

## Carver Board of Selectmen Meeting Minutes

Carver Town Hall, 2<sup>nd</sup> Floor

March 21, 2017 - 7:00pm

In Attendance: Chairman Ronald Clarke, Vice-Chairman Alan Dunham, Sarah Hewins, Helen Marrone, Dave Robertson, Town Counsel Gregg Corbo, Town Administrator Milanoski (TA) & Elaine Weston

Chair led the meeting with the Pledge of Allegiance and read the community prayer.

### **Citizens Participation:**

Robert Belbin: Addressed issues he had with the Annual Town Meeting Articles including the Board of Health, BATG funds, Zoning projects, nuisance bylaw, stretch code and reducing Conservation Commission membership. Belbin submitted application for the Conservation Commission.

Robert DeCosta: In regards to Nuisance by-law – he cited MA Dept. of Public Health MGL c. 111 s. 122 & s. 125 & Board of Health

Jen Dowding: Read from a statement in regards to the school cuts in the FY 18 budget.

Rob Reardon: Spoke in regards to the budget cuts the school is facing in the FY18 budget.

Jillian Orr: Spoke in regards to the budget cuts the school is facing in the FY18 budget.

### **Review, amendments and vote on remaining Annual Town Meeting Warrant Articles:**

**Article #2:** This article assigns the bond premium received from the sale of bonds for the new Fire Station and 3 Fire Engines directly to reduce the amount the Town needs to raise for these capital projects and returns the remaining funds to the Capital and Debt Stabilization Fund.

Corbo stated that the approach going forward is to have the articles voted on as written that money cannot be increased which is why articles are written “not to exceed”.

Members of the Board questioned if amounts of articles can be changed on the Town Meeting Floor as well as many other scenarios. Corbo responded that it would most likely be ruled out of order. Town Meeting procedures would not allow for this which is why the budget is determined 30 days prior to Town Meeting. The scope of the article is what is presented which includes the amounts that are put forward. They can either be approved or voted down, not changed.

Marrone asked if this is common in other towns. Corbo stated that what is being done is deliberate and legal and is by design so that the budget will not change.

TA stated that the rewording of this article is consistent with Town Meeting Policies and Financial Policies. One time Money (bond premium) is used to pay for one-time costs. The additional language is to make sure it is to pay for operating expenses, not operating salaries.

Marrone and Hewins feel this changes the voters flexibility at Town Meeting. Clarke & Dunham feel that this process has been transparent & they have been talking about getting to this point where the numbers are out in the public 30 days in advance of Town Meeting.

Motion by Robertson to approve, second by Dunham, Vote 4-0-1 (Marrone abstain)

**Article #5** Revision to allocation of FY 17 Free Cash – Health Care costs were saved & Snow & Ice increased. Motion to approve by Dunham, second by Robertson. Vote 4-0-1 (Marrone abstain)

**Article #6** Language changed to “amount not to exceed”. Motion to approve by Robertson, second by Dunham. Vote 5-0.

**Article #7** Capital Improvements Article: The bids for the Carver Middle High School Accelerated Repair Program which was approved at the 2016 ATM for \$7.4 million, came in at \$3.77 million. MSBA will only pay for the main building –not the additions. It will cost approx. \$50,000 to replace the doors and windows on the additions. The roof also needs to be replaced and is not reimbursed by the MSBA. Also the DEP requires a waste and water treatment upgrade which can now be done due to the bids coming in low.

Motion to approve by Dunham, second by Robertson. Vote 4-0-1 (Marrone abstain).

**Article #8** Community Preservation Committee: There are no new active projects –section E of the warrant states that Forest St. is deemed unfeasible. This is recommending that this money be re-assigned to the Middle High School Fields and Track & Soccer complex.

Motion to approve by Dunham, second by Robertson. Vote 5-0.

**Article #9** By law changes

**Part C** Nuisance Bylaw: This is intended to be specific in regards to leaving indoor furniture outside and putting a quantity on what is acceptable and what is not.

