



COMMONWEALTH OF MASSACHUSETTS
Town of Carver
2019 ANNUAL TOWN MEETING MINUTES

TOWN CLERK

2019 MAY 4 PM 2 21

The 227th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, MA April 22, 2019 at the Carver High School Auditorium at 6:30 P.M., pursuant to a Warrant of the Board of Selectmen dated April 11, 2019. The meeting was called to order at 6:36 P.M. by the Moderator, Sean R. Clancey, there being a quorum 75 present. The total registered voters at this time were 408.

Moderator Clancey, Boy Scout Troop 48 and Girl Scout Troop 80893 led the voters in the Pledge of Allegiance to the Flag and a moment of silence.

Selectmen Mark Townsend presented proclamations to retiring Town Clerk, Lynn Doyle, for her 11 years of service in the Town Clerk's Office and John Cotter for his 12 years of service on the Finance Committee.

The tellers were duly sworn to their faithful performance of their duties by Town Clerk; Lynn A. Doyle. The tellers were as follows: Patricia Batson, Geraldine Carter, Paul Nardone, Maureen Townsend, Robert Bentley and Patricia Richards.

School Superintendent; Scott Knief, Members of the School Committee, Board of Selectmen, Town Administrator; Michael Milanoski, Town Counsel; Gregg Corbo, Town Clerk; Lynn Doyle, Finance Director: Meg LaMay, Treasurer Collector; Kathy Kay, Members of the Capital Outlay Committee and the Finance Committee were introduced by the Moderator.

Moderator Clancey gave an introduction to town meeting procedures, an overview of the Warrant and instructions on how to participate in town meeting.

With no objections, Town Meeting waived the reading of the Warrant.

Moderator Clancey appointed Ronald Clarke as Deputy Moderator while Clancey presented Article 1.

ARTICLE 1: TOWN MEETING BYLAWS To see if the Town will vote to amend Chapter 1 of the Town's General Bylaws, relative to Town Meeting procedures and Chapter 2 of the Town's General Bylaws relative to the powers of the Moderator, as follows, or take any other action relative thereto:

PART A

Add the following new sections to Section 1.1:

1.1.8 To be debatable, any motion must be seconded and any main motion or motion to amend must be in writing and given to the Moderator before the maker may speak on the subject of the motion. The maker of the motion will be recognized to begin the debate when recognized by the Moderator, unless the Moderator determines that some other person should be recognized first.

1.1.9 For warrant articles involving the expenditure of money, including transfers from available funds and borrowing, if a specific sum is stated in the warrant with the words "not to exceed", no motion that exceeds the amount stated in the warrant shall be in order. If a specific amount is stated in the warrant but does not contain the

words “not to exceed”, an amendment will be in order if it is ruled as being within the scope of the article by the Moderator and is approved by a 2/3 vote.

1.1.10 Unless physically unable to do so, any person wishing to address the meeting should rise and get in line with others behind a designated microphone. Those physically unable to approach a microphone should raise their hand to signify to the Moderator that they wish to speak and a portable microphone will be brought to the voter where they are sitting. Members will be called upon in the order they rise. If the Moderator is unable to determine the order, she/he will use their discretion.

1.1.11 All speakers shall address their remarks through the Moderator and may only address others through the Moderator. No person shall speak more than twice in debate on any question and no person shall speak more than three minutes at any one time without leave of the Moderator, or unless they have obtained the consent of Town Meeting which can be granted with a motion to extend the limits of debate which requires a 2/3 vote without debate. No person shall speak a second time on an issue unless everyone who wishes to speak has been given an opportunity to do so once. Rights in regard to debate are not transferrable. A board or committee chair, member, or representative and other Town officials are not considered to be in debate when giving a report or presentation authorized by the Moderator, or answering questions directed through the Moderator, however, such individuals are bound by the rules of debate when speaking further on the question. Notwithstanding the provisions of this paragraph, the Moderator may recognize any voter who has a question concerning the matter pending before the meeting or town meeting procedures.

1.1.12 The Moderator may announce a vote as it appears by the sound of voices, including votes requiring a 2/3 majority. If the Moderator is in doubt or if the declared vote is immediately questioned by at least seven voters, the Moderator shall order a hand count.

1.1.13 The vote on any motion may be taken by secret ballot if requested moved seconded and approved by the majority of the voters present.

1.1.14 Any voter may move to reconsider the vote on any warrant article prior to adjournment of the meeting, but reconsideration can only be moved once and must be approved by a 2/3 vote.

PART B:

Delete section 2.1.2 and replace it with the following: “The Moderator shall have all the powers and duties provided by these Bylaws and the Massachusetts General Laws, including the authority to preside and regulate the proceedings of all Town Meetings, decide all questions of order, and make public declaration of all votes as set forth in M.G.L. c. 39, §15 and Section 1.1.12 of this bylaw. Every ruling involving a question of order will be entered into the records of the Town Meeting by the town clerk. In regulating Town Meetings, the Moderator may be guided by the entire body of scholarship encompassing parliamentary procedure but with particular emphasis on “Town Meeting Time, A Handbook of Parliamentary Law”, as may be amended from time-to-time, and the most current edition of Robert’s Rules of Order Newly Revised, in his/her discretion.

TOWN MODERATOR

INFORMATIONAL SUMMARY: This article asks the Town Meeting to approve by-laws that govern town meeting procedures. These proposed changes to the by-laws are crafted with the goal of clarifying ambiguities left by MGL and parliamentary procedure while protecting each individual’s rights to a fair, civil and orderly Town Meeting. The proposed changes also formally document some practices which have traditionally been adopted in Town Meeting, no longer leaving them to the Moderator’s discretion so that Town Meeting procedure is more transparent and predictable.

PROPOSED MOTION: I move that the Town vote to amend the General Bylaws of the Town relative to Town Meeting procedures and powers of the Moderator as set forth in Article 1 of the Warrant shown on the slides for

article 1 and to accept the procedures set forth therein as the rules of procedure for this April 22, 2019 Annual Town Meeting.

(Majority Vote Required)

Recommendation: Bd. of Selectmen: 1.1.8: 5-0, 1.1.9: 5-0, 1.1.10: 5-0, 1.1.11: 4-1, 1.1.12: 5-0, 1.1.13: 5-0, 1.1.14: 5-0, 2.1.2: 5-0

ARTICLE 1: VOTE

Motion made and seconded that the Town vote to move Article 1 as written on the screen.

Clancey explained there were two parts to this motion to consider – One for putting the bylaw into effect and one to set the rules for this town meeting.

Motion made by Jennifer Bogart of 116 Cranberry Rd. and seconded to amend Section 1.1.11, replace the words “rights in regard to debate are not transferable” with “A member who has been recognized can yield to another during debate but continues to hold the floor; the time used by the member yielded to is taken from the time allocated to the member holding the floor.”

Motion passed

Motion made by James O’Brien of 4 Great Meadow Dr. and seconded to remove section 1.1.9.

Motion to amend passed with 187 “yes” to 102 “no”.

Motion made by Cornelius Shea of 148 Plymouth St. and seconded to amend Section 1.1.13 to change “majority” to “1/3 or 33% of town meeting”.

Motion failed.

Motion made by Matthew Keniston of 9 Center St. and seconded to amend Section 1.1.11 – Eliminate all words after the first sentence so that section simply states “All speakers shall address their remarks through the Moderator and may only address others through the Moderator”

Motion failed.

Motion made and seconded to move the article.

Motion to move the article passed.

Motion made and seconded to accept the article as amended.

Article 1 passed as amended with 200 “yes” to 132 “no”.

Ronald Clarke stepped down as Deputy Moderator and returned the responsibility of Moderator to Sean Clancey.

ARTICLE 2: DEDICATION OF LAND FOR NEW POLICE STATION

To see if the Town will vote to endorse the Police Station Advisory Building Committee’s unanimous recommendation and authorize the Board of Selectmen to use a portion of the property located on Map 103 parcel 11 and 11C that are under their care and custody, as depicted on the plan entitled “Proposed Campus Plan” dated 1/31/19, a copy of which is shown in Appendix K, for the site of a new police station facility, and all uses incidental or related thereto, in furtherance of the vote taken under Article 5 of the April 24, 2018 Annual Town Meeting, which appropriated the sum of \$4,900,000 for the purpose of designing and building a new police station.

POLICE STATION ADVISORY BUILDING COMMITTEE

INFORMATIONAL SUMMARY: The Police Station Advisory Building Committee has spent a year meeting and deliberating on the best and most feasible location to construct the new police station. In an effort to address some residents’ concerns, the committee is requesting Town Meeting to vote by hand count to see if the Town is supportive of this location for a new police station as proposed after the committee has evaluated multiple other

locations. A no vote would require the committee to restart the process, resulting in significant delay, higher cost, and will not meet the needs of the department as this project is designed.

As background at a Special Town Meeting held on June 29, 1994, the Town voted to authorize the Board of Selectmen to acquire the so-called "Roby Property" for the purpose of providing a library and other recreational facilities and municipal buildings. Since approximately 2000, it has been the Town's intent to use a portion of this property for the site of a new police station. A portion of the property needed for the police station to meet today's needs, however, is the current site of the 18-year-old playground. Although the Board recognizes the importance of playgrounds for the community, the site was unanimously chosen for the new police station by the Police Station Advisory Building Committee with the full support of the Police Chief because of many reasons that been discussed in multiple public meetings including; it is in a prime location in the center of Town, the property is already owned by the Town, it is the most cost effective location, and it contains sufficient space for a suitable police station and necessary training.

To avoid the loss of recreational opportunities, the Town will be asked in the following article to authorize the use of Community Preservation Act funds to build a new playground on the King Property. Included in the Recreation Complex on the King Property voted unanimously by the Recreation Committee will be a new playground equal to or better than the exiting 18 year old playground (this will include a complete replacement or relocation of every item in the existing playground so that nothing is lost).

PROPOSED MOTION: I move that the Town vote to approve Article 2 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 4-1, Building Committee 6-0, Finance Committee 6-0

ARTICLE 2: VOTE

Motion made and seconded that the Town vote to approve Article 2 as printed in the Warrant.

Members of the Police Station Building Advisory Committee; Dave Robertson, Bill Harriman and Police Chief Marc Duphily spoke.

Architect Brian Humes presented his proposal for the police station building. In his opinion this is the most prudent and cost effective solution to provide for the current & future needs of the Carver Police Dept. Mr. Humes has over 30 years' experience and has been involved with the planning, design and construction of over 80 police and public safety facilities in Connecticut and Massachusetts. Mr. Humes reviewed the proposed campus plan (Appendix K).

Dan Ryan was given permission to present slides. Mr. Ryan was involved with the Town Building Study Committee and the building of the Library and was familiar with the proposed location for the new police station.

Motion made & seconded to extend the limit of debate for Dan Ryan until he finished his presentation.

Motion to extend the limit of debate declared passed by Moderator Clancey with two-thirds vote.

