating expenses, or take any other relative action thereto.

Line	Divisions	Amount	Proposed Amendment	New Total
1	General Government	\$ 1,355,359.00	\$90,000.00	\$1,445,359.00
2	Public Safety	\$ 1,095,893.00	\$125,000.00	\$1,220,893.00
3	Public Works	\$ 750,487.00	\$92,000.00	\$842,487.00
4	Health & Human Services	\$ 297,690.00	\$5,000.00	\$302,690.00
5	Culture & Recreation	\$ 383,218.00	\$25,000.00	\$408,218.00
6	Benefits	\$ 1,859,400.00	\$350,000.00	\$2,209,400.00
	Grand Total	\$ 5,742,047.00	\$687,000.00	\$6,429,047.00

SUBMITTED BY: Select Board

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

Article Information: Approval of this article would appropriate the sum of \$687,000.00 to amend the FY2024 operating budget. The Select Board, Finance Committee and Capital Planning Committee have met over several months to review the FY2024 budget and to consider the long-term sustainability of the budget. The proposed amendments are conditional upon approve of levy limit override that will be presented to voters as a ballot measure at a Special Town Election. Approval of this article requires a majority vote.

Article 3 was moved and seconded as printed. A secret ballot was taken with results of YES 44 and NO 50.

Article 3 failed.

ARTICLE 4: AMENDED FY 2024 WASTEWATER DEPARTMENT ENTERPRISE FUND

The Town voted by majority (YES 54 NO 29) to amend the FY2024 Wastewater Department Enterprise Budget, approved at the Annual Town Meeting on May 10, 2023, in Article 11, by raising and appropriating the additional sum of Thirty-nine Thousand Dollars and No Cents (\$39,000.00) conditioned on the approval of a levy limit override ballot question, by the following itemized amounts, for the purpose of general operating expenses of the Wastewater Department.

	Amount	Proposed Amendment	New Total
Town of Montague and other receipts	\$ 236,232.00	\$0.00	\$ 236,232.00
Town of Erving (raise & appropriate)	\$ 817,234.00	\$39,000.00	\$ 856,234.00
Total Wastewater Fund	\$ 1,053,466.00	\$39,000.00	\$1,092,466.00

SUBMITTED BY: Select Board

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

Article Information: *This article approves the amendment for the FY2024 operating budget for the Wastewater Department and will allow the Town to raise the necessary funds through means stated. The Select Board, Finance Committee and Capital Planning Committee have met over several months to review the FY2024 budget and to consider the long-term sustainability of the budget. The proposed amendments are conditional upon approve of levy limit override that will be presented to voters as a ballot measure at a Special Town Election. 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 5: RAISE & APPROPRIATE FOR CONTINUING ANNUAL APPROPRIATIONS – ORIGINAL ARTICLE

To see if the Town will vote to raise and appropriate the additional sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00), conditioned on the approval of a levy limit override ballot question, 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		Assessors Overlay	\$100,000
3	Finance Committee	TBD	Grant Opportunity Match	\$25,000
Grand Total				\$150,000

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval [Aye (5), Nay (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 allow the Town to meet the service obligations for the stated purposes. The Select Board, Finance Committee and Capital Planning Committee have met over several months to review the FY2024 budget and to consider the long-term sustainability of the budget. The proposed amendments are conditional upon approve of levy limit override that will be presented to voters as a ballot measure at a Special Town Election. Approval of this article requires a majority vote.*

Article 5 was moved and seconded as printed. A standing count was taken with results of YES 40 and NO 41.

Article 5 failed.

ARTICLE 6: RAISE & APPROPRIATION INTO THE CAPITAL STABILIZATION ACCOUNT – ORIGINAL ARTICLE

To see if the Town will vote to raise and appropriate the additional sum of Nine Hundred Fifty-five Thousand Dollars and No Cents (\$955,000.00), conditioned on the approval of a levy limit override ballot question, into the Capital Stabilization Account, or take any other action relative thereto.

SUBMITTED BY: Select Board

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

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

Article Information: *Approval of this article would raise and appropriate the sum of \$900,000 and deposit the sum into the capital stabilization account for use on future capital projects that will require Town Meeting approval. The Select Board, Finance Committee and Capital Planning Committee have met over several months to review the FY2024 budget and to consider the long-term sustainability of the budget. The proposed amendments are conditional upon approve of levy limit override that will be presented to voters as a ballot measure at a Special Town Election. Approval of this article requires a majority vote.*

Article 6 was moved and seconded as printed. A standing count was taken with results of YES 37 and NO 49.

Article 6 failed.

