

COMMONWEALTH OF MASSACHUSETTS

COUNTY OF FRANKLIN

SPECIAL TOWN MEETING

WEDNESDAY JANUARY 31, 2024

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 January 31, 2024, at 7:00 p.m. The Assistant Town Clerk, due to the absence of Richard Peabody Moderator and Richard Newton Town Clerk, called the meeting to order at 7:04 p.m. and noted that a quorum was present. The first order of business was to elect a Moderator for this meeting. Jacquelyn Boyden was nominated and it was seconded, and the vote was unanimous. Jacque then led the body in the Pledge of Allegiance.

PUBLIC WAYS

ARTICLE 1: ACCEPTANCE OF THE RELOCATION OF BRIDGE STREET

The Town voted unanimously to accept the relocation of Bridge Street as a public way by the following description:

Bridge Street, Erving, MA

West Side

Beginning at a set concrete bound on the south line of Route 2, a 1929 Massachusetts State Highway Alteration, said concrete bound being 16.42 feet easterly of a point opposite Station 130+50.57.

Thence S02°44'00"E, a distance of 65.91 feet to a set concrete bound.

Thence S12°40'00"E, a distance of 106.05 feet to a set concrete bound.

Thence S22°04'49"E, a distance of 55.66 feet to a set concrete bound.

Thence S52°14'49"E, a distance of 138.59 feet to a set concrete bound.

Thence S57°37'31"E, a distance of 150 feet, more or less, to the west side of Millers River.

East Side

Beginning at a point on the south line of Route 2, a 1929 Massachusetts State Highway Alteration, said point being 112.37 feet easterly of a point opposite Station 130+50.57.

Thence S09°40'00"W, a distance of 71.95 feet to a point.

Thence S02°40'00"E, a distance of 61.99 feet to a point.

Thence S12°40'00"E, a distance of 97.64 feet to a point.

Thence S22°04'49"E, a distance of 38.24 feet to a point.

Thence S52°14'49"E, a distance of 122.93 feet to a point.

Thence S57°37'31"E, a distance of 163 feet, more or less, to the west side of Millers River.

Said layout being 49.5 feet wide from Route 2 to Millers River.

Being more particularly shown on a plan entitled "Layout Plan of Bridge Street in Erving, MA" dated January 10, 2024, by Edward C. Muszynski, PLS as filled in the office of the Town Clerk.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: This article provides for the official acceptance of the relocation of Bridge Street as a public way in the Town of Erving. Approval of this article will allow the Town to formally record this action with the Franklin County Registry of Deeds. Approval of this article requires a majority vote.

ARTICLE 2: AUTHORIZATION OF PROPERTY TAKING FOR HIGHWAY PURPOSE

The Town voted unanimously to authorize the Select Board to take by eminent domain for highway purposes, from Renata Pienkawa, the following described land:

Proposed Taking for Highway Purposes on Maple Ave. From Renata Pienkawa

Beginning at an iron rod on the east line of Maple Ave., said iron rod being 1158.91 feet from a railroad spike on the south line of Route 2, a 1930 State Highway Alteration, thence S15°12'28"E, a distance of 287.82 feet to an iron pin.

Thence S74°47'41"W, a distance of 16.5 feet to a point.

Thence N15°12'28"W, a distance of 287.82 feet to a point.

Thence N74°47'41"E, a distance of 16.5 feet to the point of beginning.

Containing 4,749 square feet and being a portion of the premises conveyed to Renata Pienkawa By deed dated July 13, 1993 and recorded in Book 2808 Page 318 of the Franklin County Registry of Deeds.

Being more particularly shown on a plan entitled "Plan of Proposed Layout of Maple Avenue in the Town of Erving, Massachusetts" dated January 8, 2024, by Edward C. Muszynski, PLS as filled in the office of the Town Clerk.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: Approval of this article would authorize the Select Board to acquire a by eminent domain, through a friendly taking that has been discussed with the land owner, the described land to be incorporated into the public way layout for Maple Avenue, as described in Article 3 of this warrant, pursuant to the provisions of Massachusetts General Law and upon such terms and conditions as the Select Board deems to be in the best interest of the Town. Approval of this article requires a 2/3 vote.

