



Annual Town Meeting Minutes

The 229th Annual Town Meeting of the Inhabitants of the Town of Carver was held on Tuesday April 13th 2021 at the Carver High School Auditorium at 7:00 P.M., pursuant to a Warrant of the Select Board dated April 5, 2021. The Meeting was called to order at 7:20P.M. by the Moderator, Sean Clancey, there being a quorum of 75 present. The Moderator led the voters in the pledge of allegiance to the Flag and a moment of silence for all those lost to the Covid -19 pandemic.

The appropriate tellers were sworn to their faithful performance of their duties by Town Clerk; Cara L. Dahill. The Tellers for the evening were Donna Ignagni, Mary Ford, Amy McCain, Patricia Batson and Nancy Ryan.

Members of the Finance Committee, School Committee and Select Board were all introduced in addition to Superintendent Scott Knief, Town Counsel; Gregg Corbo, Town Clerk Cara Dahill, and Interim Town Administrator; Richard LaFond as well as Town Accountant Meg LaMay.

ARTICLE 1: ANNUAL TOWN REPORT

To act upon the reports of the various Town Officers as printed in the Annual Town Report for 2020, 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 related thereto.

SELECT BOARD

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 2020 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 Select Board office.

PROPOSED MOTION: Motion made by Sarah Hewins and seconded to move that the Town approve the 2020 Annual report.

(Majority Vote Required)

Recommendation: Select Board 4-0

ARTICLE 1 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 2: SUPPLEMENTAL APPROPRIATIONS FOR FISCAL 2021

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, 2021, or to decrease or otherwise adjust any budget line item as appropriated by the Town at the

Annual Town Meeting held on June 29, 2020, or to fund any other deficits for fiscal year 2021, or to take any other action related thereto.

SELECT BOARD

INFORMATIONAL SUMMARY: The Town Financial Policy #2 provides in part, "The Town will avoid all budgetary procedures that balance current expenditures at the expense of meeting future years' expenses, such as postponing expenditures" This article proposes a transfer from the departmental budgets that the Finance Director has determined to have surplus funds to cover a projected deficit in the stated accounts. With respect to the EMS Operating Budget, the transferred funds will be used to purchase and equip a new EMS vehicle unless the Town receives anticipated Cares Act funding.

PROPOSED MOTION TO AMMEND: Mark Townsend made *Motion to amend to delete paragraph 1. Voted and Passes unanimously.*

PROPOSED MOTION: Made by Sarah Hewins and seconded to move that the Town make the Fiscal Year 2021 budget transfer shown below:

	To:	Amount
1. Ambulance Receipts Reserved from appropriation	EMS Operating Budget	\$24,550
2. Cranberry Village Retained Earnings	Cranberry Village Operating Budget	\$10,000
	TOTAL:	\$10,000

(Majority Vote Required)

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

ARTICLE 2: VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 3: ALLOCATION OF FUNDS FROM FISCAL 2021 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:

Transfer to:	Amount (not to exceed)
A. Town / School Special Education Reserve FY22	\$100,000
B. North Carver Water District for well and infrastructure debt FY22	\$170,000H
C. Plymouth County Retirement amortization FY22	\$144,567
D. North Carver Landfill FY22	\$70,500H
E. Final funding for Health Insurance Mitigation Fund FY22	\$230,000
F. Emergency radio communications maintenance FY22	\$280H
G. Operations & Maintenance Field Maintenance & supplies FY22	\$45,000
H. General Stabilization replenishment FY21	\$220,321
I. Compensated absences replenishment FY21	\$176,402
 Jr. Other Post-Employment Benefits (OPEB) FY22	 \$50,000
K. Executive Consultant contract FY22	\$161,482
L. Capital Maintenance repair, replacement reserve FY21	\$86,016
M. Recreation Committee Expenses, programs & activities FY22	\$21,000
 TOTAL	 \$1,475,568

