

RECEIVED AND FILED
DATE 5-21-2013
A.A.D. TOWN CLERK



COMMONWEALTH OF MASSACHUSETTS

Town of Carver

2013 ANNUAL TOWN MEETING WARRANT

Plymouth, ss. To any of the Constables of the Town of Carver, County of Plymouth in the Commonwealth of Massachusetts.

GREETING:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the Inhabitants of the Town of Carver qualified to vote in Town affairs, to meet at the Carver High School, all three precincts in said Carver, on the 3rd Day of June 2013 at 7:00 O'clock P.M., then and there to act on the following Articles, namely:

Article 1: To see if the Town will vote to hear the report of any standing committee, and to abolish any special committee not submitting a report which is required to do so, unless otherwise voted, and to establish any new committee, or take any other action relative thereto.

Article 2: To see if the Town will vote to fix the salaries of the Elected Town Officers in accordance with General Laws, Chapter 41, and Section 108 as amended, and to raise and appropriate the proposed increases from the prior fiscal year namely:

	<u>Current Salary</u>	<u>Proposed Salary</u>
Treasurer/Collector	\$ 77,645.36	\$77,645.36
Town Clerk	\$ 65,854.36	\$65,854.36
Moderator	\$ 250.00	\$ 250.00
Chairman, Board of Selectmen	\$ 900.00	\$ 900.00
Board of Selectmen, each member	\$ 775.00	\$ 775.00
Board of Assessors, each member	\$ 750.00	\$ 750.00
Board of Public Works, each member	\$ 500.00	\$ 500.00
Planning Board, each member	\$ 1,400.00	\$ 1,400.00
Board of Health, each member	\$ 700.00	\$ 700.00
Library Trustees, each member	\$ 250.00	\$ 250.00
Chairman, School Committee	\$ 750.00	\$ 750.00
School Committee, each member	\$ 600.00	\$ 600.00

(By the Elected Officials)

Article 3: To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow sums of money as may be necessary to defray Town charges from July 1, 2013 to June 30, 2014 as set forth in the budget contained in "Recommendations of the Board of Selectmen and Finance Committee", which report is on file with the Town Clerk, or take any other action relative thereto.
(By Board of Selectmen & Finance Committee)

Article 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow sums of money for the purpose of funding operating expenses and debt service requirements of the North Carver Water District, or take any other action relative thereto.
(By the North Carver Water District Commissioners)

Article 5: To see if the Town will vote to raise and appropriate, or transfer from available funds or borrow sums of money for the purpose of funding a collective bargaining agreement with the following unions: Police, Clerical and Department of Public Works, or take any other action thereto.
(By the Board of Selectmen)

Article 6: To see if the Town will vote to raise and appropriate, or transfer from available funds \$25,000 for the purpose of providing funds for professional services related to our Town Bylaw 4.3.3.

Current Town Bylaw 4.3.3.: The Finance Committee shall have authority at any time to investigate the Town's accounts and the management of any department. The books, records and accounts of all departments of the Town shall be open to the inspection of the Finance Committee, or any of its authorized sub-committees, or any person authorized to act for said committees.

(By Board of Selectmen & Finance Committee)

CAPITAL EXPENDITURES:

Article 7: To see if the Town will vote to raise and appropriate, transfer from available funds, borrow or lease sums of money for the purpose of funding the following capital expenditures and to authorize the designated Town officials to enter into agreements and take any other actions necessary to effectuate the purposes of this vote, including but not limited to authorizing such officials to dispose of any existing equipment to be replaced by sale or trade:

- **Police Department:**

- A. A sum of money in the amount of eighty thousand dollars (\$80,000) for the purpose of purchasing two (2) police cruisers, said sum to be expended by the Police Chief;

- B. A sum of money in the amount of nineteen thousand dollars (\$19,000) for the purpose of purchasing new weapons, related gear, and ammunition, said sum to be expended by the Police Chief;

- **Fire Department:**

- A. A sum of money in the amount of Forty Four Thousand and Five Hundred Dollars (\$44,500.00), for the purpose of replacing and equipping the Fire Department's existing Command Car 1, said sum to be expended by the Fire Chief;

- B. A sum of money in the amount of Fifty Thousand Dollars (\$50,000.00), for the purpose of replacing large diameter fire hoses, small diameter fire attack hoses, miscellaneous fire nozzles and related adapters and equipment. Said sum to be expended by the Fire Chief;

C. A sum of money in the amount of Forty Thousand Dollars (\$40,000.00), for the purpose of rehabbing our existing 1989 Fire Water Tanker, said sum to be expended by the Fire Chief;

- **DPW:** A sum of money in the amount of Fifty Five Thousand Dollars (\$55,000.00) to purchase and equip a one ton dump truck with stainless steel body and plow, said sum to be expended by the Department of Public Works;

