

Carver Board of Selectmen Meeting Minutes
Joint meeting with Finance Committee
Carver Town Hall, 2nd Floor
April 2, 2019 - 7:00pm

In Attendance: Board of Selectmen – Chairman Ronald Clarke, Vice-Chair Dave Robertson, Alan Dunham, Sarah Hewins, Mark Townsend, Town Administrator Michael Milanoski & Elaine Weston

In attendance for Finance Committee: Chair Alan Germain, Vice-Chair Kate Bandzul, John Cotter, George Callahan, Beth Sulger & Bill Duggan

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

Citizens Participation: None

Townsend recused himself and left the table

Chapter 61A: Silva and a representative from Borrego were present. All approvals were given by Permitting Boards. Motion by Hewins to approve the declination, second by Dunham. Vote 4-0.

Townsend returned to the table.

Finance Committee opened their meeting.

Discussion/Vote of Town Meeting Warrant:

Article #2: Dedication of Land for New Police Station - Voted 6-0 by the Finance Committee

This was requested to be put in by the Police Station Advisory Building Committee so it can be determined if the land can be used for the site of the new Police Station to determine if the other articles for the Police Station need to be voted.

Motion by Dunham to add this article to the Annual Town Meeting Warrant, second by Townsend. Vote 4-1

Motion to approve article #2 by Dunham, second by Robertson. Vote 4-1

Hewins stated the informational summary should be revised to remove the wording of “that most likely will include a debt exclusion vote”.

Motion to amend informational summary by Dunham, second by Robertson. Vote 4-1

Article #3: Reallocation of Funds for the Police Station. Finance Committee voted 6-0. The HVAC (2018 ATM Article #5 for the library has been determined by the Director of Operations and Maintenance that is not the most efficient or cost effective way to fix the system. They are currently analyzing the different solutions which he will propose next year. The DEP Water Line

Extension (2018 Article #3) has been determined according to current testing that the water line is no longer needed. This has resulted in \$1,400,000 of projects that can be reallocated. Bond Counsel has written this article and it can be put into the Police Station Building funding. The first phase of borrowing to get the project started was last year and it was stated that additional funds would be needed for the project as well as other money for one-time items. Due to the Elementary School coming in under budget, there will be surplus funding of \$1.1 million. The final reimbursement from the MSBA will not be coming in until after the first of the year. The Dept. of Revenue will certify the Free Cash next year to include this amount which can go into next year's Annual Town Meeting to have these funds to go toward the library HVAC needs.

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

Article #15: Procedure For Establishing Fees For Town Services Finance Committee voted 6-0.

Request by Chair to run Article by Town Counsel before finalizing and voting on it.

Motion by Dunham to approve pending modifications as deemed by Town Counsel, second by Townsend.

Vote 5-0

Article #16: Transfer of Tax Title Properties- Finance Committee tabled –language is not finalized. No vote by Selectmen.

Article #17: Lease of Air Rights over Town-Owned Land for Solar Canopies: Finance Committee voted 6-0. Motion to approve by Townsend, second by Dunham. These are carport structures and not solar farms. This would require a building permit and allow the Selectmen have the structures built for free as well as have the Town own the structure after the expiration of the solar lease. Hewins requested wording to be added “in consultation with the Planning Board”.

Amendment of Motion to include additional wording by Townsend, second by Dunham. Vote 5-0

Motion by Bandzul to amend their motion at their previous meeting to include the same wording, second by Sulger. Vote 6-0.

Article #18 Private Hauler Garbage Disposal in Carver: Finance Committee tabled. Motion by Dunham to place article on warrant, second by Robertson. This is a nonbinding article. Wording needs to be clarified-this is to recommend that the town be in charge of issuing and RFP to find the best value hauler for managing private household garbage. This is an opportunity for residents to find out if this would be more cost effective to them and the payment would be added on to their quarterly tax bill. Vote 5-0.

Motion to table and add wording ‘and take any other action relative thereto’ and clarified wording by Dunham, second by Townsend. Vote 5-0.

Motion to adjourn Finance Committee meeting by Sulger, second by Bandzul. Vote 6-0.

