SPECIAL TOWN MEETING – SATURDAY, MAY 3, 2008 WALTER SILVEIRA AUDITORIUM – ELIZ. HASTINGS MIDDLE SCHOOL TOWN MEETING MEMBERS PRESENT 245 – QUORUM REQUIRED 100

Meeting called to order by the Moderator at 9:15 A.M.

The Moderator stated that the warrant had been properly served and that there was a quorum. Voted that the Moderator be relieved from reading each article in its entirety and that he be allowed to refer to the article by number and title only. Seconded.

Town Meeting Members present: Precinct 1-53

Precinct 2 - 45

Precinct 3 - 30

Precinct 4 - 39

Precinct 5 - 39

Precinct $6 - \underline{39}$

Total 245

ARTICLE 1 – TOWN CHARGES

Voted unanimously the following sums to money to fund additional salary and operating expenses for the following departments. Said sum to be added to previously voted appropriations for FY 08.

GENERAL COVERNMENT

- 1. Town Collector
 - b. Purchase of Services \$4,000.00 by transferring \$4,000.00 from Town Collector salary & Wages.
- 2. Town Clerk
 - a. Salary Town Clerk \$1,376.00 by transferring \$1,376.00 from Surplus Revenue.

PUBLIC SAFETY

- 3. Fire Department
 - a. Salary & Wages \$10,000.00 by transferring \$10,000.00 from Surplus Revenue.

BOARD OF HEALTH

- 4. Enforcement Agent
 - a. Salary & Wages \$180.00 by transferring \$180.00 from Surplus Revenue.

BOARD OF PUBLIC WORKS

- 5. Administration
 - a. Salary & Wages \$3,885.00 by transferring \$3,885.00 from Surplus Revenue.
- 6. Highway Division
 - c. Supplies \$10,000.00 by transferring \$10,000.00 from Highway Division Salary & Wages

VETERANS SERVICES

- 7. Veterans Services
 - b. Purchase of Services \$32,000.00 by transferring \$32,00.00 from Surplus Revenue.
 - c. Supplies \$200.00 by transferring \$200.00 from Surplus Revenue
 - d. Other Charges/Expenses \$56,000.00 by transferring \$56,000.00 from Surplus Revenue.

UNCLASSIFIED

8. Reserve Fund - \$10,000.00 by transferring \$10,000.00 from Surplus Revenue.

ARTICLE 2 – FUNDING LABOR CONTRACTS

Voted unanimously the following sums of money to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 5, 2007 for the purpose of funding the cost in FY 2008 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting.

- 1. Police Department New England Police Benevolent Association, Local 64
 - a. Salary & Wages Moved to Pass Over.
 - c. Supplies *Moved to Pass Over*.
- 2. Dispatcher Union New England Police Benevolent Association, Local 64 a. Salary & Wages - \$8,527.00 by transferring \$8,527 from Surplus Revenue.
- 3. Fire Department International Association of Firefighters, AFL-CIO, Local 1555 a. Salary & Wages *Moved to Pass Over*.
- 4. Clerical Union AFSCME AFL-CIO, Local 851
 - a. Salary & Wages \$21,800.00 by transferring \$2,101.00 from Water Retained Earnings, \$956.00 from Sewer Retained Earnings and \$18,743.00 from Surplus Revenue.
- 5. Highway Division Council 93, American Federation of State, County & Municipal Employees AFL/CIO, Local 851
 - a. Salary & Wages \$6,728.00 by transferring \$6,728.00 from Surplus Revenue.
- 6. Sewer Division Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59
 - a. Salary & Wages \$19,759.00 by transferring \$19,759 from Sewer Retained Earnings.
- 7. Water Division Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59
 - a. Salary & Wages \$12,234.00 by transferring \$12,234.00 from Water Retained Earnings.

