

SPECIAL TOWN MEETING

Monday, March 06, 2023

Time: 7:00 PM

Location: 1 Care Drive, Erving, MA 01344

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

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

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

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



TOWN OF ERVING

12 East Main Street, Erving, MA 01344
Tel. (413) 422-2800 | Email: administrator@erving-ma.gov

SPECIAL TOWN MEETING WARRANT

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COMMONWEALTH OF MASSACHUSETTS

Franklin, ss.

Town of Erving Constables, Town Clerk, and Administrative Assistant: In the name of the Commonwealth, you are directed to notify and warn the said inhabitants qualified to vote in Town affairs to meet on the grounds of the **Erving Senior & Community Center** located at **1 Care Drive, Erving, Massachusetts 01344** on

Monday, March 06, 2023, at 7:00 PM

Qualified inhabitants will meet then and there to vote on the following articles in the Warrant:

ACCOUNTS PAYABLE OF A PRIOR YEAR: FY2022

ARTICLE 1: APPROPRIATION FOR FY2022 EXPENSES

To see if the Town will vote to appropriate the sum of One Thousand Five Hundred Eighty-three Dollars and Eighty-seven Cents (\$1,583.87) from Wastewater Enterprise Fund retained earnings, for the purpose of paying Fiscal Year 2022 invoices from the identified line items, as listed below, or take any other action relative thereto.

Line	Department/ Agency	Vendor	Amount
1	Wastewater	Environmental Resources Associates	\$1,583.87
Grand Total			\$1,583.87

SUBMITTED BY: Town Administrator

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

Article Information: In the above listed instance(s), invoice(s) were identified and/or received after the start of Fiscal Year 2023 and after the books for FY2022 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.

FY2023 FINANCIAL ARTICLES

ARTICLE 2: AMENDED FY2023 GENERAL OPERATING BUDGET

To see if the Town will vote to appropriate the sum of Twenty-Six Thousand Seven Hundred Fifteen Dollars and No Cents (\$26,715.00) from Free Cash to amend the FY2023 General Operating Budget, approved at the Annual Town Meeting on May 11, 2022, in Article 5, by the following itemized amounts, for the purpose of Board of Health operating expenses, or take any other relative action thereto.

Line	Divisions	Amount	Proposed Amendment	New Total
1	General Government	\$ 1,233,688.00	\$0.00	\$ 1,233,688.00
2	Public Safety	\$ 1,052,050.00	\$0.00	\$ 1,052,050.00
3	Public Works	\$ 690,938.00	\$0.00	\$ 690,938.00
4	Health & Human Services	\$ 259,872.00	\$26,715.00	\$286,587.00
5	Culture & Recreation	\$ 343,619.00	\$0.00	\$ 343,619.00
6	Benefits	\$ 1,836,400.00	\$0.00	\$ 1,836,400.00
	Grand Total	\$ 5,416,567.00	\$26,715.00	\$5,443,282.00

SUBMITTED BY: Town Administrator

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

Article Information: Approval of this article would appropriate the sum of \$26,715 from free cash to support current fiscal year operating expenses in the Health Department. The Town has been a long-standing member of a shared public health service with the Towns of Shutesbury and Northfield. The towns are remaining in this partnership, but the Town is incorporating the service into the Town's operating budget. Erving will maintain its portion of the service and the other member towns will pay Erving for their share of the services. These expenses exceed the established appropriation and could not have been anticipated in the FY2023 budget planning process. Approval of this article requires a majority vote.

ARTICLE 3: AMENDED FY 2023 ERVING ELEMENTARY SCHOOL FUNDING

To see if the Town will vote to appropriate the sum of One Hundred Fifty Thousand Dollars and No Cents (\$150,000.00) from Free Cash to amend the FY2023 Erving Elementary School Budget, approved at the Annual Town Meeting on May 11, 2022, in Article 7, by the following itemized amounts, for the purpose of Elementary School operating expenses, or take any other relative action thereto.