- **Buildings and Grounds:**

A. A sum of money in the amount of Thirty Thousand Dollars (\$30,000.00) to replace the asphalt shingled roof on the older section of the Ambulance Building and the front half of the old DPW building, said sum to be expended by the Building and Grounds Department;

B. A sum of money in the amount of Thirty-Nine Thousand Fifty Dollars (\$39,050.00) to Sealcoat, Paint Parking Spaces and Repair Cracks in the pavement parking areas at the Town Hall, Police, Ambulance, Library and Fire Stations #1, 2, 3, said sum to be expended by the Buildings and Grounds Department;

C. A sum of money in the amount of Thirty-Six Thousand Five Hundred Dollars (\$36,500.00) to replace the HVAC System at the police Station, said sum to be expended by the Buildings and Grounds Department;

D. A sum of money in the amount of Two Thousand Eight Hundred Dollars (\$2,800.00) to have the Municipal Well 8,000 Gallon Water Tank Cleaned, said sum to be expended by the Buildings and Grounds Department; and

- **School Department:**

MIDDLE/HIGH SCHOOL BUILDING:

Comprehensive building survey \$20,000

CENTRAL ADMINISTRATION

Painting of building's exterior 25,000

Replace caravan with 1 ton plow truck 35,000

TRANSPORTATION

Two 71 passenger school buses 174,000

Two mini-vans 52,000

One handicap passenger bus 80,000

TECHNOLOGY

Ongoing tech upgrades – MCAS, H/W, S/W, Network, Infrastructure, Maintenance 100,000

DISTRICT-WIDE

Security upgrade to school building entrances 100,000

\$586,000

Said sums to be expended by the School Superintendent; or take any other action relative thereto.

PETITION ARTICLES:

Article 8: To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Three Thousand Five Hundred Dollars (\$3,500.00) to support South Coastal Counties Legal Services, Inc.'s continued free legal services in civil matters to low-income and elderly Families, or take any other action relative thereto.

(By Petition)

Article 9: To see if the Town of Carver will vote to raise or appropriate or transfer from available funds, the sum of Three Thousand Dollars (\$3,000.00) to contract with South Shore Women's Resource Center for domestic violence intervention and prevention services for its residents, or take any other action relative thereto.
(By Petition)

Article 10: To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of Four Thousand Dollars (\$4,000.00) to South Shore Community Action Council, Inc. for services to low-income families and elderly residents in the Town of Carver, or take any other action relative thereto.
(By Petition)

Article 11: To see if the Town will vote to raise, appropriate, or transfer from available funds a sum of money to support the Plymouth Area Coalition for the Homeless, Inc. in their services to homeless and other low income families in the amount of Five Thousand Dollars (\$5,000.00), or take any other action relative thereto.
(By Petition)

Article 12: To see if the Town will vote to add the following to Section 2.2.8 to the Carver General ByLaws:

A selectman may not hold any other elective or compensated office under government of the Town of Carver during the term for which he/she is elected, nor any compensative appointive town office or employment for one year thereafter. Also, that any member of the Board of Selectmen serving in such capacity at the time of adoption of this section shall be allowed to complete his/her current term of office on the Board prior to being subject to the requirements of this vote, or take any action relative thereto.

(By Petition)

Article 13: Swearing in of Elected and Appointed Officials:

Swearing in of all Persons Elected or Appointed to serve the Town of Carver must be sworn in prior to acting in any capacity of the Elected or Appointed position. The Appointing Authority will notify the Town Clerk of appointment. The Town Clerk will notify the Elected or appointed person to schedule the swearing in. If the Elected or Appointed person fails to be sworn in, the Person will be fined \$25.00 for each week not sworn in. The fine must be deposited in the general fund.

(By Petition)

Article 14: See Attached Definition Changes: Accessory Apartment, Bathroom facilities, Dwelling unit, Dwelling 2 Family Duplex or 2 family Dwelling, Family, Single family home, Family Dwelling Addition.

To add, remove or change the following definitions:

Accessory Apartment: Accessory Apartment shall mean a dwelling unit located in or attached to an existing single family home, In accordance with the provisions of Section 2260, herein. Not to be considered a 2 family.

Bathroom facilities: A sink with plumbing, a toilet and a shower stall or a Bathtub with shower capabilities.

Dwelling unit: shall mean a building or part of a building occupied or suitable for occupancy as a residence and arranged for the use of one or more individuals living together with kitchen facilities, living, bathroom facilities and sleeping facilities.

Dwelling two family: remove...

Duplex or Two-Family Dwelling: A building containing two (2) dwelling units attached or within a dwelling with separate electrical meters. Excluding, Single family with Accessory Apartment or Family dwelling addition.

