

Minutes of the Selectmen's Meeting of May 28, 2013
Town Hall – Meeting Room #1 7:00pm

Present: Selectmen John Franey, Sarah Hewins, Helen Marrone, Richard Ward, Chairman Michael O'Donnell, Town Administrator LaFond and Elaine Weston.

The Chairman led the audience in the Pledge of Allegiance and read the announcements.

Re-appointment of Police Chief for a 3-year term

O'Donnell recused himself and appointed Franey the Chairman and left the room. Motion by Ward to re-appoint the Police Chief for a 3-year term, second by Hewins. Franey quoted terms of the contract regarding being appointed and translated it as extending the contract for one fiscal year. Chief Miksch stated the appointment is different from the contract under a different statute. Chief Miksch asked to be appointed for the next two years or don't appoint him. Marrone stated she would like to speak with Town Counsel. Marrone stated she read the contract three times and feels the contract is written clunky and it says if he is out seeking employment that the board should be notified a year in advance. LaFond clarified the two different statutes and they don't work together well and the current contract gives notice that it is a 5-year contract but needs to be re-appointed because of the second statute. Franey also feels he would like guidance from Town Counsel. Ward re-stated his motion to re-appoint Chief Miksch as the Police Chief and deal with the contract at a later time. Hewins stated when the Chief was hired there was guidance from Town Counsel and they were a part of the written contract. She also stated if the Chief is not re-appointed that we will have to pay him anyway. She also stated that this board is not the appointing authority for Department Heads. Marrone stated it is obvious to people in town hall and not her until she is privy to the information. Hewins feels she could have sought an opinion thru town counsel before tonight. LaFond stated that no-one has asked him for an opinion and the language appears to be clear. He also stated he doesn't understand why he wouldn't be re-appointed unless someone didn't want him to be Police Chief. Marrone questioned if the Chief was the primary candidate in Hanson and feels there will be a new administration that will be here making new decisions on the contract. LaFond feels having a public legal debate serves no purpose. Marrone stated she would like to table the topic. LaFond stated in regard to positions that are not directly hired by the Board of Selectmen, that he doesn't want to minimize the efforts of people, it is a burden for the Town Administrator to hire the Department Head positions, not the Board of Selectmen. Vote 2-2.

O'Donnell returned to the meeting.

LaFond questioned the vote regarding a two-year appointment vs. a three-year and wanted to confirm there is no effort by the board to re-appoint the Police Chief tonight.

Appointment to the Business Development Commission

Motion to appoint Laurie Barrett to the Business Development Commission, second by Ward. Vote 5-0.

Appointment to the Historical Commission

Motion by Franey to appoint Donald McKeag to the Historical Commission, second by Ward. Vote 5-0.

Solare America: N. Carver landfill solar project & extension of Route 44 solar project

John Scorscone president of Solare America of Philadelphia presented a proposal for a solar array on the North Carver landfill which could hold potentially produce renewable energy. O'Donnell stated this seems like the kind of project that Carver needs. Franey questioned the capacity. Hewins questioned the type of contract he was looking for. He suggested staying with the current contract and adding on kwh to the contract. Ellen Blanchard spoke about the status of taxes regarding selling to the town vs. selling to the grid. John stated he is not interested in selling to the grid. Blanchard stated if the energy is being used by the town it would have to be decided by the Board of Assessors if it gets charged personal property taxes. Hunter stated he will work with John on analyzing which option would be more beneficial for the town. Wayne Perry from Norfolk Ram was also present to discuss any issues the Board may have. Hunter stated John is looking for a vote on the expansion of the Route 44 solar array and the approval to begin a solar array on the North Carver Landfill. Franey questioned the amount to be added. John stated it will be increased by almost 2/3 to fill out the easement that the State allows. Hunter stated the town is saving \$600 a month now and there is potential for up to \$1,600 savings. The savings will be \$336,000 in electricity to the town with the 20-year contract. Motion by Franey to extend the expansion on the Route 44 solar array, second by Marrone. Ward stated that the town does not pay a penny for the construction and O'Donnell confirmed that security will be stepped up on the constructed. Vote 5-0.