ARTICLE 7: APPROPRIATE FOR CAPITAL IMPROVEMENTS

The Town voted by declared 2/3 majority to appropriate the sum of Fifty-five Thousand Dollars and No Cents (\$55,000.00), from the Capital Stabilization Fund, for the capital improvement projects itemized below and related expenses, subject to Select Board approval.

Line	Account #	Description	Amount
1	01-422-901-57800	Misc. Bridge Repairs	5,000
2	01-422-904-57800	Highway Road Work/Improvements	50,000
Grand Total			\$55,000

SUBMITTED BY: Select Board

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

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

LOCAL ADOPTION OF MASSACHUSETTS GENERAL LAW PROVISIONS

ARTICLE 8: ESTABLISHMENT OF A SPECIAL EDUCATION RESERVE FUND

The Town voted by 2/3 majority (YES 63 NO 13) to accept the provisions of Chapter 40, Section 13E of the Massachusetts General Laws to establish a Special Education Reserve Fund to be utilized in the upcoming fiscal years, for the general purposes of funding, without further appropriation, unanticipated or unbudgeted costs of special education, out-of-district tuition or transportation, all as provided for by law; such funds to be distributed after a majority vote of the School Committee and a majority vote of the Select Board only; to raise and appropriate, and/or transfer from available funds a sum of money for the Special Education Reserve Fund, and provided that the balance in such Reserve Fund shall not exceed two (2) per cent of the annual net school spending amount established for the Erving School District; and the Treasurer may invest the monies in the manner authorized in Chapter 44, Section 44 of the Massachusetts General Laws, and any interest earned thereon shall be credited to and become part of the fund.

SUBMITTED BY: School Committee

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

***Article Information:** Approval of this article would establish a Special Education Reserve Fund that would allow the School Committee to appropriate available funds into the Reserve Fund. The Fund is meant to provide the School District with capacity to address unanticipated special education costs throughout the school year without further appropriation. Expenditures from the Fund require approval by both the School Committee and the Select Board. Approval of this Article requires a majority vote.*

STABILIZATION FUND ARTICLES

ARTICLE 9: APPROPRIATION TO THE OPIOID SETTLEMENT STABILIZATION FUND _ ORIGINAL ARTICLE

To see if the Town will vote to transfer the sum of Twenty-two Thousand Seven Hundred Sixteen Dollars and Eighty-five Cents (\$22,716.85) from available funds into the Opioid Settlement Stabilization Fund, or take any other action relative thereto.

SUBMITTED BY: Select Board

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

***Article Information:** Approval of this article would transfer the sum of \$22,716.85 in settlement funds that the Town received in FY2023 into the newly established Fund that was approved at the May 10, 2023 Town Meeting. The previous vote had authorized this transfer, but the Department of Revenue has asked that this vote is taken again. This approval does not address the expenditure of funds. That will require Town Meeting approval. Approval of this article requires a majority vote.*

It was moved and seconded to PASS OVER Article 9, which passed by majority.

ARTICLE 10: APPROPRIATION FOR THE GENERAL STABILIZATION FUND

The Town voted by majority to appropriate the sum of One Hundred Thousand Dollars and No Cents (\$100,000.00) into the General Stabilization Fund, by transferring from available funds received from the Massachusetts Board of Library Commissioners for receiving LEED certification for the Library construction project.

SUBMITTED BY: Select Board

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

***Article Information:** Approval of this article would transfer the stated funds from the Massachusetts Board of Library Commissioners, in the amount of \$100,000, 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 funding was anticipated during the grant application and approval process and was anticipated for funding towards the project. Approval of this article requires a majority vote.*

ARTICLE 11: APPROPRIATION FOR THE CAPITAL STABILIZATION FUND

The Town voted by majority to close the special article appropriations, listed below, and appropriate the unspent balances, in the aggregate sum of Twenty-six Thousand Dollars and No Cents (\$26,000.00), into the Capital Stabilization Fund.

Line	Account #	Description	Balance
1	01-301-905-57800	EES Track	14,000
2	01-310-910-57800	EES Event Chair Replacement	12,000
Total			\$26,000

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS:

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

Article Information: Approval of this article would transfer the unspent funds from special articles that were previously appropriated for capital projects at the Elementary School. The School Committee has requested the closeout of the articles, and the Capital Planning Committee recommends that they are closed, with the unspent balances appropriated into the Capital Stabilization Fund, so that the funds can be used for future capital investments. Approval of this article requires a majority vote.

100 registered voters attended this meeting. The meeting was dissolved at 9:36 p.m.

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