INFORMATIONAL SUMMARY. •

- 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.*
- B. *An amount of 3170,000 for the NCWD Enterprise Fund is intended to close an anticipated FY2022 revenue deficit to cover capital debt costs that is an obligation of the Town.*
- C. *Plymouth County Retirement assesses an amortization each town in the county is responsible for paying their share.*
- D. *For services required by the Town's Administrative Consent Order with DEP. Those services include: Sampling of Private Wells near Plymouth Street. Reporting results as required by DEP and engineering assessment of Groundwater Flow in the Plymouth Street area.*
- E. *The Health Insurance Mitigation fund was established when the Town changed health care plans. This is the last installment the Town is responsible for and the fund and contract will end when all funds are diminished.*
- F. *Emergency communication radio equipment for the public safety departments and schools needs preventative maintenance, continued modernization and repairs.*
- G. *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.*
- H. *This will restore funds that were drawn down at the 2020 Fall Special Town Meeting*
- I. *Compensated absences funds are used to mitigate the impact of a buyout on a department budget.*
- J. *Other Post-Employment Benefits funding.*
- K. *This contract for the Executive Consultant will end this year. This funding was moved from the operating budget as it will no longer be a recurring expense.*
- L. *Town infrastructure needs to be maintained with newer buildings and larger repairs arise in the older buildings. This fund will allow much needed maintenance and repairs.*
- M. *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.*

PROPOSED MOTION: Made by Sarah Hewins and seconded that the Town approve Article 3 in the amounts and for the purposes as set forth in the Warrant.
A hold was requested to hear and vote B,D,F separately.

(Majority Vote Required)

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

Motion on hold items B,D,F passes unanimously.

Motion on A,C,E,G,H,I,J,K,L,M passes unanimously.

ARTICLE 3 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 4: FISCAL YEAR 2022 OPERATING BUDGETS FOR TOWN AND ENTERPRISE FUNDS; FUNDING FOR OPEB TRUST, AND STABILIZATION FUNDS.

To see if the Town will vote to raise and appropriate or transfer from available funds or otherwise provide the following sums to fix the salaries and compensation of Elected Officers, for the payment of Personnel Services, Expenses, Capital Outlays, Debt Service, OPEB Trust Fund, Capital Stabilization, Stabilization Fund, and otherwise, of Town Departments, Water Enterprise Funds, Water Betterment Debt Stabilization Fund, the FY22 Wage and Salary Pay Scale, Wage & Salary Classification Plan for Elected and Non-union Employees, and appropriate the difference between the levy net and the levy limit to the Capital and Debt Stabilization Fund, all as specified below:

PART A

Operating Budget (Funded from Taxation and Transfers from Available Funds), see budget details in Appendix B Informational Purposes.

<u>Category</u>	<u>Amount (not to exceed) Town-</u>
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Wide Shared Budget

Shared Budget (Snow & Ice, Old Colony Vo-Tech, excluded debt, transfer etc.)	\$6,935,516
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General Government Budget

General Government Budget (salaries & expenditures)	\$2,609,019
Public Safety (salaries & expenditures)	\$3,235,144
Public Works and Facilities (salaries & expenditures)	\$1,456,262
Human Services (salaries & expenditures)	\$408,608
Culture & Recreation (salaries & expenditures)	\$439,865
Benefits and other town shared cost	\$2,555,590

TOWN SHARE OF BUDGET:	\$10,704,488
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General Government Budget paid directly by fees

General Government Budget (salaries & expenditures funded by EMS/EMA/indirect cost)	\$969,805
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School Budget

School General Budget (salaries & expenditures)	\$24,611,532
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PART B

Enterprise Funds (*funded from receipts*)

North Carver Water District FY 22 (salary, expenses, capital, debt, etc.)	\$228,606
North Carver Water District Betterment Debt Stabilization Fund	\$59,666
Cranberry Village FY 22 (salary, expenses, capital, debt, etc.)	\$35,099

SELECT BOARD

INFORMATIONAL SUMMARY:

