

**Carver Select Board
Meeting Minutes
Town Hall- 108 Main Street
March 21, 2023 - 5:00pm**

In Attendance: Chair Mark Townsend, Vice Chair Sarah Hewins, Jen Bogart, John Cotter, Jim Hoffman, Town Administrator Robert Fennessy and Assistant Town Administrator Elaine Weston

Motion by Hewins to adjourn into Executive Session pursuant to G.L. c. 30A §21(a)(6), to discuss the value of real property with respect to Payment in Lieu of Tax Agreements with operators of the following solar facilities in the Town, if discussing the matter in open session will have a detrimental effect on the Town's negotiating position and the Chair so declares: Captona Ravenbrook, LLC, Assessors Map 48, Lots 1 & 4; Kearsage Carver, LLC, Assessors Map 74 Lot 8; GLC-(MA) Acushnet – Purchase Street, LLC, Assessors Map 55 as Lot 1-B; Syncarpha Carver, LLC Assessor's Map 123-13, second by Hoffman.

Roll call – affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman

Motion by Hoffman to adjourn at 5:56pm and to go into open session at 6:00pm, second by Hewins.

Roll call – affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman

Open Session:

Chair led the Pledge of Allegiance and Hoffman read the community prayer.

Citizens Participation: none

Review of Annual Town Meeting Warrant Articles:

Community Preservation Committee (CPC):

Bob Bentley, Chair of the Community Preservation Committee (CPC) present. Bentley stated the CPC met in January to vote on the projects brought before them. He reviewed each of the 5 projects. Part A is to put 10% of the funds into the accounts required by the law as well as the track and field bond. Part B is funding for one spire of the Union Society Building in South Carver. Part C is for funds to demolish the tennis courts behind the Marcus Atwood House and replace it with 6 pickle ball courts. This was brought to the CPC by the Recreation Committee.

Townsend asked about parking spaces. Bentley stated Mary Ross, Chair of the Recreation Committee thought there would be space for a few additional parking spaces.

Fennessy stated that Operations and Maintenance Director Dave Siedentopf will be able to have his department do part of the work, making it possible to return funds to the CPC.

Part D is for funds to construct two Adirondack style (3-sided) shelters on the Cole property. Part E is for unrestricted funds for the purpose of establishing an 'Avenues of Honor' program for the Town. This will establish a Stewardship Committee to oversee the implementation and ongoing maintenance and storage of flags and hardware. Bogart asked what the makeup of the committee would be. Fennessy stated it would probably default to the Select Board to appoint the committee.

Part F is for unrestricted funds for the purpose of constructing an outdoor classroom at 44 Lakeview Street. This space would be used for outdoor and conservation minded activities.

Hoffman asked if this is the property the Town purchased a few years ago. Bentley confirmed it is.

Bentley stated they are looking to structure a split rail fence with bird houses on it between the properties.

Hewins asked about the fence that currently exists.

Savery Moore, Chair of the Conservation Commission stated there is a fence and it is their intent to remove the fence. There is a deed restriction that the fence cannot be removed and they are looking into removing that restriction from the deed.

Savery stated in regards to parking, a preliminary plan was done which included paving and creating a parking lot at the courts which added approximately 30 spaces. In Mary Ross's efforts to reduce the cost of the project, the parking lot was removed. Savery stated the space is available, but it won't be a paved lot.

Motion by Hewins to place the Community Preservation Committee article on the warrant, second by Hoffman.

Vote 5-0

Motion to recommend Part A by Hewins, second by Hoffman.

Vote 5-0

Motion to recommend Part B by Hewins, second by Hoffman.

Vote 5-0

Townsend asked Bentley if the CPC had made recommendations on the article. Bentley the stated their recommendations were as follows: Part A&B: 8-0, Part C: 7-1, Part D, E & F: 7-0-1.

Part C:

Motion to recommend Part C by Hewins, second by Hoffman.

Bogart asked if a sound study has been done. She stated there are multiple towns having issues and a town is being sued. Bentley stated a sound study has not been done, but it has been discussed that due to the location, it is not heavily housed area.

Hoffman asked if there are lights for evening use. Moore stated no. Fennessy stated that will limit the use of the courts.

