

**Carver Select Board
Meeting Minutes
Town Hall- 108 Main Street
June 6, 2023 - 6:00pm**

In Attendance: Chair Mark Townsend, John Cotter, Sarah Hewins, Dan Ryan, Town Administrator Robert Fennessy and Assistant Town Administrator Elaine Weston

Absent: Vice Chair Jim Hoffman

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

Townsend asked for a moment of silence for Rev. Robert Merritt, Shane McColgan & Police Chief Marc Duphily's Father.

Citizens Participation: Paul Johnson – Carver Sportsman Club annual scholarship breakfast will resume and will be held on Saturday, June 24 from 7:30am-11:00am

KP Law Rate Increase: Gregg Corbo present for discussion on the increase in the hourly rate. Special rates include comprehensive permits, overhaul of bylaws, bond counsel work or cable contract work. Corbo stated they are working to make legal services affordable. They will continue to be proactive in working with Boards and ways to avoid litigation. The increase is for \$10 per hour over last year to \$235/hour.

Ryan asked how much the rates have increase over the last 5 years. Corbo stated in 2000 the rate was \$105/hour and last year it was \$225/hour.

Hewins stated part of the minutes of a similar agenda item from last year were included in their packet that reviews the rate and increase structure.

Cotter stated last year there was an increase to get up to market rate and that he is concerned about another increase. Corbo stated they are mindful of the Town's budget, but the legal budget is reactive unlike other budgets. He stated that these expenses come from things that the Town has no control over and must respond to. Regarding this past fiscal year's legal costs, Corbo stated Town Meeting was for two nights this year and there were many weighty issues that needed to be prepared and addressed. Corbo also stated that through the trainings that they provide for free, they try to avoid issues before they become issues, and that the Town gets the benefit of the firm's experience, as when things come up, they tend to have already occurred and were resolved in other communities that they serve, which benefits the Town.

Cotter stated they may want to look at other firms and their costs. Hewins stated several years ago this was done. Cotter stated an RFP was done and there were other alternatives and the Town decided to stay with KP Law. Hewins stated she does not remember it that way.

Townsend suggested that Fennessy reach out to other towns to see what they are paying for their professional fees. Townsend stated he does not think it is wise to hire legal counsel merely based on the lowest rates and feels KP Law does a good job and does benefit the Town by their history

with the Town. They don't have to spend time doing research because they are already familiar with issues.

Fennessy stated he would not like to see the Town change firms at this time as there are many litigations going on and he has been pleased with the work KP Law is doing for the town.

Ryan asked what happens if the legal expenses exceed the budget. Fennessy stated the Reserve Fund and other departmental transfers would be available to pick up the overages.

In response to the cost of legal fees, Fennessy stated that it is impossible to have anticipated the large number of public records complaints, record requests, open meeting law complaints and the filing of litigation that has happened the past several years.

Motion by Hewins to increase the KP Law rate increase for FY 24 to \$235 per hour, second by Ryan.

Vote 3-1 (Cotter)

Eversource Public Pole Hearing: Marissa Jackson present from Eversource. Request for one new 35' pole with anchor on Church Street in front of property of Assessor's Map 8-14-0-R. This is to mitigate an issue with a low hanging wire on a neighboring property. Jackson confirmed the pole is not installed yet.

Public hearing comment: Johanna Leighton requested a contact for Eversource for an issue she is having.

Motion to approve the request for the pole on Church Street, second by Ryan.

Vote 4-0

Commercial Garage Public Hearing: MP Performance Engines located at 309 Tremont Street, Unit 1. Matthew Malone present. Malone stated there will be standard car repair equipment. They are meeting with the Planning Board next week and a final inspection is needed prior to opening. This will be a small family run business with a little store in the front. Malone spoke to the property owner and is looking to make sure everything is in place with all approvals prior to opening. No members of the public present to speak at the hearing.

Motion by Hewins to approve the Commercial Garage License contingent upon Planning Board approval and obtaining Commercial General Liability insurance, second by Cotter.