Family: shall be defined as individuals related by blood, marriage or adoption; Up to 6 unrelated individuals cohabitating together due to handicap status; 2 adults cohabitating together including their blood or adopted relatives; in order to provide for activities of daily living, provide spiritual, financial and mutual support.

Single Family Home: A single dwelling unit, used for family and can include multiple kitchen facilities utilizing one electrical meter.

Family Dwelling Addition: an addition to a single family home for the exclusive use of family. Not to be used for non-family or considered an Accessory Apartment.

(By Petition)

Article 15: See Attached – Family Dwelling Addition: conditions 1-5; use change.

Family Dwelling Addition: An addition to a single family home for the exclusive use of family (Blood, Marriage or adoption). To include a Kitchen facility, Bathing facility, living and sleeping space. Not to be used for non-family or considered an accessory apartment. This is a by-right use.

Conditions:

1. Not to be used for non-family, rental
2. Only one Electrical Meter.
3. Must be unrestricted access to all areas of the Single Family Home.
4. Not to be considered a 2 family.
5. Cannot be converted to a 2 family home.

If Property Owner wishes to use the Family Dwelling Addition for non-family he must go before the ZBA for change of use to an Accessory Apartment.

(By Petition)

Article 16: To see if the Town will vote to transfer from available funds a sum of money established by the State which may be used for State Aid Construction and Improvements under the Acts of 2009, as amended, Chapter 90 apportionment to meet the State's share of the cost of the work reimbursement received there from to be paid to the treasury, or take any other action relative thereto.

(By the DPW Commissioners and Superintendent)

Article 17: To see if the Town will vote to transfer the sum of Ten Thousand Three Hundred Nineteen Dollars and Fifty Cents (\$10,319.50) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Four Thousand Six Hundred and Eighty Dollars and Fifty Cents (\$4,680.50) from the Expendable Trust Funds (cemetery perpetual care accounts only) for the purpose of meeting charges against the cemetery fund in the Town Treasury, or take any other action relative thereto.

(By the DPW Commissioners and Superintendent)

Article 18: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of Fifteen Thousand Dollars (\$15,000.00) for the purpose of repairing Private Ways under Chapter 40, Section 6N as amended of the Massachusetts General Laws to be under the direction of the Department of Public Works, or take any other action relative thereto.

(By the DPW Commissioners and Superintendent)

Article 19: To see if the Town will vote to transfer from available funds a sum of money to be placed into the Town's Capital Building Stabilization Fund, or take any other action relative thereto.
(By the Town Building Study Committee)

Article 20: To see if the Town will vote to raise and appropriate or take from available funds in the Treasury or borrow Eleven Thousand Dollars (\$11,000.00) to fund the Carver Visiting Nurse Division of The Visiting Nurse Association of Cape Cod (Cape Cod VNA) budget for professional services for the fiscal year July 1, 2013 - June 30, 2014, or take any other action relative thereto.
(By the Board of Health)

Article 21: To see if the town will vote to raise and appropriate or transfer from available funds the sum of Five Hundred Dollars (\$500.00) for the purpose of meeting expenses associated with Old Home Day, said sums to be expended under the direction of the Board of Selectmen, or take any other action relative thereto.
(By the Board of Selectmen)

Article 22: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of One Hundred Seventy-Five Dollars (\$175.00) to be expended by the Trustees for Plymouth County Cooperative Extension Service, and choose a Director in accordance with the provisions of M.G.L. Chapter 128 §41 and 42, said expenditure to be under the direction of the Board of Selectmen, or take any other action relative thereto.
(By the Board of Selectmen)

Article 23: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Seven Thousand Dollars (\$7,000.00) for the purpose of continuing maintenance and other expenses of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees, or take any other action relative thereto.
(By the Marcus Atwood House Trustees)

Article 24 : To see if the Town will approve the establishment by the Old Colony Regional Vocational Technical High School District of a so-called "Stabilization Fund" consistent with Massachusetts General Laws, Chapter 71, Section 16G½ and as previously approved by the Old Colony Regional Vocational Technical High School District.
(By OCRVTHS Superintendent)

Article 25: To see if the Town will vote to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, §53E ½:

- Library Fines and Passport Revolving Account to which shall be deposited monies from overdue fines, damaged/lost books levies and passport revenues and from which the Director may make expenditures for the purpose of purchasing library materials. Expenditures for FY2014 from such fund not to exceed Twelve Thousand Dollars (\$12,000.00).
(By the Library Trustees)
- Transportation Revolving Account for the Council on Aging which in addition to items provided by said statute shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority ("GATRA") vehicles used by the Council on Aging) and salaries and expenses for part-time employees used relative thereto: (2) that departmental receipts consisting of reimbursement of GATRA of transportation expenditures, fares and all other receipts, shall be credited to the revolving fund: (3) that the Council on Aging Director shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during

FY2014 shall be One Hundred Thousand Dollars (\$100,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

(By the Council on Aging)

- Council on Aging Nutrition Revolving Account for the purpose of depositing receipts from the lunch and Meals on Wheels programs, and any other Council on Aging sponsored meal functions to be expended by the Council on Aging for lunches, Meals on Wheels programs, and other Council on Aging sponsored meal functions, not to exceed Thirty Thousand Dollars (\$30,000.00).