Debate continued. Mr. Ryan is concerned the Department of Environmental Protection will not approve this plan due to the town wells and aquifer under the property. Several other town meeting members expressed the same concern. Architect Brian Humes assured DEP requirements had been allowed for in his plans. He addressed the municipal water supply, the multiple wells, the 250' radius around the wells and the rules and regulations set by the DEP.

Motion made by Robert Belbin of 26 Gate St. and seconded to have a Secret Ballot for Article 2.

Motion Failed

Motion for Article 2 passed with 261 "yes" and 77 "no"

Motion made and seconded to reconsider Article 2.

Motion to reconsider failed.

ARTICLE 3: REALLOCATION OF FUNDS FOR THE POLICE STATION

To see if the Town will vote to abandon or discontinue the following projects which are not complete and for which no liabilities remain outstanding or unpaid and appropriate the unspent proceeds of debt issued for such projects to the Police Station Building Project in accordance with Chapter 44, Section 20 of the General Laws:

<u>Appropriate</u>	<u>Amounts (not to exceed)</u>
a) ATM 2018 Article 5 (Borrowing for Library HVAC)	\$1,100,000
b) ATM 2018 Article 3 (DEP Water Line Extension)	\$300,000
Total to be Appropriated to Police Station Building Project	\$1,400,000

and, to authorize the Town Administrator, 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, or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: When the police station building was funded in 2018 it was stated in the public record that this would be the last borrowing anticipated by the town for many years and any future additional funds to buildout the project would be coming from the capital budget line items, free cash or reallocation of previously approved funds from other successful projects that have come in under budget.

With regard to projected project cost for the police station, the committee is actively working to evaluate all costs with the owner’s project manager and architect. The core membership of this committee has proven success with Fire Station, Elementary School, Middle High School Accelerated Repair Project, and Sports Complex – all who have come in under budget and are seen as models statewide for durable cost-effective projects. As shown in appendix L the preliminary projected cost for this project is approximately \$1.1M for the site improvements cost (this was projected to be a minimum of \$286,745 cheaper than moving the police station away from the playground that still would not have met the police department’s needs). The building cost are estimated at \$5.8M and the out building is estimated at \$700K for a construction total of \$7,600,000. With approval this article, Town Meeting will have allocated over \$6,500,000 to date. MSBA reimbursement is forecast to be in excess of \$1.1M and transferred at town meeting next year and then the budget for construction of \$7.6 would be met.

This article reallocates surplus funding from library and water line projects that did not go forward as it was determined after further testing that the water line was not required, and transfers those funds to the police station project. It is further expected that additional surplus from the elementary school project will be used for the police station project later in the year when MSBA reimbursement funds are received and a re-certification of free cash is made in the Spring of 2021. As further background, the town funded a new \$52,000,000 school and recreation complex that was down from the anticipated \$67,000,000 add/renovation project that was not approved. We anticipate upon close-out, estimated to be late winter of 2020 due to MSBA procedures our elementary school project, that when completed will be below \$48,000,000. This would not have happened without the successful work and partnership of the School Building Committee, the technical review committee, our project manager PMA and our designer HMFH. It is anticipated these funds will be requested to be transferred to the police station project upon receipt of MSBA reimbursement at next years’ Annual Town Meeting. It is important to note there will be additional funds needed for interior fixtures, furnishings & equipment of the building that will be requested from free cash or other one-time funds in 2020.

PROPOSED MOTION: I move that the Town approve Article 3 in the amounts and for the purposes set forth in the Warrant.

(Two Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Finance Committee 6-0,

ARTICLE 3: VOTE

Motion made and seconded that the Town approve Article 3 as set forth in the Warrant.

Town Administrator Milanoski presented the Article.

Motion declared carried by the Moderator with two-thirds vote.

ARTICLE 4: APPROPRIATION OF FUNDS FOR PHASE 1 RECREATION COMPLEX

To see if the Town will vote to act on the recommendation by the Community Preservation Committee at the unanimous request of the Carver Recreation Committee and, to appropriate the sum of \$515,000 from undesignated funds in the Community Preservation Fund and to transfer the sum of \$85,000 from ATM 2015, Article 8 (Forest Street Recreation Field), for a total appropriation of \$600,000 for Phase One of the Carver Recreation Complex Master Plan on the King Property, a copy of which is available in the office of the Town Clerk and for all incidental and related expenses: The following four items will be voted and managed individually as detailed in appendix I & J in amounts not to exceed the following:

- A) \$286,225 for the “playground”.
- B) \$136,425 for the “parking area”.
- C) \$87,350 for the “infields”.
- D) \$90,000 for the “other / site improvements” which are a new well, irrigation upgrades, concession and toilet upgrades and site lighting.

and with the approval of the Community Preservation Committee funds which may be reallocated between each category at the request of the Recreation Committee and, to authorize the Town Administrator, in consultation with the Community Preservation Committee and Recreation Committee Chairperson, 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, and to authorize the Town Administrator to take such additional actions as may be necessary to carry out the vote to be taken hereunder, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

INFORMATIONAL SUMMARY: Under the Community Preservation Act, the Community Preservation Committee is making 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 project is phase one of a decade long master plan for the King Property Recreational Complex that will complete the major recreational project anticipated in Carver. This project in part is designed to provide a new state-of-the-art playground area that will replace the 18 year-old playground at the proposed location of the new police station. As highlighted in Appendix J, the project is broken into four parts & none of these funds will be used for demolition of the old playground equipment as they will be reused where possible and cost effective.

PROPOSED MOTION:

I move that the Town approve Article 4A in the amount and for the purposes set forth in the Warrant.

I move that the Town approve Article 4B in the amount and for the purposes set forth in the Warrant.

I move that the Town approve Article 4C in the amount and for the purposes set forth in the Warrant.

I move that the Town approve Article 4D in the amount and for the purposes set forth in the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen (A) 4-1, (B-D) 5-0, Community Preservation Committee (A) 5-3, (B) 7-1, (C) 8-0, and (D) 7-1,

ARTICLE 4A – 4D: VOTE

Motion made and seconded that the Town approve Article 4A, 4B, 4C and 4D in the amounts and for the purposes set forth in the Warrant.

Community Preservation Committee Chair; Robert Bentley, Recreation Committee Chair; Mary Ross and Landscape Architect Tom Linden presented the article.

Motion to amend made by Jennifer Bogart of 116 Cranberry Rd. and seconded to Replace, “in consultation with the Community Preservation Committee and Recreation Committee Chairperson” with “in conjunction with a to-be-formed King Property Committee, appointed directly by the Selectboard, consisting of at least one member of the Recreation Committee, one member of the Community Preservation Committee, one member of the Municipal Playground Committee, one member of the Selectboard, one member of the Planning Board, one representative of the town’s baseball or softball leagues, and a minimum of 2 citizens-at-large, at least one of whom is the parent of a child under 12, and another being a senior citizen.”

Motion to amend ruled out of order.

Motion made by Alan Germain and seconded to take up the entire article as a “block”. Robert Bentley explained the article was not meant to be bundled.

Moderator ruled Article 4 to be voted as originally proposed.

Motion to approve Article 4A **declared passed with majority vote by Moderator Clancey.**

Motion to approve Article 4B **Unanimously Voted.**

Motion to approve Article 4C **Unanimously Voted.**

Motion to approve Article 4D **Unanimously Voted.**

Motion made & seconded to reconsider Article 4A

Motion to reconsider 4A failed.

Motion made & seconded to reconsider Article 4D

Motion to reconsider 4D failed.

ARTICLE 5: ANNUAL TOWN REPORT

To see if the Town will vote to act upon the reports of the various Town Officers as printed in the Annual Town Report for 2018, 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, unless otherwise voted; and to establish any new committee or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This article asks the Town Meeting to accept the reports of the Town Officers that are printed in the Annual Town Report for 2018 and provides an opportunity for Boards and Committees to present a report directly to the Annual Town Meeting. Copies of the Town Report are available in the Town Clerk’s Office and the Office of the Board of Selectmen prior to Town Meeting.

PROPOSED MOTION: I move that the Town approve the 2018 Annual report.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 4-1

ARTICLE 5: VOTE

Motion made and seconded that the Town approve the 2018 Annual Report.

Motion made by Robert Belbin of 26 Gate St. & seconded to create a Select Committee on Bylaw Changes. Attorney Corbo referenced the Town of Carver’s General Bylaws 1.1.7 indicating it was not legal to create a committee at town meeting because we had not notified people in accordance with the bylaws.

Motion ruled out of order.

Sarah Hewins wants it noted in the minutes she had an objection to this Annual Town Report. Someone removed the "Municipal Playground Committee" for the first time in 21 years and she does not understand why. Moderator Clancey explained the town bylaws indicate that anytime a committee does not report at town meeting it would be dissolved.

Point of Order by Stephen Pratt of 16 Weston St. that town meeting did not vote on the entirety of Article 4. We voted on A, B, C and D, but never voted on the content of the last paragraph.

Clancey ruled Article 4 was voted in its entirety since each section of the article stated "in the amount and for the purposes set forth in the Warrant".

Moderator ruled that new committees will not be formed under this article.

Motion to approve Article 5 carried by majority vote.

Motion made and seconded to adjourn to Wednesday evening at 6:30pm.

Motion to amend made and seconded that we adjourn the meeting tonight with the closing of the article being worked on around midnight.

Motion to amend passed by majority vote.

Motion to adjourn as amended carried by majority vote.

ARTICLE 6: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL 2019

To see if the Town will vote to transfer from available funds 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, 2019, or to decrease or otherwise adjust any budget line item as appropriated by the Town at the Annual Town Meeting held on April 24, 2018, or to fund any other deficits for fiscal year 2019, or to take any other action relative thereto.

