

**Annual Town Meeting
Monday, May 17, 2010**

The 218th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Monday, May 17, 2010 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Board of Selectmen dated May 7, 2010. The meeting was called to order at 7:10 P.M., by the Moderator, John S. Murray, there being a quorum 75 present. The total registered voters at this time were 156. The Moderator led the voters in the Pledge of Allegiance to the flag. The appropriate tellers were duly sworn to the faithful performance of their duties by the Town Clerk. The tellers were as follows:

Ellen Blanchard, Marilyn Downing, Kevin Walsh and John Rinella

Article 1. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to hear the report of any standing committee, and to abolish any special committee not submitting a report which is required to do so, unless otherwise voted, and to establish any new committee. There were no new committees.

Selectmen recommended: 5-0

Article 2-8 Defer to June 14, 2010

Article 9. Upon motion duly made and seconded and motion made by John Rinella, Recreation Committee, it was Unanimously Voted for the Town to dissolve the Carver Youth Needs Committee created by Article 24 of the 1983 Annual Town Meeting and to transfer all funds held within the Carver Youth Needs Revolving fund established pursuant to MGL Chapter 44 Section 53E 1/2 G.L. c. 44, s. 53E1/2 to the Carver Recreation Revolving Fund.

Selectmen recommended: 5-0

Recreation Committee: 5-0

Article 10. Upon motion duly made and seconded and motion made by Francis Casey, Chairman, Board of Selectmen, it was Unanimously Voted for the Town to re-authorize the establishment of the following Revolving Accounts in accordance with Massachusetts General Laws, Chapter 44, §53E 1/2:

- Library Fine Revolving Account to which shall be deposited monies from overdue fines, damaged and lost books levies and from which the Director may make expenditures for the purpose of replacing damaged or lost materials. Expenditures for FY2011 from such fund not to exceed Seven Thousand (\$7,000.00) Dollars. (By Library Trustees)

- Transportation Revolving Account for the Council on Aging which in addition to items provided by said statute shall provide: (1) for payment of transportation needs, vehicles, repairs, maintenance, fuel lubricants, insurance (but not including insurance of any of the Greater Attleboro Taunton Regional Authority (“GATRA”) vehicles used by the Council on Aging) and salaries and expenses for part-time employees used relate thereto: (2) that departmental receipts consisting of reimbursement of GATRA of transportation expenditures, fares and all other receipts, shall be credited to the revolving fund: (3) that the Council on Aging Director shall be authorized to expend from such fund: and (4) that the total amount which may be expended from such fund during FY2011 shall be One Hundred Thousand Dollars (\$100,000.00) in accordance with the contract between the Town through its Council on Aging and GATRA.

(By Council on Aging)

- Council on Aging Nutrition Revolving Account for the purpose of depositing receipts from the lunch and meals on wheels programs, and any other Council on Aging sponsored meal functions to be expended by the Council on Aging for lunches, meals on wheels programs, and other Council on Aging sponsored meal functions, not to exceed Thirty Thousand Dollars (\$30,000.) or take any other action relative thereto.

(By Council on Aging)

- Earth Removal Fee Revolving Account to which shall be deposited fees collected for earth removal inspections for the purpose of making road repairs not to exceed One Hundred Thousand Dollars (\$100,000.00) for FY2011. Expenditures shall be under the direction of the Earth Removal Committee.

(By Earth Removal Committee)

- Wiring, Plumbing and Gas Permit Fee Revolving Account to use Seventy-Five Percent (75%) of Wiring, Plumbing, and Gas permit fees collected to pay the wages of those Inspectors. Expenditures for FY2011 from such fund not to exceed One Hundred Thousand Dollars (\$100,000.00). Expenditures shall be under the direction of the Building Commissioner.

(By Board of Selectmen)

- Marcus Atwood House Revolving Account for rental and other fees collected for the use of the Marcus Atwood House to be used for the ongoing maintenance and upkeep of the Marcus Atwood House, said sums to be under the direction of the Marcus Atwood House Trustees. Expenditures for FY2011 from such funds not to exceed Twelve Thousand Dollars (\$12,000.00).