(By the Council on Aging)

- Earth Removal Fee Revolving Account to which shall be deposited fees collected for earth removal inspections for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for FY2014, said funds shall be under the direction of the Earth Removal Committee.

(By the Earth Removal Committee)

- Wiring, Plumbing and Gas Permit Fee Revolving Account to use Seventy-Five Percent (75%) of Wiring, Plumbing, and Gas permit fees collected to pay the wages of those Inspectors. Expenditures for FY2014 from such fund not to exceed One Hundred Thousand Dollars (\$100,000.00), said funds shall be under the direction of the Building Commissioner.

(By the Board of Selectmen)

- Marcus Atwood House Revolving Account for rental and other fees collected for the use of the Marcus Atwood House to be used for the ongoing maintenance, and upkeep expenses for the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for FY2014 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00).

(By the Marcus Atwood House Trustees)

- Cole Property Maintenance Revolving Account for receipts and other fees collected for the upkeep and maintenance of Town-owned cranberry bogs on the 221 acre Town-owned property known as the "Cole Property," and for the maintenance, upgrading and construction of trails and general maintenance and land stewardship on said 221 acre Town-owned "Cole Property," said sums to be under the direction of the Conservation Commission and Agricultural Commission. Expenditures for FY2014 from such funds not to exceed Twenty Thousand Dollars (\$20,000.00).

(By the Conservation Commission/Agricultural Commission)

- Fire Department Revolving Account for reimbursable incidents allowed under Massachusetts General Laws Chapter 21E involving hazardous materials releases. Receipts generated shall be deposited into this revolving fund and expenditures to replace, repair or purchase equipment & supplies and to fund administrative and call firefighter wage expenses associated with fire operations and responses to hazardous material incidents, said sums to be under the direction of the Fire Chief. Expenditures for FY 2014 not to exceed Thirty Thousand Dollars (\$30,000.00).

(By the Fire Chief)

- Recreation Committee revolving account to collect and disburse of funds for services provided to Town residents for recreation activities, said funds are to be under the jurisdiction of the Recreation Committee. Expenditures for FY 2014 not to exceed Twenty Thousand Dollars (\$20,000.00).

(By the Recreation Committee)

- Business Development Commission (BDC) revolving account to which shall be deposited monies from fees collected from website listings from which the BDC may make expenditures for the

purpose of promoting and updating the website to increase local business interest, said funds are to be expended under the jurisdiction of the Business Development Commission. Expenditures for FY2014 not to exceed Ten Thousand Dollars (\$10,000.00).

(By the Business Development Commission)

- Municipal Insurance Revolving Account to which shall be deposited reimbursements from insurers for Injured on Duty medical claims, and from which the Town, through the Board of Selectmen, may make expenditures for the purposes of paying for said claims. Expenditures for FY 2014 from such fund shall not exceed Seventy-Five Thousand Dollars (\$75,000.00).

(By the Board of Selectmen)

; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE ARTICLES:

Article 26: To see if the Town will vote to appropriate One-Hundred and Fifty Thousand Dollars (\$150,000.00) from the Community Preservation FY 2014 Estimated Annual Fund Revenues to the Carver Local Housing Partnership Committee for the purpose of funding the Carver Purchase and Rehabilitate Program. Said program is intended to reclaim abandoned foreclosed properties in Carver, rehabilitate this property and re-sell it to a low/moderate income family. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Local Housing Partnership Committee, the Carver Housing Trust and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 27: To see if the Town will vote to appropriate One-Hundred and Twenty Thousand Dollars (\$120,000.00) from the Community Preservation FY 2014 Estimated Annual Fund Revenues to the Carver Recreation Committee for the purpose of funding recreational feasibility studies with engineering and design for the Town owned properties at Savery Meadow and Church Street. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Recreation Committee and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 28: To see if the Town will vote to appropriate a sum of money from the Community Preservation FY 2014 Estimated Annual Fund Revenues or the Undesignated Fund Balance to make the required annual debt service payment on the purchase of +/-98 acres of land known as the western portion of the Cole property as referred to as Parcel 1 in Article 1 at the Special Town Meeting held on December 11, 2006, which purchase was authorized thereunder, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Conservation Commission and the Board of Selectmen, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 29: To see if the Town will vote to transfer a sum of money from the FY 2014 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Historic Resources Reserve the Community Open Space Reserve and the Community Housing Reserve to meet the requirement that 10% of the Estimated Annual Fund Revenues be spent or set aside for future spending for each of the three purposes of the Community Preservation Act, or take any other action relative thereto.