ARTICLE 3: ACCEPTANCE OF THE RELOCATION OF MAPLE AVENUE

The Town voted unanimously to accept the relocation of Maple Avenue as a public way by the following description:

Maple Avenue, Erving, MA

West Side

Beginning at a railroad spike set in the pavement on the south line of Route 2, a 1930 Massachusetts State Highway Alteration, said spike being 172.98 feet easterly of a Massachusetts Highway Bound opposite Station 191+08.48.

Thence S15°22'39"E, a distance of 452.47 feet to a stone bound.

Thence S15°12'28"E, a distance of 688.85 feet to a railroad spike set in the pavement.

Thence continuing S15°12'28"E, a distance of 287.82 feet to the end of location.

East Side

Beginning at a railroad spike set in the pavement on the south line of Route 2, a 1930 Massachusetts State Highway Alteration, said spike being 210.33 feet east of a Massachusetts Highway Bound opposite Station 191+08.48.

Thence S15°22'39"E, a distance of 469.96 feet to a set concrete bound.

Thence S15°12'28"E, a distance of 688.96 feet to a set iron pin.

Thence continuing S15°12'28"E, a distance of 287.82 feet to the end of location.

Said layout being 33 feet wide from Route 2 to end of location.

Being more particularly shown on a plan entitled "Plan of Proposed Layout of Maple Avenue in the Town of Erving, Massachusetts" dated January 8, 2024, by Edward C. Muszynski, PLS as filled in the office of the Town Clerk.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: This article provides for the official acceptance of the relocation of Maple Avenue as a public way in the Town of Erving. This action also involves a friendly taking of land that will provide the parcel with the necessary roadway frontage to access two privately owned parcels as well as use a portion of a Town owned parcel. Approval of this article will allow the

Town to formally record this action with the Franklin County Registry of Deeds. Approval of this article requires a majority vote.

FISCAL YEAR 2024 OPERATING BUDGET

ARTICLE 4: 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

***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 and does not require a change to the current tax levy limit. Approval of this article requires a 2/3 vote.*

AMENDMENT: It was moved and seconded to change the dollar amounts in the written paragraph from \$14,515.80 to \$14,863.40 and \$176,828.30 to \$177,175.90 and in the table to change the Tax Collector Proposed Amendment from \$1,778.40 to \$2,126.00. **The amendment passed unanimously.**

ARTICLE 4 AS AMENDED FAILED due to not meeting the 2/3 majority requirement. 45 YES
24 No

STABILIZATION FUND ARTICLES

ARTICLE 5: APPROPRIATION TO THE OPIOID SETTLEMENT STABILIZATION FUND

The Town voted by majority to transfer the sum of Twenty-two Thousand Seven Hundred Sixteen Dollars and Eighty-five Cents (\$22,716.85) from Free Cash into the Opioid Settlement Stabilization Fund.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

***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 which requires Town Meeting approval. Approval of this article requires a majority vote.*

ARTICLE 6: APPROPRIATION FOR THE CAPITAL STABILIZATION FUND

The Town voted unanimously to close the special article appropriations, listed below, and appropriate the unspent balances, in the aggregate sum of Three Hundred Eighty Thousand One Hundred Seventy-six Dollars and Fifty-seven Cents (\$380,176.57), into the Capital Stabilization Fund.

Line	Account	Description	Balance in Account
1	001-171-900-17110-530250	Poplar Mountain Conservation Area Surveying	\$195.00
2	001-174-900-17410-530000	Erving Center Village Planning	\$5,282.88
3	001-192-900-19211-530000	Town Hall Feasibility	\$149,418.00
4	001-192-900-19216-578000	Town Hall Phone	\$2,224.00
5	001-192-900-19219-578000	Town Hall Lighting System	\$3,502.69
6	001-210-900-21013-578000	Police- Safety Speed Monitoring Equipment	\$748.48
7	001-220-900-22014-578000	Fire Dept Cab for Gator	\$5,000.00
8	001-220-900-22015-578000	Fire Dept GPS Units	\$13.98
9	001-220-900-22017-578000	Fire Dept Class A Uniforms	\$672.90
10	001-301-900-30110-585250	EES Classroom Furniture	\$38,419.00
11	001-301-900-30117-578000	EES Window Shade Replacement	\$30,000.00
12	001-301-900-30116-578000	EES Carpet Replacement	\$21,788.00
13	001-301-900-30119-578000	Phone System Upgrade/Replace	\$5,000.00
14	001-429-900-42914-578000	Trench Box & Trench Shield	\$5,200.00
15	001-433-900-43310-578000	Solid Waste Roll off	\$5,000.00
16	001-541-900-54111-578000	Senior Center Exit Roofs	\$3,200.00