BOARD OF SELECTMEN

*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 transfers from various departmental budgets that the Finance Director has determined to have surplus funds to cover a projected deficit in stated account. Surplus funds from retained earnings in the Cranberry Village Enterprise Fund, will be used to finish year-end system improvements including a replacement pump, controller, and computer drive plus necessary treatment chemicals and associated items.*

PROPOSED MOTION: I move that the Town make the Fiscal Year 2019 budget transfers shown below:

From:	To:	Amount
<i>Cranberry Village Retained Earnings</i>	<i>Cranberry Village Enterprise Fund Operating Budget</i>	<i>\$15,745</i>

(Majority Vote Required)

Recommendation: Bd. of Selectmen 5-0, Finance Committee 5-0

ARTICLE 6: VOTE

MOTION made and seconded that the Town make the Fiscal Year 2019 budget transfers as shown below:

From:	To:	Amount
<i>Cranberry Village Retained Earnings</i>	<i>Cranberry Village Enterprise Fund Operating Budget</i>	<i>\$15,745</i>

Motion Unanimously Voted

ARTICLE 7: ALLOCATION OF FUNDS FROM FISCAL 2019 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>Amounts (not to exceed)</u>
A. Town / School Special Education Reserve	\$104,000
B. Town Wide – Snow and Ice	\$130,000
C. Town Wide – O&M Field Maintenance and Supplies FY20	\$41,000
D. Redevelopment Authority Reimbursement	\$8,700
E. Capital Outlay Reserve Fund Reimbursement/Fire Department PPE Protective Gear	\$396,030
F. Recreation Committee Start-up Support Funding for Programs and Activities-FY20	\$22,500
G. Police Station / Town Hall Complex Site Improvements for the lot surrounding the existing police station, Town Hall & EMS including parking/demo of existing police station	\$249,180
H. Old colony Vo-Tech additional assessment for FY19	\$63,758
I. Other Post-Employment Benefits	\$25,000
J. <u>North Carver Water District for well and infrastructure debt FY20</u>	<u>\$250,000</u>
TOTAL	\$1,290,168

and, to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds transferred hereunder 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, or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: Per the Town’s Financial Policies, fund balances are only to be used for one-time expenditures as they are not reoccurring expenses. This article includes the following that are consistent with the Carver Town Meeting’s Financial Policies:

- 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. Town-wide \$130,000 for the Snow & Ice deficit*
- C. 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.*
- D. This is for reimbursement the Redevelopment Authority made to SRPEDD on behalf of the Town of Carver for the Master Plan Process.*
- E. The Capital Outlay reserve account allows the committee to utilize this fund for emergencies that are operationally necessary to replace and/or repair equipment prior to next annual town meeting. These funds will replenish the Capital Outlay Reserve Account that were used this year for public safety reasons to purchase new protective gear for the Fire Department that has exceeded its useful life.*
- F. 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.*

- G. *These funds will be used for site improvements, parking, and or demolition related expenses that were not included in the cost for a new police station building that will occur on the Town Hall Complex. The demolition is for the existing Police Station. Parking & site improvements will be for the lot surrounding the existing Police Station, Town Hall & EMS in order to better benefit the EMS, and Town Hall traffic flow as well as all Town vehicles and buses for access to the gas island.*
- H. *After the budget was approved by town meeting, the town received a revised assessment from Old Colony due to extra students that resulted in the cost increase. This transfer balances the account with cuts to the school district's current staffing and operations.*
- I. *The Town has a \$42,335,255 Other Post-Employment Benefits (OPEB) liability that is down from \$65,764,898 through the aggressive decisions that were made by the Board of Selectmen and Town Meeting. OPEB liability is the cost for paying for health care benefits once an individual retires. This liability is equal to one year of all revenue that comes into the town down from 1½ times the town's annual revenue. The Town Hall side of government has negotiated that all new employees hired by the Town will equally share in their health care with the town. These funds will be invested in the Town Trust fund to help reduce this liability and will assist the Town in our financial performance and Bond Rating by an independent third party.*
- J. *An amount of \$250,000 for the NCWD Enterprise Fund is intended to close a FY2020 revenue deficit to cover capital debt costs that is an obligation of the Town. The NCWD continues to explore options to increase revenue in an effort to reduce the Town subsidy.*

PROPOSED MOTION: I move that the Town approve Article 7 in the amounts and for the purposes set forth in the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen: (A-F, H-J) 5-0, (G) 4-0-1 (Hewins abstain) Finance Committee: (A,B,D-J) 5-0, (C) 3-2

ARTICLE 7: VOTE

Motion made and seconded that the Town approve Article 7 in the amounts and for the purposes set forth in the Warrant.

Moderator Clancey explained he would read each line for 7A through 7J and if a town meeting member wanted to open up that particular line item for discussion they may yell out the word "hold" and town meeting would return to address that line after all had been read.

"Holds" were placed on Sections 'C', 'D' and 'G'.

Motion made and seconded to approve Article 7– Sections A, B, E, F, H, I, and J in the amounts and for the purposes set forth in the Warrant.

Motion Unanimously Voted.

Motion made and seconded to approve Article 7 – Section C in the amounts and for the purposes set forth in the Warrant.

Motion for Article 7C carried by majority vote.

Motion made and seconded to approve Article 7 – Section D in the amounts and for the purposes set forth in the Warrant.

Motion Unanimously Voted.

Motion made and seconded to approve Article 7 – Section G in the amounts and for the purposes set forth in the Warrant.

Motion for Article 7G carried by majority vote.

ARTICLE 8: FISCAL YEAR 2020 OPERATING BUDGETS FOR TOWN AND ENTERPRISE 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, Water Enterprise Funds, Water Betterment Debt Stabilization Fund, Organizational Chart for all positions (See Appendix A), to modify the FY20 Wage and Salary Pay Scale (See Appendix B), Wage & Salary Classification Plan for Elected and Non-union Employees (See Appendix C), Capital Outlays, Debt Service, OPEB Trust Fund, Capital and Debt Stabilization Fund, (See Appendix D), for the payment of Personnel Services and Expenses and otherwise, of Town Departments (See Appendix E for informational purposes), and appropriate the difference between the levy net and the levy limit to the Capital and Debt Stabilization Fund, all funded from taxation and transfers from available funds as specified below, or take any other action relative thereto.

<u>Category</u>	<u>Amounts (not to exceed)</u>
Town-Wide Shared Budget	
Shared Budget (Snow & Ice, Old Colony Vo-Tech, excluded debt, transfer etc.)	\$6,302,306
General Government Budget	
General Government Budget (salaries & expenditures)	\$2,545,859
Public Safety (salaries & expenditures)	\$2,959,365
Public Works and Facilities (salaries & expenditures)	\$1,135,243
Human Services (salaries & expenditures)	\$377,988
Culture and Recreation (salaries & expenditures)	\$441,784
Benefits and other town shared cost	<u>\$2,611,751</u>
TOTAL:	\$10,071,990
General Government Budget paid directly by fees	
Salaries & Expenditures funded by EMS/EMA/Indirect cost	\$895,796
School Budget	
School General Budget (salaries & expenditures)	\$23,840,433
Enterprise Funds (funded from receipts)	
North Carver Water District FY 20 (salary, expenses, capital, debt, etc.)	\$269,906
Cranberry Village FY 20 (salary, expenses, capital, debt, etc.)	\$30,099
North Carver Water Betterment Debt Stabilization Fund	\$72,683

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY:

*This article follows the Carver Town Meeting’s Financial Policies and Financial Objective. **It is the Financial Objective of the Board of Selectmen to demonstrate sound fiscal management of Carver’s taxpayer resources through earning the highest possible bond rating that includes developing a sustainable town-wide budget based on a 10-year forecast that provides the level of service we can afford within our known projected revenues.** The 2014 Annual Town Meeting approved the “bottom-line budget”, with a line-by-line breakdown by department provided in Appendix E. We have again set forth in Appendix E, a summary of the detailed line-item budget approved by the Board of Selectmen 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 Board of Selectmen, 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 FY20, as set forth in Appendix A, the Town-Wide FY20 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 FY20, as set forth in Appendix C; and, that the Town raise and appropriate the sum of \$40,214,729, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$803,231, transfer from Entergy Grant the sum of \$10,000,

transfer from the North Carver Water District receipts the sum of \$54,052, transfer from Cranberry Village receipts the sum of \$13,513 and transfer from Cemetery Receipts Reserved for Appropriation the sum of \$15,000, all to be allocated for the Town's Operating budget as set forth in Article 8; and, that the Town appropriate the sum of \$269,906 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 FY20; to appropriate the sum of \$30,099 from Estimated Water Receipts, Cranberry Village to pay the salaries, expenses, capital debt and other expenses and to transfer \$72,683 from North Carver Water District Retained Earnings– to the Water Betterment Debt Stabilization Fund, 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; 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; as set forth in Article 8 of the Warrant.

(Majority Vote Required)

*Recommendation: Bd. of Selectmen 5-0 Finance Committee 5-0-1 (Abstentions: Bandzul for EMS, Sulger for Fire Dept., Germain for Conservation)
School Committee: 4-0 for School Budget*

ARTICLE 8: VOTE

Motion made and seconded that the Town move Article 8 as shown in the Warrant.

Milanoski presented the article.

Motion carried by majority vote.

Motion made and seconded to adjourn to Wednesday, April 24, 2019 at 6:30 pm.

Motion passed. Moderator adjourned town meeting at 12:10 am.

Town Meeting Continuation...

The 227th Annual Town Meeting of the Inhabitants of the Town of Carver was continued on Wednesday, April 24, 2019 at the Carver High School Auditorium at 6:30 P.M., pursuant to a Warrant of the Board of Selectmen dated April 11, 2019. The meeting was called to order at 6:35 P.M. by the Moderator, Sean R. Clancey, there being a quorum 75 present. The total registered voters at this time were 170.

The tellers were duly sworn to their faithful performance of their duties by Town Clerk; Lynn A. Doyle. The tellers were as follows: Robert Bentley, Ellen Blanchard, Savory Moore and Maureen Townsend.

Moderator Clancey led the voters in the Pledge of Allegiance to the Flag.

Hearing no objections, Town Meeting waived the reading of the Warrant.

ARTICLE 9: FISCAL YEAR 2020 ESTABLISHMENT OF REVOLVING FUND SPENDING LIMITS.

To see if the Town will vote to amend Section 10.6 of the Town's General Bylaws relative to the Revolving Funds of the Town as set forth below or take any other action relative thereto.

Part A:

Amend Section 10.6.1 by amending the Solar Net Metering Credits Revolving Fund as shown in **bold** below

Revolving Fund	Dept., Board, Committee, Commission	Fees, Charges or other Receipts Credited to Fund	Program or Activity	Restrictions or Conditions on

	Authorized to Spend from Fund		Expenses Payable from Fund	Expenses Payable from Fund
Solar Net Metering Credits	BOS	Funds from Eversource net metering revenue	Payments to Fisher Road solar for electricity generated and payment for installation of energy efficient and/or led light upgrades on Town-owned properties and electric charges	

Part B:

Amend Section 10.6.2 by increasing the annual spending limits for the Town’s revolving funds as set forth below:

Revolving Fund	Current Spending Limit	Amended Spending Limit
Library Fines and Passports	\$15,000	\$20,000
Council on Aging Nutrition	\$30,000	No Change
Earth Removal Fees	\$215,000	\$250,000
Fire Dept. Revolving Acct for Fire Prevention/Code Enforcement	\$40,000	\$50,000
Recreation Committee	\$20,000	\$100,000
Solar Net Metering Credits	\$360,000	\$500,000

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY:

This article amends the Town’s revolving fund bylaw by adding a new purpose for which funds received in connection with solar net metering credits can be expended and by increasing the annual spending limits for the Town’s revolving funds as set forth in the General Bylaw provision adopted at the April 11, 2017 Annual Town Meeting.

PROPOSED MOTION: I move that the Town vote to amend Section 10.6 of the Town’s General Bylaws relative to the Town’s revolving funds as set forth in Article 9 of the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 5-0, Finance Committee 5-0

ARTICLE 9A & B: VOTE

Motion made and seconded to approve Article 9 as written in the Warrant.

Finance Director; Meg LaMay presented the article.

Motion Unanimously Voted.