- *Part A presents the Town-wide shared cost, the Town's operating budget which includes funding for a full-time Building Commissioner, the general government budget and the school budget.*
- *Part B presents the annual budgets for the North Carver Water District and Cranberry Village Enterprise Funds.*

The 2014 Annual Town Meeting approved a modified "bottom-line budget", with a line-by-line breakdown by Department. Once Town Meeting establishes the budget for each identified category, the Town Administrator and Finance Director, with the approval of the Select Board, will be able to allocate the funding amongst the various line items in each such category as needed during the course of the fiscal

year to most efficiently manage operational requirements. The School Committee, as detailed in the Town Audit, is also required to vote on budget transfers within its School General Budget as approved by the School Committee.

PROPOSED MOTION: Made by Sarah Hewins and seconded, to move that the Town:

raise and appropriate the sum of \$42,191,282, transfer from a Fund Balance Reserved for Reduction of Excluded Debt the sum of \$60,255, transfer from Ambulance Receipts Reserved for Appropriation the sum of \$882,146, transfer from the North Carver Water District receipts the sum of \$67,658, and transfer from Cemetery Receipts Reserved for Appropriation the sum of \$20,000, all to be allocated for the Town's Operating budget as set forth in Article 4, Part A of the Warrant;

and, that the Town appropriate the sum of \$228,606 from Estimated Water Receipts — North Carver Water District - to pay the salaries, expenses, capital, debt and other expenditures for the North Carver Water District Enterprise fund for FY22; to transfer the sum of \$35,099 from Estimated Water Receipts — Cranberry Village - to pay the salaries, expenses, capital, debt and other expenditures for the Cranberry Village Enterprise Fund; to transfer \$59,666 from the North Carver Water District Retained Earnings to the North Carver Water Betterment Debt Stabilization Fund, and to authorize the Select Board, upon recommendation of the Town's financial staff, to allocate amounts within each such enterprise fund, respectively, to maximize fiscal efficiency and operations as set forth in Article 4, Part B of the Warrant;

and further, to transfer the difference between the net levy and levy limit to the capital and debt stabilization fund and to authorize the Select Board, 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;

(Majority Vote Required)

Recommendation: Part A: Select Board 4-0 Finance Committee 7-0 School Committee: 5-0 for School Budget Part B: Select Board 4-0, Finance Committee 7-0,

ARTICLE 4 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 5: UNPAID BILLS

To see if the Town will vote to transfer from available funds the specified sum of money to pay the following unpaid bill under the provisions of Chapter 44, §64, or take any other action related thereto:

Invoice:

Solare America \$1,083.06
Fairfield Computer Service \$130.00

Pav From:

North Carver Water District Retained Earnings
Town Clerk Other Professional Services

INFORMATIONAL SUMMARY: Any invoice from the prior fiscal years must be approved by Town Meeting to be paid out of current fiscal year funds.

PROPOSED MOTION: Sarah Hewins made the motion and was seconded to move that the Town approve Article 5 as set forth in the Warrant.

(4/5 - Four-Fifths Vote Required)

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

ARTICLE 5 VOTE: PASSES UNANIMOUSLY BY 4/5 VOTE

ARTICLE 6: CAPITAL IMPROVEMENTS BUDGET

To see if the Town will vote to transfer from the Capital and Debt Stabilization Fund: the sum of \$3,432,294; to transfer the sum of \$40,000 from the 4/11/2016 Annual Town Meeting Warrant Article #8 for Town Hall exterior painting; transfer the sum of \$40,000 from the 4/11/2017 Annual Town Meeting Warrant Article #7 for replacement of Town Hall siding and transfer the sum of \$40,000 from the 4/24/2018 Annual Town Meeting Warrant for replacement, purchase and installation of exterior Town Hall siding; for the following purposes and for the purchase of related equipment and supplies, for installation and other related services and all costs incidental and related thereto as specified below:

