

**MINUTES OF THE SELECTMEN'S MEETING OF FEBRUARY 26, 2013**  
**TOWN HALL – MEETING ROOM #1, 7:00 P.M.**

Present: Selectmen John Franey, Sarah Hewins, Helen Marrone, Richard Ward, Chairman Michael O'Donnell, Town Administrator Richard LaFond, Office Assistant Diane Scully

After leading the audience in the Pledge of Allegiance, the Chair announced the vacancies on the various boards, committees, and commissions, as well as reminding residents to donate to the food pantry.

**APPOINTMENTS WITH POSSIBLE VOTES:**

**NSTAR ELECTRIC AND VERIZON NEW ENGLAND POLE HEARING**

Karen Rae from NSTAR came before the Board requesting a new pole to bring electric service to 2 Montello St. (new Dunkin Donuts). Motion by Ward to approve; seconded by Marrone. Vote unanimous.

**REAPPOINTMENT OF ROGER SHORES TO TOWN BUILDING STUDY COMMITTEE**

Roger Shores appeared before the Board to request reappointment to the Town Building Study Committee as other members had been at the previous meeting, even though the committee was never actually disbanded. Shores had several questions regarding having materials from the State and Town forwarded to them in a timely manner. Both the Chair and the Town Administrator stated that they should not have to chase down information, and if the Committee has any difficulties, they should contact LaFond. Shores also asked if the BOS endorses any of their recommendations, will the Board stand behind it at Town Meeting. Yes from each Selectmen; yes if I voted for it from Hewins. Franey motion to appoint; Hewins seconded. Vote unanimous. Marrone suggested the Committee be added to the monthly distribution of updated budgets. LaFond said he would have the Chairman added.

**REAPPOINTMENT OF ROBERT BARLOW AS CONSTABLE FOR THREE YEARS**

Robert Barlow stated he's been a constable in Carver for 24 years and is a constable in four other towns. Motion to appoint by Ward; seconded by Franey. Vote unanimous.

**REQUEST BY EDWARD JAMES TO BE APPOINTED TO THE AIRPORT COMMISSION**

Ed James appeared before the Board requesting to be appointed to the Plymouth Airport Commission saying he was excited to hear of the opening. He has long been involved in aviation, has a degree in aeronautics, and is very familiar with the Plymouth Airport. Ward explained it's not a position on the Commission, but the Selectmen's representative to the commission. Franey was concerned that the agenda said appointment TO the Airport Commission, so to avoid an Open Meeting Law issue, it was suggested the appointment be tabled to the next meeting. Motion to table by Franey; seconded by Ward. Marrone abstained, and the vote was 4-0-1.

**STORM UPDATE: THOMAS WALSH**

Walsh was greeted with a round of applause. He reported that all departments were fully cooperative and well prepared. The resulting performance of all the public safety departments was, in his opinion, exceptional. The Fire Department responded to 70 separate and actual fire incidents during the storm; EMS responded to 24 calls for service resulting in 20 transports to the hospitals; Carver Police handled 338 calls Friday to Tuesday. Fire, Police, EMS, and GATRA drivers all assisted in shuttling residents to the shelter. EMS opened the pet-friendly shelter on Friday, Feb 8<sup>th</sup> at 2 pm under the direction of Bill Harriman, Joannie Hibbard, and Rick Leopardi, and provided services to 169 residents, 4 cats, 4 dogs, and 9 assorted other pets. Walsh praised Dave Seidentopf, Pat Meagher, and the custodial and cafeteria staff

at the school, and he felt the DPW were the unsung heroes for the excellent job they did with the roads. After the storm, Walsh worked with NSTAR to establish community priorities, though he feels NSTAR's coordination and ability to give info on where trucks are working is still pretty poor. LaFond asked about seeking reimbursement. Walsh said the initial damage assessment paperwork is due to FEMA tomorrow to start the process and determine whether it rises to a level to request a declaration of disaster from the President. Snow removal is the biggest cost, but FEMA has a guideline that the snow has to be the most we've ever gotten or within ten percent of it. Ward referenced a letter in the Carver Reporter from a family who stayed at the shelter complimenting Bill Harriman and the team. He also commented on how difficult it must be for public safety officials to be away from their homes. O'Donnell said we need to commend the general public for their understanding. LaFond said that Walsh and Deputy EMD Ken Morrison make an outstanding team.

