



2020 ANNUAL TOWN MEETING MINUTES

The 228th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday June 29, 2020 at the Carver High School Auditorium at 7:00 PM pursuant to the Warrant of The Select Board dated June 17, 2020. The meeting was called to order at 7:04 PM by Moderator Sean Clancey, there being a quorum of 84 present. The total registered voters at this time were 8449. Moderator Sean Clancey led the voters in the Pledge of Allegiance to the Flag followed by a moment of silence. The Moderator recognized retirees at this time and presented Tom Walsh with a proclamation for his many years of service to the Town. The tellers were duly sworn in by Town Clerk; Cara L. Dahill. The tellers were as follows: Paul Frongillo, Jeffrey Demaura, Robert Bentley, Maureen Townsend and Ellen Blanchard. School Superintendent; Scott Knief, Members of the School Committee, Select Board, Interim Town Administrator; Richard Lafond, Town Counsel; Greg Corbo, Town Clerk; Cara L. Dahill, Finance Director; Meg Lemay, Capital Outlay Committee and Finance Committee were introduced by the Moderator.

An introduction to town meeting procedures, an overview of the Warrant and instructions on how to participate in town meeting were made by the Moderator.

Town Meeting waived the reading of the Warrant with no objections.

ARTICLE 1: ANNUAL TOWN REPORT

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2019, and to hear the reports of any Committee heretofore chosen and act thereon; to abolish any special committee not submitting a report which is required to do so including Medical Marijuana Center by-law sub-committee and Shurtleff Park Committee, unless otherwise voted; and to establish any new committee or take any other action related thereto.

ARTICLE 1: VOTE

Motion was made by Robert Belbin and duly seconded, that the Town approve the 2019 Annual report and Abolish Medical Marijuana Center by-law sub-committee and Shurtleff Park Committee.

Motion Passed Unanimously

ARTICLE 2: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL 2020

To see if the Town will vote to transfer from the available fund a sum or sums of money to be expended by the Town Administrator for various departmental budgets for the remainder of the fiscal year ending June 30, 2020, or to decrease or otherwise adjust any budget line item as appropriated by the Town at the Annual Town Meeting held on April 22, 2019, or to fund any other deficits for fiscal year 2020, or to take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: The Town Financial Policy #2 provides in part, "The Town will avoid all budgetary procedures that balance current expenditures at the expense of meeting future years' expenses, such as postponing expenditures...." This article proposes a transfer from the departmental budget that the Finance Director has determined to have surplus funds to cover a projected deficit in stated account.

ARTICLE 2 VOTE:

Motion made by Robert Belbin and seconded to move that the Town make the Fiscal Year 2020 budget transfer shown below:

From:	To:	Amount
<i>Cranberry Village Retained Earnings</i>	<i>Cranberry Village Enterprise Fund Operating Budget</i>	\$7,500
	TOTAL:	\$7,500

(Majority Vote Required)

Recommendation: Select Board 5-0, Finance Committee 10-0

Motion Passed Unanimously

ARTICLE 3: ALLOCATION OF FUNDS FROM FISCAL 2020 FREE CASH

To see if the Town will vote to transfer from free cash, in the amounts and for the purposes specified below, including all incidental and related costs:

<u>Transfer to:</u>	<u>Amount (not to exceed)</u>
A. Town / School Special Education Reserve FY21	\$100,000
B. Recreation Committee Support Funding for Programs and Activities FY21	\$22,500
C. Town-wide radio system / infrastructure priority 1&2 FY20	\$576,000
D. Emergency Radio Communication Maintenance Operating Fund FY21	\$50,000
E. Town Wide – O&M field maintenance and supplies FY21	\$45,000
F. Town-Hall complex & senior housing fire suppression cistern at Police Station FY20	\$262,530
G. North Carver Water District for well and infrastructure debt FY21	\$200,000