Purpose (all in FY22 unless stated)	Amount (not to exceed)
a. Energy efficiency project to reduce electric consumption	\$150,000
b. Aerial bucket truck replacement —purchase and equip	\$200,000
c. Library mechanical replacement	\$50,000
d. Town Hall exterior siding and trim replacement	\$390,000H
e. Fire Station #2 & #3 Interior improvements	\$25,000
f. Police & Fire Equipment for New Hires FY21	\$15,000
g. Cruiser replacements —purchase and equip	\$105,703
h. Town-wide Technology (infrastructure/equipment)	\$319,000
i. District-wide curriculum upgrade modern education	\$130,000
j. Replace 71 passenger bus(es) —purchase and equip	\$170,000
k. Culinary classroom	\$50,000
l. Auditorium lighting	\$30,000
m. Athletic equipment	\$15,000H
n. Annual reduction in debt exclusion for new elementary school (solar)	\$100,000H
o. Debt Service, Lease Payments, Interest, Project Mgmt., Disclosure Statement, TW Capital Network Implementation and Oversight. Town-Wide Maintenance Contract	\$1,802,591
TOTAL	\$3,552,294

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

CAPITAL OUTLAY COMMITTEE AND SELECT BOARD

INFORMATIONAL SUMMARY:

The town 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 C. 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 MOTION:

Sarah Hewins made the motion and was seconded to move that the town vote to approve Article 6 in the amounts and for the purposes put forth in the Warrant; and to authorize the Town Administrator, in consultation with the Capital Outlay Committee Chair, to expend the funds appropriated hereunder for capital improvements, capital projects and/or purchase of capital equipment in the most fiscally responsible manner and to manage all approved projects, from planning and design to procurement, including negotiation of contracts and change orders, and to authorize the Town Administrator to take such additional action as may be necessary to carry-out the votes taken hereunder

(2/3 Vote Required)

Recommendation: Select Board 0-0, Finance Committee Part 0-0;

ARTICLE 6 VOTE: PASSES UNANIMOUSLY BY 2/3 VOTE

Motion was made to hold and vote on items B, M, N

Motion on item B passes unanimously

Motion on item M passes unanimously

Motion on item N passes unanimously

ARTICLE 7: 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 2022 and, appropriate and/or reserve a sum or sums of money from the Community Preservation Fund Fiscal Year 2022 estimated annual revenues for the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee and in accordance with the provisions of G.L. c.44B, §6, for open space, land for recreational use, historic resources and community housing, and debt service on prior approved projects, and further, to transfer from the Community Preservation Fund for proposed projects recommended by the Community Preservation Committee, and for all incidental and related expenses, as follows:

PART A:

Appropriations:

a) From FY22 estimated revenues for Committee Administrative Expenses	\$30,427
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Reserves

b) From FY22 estimated revenues for Open Space on MS/HS track & fields	\$328,025
c) From FY22 estimated revenues for Community Housing Reserve	\$60,853
d) From FY22 estimated revenues for Historic Reserve	\$60,853

Passes unanimously

PART B: To appropriate Sixty-Thousand (\$60,000.00) dollars from the Community Preservation Historic Reserve to the Union Society of South Carver for the purpose of preserving a historical resource of the Town by repairing or replacing the six (6) corner pinnacle towers on the Union Society building in South Carver. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Union Society and the Select Board, and to authorize the Select Board to enter into a grant agreement with said society on such terms and conditions as the Board deems in the best interest of

the Town, including the requirement for provision to the Town of one or more historic preservation restrictions in such property, and to authorize the Board to accept such restrictions.

Passes unanimously

PART C: To appropriate One-Hundred Ninety Thousand (\$190,000.00) dollars from the Community Preservation Undesignated Fund Balance to the Buzzards Bay Coalition for the purpose of preserving open space by acquiring four (4) parcels of land on Lakeview Street and Indian Road to be held by the Coalition to protect scenic vistas, land for wildlife or nature preserve and land for recreational use. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Buzzards Bay Coalition and the Carver Conservation Commission and the Select Board, and to authorize the Select Board to enter into a grant agreement with the Coalition on such terms and conditions as the Board deems in the best interest of the Town, including the requirement for provision to the Town of one or more conservation restrictions in such property, and to authorize the Board to accept such restrictions.