ARTICLE 3 – TOWN CHARGES

Voted unanimously the sum of \$65,000.00 to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 5, 2007 for the purpose of funding the cost in FY 2008 only, of wage increases for non-union employees and to authorize the Town Accountant to allocate the funds to the various affected departments by transferring:

\$5,075.00 from Sewer Retained Earnings

\$2,657.00 from Water Retained Earnings

\$4,512.00 from Recreation Retained Earnings

\$318.00 from Conservation Comm Wetlands Acct Receipts Reserved for Appropriation \$52,438.00 from Surplus Revenue

ARTICLE 4 – FUNDING LABOR CONTRACTS

Voted unanimously the following sums of money to supplement the appropriations of Article 4 of the Annual Town Meeting, May 3, 2008 for the purpose of funding the cost in FY 2009 only, of the Collective Bargaining agreement between the Town and the following labor groups, said agreement signed and dated prior to this Town Meeting:

- 1. Police Department New England Police Benevolent Association, Local 64
 - a. Salary & Wages *Moved to Pass Over*
 - c. Supplies Moved to Pass Over
- 2. Dispatcher Union New England Police Benevolent Association, Local 64 a. Salary & Wages \$16,107.99 to be raised on the FY 09 Tax Levy
- 3. Fire Department International Association of Firefighters, AFL-CIO, Local 1555 a. Salary & Wages *Moved to Pass Over*
- 4. Clerical Union AFSCME AFL-CIO, Local 851
 - a. Salary & Wages \$21,800.00 by transferring \$2,101.00 from Water Revenue, \$956.00 from Sewer Revenue and \$18,743.00 to be raised on the FY 09 Tax Levy.
- 5. Highway Division Council 93, American Federation of State, County & Municipal Employees AFL/CIO, Local 851
 - a. Salary & Wages \$57,614.00 to be raised on the FY 09 Tax Levy

- 6. Sewer Department Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59 a. Salary & Wages \$47,985.00 by transferring \$47,985.00 from Sewer Revenue.
- 7. Water Division Teamsters, Chauffeurs, Warehousemen & Helpers, Local 59 a. Salary & Wages \$25,768.00 by transferring \$25,768.00 from Water Revenue.

ARTICLE 5 – TOWN CHARGES

Voted the sum of \$107,625.00 to supplement the appropriations by adoption of Article 4 of the Annual Town Meeting, May 3, 2008 for the purpose of funding the cost in FY 2009 only, of wage increase for non-union employees and to authorize the Town Accountant to allocate the fund to the affected department by transferring:

\$7,682.00 from Sewer Revenue

\$4,042.00 from Water Revenue

\$7,642.00 from Recreation Revenue

\$536.00 from Conservation Comm Wetlands Acct Receipts Reserved for appropriation \$87,723.00 to be raised on the FY 09 Tax Levy

<u>ARTICLE 6 – UNPAID BILL OF PRIOR YEARS</u>

Voted unanimously the following sums of money for the payment of unpaid bills of prior years in accordance with Section 64, Chapter 44 of the General Laws, as amended by Chapter 179 of the Acts of 1941:

- A. Southcoast Hospitals Group \$33.74 by transferring \$33.74 from Surplus Revenue.
- B. Dr. Jeremy Stern \$48.67 by transferring \$48.67 from Surplus Revenue
- C. D R Medical \$145.73 by transferring \$145.73 from Surplus Revenue
- D. Enforcement Agent \$180.00 by transferring \$180.00 from Surplus Revenue

ARTICLE 7 – SETTLEMENT AGREEMENT

Voted unanimously the sum of \$40,333.33 by transferring \$25,296.03 from Surplus Revenue and \$15,037.30 from Community Block Grant Senior Center/Recreation Center Account to pay the Town's portion of the settlement in case entitled Fernandes Masonry, Inc. vs S.B. General Contracting, Inc., Washington International Insurance Company and Town of Fairhaven, Docket No. 01-1154-L, in accordance with a settlement agreement between all parties.

<u>ARTICLE 8 – NATURAL RESOURCE DEPARTMENT</u>

Voted unanimously the following sums:

- A. \$925.00 by transferring \$925.00 from Surplus Revenue to construct and install a security gate at Union Wharf to prevent access to the small floating dock.
- B. \$575.00 by transferring \$575.00 from Surplus Revenue to build and install a lock box to receive revenue generated by the implementation of parking fees at Union Wharf and to have signage erected for public fees.
- C. \$299.00 by transferring \$299.00 from Surplus Revenue to paint the doors, hood and trunk of the newly acquired Police cruiser to be used by the Natural Resource Department.