Line	Description	Amount	Proposed Amendment	New Total
1	School Committee Salary	\$7,090.00	\$0.00	\$7,090.00
2	Erving Elementary School Expense	\$3,324,096.00	\$150,000.00	\$3,474,096.00
	Grand Total	\$3,331,186.00	\$150,000.00	\$3,481,186.00

SUBMITTED BY: School Department

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

Article Information: Approval of this article would appropriate the sum of \$150,000.00 from certified Free Cash to support current fiscal year operating expenses in the Elementary School Department. The School Department needs the capacity to fund out-of-district placements and associated costs. These expenses exceed the established appropriation and could not have been anticipated in the FY2023 budget planning process. Approval of this article requires a majority vote.

FISCAL YEAR 2023 CAPITAL IMPROVEMENT BUDGET

ARTICLE 4: APPROPRIATION FOR CAPITAL IMPROVEMENTS

To see if the Town will vote to appropriate the sum of One Hundred Thirty-five Thousand Dollars and No Cents (\$135,000.00) for the capital improvement projects itemized below and related expenses, by transferring One Hundred Thirty-five Thousand Dollars and No Cents (\$135,000.00) from Free Cash, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	Poplar Mountain Conservation Area Surveying	\$10,000
2	New account	Financial Software Upgrade & Replace	\$75,000
3	01-424-902-57800	Streetlight Repair / Replace	\$50,000
Grand Total			\$135,000

SUBMITTED BY: Select Board

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

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

Article Information: The amended FY2023 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. Priority for streetlight replacement will be Lillian's Way. These requests were considered for FY2024 but would benefit from starting in FY2023. Approval of this article requires a majority vote.

ARTICLE 5: APPROPRIATION FOR WASTEWATER CAPITAL IMPROVEMENT

To see if the Town will vote to appropriate the sum of Ten Thousand Dollars and No Cents (\$10,000.00) for the capital improvement project(s) itemized below and related expenses, by transferring Ten Thousand Dollars and No Cents (\$10,000.00) from Wastewater Enterprise Fund retained earnings, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	Replace & Upgrade Pump Station Monitoring Equipment	\$10,000
Grand Total			\$10,000

SUBMITTED BY: Select Board

CAPITAL PLANNING COMMITTEE RECOMMENDS: Approval [Aye (5), Nay (0)]
FINANCE COMMITTEE RECOMMENDS: Approval [Vote: Aye (4), Nay (0), Absent (1)]

Article Information: The amended FY2023 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. These requests were considered for FY2024 but would benefit from starting in FY2023. Approval of this article requires a majority vote.

ARTICLE 6: APPROPRIATION FOR WATER CAPITAL IMPROVEMENT

To see if the Town will vote to appropriate the sum of Twenty-six Thousand Dollars and No Cents (\$26,000.00) for the capital improvement project(s) itemized below and related expenses, by transferring Twenty-six Thousand Dollars and No Cents (\$26,000.00) from Water Enterprise Fund retained earnings, subject to Select Board approval, or take any other action relative thereto.

Line	Account #	Description	Amount
1	New account	Water Tank Mixing Project	\$26,000
Grand Total			\$26,000

SUBMITTED BY: Select Board/ Water Commissioners

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

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

Article Information: The amended FY2023 capital improvement plan presented above is the result of the work of the Capital Planning Committee after reviewing requests made by departments. These requests were considered for FY2024 but would benefit from starting in FY2023. This request will fund an engineering phase for the water tank mixing project. The engineering phase will provide an opinion of cost for construction of the mixing equipment that will appear as a future phase 2 request. Approval of this article requires a majority vote.

CAPITAL IMPROVEMENT- BORROWING AUTHORIZATION

ARTICLE 7: BORROWING AUTHORIZATION FOR LEAD SERVICE LINE INVENTORY & REPLACEMENT PLAN PROJECT

To see if the Town will vote to appropriate the sum of One Hundred Twenty-five Thousand Dollars and No Cents (\$125,000.00) for the purpose of conducting an engineering assessment for the development of a Lead Service Line (LSL) Inventory and Replacement Plan Project for the Water Department, 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 [Vote: Aye (4), Nay (0), Absent (1)]

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

Article Information: This article would authorize the Town to borrow the necessary funding to conduct an engineering assessment for the development of a Lead Service Line (LSL) Inventory and Replacement Plan Project. The project will be managed by the Water Department and will be conducted by an engineering firm. The inventory and the associated replacement plan is required by the Massachusetts Department of Environmental Protection (MassDEP) to be conducted and completed by October 2024. The Town intends to submit a loan application to the State Revolving Fund for a forgivable loan. In accordance with MGL Chapter 44 Section 7, approval of this article requires a 2/3 vote at Town Meeting.

