

**Carver Select Board  
Minutes  
Remotely Via Zoom  
January 5, 2021 – 7:00pm**

In Attendance: Chair Sarah Hewins, Vice-Chair Robert Belbin, Jen Bogart, Jim Hoffman, Mark Townsend, Interim Town Administrator Rick LaFond & Assistant Town Administrator Elaine Weston

The chair led the audience in the Pledge of Allegiance and Belbin read the community prayer.

LaFond addressed a question raised by Jim Hoffman in regards to Pat Meagher being a member of the Finance Committee and to be a member of the Redevelopment Authority (RDA). LaFond stated the RDA is a state board, not a town board and that Carver's by-law is not applicable.

Citizen's Participation: none

**Joint meeting with the Redevelopment Authority (RDA):** Present: Sharon Clarke-Chair, Savory Moore, & Paul Kostas at 7:06pm.

Pat Meagher is seeking appointment to the RDA. He has several years of experience in Carver as the School Business Manager and Assistant Superintendent as well as experience in other municipalities. He retired in 2014 and recently moved back to Carver.

Belbin asked how he would handle it if a developer changed a project during the process, such as adding a water tower. Meagher stated he would need to know the ramifications of that as well as the how would negatively or positively impact the town.

Bogart asked if the RDA oversees selling of property in town. Belbin stated it needs to go on the municipal register first. LaFond added that the Town would need to deed it to the RDA to sell. At that point it is no longer town land.

Bogart also questioned where the proceeds from the sale of properties go. Belbin stated a memorandum of agreement between the Town and the RDA would dictate that, i.e., a percentage would go to the Town, a percentage would go to the RDA, etc.

Townsend thanked Meagher for applying and also questioned the financial responsibility of this role in relation to disposing of property in regards to the Finance Committee By-Law as Meagher is a member of that committee as well. LaFond stated that technically as a member of the RDA you are not considered a town official.

Townsend also asked if it is Meagher's intention to remain on the Finance Committee. He responded that he would like to, but if he is unable to, he would need to rethink it.

Johanna Leighton joined the RDA meeting at 7:20pm

Chair Clarke thanked Meagher for applying and outlined that the position is a five year elected term of which he would serve the balance of this first year until the annual town election and then he would need to be elected to fill the remainder of the term (4 years).

Clarke mentioned that a full update from the Urban Renewal developer was given at the last meeting if Meagher were to be appointed and would like to get caught up.

LaFond stated they have been requested to attend the next Select Board meeting as well.

Members of both committees thanked Meagher for applying for this position.

Savery stated the laws of the state require that land is registered and then land goes to auction. This allows the auction to control the price, not the RDA. As a state agency, they are a separate entity, not associated with the town.

Leighton is excited to be able to fill the board.

Kostas is looking forward to working with Meagher as well as the rest of the Authority as a new member.

Motion by Belbin to appoint Meagher to the RDA, second by Hoffman.

Roll Call: Affirmative: Belbin, Hoffman, Townsend, Hewins

Negative: Bogart

Motion by Leighton to appoint Meagher to the RDA, second by Moore.

Roll Call: Affirmative: Moore, Kostas, Leighton & Clarke

Motion to adjourn RDA meeting at 8:27pm by Moore, second by Leighton.

Roll call: Affirmative: Kostas, Moore, Leighton, Clarke

**Pole Hearing:** Eversource is requested a new pole be installed at Pond Street. Marissa Jackson from Eversource stated that the current pole 4/3 is on a slope and is leaning. A new pole is needed to brace the leaning pole.

No abutters present.

Corneleus Shea asked if the current pole will be removed. Jackson stated the current pole will not be removed due to the location and the new pole is being placed across the street and it will be braced with an anchor and a guide wire will connect the poles.

Bogart asked if the pole will be straightened, Jackson stated yes.

Motion to close the public hearing by Belbin, second by Townsend.

Roll call- affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

Motion to approve by Townsend, second by Hoffman

Roll call: Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Recreational marijuana retailer formal process:** Bogart would like to see a formal process created for recreational marijuana retailer's permitting. LaFond suggested he and Bogart work on a draft process and bring that before the Board at a future time.