Vote 4-0

Housing Production Plan: Town Planner Thomas Bott present. Bott stated there is a need to update the Housing Production Plan. The Southeastern Regional Planning & Economic Development District (SRPEDD) has a grant available to assist in conducting a literature review of previous related documents, facilitate a public outreach and community engagement campaign, set affordable housing goals and implementation strategies and prepare and present a final draft of the Housing Production Plan.

Hewins asked if it is possible to take sites owned by the Town and make new housing. Bott stated the Master Plan targets preferred housing areas.

Ryan asked if there was any feedback from the 2017 plan. Bott stated the Transfer of Development Rights was looked at and housing stock that people may not consider is being looked at. Ryan asked who would be responsible to see that the new plan is executed. Bott stated it would be the Town. Bott stated a local housing trust could be created. Ryan asked the anticipated timeline. Bott stated the plan will take approximately one year to complete.

Cotter asked if the plan would take up to 15 years to implement. Bott stated the State takes into account planned units through a plan. Bott advises to make as many affordable housing units as you can.

Motion by Hewins to authorize Town Administrator Fennessy to execute the contract, second by Ryan.

Vote 4-0

Appropriation of monies less than \$50,000 to pay debt service: Sue Moquin, Finance Director present. Moquin stated the projects are completed and the money needs to be re-allocated to pay down debt rather than just sitting on the books. Townsend asked which debts will be paid down. Moquin suggested paying down the fire engines.

Motion by Ryan to re-allocate \$50,810.30 to pay down debt towards the fire engine debt, second by Hewins.

Vote 4-0

Payment In Lieu of Taxes (PILOT): Joe Roche, Town Assessor present. Town Meeting authorized the execution of the PILOT for Kearsage Carver 14R West Street.

Cotter asked about abatements. Roche stated the abatements that were given, evened out the payment scheduled and the Town will see that in Free Cash next year.

Motion to approve by Hewins, second by Cotter.

Vote 4-0

Applications for Appointments:

Motion by Hewins to approve Michael Paduch and Richard Ward to the Agricultural Commission, second by Ryan.

Motion by Hewins to approve Mary Oleskiewicz to the Carver Cultural Council, second by Ryan.

Motion by Hewins to appoint Michael Harrison and Richard Ward to the Earth Removal Committee, second by Cotter.

Motion to appoint Caprice Desroche and Jackie Lake to the Recreation Committee by Hewins, second by Ryan.

Motion by Hewins to appoint Special Police Officers Patrick Charette, Jim Muscato, Michael O'Donnell, Peter Allegrini, Scott Sampson, Robert Pike, Sheryl Rizzuto and Scott Peterson, second by Ryan.

Vote on all motions: 4-0

Plymouth County 'OPEB' (Other Post-Employment Benefits) Trust Program nominee:

Motion to appoint Mark Townsend, second by Cotter.

Vote 4-0

Plymouth County Retirement Association Local COLA option: (Cost of Living Adjustment):

Fennessy stated all Plymouth County Retirement communities are being asked to increase the COLA by an additional 2% on the first \$16,000 of retirement benefits. This would help to offset some of the increase that retirees are not able to get from Social Security. This was passed by the Plymouth County Commissioners and the Plymouth County Retirement Board. Two-thirds of the County communities need to approve this for it to be implemented.

Ryan asked what the impact to the Town is. Fennessy stated it would be approximately \$400 per retiree.

Cotter would like to know firm numbers prior to voting.

Table to June 20th meeting. Townsend would like to see the numbers from the Finance Director.

Town Administrator Update: Fennessy Welcomed students from the High School attending tonight's meeting.

The Town Hall siding is complete. The concrete walkway that is crumbling is being replaced and will have ADA alert pads. The Main Street side of the Town Hall will be getting lettering. Fennessy is pleased with the results and thanked Dave Siedentopf and John Woods.

The Library HVAC project is ongoing due to equipment delays and should be completed this summer.

The Council on Aging is having new railings installed. This was funded through a state grant. Once installed, they will be painted. The Department of Corrections have pressure washed and painted sections of the building. The wooden decking and stair treads were replaced in some sections. The week of June 26th, it is anticipated that air conditioning mini-split units will be installed.

Operations & Maintenance will be paving Central Cemetery.

The North Carver Water District switched over the water from Middleborough. There may be discoloration of the water which they are looking into resolving.

