August 4, 2021

Cara L. Dahill, Town Clerk
Town of Carver
108 Main Street
Carver, MA 02330

Re: Carver Annual Town Meeting of April 13, 2021 -- Case # 10077
Warrant Article # 22 (Zoning)
Warrant Articles # 9 and 12 (General)

Dear Ms. Dahill:

Articles 9 and 12 - We approve Articles 9 and 12 from the April 13, 2021 Carver Annual Town Meeting.

Article 22 - Because of a procedural defect in the adoption of Article 22, the Attorney General has elected to proceed under the authority conferred by G.L. c. 40, § 32, as amended by Chapter 299 of the Acts of 2000, and place this Article on “hold.”

In the materials submitted to us the Town provided the following information pursuant to G.L. c. 40, § 32 and c. 40A, § 5: the Planning Board hearing notice was not sent to the Department of Housing and Community Development, the Regional Planning Agency, and the planning boards of the abutting cities and towns, as required by G.L. c. 40A § 5. Apart from this defect, the notice appears to satisfy the requirements of the statute.

Therefore, the 90-day period prescribed for the Attorney General’s review of Article 22 is suspended in accordance with G.L. c. 40, § 32.

A signed copy of Form 299 is enclosed. Once the procedures outlined in Form 299 are completed, and after the expiration of the 21-day period required by Chapter 299 of the Acts of 2000, please return a copy of Form 299 to us along with your certification that a true copy has been posted and published as required by Chapter 299. Please feel free to contact this Office with any questions about this procedure.
May 3, 2021

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Tuesday April 13th, 2021 at the Carver High School Auditorium at 7:00P.M., pursuant to the Warrant of the Select Board dated April 5, 2021. The Meeting was called to order at 7:20P.M. by the Moderator, Sean R. Clancy, there being a quorum of 75 present. The total registered voters at this time were 101. The following Article was voted on:

ARTICLE 9: PERMITTING AUTHORITY BY-LAW:

To see if the town will vote to amend the Town’s General Bylaws by adding the following new section and authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification, or take any other action related thereto:

PERMITTING AUTHORITY BYLAW 1. No person who holds a position with a permitting-authority board or commission shall be eligible for appointment to another permitting-authority board or commission, unless they resign from the first position. For purposes of this bylaw, a permitting-authority board or commission shall mean any board or commission of the town that has the authority to issue licenses, permits or approvals for any activity or use of land, including, but not limited to, the Select Board, Planning Board, Zoning Board of Appeals, Board of Health and Conservation Commission, provided, however, that nothing in this bylaw shall prevent any person from holding one or more elected positions with the town, except as set forth in Chapter 2.2 of the Town’s bylaws relative to the Select Board. 2. Any person holding appointed positions with more than one permitting-authority board or commission on the effective date of this bylaw may continue to hold those positions until the expiration of the earliest ending term and they shall thereafter be subject to section 1 of this bylaw. 3. Any member appointed to a permitting-authority board or commission may continue to serve beyond the expiration of their term until the conclusion of any public hearing opened prior to the expiration of their term. In that case, the member’s appointment shall be extended for purposes of that hearing only and it shall expire upon the closing of the public hearing.

SELECT BOARD PROPOSED MOTION: Sarah Hewins made the motion and it was seconded that we move that the Town approve Article 9 as set forth in the Warrant. (Majority Vote Required)
2.5 PERMITTING AUTHORITY

2.5.1. No person who holds a position with a permitting-authority board or commission shall be eligible for appointment to another permitting-authority board or commission, unless they resign from the first position. For purposes of this bylaw, a permitting-authority board or commission shall mean any board or commission of the town that has the authority to issue licenses, permits or approvals for any activity or use of land, including, but not limited to, the Select Board, Planning Board, Zoning Board of Appeals, Board of Health and Conservation Commission, provided, however, that nothing in this bylaw shall prevent any person from holding one or more elected positions with the town, except as set forth in Chapter 2.2 of the Town's bylaws relative to the Select Board. 2. Any person holding appointed positions with more than one permitting-authority board or commission on the effective date of this bylaw may continue to hold those positions until the expiration of the earliest ending term and they shall thereafter be subject to section 1 of this bylaw. 3. Any member appointed to a permitting-authority board or commission may continue to serve beyond the expiration of their term until the conclusion of any public hearing opened prior to the expiration of their term. In that case, the member's appointment shall be extended for purposes of that hearing only and it shall expire upon the closing of the public hearing.