H. Transitional Funding for Interim Town Administrator & Executive Consultant Contract	\$99,000
TOTAL	\$1,355,030

- A. *The School Special Education Reserve is to protect mid-year anomalies that may occur out of the reasonable control of the School District. For example, a student who moves into Carver that has special needs and that could not be accommodated within the district would need to be transported to and from an out of district special tuition based school designed to meet that students specialized needs that could result in a cost to the district of potentially \$100,000 or more per student. Without this specialized fund, the school would be forced to potentially lay off a teacher(s) midyear for each new student as the school is required to provide these specialized services. This fund would only pay for those costs on a one-time basis as they will be incorporated into the next year's annual budget that were unforeseen at the time the annual budget was developed as of February 1st.*
- B. *The Recreation Committee has implemented consistent programs to the community and the rollout of a website by paying for programs and a stipend for a part-time employee to seek out, plan and offer a variety of activities for all ages, while working in tandem with the School District and Town.*
- C. *The amount of \$576,000 will be combined with a CCCIT Grant for \$99,000 to fund Phases #1 and #2 of a four Phase Public Safety/Town Wide Radio Infrastructure Upgrade Project. The upgrades are divided into Phases/Priority's #1, #2, #3, and #4. Phases #1 and #2 will upgrade the following: Repeaters and Receivers for Police, Fire, EMS and DPW Radio Systems, upgraded Monitor Fire and EMS Pagers, Communications Tower Construction and Tower loading, School Bi-Directional Amplification System (BDA), replacement Repeater Site Generator, Public Safety Fiber Line Extension to Public Safety Repeater Site at rear of 31 Main Street, upgrades to the Public Safety Microwave Link System, Communications Equipment for the Public Safety Dispatch Facility, new Repeater System for Council of Aging and miscellaneous radio system upgrades.*
- D. *Purpose of fund is to establish monies used for preventative maintenance, unforeseen upgrades, continued modernization and repairs to our Public Safety Radio Systems Infrastructure. Fund would be overseen via the direction of a new formed Public Safety / Town Wide Communication Committee (Police Chief, EMS Chief, Fire Chief, Town Administrator, EMD Director, DPW Rep, and School Superintendent)*
- E. *Town Wide – O&M Field Maintenance and Supplies to supplement the school budget and transfer this responsibility to the O&M department that will allow the school to fund the part-time art teacher by transferring funds within the school district budget*
- F. *Funding will install a 30,000 Gallon Fire Suppression Cistern, Fire Pump, and necessary controls in the outbuilding at the new Police Station. The cistern and fire pump will provide pressurized water to the fire sprinkler protection system already incorporated into the new Police Station. The system will also supply a pressurized fire hydrant located near the Town Library that will be utilized for increased fire protection to Carver Housing, Senior Housing and Town Municipal buildings in the area. System will have some capability to supply municipal buildings with future fire protection, if needed.*
- G. *An amount of \$200,000 for the NCWD Enterprise Fund is intended to close an anticipated FY2021 revenue deficit to cover capital debt costs that is an obligation of the Town.*
- H. *This amount is needed to supplement the salary needed to fulfill the contractual obligations for the Interim Town Administrator & Executive Consultant.*

ARTICLE 3 VOTE:

Motion was duly made by Robert Belbin and seconded, to move that the Town approve Article 3 in the amounts and for the purposes as set forth in the Warrant.

(Majority Vote Required)

Motion Passed Unanimously

ARTICLE 4: FISCAL YEAR 2021 OPERATING BUDGETS FOR TOWN AND ENTERPRISE FUNDS; FUNDING FOR OPEB TRUST, AND STABILIZATION FUNDS.

To see if the Town will vote to raise and appropriate or transfer from available funds or otherwise provide the following sums to fix the salaries and compensation of Elected Officers, for the payment of Personnel Services, Expenses, Capital Outlays, Debt Service, OPEB Trust Fund, Capital Stabilization, Stabilization Fund, and otherwise, of Town Departments, Water Enterprise Funds, Water Betterment Debt Stabilization Fund, and to modify the FY21 Wage and Salary Pay Scale, Wage & Salary Classification Plan for Elected and Non-union Employees, and Organizational Chart for all positions, and appropriate the difference between the levy net and the levy limit to the Capital and Debt Stabilization Fund, and to establish spending limits for the Town's revolving funds, all as specified below:

PART A

1. FY 21 Town-Wide Organizational Chart – Whole Town (Appendix A)
2. FY 21 Town-Wide Organizational Chart – Finance Department (Appendix A)
3. FY 21 Wage & Salary Pay Scale (Appendix B)
4. FY 21 Wage & Salary Classification Plan for Elected & Non-union Employees (Appendix C)

PART B

Operating Budget (Funded from Taxation and Transfers from Available Funds), see budget detail in Appendix D and E for Informational Purposes

<u>Category</u>	<u>Amount (not to exceed)</u>
Town-Wide Shared Budget	
Shared Budget (Snow & Ice, Old Colony Vo-Tech, excluded debt, transfer etc.)	\$7,156,744
General Government Budget	
General Government Budget (salaries & expenditures)	\$2,601,097
Public Safety (salaries & expenditures)	\$3,076,262
Public Works and Facilities (salaries & expenditures)	\$1,388,333
Human Services (salaries & expenditures)	\$849,150
Benefits and other town shared cost	<u>\$2,627,504</u>
TOWN SHARE OF BUDGET:	\$10,542,346

General Government Budget paid directly by fees

General Government Budget (salaries & expenditures funded by EMS/EMA/indirect cost)
\$953,635