ARTICLE 10: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to transfer from the Capital and Debt Stabilization Fund the sum of \$3,734,711 for the following purposes and for all costs incidental and related thereto as specified below:

Purpose _____ **Amounts (not to exceed)**

a. Transportation Building Lighting Upgrade to LED FY20	\$55,000
b. Replace 604 Dump 6-wheel w/sander & plow, purchase and equip FY20	\$200,000
c. Fire Tanker #2, purchase and equip FY20	\$495,000
d. Rehab heavy rescue #1 Frame, purchase and equip FY20	\$10,000
e. Police & Fire Equipment for New Hires FY19	\$15,000
f. Police Cruiser Replacement, purchase and equip FY20	\$45,000
g. Town-wide Technology Upgrades FY20	\$142,000
h. Capital Reserve Account (ATM 2014, Art 15) FY19	\$600,000
i. Replace School 71 Passenger bus, purchase and equip FY20	\$79,500
j. Replace School minibus, purchase and equip FY20	\$31,000
k. School Wheelchair accessible van, purchase and equip FY20	\$50,000
l. High School Gym Baskets FY20	\$15,000
m. Annual reduction in debt exclusion for new elementary school (solar) FY20	\$100,000
n. Debt Service, Lease Payments, Interest, Project Management, Disclosure Statement, <u>TW Capital Network and Oversight, Town-Wide Maintenance Contract FY20</u>	\$1,897,211
TOTAL	\$3,734,711

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, or take any other action relative thereto.

CAPITAL OUTLAY COMMITTEE

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 Town transfer the sum of \$3,734,711 from Capital and Debt Stabilization Fund, in the amounts and for the purposes set forth in Article 10 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

(Two-Thirds Vote Required)

Recommendation Bd. of Selectmen 5-0, Finance Committee Part 5-0; Capital Outlay Committee 5-0

ARTICLE 10: VOTE

Motion made and seconded that the Town approve Article 10 as printed in the Warrant.
Capital Outlay Chair; Jack Angley presented Article 10.

Moderator Clancey explained he would read each line for 10A through 10N and if a town meeting member wanted to open up that particular line item for discussion they may yell out the word "hold" and town meeting would return to address that line after all had been read.

"Holds" were placed on Section 'H' and Section 'N'.

Motion made and seconded to approve Article 10 – Sections A, B, C, D, E, F, G, I, J, K, L, and M in the amounts and for the purposes set forth in the Warrant.

Motion Unanimously Voted.

Motion made and seconded to approve Article 10 – Section H in the amounts and for the purposes set forth on the screen.

Motion Unanimously Voted.

Motion made and seconded to approve Article 10 – Section N in the amounts and for the purposes set forth on the screen.

Motion Unanimously Voted.

Moderator Clancy recognized Walter Cole for his 20 years of service as a School Custodian and as a Veteran prior to that.

ARTICLE 11: 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 2020 and, appropriate and/or reserve a sum or sums of money from the Community Preservation Fund Fiscal Year 2020 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, recommended by the Community Preservation Committee, and for all incidental and related expenses, as follows:

<u>Purpose</u>	<u>Amounts (not to exceed)</u>
Appropriations:	
a) From FY20 estimated revenues for Committee Administrative Expenses	\$29,343
Reserves	
b) From FY20 estimated revenues for the Open Space for Debt Service	\$329,525
c) From FY20 estimated revenues to Community Housing Reserve	\$58,687
d) From FY20 estimated revenues to Historic Reserve	\$58,687
TOTAL	\$476,242

and, to authorize the Town Administrator, in consultation with the Community Preservation Committee Chairperson, 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, or take any other action relative thereto.

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 article includes Debt Service for year 1 of 10 for the Town of Carver Track and Field Project located at the Middle High School.

PROPOSED MOTION: I move that the Town approve Article 11 in the amounts and for the purposes set forth in the Warrant.

(Majority Vote Required)

*Recommendation: Bd. of Selectmen 5-0, Finance Committee 5-0,
Community Preservation Committee 8-0*

ARTICLE 11: VOTE

Motion made and seconded that the Town approve Article 11 in the amounts and for the purposes set forth in the Warrant.

Community Preservation Committee Chair, Robert Bentley, presented Article 11.

Motion Unanimously Voted.

ARTICLE 12: Old Colony Regional Agreement

To see if the Town will vote to approve the amended Agreement among the Towns of Acushnet, Carver, Lakeville, Mattapoissett and Rochester with Respect to the Establishment of a Regional Vocational Technical High School District as proposed by the Old Colony District School Committee, a copy of which is on file at the Office of the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: This document had not been reviewed or updated since prior to the Education Reform Act of 1993. All town counsels were involved in its review. A letter from Old Colony RVTHS counsel and a copy of the updated agreement (following review from each sending town counsel) is also attached. See Appendix M

PROPOSED MOTION: I move that the Town approve Article 12 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 5-0, Finance Committee 4-0-1 (Bandzul abstain),

ARTICLE 12: VOTE

Motion made and seconded that the Town approve Article 12 as printed in the Warrant.

Old Colony Regional Vocational Technical High School Committee Chair; John Bandzul presented Article 12.

Motion Unanimously Voted

ARTICLE 13: BYLAW AMENDMENT TO CHANGE NAME OF BOARD OF SELECTMEN TO SELECT BOARD

To see if the Town will vote to amend the Bylaws of the Town of Carver to change the title of the "Board of Selectmen" to "Select Board" as follows:

1. Amend Chapter 2, Section 2.2, by changing the title from "Board of Selectmen" to "Select Board"
2. Delete section 2.2.2 and replace it with the following: "The Select Board shall have all the powers and duties of a Board of Selectmen for purposes of the General Laws and any special acts applicable to the Town of Carver, including but not limited to the power to prosecute, compromise or defend suits for or against the Town and employ counsel at any time if, in its judgment, the interest of the Town so require."; and
3. Delete the words "Board of Selectmen" or "Selectmen" in each place they appear in the Town's Bylaws and insert in their place "Select Board"

Or take any action relative thereto:

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: Changing the name of the Board of Selectmen to the Select Board reflects a moment whose time has arrived, as it has already in many other communities in the Commonwealth. Changing the name to Select Board from Selectmen acknowledges our past, while recognizing that women serve their town government. No other Board or Committee in town defines itself by gender other than the Board of Selectmen. There are minimal costs associated with making the change. Electronic references are easy enough to adjust.

Changes to letterhead, etc. can be changed as new orders are needed. Less than 100 years ago, women did not have the right to vote, or to serve. Those times have changed, and our By-Laws should reflect that fact. Simple changes such as this one helps move us forward. This is not political correctness run amuck. This is simply recognizing that our daughters and granddaughters should grow up in a community that does not define its government by gender.

PROPOSED MOTION: I move that the Town vote to amend the Bylaws of the Town of Carver to change the title of the “Board of Selectmen” to “Select Board” as set forth in Article 13 of the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 5-0

ARTICLE 13: VOTE

Motion made and seconded that the Town approve Article 13 as set forth in the Warrant.

Selectman; Ronald Clarke presented Article 13.

Motion carried by majority vote.

ARTICLE 14: MGL ACCEPTANCE

To see if the Town will vote to accept the provisions of Massachusetts General Law, Chapter 40, Section 22F, which allows any Town board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons to fix reasonable fees for all such licenses, permits or certificates issued pursuant to statutes, bylaws or regulations wherein the entire proceeds of the fee will remain with the Town, or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY:

By adopting this law and the following article would allow Town officials to establish reasonable fees for the services they perform with the approval of the Board of Selectmen. For example, the Collector to request the Board of Selectmen to approve an increase in the Municipal Lien Certificate Fee from \$25.00 to \$50.00. In FY 17 the town issued 389 MLCs and collected fees in the amount of \$9,725.00. In FY 18 the town issued 467 MLCs and collected fees in the amount of \$11,675.00. 78% or 21 out of 27 towns/cities within Plymouth County have an MLC fee of \$50.00. The current \$25 does not cover the cost of preparing the MLC and therefore the taxpayers have to pick-up the additional cost not covered by the fee when real estate is sold.

PROPOSED MOTION:

I move that the Town vote to adopt the provisions of Massachusetts General Law, Chapter 40, Section 22F, to authorize any Town board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons to fix reasonable fees for issuance of licenses, permits and certificates and for services rendered.

(Majority Vote Required)

Recommendation: Board of Selectmen 5-0, Finance Committee 5-0

ARTICLE 14: VOTE

Motion made and seconded that the Town approve Article 14 as printed in the Warrant.

Finance Committee Chair; Alan Germain presented Article 14. Alan explained that Articles 14 and 15 are a two-step process. Article 14 adopts the provisions of Massachusetts General Law, Chapter 40, Section 22F and Article 15 allows the Town to establish compliance with this law.

Attorney Corbo requested to speak about both articles together.

Moderator allowed questions on both Article 14 and Article 15 for further clarification.

Point of Order called by Belbin regarding the discussion of two articles at the same time.

Point of Order will not sustain declared by Moderator. Reference to Article 15 will be allowed as it pertains to Article 14.

Attorney Corbo explained no one can set the fee above what Mass. General Law allows unless the Town accepts Ch. 40 S. 22F which allows the town officers to set fees above the MGL that are outdated. The fee has to be reasonably calculated according to the cost of providing the service. Municipalities are not allowed to make a profit. Art. 15 sets an additional check & balance by establishing a bylaw providing for a procedure to setting the fees.

Motion passed with 89 “yes” to 53 “no”.

ARTICLE 15: BYLAW AMENDMENT RELATIVE TO FEES FOR TOWN SERVICES

To see if the Town will vote to amend the General Bylaws of the Town by adding the following new section 2.4 to be titled “Fees”, or take any other action relative thereto:

2.4 FEES

Other than as specifically set forth herein, any Town board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with the Town, and may fix reasonable charges to be paid for any services rendered or work performed by the Town or any department thereof, provided, however, that in the case of a board or officer appointed by an elected board, the fixing of such fee shall be subject to the review and approval of such elected board, and in the case of any other board or officer, the fixing of such fee shall be subject to the review and approval of the Board of Selectmen or its designee. No fee shall be imposed or increased until a public hearing is held with respect thereto and such new or revised fee is then posted at the office of the Town Clerk for at least two weeks prior to the effective date thereof. All fees in effect immediately prior to the effective date of this bylaw shall continue to be applicable until revised as provided hereunder. Fee schedules shall be posted in the office of the Town Clerk and in the office of the officer or board imposing the fee.

INFORMATIONAL SUMMARY: The previous article asked the Town to accept the provisions of Massachusetts General Law, Chapter 40, Section 22F, so as to authorize public officials to establish reasonable fees for services they perform. This bylaw would add an extra layer of protection for the public by requiring that no fee be increased unless a public hearing is held with sufficient notice to the public.

PROPOSED MOTION: I move that the Town vote to amend the General Bylaws of the Town by adding a new section relative to fees, as set forth in Article 15 of the Warrant.

(Majority Vote Required)

Recommendation: Board of Selectmen 5-0, Finance Committee 6-0

ARTICLE 15: VOTE

Motion made and seconded to recommend Article 15 as printed in the Warrant.