Cotter asked about previous discussions on the use of the land and if there is a master plan on the use of the land. Hewins stated that the Conservation Commission is working on that with the Recreation Committee and the Council on Aging. Fennessy stated there are plans for a site plan on the area. Moore stated they are waiting on the outcome of Town Meeting on the pickle ball courts and the restrictions on 44 Lakeview makes it limited for uses. It cannot be used to add access to the beach area.

Townsend asked if the conservation restriction prohibited parking for use of the conservation land. Moore stated they can add some parking for the use of walking trails, etc.

Vote 4-1 (Bogart)

Part D:

Motion to recommend by Hewins, second by Hoffman.

Cotter stated that this seems like a lot of money for the shelters. He questioned if there is a master plan for the Cole property to do a certain amount of things.

Hewins stated there is a land use and management plan for the property that was written in 2007 and this is a suggested use for the property. Bentley stated it will be for Cub Scouts, Boy Scouts, etc.

Bentley stated they are trying to make the trails more user friendly so more people will use them.

Vote 5-0

Part E:

Motion to recommend by Hewins, second by Hoffman.

Bogart stated that she is comes from a veteran family, however she has concerns about the set-up of the committee and how it will be controlled.

Cotter asked how many flags need to be purchased. Bentley stated several hundred. Cotter asked the size of the flags. Bentley presented a picture of the flag for an example. They are the same size that would hang on the side of a street light. Cotter asked who would be hanging the flags. Bentley stated the Operations and Maintenance Department would be hanging the flags. Cotter asked if the family needs to sign a release if their family member is going to be

acknowledged through a flag. Bentley stated that it is the intention that the family would be notified.

Vote 4-1 (Bogart)

Part F:

Motion to recommend Part F by Hewins, second by Hoffman.

Bogart asked if this will be opened to the general public. Bentley stated yes.

Vote 5-0

Bentley stated the CPC will presenting the article as a whole at Town Meeting.

Mullin Rule: Town Planner Tom Bott presented the article. This allows any member of an adjudicating board to miss a meeting and review the video recording (not the minutes) and vote on a topic. This creates continuity and shortens the time of permitting.

The Planning Board voted 0-3 to recommend this article. Bott stated the process would be to create a form to be used for this and then the form would be filled out and filed with the Town Clerk's office.

Bogart asked if this would still be in place if a meeting was not video recorded. Bott stated it would not take effect if that was the case.

Motion by Hewins to place the Mullin Rule article on the warrant, second by Hoffman.

Vote 4-1 (Bogart)

Motion by Hewins to recommend the Mullin Rule article, no second.

Motion fails.

Scenic Roads: Town Planner Tom Bott presented this article. This article updates the scenic roads list in Carver and are designated for stone walls and trees in the roadway right of way. He stated that this is in the 2010 Open Space Plan.

Bogart asked what happens if someone cuts down a tree without permission. Bott did not know.

Hewins stated this does not affect anyone's personal property, only the public road right of way.

The Planning Board recommended this article 3-0.

Motion by Hewins to place the Scenic Roads article on the warrant, second by Hoffman.

Vote 5-0

Bott reviewed the Zoning Bylaws:

Article 27: The article amends the solar bylaw and is recommended by the Planning Board 4-0.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 28: This is a new section for Battery and Energy storage. This primarily comes from the Town of Medway's bylaw. Medway has spent a lot of time looking at this and it has been amended to meet the needs of the Town of Carver.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 29: Article to amend the use table of Battery Storage. This was confusing as it was stated as one line, and now it is tiered into three lines.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 30: A resident's zoning was changed in error when the Town changed mapping vendors. There was no vote at town meeting to change this. The map is being changed to reflect the zoning that is in place.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 31: This article amends the table of dimensional requirements which is the height restriction in the green business park. The height was increased at last year's town meeting. This is to change the height back to 40' from 65'.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 32: Under the current by law site plans are good for 1 year and permits are good for 2 years. This puts both the special permit and the site plan on the same schedule.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 33: This is to increase the affordable percentage of town house developments.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Article 34: This is to remove an expired moratorium on medical marijuana.

Motion by Hewins to place article 27 on the warrant, second by Hoffman.

Vote 5-0

Finance Committee bylaw amendment: Finance Committee member Pat Meagher reviewed the changes suggested in the bylaw. The biggest change in section 4.3.7 would allow a member of the Finance Committee to be on another board, it would also define what a person of financial responsibility is.