Passes unanimously

PART D: To appropriate Twenty-Five Thousand, (\$25,000.00) dollars from the Community Preservation Undesignated Fund Balance to the Carver Conservation Commission for the purpose of erecting a suspension bridge on the "Orange Trail" in the Town owned Cole Property. Said sums to be expended under the direction of the Community Preservation Committee in consultation with the Carver Conservation Commission and the Select Board.

Passes unanimously

and further, to authorize the Town Administrator, in consultation with the Community Preservation Committee, to expend such funds in the most fiscally responsible manner and to manage the approved project, from planning and design to procurement, including negotiation of contracts and change orders, with regular updates to the Select Board, 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 related thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 7 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 8: PLYMOUTH STREET WATER LINE EXTENSION:

To see if the Town will vote transfer the sum of: \$500,000 from the Capital & Debt Stabilization Fund for the purpose of constructing an extension of the Town's public water supply from Plymouth Street including all costs associated with engineering, surveying, permitting, design, bidding, construction and installation of individual service connections, and anything incidental or related thereto; or take any other action related thereto.

SELECT

BOARD INFORMATIONAL SUMMARY. The Town is under an Administrative Consent Order from the Department of Environmental Protection to install a water line to service residences along Plymouth Street impacted by contamination which is alleged to be originating from the North Carver Landfill. The order requires that an appropriation for the work be obtained by April 30, 2021.

(Majority Vote Required)

Recommendation: Select Board 0-0

PROPOSED MOTION: Sarah Hewins made a motion to move that the Town approve Article 8 as set forth in the Warrant. **Cornelius Shea made a motion to amend to add the wording below:**

Motion to amend to add the words “No betterments shall be charged .No hook-up fee will be charged to any of the 19 properties that connect to the new water line within one year of water service being available.”

Motion carries by majority.

ARTICLE 8 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

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)

Recommendation: Select Board 5-0

INFORMATIONAL SUMMARY: The intent of the proposed bylaw is to remove any perceived non-financial conflicts of interest among board / commission members. The proposed bylaw still allows someone to be appointed and serve on a permitting authority board or commission and to be appointed to and serve on another town committee that is not a permitting-authority. For example, someone appointed to and serving on the Zoning Board of Appeals may also serve on the Recreation Committee and on the Community Preservation Committee since neither of the last two committees are permitting authorities, but they cannot also be appointed to the Conservation Commission because that is a permitting authority. Those who currently serve on more than one permitting authority at the adoption of this bylaw shall be allowed to serve out their terms on any permitting authority but, at the end of their terms, those serving on multiple permitting authorities will need to choose only one on which they may ask for re-appointment so they can continue to serve the town.

ARTICLE 9 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 10: SELECT BOARD BYLAW CHANGE:

To see if the Town will vote to amend Chapter 2.2 of the Town's General Bylaws as follows (with deletions shown in strikethrough and additions shown in **bold**), or take any other action related thereto:

A. ~~Amend Section 2.2.4 as follows: The Town Administrator **Select Board** shall appoint an Inspector of Wires.~~

B. Section 2.2.8 7: A Select Board member may not hold any other elective or compensated office under government of the Town of Carver during the term, for which he/she is elected, nor any compensative town office or employment for one year thereafter. **Select Board members may not hold an appointed position to any other board or committee with authority to issue licenses or permits to residents and/or businesses for any activity or use of land. These include, but are not limited to the Zoning Board of Appeals, Conservation Commission, Earth Removal Committee and Historic District Commission.** Also, that any member of the Select Board serving in such capacity at the time of adoption of this section shall not be required to resign from any other position held and shall be allowed to complete his/her term on the Board.