A True Copy, Attest:

Cara L. Dahill
Town Clerk
108 Main Street
Carver, MA 02330

TRUE COPY ATTEST

Cara L. Dahill
Town Clerk
May 3, 2021

TO WHOM IT MAY CONCERN:

THIS IS TO CERTIFY that at the Annual Town Meeting of the Inhabitants of Carver held on Tuesday April 13th 2021 at the Carver High School Auditorium at 7:00P.M., pursuant to the Warrant of the Select Board dated April 5, 2021. The Meeting was called to order at 7:20P.M. by the Moderator, Sean R. Clancey, there being a quorum of 75 present. The total registered voters at this time were 101. The following Article was voted on:

ARTICLE 12: CAPITAL OUTLAY COMMITTEE BYLAW CHANGE:
To see if the Town will vote to amend Chapter 4.7 of the Town’s General Bylaws as follows (with deletions shown in strike-through and additions shown in bold), or take any other action related thereto:
A. Section 4.7.1: There shall be a Capital Outlay Committee consisting of 7 5 members. One member shall be selected by the Select Board as its representative; such person shall may be from its own membership.
One member shall be selected by the School Committee as its representative; such person shall may be from its own membership.
One member shall be selected from the Finance Committee as its representative; such person shall be from its own membership; provided, however, that the chair of the Finance Committee shall not be eligible for appointment to the Capital Outlay Committee.
Two members shall be selected by the Town Administrator, who shall be registered voters of the Town.
The term of office shall be 3 years; provided, however, that term of the Select Board, School Committee and Finance Committee representatives shall automatically terminate when they are no longer members of the board or committee that appointed them. In that case, the appointing board or committee may fill the remaining term of the vacated seat with another of its members.
The Capital Outlay Committee shall designate a chair annually at a public meeting held after July 1.
The Capital Outlay Committee shall provide a report of all matters presented to it for recommendation at least once per calendar year and whenever requested by the Chair of the Finance Committee or when requested by either committee.
There shall be five members appointed by the Town Administrator. The term of office shall be 3 years. Unless otherwise provided, no member may also be a member of any other committee, board or commission.

B. Section 4.7.2: The Capital Outlay Committee shall review all requests for capital expenditures of $10,000 or more. This shall not apply to reserve fund transfer requests made to the Finance Committee that falls within their available reserve fund account or emergency expenditures. All requests shall be submitted in a format approved by the Capital Outlay Committee prior to insertion of the request on a town meeting warrant, or if the request is made by citizen petition, before the town meeting is convened.

C. Section 4.7.3: The Committee will review all requests at a duly noticed public meeting in accordance with the Open Meeting Law, and will vote on a recommendation including as to the method of financing. The Committee will review all requests at a duly noticed public meeting in accordance with the Open Meeting Law, and will vote on a recommendation, including as to the method of financing, which shall be provided to the Select Board and Finance Committee and printed in the town meeting warrant if the recommendation is made before the time of publication.

INFORMATIONAL SUMMARY: This proposed change will reduce the number of members of the Capital Outlay Committee from seven to five, and designate their methods of appointment. The changes also clarify the role of the Capital Outlay Committee with respect to reviewing requests for capital expenditures.

PROPOSED MOTION Motion made by Alan Germain and seconded to move that the Town approve Article 12 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 0-0 Finance Committee 0-0

ARTICLE 12 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

INTESTIMONY WHEREOF, I have hereunto set my hand and the official seal of the Town of Carver on this 3rd day of May 2021.

Cara L. Dahill
Town Clerk

TRUE COPY ATTEST
Cara L. Dahill
Town Clerk
4.7 CAPITAL OUTLAY COMMITTEE

Section 4.7.1: The Capital Outlay Committee shall review all requests and annually make a recommendation to the Board of Selectmen and Finance Committee regarding same including recommended methods of financing.

There shall be a Capital Outlay Committee consisting of 5 members. One member shall be selected by the Select Board as its representative; such person may be from its own membership.

One member shall be selected by the School Committee as its representative; such person may be from its own membership.

One member shall be selected from the Finance Committee as its representative; such person shall be from its own membership; provided, however, that the chair of the Finance Committee shall not be eligible for appointment to the Capital Outlay Committee.

Two members shall be selected by the Town Administrator, who shall be registered voters of the Town.

The term of office shall be 3 years; provided, however, that term of the Select Board, School Committee and Finance Committee representatives shall automatically terminate when they are no longer members of the board or committee that appointed them. In that case, the appointing board or committee may fill the remaining term of the vacated seat with another of its members. The Capital Outlay Committee shall designate a chair annually at a public meeting held after July 1.

The Capital Outlay Committee shall provide a report of all matters presented to it for recommendation at least once per calendar year and whenever requested by the Chair of the Finance Committee or when requested by either committee.

B. Section 4.7.2: The Capital Outlay Committee shall review all requests for capital expenditures of $10,000 or more. This shall not apply to reserve fund transfer requests made to the Finance Committee that falls within their available reserve fund account or emergency expenditures. All requests shall be submitted in a format approved by the Capital Outlay Committee prior to insertion of the request on a town meeting warrant, or if the request is made by citizen petition, before the town meeting is convened.

4.7.1. The Capital Outlay Committee shall review all requests and annually make a recommendation to the Board of Selectmen and Finance Committee regarding same including recommended methods of financing.

4.7.2. This by-law shall supersede all previous votes of town meeting pertaining to the Capital Outlay Committee.
C. Section 4.7.3: The Committee will review all requests at a duly noticed public meeting in accordance with the Open Meeting Law, and will vote on a recommendation, including as to the method of financing, which shall be provided to the Select Board and Finance Committee and printed in the town meeting warrant the recommendation is made before the time of publication.

A True Copy, Attest:

Cara L. Dahill
Town Clerk
108 Main Street
Carver, MA 02330

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Cara L. Dahill
Town Clerk