School Budget

School General Budget (salaries & expenditures) \$24,237,099

PART C

Enterprise Funds (*funded from receipts*)

North Carver Water District FY 21 (salary, expenses, capital, debt, etc.)	\$297,306
North Carver Water District Betterment Debt Stabilization Fund	\$4,452
Cranberry Village FY 21 (salary, expenses, capital, debt, etc.)	\$35,099

SELECT BOARD

INFORMATIONAL SUMMARY:

- *Part A is a non-monetary portion of the article establishing the salaries and compensation of elected and appointed Town officials and employees and for Town Meeting to approve the employee organizational chart;*
- *Part B presents the Town-wide shared cost, the Town's operating budget broken into four categories, Town's operating paid by fee for service, and the School's operating budget. The 10-year pro-forma in appendix D includes \$9,007,015 for expenditures of which \$1,850,271 are direct assessments from the state or overlay account that the Town never receives. These assessment amounts are removed from Carver's "Cherry Sheet", the listing of amounts the Town receives as state aid, prior to the Town receiving these funds and therefore are not part of the budget approval. \$99,000 from Free Cash was added to the General Government portion.*
- *Part C are the annual budgets for the North Carver Water District and Cranberry Village Enterprise Funds.*

The 2014 Annual Town Meeting approved a modified "bottom-line budget", with a line-by-line breakdown by department provided in Appendix E for informational purposes. We have again set forth in Appendix E, a summary of the detailed line-item budget approved by the Select Board and Finance Committee that must be followed by all departments. Once Town Meeting establishes the budget for each identified category, the Town Administrator and Finance Director, with the approval of the Select Board, will be able to allocate the funding amongst the various line items in each such category as needed during the course of the fiscal year to most efficiently manage operational requirements. The School Committee as detailed in the Town Audit is also required to vote on budget transfers within its School General Budget as approved by the School Committee.

PROPOSED MOTION: I move that the Town approve amendments to the Town-Wide Organizational Chart for FY21, as set forth in Appendix A, the Town-Wide FY21 Wage and Salary Pay Scale, as set forth in Appendix B and the Town-Wide Wage and Salary Classification Plan for Elected and Non-Union Employees for FY21, as set forth in Appendix C and creation of Middle/High School Stabilization Fund;

and, that the Town raise and appropriate the sum of \$41,858,444, transfer from a Fund Balance Reserved for Reduction of Excluded Debt the sum of \$77,745, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$858,477, transfer from Entergy Grant the sum of \$7,500, transfer from the North Carver Water District receipts the sum of \$54,126, transfer from Cranberry Village receipts the sum of \$13,532 and transfer from Cemetery Receipts Reserved for Appropriation the sum of \$20,000, all to be allocated for the Town's Operating budget as set forth in Article 4, Part B of the Warrant;

and, that the Town appropriate the sum of \$297,306 from Estimated Water Receipts – North Carver Water to pay the salaries, expenses, capital, debt and other expenditures for the North Carver Water District Enterprise fund for FY21; to transfer the sum of \$35,099 from Estimated Water Receipts – Cranberry Village to pay the salaries, expenses, capital, debt and other expenditures for the Cranberry Village Enterprise Fund; to transfer \$4,452 from the North Carver Water District Retained Earnings to the Water Betterment Debt Stabilization Fund and other expenditures of the Cranberry Village Enterprise Fund for FY21, and to authorize the Board of Selectmen, upon recommendation of the Town's financial staff, to

allocate amounts within each such enterprise fund, respectively, to maximize fiscal efficiency and operations as set forth in Article 4, Part C of the Warrant;

and further, to transfer the difference between the net levy and levy limit to the capital and debt stabilization fund and to authorize the Board of Selectmen, upon recommendation of the Town's financial staff, to allocate amounts within each such category to maximize fiscal efficiency and operations, provided, however, that any transfer between categories, other than as may be allowed under G.L. c.44, §33B(b) during the last two months of the fiscal year, shall require approval by Town Meeting;

ARTICLE 4 VOTE:

Motion made by Robert Belbin and seconded to amend and remove PART A: FY21 Town Wide Organizational Chart as set forth in appendix A from the proposed motion .