A new sealer of weights and measures will be starting soon.

The newly approved positions at Town Meeting are being advertised.

Townsend asked if there was a contact at the Town Hall for any North Carver Water issues. Fennessy stated the Town Hall contact is John Ball in the Operations and Maintenance Department. Townsend questioned if the Town was able to establish a reverse 911 call in the event it is needed. Fennessy stated there have been issues in trying to set that up.

Ryan asked about the Sealer of Weights and Measures fees. Fennessy stated that he is not sure what happened with the previous person, but believes the fees were going directly to this person. Going forward, the fees will come to the town, and the Sealer will be paid a stipend, which is close to equaling the amount the town receives.

Cotter asked about the water discoloration since it has been a week. Fennessy stated the water coming out of the treatment plant is crystal clear, but when it goes through the pipes the discoloration is happening due to the turbidity and possibly due to be a reaction to chemicals that naturally occur in the pipes. As the water flows, it is getting clearer and clearer, and Fennessy said that the issue will be resolved soon, according to the NCWD Chair.

Minutes & Licenses:

Motion to approve minutes of 5-2-23 by Ryan, second by Hewins.

Vote 4-0

Motion to approve minutes of 5-16-23 by Hewins, second by Ryan.

3-0-1 (Townsend abstain)

Motion to approve Executive Session minutes of 5-12-23 and not for release by Ryan, second by Cotter.

Vote 4-0

Motion to approve Old Home Day Road Race on July 29, 2023 from 7:00am-9:30am by Hewins, second by Ryan.

Vote 4-0

Cotter recused himself from the RTJ Concessions votes.

Motion to approve a One Day Special License by Ryan for RTJ Concessions, Inc. at Edaville Railroad for July 7, 8, 14, 15, 21, 22, 28 & 29 from 4:00pm-10:00pm, second by Hewins.

Vote 3-0

Motion to approve a One Day Special License by Ryan for RTJ Concessions, Inc. at Edaville Railroad for November 9, 10, 11, 12, 16, 17, 18, 19, 24, 25, 26 & 30; December 1, 2, 3, 7, 8, 9, 10, 14, 15, 16, 17, 21, 22, 23, 24, 28, 29, 30 & 31 from 2:00pm-10:00pm, second by Hewins.

Vote 3-0

Motion to approve a One Day Special License by Cotter for St. John the Baptist Club, 53 Silva St., June 23 & 24 from 12:00pm-11:00pm, second by Hewins.

Vote 4-0

Request for One Day Special License for Renaissance Foods, LTD d/b/a King Richard's Faire tabled until next meeting.

Motion by Hewins to approve the request for use of the Town Hall Gazebo by Carver Girl Scouts on June 9 from 5:00pm-8:00pm, second by Ryan.

Vote 4-0

Select Board Community Announcements:

Ryan: Farmer's Market starts the first Sunday in June

Cotter: The Jack Quindley Memorial Scholarship Cornhole Tournament is Saturday, June 10 at the Sportsmen Club

Hewins: Old Home Day is the last Saturday in July – this year it will be held on July 29

Townsend: Congratulated class of 2023 Carver High School graduates. The Carver Sportsmen Club scholarship breakfast will be held Saturday, June 24 from 7:30am-11:00am

Next Meetings: June 20, July 18 & August 15, 2023

Motion to adjourn at 7:27 pm by Cotter, second by Ryan.

Vote 4-0

Listing of Exhibits: Eversource Pole Hearing application documents; Commercial Garage application documents for MP Performance Engines; Excerpts from Minutes of June 7 & June 15, 2022 relating to the KP Law rate increase description and vote; Housing Production Plan DLTA contract and memo from Town Planner; Plymouth County OPEB Trust memo; Plymouth County Retirement Association COLA option memo; memo from Finance Director with spreadsheets on \$50,000 loan proceeds; Kearsage Carver LLC contract; minutes of May 2 & May 16, 2023; request for Old Home Day road race and race route; applications for one-day special licenses: Edaville railroad, St. John the Baptist Club, King Richard's Fair; request to use town property; application for appointments to Agricultural Commission, Cultural Council, Earth Removal Committee, Recreation and Special Police Officers.