GENERAL BYLAWS

ARTICLE 8: TO RESCIND ARTICLE 25 OF SPECIAL TOWN MEETING ON FEBRUARY 09, 1949

To see if the Town will vote to rescind Article 25 of Special Town Meeting on February 09, 1949, or take any other action relative there to:

At the 2-9-1949 ATM, by Art. 25, the Town voted that the Moderator appoint three members to serve as Cemetery Commissioners in conjunction with the Town Treasurer to handle the affairs connected with cemeteries.

SUBMITTED BY: Select Board

Article Information: This article would rescind the language related to the Cemetery Commission that was adopted in 1949 and allow for the adoption of new bylaw language to clarify the duties and responsibilities of the Cemetery Commission in the subsequent Article. Approval of this Article requires a majority vote.

ARTICLE 9: CEMETERY COMMISSION: MEMBERSHIP AND DUTIES

To see if the Town will vote to adopt a General Bylaw entitled “Cemetery Commission” or take any other action relative there to:

Cemetery Commission

1. Membership & Terms

In accordance with Massachusetts General Law Chapter 114 Section 27, there shall be a three (3) member Cemetery Commission, appointed by the Select Board. The Select Board may vote to serve as the Cemetery Commission. The members of the Cemetery Commission will serve for three (3) year terms, staggered.

2. Duties

A. The Cemetery Commission’s responsibilities shall include, but shall not be limited to, the operation of the Town of Erving cemeteries, to advise the Select Board on the staffing required for the care of the cemeteries, divide land into lots, and to sell and issue deeds for the right of burial.

B. The Cemetery Commissioners shall be authorized to establish rules and regulations and

to determine fees, as may be amended from time to time.

SUBMITTED BY: Select Board

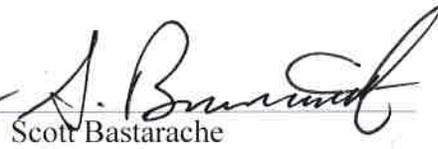
Article Information: Approval of this Article would amend the Town of Erving Bylaws with new language that is meant to clarify the duties and responsibilities of the Cemetery Commission. Approval of this Article requires a majority vote.

In addition, you are hereby directed to serve the above warrant and to post attested copies as directed by vote of the Town at least fourteen (14) days before said meeting. Fail not and make do return of this warrant with your doings thereon to the Town Clerk for the day of said meeting.

Given under our hands this **13th** day of **February 2023**,


Jacob A. Smith, Chairman


William A. Bembury


Scott Bastarache

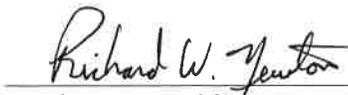
Erving Select Board

POSTING REQUIREMENT CERTIFICATION

FRANKLIN SS TOWN OF ERVING

I have served the above warrant by posting attested copies, as directed by vote of the Town, at least fourteen (14) days before the time of holding said meeting.

2/14/2023
Date


Erving Constable



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

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

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



Comcast Channel #15



YouTube: Town of Erving



Thank you to our vendor
and partners at BNCTV.



Select Board
12 East Main Street
Erving, Massachusetts 01344

PRSR STD
U.S. Postage Paid
ECRWSS
EDDM Flat

Town *of* Erving

*****ECRWSS***

LOCAL
POSTAL CUSTOMER
ERVING MA 01344

Special Town Meeting Warrant

Date: Monday, March 06, 2023

Time: 7:00 PM

Location: Senior & Community Center

1 Care Drive, Erving, MA 01344