Powers & Sullivan: Review of annual audit recommendations

Richard Sullivan present to discuss the financial statements, an overview of the audit and the federal report (A-1 33 audit) and the management letter. He stated the audit takes about 3 weeks in the field, auditing cash, receivables and the only thing they own is the opinion itself. He stated numbers on the balance sheet are correct and the budget and appropriation are found to be as stated. This is done by looking at cycles and doing journal entry transactions. The major areas are the assets, liabilities. They look at balance sheet and they make sure those items are fairly stated. They also look at analytical procedures and in a 3-year audit, there has been an increase each year. There was a clean opinion which is the best opinion you can get as far as investors are concerned. The report of federal awards (a-1 33 audit) which is regulated audit-there were no issues in grant reporting or auditing. Three opinions in this report are a clean opinion. The management letter is critical in nature and doesn't pat anyone on the back-it simply points out things that are worthy to put in writing and point out things to the Board. The reconciliation of key asset reports and the ability of the general ledger to have accurate information as well as an updated Zobrio system. The recommendation was made to be compliant with GASB. There needs to be a documented assessment of risk (video, electrical equipment). Improvements were recommended in the reconciliation issues and feels there are certain things that should be prioritized and there was nothing that warranted anything being brought to the next level. Franey commented on the risk assessment that there would not be a management level individual in the town hall that would be able to do the fraud assessment. Sullivan stated they have fraud assessment training. Something new this year will be deferred inflows and deferred outflows. Unfunded liability will now be in the financial statements. He

had only seen affluent communities funding OPEB. He stated that the audit will begin again in June for the 2013 audit. Hewins asked if the audit becomes a public document he stated it is public when it is accepted by the community. Marrone questioned the new GASB's coming out which will effect the reporting and financial statements of the town. She also questioned if net assets are continuing to go down that it would be red flag. Sullivan stated the decrease in the town report is all of the OPEB. He feels the reserves going up are a positive sign and that is why there is not a need for the town to be concerned. Marrone questioned getting together working with the Town Accountant to discuss some of the concerns in the report.

CPA Tax Reduction & review of proposed project and paid bills for CPA project at Sons of Veteran's Hall

Bob Bentley was present to discuss the potential reduction of the tax. Franey questioned the balance in the account in terms of the outstanding payables for ongoing projects and articles already approved. Bentley estimates there is approximately \$356,000 balance which is enough to cover the articles that have been approved. Bentley stated they have been conservative to only spend funds available as opposed to funds potentially to be received. The Committee uses money in each specific earmark including the 10% in affordable housing. By going from 3% to 1%, the revenue will decrease by 22% which would likely barely cover the Cole Property debt with nothing left over. Bentley stated the funds could conceivably pay for potentially large expenses to the town such as a new track at the school or recreational facilities if a new school were to be built. There would be no effective change in tax bills until fiscal year 2015 if the reduction were to pass. Hewins spoke about funds that helped replace acid-free paper for historical documents in the Town Clerk's office. Bentley stated that one of the changes made was that the funds being expended no longer need to be on CPA purchased property. Franey stated money could be transferred from free cash to the CPA. Hewins stated that the CPA brings in \$100,000 of tax free funds.

Franey stated that any department that submits a bill makes a copy of the bill. He noted that the different contractors were being paid to the Sons of Veterans instead of the contractors directly. The former town accountant felt it was more appropriate to pay the entity for a private project and any money on public projects be paid directly to the vendor. This has been done for Habitat for Humanity, the Union Church and the Sons of Veterans. He stated that the new town accountant also agrees with this format of payment as it is a clean way of doing it. He feels that a lessor amount could be being paid to the contractor than is paid to the entity. Bentley stated that bills from the vendor require three signatures from the CPC. O'Donnell has a concern about avoiding the procurement process and Bentley stated CPA projects are exempt from procurement laws. He feels the CPC is being frugal with the town's money and is not giving anyone a reward for working with the town. O'Donnell stated that public and civic organizations would be able to use the building and he received a notice that the Lyons club can no longer use the Hall. Bentley stated the CPA funds is historic preservation on the outside of the building and public money needs a benefit and the requirement be a historic preservation restriction and the exterior cannot be changed to maintain the character of the town. The interior has not been touched. Mark Weston spoke as a member of the Sons of Veterans. He stated the building was built for veterans of wars and gave it to the Sons of Veterans Camp 132 for a memorial for all veterans. The money invested just barely covers the costs in order to