Motion to amend and remove wording Failed by majority vote

Motion duly made by Adam Holmes and seconded to move that the Town approve amendments to the Town-Wide Organizational Chart for FY21, as set forth in Appendix A, the Town-Wide FY21 Wage and Salary Pay Scale, as set forth in Appendix B and the Town-Wide Wage and Salary Classification Plan for Elected and Non-Union Employees for FY21, as set forth in Appendix C and creation of Middle/High School Stabilization Fund;

and, that the Town raise and appropriate the sum of \$41,858,444, transfer from a Fund Balance Reserved for Reduction of Excluded Debt the sum of \$77,745, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$858,477, transfer from Entergy Grant the sum of \$7,500, transfer from the North Carver Water District receipts the sum of \$54,126, transfer from Cranberry Village receipts the sum of \$13,532 and transfer from Cemetery Receipts Reserved for Appropriation the sum of \$20,000, all to be allocated for the Town's Operating budget as set forth in Article 4, Part B of the Warrant;

and, that the Town appropriate the sum of \$297,306 from Estimated Water Receipts – North Carver Water to pay the salaries, expenses, capital, debt and other expenditures for the North Carver Water District Enterprise fund for FY21; to transfer the sum of \$35,099 from Estimated Water Receipts – Cranberry Village to pay the salaries, expenses, capital, debt and other expenditures for the Cranberry Village Enterprise Fund: to transfer \$4,452 from the North Carver Water District Retained Earnings to the Water Betterment Debt Stabilization Fund and other expenditures of the Cranberry Village Enterprise Fund for FY21, and to authorize the Board of Selectmen, upon recommendation of the Town's financial staff, to allocate amounts within each such enterprise fund, respectively, to maximize fiscal efficiency and operations as set forth in Article 4, Part C of the Warrant;

and further, to transfer the difference between the net levy and levy limit to the capital and debt stabilization fund and to authorize the Board of Selectmen, upon recommendation of the Town's financial staff, to allocate amounts within each such category to maximize fiscal efficiency and operations, provided, however, that any transfer between categories, other than as may be allowed under G.L. c.44, §33B(b) during the last two months of the fiscal year, shall require approval by Town Meeting;

Motion Passes by Majority Vote

(Majority Vote Required)

*Recommendation: Part A: 1 Select Board 3-2 Finance Committee 10-0
2 Select Board 3-2 Finance Committee 10-0
3 Select Board 5-0 Finance Committee 10 -0
4 Select Board NO ACTION*

*Part B: Select Board 5-0, Finance Committee 7-0,
School Committee: 5-0 for School Budget
Part C: Select Board 5-0 Finance Committee 10-0*

ARTICLE 5: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to transfer from the Capital and Debt Stabilization Fund the sum of \$4,263,039 for the following purposes and for the purchase of related equipment and supplies, for installation and other related services and all costs incidental and related thereto as specified below:

<u>Purpose (all in FY21 unless stated)</u>	<u>Amount (not to exceed)</u>
a. Storage upgrade with moveable walls- Finance FY20	\$30,000
b. Replace (2) HVAC units 2 nd floor School Admin. Building	\$45,000
c. Replace synchronized clock system Middle-High School	\$45,000
d. Sports Field irrigation Middle-High School	\$100,000
e. F550Catch Basin Truck with plow, purchase and equip	\$150,000
f. Energy efficiency project to reduce electric consumption FY20	\$100,000
g. Replace election tabulator equipment	\$30,000
h. Mobile defibrillators , SCBA thermal cam, personal protective equip. lockers	\$62,000
i. Engine 4 frame reconditioning	\$20,000
j. Police & Fire Equipment for New Hires FY20	\$15,000
k. Police Station Building and Furniture Fixtures and Equipment (FFE), security, phone, data, AV equipment-Dispatch FY20	\$790,000
l. Police Cruiser Replacement, purchase and equip (2 cruisers)	\$99,000
m. Town-wide technology (infrastructure/equipment)	\$317,000
n. District-wide curriculum upgrade-Modern Education	\$130,000
o. Replace School 71 Passenger bus(es), purchase and equip	\$165,000
p. Replace School minibus, purchase and equip	\$80,000
q. Upgrade culinary classroom, purchase, install and renovate	\$100,000
r. Library Arch study then upgrade/renovations	\$20,000
s. Annual reduction in debt exclusion for new elementary school (solar)	\$100,000
t. Debt Service, Lease Payments, Interest, Project Mgmt., Disclosure Statement,	
TW Capital Network Implementation and Oversight, Town-Wide Maintenance Contract	\$1,865,039
TOTAL	\$4,263,039

and, to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder.

CAPITAL OUTLAY COMMITTEE AND SELECT BOARD

INFORMATIONAL SUMMARY:

The Capital Outlay Committee works within a Capital Improvement Plan, a 10-year fiscal planning process that identifies long-term improvements to the Town's infrastructure and facilities as presented in Appendix F. This article would provide for the funding for various capital projects and equipment for

Town departments to be funded from amounts previously set aside in the Capital and Debt Stabilization Fund for such purposes.