## **JACK HUNTER AND RESIDENTS OF CRYSTAL LAKE TO DISCUSS PROPOSAL FOR A COMMUNITY GARDEN**

Jack Hunter and resident CJ Gillis came before the Board with Gillis' community garden idea. Hunter explained there were two parcels under common ownership by the Town on Oak Drive. Two years ago, Town Meeting gave them to the BOS, and the BOS conveyed them to the RDA. They became unbuildable when a neighbor relocated his well and septic system, thus RDA turned them back to the Board. A neighborhood meeting was held 3 weeks ago, and every resident there wanted to participate, thus they are looking for the Board's blessing to move forward. They hope to work under the guise of the Agricultural Commission to apply for a small grant. Hunter has done community gardens in urban towns and cities in the past. Ward stated he's on the Ag Com, and they like the idea, as well as a connection with the farmers' market. Hunter said next steps would be to visit a community that has a community garden to find out the best way to do it; put rules and regulations together; and apply for a grant. Selectmen thought it was a great idea; Hewins hoped they'd involve the kids. Vote tabled to next meeting with a motion by Ward, second by Franey. Vote unanimous.

## **NORTH CARVER WATER COMMISSIONERS TO DISCUSS:**

### **1. RECENT EVENTS RESULTING FROM THE BLIZZARD**

Commissioners Paul Johnson and Kevin Tracey came before the Board. Johnson stated that on Saturday Feb. 9<sup>th</sup> there was a water service interruption at Cranberry Village caused by a fallen tree on the generator and broken power lines. Middleboro was contacted for permission to open the interconnection valve to restore water. Sunday there was another service interruption because the generator gauge showed 35% propane when it was actually empty. NCW then operated normally until 4AM Wednesday when the emergency generator shutdown. FM Generator was called and NSTAR was contacted to increase the urgency to get power restored. Police located a leak at Tractor Supply and then another one at Aubuchon, and repairs were completed late Wednesday night. Middleboro operates at significantly higher pressure and volume than NCW which could explain why the leaks happened after the changeover. The Commission regrets the loss of service, but could not find any corrective action that would have prevented the loss. Johnson commended Joe Silva and Middleboro crew, Bill Halunen and Carver DPW, Chief Miksch, Sgt. Orr, the staff of Small Water Systems and Ron Frattasio. Ward was concerned by the fact that the roads to the systems weren't plowed so generators couldn't be checked. He stated they need constant maintenance, and we cannot afford to lose the public's confidence. Johnson said mechanical failure on the generator could not be foreseen, though tanks in Cranberry Village should have been topped off. Tracey said there were definitely things that could have been done better, and they'll learn from this experience. LaFond stated that under the circumstances, everyone did a good job. He also commented that the relationship NCWD and the Town has with Middleboro is remarkable. Hewins thanked the DPW for everything they did for the NCWD. Franey commended the Commission for having the foresight to install the interconnection valve.

Johnson announced that Small Water Systems has been contracted for maintenance of the three water systems in Carver; they have been the primary operator of the systems since last September.

## **2. SELLING WATER TO DECAS AS AN OFF-SITE USER**

Last summer it came to their attention that Decas had been purchasing water from an out of town source. They are now in discussions with Decas which they feel is a unique and unforeseen opportunity. Benefits include reducing operating deficits, and improving water volume which will improve water quality issues resulting from low flows. Decas will be purchasing 28K to 50K gallons of water per day at a reduced rate to help offset their transportation costs. They have a three year tentative agreement and are waiting for a licensing agreement for a fill station near the Middleboro town line. LaFond asked if there was a way to deal with the pressure issue. Johnson said that the design upgrades will include a pump that will increase the pressure and will also give NCW the ability to flush their own system.