(By Marcus Atwood House Trustees)

- Cole Property Bog Maintenance Revolving Account for receipts and other fees collected for the ongoing maintenance of the Cole Property Cranberry Bogs and Cole Property Walking Trail, said sums to be under the direction of the Agricultural Commission. Expenditures for FY2011 shall not exceed Ten Thousand Dollars (\$10,000.00).

(By Agricultural Commission)

- Fire Department Revolving Account for reimbursable incidents allowed under Massachusetts General Laws Chapter 21E involving hazardous materials releases. Receipts generated shall be deposited into this revolving fund and expenditures to replace, repair or purchase equipment & supplies and to fund administrative and call firefighter wage expenses associated with fire operations and responses to hazardous material incidents, said sums to be under the direction of the Fire Chief. Expenditures for FY 2011 not to exceed Thirty Thousand Dollars (\$30,000.00).

(By Fire Department)

- Recreation Committee revolving account to collect and disburse of funds for services provided to Town residents for recreation activities. Such funds are to be expended under the jurisdiction of the Recreation Committee. Expenditures for FY 2011 not to exceed Twenty Thousand Dollars (\$20,000.00);

(By Recreation Committee)

Selectmen recommended: 5-0

Article 11. Defer to June 14, 2010

Article 12. POST EMPLOYMENT HEALTH INSURANCE LIABILITY FUND

Upon motion duly made and seconded and motion made by John Q. Adams, Town Accountant, it was Unanimously Voted of the Town to accept the provisions of G.L. c. 32B, section 20 to establish an Other Post-Employment Benefits Liability Trust Fund.

(By Treasurer/Collector & Town Accountant)

[Explanation: This article takes the first of many steps that will need to be taken to prepare Carver for the implementation of a new accounting requirement, known as GASB 45. The Governmental Accounting Standards Board (GASB) is a national association that promulgates accounting standards that it hopes government will follow. GASB 45 (also known as "Accounting and Financial Reporting by Employers for Post Employment Benefits Other than Pensions") is a new standard that will require non-pension (Other Post Employee Benefits or "OPEB") benefits for retirees, such as retiree health care, to be shown as an accrued liability on financial statements, similar to pension benefits. Towns that offer health care benefits to retired town and school employees should begin taking action to comply with this new accounting standard. GASB standards generally do not have the force of law, but failure to adhere to them

results in poor audits and can affect credit ratings. Specifically, GASB 45 requires us to estimate the future value of such benefits for our retirees and then calculate an actuarially derived yearly liability to be shown on our financial statements, rather than using pay-as-you-go for retiree benefits, as Carver presently does. The Town of Carver has had it's first actuarial valuation performed and a report was issued on December 19, 2007. We will be required to identify and disclose the OPEB liability and funding status on our future financial statements. Once we have established this fund, the Town can begin to develop strategies for funding the calculated annual liability.]

Selectmen recommended: 5-0

Article 13. Upon motion duly made and seconded and motion made by Peter Donnelly, Dept. of Public Works, it was Unanimously Voted for the Town to transfer from available funds a sum of money established by the State. Which may be used for State Aid Construction and Improvements under the acts of 2009 Chapter 90 apportionment to meet the States share of the cost of the work reimbursement received there from to be paid to the treasury.

Selectmen recommended: 5-0

Dept. of Public Works: 3-0

Article 14. Upon motion duly made and seconded and motion made by Peter Donnelly, Dept. of Public Works, it was Unanimously Voted for the Town to transfer the sum of Twenty Thousand Six Hundred Thirty Nine Dollars (\$20,639.00) from the sale of lots accounts in Central, Lakenham and Union Cemeteries and also vote to transfer the sum of Nine Thousand Three Hundred and Sixty-One Dollars (\$9,361.00) from the Expendable Trust Funds (cemetery perpetual care accounts only) for the purpose of meeting charges against the cemetery fund in the Town Treasury.