(By the Community Preservation Committee)

Article 30: To see if the Town will appropriate a sum of money from the FY2014 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY2014 Community Preservation Fund Estimated Annual Fund Revenues or _____ Dollars (\$_____) (an amount to be finalized by the Town Accountant) for the purpose of meeting annual

operating expenses of the Community Preservation Committee. Funds not expended in the Fiscal Year shall be returned to the general Community Preservation Act account, or take any other action relative thereto.

(By the Community Preservation Committee)

NON-MONEY ARTICLES:

Article 31: To see if the Town will vote to reduce the surcharge on real property due pursuant to the Community Preservation Act (G.L. c. 44B) from three per cent (3%) to one per cent (1%) of the real estate tax levy against real property in the Town; to place such reduction on the ballot at the next qualifying Town or State election for acceptance by the voters of the Town; or take any action related thereto.

(By Board of Selectmen)

Article 32: To see if the Town will vote to accept a deed in lieu of foreclosure from Diane Davison Sczcepanek, pursuant to the provision of M.G.L. Chapter 60, Section 77C to a parcel of land located on Tremont St, identified as Assessor's Map 10, Parcel 3-0, which is subject to a tax taking held by the Treasurer for unpaid real estate taxes, said parcel to be under the care, custody, control and management of the Board of Selectmen for general municipal purposes, or take any action relative thereto.

(By Board of Selectmen)

Article 33: To see if the Town will vote to replace Section 8.4.1 of the Town's General Bylaws relative to Political/Advertising Signs with the following, or take any other action relative thereto:

8.4.1. No Political or advertising signs shall be displayed on town property, except at polling places on the day of election. Political signs placed at polling places shall comply with the following requirements:

- a. No political sign shall be placed or held inside or on the polling place building or closer than 150 feet from the entrance to the building;
- b. Political signs may be displayed at polling places on the day of the election only;
- c. Political signs may be displayed at polling places beginning one hour prior to the opening of the polls and must be removed no more than one hour after the polls close;
- d. The candidate wishing to display such signs shall comply with sections 8.4.2 and 8.4.4 of this Bylaw; and
- e. Advertising signs shall not be permitted at polling places.

(By Police Department)

Article 34: To see if the Town will vote to add Section 8.6 to the Town's General Bylaws relative to Licensing and Regulation in regards to Pawnbrokers and Second Hand Dealers as set forth below, or take any other action relative thereto:

CHAPTER 8.6. PAWNBROKERS AND SECONDHAND DEALERS

8.6.1. Purpose.

8.6.2. Definitions.

8.6.3. Licensing authority.

8.6.4. License required; application requirements.

8.6.5. Transaction records.

8.6.6. Identification of sellers required; age restriction.

8.6.7. Holding period for purchases and pawns.

8.6.8. Reports of transactions.

8.6.9. Inspection of records and premises.

8.6.10. Violations and penalties.

GENERAL REFERENCES

8.6.1. Purpose.

This Bylaw is adopted for the purpose of regulating transactions in items which have been historically shown to be subject to theft and illicit transfer. The function of this Bylaw is to discourage such theft and illicit transfer from occurring within the Town and to mandate the keeping of certain records which will assist victims of theft in recovering their stolen property and which will assist law enforcement authorities in the apprehension of perpetrators of theft and detection of regulated parties intentionally transacting business in stolen property. This chapter has been enacted pursuant to the authority granted to the Town of Carver by Massachusetts General Law, Chapter 140 sections 54 - 55, 70 - 84 and 202 - 205.

8.6.2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

COMMODITY METALS

Any metal traded on the commodity market including, but not limited to, gold, silver, platinum, brass, copper, copper alloy, aluminum, stainless steel, rhodium, palladium, titanium and magnesium.

PAWNBROKER

Any person, firm, partnership, or corporation whose business includes any transaction wherein there is the lending of money secured by taking possession of property, with interest charged thereon, with the right to sell the property if it is not redeemed. A person, firm, partnership or corporation shall be deemed to be a pawnbroker whether the transaction takes the form of a loan by the pawnbroker secured by the property or a sale to the pawnbroker with the right to repurchase within a specified period of time. Pawnbrokers are regulated according to Massachusetts General Law, Chapter 140 sec. 70 - 84 and Chapter 140 sec. 202 - 205.

PERSON

Any natural person, two or more natural persons acting in concert, corporations, partnerships, associations, joint stock companies and all other entities of any kind.