Corbo addressed the public comment that this is repetitive on what it regulates, but provides an additional enforcement tool that is currently not in place. The Board of Health has power to address these issues, however, no reports have been received of nuisance conditions. The by-law allows the Town to enforce thru a non-criminal disposition. The Board would not have to meet in order to address the issue, the Town would be allowed to issue a ticket.

Marrone questioned if it was approved, would the steps need to be followed in the order stated or can you go directly to a more extreme path.

Corbo stated that the by-law does not limit the authority of the Board of Selectmen.

TA stated that “in the public view” is intended to protect the agricultural community due to the fact that they may have items piled in their property as a need, but they may be housed in an area other than in the front/side of their yard.

Robertson stated he is uncomfortable with the entire article and is not in favor of it.

Hewins stated that some of the language can be interpreted in a way that someone could translate inoperative machinery in a way that impacts farmers in town.

Marrone and Dunham agree with Hewins and Robertson.

Motion by Dunham to withdraw Section C of Article #9, second by Hewins. Vote 5-0.

**Part E Stretch Energy Code:** This codifies building regulations and standards. Grant opportunities are available to the Town if approved.

Hewins and Marrone attended the Stretch Code Public Forum.

Marrone is not in favor of the stretch code – she feels that only one side was heard-there were no concerns addressed, only the ‘pro’ side. She has done her own research as a ‘non-expert’. The forum stated it does not apply to additions and the CMR states that it would apply to additions of a certain size. The anticipated construction costs would be \$3,000 per home. Savings from utility rebates would be approximately \$5,000. It is unclear if the builder or homeowner would be entitled to the rebate which would usually be the builder. She stated that it is possible to see energy savings-but it could be less than \$500 annually.

Hewins feels that grant money from the State means that we are getting our tax money back. She feels that residents would benefit from a more energy efficient code – that would be seen through lower utility bills.

Dunham and Robertson feel the vote should go to the voters.

Motion to approve to put on the warrant by Dunham, second by Robertson. Vote 5-0.

Motion to approve by Hewins, second by Robertson. Vote 3-2

## **Article #11 Home Rule Petition Article**

**Part A: Appointed Board of Health** Clarke recommends to withdraw the article and see if the Board is still having issues a year from now. Motion to remove Part A from the warrant by Hewins, second by Robertson. Vote 5-0

**Part B: Senior Tax Relief:** Clarke was part of a Tax Relief Committee to determine as an initial start to focus on income to be eligible. Marrone questioned if this would take into account factors other than income such as assets. TA stated that the maximum liability to the Town is \$88,000 (0.5%) which would not change the tax rate more than a few pennies per resident. This also would not apply to renters which would exclude landlords.

Clarke stated that the Town would need to revote this every 3 years.

Corbo stated that income is specifically defined in section 4 of the article. The taxpayers total income –which is a provision of the MGL. The total amount of income from many resources, but it is not clear if assets would be included.

Exemptions would not apply to CPA, North Carver Water or any other special assessments.

Marrone stated it may be wise to require 3 years of tax returns, not just one.

TA stated that the application process can require any documentation determined by the Town.

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

## **Article #12**

### **Part A: Prohibition of the use of Recreation Marijuana**

### **Part B: Temporary Moratorium on Recreation Marijuana**

Corbo recommended prohibiting the use of land in town for the site of these facilities. There is a two-step process: adoption of a zoning by-law at Town Meeting and a passage of a yes or no ballot question-both of which are in place for Carver for this Town Meeting and Election. The moratorium would be in effect in the time of approval by the Attorney General until June 30, 2018 and this would give the Board time to enact a bylaw to determine future steps.

Corbo stated that the state won't accept applications for licenses until April 2018.

Motion to remove Part A & take question off of ballot by Dunham, second by Robertson. Vote 5-0.

Motion approve Part B by Dunham, second by Robertson. Vote 5-0.

## **Article #15 Money Petition Articles:**

**YPAC:** Lisa Blair, Dick Ward & Roger Shores present to discuss the goals of YPAC. Young People's Alliance of Carver provides programs for grades 5-8. They also service Juniors and Seniors that get paid to plan and implement programs. Other members of the community are also involved such as the Police Chief, School Resource Officer and School Principals.