PROPOSED MOTIONS:

I move that the approve Article 5 in the amounts and for the purposes put forth in the Warrant; and to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder

(2/3s Vote Required)

Recommendation: Select Board 5-0, Finance Committee Part 10-0; Capital Outlay Committee 3-0

ARTICLE 5 VOTE:

Motion made by Alan Germain and seconded to move that the approve Article 5 in the amounts and for the purposes put forth in the Warrant; and to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder

Motion Passes with 2/3rds Vote on B,D,E,G,H,I,J,K,L,N,P,R,S,T Holds were placed on A,C,F, M, O, Q

A,F,M,O,Q Passed 2/3rds Vote

C motion does not carry

ARTICLE 6: COMMUNITY PRESERVATION COMMITTEE REPORT & RECOMMENDATIONS

To see if the Town will vote to hear and act on recommendations by the Community Preservation Committee for Fiscal Year 2021 and, appropriate and/or reserve a sum or sums of money from the Community Preservation Fund Fiscal Year 2021 estimated annual revenues for the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee and in accordance with the provisions of G.L. c.44B, §6, for open space, land for recreational use, historic resources and community housing, and debt service on prior approved projects, and further, to transfer from the Community Preservation Fund for proposed projects recommended by the Community Preservation Committee, and for all incidental and related expenses, as follows:

Appropriations:

a) From FY21 estimated revenues for Committee Administrative Expenses \$28,680

Reserves

b) From FY21 estimated revenues for Open Space on MS/HS fields \$329,025

c) From FY21 estimated revenues for Community Housing Reserve \$57,360

d) From FY21 estimated revenues for Historic Reserve \$57,360

TOTAL \$472,425

and further, to authorize the Town Administrator, in consultation with the Community Preservation Committee, to expend such funds in the most fiscally responsible manner and to manage the approved project, from planning and design to procurement, including negotiation of contracts and change orders, with regular updates to the Board of Selectmen, and to authorize the Town Administrator to take such additional action as may be necessary to carry out the vote to be taken hereunder.

COMMUNITY PRESERVATION COMMITTEE

INFORMATIONAL SUMMARY: Under the Community Preservation Act, the Community Preservation Committee is required to make these recommendations to Annual Town Meeting as to how the Community Preservation funds raised through local taxation and state matching funds are to be spent. This includes Debt Service for year 2 of 10 for the Carver Track and Field Project located at the Middle High School.

PROPOSED MOTION: I move that the Town approve Article 6 as set forth in the Warrant.

(Majority Vote Required)

*Recommendation: Select Board 5-0, Finance Committee: 7-0,
Community Preservation Committee*

ARTICLE 6 VOTE:

Motion made by Robert Bentley and seconded to move that the Town approve Article 6 as set forth in the Warrant.

Motion Passes by Majority Vote

ARTICLE 7: CREATION OF STABILIZATION FUND FOR NEW MIDDLE/HIGH SCHOOL BUILDING

To see if the Town will vote to establish and dedicate a source of revenue for a new middle/high school capital stabilization fund, as follows; or take any other action relative thereto:

1. To see if the Town will vote to establish a special purpose New Middle/High School Capital Stabilization Fund in accordance with MGL Chapter 40 Section 5B;
2. To see if the Town will vote to accept the fourth paragraph of Massachusetts General Laws Chapter 40, Section 5B, which allows the dedication, without further appropriation, of all, or a percentage not less than 25 percent, of particular fees, charges or receipts to a stabilization fund established under Massachusetts General Laws Chapter 40, Section 5B, to be effective for the Fiscal year beginning July 1, 2020; and
3. To see if the Town will vote to dedicate thirty-three and one third percent (33.3%) of the revenue from solar funds to the New Middle/High School Capital Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2021, beginning on July 1, 2020.

PROPOSED MOTION: I move that the Town approve Article 7 as set forth in the Warrant.

(2/3rds Vote Required)

Recommendation: Select Board 5-0, Finance Committee 10-0,

ARTICLE 7 VOTE:

Motion made by Alan Germain to move that the Town approve Article 7 as set forth in the Warrant.

Motion Passes by 2/3rds Vote

ARTICLE 8: TO SEE IF THE TOWN WILL VOTE TO RESCIND THE FOLLOWING AMOUNTS THAT HAVE BEEN AUTHORIZED TO BE BORROWED, BUT WHICH ARE NO LONGER NEEDED FOR THE PURPOSES FOR WHICH THEY WERE APPROVED:

<u>Unused Amount to be Rescinded</u>	<u>Dates of Approval</u>	<u>Warrant Article Number</u>	<u>Original Purpose</u>
\$96,760	April 13, 2015, amended April 11, 2017	Article 7, Part C, amended by Article 7	Middle /High School Repairs
\$1,854,058	December 1, 2015 Debt exclusion December 12, 2015	Article 2 Question 1	New Elementary School

or take any other action relative thereto.