Motion to approve LaFond and Bogart to draft a process to bring to the board at a future time by Townsend, second by Belbin.

Belbin is in favor of a set process being put in place and would like the Select Board to be notified towards the beginning of the application process.

Roll call- Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Changes to Chapter 1 of the Town By-Laws:**

Townsend stated the term 'Board of Selectmen' has been changed by the legislature to 'Select Board' and questioned if it needs to be voted on for the wording to be changed. Hewins noted it was approved by the Attorney General. LaFond agreed that is not necessary and the entire document can be updated.

Belbin presented a draft of Chapter 1 of the Town By-Laws for discussion and editing of the Board.

Bogart questioned the day Annual Town Meeting is held. She would like the Town Clerk to be consulted if polling hours were to be changed. Bogart questioned wording in 1.1.4 – this needs to be re-worded for clarity so the intention would be to set a date prior to adjourning if there are still outstanding articles. Section 1.1.5 A Bogart questioned when the membership would be stated. Belbin stated that would happen at the beginning of the meeting in order to have a baseline. In 1.1.7 Bogart asked for Belbin to explain this language. Belbin stated he has tried to have committees created at Annual Town Meeting and has not been successful. He is questioning how every registered voter would be notified to create a committee at Annual Town Meeting. Hewins stated it would be the same way that voters are notified for Annual Town Meeting. Belbin would like to see a process put in place. Hewins stated it is likely that other towns created committees by having it on their warrants as that is the only way to notify registered voters.

Belbin removed section 1.1.7 and inserted: "a request for a special request for a special committee or commission to the Town Meeting is to be presented to the Select Board prior to the last meeting before the closing date of the Warrant and cannot be denied. This includes: by-law reviews, investigating boards, committees, commissions, authorities and public officials. The committee created will have all authority to call members and be provided all documentation needed. The committee will report all findings to the town meeting membership."

Hewins added it should read “before the closing of the last meeting of the Select Board...” and asked about the by-law reviews, investigating boards, etc. She would like this to be phrased more clearly.

Bogart questioned the public officials portion of that section as well. Hewins questioned how you would establish a committee to investigate a public official.

LaFond is not sure authority would be established for a committee to investigate a public official.

Bogart also questioned more of the wording of the rest of that section.

Hewins noted a typo in 1.1.1 and also stated in section 1.1.12 section B – her understanding that it is up to the Moderator, not the Town Clerk to decide when a count is needed. Hewins would like this discussion of changing this section to involve the Moderator and Town Clerk.

Townsend needs more time to think about section 1.1.7. In section 1.1.12, he stated counting people is difficult as people could be in the bathroom, etc.

Hoffman stated in section 1.1.1, he does not feel hours need to be expanded as it makes a longer day for election workers, etc. and it is on a Saturday, not a weekday. Hewins stated the amount of people who voted 6pm-8pm may not warrant paying poll workers and would need to be looked into with the Town Clerk. In section 1.1.7 Hoffman questioned what Belbin’s main reason for this section. Belbin stated the committee can do anything that is directed to them by the Select Board and gave a few examples. Hewins asked if this means that this special committee would be reviewing for example Conservation by-laws rather than people on the Conservation Committee – Belbin stated yes. Belbin stated this would give another entity the ability to add what is needed.

Hoffman stated that there have been by-laws that have been amended and changed at Annual Town Meeting. Hoffman also would like it to be considered for each committee to periodically review their by-laws and to open those discussions up to the public.

LaFond stated anytime there is a committee or commission of any sort, technical advice is generally needed, meaning legal advice. Only the Select Board or Town Administrator can engage counsel spending tax payer dollars. From a policy perspective, he would like the Board to consider the appropriate role for people to represent the town.

Motion by Bogart to put on another agenda, second by Townsend.

Hoffman asked if the Moderator and Town Clerk are able to attend a future meeting to be a part of this discussion. LaFond will ask them to attend and schedule according to their availability.

Townsend asked to amend the motion to include discussion of Chapter 2 changes as well.

Bogart amended the motion to place this on the next agenda and to include Chapter 2 and to include the two elected officials, Town Moderator and Town Clerk, second by Townsend.

Roll call: Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Change name of Conservation Land Ad Hoc Committee:** Request to change the name of this committee to: Carver Trail and Conservation Stewards.