17	001-541-900-54112-578000	Senior Center HVAC System	\$25,275.00
18	001-650-900-65010-578000	Resurface Tennis Courts Vets Park	63,000.00
19	001-650-900-65011-578000	Roofs- Bath House & Shed Zilinski Field	\$1,736.64
20	001-650-900-65017-578000	Riverfront Park Water Tower Assessment	\$4,700.00
21	001-650-900-65018-530000	Park Grant Writer	\$20,000.00
Total			\$380,176.57

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

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

Article Information: Approval of this article would transfer the unspent funds from special articles that were previously appropriated for capital projects. The Capital Planning Committee has met with representatives of the departments, boards and commissions to discuss recommendations on what accounts can be closed out as the projects are complete and there are unspent funds, or the requests are several years old and the projects have not progressed and would need to be planned with current cost estimates. 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.

FISCAL YEAR 2024 CAPITAL IMPROVEMENTS

ARTICLE 7: APPROPRIATION FOR MODULAR OFFICE SPACE FOR PUBLIC WORKS

The Town voted by majority to appropriate the sum of Seventy-five Thousand Dollars and No Cents (\$75,000.00) from account number 001-429-900-42912-578000 for the Public Works Dry Storage Project for the purchase, installation, and related costs of modular office unit on Public Works Boulevard.

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

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

Article Information: This article would appropriate \$75,000 for the purchase of modular office space for the Public Works staff. With the knowledge that the request for a new Public Works Office and dry storage garage facility is several years out from being funded, finding appropriate interim office space for the departments needs to be prioritized. This proposal would allow the Town to purchase the necessary space for the foreseeable future and the proposed funding source is related to this purpose. Approval of this article requires a majority vote.

ARTICLE 8: APPROPRIATION FOR BOARDING, SECURING & SECURITY OF TOWN PROPERTIES

The Town voted by majority to close the special article appropriations, listed below, and appropriate the unspent balances, in the aggregate sum of Twelve Thousand Seven Hundred Twelve Dollars and Eighty-Three Cents (\$12,712.83), into a new account to be created for the boarding, securing & security of Town owned properties.

Line	Account	Description	Balance in Account
1	001-192-900-19215-578000	Mothball & Planning Usher Boiler RM	10,107.04
2	001-192-900-19217-578000	IP Mill Security/Safety/Maint	\$2,398.37

3	001-192-900-19218-578000	IP Mill MKT Feas / Infrastructure Study	\$207.42
		Total	\$12,712.83

SUBMITTED BY: Select Board

FINANCE COMMITTEE RECOMMENDS: Approval

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

Article Information: Approval of this Article proposes to aggregate the remaining balances of special articles for the former IP Mill and the former Usher Mill sites into a single special article to be used to continue to maintain and secure these sites and other Town properties. Approval of this article requires a majority vote.

MULTI-YEAR CONTRACT AUTHORIZATION

ARTICLE 9: AUTHORIZATION TO SIGN FIVE YEAR CONTRACT FOR SCHOOL TRANSPORTATION SERVICES

The Town voted unanimously to authorize the School Committee to enter into a five (5) year contract, commencing on July 1, 2024 with F. M. Kuzmeskus to provide school transportation services for the Town, subject to the School Committee'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: School Committee

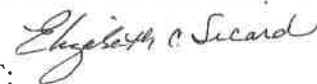
SELECT BOARD RECOMMENDS: Approval

FINANCE COMMITTEE RECOMMENDS: Approval

Article Information: Approval of this article would authorize the School Committee to sign a five (5) year contract with F.M. Kuzmeskus for the provision of school transportation services for students in Erving. Approval of this article requires a majority vote.

69 registered voters attended this meeting. The meeting was dissolved at 8:04 p.m.

A true copy, ATTEST:



Elizabeth C. Sicard
Erving Assistant Town Clerk