INFORMATIONAL SUMMARY: This article is a form of bookkeeping; the town must review all debt that is authorized but unissued. If the debt is no longer needed, bond counsel recommends rescinding authorization.

PROPOSED MOTION: I move that the Town approve Article 8 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 4-0, Finance Committee 7-0

ARTICLE 8 VOTE:

Motion made by Robert Belbin to move that the Town approve Article 8 as set forth in the Warrant.

Motion Passes Unanimously

ARTICLE 9: AN ACT TO EXEMPT THE DEPUTY CHIEF OF POLICE FROM THE PROVISION OF THE CIVIL SERVICE LAWS

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, to exempt the position of Deputy Chief of Police from the provisions of the Civil Service Laws; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court which are within the scope of the general public objectives of the petition; or take any other action related thereto.

The petition for special legislation shall take the following form:

AN ACT RELATIVE TO THE POSITION OF DEPUTY CHIEF OF POLICE IN THE TOWN OF CARVER

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1: Notwithstanding any general or special law to the contrary, the position of Deputy Chief of Police in the Town of Carver shall be exempt from the provisions of Massachusetts General Laws, Chapter 31.

Section 2: Candidates for appointment to the position of Deputy Chief of Police who are actively employed as police officers in the Town of Carver may be given preference over applicants that are not actively employed by the Town of Carver Police Department.

Section 3: The provisions of section 1 shall not impair the Civil Service status of any incumbent holding the office of Deputy Chief of Police in the Town of Carver on the effective date of this act.

Section 4: This act shall take effect upon passage.

CARVER POLICE UNION AND SELECT BOARD

INFORMATIONAL SUMMARY: As recommended in the strategic plan prepared for the town by Municipal Resources, Inc. this article will allow for the creation of a non-union, non-civil service second-in-command position within the police department. This will create a real executive management and support position that can share responsibilities for confidential personnel matters, supervision, administering the collective bargaining agreement, overseeing budgetary expenditures and a myriad of other day-to-day tasks required to run a modern police department. The creation of this position has been bargained with the Carver Police Union during the last collective bargaining session and is included in the agreement.

PROPOSED MOTIONS:

I move that the Town vote to approve Article 9 as set forth in the Warrant.

ARTICLE 9 VOTE:

Motion made by Robert Belbin and seconded to move that the Town vote to approve Article 9 as set forth in the Warrant.

Motion Passes by Majority Vote

(Majority Vote Required)

Recommendation: Select Board 5-0, Finance Committee 10-0

ARTICLE 10: CIVIL FINGERPRINTING AUTHORITY FOR POLICE DEPARTMENT

To see if the Town will vote to amend the Town's General Bylaws by adding a new section to be titled "Civil Fingerprinting", as set forth below; and to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification; or take any other action related thereto.

CIVIL FINGERPRINTING

Purpose and Scope.**Regulations.****Definitions.****Criminal History Check Authorization.****Standards for Licensing Authority Use of Criminal Record.****Fee.****Effective Date.****Purpose and Scope.**

To enhance public safety, this By-law authorizes the Police Department to conduct state and national fingerprint-based criminal history checks for individuals applying for specific Town- issued licenses or permits, as authorized by G.L. c.6, § 172B½, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

Regulations.

The Select Board, in consultation with the Chief of Police, is authorized to promulgate regulations to implement this By-law, which regulations may include, but shall not be limited to: establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing determination as a result of the criminal history check, procedures for assessing, correcting or amending any such record and establishing criteria for fitness determinations, confidentiality of information obtained and penalties for failure to comply with this By-law.

Definitions.

Criminal History Check – A state and national fingerprint based criminal history background check, as authorized by G.L. c. 6, § 172B½.

DCJIS – The Massachusetts Department of Criminal Justice Information Services.

FBI – The Federal Bureau of Investigation, United State Department of Justice.

License – A license or permit issued by the Town of Carver, or any board, officer or department thereof, which is identified in this Bylaw.

Licensing Authority – A board, officer or department of the Town of Carver authorized by the General Laws of Massachusetts or Town by-law to issue a license or permit listed in this By-law.

Town – The Town of Carver, Massachusetts

Criminal History Check Authorization.