C. Section 2.2.9 **8:** In exercising its authority in making appoints to the various offices, boards, commissions and committees within its jurisdiction, the Select Board will endeavor to avoid appointing anyone to a position who ran for but was not elected to that position within one year prior to the date of the appointment.

SELECT

BOARD INFORMATIONAL SUMMARY: The primary purpose of this change is to further restrict the ability of the Select Board members to serve on other boards and committees during their terms on the Select Board, to include a clause prohibiting Select Board members from serving on other boards that have the authority to issue licenses and permits. The change also changes the appointing authority for the Inspector of Wires from the Town Administrator to the Select Board and clarifies that the prohibition on appointing unsuccessful candidates for office is mandatory.

(Majority Vote Required)

Recommendation: Select Board 0-0

PROPOSED MOTION: Mark Townsend makes a motion to Amend that we delete paragraph A so that the TA remains the appointing authority. *Motion to amend to delete paragraph A so that the TA remains the appointing authority, passes.*

ARTICLE 10 VOTE: FINAL VOTE FAILS MOTION DOES NOT CARRY

Motion to amend to delete paragraph A so that the TA remains the appointing authority, passes.

Moderator calls for a voice vote, could not determine if it passed or not. Was going to order a hand count.

9:57 pm, Mr. Belbin raises a point of no quorum. Counters count number of people in the room. 85 people present.

Motion as amended after hand count, 27 yes, 47 no. Motion does not carry.

ARTICLE 11: FINANCE COMMITTEE BYLAW CHANGE:

To see if the Town will vote to amend Chapter 4.3, Section 4.3.7 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:

Section 4.3.7: Any registered voter of the Town shall be eligible for appointment to the **Finance Committee** or Council on Aging except that no elected **member of the Select Board** or appointed town officer or regular town employee or person holding a position of financial responsibility for the town shall be eligible for membership in such agency. No member of a special town committee shall be authorized to vote as a member of the Finance Committee on any matter pertaining to the duties of a special committee of which he is a member. **The Select Board exclusion shall not apply to membership on Capital Outlay as described in Capital Outlay Committee Bylaw 4.7.1.**

A person holding a position of financial responsibility shall be defined as a resident hired to perform or consult on legal, accounting, or assessing duties for the town and be paid for this service as a contractor.

FINANCE COMMITTEE

INFORMATIONAL SUMMARY: The purpose of this change is to clarify who is not eligible for a position on the Finance Committee as a result of other positions they hold in the Town.

PROPOSED MOTION 11. Motion made by Alan Germain and seconded to indefinitely postpone Article

(Majority Vote Required)

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

MOTION ON THE ARTICLE MADE, FOLLOWED BY MOTION TO INDEFINETLY POSTPONE. PASSES UNANIMOUSLY.

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

ARTICLE 13 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 D, with additions in bold and deletions in strikethrough, or take any other action relative thereto:

INFORMATIONAL SUMMARY: This proposal will change the Carver Wetlands Protection By-Laws to:

- *Add invasive species to the list of items under which the Conservation Commission's has jurisdiction within wetland areas, and include a link to the [mass.gov](https://www.mass.gov) site listing invasive species.*
- *Change the language of disallowed activities within the 65' variance zone to include the same language that's in the Commonwealth's 100' permission zone.*
- *Allow building a residential dwelling within 100' of a cranberry bog as long as they are both under single ownership and must remain that way in perpetuity.*
- *Add maintenance and improvements of agricultural land to the list of exemptions from the application and permitting process.*
- *Update the fee for a Request for Determination of Applicability to reflect administrative costs*
- *Include Massachusetts DEP - BRP WPA Form 3 which indicates updated filing fees for a Notice of Intent.*
- *Update the process for placing public notices in the newspaper per Commonwealth of Massachusetts guidance.*
- *Indicate color coding to be used for wetlands delineation lines as required on site plans submitted by the applicants.*
- *Amend the definition of "Alter" to add "permanent" in regard to structures in water, and include a wider variety of flora.*
- *Amend the definition of "Variance" to better explain when a variance can or will be issued.*
- *Add the Commonwealth definition of "Vista Pruning" so residents can find it within the Carver By-laws.*

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.