Section 4.3.1 addition of vice-chair

Section 4.3.4 adds wording that the finance committee has no decision-making abilities and is just an advisory committee.

Cotter stated the reserve fund gets voted on at Town Meeting and the Finance Committee is responsible for funding transfers from the Reserve Fund. Finance Committee Chair Alan Germain stated that when a department is in need of a transfer, the Department Head, goes to the Town Administrator, the Town Administrator confirms the financials of the department with the Finance Director. Both would sign off on the transfer approval and it would then go before the Finance Director. The Town Administrator and/or the Finance Director would go before the Finance Committee. Germain stated there is a lot of transparency in the process. Germain stated when there is an appearance of conflict, a member will abstain from a vote (i.e. a spouse is a member of the Fire Department and funding for an item of the Fire Department is being requested). This year there is \$125,000 in the Reserve Fund. Any unused funds get returned to the Town.

Section 4.3.5 takes out superfluous language.

Section 4.3.6 cleans up language to make it more descriptive and definitive.

Section 4.3.7 talks about a member of the Finance Committee to be eligible to be a member of another board. It also defines a person of financial responsibility.

Townsend suggested taking separate votes on each section.

Cotter stated he likes the idea of a member of the Finance Committee not being on another Board or Committee. Hewins agrees because it makes things cleaner. Hewins stated there can't be an appearance of a conflict. Townsend stated he feels it is important to have that separate.

Townsend stated Wareham, Halifax, Middleborough and Plympton all have wording in their bylaws that state you cannot be on another Board or Committee if you are a member of the Finance Committee.

Meagher stated the intention was to make it less restrictive. He stated we deal with professionals and the intention would be for people to recuse themselves when needed.

Townsend stated there was an interpretation that you could be a Town Officer and be appointed to other committees. Town Counsel later gave the interpretation of a Town Officer which is that you cannot be on other committees if you are on the Finance Committee.

Motion by Bogart to place the Finance Committee bylaw 4.3.1 amendment article on the warrant, second by Hoffman.

Vote 5-0

Motion by Bogart to place the Finance Committee bylaw 4.3.4 amendment article on the warrant, second by Hoffman.

Vote 5-0

Motion by Bogart to place the Finance Committee bylaw 4.3.5 amendment article on the warrant, second by Hoffman.

Hoffman asked if this eliminates the Finance Committee recommendations on the warrant. Germain stated it is for the Annual Report. Fennessy recommends not striking the first sentence from the bylaw.

Bogart rescinded her motion.

Motion by Hoffman to not include Finance Committee bylaw section 4.3.5 in the warrant, second by Cotter.

Vote 5-0

Motion by Bogart to place the Finance Committee bylaw 4.3.6 amendment article on the warrant, second by Hoffman.

Vote 5-0

Motion by Bogart to not place the Finance Committee bylaw 4.3.7 amendment article on the warrant, second by Hewins.

Hoffman asked if this bylaw should be worded similar to the capital outlay bylaw.

Townsend would like the bylaw to be as clear as possible so it is understandable to everyone.

Townsend suggested each member prepare for the next meeting as well as get clarity from Town Counsel on the wording.

No Action taken

Sale of Low Value Tax Title Properties to Abutters: Treasurer Kathy Kay present. Kay stated there are several low value parcels that have been in the custodianship of the Treasurer. Two of the 39 lots have been sold. Kay has been approached by a few of the abutters of the other parcels to see if they can be purchased. She stated there are several towns that have this 'program' to dispose of low value lots that are not buildable. There are requirements and restrictions that are used for selling a parcel to an abutter. The parcels would be transferred to the Select Board for sale.

Hewins asked if this becomes a bylaw, would it apply to other lots of similar sizes. Kay stated yes and each parcel needs to be disclosed to the Select Board for approval to be offered for sale.

Townsend asked if this would bind the Select Board to permit the lot to be sold. Kay stated that is correct, the Board does not have to approve the lot.

Hoffman stated that this would only apply to the six parcels listed in the warrant. Kay confirmed this. Fennessy stated that ultimately each parcel would need to go to the Town Meeting Warrant for approval to sell.

