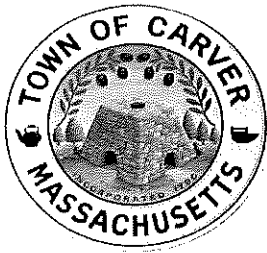


Approved 3/21/22



Town of Carver

North Carver Water District Commission

Posted in accordance with the Provisions of M.G.L. Chapter 30A, Section 20B - The proceeding will be videotaped and rebroadcast by Area 58 TV.

Meeting minutes for March 28, 2022, The North Carver Water District Commissioners met, today, at the Carver Town Hall, Meeting Room # 3, 108 Main Street, Carver, Massachusetts.

Attendees: Kevin Tracey, Chairman; Stephen P. Romano, Commissioner; William Sinclair, Commissioner

Absent:

Also present: Mike Palimeri; Gregg Corbo, KPLaw; Sharon Clarke, RDA Chair

Meeting called to order at 5:31 PM, by Mr. Tracey

Mr. Tracey – I want to apologize. At the last meeting, the changes to the MOU came in at the last minute. We are here to review the latest MOU and take a vote on it tonight.

Rte. 44 Development, Urban Renewal Plan:

Attending tonight: John Cusik, Boehler Engineering; Dave Formato, Onset engineering; John Smolak, Hillwood Attorney; Casey, Hillwood

Mr. Tracey – Mr. Corbo is here tonight to talk about the new iteration. Mr. Corbo – What you have in front of you is a proposed MOU to extend the Town's water system to the Hillwood property for purposes of allowing that property to be developed and to benefit from the NCWD supply. As part of its obligations, Hillwood agrees to build a water tower on its property and this is something that is of mutual benefit. It allows the system to be extended into their property but also provides better circulation for the District system. As part of the agreement, Hillwood will design and construct that portion of the system, the water tower, connect it to what is there now and then turn it over to the Town so that it becomes part of the Districts water supply. In exchange, the District agrees to waive a portion of the privilege fee, to the

amount that they spend on building the water tower. If the construction of the water tower exceeds the privilege fee, they will not get anything back. The remainder is more of a standard agreement that the Town will extend the water line to the edge of the Hillwood property and it agrees to supply 40,000 gallons of water per day. Once the line gets to the Hillwood property, Hillwood is responsible for everything on their side of the line. It all gets integrated into the system and will pay user fees to the same extent that anyone else would be responsible for paying user fees. It lays out the basic terms for how that would work. They will need to apply for a permit, etc.

Mr. Tracey – They will need inspections and connections, etc. for which there will be a fee.

Mr. Corbo – Correct. They are agreeing to become a user like anyone else. The privilege fee is the cost of buying into the system. They are providing this other benefit to the system, in exchange for the privilege fee. All the other fees are the same as any other user would pay.

Mr. Romano – I just want to know what has changed. Mr. Corbo – This version has very minor changes from what I sent to you last week. Mr. Smolak – There were some typos, a reference for recording at the registry that was carried over from another document, which we decided wasn't needed here. Mr. Romano – The Town of Carver typically red lines any changes which would make it easier. John reviewed the changes made since last week. All were minor in nature such as typos, removal of an underline and removal of the "Notice of Development Agreement" that wasn't needed here.