- A. Occupational Licenses. The Police Department shall, as authorized by G.L. c.6, § 172B ½, conduct state and federal fingerprint based Criminal History Checks for individuals and entities for the following occupational licenses:

1. Hawking and Peddling, Solicitor or other Door-to-Door Salespeople

2. Hackney and Livery Drivers
 3. Ice Cream Truck or other Mobile Food Vendors;
 4. Managers of Establishments to Sell Alcoholic Beverages or Tobacco Products;
 5. Dealers in Second-hand Articles; and
 6. Pawn Dealers.
- B. At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's Criminal History Records and shall obtain the individual's consent in writing prior to conducting such Criminal History Checks.
 - C. Following receipt of an applicant's executed consent form and payment of the applicable fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this By-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or the successors of such agencies to conduct a Criminal History Check.
 - D. The Town authorizes the Massachusetts State Police, DCJIS and the FBI, or the legal successor of each, to conduct fingerprint-based state and national Criminal History Checks consistent with this By-law.
 - E. The Town authorized the Police Department to receive and utilize state and FBI records in connection with such Criminal History Checks, consistent with this By-law and the Town's implementing Regulations.
 - F. In accordance with applicable implementing regulations, the Police Department shall communicate the results of fingerprint-based Criminal History Checks to the appropriate Licensing Authority.

Standards for Licensing Authority Use of Criminal Record.

- A. A Licensing Authority is authorized hereunder to utilize the results of fingerprint-based Criminal History Checks exclusively for the limited purpose of determining the suitability of a License applicant in connection with an application for a License identified in this By-law or for its renewal or transfer.
- B. A Licensing Authority may, at its sole discretion, deny a license application on the basis of the results of a fingerprint-based Criminal History Check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The Licensing Authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.
- C. A Licensing Authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers of said licenses, from any person who is determined to be unsuitable for the license due to information obtained pursuant to this By-law.,
- D. Factors that shall be considered in making a determination of suitability shall include conviction of, or under pending indictment for, a felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, a sex-related offence, or other crime that bears upon the subject's ability of fitness to exercise such license.

Fee.

The fee for conducting a fingerprint-based Criminal History Check shall be one hundred dollars (\$100) for each check. That portion of the fee specified in G.L. c.6, §172B½, shall be deposited into the Commonwealth of

Massachusetts Firearms Fingerprint Identify Verification Trust Fund. The remainder of the Fee is to be applied by the Town for costs associated with the administration of the fingerprinting program.

Effective Date.

This By-law shall take effect in accordance with G.L.c.40, §32.

SELECT BOARD

INFORMATIONAL SUMMARY: This Bylaw would authorize boards, departments and officers of the Town who issue licenses for certain business to use the applicant's fingerprints to run background checks so as to ensure that they are suitable to engage in the business to be licensed.

PROPOSED MOTION: I move that the Town approve Article 10 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0

ARTICLE 10 VOTE:

Motion made by Robert Belbin and seconded to move that the Town vote to approve Article 10 as set forth in the Warrant.

Motion Passes by Majority Vote

ARTICLE 11: FINANCE COMMITTEE BYLAW CHANGE:

To see if the Town will vote to amend Chapter 4, Section 4.3.6 of the Town's General Bylaws as follows (with deletions shown in ~~striketrough~~):

The members of the Finance Committee, ~~excepting Chairman & Secretary, shall serve without pay, but~~ may be reimbursed for actual expenses incurred in the discharge of their official duties.

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: Corrects conflicting language in by-laws.

PROPOSED MOTION: I move that the Town approve Article 11 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0, Finance Committee: 10-0

ARTICLE 11 VOTE:

Motion made by Robert Belbin and seconded move that the Town vote to approve Article 11 as set forth in the Warrant.

Motion Passes By Majority Vote

ARTICLE 12: COMMISSION ON DISABILITY BYLAW CHANGE:

To see if the Town will vote to amend Chapter 4, Section 4.5 of the Town's General Bylaws, "Constitution and Bylaws of the Carver Commission on Disability", as follows (with deletions shown in ~~striketrough~~ and additions shown in **bold**); or take any other action related thereto:

A. Section 4.5.3.1: The Committee shall consist of seven (7) members appointed annually by the Town Administrator. ~~At least one member shall be either an elected or appointed official of the Town.~~ A majority of said commission members shall consist of people with disabilities, one member shall be a member of the immediate family of a person with a disability and one member of said commission shall be either an elected or appointed official of the town.

B. Section 4.5.3.6: There ~~shall~~ **may** be seven (7) ~~non-voting Associate~~ **Alternate** Members, who shall be appointed by the Town Administrator. In the event that an absence of a regular member creates a lack of a quorum at a meeting, an ~~Associate~~ **Alternate** Member of ~~Associate~~ Members shall be eligible to participate and vote to the extent required to make up a quorum.