Hewins questioned the parcel on Myles Standish Drive due to the lot size. Fennessy stated it may be a 'wet' lot and this should be confirmed by the Town Assessor.

Cotter asked who determines if the parcel is a land of low value. Kay stated the Department of Revenue decides the value. Cotter asked who put the listing of the parcels together. Cotter stated that Kay put it together. Cotter asked what happens if more than one abutter wants the parcel. Kay stated the application is ranked. Cotter confirmed that the Select Board determine the cost and who gets the parcel. Kay stated yes.

Townsend stated more information can be obtained on 2 Myles Standish Drive and this can be addressed at the next meeting.

Capital Budget and approval for bonding for Library and Town Hall roof and painting:

Fennessy stated that Free Cash came in lower than expected. At the Capital Outlay meeting, it came up to take some projects that could be bonded, out of the plan. There are three proposed motions. The first motion will approve the bonding and all of the capital items proposed.

If Motion 2 fails the request would default to Motion 3 with a minimal Capital Request.

Fennessy recommends supporting Motion 1.

Motion by Hewins to place the Capital Budget and bonding article on the warrant, second by Cotter.

Cotter stated the ideal situation with the first version is that everything will be done and \$409,000 will be put into next year's Capital budget.

Vote 5-0

Hoffman asked why Free Cash is lower than expected. Fennessy stated money had to be taken out of abatements due to pending cases. That money has to stay there until the cases are done.

Hoffman asked about articles being 'cleaned up' and if it was done last year. Fennessy stated it was done last year in consultation with the Department Heads.

Hoffman asked why we would take the \$400,000+ and put it towards to bond instead of borrowing the full amount. Cotter stated it is possible we may not have the new growth next year allowing the Town to meet their Capital needs. This also gives the Town a window of 1-years to get back to where the Town's Financial Management Policies should be.

Cotter also would like to see the Health Insurance reserve. Fennessy stated that is for a mitigation fund.

Motion by Hewins to recommend motion 1, second by Cotter.

Vote 3-2 (Bogart, Hoffman)

Capital Outlay Bylaw amendment: Cotter stated there was ambiguity on the bylaw. The purpose of the fund has been interpreted in different ways throughout the year. The language has been changed to make clarifications on what a Capital item can be used for and the minimum amount required.

Motion by Hewins to place the Capital Outlay bylaw amendment article on the warrant by Cotter.

Vote 5-0

Motion by Cotter to recommend the Capital Outlay bylaw amendment article, second by Hoffman.

Vote 5-0

Solar Agreements for Payment In Lieu of Taxes (PILOT): Tabled until the next meeting.

Town Administrator Update:

North Carver Water District - Fennessy informed the Board that the North Carver Water District (NCWD) Commissioners were informed that they can expect delivery of the remaining parts for the 3 inch well pump in mid-April, after which the well company will be contracted to make the repair. Once the repair is completed, Small Water Systems will start the start the process of restoring the water flow through the system. This will include running and cycling

the plant, and testing and taking samples to provide to DEP. If all goes well, the NCWD anticipates that the treatment plant will be fully function in May.

Fennessy was also advised that the NCWD commissioners process will be to ensure that the NCWD Customers are all made aware that we are switching over prior to NCWD water, and that will end the flow from Middleboro. More information will be made available by the NCWD commissioners in the coming weeks, including a list of contacts for the residents.

Carver Community Electricity Aggregation: Fennessy advised that the latest Electricity Information Disclosure for our aggregation program has been prepared by the program's electricity supplier and posted to the program's website: MassCEA.com/Carver, as well as to the town's website under the tab: Community Electricity. He noted that the aggregation cost for Carver is: \$10.47 per KW hour, while Eversource's cost is \$15.735per KW hour, so it is quite a savings.

Grants: Fennessy advised that the Town has received a **Safety Grant** of \$5,950 from the Dept. of Industrial Accidents for operation and maintenance training programs in toxicology awareness and injury prevention, as well as general programs on ergonomic and stress programs for the staff, and thanked Asst. Town Administrator Elaine Weston for pursuing this grant money, which will help to keep town workers safe.