Motion to approve by Belbin, second by Hoffman.

Roll call: Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

5 minute break- 8:15pm

**Select Board By-law:** LaFond stated it needs to be determined if what the appropriate role of a Select Board member is with regard to serving on other boards and committees.

Hewins stated there is a new sentence added into section 2.2.7 which states that a Select Board member can hold appointed, uncompensated positions that don't issue licenses or permits.

In section 2.2.8, this came from a Planning Board member that was not elected, but then was appointed as an alternate by the Select Board. She also pointed out a typo error.

Motion by Hoffman to approve the suggested changes, second by Townsend.

Belbin & Townsend agree with the wording in section 2.2.8.

Bogart would like stronger wording in place of 'endeavor' in this section.

Bogart would also like to see wording mirroring the Finance Committee by-law that stated a Select Board member cannot be a member of the Finance Committee.

Hoffman stated that he was unaware of the wording in this by-law as a member of the Planning Board.

Townsend likes the word in endeavor because it gives the Board flexibility and does not lock the Board into a certain position they may not agree with.

Bogart suggests to amend the motion to get Town Counsel to amend the wording of 2.2.8 to 'if there is an opening no one wants...'etc., and to add the wording of the Finance Committee into 2.2.7.

LaFond noted the flexibility of the Board needs to be maintained or there needs to be specific criteria that makes them eligible. He also thinks you need to be careful having the same provisions in two different places as it could create inconsistencies in the future if one by-law is changed and the entire by-law is not looked at.

Townsend stated for 2.2.7, Finance Committee members are already covered from the wording that they are compensated.

Hoffman questioned in regards to 2.2.7, if the person needs to resign from said Board or should the wording be added. Hewins stated no other elected or compensated office can be held so that wording should clear that up.

Hewins confirmed that the only amendment to the motion is to remove the word 'endeavor'

Motion by Hoffman to amend the motion to remove the words 'endeavor to', second by Belbin.

Roll call: Affirmative: Belbin, Bogart, Hoffman & Hewins

Negative: Townsend

#### **Town Administrator Update:**

Cares Act Update: The extension has been approved by the President until 12/31/2021. \$1.7 has been allocated to Carver and \$1.2 is pending. This will allow the Town to have more items eligible for re-imbursement. \$245 was not approved in the last submission and three more submissions are pending with the County. More projects are being prepared to submit. The Town could potentially be in a position to have costs on Covid testing and vaccine distribution. He is balancing that potential need with the funding deadline.

Carver Marion Wareham Regional Refuse Disposal District Update: In conjunction with Wareham, Carver is moving to a 'pay-as-you-throw' system. Stickers will be honored through February 1. Wareham has set up a link so that stickers can be purchased on-line. In Carver, Shaw's has agreed to sell bags, but they are not actively being sold as of yet. This information will be on our website. LaFond thanked the public for their patience as we have been at the mercy of Wareham. Belbin noted that the major change is that now the transfer station will be closing at 3:00pm instead of 4:00pm.

Other Items: An Interim Building Commissioner has been hired as of today. LaFond is preparing to make a presentation to the Board in regards to the budget as there is currently a \$1.2 million dollar budgetary deficit.

**Request for Common Victualler, Entertainment & Automatic Amusement License:** NGR Cape Cod, LLC d/b/a Yogi Bear's Jellystone Park Camp-Resort – Cranberry Acres. Jean Pierre Dansereau present to request the application.

Motion to approve the licenses by Belbin, second by Hoffman.

Roll call: Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Minutes:** Motion to table minutes of 12/4/2020 by Belbin, second by Hoffman.

Roll call - affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Executive Session Minutes:** Motion by Belbin to approve and not release the Executive Session minutes of 8/4/2020, second by Townsend.

Roll call- Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins

**Community Announcements:**

Belbin: The Sportsmen's Club game supper has been cancelled and he encouraged everyone to wear their masks and to remain socially distant.

Bogart: n/a

Hoffman: n/a

Townsend: n/a

Hewins: n/a

Motion to adjourn at 8:54 pm by Townsend, second by Belbin.

Roll call- Affirmative: Belbin, Bogart, Hoffman, Townsend & Hewins