Alan Germain presented Article 15.

Motion made and seconded by Cornelius Shea of 148 Plymouth St. to amend Article 15 by removing “or its designee” from the article and include “and prominently on the town website” after the words “posted at the office of the Town Clerk”.

Motion to amend Unanimously Voted.

Motion made and seconded to approve Article 15 as amended.

Motion Unanimously Voted.

ARTICLE 16: TRANSFER OF TAX TITLE PROPERTIES

To see if the Town will vote to transfer from the Treasurer/Collector for purposes of sale at auction, to the Board of Selectmen for the purposes identified below, in accordance with MGL Chapter 40, Sections 15 and 15A, an interest in the following parcels of land as identified on the Town's Assessors' Map, including all land and buildings thereon, or take any other action relative thereto.

MAP	BLK	LOT	OWNER OF RECORD	LOCATION ADDRESS	PURPOSE
62	Z	0	TOWN OF CARVER	CRYSTAL LAKE DR	General Municipal Purposes, which may include but not be limited to Town Roads
62	27	0	TOWN OF CARVER	51 CRYSTAL LAKE DR	General Municipal Purposes, which may include but not be limited to Beach/ Recreation
62	37	0	TOWN OF CARVER	69 CRYSTAL LAKE DR	General Municipal Purposes, which may include but not be limited to Beach/ Recreation
62	46	0	TOWN OF CARVER	CRYSTAL LAKE DR	General Municipal Purposes, which may include but not be limited to Beach/ Recreation
64	4	0	TOWN OF CARVER	MAIN ST	General Municipal Purposes, which may include but not be limited to Fire Department use
85	10	0	TOWN OF CARVER	20 BATES POND RD	General Municipal Purposes, which may include but not be limited to Beach/ Recreation
85	81	0	TOWN OF CARVER	BATES POND RD	General Municipal Purposes, which may include but not be limited to Beach/ Recreation
12	D	0	TOWN OF CARVER	JOHNS POND RD	General Municipal Purposes and Purposes of Disposition
85	84	0	TOWN OF CARVER	BATES POND RD	General Municipal Purposes and Purposes of Disposition

INFORMATIONAL SUMMARY:

This article allows the Board of Selectmen to accept the identified properties from the Treasurer/Collector and put them to long-term use by the town. For example the location of the current fire station is on a tax taking parcel that is under the care and custody of the Town's Treasurer/Collector. This property should be transferred to the Board of Selectmen for the purpose of a town fire station.

PROPOSED MOTION:

I move that the Town vote to transfer the properties identified in Article 16 of the Warrant from the Treasurer/Collector for purposes of sale at auction to the Board of Selectmen for the purposes identified in the warrant.

(Two-thirds Vote Required)

Recommendation: Board of Selectmen 0-0, Finance Committee 5-0

ARTICLE 16: VOTE

Motion made and seconded by Maria Asvestas of 23 Bates Pond Rd. to table Article 16 indefinitely.

Motion to lay on the table can only be made during debate declared by Moderator.

Motion made and seconded to recommend Article 16 as printed in the Warrant.

Milanoski presented Article 16.

Attorney Corbo explained Article 16 allows the Town to determine a better municipal use for properties that are currently held by the tax collector who can only sell them at auction.

Motion made and seconded by Maria Asvestas of 23 Bates Pond Rd. to amend Article 16 by “striking the words under purpose General Municipal purposes, which may include but not limited to Blk Z - lot 0, Blk 27- Lot 0, Blk 37-Lot 0, Blk 46-Lot 0, Blk 10-Lot 0 and Blk 81-Lot 0”

Motion to amend passed with 74 “yes” to 64 “no”

Motion for Article 16 as amended carried with two-thirds vote declared by the Moderator.

ARTICLE 17: LEASE OF AIR RIGHTS OVER TOWN-OWNED LAND FOR SOLAR CANOPIES

To see if the Town will vote to transfer to the Board of Selectmen, in consultation with the Planning Board, the joint care, custody, management and control of the municipal and school parking lots within the Town as outlined in table below, which will continue to be held jointly by the board or officer currently having custody thereof for parking purposes and such other purposes for which said properties are held and the Board of Selectmen for the purpose of leasing portions of said properties for the installation of solar energy facilities, for a term not to exceed 25 years commencing on the date on which such facilities achieve commercial operations, and on such other terms and conditions, and for such consideration, as the Board of Selectmen deems appropriate; and to authorize the Board of Selectmen to enter into such leases and/or to grant such access, utility, and other easements in, on, and under said properties as may be necessary or convenient to construct, operate and maintain such solar energy facilities, and to authorize the Board of Selectmen to take any actions and execute any documents necessary or appropriate to accomplish the foregoing,

Parcel	Street	Use
102-7-0-E	51 Pond Street	DPW/School Bus Repair Garage
64-10-0-E	85 Main Street	Elementary School
64-4-0-E	99-103 Main Street	Fire HQ
16-12-0-E	1 Green Street	Fire Station #2
8-26-D-E	120 South Main Street	Fire Station #3
103-11-0-E	2 Meadowbrook Way	Library
105-6-0-E	60 South Meadow Rd	Middle-High School
103-10-0-E	108-112 Main Street	Town Hall, Police Department, EMS

or take any other action relative thereto.

INFORMATIONAL SUMMARY: This Article will authorize the Board of Selectmen to enter into leases or grant easements to private parties to construct solar power canopies on Town-owned parking areas. The main purpose of these vehicle canopies will be to protect vehicles from weather as though they were under a building canopy. However, it is anticipated the structures will be built free of charge to the town and the town will also benefit for lease revenue that will be deposited into net metering credits revolving fund to off-set electric charges. This Article will not, otherwise change the Town's ownership or use of the properties or other solar regulations. For properties under the control of the School Committee, they will have to be approved by them.

PROPOSED MOTION: I move that the Town approve Article 17 relative to the lease of air rights over Town-owned land for solar canopies as set forth in the Warrant.

(Two-Thirds Vote Required)

Recommendation: Board of Selectmen 5-0, Finance Committee 6-0

ARTICLE 17: VOTE

Motion made and seconded to approve Article 17 as printed in the Warrant.

Article presented by Town Planner, Stephen Cole.

Motion made and seconded by Robert Belbin of 26 Gate St. to amend Article 17 "to exclude all areas except DPW, School and Garage and not to be visible from Main St."

Motion to amend was withdrawn after further discussion.

Motion made and seconded by Cornelius Shea of 148 Plymouth St. to amend Article 17 that the solar carports "will not be visible from Main St."

Motion to amend failed.

Motion for Article 17 carried with two-thirds vote declared by Moderator.

ARTICLE 18: PRIVATE HAULER GARBAGE DISPOSAL

To see of the Town will vote to adopt the following nonbinding resolution: Should the town explore issuing an RFP in order to have one private hauler to manage in the Town under one contract and require an additional fee to the tax bill rather than have households pay directly to the garbage hauler of their choice?; or take any other action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: A no vote would keep the status quo with each household contracting their own garbage collection from vendor of their choice. A yes vote would have the Town encourage dedicate resources to explore having the Town take over the managing and issuing an RFP for one garbage hauler company for the Town of Carver and assess that fee on all households rather than residents pay directly to a hauler.

The Town of Carver has been part of the Carver Marion Wareham Regional Refuse Disposal District (CMWRRDD). As part of this agreement, all disposal tipping fees have been reduced to zero at Covanta. However, that contract is coming to a close at the end of 2020. Currently the residents have two options. The first is to hire a private disposal service or purchase a garbage sticker so you may drop off your garbage at the CMWRRDD transfer station in Marion or Rochester. Current 2019 price for transfer stickers are \$50/year. The cost for stickers to bring your household trash after 2020 has been estimated to exceed \$150/year. With the expiration of the contract with Covanta at the end of 2020 being imminent, we are asking for direction. Should we seek out one vendor for town-wide household trash pickup run by the town?

PROPOSED MOTION:

I move that the Town vote to adopt the non-binding resolution set forth in Article 18 of the Warrant.

(Majority Vote Required)

Recommendation: Board of Selectmen 3-2, Finance Committee 3-2

ARTICLE 18: VOTE

Motion made and seconded that the Town vote to adopt the non-binding resolution set forth in the Warrant.

Motion for Article 18 failed by majority vote.

ARTICLE 19: ADOPT THE STRETCH ENERGY CODE

To see if the Town will vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA as it may be amended from time to time and to see if the Town will vote to amend Chapter 9 of the Town’s General Bylaws, by adding a new section 9.8, entitled “Stretch Energy Code”, as follows:

9.8. STRETCH ENERGY CODE

1. Definitions:

a. International Energy Conservation Code (IECC) –The International Energy Conservation Code (IECC) is a building energy code created by the International Code Council. It is a model code adopted by many state and municipal governments in the United States for the establishment of minimum design and construction requirements for energy efficiency, and is updated on a three-year cycle. The baseline energy conservation requirements of the MA State Building Code are the IECC with Massachusetts amendments, as approved by the Board of Building Regulations and Standards.

b. Stretch Energy Code- Codified by the Board of Building Regulation and Standards as 780 CMR Appendix 115.AA of the Massachusetts Building Code, the Stretch Energy Code is an appendix to the Massachusetts building code, based on further amendments to the International Energy Code (IECC) to improve the energy efficiency of buildings built to this code.

2. Purpose: The purpose of 780 CMR 115.AA is to provide a more energy efficient alternative to the Base Energy Code applicable to relevant sections of the building code for both new construction and existing buildings.

3. Applicability: This code applies to residential and commercial buildings. Buildings not included in this scope shall comply with 780 CMR 13, 34, 51, as applicable.
4. Stretch Energy Code: The Stretch Energy Code, as codified by the Board of Building Regulations and Standards as 780 CMR Appendix 115 AA, including any future editions, amendments or modifications, is herein incorporated by reference into the Town of Carver General Bylaws. The Stretch Code is enforceable by the building commissioner, or take any action relative thereto.

BOARD OF SELECTMEN

INFORMATIONAL SUMMARY: The Stretch Energy Code provides a more energy efficient alternative to the base energy code as found in the Massachusetts Building Code for new and existing buildings. A municipality seeking to ensure that construction within its boundaries is designed and built above the energy efficiency requirements of the Massachusetts Building Code may mandate adherence to the Stretch Energy Code by amendment of its bylaws. Adoption of the Stretch Energy Code is a requirement for recognition of the Town as a Green Community. If adopted the Town is expected to receive between \$155,000 - \$170,000 grant funds for the Town to spend on upgrading its building mechanical systems to reduce future energy costs. See Appendix G

PROPOSED MOTION: I move that the Town vote to adopt the Stretch Energy Code set forth in the State Building Code at 780 CMR 115.AA as it may be amended from time to time, and to amend the Town's General Bylaws by adding a new section titled "Stretch Energy Code", as set forth in Article 16 of the Warrant.

(Majority Vote Required)

Recommendation: Board of Selectmen 3-2, Finance Committee 3-1

ARTICLE 19: VOTE

Motion made and seconded that the Town adopt the Stretch Energy Code as printed in the Warrant.