Additionally, Fennessy noted that SRPEDD announced that it has awarded a \$10,000 grant to Carver to begin work on the town's Housing Production Plan (HPP). This will allow SRPEDD to work with the town staff to advance the project over the next 24 months at no cost to the town. He stated that SRPEDD has committed to working closely with Carver to apply for, secure, and otherwise identify other grant funding for the HPP should the anticipated 2024 award be unavailable in the Commonwealth's FY24 budget or they otherwise identify a funding gap during the course of the project. Fennessy thanked our Town Planner, Tom Bott, for pursuing and receiving this grant funding.

Capital Outlay: Fennessy thanked the Capital Outlay committee for the many nights of meetings and work to put forward a capital plan article for town meeting. He noted that there are three options on the plan, the first option utilizing a bonding finance for the library roof and painting, as well as the town hall siding and roof. Last night, the Capital Outlay committee completed their work and have put forth their recommendations for town meeting, which will keep the 10 year capital plan on course. Options two and three reflect capital purchases if the bonding fails at town meeting.

Town Hall Siding: Fennessy noted that a vendor has been identified and contracted after an RFP was placed for bids. The process will begin in a few weeks. The town hall siding will begin to be removed for replacement in the next several weeks. Fennessy thanked Shelby Roy for her

diligent work in preparing the RFP and throughout the procedure, and Dave Siedentopf for his expertise in overseeing the process.

ARPA: Fennessy stated that after the Select Board's recent votes to move many items forward using ARPA funds, Fennessy and Sue Moquin met last week with some of the Plymouth County Commissioners to go over the proper funding as well as the application process as the town begins seeking approvals.

Building Commissioner: Fennessy advised the Board that after a search to find a permanent full time building commissioner late last fall without success, he opted to bring on Rod Palmer as an interim Building Commissioner last December, and after observing his work and received very positive comments from staff and residents, Mr. Palmer was encouraged to apply for the permanent position, which he did. After interviews with the Asst. TA/ Human Resource coordinator Elaine Weston and Fennessy, Mr. Palmer was offered the position, and he accepted.

He noted for background purposes that Palmer had served 8 years as Raynham's Building Commissioner, Zoning Enforcement Officer and Accessibility coordinator, 8 years as North Attleboro Building Commissioner, Zoning Enforcement Officer and Accessibility Coordinator, and 5 years as the Falmouth Building Commissioner, Zoning Enforcement officer and Flood Plain Manager. In 2021, Palmer initiated an early retirement during the COVID period, and thereafter he has worked part time for the Town of Wareham as their building commissioner.

As an interim 19 hrs. per week interim commissioner here, Fennessy and others have noted Palmer's work to be impeccable and his personality and demeanor a great fit for the town, and especially in the building and planning departments. During that time, Palmer made good case that the position can be accomplished in under 35 hours a week, and ultimately, he was offered the position and agreed to an initial 22-24 hours a week.

Fennessy noted that he asked Palmer for his thoughts of coming aboard with the Town of Carver, and he was quoted as saying that "The working environment here, with the friendly atmosphere and the level of professionalism, surpasses all of my prior municipal employment experience, and I am very happy to be here working for the Town of Carver." Fennessy also noted that Palmer and his family have lived in Carver for more than 10 years and his two children attended the Carver schools, and he loves the town.

Minutes of February 28, 2023:

Motion to approve minutes by Hoffman, second by Cotter.

Vote 5-0

Minutes of March 7, 2023:

Motion to approve minutes by Cotter, Hewins

Amendments made from Townsend and Bogart.

Motion to approve minutes as amended by Cotter, second by Hewins.

Vote 4-0-1 (Hoffman abstain)

Executive Session minutes of February 21, 2023

Motion to approve and release minutes by Cotter, second by Hoffman.

Vote 4-0-1 (Hewins abstain)

Select Board Community Announcements:

Cotter: None

Bogart: None

Hoffman: Reminded everyone of Shane Give Thanks Fundraiser on April 15 at the Middle High School & Thanked the Board for their thoughts and messages during his loss.

Hewins: Echoed Hoffman's thoughts on Shane Gives Thanks.

Townsend: None

Next Meeting:

March 28, 2023 & April 4, 2023

Motion to adjourn at 8:42pm by Hewins, second by Hoffman.

Vote 5-0

Listing of Exhibits: Draft annual town meeting warrant, minutes of 2/28/23 & 3/7/23, Executive Session minutes of 2/21/23.