ARTICLE 9 – COMPREHENSIVE WASTEWATER MANAGEMENT PLAN

Voted unanimously to rescind the Town's vote of Article 11 of the Special Town Meeting of May 5, 2007 to borrow \$600,000.00 and to move the sum of \$400,000.00 by transferring \$400,000.00 from Sewer Revenue for fiscal year 2009 for a Comprehensive Wastewater Management Plan. Some of the key items that will be addressed in the CWMP include, but not limited to:

- Projection of wastewater flows
- Update of Town wide Sewer Plan
- Wastewater Treatment Alternatives Analyses to address the Town's needs as well as the request from Mattapoisett for more capacity
- Wastewater Treatment Facility rehabilitation, expansion and upgrade
- Update of Town wide Infiltration/Inflow removal program

- Upgrades and expansion of wastewater collection system and pumping stations
- Update of the Intermunicipal Agreement with Mattapoisett

ARTICLE 10 – WASTEWATER TREATMENT FACILITY IMPROVEMENTS

Voted unanimously to rescind the Town's vote of Article 12B of the Special Town Meeting of May 5, 2007 to borrow \$1,346,000.00 and in its place the sum of \$1,346,000.00 by transferring \$1,346,000.00 from Sewer Retained Earnings to update the existing conditions plan and to undertake design and construction of highest priority improvements to its Wastewater Treatment Facility as recommended by the existing conditions plan. Recommended improvements may include, but are not limited to:

- Removal and replacement of existing influent mechanically-cleaned bar screens
- Replacement of existing roofs at the Operations, Sludge Handling (Lime Room) and UV Buildings
- Structural repairs to the Preliminary Treatment Building floor slab, existing Aeration Tanks walls and walkways, and leaking floor slab in basement of Sludge Handling Building
- Removal and replacement of existing deteriorated 35 year old aluminum slide gates at the Aeration Tanks
- Removal and replacement of sludge valves throughout the existing Treatment Plant
- Replacement of existing HVAC air handling equipment and unit heaters throughout the Treatment Plant
- Emergency repairs, if any
- And other work prioritized in the update to the existing conditions plan, and the hydraulic overload study.

ARTICLE 11 – TREATMENT PLANT HYDRAULIC OVERLOAD REMEDIATION

Voted unanimously to add \$190,000.00 from Sewer Retained Earnings to the amount of \$150,000.00 previously voted at the Special Town Meeting of May 5, 2007, Article 13. That this appropriation is contingent on obtaining a \$75,000.00 matching grant from the Commonwealth of Massachusetts.

ARTICLE 12 - SPECIAL LEGISLATION FOR PACKAGE STORE BEER & WINE LICENSE

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Package Store Beer and Wine License to Kathy Lopes, Manager, Nina Enterprises, Inc. d/b/a Fairhaven Convenience, 121 Sconticut Neck Road, in the Town of Fairhaven, not withstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws as amended. This license is non-transferable to a different location, but may be transferred to a new licensee at the same location. *Motion Failed*.

ARTICLE 13 – FEASIBILITY STUDY

Voted unanimously the sum of \$165,000.00 by transferring \$100,000.00 from Article 7-SCHOOL MASTER PLAN of the May 5, 2007 Special Town Meeting and \$65,000.00 from Greater New Bedford Regional Vocational Technical High School FY 2008 appropriation account #001-301-00-5201 and further that these funds for the Rogers Elementary Feasibility Study be expended under the direction of the School Building Committee provided that the Town of Fairhaven acknowledges that the Massachusetts School Building Authority's Grant Program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any costs the Town of Fairhaven incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Fairhaven.

ARTICLE 14 – SOLID WASTE, RECYCLABLE, COMPOSTABLE MATERIALS CONTRACT

Voted unanimously to authorize the Board of Health and Board of Public Works to enter into a contract for the collection of solid waste, recyclable or compostable materials for a term not to excess five years.