PROPERTY

Anything of value, including but not limited to jewelry, watches, clocks, diamonds or other precious stones or gems, gold, silver, platinum, other precious metals or commodity metals, musical instruments and equipment, cameras, furs, fur coats or other kinds of wearing apparel, televisions, DVD players, videocassette recorders and other electronic equipment, tools, computers and computer equipment, firearms, auto accessories and office and store fixtures and related equipment.

SECONDHAND DEALER

Any person, firm, partnership or corporation whose business is the retail buying, selling, buy-back, exchanging, dealing in or dealing with secondhand articles and property. Secondhand dealers are regulated according to Massachusetts General Law, Chapter 140 Sections. 54 - 55 and 202 - 205.

8.6.3. Licensing authority.

The Board of Selectmen may license such persons as they deem suitable to be pawnbrokers or secondhand dealers within the Town. All licenses so granted shall contain a clause that the person so licensed agrees to abide by and be subject to all provisions of this Bylaw and applicable provisions of the Massachusetts General Laws, as may be from time to time amended.

8.6.4. License required; application requirements.

No person, firm, partnership or corporation shall operate, conduct or engage in business as a pawnbroker or secondhand dealer unless such person, firm, partnership or corporation obtains a license from the Town of Carver through the Board of Selectmen in accordance Massachusetts General Law, Chapter 140 sections 54 - 55, 70 - 84 and 202 - 205, respectively. Applications for licenses for pawnbrokers or secondhand dealers shall be made in writing to the Town of Carver on forms provided by the Town of Carver.

- A. Investigation of applicant. All applications shall be submitted by the Board of Selectmen to the Chief of Police, who shall cause an investigation to be made of the fitness of the applicant and the applicant's employees to carry on the business of pawnbroker or secondhand dealer. The Chief of Police shall then report his or her findings to the Board of Selectmen.
- B. Location. The license shall be issued for a specific location within the Town of Carver and is not transferable to any other person or location without the express written consent of the Board of Selectmen.
- C. Fee. Upon approval by the Board of Selectmen, a fee of \$50 shall be paid by the applicant to the Board of Selectmen prior to the issuance of the license.
- D. Bond. The licensee shall, at the time of receiving such license, file with the Board of Selectmen a bond in the sum of three hundred dollars, with two sureties approved by the Board of Selectmen, and conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.
- E. Display of license. Licensees shall display their current license in a conspicuous place within the business where it may be readily viewed by the general public.
- F. Expiration; revocation. A numbered license shall be issued in December and take effect on January 1 of each year and shall continue in full force for a period of one year unless revoked prior to this date by the Board of Selectmen at any time after notice to the licensee and hearing on the charges preferred.

8.6.5. Transaction records.

- A. Every pawnbroker and secondhand dealer shall keep and maintain a complete written record of each transaction. This record, which must be kept on file for seven years, shall be in the English language and include a full and accurate detailed description, including serial numbers and identifying characteristics such as all markings, engravings, damage and gender specificity, of the item or items purchased, pawned or pledged; the date and time of such transaction; the clerk's name who conducted the transaction; the amount of money loaned and the rate of interest to be paid on said loans; the full name, date of birth and address of the seller or pledger; the name and address of the seller's or pledger's employer and a thumb print of the seller, absent smudges and smears.
- B. All property purchased, pawned or pledged shall be photographed with a digital camera or digital image scanner. A color digital image shall be saved in a manner to allow it to be electronically sent to the Carver Police Department as part of the transaction record.
- C. Miscellaneous amounts of jewelry will be separated and not photographed in one aggregate pile. The image shall be sent electronically in a PDF or JPG format.
- D. Pawnbrokers and second hand dealers shall also photograph any person pawning, selling or pledging articles and keep the photographs as part of the records required pursuant to this section.

8.6.6. Identification of sellers required; age restriction.

- A. Every pawnbroker and secondhand dealer shall require every seller or pledger of items to produce, in person, a valid positive photographic identification issued by a United States federal or state government agency. The identification used must include the seller's or pledger's full name, date of birth, and current street address. The identification must have been issued in the past five years. The type of identification used shall be noted on the transaction records. At no time shall a pawnbroker or secondhand dealer accept another person's photographic identification for any transaction. The pawnbroker or secondhand dealer shall attach a photocopy of the identification shown to the transaction record.
- B. No pawnbroker or secondhand dealer shall transact business with anyone who appears to be under the influence of drugs or alcohol.

8.6.7. Holding period for purchases and pawns.

- A. Every secondhand dealer shall retain possession of all property purchased for a twenty-one day period subsequent to the purchase thereof; provided, however, that any such item may be disposed of by the purchaser within such thirty-day period with the written permission of the Chief of Police.
- B. Property, including jewelry, shall be maintained in the condition in which it was received, and shall not be altered, damaged, or destroyed during the holding period for any purpose. Property must be maintained at the dealer's licensed location during the holding period. Property with damaged or defaced serial numbers or identifying characteristics shall not be accepted for purchase, pledge or pawn.
- C. Pawnbrokers shall retain nonperishable items for at least four months and perishable items for at least one month after the date of deposit for said article(s). Upon expiration of the holding period, said items may be disposed of in accordance with M.G.L. c. 140, §71.