Board of Selectmen took a 5 minute break at 8:25pm

Article #4: Community Preservation Committee Recommendations: Hewins asked for wording to be added on section D to describe “other/site improvements”-this wording is to include, bathrooms, concessions, new well and irrigation.

Article #7: Allocation of Funds From Fiscal 2019 Free Cash: Hewins asked for wording to be added on section G to explain the intent of ‘site improvements and demo’ into the article and not just in the informational summary.

Article #1: Town Meeting By-Laws: Moderator Sean Clancy present to explain article.

Part A: A motion must be seconded and any main motion to amend must be in writing and given to the Moderator before the maker may speak on the subject of the motion.

When ‘not to exceed’ language is used in an article, an amendment will not be in order if it exceeds the dollar amount in that article unless there is a 2/3 vote and approved in the scope by the Moderator.

There will be accommodations if physically unable to rise and approach the mic and the Moderator will determine the order in which they are allowed to speak.

General conduct issues are addressed such as all comments must go thru the Moderator, cannot speak more than twice on a debate as well as a time limit of 3 minutes and the rule will be applied equally to everyone as best the Moderator can.

The Moderator may announce a vote as it appears by sound of voices, including votes requiring a 2/3 majority vote. If the Moderator is in doubt or if the declared vote is immediately questioned by at least seven voters, the Moderator shall order a hand count. Wording to be amended from ‘seven or more’ to ‘at least seven’ voters.

The vote on any motion may be taken by secret ballot if requested by 20% or more of the voters present. Change wording to majority of voters and remove 20% or more wording.

Any voter may move to reconsider the vote on any warrant article prior to adjournment of the meeting. This amendment explains the rules on reconsideration which is a change to the way it has been done in the past. Request to remove all wording after the first sentence in this section.

Part B: Section 2.1.2 amendments are replacing what is in the current By-Laws; brought forth for the purpose to encompass parliamentary procedure but with particular emphasis on “Town Meeting Time, A Handbook of Parliamentary Law” and the most current edition of Robert’s Rules of Order.

Section 1.1.8: Motion to approve by Dunham, second by Hewins. Vote 5-0

Section 1.1.9: Motion to approve by Dunham, second by Townsend. Vote 5-0.

Section 1.1.10: Motion to approve by Dunham, second by Townsend. Vote 5-0.

Section 1.1.11: Motion to approve by Dunham, second by Townsend. Vote 4-1.

Section 1.1.12: Motion to approve with amendment by Dunham, second by Hewins. Vote 5-0.

Section 1.1.13: Motion to approve with amendment by Townsend, second by Dunham. Vote 5-0.

Section 1.1.14: Motion to approve with amendment by Dunham, second by Townsend. Vote 5-0.

Section 2.1.2: Motion to approve by Dunham, second by Townsend. Vote 5-0.

Article #27: Wetlands By-Law changes: Savery Moore present to review changes in the by-law. The intent of the change is to add language for current 65 foot restrictions to protect local aquifers, from which more than 90% of Carver residents get their drinking water; put into place protections that will help eliminate chemicals and pollutants in order to maintain clean surface water needed by farmers, the Carver Fire Department and residents who enjoy the recreational facilities in town; add the requirement that property owners of agriculturally zoned properties notify the Conservation Agent before any work is started within a restricted area. This knowledge will allow the Agent to address any concerns residents have and will eliminate the need for site visits. The current agricultural exemptions allowed under the Town of Carver By-Laws do not change; eliminate 'gray areas' and ill-defined verbiage which open the by-laws up to different interpretations by different parties, and add clarification to these areas; and to make the by-laws clearer for property owners/contractors/builders so money is not wasted on preliminary planning for potential projects that will not be allowed. Amendments to be made by Savery Moore/Town Counsel as requested by Hewins: under 9.2.1.4 (exceptions) to add 310 CMR 10.04 Agricultural Exemptions; question adding in the Cornell Atlas of Precipitation Extremes as it is missing from the checklist & amendment of 310 CMR 10.00. Motion to table Article #27 by Dunham, second by Townsend. Vote 5-0.