ARTICLE 15 – STREET ACCEPTANCE – STONEY COVE TERRACE

Voted unanimously to accept the layout of the following described area as a public way:

A certain roadway situated in the Town of Fairhaven, County of Bristol (S.D.) and the Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point in the northerly line of Shaw Road at the southeasterly corner of land now or formerly of James W. Ahern, Jr. and the southwesterly corner of the roadway herein described; thence.

North 16°-47'-20" West A distance of one hundred and no hundredths feet (100.00') to a point of curvature; thence.

Northwesterly and curving to the left along the arc of a curve having a radius of eighty and no hundredths feet (80.00') a length of forty-one and eighty-nine hundredths feet (41.89') and a deflection angle left of 30°-00'-00" to a point of reverse curvature, thence.

Northerly and curving to the right along the arc of a curve having a radius of one hundred twenty and no hundredths feet (120.00') a length of eighty-eight and fifty-seven hundredths feet (88.57') and a deflection angle right of 42°-17'-20" to a point of tangent; thence.

North 04°-30'-00" West A distance of forty-two and eighty hundredths feet (42.80') to the southeasterly corner of land now or formerly of Eric DeSousa. The four previous courses bounding on land of said Ahern; thence.

North 04°-30'-00" West A distance of one hundred twenty-seven and twenty hundredths feet (127.20') to a point of curvature; thence.

Northwesterly and curving to the left along the arc of a curve having a radius of twenty and no hundredths feet (20.00) a length of twenty and ninety-four feet (20.94) and a deflection angle left of 60° - 00° - 00° to a point of reverse curvature; thence.

Northerly and curving to the right along the arc of a curve having a radius of sixty and no hundredths feet (60.00') a length of eighty-five and eighty-six hundredths feet (85.86') a delta angle of 81°-59'-58" to a point and the southwesterly corner of land now or formerly of Jeffry L. & Tracy L. DeBarros. The three previous courses bounding on land of said DeSousa; thence.

Northeasterly and southerly and curving to the right along the arc of a curve having a radius of sixty and no hundredths feet a length of two hundred and twenty-three hundredths feet (200.23') and a delta angle of 191°-12'-19" to a point and the northwesterly corner of land now or formerly of Charles, Brett and Robin Claflin, Trustees. The previous course bounding on land of said DeBarros; thence.

Southwesterly and curving tot the right along the arc of a curve having a radius of sixty and no hundredths feet (60.00') a length of twenty-eight and six hundredths feet (28.06") and a delta angle of 26°-47'-43" to a point of revere curvature; thence.

Southerly and curving to the left along the arc of a curve having a radius of twenty and no hundredths feet (20.00°) a length of twenty and ninety-four hundredths feet (20.94°) and a deflection angle left of 60° - 00° - 00° to a point of tangent; thence.

South 04°-30'-00" East A distance of one hundred fifty-one and no hundredths feet (151.00') to the northwesterly corner of land now or formerly of Richard L. DeMoranville. The three previous course bounding on land of said trustees; thence.

South 04°-30'-00" East A distance of nineteen and no hundredths feet (19.00') to a point of curvature; thence. Southeasterly and curving to the left along the arc of a curve having a radius of eighty and no hundredths feet (80.00') a length of fifty-nine and five hundredths feet (59.05') and a deflection angle left of 42°-17'-20" to a point of reverse curvature; thence.

Southerly and curving to the right along the arc of a curve having a radius of one hundred twenty and no hundredths feet (120.00') a length of sixty-two and eighty-three hundredths feet (62.83') and a deflection angle right of 30°-00'-00"; thence.

South 16°-47'-20" East A distance of one hundred and no hundredths feet (100.00') to a point in the northerly line of Shaw Road. The four previous courses bounding on land of said DeMoranville; thence.

South 73°-12'-40" West A distance of forty and no hundredths feet (40.00') in the northerly line of Shaw Road to the point of beginning.

The above-described roadway contains an area of 27,624 square feet more or less and is more particularly shown on a plan entitled "Town Layout of Stoney Cove Terrace, Fairhaven, Ma. Prepared for Town of Fairhaven" dated March 12, 2008 by G.A.F. Engineering, Inc., 266 Main Street, Wareham, Ma. 02571.