Selectmen recommended: 5-0

Dept. Of Public Works: 3-0

Article 15. - 24 Defer to June 14, 2010

NON-MONEY ARTICLES

Article 25. Upon motion duly made and seconded and motion made by Robert Bentley, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to appropriate Three Hundred Twenty Five Thousand Dollars (\$325,000.00) from the Community Preservation undesignated fund balance to acquire approximately +/- 33 acres of land known as "Savery Meadows" for open space, conservation and active/passive recreational use. This land is adjacent to the Savery Avenue and to the Savery Avenue Conservation Land, is in the Savery Historic District and is shown on Assessors' Map 89, Lot 1-0. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Conservation Commission, Recreation Committee and the Board of Selectmen.

Selectmen recommended: 4-0-1

Comm. Preservation Committee (CPC) 7-0

Article 26. Upon motion duly made and seconded and motion made by Robert Bentley, Community Preservation Committee, it was So-Passed by Majority Vote for the Town to appropriate Eighty Nine Thousand, Eight Hundred Fifty Dollars (\$89,850.00) from the Community Preservation FY 2011 Estimated Annual Fund Revenues to develop final plans and bid documents, solicit proposals and make award, and provide construction oversight for the reconstruction of Lakenham Green according to the Lakenham Green Committee's Master Plan. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Lakenham Green Committee and the Board of Selectmen.

Selectmen recommended: 5-0
Community Pres.Committee: 6-0-1

Article 27. Upon motion duly made and seconded and motion made by Robert Bentley, it was So-Passed by Majority Vote for the Town to appropriate One Hundred Four Thousand, Four Hundred (\$104,400.00) Dollars from the Community Preservation FY 2011 Estimated Annual Fund Revenues to develop final plans and bid documents, solicit proposals and make award, and provide construction oversight for the construction of Buckman Park in accordance with the Buckman Park Assessment. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Redevelopment Authority, the Buckman Park & Beach Committee and the Board of Selectmen.

Selectmen recommended: 5-0
Community Pres. Committee: 6-0-1
Industrial Development Comm.: Unanimously Voted

Article 28. Failed: (\$97,700.00) restoration of the Benjamin Ellis School.

Article 29. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate One Hundred Twenty-Two Thousand Eight Hundred Ninety Dollars (\$122,890.00) from the Community Preservation FY 2011 Undesignated Fund Balance to make the required annual debt service payment on the purchase of +/-98 acres of land known as the western portion of the Cole property as referred to as Parcel 1 in Article 1 at the Special Town Meeting held on December 11, 2006, which purchase was authorized thereunder, said sums to be expended under the direction of the Community Preservation Committee in consultation with the Conservation Commission and the Board of Selectmen.

Selectmen recommended: 5-0
Community Pres. Committee: 7-0

Article 30. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate One Hundred and Seventeen Thousand, Four Hundred (\$117,400.00) Dollars from the Community Preservation Act reserve for Community Housing to the Town of Carver's Municipal Affordable Housing Trust Fund as established Pursuant to the authority of Chapter 491 of Legislative Acts of 2004 and adopted by an act of Town Meeting dated May 19, 2009 Article # 40. Such funds paid to the affordable housing trust will be handled in accordance with the Grant Agreement between the Community Preservation Committee and the Carver Municipal Affordable Housing Trust.

Selectmen recommended: 5-0
Community Pres. Committee: 7-0

Article 31. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to transfer Forty Three Thousand, Two Hundred Fifteen (43,215.00) Dollars from the FY11 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Historic Resources Reserve, the Community Open Space Reserve and the Community Housing Reserve to meet the requirement that 10% of the Estimated Annual Fund Revenues be spent or set aside for future spending for each of the three purposes of the Community Preservation Act.