## **DISCUSSION AND POSSIBLE VOTE ON DECREASING THE COMMUNITY PRESERVATION ACT TAX FROM 3% TO 1%**

Franey reminded the Board that he proposed at the previous meeting placing a question on the ballot to decrease the CPA tax from 3% to 1%. He then asked CPA Chairman, Bob Bentley, to give an update on law changes. Bentley shared that legislation changed to actually include additional revenues which provide a larger guarantee to the cities and towns. Also, there was a huge change that will allow for more recreation projects. Last year, the statewide average match was 26.8%, but Carver received 49% because it was involved in three rounds of funding. In October 2012, Carver's total revenue from CPA (local revenue + 3 rounds of State match) was \$510K. If the surcharge had been 1%, the Town would have received \$144K. Bentley stated we've done a lot of great projects, including upgrades to the Marcus Atwood House. He is paying \$91 annually for CPA and doesn't see that as being a huge burden. First \$100,000 of your evaluation is taken off the surcharge calculation. Franey heard that if it was reduced to 1%, it could be funded out of the General Fund to get it back to 3%; Bentley had not heard that. Franey feels we could scale it back and still meet all our outstanding CPA debts. Franey stated that the economy was in better condition back in 2007 when the Town voted it in. Bentley explained that he's been speaking to the State and learned that the process is approval by Town Meeting first before being placed on a ballot. Franey stated he likes to give the taxpayers an opportunity to weigh in on occasion. Marrone says it has to be voted in the same process that it was originally voted. LaFond's recollection was that it failed twice at Town Meeting and was put on the ballot by initiative petition. Hewins said the Secretary of State's office says first Town Meeting, then the ballot. Franey suggested Town Counsel weigh in, and we could probably have an answer for the next meeting. Marrone read from Chapter 44B, Sec.16 (Attachment A). LaFond said he thought everyone would feel better if we get something from Town Counsel. Marrone shared she is strongly in favor of reducing it because she feels it was a luxury at a time when we could afford it. Her idea when she was running was to find ways to offset upcoming debt. The Town Building Study is in the process of finding solutions for the school; this could be just a small component to help offset the cost. She researched other Towns and found that Duxbury reduced CPA from 3% to 1% last November, and Milton voted to not accept it. Marrone said the CPA has already done a lot for us, and gave examples. She stated perhaps we can bring it back to 3% sometime in the future. Hewins pointed out that the Cole property was not merely open space, but that North Carver Water would not have happened if we had not purchased the Cole property. She explained the calculation is to subtract \$100,000 from a properties' assessed value, and the remainder is taxed at 3%, and that the average CPA bill is about \$80/year or 22 cents/day, and the mobile home parks are 8 cents/day. Hewins also reminded residents about the low income exemption, which is actually pretty high. She foresees not being able to upgrade playgrounds and fields without the CPA funding. Hewins also feels it's a political smokescreen to suggest that this will help us with the schools. She thinks it's a mistake and pretty disingenuous.

Franey feels we have to reach out for everything we can get; we need the school more than we need ballfields. Marrone stated that it's very sad that when there's a difference of opinion on the Board, we are called disingenuous. She said what is disingenuous is saying "it's only 22 cents a day". We are seriously trying to balance the budget not only for the Town but for these residents. Marrone said we need to build up savings so that residents can afford the offset of an increased cost. Ward stated that he supports CPA at 3%, but feels it's important that we give the people a chance to vote. Franey feels it should go on the ballot; he wants to give the taxpayers the right to weigh in on it. LaFond's only concern is the procedural issue. He will seek Kopelman & Paige's opinion and also ask them to run it by the State Election Division. Motion by Ward to table until next meeting until LaFond can get advice from counsel; seconded by Franey. Vote unanimous.

#### **OTHER:**

#### **DISCUSSION ON MGL32B SECTIONS 21-23, MUNICIPAL HEALTH INSURANCE**

LaFond explained these sections allow communities to put GIC look-alike programs in place without the need to collectively bargain. Since putting this item on the agenda, he has been able to obtain a representative from each bargaining group for the Insurance Advisory Committee and feels he should meet with them before asking the Board to accept these sections. Motion by Franey to table until next meeting; seconded by Ward. Vote unanimous.

#### **DISCUSSION ON WHETHER OR NOT TO PUT NON-BINDING QUESTIONS ON THE BALLOT REGARDING ELEMENTARY SCHOOL, POLICE STATION AND FIRE STATION**

Franey said last time we voted on the Police/Fire Station Building Committee was in 2007 and asked if we need to put a non-binding question on the ballot for these projects. Ward said the non-binding question doesn't apply here because there's no funding for the Police/Fire station, but the question comes into play with the school due to the MSBA. Franey said he just wants to know where we are going with these projects. Upgrades are being done to parts of Route 58, and we still have this dilapidated building. Ward stated the Town Building Study Committee is being reestablished which is the first step. Franey wanted to gauge the support from the community, but maybe it's premature. Marrone feels putting it on the ballot is setting us up to fail again. O'Donnell also feels it's premature. Ward motioned to table it to some future date; Franey seconded. Vote unanimous.

#### **VOTE TO OVER-EXPEND FY13 SNOW & ICE APPROPRIATION**

LaFond stated that after the blizzard, DPW Superintendent Hallunen reported that his contractor budget was only over by \$5K, but it's now escalating. O'Donnell said people don't understand that it's not just snow, but black ice that requires crews being sent out. LaFond explained it's a requirement for Selectmen and Finance Committee to take this vote, and we're hoping for a federal declaration of emergency. Motion by Franey to approve; seconded by Hewins. Vote unanimous.

#### **REQUEST BY FRIENDS OF COA FOR A ONE DAY SPECIAL LIQUOR LICENSE FOR A ST.PATRICK'S DAY DINNER ON MARCH 14th**

Motion by Franey to approve; seconded by Ward. Vote unanimous.