CONSERVATION COMMISSION

PROPOSED MOTION: Motion made by Alan Germain to move that the Town vote to amend Section 9.2 of the Town of Carver Wetlands Bylaw as set forth in Article 13, Appendix D of the Warrant.
Motion to amend made by Kim Branch

Motion to amend to delete the bolded language in Section 9.2.1.3 that reads “unless the residence and the bog are under singular ownership, and will remain as such in perpetuity via the recording of a deed restriction on the property.” Passes by declared majority. Hand count requested by more than seven people. 30 yes, 33 no. Amendment fails.

Vote on main motion, moderator orders hand count. 17 yes, 52 no. Motion fails.

(Majority Vote Required)

Recommendation: Select Board 4-1, Conservation Commission 5-0

ARTICLE 13 VOTE: FINAL VOTE FAILS MOTION DOES NOT CARRY

ARTICLE 14: PROTECTION OF RECREATIONAL AREA IN PERPETUITY:

To see if the Town will vote pursuant to G.L. c. 40, §15A to transfer the care, custody, management and control of all or a portion of the following described parcel of land, together with the access easement appurtenant thereto, said land being a portion of the Town-owned land known as the "King Property" described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 3889, Page 96, from the Select Board to the Recreation Committee for recreational purposes, said land to be held for recreation purposes in perpetuity to Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, or take any other action relative thereto.

RECREATION COMMITTEE

INFORMATIONAL SUMMARY: This places the new playground & recreational area located behind the Town Hall complex into the care, custody and control of the Recreation Committee and requires that the land be held for recreational purposes in perpetuity. With this dedication, the property will be subject to the protections of Article 97 to the amendments of the Massachusetts Constitution which requires approval by State agencies and a two-thirds vote of both houses of the state Legislature before such land can be used for any other purpose.

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

(2/3 Vote Required)

Recommendation: Select Board 5-0 Recreation Committee 4-0

ARTICLE 14 VOTE: PASSES UNANIMOUSLY BY 2/3 VOTE

ARTICLE 15: LANDFILLS, DUMPS, FLY ASH & FACILITIES PROHIBITION:

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:

LANDFILLS, DUMPS, FLY ASH & FACILITIES PROHIBITED

For the protection of public health and the environment, no person shall build, construct, maintain or operate a solid waste disposal facility, as defined in Massachusetts General Laws, Chapter 111, Section 150A, as may be amended from time-to-time, including but not limited to landfills, junk yards, trash

dumps, and fly ash facilities, on any property not approved by the Board of Health prior to the effective date of this bylaw.

SELECT BOARD & CONSERVATION COMMISSION

INFORMATIONAL SUMMARY. The town currently has three (3) landfills, one of which is on town-owned property and two of which are on private property. This article will prevent any more landfills and prohibit the building and / or permitting of any new such facility and / or fly-ash facility, to protect the residents and our natural resources including our water resources.

PROPOSED MOTION: Sarah Hewins made the motion and was seconded to move that the Town approve Article 15 as set forth in the Warrant.

(Majority Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 4-0

ARTICLE 15 VOTE: PASSES UNANIMOUSLY BY MAJORITY VOTE

ARTICLE 16: TRANSFER OF PROPERTY FROM SELECT BOARD TO CONSERVATION COMMISSION:

To see if the Town will vote to transfer from the care, custody, management and control of the Select Board the following parcels:

- Map 62, Lot 46-0-E, Lot 37-0-E, and Lot 27-0-E (Assessors Property Record Card 0 Crystal Lake Drive, 69 Crystal Lake Drive and 51 Crystal Lake Drive), also known as "first, second, and third beaches" in the Crystal Lake neighborhood;
- Map 85, Lot 10-0-E (Assessors Property Record Card shows parcel as 20 Bates Pond Road, 15,246 square feet also known as "Beaches at Bates Pond"), also known as the Bates Pond Neighborhood Beach);
- Map 85, Lot 81 (Assessors Property Record Card shows parcel as 31,798 square feet with land and "detached" assessed items which is the Bates Pond Neighborhood Playground equipment: the lot is otherwise shown as "unoccupied"), also known as the Bates Pond Neighborhood Playground;
- Map 126, Lot 20-A-E (Assessors Property Record Card shows parcel as 42 Wareham Street and half of Clear Pond plus upland), 6.998 acres, originally sold to the Carver Conservation Commission as the Clear Pond Conservation Area but still remaining in the care, custody, management and control of the Select Board;
- Map 29, Lot 1-W-E (Assessors Property Record Card shows lot as 0 Pleasant Street and as the 97.2-acre "Conservation Parcel" of the Cole Property Conservation Land); and Lot 1-E-E (Assessors Property Record Card shows lot as 80 Pleasant Street and as the 123.740-acre "Drinking Water Protection Parcel" of the Cole Property Conservation Land), both parcels having been purchased with state grant funds for conservation, passive recreation, and drinking water supply protection purposes, thus rendering them Article 97 land;

- Map 59, Lot A-O-E (Assessors Property Record Card shows lot as 0 Woodhaven Street, 12.617 acres, "Recreation Area," Access between Lots 61 and 62 - #45 & 47 Woodhaven St), said lot being known as the Woodhaven Street Conservation Land;
- Map 89, Lot 5-0-E (Assessors Property Record Card shows lot as 0 Savery Avenue, 8.7 acres, Savery District, Wet/-50); and Lot 1-A-E (Assessors Property Record Card shows lot as 0 Main Street, 6.0 acres, Excess land, Wet/-45), said lots being a portion of the Savery Avenue Conservation Land;

to the care, custody, management and control of the Conservation Commission. These parcels are to be retained in their natural, scenic, and open condition for surface water and groundwater protection, wildlife conservation, watershed protection, native habitat protection, management for biodiversity protection, associated public outdoor recreation, and other conservation and passive outdoor recreation uses in perpetuity, consistent with the spirit and intent of and subject to the protections of Article 97 of the Amendments to the Constitution of the Commonwealth of Massachusetts, and to prevent any use of said parcel that will significantly impair or interfere with the conservation values thereof, and to allow public access for the enjoyment of the wildlife, open space, and water resources of the parcels as specifically provided for herein; or take any other action related thereto.

SELECT BOARD & CONSERVATION COMMISSION

INFORMATIONAL SUMMARY. Passing this article will ensure that these parcels of land in the Crystal Lake Neighborhood, the Bates Pond Neighborhood, the Clear Pond Conservation Area, the Cole Property Conservation Land, the Woodhaven Street Conservation Land, and the Savery Avenue Conservation Land, are protected for the benefit of wildlife, native habitat, open space, recreation, and surface and groundwater resources, and that they will be preserved and protected in perpetuity by the Conservation Commission for the sole purpose of the permanent enjoyment and use of the public subject to Article 97 of the Massachusetts Constitution.

PROPOSED MOTION: Sarah Hewins mad a motion and was seconded to move that the Town approve Article 16 as set forth in the Warrant.

(2/3 Vote Required)

Recommendation: Select Board 5-0 Conservation Commission 5-0

ARTICLE 16 VOTE: PASSES UNANIMOUSLY BY 2/3 VOTE

Motion to adjourn to Tuesday, April 20, 2021 at 7:00 pm.

Motion to amend to change to Wednesday, April 14, 2021 at 7:00 pm. Hand count ordered. 49 yes, 14 no.

Motion to adjourn as amended, passes.

A True Record, Attest:

Cara L. Dahill
Town Clerk