Article #20 Blight/Nuisance: This is to address nuisances or debris on properties that may lower the value of neighbors' properties. This allows the enforcement officers to enforce these items where now they are limited on what they have the authority to do. The state currently requires a board and secure or caution tape. If there is a perimeter where it cannot fall in a public place, then there is enforcement that can be taken.

TA requested that the Board create a sub-committee to modify the article to take the parts that they feel are important to public safety and remove the parts that infringe on residents. Robertson, Townsend and Dunham to participate with Director of Planning.

Motion to table until 4/16 by Dunham, second by Robertson. Vote 5-0.

Article #21: Prohibit Use Variances: If a use in a given district is not allowed, it cannot be voted to allow it. Motion to approve by Dunham, second by Townsend. Vote 5-0.

Article #22: Clarify Tradesman and Craftsman: This eliminates the word “etc” so it cannot be vague. The trades and crafts are defined manual trades. Motion to approve by Dunham, second by Townsend. Vote 5-0

Article #23: Commercial Wood Processing Use: There are Fire Dept. policies in place that need to be in the by-law in order to be enforceable. Motion to approve by Dunham, second by Robertson. Vote 5-0.

Article #24: Expansion of Solar Regulations: This was brought forward by the Sub-Committee to reduce set-backs in certain instances where abutters agree to. Motion to recommend by Dunham, second by Townsend. Vote 5-0.

Article #25: Dual Use Solar: Opportunity for farmers to supplement use of land for solar. Motion to approve by Dunham, second by Robertson. Vote 5-0.

Article #26: Solar Regulation Schedule: This is to correct an error in order to define the permit granting authority. Motion to approve by Dunham, second by Townsend. Vote 5-0.

Article #28: Medical Marijuana Overlay District: Explains caps, restrictions, overlay districts etc. Motion to approve by Dunham, second by Townsend. Vote 5-0.

Article #29 Tax on Marijuana: This will set the local tax of 3% of sales on marijuana products. Motion to approve by Dunham, second by Robertson. Vote 5-0.

Article #5: Town Report: Motion to approve by Dunham, second by Townsend. Vote 4-1

Article #13: Change of Board of Selectmen name to Select board: Motion to approve as two separate words by Dunham, second by Townsend. Vote 5-0.

Additional Article request by Council on Aging: Request to reduce the membership from 7 members to 5 members and two alternates and to change the Board membership titles. Motion to add article to warrant by Dunham, second by Robertson. The Selectmen would like someone to come to the next meeting to explain the article. Vote 5-0. Motion to table approval until next meeting by Dunham, second by Townsend. Vote 5-0.

Town Administrator Update: None

Board of Selectmen Update:

Hewins: Reminded everyone to attend Annual Town Meeting

Robertson: None

Townsend: Attended a tour of Old Colony Reg. Voc. Tech along with Robertson

Dunham: Information for Town Meeting as well as accommodations are on the website as well as the Town Election on the following Saturday & information sessions by the Moderator Sean Clancy on 4/4 & 4/20 at the library.

Clarke: TA Evaluation results need to be discussed in Executive Session on 4/11 at 6:00pm. Area 58 will be putting a camera and audio upgrade in Carver for Meeting Room #1.

Minutes/Licenses/Topics not reasonably anticipated 48 hours in advance of meeting:

Request to use Town Property: Carver Music Boosters: Music in the Park July 14 & August 11

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

Request for One Day Special License by Bartending Service of New England by Dunham, second by Townsend. Vote 5-0

Next meetings: 4/11 (Executive Session only), 4/16, 4/22 (Town Meeting), 5/7, 5/21, 6/4, 6/18, 7/2, 7/30, 8/6, 9/3, 9/17, 10/1, 10/15, 11/5, 11/19, 12/3, 12/17

Motion to adjourn at 10:50pm into executive session to discuss strategy with respect to collective bargaining negotiations with unions (SEIU & POLICE) that may have a detrimental effect on the bargaining position of the town if held in open session and to reconvene in open session for purpose of adjournment.

Motion to adjourn at 11:00 p.m. by Townsend, second by Hewins. Vote 5-0