Motion passed by majority vote.

ARTICLE 20: PROHIBIT USE VARIANCES

To see if the Town will vote to amend Section 5222 of the Town of Carver Zoning Bylaw, to delete "residential" as shown below in strikethrough and add "zoning" as shown below in bold type, or take any other action relative thereto:

5222. To hear and decide appeals or petitions for variances from the terms of this By-Law, with respect to particular land or structures, as set forth in G.L. c. 40A, s. 10. The Board of Appeals shall not grant use variances in any ~~residential~~ **zoning** district of the Town.

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw, Section 5222, to prohibit use variances in all zoning districts.

PROPOSED MOTION: I move that the Town vote to amend Section 5222 of the Town of Carver Zoning Bylaw as set forth in Article 20 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 0-0, Planning Board 4-0

ARTICLE 20: VOTE

Motion made and seconded to approve Article 20 as printed in the Warrant.

Stephen Cole presented the article.

Sharon Clarke represented the Zoning Board of Appeals.

Motion passed with two-thirds vote declared by the Moderator.

ARTICLE 21: CLARIFY CRAFTSMAN AND TRADESMAN

To see if the Town will vote to amend Article VI of the Town of Carver Zoning Bylaw, definition of “Craftsman/Tradesman” to delete “etc.” as shown below in strikethrough, or take any other action relative thereto:

Craftsman/Tradesman shall mean retail and/or service provided by a worker who practices a trade or handicraft, one who creates or performs with skill or dexterity especially in the manual arts, such as a jeweler, cabinet maker, frame person etc.

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw, Article VI, definition of “Craftsman/Tradesman” to delete “etc.”.

PROPOSED MOTION: I move that the Town vote to amend the definition of “Craftsman/Tradesman” in the Town of Carver Zoning Bylaw as set forth in Article 21 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 4-0

ARTICLE 21: VOTE

Motion made and seconded to approve Article 21 as printed in the Warrant.

Stephen Cole presented the article.

Motion carried unanimously.

ARTICLE 22 COMMERCIAL WOOD PROCESSING USE: To see if the Town will vote to amend the Town of Carver Zoning Bylaw to regulate Commercial Wood Processing as set forth below, or take any other action relative thereto.

PART A

Amend Section 2230 of the Town of Carver Zoning Bylaw, Use Regulation Schedule, Sub-Section B., Commercial Uses, by adding a new use titled “Commercial Wood Processing”, and to provide that the use is allowed in the following zoning districts upon the grant of a special permit by the Town of Carver Planning Board: RA, HC, GBP, IA, IB, IC, and AP as follows:

B. COMMERCIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
Commercial Wood Processing ⁷	SP*	SP*	N	N	N	SP*	SP*	SP*	SP*	SP*	N

⁷ Minimum sites of 5 acres in all districts

PART B

Add a new section (Section 3660) to the Town of Carver Zoning Bylaw to regulate Commercial Wood Processing Operations as follows:

Section 3360: Commercial Wood Processing Operations

Definition:

Wood processing categories include sawn timber, wood-based panels, wood chips, paper and paper products and shall include further processing of timber, wood chips, cellulose and other prefabricated materials with additives.

Purpose:

For the purpose of enabling commercial wood processing operations to conduct business in appropriate zones in town; to preserve the quality of life and character of the community; to insure public safety; to safeguard property values and protect land rights among competing interests and uses.

The provisions set forth in this section shall apply to the import, export, storage, operation and processing of natural wood products not exempt by G.L. c. 40A s. 3 or G.L. c. 128 s. 1A.

Applicability:

Except where exempt under G.L. c. 40A s. 3 or G.L. c. 128 s. 1A, commercial wood processing operations shall submit to the Planning Board an application for Special Permit. Lots with less than 5 acres shall also submit application for Site Plan Review. Plans accompanying an application for Special Permit and Site Plan Review shall clearly identify an area on site to be used for spreading and extinguishing combustible materials in case of a fire. Submitted plans shall be circulated to the Carver Fire Department for comment prior to any permit being issued. The pre-defined area must be maintained for the duration of the operation. Relocation or amendment to the pre-defined area location shall be acceptable with the approval of the Planning Board. A water supply area shall be well-defined on a plan and in close proximity to the storage piles. Access roadway to the water supply area shall be an "all weather" road and maintain a 12' wide clearance.

Storage and piling of wood material shall not exceed a volume greater than 1700 cubic yards and shall not exceed 13' in height, 26' wide, and shall not be greater than 275' in length. Wood material shall be spaced a minimum of 30' apart. Multiple storage piles shall maintain 30' clearance between adjacent storage piles. Storage piles shall be a minimum 30' removed from tree-lines and structures. Gates installed on the property shall be at least 12' wide and a key, if locked, shall be provided to the Carver Fire Department.

Setbacks:

Front, rear and side setbacks shall be at least 100 feet on the applicant's property; provided, however that where the lot is located on less than 5 acres, the Planning Board may reduce setbacks to not less than 50 feet provided

noise mitigation and screening are adequately addressed. Vegetated screening shall be provided for a minimum of 50% of specified setback.

Enforcement:

The Zoning Enforcement Officer is hereby designated and authorized to enforce this by-law.

PLANNING BOARD

INFORMATIONAL SUMMARY:

The proposed by-law will allow this use in town as a business operation. Such use will be regulated in a manner that is consistent with Carver Fire Department policies developed to insure public safety.

PROPOSED MOTION: I move that the Town vote amend the Town of Carver Zoning Bylaw to regulate Commercial Wood Processing Operations, as set forth in Article 22 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 4-0

ARTICLE 22: VOTE

Motion made and seconded to approve Article 22 as printed in the Warrant.

Motion made and seconded by Cornelius Shea of 148 Plymouth St. to remove residential from the usage list by changing "SP*" to "N" in RA zone.

Motion to amend passed.

Motion on Article 22 as amended carried unanimously.

ARTICLE 23 EXPANSION OF SOLAR REGULATIONS:

To see if the Town will vote to amend Section 3580 of the Town of Carver Zoning Bylaw relative to as large-scale ground-mounted solar photovoltaic installations, as set forth below, or take any other action relative thereto:

- 1a) Amend Section 3580.25.1 to allow reduced setbacks for large-scale ground-mounted solar photovoltaic installations ("LSGMSPI"), to a minimum of 50 feet, provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district. An affidavit signed by all owners of record of all direct abutters within a Residential-Agricultural (RA) zoning district must be on file with the Planning Board and referenced in the Special Permit Decision.
- 1b) Amend Section 3580.25.1 to allow setbacks be reduced to a minimum of 12.5 feet by right where abutting arrays are proposed in mutual partnership/ownership or common ownership that transcend existing lot lines.
- 1c) Amend Section 3580.25.2 to provide that when one project is proposed on multiple contiguous parcels, only one single application is required.

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw Section 3580 to allow reduced setbacks for large-scale ground-mounted solar photovoltaic installations ("LSGMSPI") provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district and to allow a single application when a LSGMSPI is proposed on multiple parcels, only one single application is required.

PROPOSED MOTION: I move that the Town vote to amend Section 3580 of the Town's Zoning Bylaw relative to large-scale ground-mounted solar photovoltaic installations as set forth in Article 23 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 3-1

ARTICLE 23: VOTE

Motion made and seconded to approve Article 23 as printed in the Warrant.

Planning Board Chair, Bruce Maki, presented Article 23.

Motion made and seconded by Jennifer Bogart of 116 Cranberry Rd. to amend Article 23 Section 1A "... provided standard setbacks and screening requirements are waived in writing by all direct abutters while taking all nearby properties into consideration in a Residential-Agricultural (RA) zoning district"

Motion to amend failed.

Motion for Article 23 carried with two-thirds vote declared by Moderator.

ARTICLE 24 DUAL USE SOLAR:

To see if the Town will vote to amend the Town of Carver Zoning Bylaw by adding a new section (Section 3580.70) titled "Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI")" as set forth below, or take any other action relative thereto:

2a) To add a new Section addressing required setbacks and screening for SMART/Dual Use Arrays as described below:

		SMART/Dual Use Array			
		Array Height	Setback	% Screening in Setback	Abutters Notification
Residential - Agricultural		8'+	200*	100**	300'
		* Planning Board may reduce setbacks, but in no instance shall setbacks be less than 25' when abutting a Residential/Agricultural district.			
		** 100% screening shall be attained from the greater of abutting street grade or yard grade. Topographical situations may require flexibility in either setback or screening decisions.			

2b) To allow setbacks of a minimum of 12.5 feet if arrays are abutting a bog or other agricultural use as defined in G.L. c. 128, § 1A provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.

2c) To allow setbacks of a minimum 25 feet provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw to add a new section to allow for Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI") with required setbacks and screening and to provide for reduced setbacks including when abutting a bog or other agricultural use as defined in G.L. c. 128, § 1A provided standard setbacks and screening requirements are waived in writing by all direct abutters in a Residential-Agricultural (RA) zoning district.

PROPOSED MOTION: I move that the Town vote to amend the Town of Carver Zoning Bylaws by adding a new section titled "Dual Use Large-Scale Ground-Mounted Solar Photovoltaic Installations ("LSGMPI")", as set forth in Article 24 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 3-1

ARTICLE 24: VOTE

Motion made and seconded to approve Article 24 as written in the Warrant.

Bruce Maki presented Article 24.

Motion carried with two-thirds vote declared by the Moderator.

ARTICLE 25 SOLAR:

To amend Section 2230 of the Town of Carver Zoning Bylaw, Use Regulation Schedule, Sub-Section C., Industrial Uses, Large-scale ground mounted solar photovoltaic installations, to provide that the use is allowed in the following zoning districts upon the grant of a special permit by the Town of Carver Planning Board: RA, GBP, IA, IB, IC, and AP as follows, which changes being the addition of an * next to SP in said districts, or take any other action relative thereto:

C. INDUSTRIAL	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP	SSID
Large-scale ground mounted solar photovoltaic	SP*	N	N	N	N	SP*++	SP*	SP*	SP*	SP*++	N

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw, Section 2230, Use Regulation Schedule, Sub-Section C., Industrial Uses, Large-scale ground mounted solar photovoltaic installations, to provide that the use is allowed in the RA, GBP, IA, IB, IC, and AP zoning districts upon the grant of a special permit by the Town of Carver Planning Board.

PROPOSED MOTION: I move that the Town vote to amend the Town of Carver Zoning Bylaw relative to Large-scale ground mounted solar photovoltaic installations as set forth in Article 25 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 3-1

ARTICLE 25: VOTE

Motion made and seconded to approve Article 25 as written in the Warrant.

Bruce Maki presented Article 25.

Motion carried with two-thirds vote declared by the Moderator.