Subject to and together with the benefit of all encumbrances of record, including easement, drainage easements, restrictions and rights of way, if any, insofar as the same may be in force and applicable.

ARTICLE 16 - COMMUNITY PRESERVATION PROGRAM DIRECT APPROPRIATIONS FROM FUND BALANCE

Voted unanimously to appropriate \$50,000.00 from Community Housing Reserve Balance for the Fairhaven Housing Authority – HUD Section 202 Supportive Elderly Housing Project in FY 2008.

APPROPRIATIONS	
Purpose	Recommended Amounts
Spending Appropriations	
A. Fairhaven Housing Authority – HUD Section 202 Supportive Elderly Housing Project	\$ 50,000
Total Recommended Appropriations	\$ 50,000

ARTICLE 17 - LAND DONATION

Voted unanimously to accept a deed, for a donation of a certain parcel land of approximately 1,266 SF, adjacent to the bike path, being shown on Fairhaven Assessors Map 8, Lot 131, as a gift from Maureen Butler, Trustee of the Howard Stillman Bates Foundation, subject to there being clear title thereto and all real estate taxes thereon having been paid.

ARTICLE 18 - LAND ACQUISITION - NASKETUCKET WOODS

Voted unanimously to appropriate the sum of \$184,000.00 with \$53,500.00 from estimated FY 09 receipts, \$79,044.00 from open space reserve fund balance and \$51,456.00 from Community Preservation Fund Reserve Fund Balance to be used for a grant match and associated cost, for the purchase of the Nasketucket Woods Property, provided however, that no portion of said appropriation shall be expended unless the Town is eligible for a grant reimbursement from the Commonwealth of Massachusetts and/or other gifts in an amount of not less that \$294,500.00.

ARTICLE 19 – CIVIL SERVICE

Voted unanimously acting pursuant to M.G.L. Chapter 4, Section 4B, to revoke the acceptance of Chapter 28 of the Acts of 1954 (An Act Clarifying the Acceptance of the Provisions of the Civil Service Laws by the Town of Fairhaven) to the extent it applies to employed of the Town appointed by the Board of Public Works. This revocation to apply to the successors to the employee's incumbent in any applicable positions.

ARTICLE 20 - WATER TANK REHABILITATION AND BIDDING

Voted unanimously the sum of \$15,000.00 by transferring \$15,000.00 from Water Retained Earnings to design and prepare bid specifications for the rehabilitation of the water tanks at Sconticut Neck and Boston Hill.

ARTICLE 21 – ANTIQUE FIRE WAGON

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to reimburse Wayne Oliveira and John Rogers for the purchase of an antique fire hose wagon, added to the Fire Museum collection, or to take any other action relative thereto. *Moved to Pass Over.*

ARTICLE 22 - INTERMUNICIPAL AGREEMENT: HARBOR ISLAND'S SEWER

Voted unanimously to authorize the Board of Selectmen to negotiate and execute an Intermunicipal Agreement, pursuant to the provision of Massachusetts General Law, Chapter 40, Section 4A, with the City of New Bedford whereby the Town of Fairhaven would provide sewer disposal on Pope's Island, with said agreement including, but not be limited to, the following provisions:

- 1. The City of New Bedford will guarantee payment to the Town of all tie-in fees and usage charges associated with all the tie-ins on Pope's Island.
- 2. There will be a fee payable to the Town for each separate tie-in on Pope's Island in an amount at least equal to the applicable Fairhaven Board of Public Work's tie-in fee at the time of tie-in.
- 3. The Town will impose a cap of the amount of wastewater being contributed by the City of New Bedford.
- 4. The Town of Fairhaven will review and approve all individual tie-ins on Pope's Island.
- 5. The City of New Bedford will be responsible for operating and maintaining its wastewater works connecting to that of the Town.

The City of New Bedford shall indemnify, hold harmless and defend the Town from and against all liability or damages incurred by reason of liability imposed upon the Town or damages suffered by the Town arising out of, relating to, or resulting from this agreement or services rendered under this agreement

<u>ARTICLE 23 - INTERMUNICIPAL AGREEMENT – EMERGENCY WATER SUPPLY</u>

Voted unanimously to authorize the Board of Selectmen to negotiate and execute an Intermunicipal Agreement, pursuant to the provisions of Massachusetts General Law Chapter 40, Section 4A, with the City of New Bedford whereby the City of New Bedford would provide water to Fairhaven in the event of emergency.

