

SPECIAL TOWN MEETING

Wednesday, January 31, 2024

Time: 7:00 PM

Location: 28 Northfield Road, 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 Elementary School** located at **28 Northfield Road, Erving, Massachusetts 01344** on

Wednesday, January 31, 2024, at 7:00 PM

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

PUBLIC WAYS

ARTICLE 1: ACCEPTANCE OF THE RELOCATION OF BRIDGE STREET

To see if the Town will vote 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 filed in the office of the Town Clerk.

Or take any other action relative thereto.

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

To see if the Town will vote 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.

Or take any action relative thereto.

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

To see if the Town will vote 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 filed in the office of the Town Clerk.

Or take any other action relative thereto.

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

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.

STABILIZATION FUND ARTICLES

ARTICLE 5: APPROPRIATION TO THE OPIOID SETTLEMENT STABILIZATION FUND

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 Free Cash into the Opioid Settlement Stabilization Fund, or take any other action relative thereto.

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

To see if the Town will vote 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, or take any other action relative thereto.

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

To see if the Town will vote 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, or take any other relative action there to.

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

To see if the Town will vote 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, or take any other action relative thereto.

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

To see if the Town will vote 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 and/or take any vote or votes in relation thereto.

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.

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 **11th** day of **January 2024**.



Jacob A. Smith, Chairman

Scott Bastarache



James Loynd

Erving Select Board

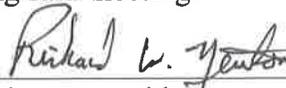
POSTING REQUIREMENT CERTIFICATION

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.

1/13/2024

Date



Erving Constable



Board & Commission Vacancies

January 2024

Erving needs you!

Cable Advisory Committee (Three (3) vacancies)

The Cable Advisory Committee is charged with the responsibility to assess local cable needs, monitor company compliance with the contract, make recommendations to the licensing authority (the Select Board) regarding contract terms, develop policies and procedures regarding the Public, Educational, and Government access channel to support the recording and broadcasting of local meetings and events. The Cable Advisory Committee shall be comprised of three appointed members.

Conservation Commission (One (1) vacancy)

The Conservation Commission is tasked with enforcing the Wetlands Protection Act in Erving. Often this is referred to as "wetlands permitting" or environmental permitting". The Commission also oversees the Town's conservation land and hiking trails at Poplar Mountain Conservation Area and supports pollinator education at Erving Elementary School.

Council on Aging – (Three (3) vacancies)

Councils on Aging & Senior Centers provide support services to elders, families, and caregivers in the community. As a local agency, the Councils on Aging & Senior Centers serve as an elder advocate, offers services, and activities for elders. Council on Aging offerings may include Outreach, Transportation, Meals (congregate or home delivered), Health screenings, Health insurance counseling, Socialization, Fitness, wellness and recreation activities, Life-long learning. They serve as a link to and support for elders. Each Council on Aging determines its own priorities based on local needs and resources. Senior centers are a welcoming place for older adults who wish to remain independent in their community.

Cultural Council – (Two (2) vacancies)

Cultural Council members are appointed by the Select Board. The local Cultural Council supports public programs that promote access, education, diversity and excellence in the arts, humanities, and interpretive sciences in communities across the Commonwealth. Local decision-making is an integral element of this system. Local councils have the right and responsibility to award grants that address cultural needs specific to their communities, and they can decide how to distribute funds if the state policies outlined in these regulations and supplementary guidelines are followed. They meet 2-4 times per year.

Finance Committee – (One (1) Vacancy)

The Finance Committee is a five-member committee, primarily responsible for submitting its recommendations on the annual budget to the town meeting. The Committee is commonly involved in the preparation process of the development of the budget and the establishment of guidelines for departments. Their statutory authority is limited to making transfers from the Town's reserve fund to other line items in the budget as requested.

Historical Commission (Two (2) vacancies)

The Historical Commission is charged with the preservation, protection, and development of the historical or archeological assets of the Town. As such, they make recommendations to the Select Board on matters relating to the preservation, protection and development of historic areas, buildings, structures, and sites. Further, it may acquire in the name of the Town by gift, purchase, grant, bequest, devise, and lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

Zoning Board of Appeals (one (1) vacancy)

The ZBA is charged with making Zoning text and zoning map interpretations, hearing appeals of administrative decisions, and to grant variances from ordinance standards where there is practical difficulty or unnecessary hardship meeting ordinance standards.

These are volunteer positions. If you've been asking yourself "How can I be a help to my community?" and/or you'd like to be a part of something new, or return to something you've done previously, please email a letter of interest to volunteer@erving-ma.gov or via mail to Town of Erving, ATT: Bryan Smith, 12 East Main Street, Erving, MA 01344.

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: Wednesday, January 31, 2024

Time: 7:00 PM

**Location: Erving Elementary School
28 Northfield Road, Erving, MA 01344**