upkeep the building. The CPC project came in under budget, the members helped out with their own time and money to help the project. The Lyons club had an agreement to rent for \$1,200 year and help with some improvements inside. With time, members change and their habits change and the meetings previously held downstairs are currently held upstairs on the refinished floor and due to lack of communications, no rent has been received since 2011 from the Lyons Club. The Sons of Veterans decided to terminate the agreement and decided to meet and come to a new agreement and have an annual renewable agreement. He stated it is a war memorial and each civic group needs to meet with the Sons of Veterans to agree on terms because it needs to remain a memorial.

Review of tabled Annual Town Meeting Warrant Articles

Two members of the Finance Committee were present: Stephanie Clougherty and Andy Cardarelli. Article #2: The fees in addition to the Town Clerk's salary range from \$1,200 - \$1,500 as an incentive to the town to get the dogs licensed. Motion by Ward to approve article 2, second by Hewins. Marrone stated in regards to the salaries of the Treasurer/Collector and Town Clerk and researched salaries of when Jean McGillicuddy and Jack Franey started and added in cost of living increases and recommends to amend the Town Clerk salary to \$62,219 and the Treasurer/Collector to \$73,684. Lynn Doyle and Paula Nute stated reasons why they feel their salaries should not be amended. Vote 3-1-1 (Franey abstain). Motion by Franey to table until next meeting, second by Ward, Vote 5-0. Article #31: Motion by Franey to approve, second by Marrone. Vote 4-1. Article #33 & #34: Motion to approve by Marrone, second by Franey. Chief Miksch explained the articles and the ramifications involved in the election signs and pawnbrokers. Vote 4-0-1 (O'Donnell abstain). Article #36: Ellen Blanchard spoke on Julian Grove which is land on Wareham St. past the Faith Baptist Church near Seipet St. It is tax exempt property so there are no back taxes. The land was meant for the town to enjoy. Franey questioned if the town would incur any liabilities. Ellen stated the land has been vacant for over 100 years. He asked to get a declaration of the trust. Motion by Franey to table article #36 - #38, second by Ward. Vote 5-0. Article #39: Jack Hunter stated the Planning Board voted 4-0 to approve. Motion by Franey to approve article # 39, second by Hewins. Vote 5-0. Article #40: Lawrence Winnaker from A.D. Makepeace present to discuss: and Bill Madden from GAF Engineering. By changing the zoning to "A" (IA) it will allow Makepeace to build an industrial site (soil blending facility) on their property with little detriment to the community including minimal traffic increase on the road and at intersections and during most of the year 80% of the traffic will go southbound. Bill Madden spoke about the topography of the property in detail. George Rogers from A.D. Makepeace and spoke about the build-out and where the facility will be on the property. The tax assessment will be approximately \$113,000/year. Franey questioned storage of raw materials. George explained it would be clay and sand and nothing that would put the community at risk. He went thru the MEPA process in which they were given a certificate of approval. Ward questioned if the bogs on the property will remain. O'Donnell questioned if the facility will be visible from Federal Road. George state the bogs will remain and the facility will not be able to be seen from the road. Motion by Franey to approve, second by Hewins. Vote 5-0.