ARTICLE 24 – STREET LIGHT PURCHASE

Voted unanimously the sum of \$1.00 by transferring \$1.00 from Surplus Revenue to purchase municipal street lights from Com Electric d/b/a NSTAR Electric. All agreements would have to conform to lighting services and tariffs approved by the Massachusetts Department of Telecommunications and Energy (DTE).

ARTICLE 25 – ACCEPTANCE BY GIFT OF THE CAPTAIN WHITFIELD HOUSE

Voted unanimously to amend said article by deleting the provisions of the same in its entirety and replacing the same with the following: To authorize the Selectmen on behalf of the Town to accept the donation of title in the land, said title to be transferred by a quit claim deed to the "Town of Fairhaven" as the sole grantee, and the buildings thereon identified as 11 Cherry Street, Fairhaven, and commonly known as the Captain Whitfield House, being shown on Fairhaven Assessors Map 13, Lot 37; provided, however, said donation shall be by deed which shall contain the provisions contained in the proposed deed for said donation which is attached hereto and labeled "Exhibit A" and shall not contain any additional provisions or use restrictions of any type, nothing contained herein shall be deemed to authorize the Board of Selectmen to take any other action regarding such property except as may be specifically authorized by statute or by a further vote of Town Meeting.

ARTICLE 26 – HOWLAND ROAD SEWER REPAIRS

Voted unanimously the sum of \$105,000.00 by transferring \$105,000.00 from Sewer Retained Earnings for sewer repairs to Howland Road.

ARTICLE 27 – SPECIAL LEGISLATION FOR COMMON VICTUALER BEER & WINE LICENSE

Voted unanimously to authorize the Board of Selectmen to petition the General Court for the passage of legislation authorizing the issuance of a Common Victualer Beer and Wine License to Jevon K. Malcolm (owner) and Lisa M. Malcolm, Manager, of Jevon Enterprises (Mac's Soda Bar) 116 Sconticut Neck Road in the Town of Fairhaven, notwithstanding any limitations on the number of licenses issued under the provisions of Chapter 138 of the Massachusetts General Laws, as amended. The license is non-transferable to any other person, organization, corporation or location.

ARTICLE 28 – HEALTH INSURANCE TRUST FUND

To see if the Town will vote to raise and appropriate, borrow or transfer from available funds a sum of money to the Town's Health Insurance Trust Fund, or to take any other action relative thereto. *Moved to Pass Over*.

ARTICLE 29 – WATER MAIN EXTENSION

Voted unanimously the sum of \$30,000.00 by transferring \$30,000.00 from Water Retained Earnings to loop a water main from Middle Street to Main Street.

ARTICLE 30 – AMENDMENT TO TOWN BY-LAWS

Voted unanimously to amend Chapter 37 of the Town Code (Department of Finance) by deleting §37-3 (Board of Assessors) in its entirety and replacing it with the following effective on July 1, 2008:

"§37-3 Board of Assessors

- A. The Board of Assessors shall consist of three (3) members, appointed by the Board of Selectmen to serve on a part-time basis for a term of three years.
- B. A member of said Board of Assessors serving on the effective date of this section shall continue to serve for the balance of the term for which he was appointed.
- C. The members of the Board of Assessors shall be responsible for hearing appeals and deciding abatements. The Selectmen may from time to time vary the duties and qualifications of the members of the Board of Assessors if they find that such variance is in the best interest of the town and does not derogate from the intent of the bylaws and is not otherwise contrary to law."
- NOTE: The Attorney General's Office disapproved and deleted paragraph D; and also point out that general by-laws do not take effect until they are approved by the Attorney General's office. Chapter 37 was approved, as amended, by the Attorney General's Office on August 19, 2008.

ARTICLE 31 - OTHER BUSINESS

None

Motion to adjourn sine die at 11:30 A.M. Seconded

Eileen M. Lowney Town Clerk