8.6.8. Reports of transactions.

- A. Pawnbrokers and secondhand dealers shall electronically file documentation of all transaction records to the Chief of Police, within 24 hours of the end of said dealer's business day in which the transaction occurred. If during any week a pawnbroker or secondhand dealer has not purchased any items, he or she shall make a report of such fact to the Chief of Police on or before 10:00 a.m. of the first business day of the following week.
- B. The complete transaction record shall be submitted on one standard-size page. The transaction record shall include all of the information required by Section 8.6.5 of this Bylaw.
- C. Every pawnbroker and secondhand dealer shall use the transaction record form prescribed by the Town of Carver.

8.6.9. Inspection of records and premises.

Pawnbrokers and secondhand dealers shall retain each original transaction record in his or her possession for a period of seven years. The records, along with the respective property, shall be kept or stored in or upon the licensed premises. The licensed premises may be inspected at any time by a duly authorized police officer. Massachusetts General Law, Chapter 140 sec. 73 provides for this inspection process and Massachusetts General Law, Chapter 140 sec 74 makes any willful obstruction of the police a misdemeanor punishable by a fine of not more than \$200.00 or by imprisonment for not more than 1 year or both.

8.6.10. Violations and penalties.

- A. No Pawnbroker or secondhand dealer shall transact business with anyone under 18 years of age.
- B. No pawnbroker or secondhand dealer shall transact business at other any place than the one designated on the license.

C. No pawnbroker or secondhand dealer shall transact business after the license expires or is revoked.

D. No pawnbroker or secondhand dealer shall accept any property of any kind, which is distinctly and plainly marked as being the property of any person other than the person offering the property unless the person offering the property shows satisfactory evidence to show that they are the legal owner or legal representative of the person identified on the markings. This evidence shall be kept with the required records of the transaction.

E. Any pawnbroker or secondhand dealer and their employees who know or reasonably believe that property being offered if stolen, it shall be the duty of such person to report the same at once to the Carver Police.

F. All pawnbrokers and secondhand dealers shall refrain from paying cash for precious metals and articles purchased that will be liquidated, melted down or resold. The preferred method of payment should be a business check which can be traced back to the recipient.

8.6.11. Violations and penalties.

A. The Board of Selectmen may, independently or upon recommendation from the Chief of Police, suspend or revoke said license for any violation of this Bylaw, or any other applicable federal, state or local law or for reasons it deems to be in the best interest of the Town, after a hearing.

Notice of the suspension or revocation will be made, in writing, to the owner(s) of the business within five business days of said hearing.

B. This Bylaw may be enforced by any Town of Carver Police Officer. Any person found violating any provision of this Bylaw may be penalized by a noncriminal disposition process as provided in M.G.L. c. 40, §21D and the Town's non-criminal disposition bylaw. If non-criminal disposition is elected, then any person who violates any provision of this Bylaw shall be subject to a penalty in the amount of \$100.

C. Any person found violating any provision of this Bylaw may be penalized by indictment or complaint brought in the District Court. Except as otherwise provided by law and as the District Court may see fit to impose, the maximum penalty for each violation of offense shall be \$100.

D. The Town may enforce this Bylaw or enjoin violations thereof through any lawful process, and the election of one remedy shall not preclude enforcement through other lawful means.

E. Each day a violation exists shall be considered a separate offense.

8.6.12. Severability

The provisions of this chapter shall be severable, and if any phrase, clause, sentence or provision of these regulations shall, for any reason, be held invalid or unconstitutional, the validity of the remainder of these regulations shall not be affected thereby.

(By Police Department)

Article 35: To see if the town will vote to amend the Town's Zoning Bylaw by adding a new Section 4950, Temporary Moratorium On Medical Marijuana Treatment Centers, that would provide as follows, and further to amend the Table of Contents to add Section 4950, "Temporary Moratorium on Medical Marijuana Treatment Centers:"