Board of Assessors: review of records and parcels related to the Dept. of Revenue May 16, 1977 memo to Assessors regarding "Guidelines Concerning Application of G.L. Ch. 61A"

Franey questioned the acres of upland vs. acres per bog. Ellen Blanchard handed out the Massachusetts Dept. of Revenue FVAC Chapter Land Recommended Value –Fiscal Year 2013. Ellen stated that Ch. 61A became a state law in 1973 and in 1977, after discussions with cranberry growers, the DOR recommended the valuation methodology to be used, and the FVAC issues the valuations each year. She stated that farmers nation-wide have been subsidized by the Federal Government. Locally the market value is reduced to the income based property value per acre. Ellen explained by using an actual parcel as an example. The ratio from bogs to upland is a 40/60 split and when added together there is a 1:1 ratio between that and non-productive land. Contiguous property including productive and non-productive are counted together. Franey questioned if the values have remained stable. Ellen stated the value of the land is at a commercial tax rate and has been since 1982. It also provides open space for the town. Franey stated the taxpayers would carry the burden. LaFond questioned Ellen: is Carver not raising enough revenue as it should under the law. Ellen stated the town is raising the maximum amount possible.

Common Victualler License: Samoset Donuts, Inc. dba Dunkin Donuts at 2D Montello Road
Table until they can be at the meeting.

Discussion and Process for hiring an interim Town Administrator and a screening committee for a Town Administrator

Franey stated that he is meeting with Town Counsel to go over the services the interim can provide and will meet around Town Meeting. Motion by Ward to table to the next agenda, second by Ward. Vote 5-0.

Appointment to the Plymouth County Advisory Board

Motion by Marrone to appoint Jack Franey to the Plymouth County Advisory Board, second by Ward. Vote 3-1-1 (Franey abstain).

Request for use of Shurtleff Park by Dawn Ward on June 8, 2013

Motion by Marrone to approve, second by Franey. Vote 5-0.

Possible continuation of Town Meeting

Motion by Ward to table, second by Franey. Vote 5-0.

Approval of Minutes of April 1, 4, 9 & 23, 2013

Motion by Franey to table until the next regular meeting, second by Ward. Vote 5-0.

Citizens Participation

Alan Dunham: Concerned that by not re-appointing the Police Chief, it will be terminating without cause, if the re-appointment is not made in a timely manner. Asked the Board to put the Police Chief appointment on the next agenda and to re-appoint the Police Chief for a 3-year term.

Joe Ritz: Has been with the department for 20 years. He feels the department is running as smooth as it ever has under the current Chief and does a great job moving the department forward and making the right decisions.

Mike Shaw: Feels it is a wrong decision for town not to re-appoint the Police Chief and does not understand how there is any confusion.

Dennis Rizzuto: The Town of Hanson went through an assessment board made up of retired law enforcement chiefs. The two top candidates rated so highly that there was no third candidate considered for an interview. He feels Chief Miksch is as trustworthy as they come. He feels failure to re-appoint Chief Miksch will be a detriment to the town. It will cost the town money to put out a new search when one of the top rated Chief's is here.

Town Administrator Notes

This is his last meeting. Thanked the Members of the Board of Selectmen and the public servants, Department Heads, staff and citizens of Carver.

Selectmen Notes

Franey: Wished Rick good luck in Abington. He reminded people to come to Town Meeting. Stated High School Graduation is Sunday at noon.

Hewins: Thanked everyone who participated in making Memorial Day a success. She stated the town will be at a great loss without Rick. She also thanked the Police Chief and members of the community here tonight who spoke out on his behalf. She encouraged people to come to Town Meeting.

Ward: Thanked everyone involved in Memorial Day. Thanked Rick for his service.

Marrone: Stated if anyone would like to talk to her on the decisions she is making to call her on her cell phone to talk one on one. Congratulated the High School Seniors and wished them good luck. Thanked Rick for his service.

O'Donnell: Thanked everyone for a great Memorial Day parade. Invited everyone to come to Town Meeting. He thanked Rick for his service. God Bless the service men and women and reminded everyone to keep the service men and women in your thoughts and prayers.

Motion to adjourn into Executive Session at 10:30 p.m. to discuss strategy with respect to collective bargaining of Police, DPW and Clerical as an open meeting may a detrimental effect on the bargaining, not to return to open session – Role Call vote: Affirmative: Franey, Ward, Marrone, Hewins and O'Donnell. Vote 5-0.