ARTICLE 26 WETLAND BYLAW CHANGES

To see if the Town will vote to amend Section 9.2 of the Town’s General Bylaws relative to Wetlands Protection as shown in Appendix N, with additions in bold and deletions in strikethrough, or take any other action relative thereto.:

INFORMATIONAL SUMMARY: Submitted by the Conservation Commission to see if the town will vote to amend the Carver Wetlands Bylaw in order to: Create and preserve “Buffer Zones” and “Buffer Strips” to protect the local aquifers, from which more than 90% of Carver residents get their drinking water. Put into place protections

that will help eliminate chemicals and pollutants to maintain clean surface water, needed by farmers, the Carver Fire Department, and residents who enjoy the recreational facilities in town. Maintain current exemptions for 61A-zoned (Agricultural) parcels of land. Add the requirement that property owners of agriculturally-zoned properties (61A) notify the Conservation Agent by phone, email, or in person before any work is started within a restricted area. This knowledge will allow the Agent to address any concerns residents have and will eliminate the need for site visits. The current agricultural exemptions allowed under the Town of Carver bylaws do not change. Eliminate "gray areas" and ill-defined verbiage which open the by-laws up to different interpretations by different parties, and add clarification to these areas. Make the by-laws clearer for property owners/contractors/builders so monies are not wasted on preliminary planning for potential projects that will not be allowed.

Note: These revised by-laws are for new construction only, and will only affect projects brought to the Conservation Commission after the effective date of these by-laws.

PROPOSED MOTION: I move that the Town vote to amend Section 9.2 of the Town of Carver Wetlands Bylaw as set forth in Article 26, Appendix N of the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen 4-1, Conservation Commission 5-0

ARTICLE 26: VOTE

Motion made and seconded to approve Article 26 as written in the Warrant.

Conservation Commission Vice-Chair, Savory Moore, presented Article 26.

Motion for Article 26 failed by majority vote.

ARTICLE 27 NON MEDICAL MARIJUANA OVERLAY DISTRICT:

To see if the Town will vote to amend the Town of Carver Zoning Bylaw by adding a new section for purposes of regulating non-medical (recreational-use) marijuana establishments within the Town, including establishments for the cultivation, processing, testing, product manufacturing and retail sale of non-medical (recreational-use) marijuana establishments, which uses shall be allowed pursuant to the issuance of a special permit and site plan approval within a designated marijuana overlay district. And to further amend the Town of Carver Zoning Bylaw by adding a new Section – Non-Medical Marijuana Overlay District at the end of Article IV, Special Uses, as follows, and further, to authorize the Town Clerk to make such revisions to the numbering and lettering of such subsection to ensure conformity with the Zoning By-law, or take any other action relative thereto.

Section 5000 shall be inserted as follows:

Section 5000 – Non-Medical Marijuana Overlay District Bylaw

Section 5000.1 - Purpose

To provide for the placement of Non-Medical Marijuana Establishments, in accordance with An Act To Ensure Safe Access to Marijuana, c.55 of the Acts of 2017 and all regulations which have or may be issued by the Cannabis Control Commission, including, but not limited to 935 CMR 500.000 implementing this Act, in locations suitable for such uses, which will minimize adverse impacts of Non-Medical Marijuana Establishments on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate by regulating the siting, design, placement, security, and removal of Non-Medical Marijuana Establishments.

Section 5000.2 – Establishment

There shall be two Non-Medical Marijuana Overlay Districts ("NMOD"); Non-Medical Marijuana Overlay District/Cultivation and Processing ("NMOD/CP") and Non-Medical Marijuana Overlay District/Retail ("NMOD/R"). The boundaries of both NMOD/CP and NMOD/R are shown on the Zoning Map on file with the Town Clerk and shall comprise the following parcels, as set forth on the maps of the Town Board of Assessors:
NMOD/CP:

NMOD/CP:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Ext
20	1		21	2	A	22	10		24	1		25	1	
	12						10	1		2			1	A
	13						11			3			2	N
	14						3			3	1		4	
	2						3	1		3	2		4	A
	2	1					3	A					4	B
	3						3	B					4	C
							4						5	
							5	A						
							5	B						
							5	C						
							5	D						
							5	E						
							7	A						

NMOD/R:

NMOD/R:

Map	Lot	Ext	Map	Lot	Ext	Map	Lot	Map	Lot	Ext	Map	Lot	Ext	Map	Lot
94	6		95	4	A	98	6	126	21		127	A	3	128	1
	6	A		3			6-A		24			A	2		6
	5			3	A		4		25			A	1		7
	3			3	1		5		35			6			8
	2			7			3		36	1		8			
	1			1			1					10	1		
	11			6	A		8					10			
	13											11			
	9											12			
	8											21			
												22A	2		

											22A	1		
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Within the NMOD/CP and NMOD/R, all requirements of the underlying zoning district remain in effect, except where these regulations provide an alternative to such requirements. Land within the NMOD/CP and NMOD/R may be used for any state-licensed Non-Medical Adult Use Marijuana Establishment, in which case the requirements set forth in this section shall apply. Land in either the NMOD/CP and/or NMOD/R may be used for a use allowed in the underlying district, in which case the requirements of the underlying district shall apply. If the provisions of the NMOD/CP and/or NMOD/R are silent on a zoning regulation, the requirements of the underlying district shall apply. If the provisions of the NMOD/CP and/or NMOD/R conflict with the requirements of the underlying district, the requirements of the NMOD/CP and/or NMOD/R shall control.

Section 5000.3 - Definitions

Where not expressly defined in the Zoning Bylaws, terms used in this section of the Bylaw shall be interpreted as defined in G.L. c.94I and G.L. c.94G and any regulations issued by the Cannabis Control Commission implementing these laws, and otherwise by their plain language.

a. Independent Testing Laboratory means a laboratory that is licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana that is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and M.G.L. c.94C, § 34.

b. Marijuana Cultivator means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.

c. Marijuana Delivery-Only Retailer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or micro-business.

d. Marijuana Establishment means a marijuana cultivator, independent testing laboratory, marijuana product manufacturer, marijuana retailer or any other type of marijuana-related business licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana.

e. Marijuana Product Manufacturer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.

f. Marijuana Retailer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers.

g. Medical Marijuana Treatment Center means an entity licensed by the Department of Public Health or the Cannabis Control Commission under a medical use marijuana license that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for the benefit of registered qualifying patients or their personal caregivers in the treatment of debilitating medical conditions or the symptoms thereof.

Section 5000.4 - Number of Licenses

Only 2 Marijuana Retailers will be allowed to operate in the NMOD/R at one time.

Section 5000.5 – Location and Dimensional Controls

1. Non-Medical Marijuana Establishments may be permitted in the NMOD/CP and/or NMOD/R pursuant to a Special Permit and Site Plan Approval.
2. Non-Medical Marijuana Establishments may not be located within 500 feet of the following pre-existing uses:
 - (a) Public or private school providing education in pre-school, kindergarten and/or grades 1 through 12;
 - (b) State-licensed Child Care Center, as defined in M.G.L. Chapter 15D; or
 - (c) Library, playground, public park, public beach, religious facility, youth center; or similar facility in which minors commonly congregate for a particular purposes in a structured and scheduled manner.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed Non-Medical Marijuana Establishment.

3. Cultivation and processing facilities located within the NMOD/CP shall be separated from adjacent uses by a 50-foot buffer strip, unless the applicant can demonstrate, and the Planning Board finds, that adequate buffering can be provided in a narrower buffer strip.
4. Non-Medical Marijuana Establishments shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted either within the building or by home delivery pursuant to applicable state regulations.
5. Unless explicitly stated otherwise, Non-Medical Marijuana Establishments shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.
6. Non-Medical Marijuana Establishments shall conform to the signage requirements of Section 3500 of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

Section 5000.6 – Special Permit

1. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) and shall conduct Site Plan Review for an applicant for a Non-Medical Marijuana Establishment.

- a. Application: In addition to the materials submission requirements of Section 3100 and Section 5300, the applicant shall also include:
- i. A detailed floor plan of the premises of the proposed Non-Medical Marijuana Establishment that identifies the square footage available and describes the functional areas of the facility;
 - ii. detailed site plans that include the following information:
 1. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;
 2. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 3. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected to be substantially affected by on-site changes;
 4. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for home delivery vehicle(s), as applicable;
 5. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 6. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 7. Adequacy of water supply, surface and subsurface drainage and light.
 - iii. a description of the security measures, including employee security policies;
 - iv. a copy of the emergency procedures;
 - v. a copy of proposed waste disposal procedures; and
 - vi. a copy of all licensing materials issued by the Cannabis Control Commission, and any materials submitted to these entities by the applicant for purposes of seeking licensing to confirm that all information provided to the Planning Board is consistent with information provided to the Cannabis Control Commission, as applicable.
 - vii. a notarized statement signed by the Non-Medical Marijuana Establishment organization's Chief Executive Officer disclosing all of its designated owners, including officers, directors, partners, managers, or other similarly situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of all such responsible individual persons.
- b. The SPGA shall refer copies of the application to all Town departments and boards/commissions, including but not limited to the Building Department, Fire Department, Police Department, Board of Health, and the Conservation Commission.

c. After notice and public hearing in accordance with Section 3100 and Section 5300 of the Bylaw and consideration of application materials, consultant reviews, public comments, and the recommendations of other town boards and departments, the SPGA may act upon such a permit and request for site plan approval.

2. Special Permit Conditions on Non-Medical Marijuana Establishments: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Non-Medical Marijuana Establishment, the SPGA may include the following conditions in any special permit granted under this Bylaw:

a. Hours of Operation, but if none are specified in the special permit, hours of operation shall be limited to 9:00 a.m. – 8:00 p.m Monday through Saturday and 12:00 p.m. to 6:00 p.m. on Sundays

b. The use shall not generate outside odors from the cultivation or processing of marijuana and marijuana products.

c. A Security Plan shall be required for all Non-Medical Marijuana Establishments, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Planning Board.

d. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.

e. Non-Medical Marijuana Establishment may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.

f. Non-Medical Marijuana Establishments may not operate, and the special permit will not be valid, until the applicant has entered into a Host Community Agreement with the Town relative to any facility permitted under this Bylaw.

g. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and use of the premises as a Non-Medical Marijuana Establishment. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.

h. The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.

i. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Non-Medical Marijuana Establishment's expiration or termination of the permit holder's license with the Cannabis Control Commission.

j. No outside storage is permitted.

k. If the applicant is not the owner of the property, the applicant shall supply express written permission from the property owner.

l. Unless otherwise specified in the special permit, marijuana cultivators shall use organic fertilizer.

No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a Non-Medical Marijuana Establishment absent a positive vote by ballot question presented to the voters of the city or town at a biennial state election pursuant to G.L. c.94G, s.3(b).