Marrone stated that she feels that public funds should not fund a private organization

Hewins stated that YPAC is a 501c3 which is a Federal Non-Profit.

Motion by Hewins to approve, second by Robertson. Vote 4-1

**South Shore Community Action Council:** Patricia Daly present to discuss SSCAC. SSCAC funds Head Start childcare, Fuel Assistance, Heartwrap, VITA, SNAP, transportation and food basket gift card program. Carver residents all benefit from these programs.

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

Hewins stated that SSCAC is also a 501c3

Daly stated that there are no state funds that are given to the SSCAC.

**Plymouth Area Coalition for the Homeless:** Helen McClean- She stated that they are a 501c3 and include a shelter and have a food pantry that services 20 towns in Plymouth County and the majority of the households come from the Plymouth-Carver area. They offer the voice in the night program available to refer callers to resources. There are 60 regular donors that are residents of Carver. Carver has been the only town over many years that has consistently supported services.

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

**Health Imperatives:** Kelly Dwyer- She stated that they provide vital assistance to violence intervention which is specifically geared to domestic violence and rape crisis service and intervention services. They also service a shelter at an undisclosed location for domestic violence victims and individual and group counseling.

Motion to approve by Hewins, second by Robertson. Vote 5-0.

**South Shore Women's Resource Center:** Motion to approve by Marrone, second by Dunham. Vote 5-0.

**Article #13 & 14: scheduled for 4/4/17:** Master Plan presentation by the Planning Board-these do not need to be voted on.

Motion by Dunham to table the articles and let town meeting, second by Robertson. Vote 5-0.

Motion by Dunham to authorize the Warrant to be posted pending legal review and edits as necessary, second by Robertson. Vote 5-0.

### **Open Meeting Law Complaints received 3/7/17**

**Acknowledge receipt of two Open Meeting Law complaints from Robert Belbin concerning Board of Selectmen Executive Sessions and authorize Town Administrator and Town Counsel to respond:**

Dunham questioned the new format of Executive Session as it is listed on the agenda.

TA stated that there was never a blank to fill in-that it listed all possible agencies the Executive Session could be for. Going forward the blank will be filled in if the Executive Session is necessary and will remain blank if not needed. Agendas will be reviewed by Town Counsel going forward.

Motion to approve Town Counsel to draft response for the Open meeting law complaint by Dunham, second by Marrone. Vote 5-0.

### **Town Administrator Update:**

Topping off ceremony at the school Thursday

Community Compact Grant for \$41,500 for joint facilities between Town & School

IT organization anticipated to be town-wide for FY18 – Clarke would like to see salaries of the school employees.

Resignation of Planning Director effective March 30, 2017

### **Board of Selectmen Update**

**Correspondence from Town Counsel re: Joint representation of Carver and Plympton with respect to Urban Development Plan:** Corbo stated the area abuts the Town of Plympton. K-P Law also services the Town of Plympton. If there is a joint representation by Town Counsel, the Towns need to consent. Corbo asking for consent authorization to be approved and signed. Motion to approve the consent authorization form by Dunham, second by Hewins. Vote 5-0.

**Vote to Ratify DPW Contract:** Motion to approve contract by Hewins, second by Marrone. Vote 5-0.

**Chapter 61A: First Right of Refusal – 52 Cranberry Road:** Motion by Hewins to not exercise the first of refusal, second by Dunham. Vote 5-0.

**Robertson:** none

**Hewins:** none

**Marrone:** none

**Dunham:** none

**Clarke:** none

**Approval of Minutes of 2/28/17:** Motion to approve minutes by Dunham, second by Marrone. Vote 5-0.

**Request for One Day Special License:** Bartending Service of New England 3/26/17 & 4/29/17. Motion to approve by Hewins, second by Dunham. Vote 5-0.

Next meetings: 3/30, 4/4, 4/11

Motion to adjourn at 10:45pm by Marrone, second by Dunham. Vote 5-0.