Mr. Sinclair – Every time you referenced the Town, you really meant the District? In the MOU, all the references should be the District. Mr. Corbo – Yes, I don't think there were any references to the Town in today's copy. Mr. Sinclair – I didn't see any. Mr. Sinclair – The NCWD will be responsible in getting the water line from the system up to the property? Mr. Corbo – That is correct. The service line then becomes Hillwood's responsibility. Mr. Sinclair – After completion of the Water System, it will be accepted by the District? Mr. Corbo – Correct. You will do all your inspections, as-built plans, etc. Mr. Sinclair – On this MOU has hooks on permitting. Whether it was through Planning Board, Conservation, Building permits. There was a reference on building permits for conditions of performance. If you have building permits and do not construct those buildings, can they terminate their contract? Mr. Corbo – This mostly applies to the water tower aspect. If the project doesn't go forward for whatever reason, they are not obligated to build the water tower. Mr. Sinclair – My concern is when does the construction part of it start? If the NCWD is going to invest all this money to bring the water line to the property, we will want it in conjunction with the construction of the water tower. If you don't build a building, what will trigger the timeline? Mr. Romano – I was under the impression that the Town received a grant and the Town was paying for water pipe from route 58 to the property line. Mr. Sinclair – That is roadway construction. That is part of the RDA money received. Ms. Clarke – Yes, MassWorks was \$3.2 Million. RTE 44 Dev added another 800K. Mr. Romano – That's the pipe, right? Mr. Sinclair – I would assume it is. Mr. Romano – Everything I looked at gave me the impression that Route 58 up to the curb would be done through the grant. Mr. Sinclair – If the project falls flat on its feet, and the Town has already expedited that infrastructure costs, we will have another dead end on our waterline. The MOU will tell us that we can at any time pull out of it, but dead ends on a water system is not a good thing. Mr. Romano – If Hillwood pulls out, the pipe is there. The grant is to get water to the industrial park. If Hillwood pulls out, the water is already there. Mr. Smolak – I think that in

terms of the timing, there needs to be further discussion with the NCWD and with Hillwood. We still need to get permits from the district. That issue in terms of timing still needs to be worked out between the parties. We don't want you investing those dollars if we weren't to go forward. If we are at the point where we are asking the district for a water line approval; we are many thousands or perhaps millions of dollars into the project. It would have to be catastrophic. Mr. Sinclair – What is your timeframe on permits with appropriate Boards? Mr. Smolak – We still have Town Meeting. Assuming those zoning warrant articles are adopted at the Town Meeting, then we would go into the next phase which would be to request permits and approvals from all local Boards and from the state and federal government. We have a long way to go; it doesn't stop with zoning.

Mr. Palimeri – Usually with grants, there are time restraints. Mr. Tracey – We are currently using it so we should be good.

Mr. Sinclair – My main concern would be having a dead-end pipe. Mr. Romano – What would it cost us, as a district, to run a pipe from the curb to the parking lot and to the old Shaws. That would give us the loop we would need. Mr. Sinclair – We had an estimate to bring it through their parking lot originally over to the Whitworth property, but I don't remember the cost. There was a significant land issue there. We were talking about directional drilling. Mr. Tracey – Directional drilling is not inexpensive. Mr. Sinclair – I have read the MOU several time and have no other issues. Mr. Corbo – What is the anticipated sequence of events for putting in the waterline vs putting in the tower? Mr. Sinclair – If I were still involved with the District, I would expedite putting the waterline there as fast as possible. The reason being is that will spur development from someone. This group is the biggest player that is serious enough to invest money for the possibility for this to come to fruition. I wouldn't want to hold them back. Mr. Corbo – So what I am hearing is that the waterline will be built, even if they don't put the tower in. Mr. Tracey – I would agree. Mr. Sinclair – My only concern, down the road if it's a dead ended pipe, we will have to rely on our operators to make sure we do not get a stagnate water problem. Mr. Tracey – If it turns out that no one is connected to that section, we close the gate and will not feed that part of the line until needed. Mr. Corbo – At some point someone will come and the tower will get built. Mr. Romano – We will need to make sure there is a gate installed. Mr. Tracey – It will be installed.

Mr. Romano – All of our agreements, in the past, have all three commissioners on the signature page.

*Motion to accept the Moratorium of Understanding before us today. We give the Chairman of the NCWD the authority to sign said document: Mr. Romano
Second: Mr. Sinclair
Approved: Unanimous (3-0)*

Meeting adjourned:

*Motion to adjourn was made at 5:58 PM: Mr. Romano
Second: Mr. Sinclair
Approved: Unanimous (3-0)*