Section 5000.8- Prohibition Against Nuisances

No use shall be allowed in the MOD which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

Section 5000.9 - Abandonment and Discontinuance of Use

1. A Non-Medical Marijuana Establishment shall be required to remove all material, plants, equipment, signs and other paraphernalia upon registration or licensure revocation, expiration, termination, transfer to another controlling entity relocation to a new site and any other cessation of operation as regulated by the Cannabis Control Commission. Such removal will be in compliance with 105 CMR 725.105 (J), (O.) and regulations from the CCC; and
2. A Special Permit granted hereunder shall lapse if the applicant ceases marijuana establishment operations for a period of ninety (90) days and/or if the applicant's license by the Cannabis Control Commission has been revoked, expires, is terminated, is transferred to another controlling entity or is relocated to a new site;

Section 5000.10 - Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

PLANNING BOARD

INFORMATIONAL SUMMARY: Submitted by the Planning Board to see if the town will vote to amend the Carver Zoning Bylaw for purposes of regulating non-medical marijuana establishments within the Town, including establishments for the cultivation, processing, testing, product manufacturing and retail sale of non-medical (recreational-use) marijuana establishments, which uses shall be allowed pursuant to the issuance of a special permit from the Planning Board and site plan approval within a designated marijuana overlay district. See Appendix O

PROPOSED MOTION: I move that the Town vote to amend the Town of Carver Zoning Bylaw to regulate the use of non-medical marijuana as set forth in Article 27 of the Warrant.

(Two-Thirds Vote Required)

Recommendation: Bd. of Selectmen 5-0, Planning Board 3-1

ARTICLE 27: VOTE

Motion made and seconded that the Town vote to approve Article 27 as printed in the Warrant.
Article presented by Stephen Cole.

Motion made and seconded by Paul Brennan of 12 Church St. to Amend Article 27 Section 5000.5 to strike the language of sub-section (c) "Library, playground, public park, public beach, religious facility, youth center; or similar facility in which minors commonly congregate for a particular purpose in a structured and scheduled manner." and replace with "Library, Public Playground, or Youth Center."

Motion to amend ruled "out-of-order" by Moderator.

Motion made and seconded by Paul Brennan of 12 Church St. to Amend Article 27 Section 5000.6 Special Permit by striking subsection 2(L) “Unless otherwise specified in the special permit, marijuana cultivators shall use organic fertilizer.”

Motion to amend failed.

Motion made and seconded by Jennifer Bogart of 116 Cranberry Rd. to amend Article 27 by replacing Section 5000.6, Part 2L with “Organic practices for adult use marijuana cultivation are required. Provide narrative of organic pest control being used as well as detailed information on all chemicals, fertilizers, etc. being used within or on the same property as the marijuana establishment”

Motion to amend did not carry.

Motion on Article 27 carried with two-thirds vote declared by Moderator.

ARTICLE 28: TAX ON MARIJUANA.

To see if the Town will vote to accept the provisions of G.L. c. 64N, §3 to impose a local sales tax at the rate of 3 percent of the total sales price upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town of Carver to anyone other than a marijuana establishment, or take any other action relative thereto.

PLANNING BOARD

INFORMATIONAL SUMMARY: The proposed by-law will impose a 3% tax on adult/recreation use marijuana sold by retail establishments operating in the town. The sales tax assessment is the maximum allowed by state law.

PROPOSED MOTION: I move the town vote to accept the provisions of G.L. c. 64N, §3 relative to a tax on the sale of marijuana, as set forth in Article 28 of the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen – 5-0, Finance Committee 4-1

ARTICLE 28: VOTE

Motion made and seconded to approve Article 28 as it appears in the Warrant.

Motion carried Unanimously.

ARTICLE 29: CARVER’S GRANT PROGRAM IS TO SUPPORT OUR LOCAL NON-PROFITS IN AIDING THE TOWN’S POPULATION.

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of establishing the Town of Carver Grant Program (TOCGP), to be administered by the Finance Committee during the Fiscal Year beginning on July 1, 2019 and ending on June 30, 2020, for the purpose of funding agreements between the Town and individuals or non-profit entities who provide a public purpose of support and stimulation for the residents of Carver, and further, the authorize the Finance Committee to enter into grant agreements with such individuals or non-profit entities upon such terms and conditions as the Finance Committee deems in the best interests of the Town, and further to authorize the Finance Committee to adopt regulations and/or guidelines for the administration of such funds, and to take such actions as are necessary to effectuate the purposes of this Article, or take any other action relative thereto.

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: The Town of Carver Grant Program (TOCGP) awards grants to projects or programs within Carver Massachusetts. The Program will consider proposals from non-profit groups, agencies, and organizations whose interests are consistent with the goals of the Program.

PROPOSED MOTION: I move that the Town raise and appropriate the total sum of \$25,000 for the purposes specified in Article 29 of the Warrant.

(Majority Vote Required)

Recommendation: Bd. of Selectmen – 4-1, Finance Committee 6-0

ARTICLE 29: VOTE

Motion made and seconded that the Town raise and appropriate the total sum of \$25,000 for the purposes specified in Article 29 of the Warrant.

Article presented by Alan Germain.

Motion carried by majority vote.

ARTICLE 30: MONEY PETITION ARTICLES

- A. To see if the Town of Carver will vote to raise and appropriate or transfer from available funds the sum of \$5,000 to support to the Young Peoples' Alliance of Carver, Inc. for services of drug and substance abuse prevention programs and other after school programs for the youth and families of the Town of Carver.
- B. To see if the Town of Carver vote to raise and appropriate, or transfer from available funds, the sum of Five Thousand Dollars (\$5,000.00) to South Shore Community Action Council, Inc. for services to low income families and elderly residents in the Town of Carver.
- C. To see if the Town of Carver vote to raise and appropriate, or transfer from available funds, the sum of Five Thousand Dollars (\$4,000.00) to support the South Coastal Counties Legal Services for free legal services in civil matters to low-income and elderly residents.
- D. South Shore Resource and Advocacy Center (formerly South Shore Women's Resource Center) requests \$3,000 from the Town of Carver for services provided to survivors of sexual assault and domestic violence for its residents.
- E. To ask the Town of Carver to vote to raise or appropriate or transfer from available funds the sum of \$6,000 to Shane Gives Thanks Inc. to provide food to residents through their food pantry program run in conjunction with the Carver Schools, Veterans Food pantry and many other holiday and food pantry programs.

VARIOUS PETITIONED ARTICLES

INFORMATIONAL SUMMARY: The above funding requests have been properly petitioned for inclusion in the Town of Carver's Annual Town Meeting. The Young Peoples' Alliance of Carver, Inc. has requested "no action be taken on item "A". The Finance Committee and the Board of Selectmen have requested that no action be taken on this article as a better way of funding these articles was proposed in previous article that will fund these items with appropriate checks and balances.

PROPOSED MOTION: I move that the Town raise and appropriate the total sum of \$18,000 as grants for the purposes and in the amounts specified in Paragraphs B-E of Article 31 of the Warrant and that Paragraph A of Article 30 be dismissed.

(Majority Vote Required)

Recommendation: Vote to take no action: Bd. of Selectmen – 4-1, Finance Committee 5-0

ARTICLE 30: VOTE

Motion made and seconded for the Town to raise and appropriate the total sum of \$18,000 as grants for the purposes and in the amounts specified in Paragraphs B-E of Article 30 of the Warrant and that Paragraph A of Article 30 be dismissed.

Article 30 was presented by Alan Germain. Alan recommended that Article 30 be turned down and the petitions will be funded through the grant program previously voted in Article 29. "Shane Gives Thanks" will still get \$6,000.

Motion to amend made and seconded by Robert Belbin of 26 Gate St. to take no action on Article 30.
Motion to take no action on Article 30 carried unanimously.

ARTICLE 31: AMEND COUNCIL ON AGING BY-LAW

To see if the Town will vote to amend Section 4.4 of the Town's General Bylaws relative to the Council on Aging, as set forth below, with additions shown in bold and deletions shown in strikethrough, or take any other action relative thereto:

4.4 COUNCIL ON AGING

4.4.1. There shall be a Council of Aging for the purpose of coordinating or carrying out programs designed to meet the problems of the aging in cooperation with programs of the ~~Commission on Aging established under Chapter 6, Section 73 of the General Laws~~ **Massachusetts Executive Office of Elder Affairs, as set forth in Massachusetts General Laws, Chapter 40, Section 8B.**

4.4.2. **The Town Administrator shall appoint a Council on Aging consisting of five (5) members and two alternates. Upon the effective date of this Bylaw, the appointed incumbents serving at the time of adoption shall continue to serve for the remainder of their terms, unless the incumbent resigns or is removed prior to the end of their term, provided that the two most recent appointees shall be designated as the alternate members. Thereafter, the Town Administrator, in consultation with the Chair, or the Vice-Chair if the Chair is up for reappointment,, shall appoint members and alternates for three year terms. The Council on Aging shall consist of seven (7) members. The Town Administrator shall annually appoint two members for a three year term except that each third year three members shall be appointed for a**

~~three year term in order to maintain a Council of seven members.~~ The members of the Council shall serve without pay.

4.4.3. The Council on Aging shall hold an annual meeting in April of each year and shall elect from its membership a **Chair, Vice-Chair and Secretary** ~~President, 1st vice president, Secretary and Treasurer.~~ Each officer shall hold office until the next annual **appointment** ~~election.~~ ~~In the event a vacancy occurs in any of the offices above, the Council shall hold a special meeting for the purpose of electing one of its members to fill such vacancy.~~

4.4.4. The Council shall prepare and submit an annual report of its activities to the Town and shall send a copy thereof to the Commission on Aging.

4.4.5. The Council may appoint such clerks and other employees as it may require.

4.4.6 **The alternate members shall be appointed for three (3) year terms. The Chair or Vice-Chair if the Chair is absent, may designate an alternate to sit on the Council and participate and vote as a full member in the case of absence, inability to act or conflict of interest of any regular member, or in the event of a vacancy on the Council until the vacancy is filled.**

4.4.7 **Whenever a vacancy shall occur in the membership of the Council, by reason of death, resignation, inability to act or for any other reason, the vacancy shall be filled in accordance with the provisions of Massachusetts General Laws, Chapter 41, Section 11. When an opening in the full membership occurs, an Alternate may be considered for appointment to full membership and a replacement alternate may be appointed in accordance with the procedure set forth herein.**

COUNCIL ON AGING

INFORMATIONAL SUMMARY: This article asks Town Meeting to update the by-laws of the Council on Aging Board of Directors. These by-laws have not been reviewed or updated for many years and changes have been made to the Massachusetts General Laws governing local Councils on Aging. Town Counsel has approved the language of these changes.

PROPOSED MOTION: I move that the Town vote to amend the Town of Carver Council on Aging Bylaw as set forth in Article 31 of the Warrant.

(Majority Vote Required)

Recommendation: Board of Selectmen – 5-0

ARTICLE 31: VOTE

Motion made and seconded to approve Article 31 as written in the Warrant.

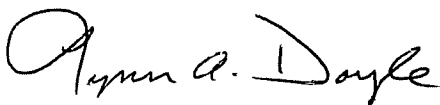
Article 31 presented by Colleen Preston of 9 Pipers Way

Motion declared passed by Moderator Clancey

Motion made and seconded to adjourn town meeting.

Meeting adjourned at 11:36 pm.

A true record. Attest:



Lynn A. Doyle, CMMC
Town Clerk