#### **REQUEST BY ST. JOHN THE BAPTIST CLUB FOR A ONE DAY SPECIAL LIQUOR LICENSE FOR A FUNDRAISER ON MARCH 9th**

Motion by Franey to approve; seconded by Ward. Vote unanimous.

#### **APPROVAL OF MINUTES: JANUARY 8, JANUARY 22, AND FEBRUARY 12, 2013**

January 8<sup>th</sup> was not submitted for approval, and revised minutes for 1/22 and 2/12 were handed out before the meeting. Franey requested that any revisions to the originally distributed minutes be highlighted.

Marrone asked that January 22<sup>nd</sup> be tabled until the next meeting as she had revisions. O'Donnell suggested that all three be tabled until the next meeting. Motion by Franey to table; seconded by Ward. Vote unanimous.

### **CITIZENS' PARTICIPATION:**

Jon Fortier questioned the parks' exemption from the CPA tax. Hewins explained it's not an exemption for mobile home parks, but an exemption for low-income residents. Franey said people in mobile home parks don't get an exemption; they pay it as part of their rent. Fortier asked Marrone several questions about Duxbury relative to her using Duxbury as an example when talking about CPA. Marrone explained that her point was something's going on with the economics of different towns when an affluent town like Duxbury reduces their CPA to 1%. Fortier stated maybe their actual dollar amount at 1% exceeds our 3%. O'Donnell interrupted saying we're talking hypotheticals here; Marrone was only looking at Duxbury's CPA, not all their town's numbers. Fortier then asked for a clarification from the NCWD on an issue related to a closed valve during the water interruptions. Johnson did not have information on how the valve could not be located. O'Donnell said we're talking about a major snow storm that put the entire state into chaos, as well as a new contractor. Fortier said he was concerned that NCW didn't know what they were doing. Johnson said no one would know the system better than Joe Silva who ran it for a number of years, and you can't find something that's buried in snow at 4am in the morning. LaFond said, with all due respect, Citizen's Participation is not the time to quiz selectmen. O'Donnell said he didn't think this was doing anything positive for town government, and the Board will not tolerate personal attacks.

Rod Forrester complimented Johnson and NCWD for getting their water back on; they and everyone else in the town did their best. He also complimented the EMS for their quick actions and decisions in regards to an incident that occurred this week in Cranberry Village. He then gave thanks to the Police Dept. for all they did for the village.

Kathy Doherty read a letter she wrote to the Selectmen regarding keeping the CPA funding at 3% and requesting feedback from the Board at the request of Marrone. (Attachment B)

Robert Belbin asked if the Town was still pursuing a change in Town Counsel. O'Donnell said it's a moot point because the Board voted it down at the beginning of this term. Belbin asked if they'd consider a change in counsel for the Town Meeting because he feels Gregg Corbo's decisions are not in the best interest of the Town, in particular with the Wimperus case. O'Donnell says if Corbo is following the letter of the law, that's what we're paying him to do. LaFond said to suggest that this does not impact Belbin's own zoning issue with the Town is a bit unfair. O'Donnell told Belbin to put his issue in writing, and he will review it with LaFond. If something is found, they'll talk to Corbo.

Dawn Padovani asked if she could ask Mr. Bentley a question. She said she's emailed the Town Website Committee twice to change the website because it says the CPA match was 84%. Hewins believed it says 84% of the state average, but Padovani disagreed. Bentley said he would look into it.

Lisa Martin, as a tax payer and voter, thanked the Board for discussing the CPA. She would like to see it go to the voters and asked that they please work together on this. O'Donnell stated that even though there was a difference of opinion, he thought there was a consensus tonight to give it back to the taxpayers to have their say.

### **TOWN ADMINISTRATOR NOTES:**

LaFond said that Jack Hunter should also be recognized for his efforts during the storm.

Also, a budget recommendation will be available by the end of the week, and Saturday, March 9<sup>th</sup> is the date being looked at for the day long budget hearings.

**SELECTMEN NOTES:**

Franey announced vehicle excise tax bills are due March 4<sup>th</sup>. Also, he spoke to Liz Sorrell about the Statement of Interest, and he and LaFond will be meeting with her to review it.

Hewins – nothing as she didn't want to hold everyone up.

Marrone thanked all the residents who spoke up on CPA tonight.

Ward – pass.

O'Donnell said God bless the Town of Carver, and thank God we survived the chaos of the storm. Keep soldiers, sailors and marines in your thoughts and prayers.

Motion to adjourn into executive session to conduct collective bargaining sessions with non-union personnel, not to return to open session by Franey, second by Marrone, vote 5-0.