C. Section 4.5.4.2: Officers shall be elected annually by a majority vote of the Committee **at the first meeting after the annual town election.**

D. Section 4.5.4.3.1.d. Authorize expenditures as needed **at the direction of the Committee.**

E. Section 4.5.5.2 A quorum shall consist of ~~three (3)~~ **four (4)** members

F. Section 4.5.5.3. Meeting minutes will be amended and approved at ~~the next~~ **in the time required by the Open Meeting Law and/or regulations promulgated pursuant thereto, as may be amended from time-to-time. meeting**

COMMISSION ON DISABILITY

INFORMATIONAL SUMMARY: Minor changes to wording in by-laws.

PROPOSED MOTION: I move that the Town approve Article 12 as set forth in the Warrant.
(Majority Vote Required)

Recommendation: Select Board 5-0, Commission on Disability: 6-0-1

ARTICLE 12 VOTE:

Motion made by Robert Belbin and seconded move that the Town vote to approve Article 12 as set forth in the Warrant.

Motion Passes By Majority Vote

ARTICLE 13: TRANSFER TAX TITLE PARCELS TO CONSERVATION COMMISSION

To see if the Town will vote to transfer care, custody and control of the land identified below from the Treasurer/Collector for purposes of sale at auction to Conservation Commission for purposes of open space and for passive recreational use; or take any other action related thereto.

MAP	BLK	LOT	OWNER OF RECORD	LOCATION ADDRESS
MIS	4	0	TOWN OF CARVER	UNKNOWN
MIS	5	0	TOWN OF CARVER	CEDAR SWAMP
MIS	7	0	TOWN OF CARVER	CEDAR SWAMP
MIS	8	0	TOWN OF CARVER	CEDAR SWAMP
MIS	11	0	TOWN OF CARVER	CEDAR SWAMP
MIS	12	0	TOWN OF CARVER	CEDAR SWAMP
MIS	32	0	TOWN OF CARVER	CEDAR SWAMP
MIS	33	0	TOWN OF CARVER	CEDAR SWAMP
MIS	45	0	TOWN OF CARVER	CEDAR SWAMP
MIS	46	0	TOWN OF CARVER	CEDAR SWAMP
MIS	47	0	TOWN OF CARVER	CEDAR SWAMP

MIS	77	0	TOWN OF CARVER	REED FRESH MEADOW
MIS	86	0	TOWN OF CARVER	CEDAR SWAMP
MIS	87	0	TOWN OF CARVER	CEDAR SWAMP

SELECT BOARD

INFORMATIONAL SUMMARY: This is to begin the process of creating a cedar swamp recreational area that was proposed by Stephen Cole, this is the first step of that process.

PROPOSED MOTION: I move that the Town approve Article 13 as set forth in the Warrant.

(2/3rds Vote Required)

Recommendation: Select Board 5-0, Finance Committee: 10-0

ARTICLE 13 VOTE:

Motion

made by Robert Belbin and seconded move that the Town vote to approve Article 13 as set forth in the Warrant.

Motion Article Passes By 2/3rds Vote

ARTICLE 14: PETITION ARTICLE:

1.1 **Limitation on Town Authority:** In consideration of the protection of private property rights and of the Town's character and natural environment and the preservation and enhancement of the quality of life of the Town's current and future generations, the authority of the Town of Carver and its agencies of local government, as reserved to localities under M.G.L. c. 79 to seize privately owned domain procedures shall in light of *Kelo v. New London*, 545 U.S. 469 (2005) be specifically further limited as follows:

- A. To only those proposed taking actions incorporating the transfer of private parcel(s) to the Town of Carver or any of its authored agencies of local government and under no circumstances to another private party; and
- B. To only proposed taking actions whose purpose is the creation of a facility for actual public use and ownership, to include public open spaces, parks, and watershed protection districts, and never for the purpose of economic development or the enhancement of the local tax base; or take any other action relative thereto.

1.2 **Seizure of Property Endangering Health and Safety:** Nothing in the Bylaw shall limit the authority of the Town of Carver or its authorized agencies of local government to seize property that is endangering

the health and safety of its residence which could otherwise be seized or foreclosed upon for tax delinquency in accordance with the provision of M.G.L. C. 60 or take any other action relative thereto.
CITIZEN PETITION

PROPOSED MOTION: I move that the Town approve Article 14 as set forth in the Warrant.

Motion made to table the Petition Article Passes by Majority Vote

Motion to adjourn meeting made and seconded. Meeting adjourned at 9:15 PM

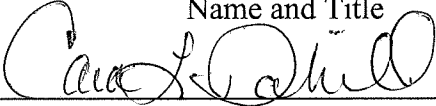
True Copy Attest:

June 29, 2020

Date

Print: Cara L. Dahill - Town Clerk

Name and Title

Sign: 

TRUE COPY ATTEST



TRUE COPY ATTEST
[Signature]