Selectmen recommended: 5-0
Community Pres. Committee 7-0

Article 32. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to appropriate Twenty One Thousand, Six Hundred Seven and Fifty cents, (\$21,607.50) Dollars from the FY11 Community Preservation Act Estimated Annual Fund Revenues that will bring the annual distribution total to 5% of the FY11 Community Preservation Fund Estimated Annual Fund Revenues for the purpose of meeting annual operating expenses of the Community Preservation Committee. Funds not expended in the Fiscal Year shall be returned

Selectmen recommended: 5-0
Community Pres. Committee: 7-0

Article 33. Upon motion duly made and seconded and motion made by Robert Bentley, Chairman, Community Preservation Committee, it was Unanimously Voted for the Town to transfer One Hundred Seventy Three Thousand Seventy Eight Hundred (173,078.00) Dollars from the FY11 Community Preservation Act Estimated Annual Fund Revenues to the Community Preservation Fund Unrestricted Reserve Account.

Selectmen recommended: 5-0
Community Pres. Committee: 7-0

Article 34. Defer to June 14, 2010

Article 35. Upon motion duly made and seconded and motion made by Richard LaFond, Town Administrator, it was Unanimously Voted for the Town to establish a water enterprise fund in accordance with the provisions of Section 5(e) of Chapter 124 of the Acts of 2008 for the operation of the North Carver Water System.

Selectmen recommended: 5-0
Water Commissioners: 3-0

Article 36 - 40 Defer to June 14, 2010

*Article 41. Upon motion duly made and seconded and motion made by Edward Fuller, Planning Board Member, it was a 2/3 vote (101 yes – 49 no) for the Town to amend the Zoning By-laws Section 2230 Use Regulation Schedule as follows:

Modify the uses in the Principal Use Table to read as follows:

2230. Use Regulation Schedule PRINCIPAL USE	RA	HC	GB	VB	V	GBP	IA	IB	IC	AP
A. RESIDENTIAL Commercial Campgrounds	N	N	N	N	N	N	N	N	N	N

Selectmen recommended: 4-1-0
Planning Board: 4-1

Article 42. Withdrawn Unanimously (amend Article IV, Zoning By-Laws)

*Article 43 Upon motion duly made and seconded and motion made by Jack Hunter, Town Planner, it was a 2/3 vote (129 yes – 6 no) for the Town to amend Article II, Section 2850 of the Town of Carver Zoning By-Laws by deleting in it's entirety Section 2851 and inserting the following,

2850. Design Standards/Requirements.

2851. Green/Square and other Public Open Spaces. A public green/square shall be required within a PND. The green/square shall be a minimum of one (1) acre in size and shall be designed as a pedestrian friendly park. The green/square shall contain some combination of benches, tables, playground equipment, sidewalks, lighting and landscaping. The green/square shall be easily accessible to pedestrians and shall be properly maintained. The green/square shall be used solely for active and passive recreation purposes and shall be open to the public.

- a. The green/square should be surrounded by buildings with complementary ground floor uses such as restaurants and cafes (preferably with seasonal outdoor seating), and other businesses that operate in both daytime and evening hours, to create a festive, welcoming, well-populated attraction for pedestrians.
- b. Additional public open spaces as needed to meet the 20% open space requirement or the active/passive recreation requirement should be sited throughout the district to serve a variety of purposes, such as commons or greens, walking trails, bikeways, neighborhood pocket parks, community gardens, civic gathering places, and passive and/or active recreation. All public land for active/passive recreation shall be accessible via pedestrian connections and shall be properly maintained. Small-scale “pocket parks” and community gardens are encouraged in all residential areas, particularly adjacent to multi-family dwellings with limited private open space.
- c. The total acreage of all public land for active/passive recreation may be used toward calculating the allowable density for one of the nearby land uses within that phase.

Selectmen recommended: 5-0
Planning Board: 5-0

Article 44 – 49 Defer to June 14, 2010

*All zoning By-Laws are not in effect due to the absence of required newspaper postings prior to Town Meeting.

Upon motion duly made and seconded and motion made by John S. Murray, Moderator, it was Unanimously Voted to recess until June 14, 2010.

A true record. Attest:

Jean F. McGillicuddy, CMC/CMMC
Town Clerk