Section 4950 Temporary Moratorium on Medical Marijuana Treatment Centers

A. Purpose

In the November 2012 election, the voters of the Commonwealth approved a law regulating the cultivation, distribution, possession, and use of marijuana for medical purposes. The law provides that it is effective on January 1, 2013, and the MA Department of Public Health is required to issue regulations regarding implementation within 120 days of the law's effective date. Currently under the Zoning Bylaw, a medical marijuana treatment center is not a permitted use in the Town, and any regulations promulgated by the State Department of Public Health are expected to provide guidance to the Town in regulating medical marijuana, including medical marijuana treatment centers. The regulation of medical marijuana raises novel and complex legal, planning, and public safety issues, and the Town needs time to study and consider the regulation of medical marijuana treatment centers and address such novel and complex issues, as well as to address the potential impact of the State regulations on local zoning and to undertake a planning process to consider amending the Zoning Bylaw regarding regulation of medical marijuana treatment centers and other uses related to the regulation of medical marijuana. The Town of Carver intends to adopt a temporary moratorium on the use of land and structures in the Town for medical marijuana treatment centers so as to allow the Town sufficient time to engage in a planning process to address the effects of such structures and uses in the Town and to enact bylaws in a manner consistent with sound land use planning goals and objectives.

B. Definition

“Medical Marijuana Treatment Center” shall mean a “not-for-profit” entity, as defined by Massachusetts law only, registered by the Department of Public Health, that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers, marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers.”

C. Temporary Moratorium

For the reasons set forth above and notwithstanding any other provision to the Zoning Bylaw to the contrary, the Town hereby adopts a temporary moratorium on the use of land or structures for a medical marijuana treatment center. The moratorium shall be in effect through June 3, 2014. During the moratorium period, the Town shall undertake a planning process to address the potential impacts of medical marijuana in the Town, consider the Department of Public Health regulations regarding medical marijuana treatment facilities and related uses, and shall consider adopting new Zoning Bylaws to address the impact and operation of medical marijuana treatment centers and related uses.

(By the Planning Board)

Article 36: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or otherwise, title to a certain parcel of land in the town of Carver known as “Julian Grove”, situated on the Westerly side of Wareham Street, containing 81,126 square feet of area, more or less, and shown as Map 9, lot 8 on a plan of land recorded at Plymouth Registry of Deeds in Plan Book 57, page 292; and thereafter hold, administer and maintain said land as a playground and/or park for passive recreational purposes, subject to all restrictions and conditions heretofore existing in a declaration of trust dated September 8, 1915, and duly recorded at Plymouth Registry of Deeds in Book 1230, page 495, or take any action relative thereto.

(By Board of Selectmen)

Article 37: To see if the Town will vote to authorize a revolving account known as the “Julian Grove Revolving Account” to which shall be deposited donations received for the maintenance and support of the Town-owned land known as “Julian Grove”, to be used for the maintenance and support of such property, said sums to be under the direction of the Board of Selectmen. Expenditures for FY 2014 for such funds shall not exceed \$ _____, or take any other action relative thereto.

(By Board of Selectmen)

Article 38: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift or otherwise, a certain sum of money for the maintenance and support of that land in the Town of Carver known as "Julian Grove", situated on the Westerly side of Wareham Street, containing 81,126 square feet of area, more or less, and shown as Map 9, lot 8 on a plan of land recorded at Plymouth Registry of Deeds in Plan Book 57, page 292, as a park for passive recreational purposes, subject to all restrictions and conditions heretofore existing in a declaration of trust dated September 8, 1915, and duly recorded at Plymouth Registry of Deeds in Book 1230, page 495, or take any other action thereto.

(By Board of Selectmen)

Article 39: To see if the Town will vote to accept as a public way Marion Drive and also to acquire or accept as a gift the land containing the roadway, as described by deed, as well as any related easements shown on the plan, or take any other action relative thereto.

(By the Planning Board)

Article 40: To see if the Town will vote to amend the Zoning Map by changing from Residential-Agricultural (RA) to Industrial "A" (IA) a certain parcel of land containing 301 acres, more or less, situated on the easterly side of Federal Road, consisting of all of Assessors Map 131 Lots 4-2 and 4-3 and a portion of Lot 2-4, as shown on a plan entitled "Proposed IA Zoning Sketch: Off Federal Road, Carver, MA", prepared for A.D. Makepeace Company by G.A.F. Engineering, Inc., or take any other action relative thereto.

(By Planning Board)

And you are directed to serve this warrant by posting attested copies thereof at the several places designated by vote of the Town seven days at least before the time of holding said meeting.

Hereof fail not and make due return of this warrant, with your doings thereon at the time and place of meeting aforesaid.

Given under our hands this Day of May in the Year Two Thousand and Thirteen.

CARVER BOARD OF SELECTMEN

Michael O'Connell
John A. ...
Richard F. Ward
Sarah R. Hawkins

Pursuant to the above warrant, I have notified and warned the inhabitants of Carver qualified to vote in Town affairs to meet at the time and place and for the purpose therein expressed by posting attested copies thereof in the Town Hall and in each of the Fire Stations and Post Offices in Carver as required by law seven days at least before the time of said meeting.

5/21/13
Date
A True Copy Attest
John W. Kelley
Constable