

**Carver Select Board
Meeting Minutes
Town Hall Meeting Room #1
June 15, 2021 - 5:30pm**

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

Motion to go into Executive Session in accordance with MGL Chapter 30A §21(3) to discuss threatened litigation regarding 72 Center St. & for the Earth Removal Permit to A.D. Makepeace for Lot 1-2C, votes may be taken & if held in open session, may have a detrimental effect of the litigation position of the Town if held in open session;

& In accordance with MGL Chapter 30A §21 (3) to discuss strategy with respect to collective bargaining negotiations with unions: (Operations & Maintenance) that may have a detrimental effect on the bargaining position of the Town if held in open session, and to reconvene in open session by Belbin, second by Hewins.

Roll Call – affirmative: Bogart, Belbin, Hoffman, Hewins & Townsend

Motion to adjourn in to open session at 6:00pm by Hoffman, second by Belbin.

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

Open Session:

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

Citizens participation: none

Commercial Garage Public Hearing: Ruseni Trucking, Inc., 107 North Main St.

Motion to open hearing by Belbin, second by Hewins

Applicant had a family emergency and was unable to attend.

Motion to continue hearing to July 20 at 6:15pm by Belbin, second by Hewins.

Vote 5-0

Allen Decker: Buzzards Bay Coalition, Inc.: for the agreement approved at the Carver Annual Town Meeting for the land on Indian Street being sold to the Coalition for Buzzards Bay. The Community Preservation Chair created the agreement and signed it.

Belbin had a point of order to a member of the audience that was recording the meeting and that he should let the Chair know that he will be taping the meeting.

Belbin asked if hunting was included in the passive recreation of the property. Decker stated they are not opposed to having hunting, but is not sure that one of the parcels is appropriate for hunting, but another parcel abutting Indian Street may be.

Hewins asked how many acres are being purchased. Decker stated this property is over 32 acres. Hewins stated that would be adequate for some amount of hunting. She stated that the town already owns +/- 29 acres on Indian Street abutting this property.

Motion by Belbin to support the agreement, second by Hewins.

Vote 5-0

NStar/Eversource Pole Hearing (Continued from 6/1/21); Indian St:

Motion to re-convene by Belbin, second by Hoffman at 6:20pm

Vote 5-0

Karen Johnson present from Eversource. Bogart had previously questioned if the power can be continued from the east, or can it come underground from the west and keep it underground.

Johnson stated that service from the east is a privately owned service. For service from the west the cost is significant (approximately \$108,000). The cost is \$12,000 to run it overhead.

Bogart asked if more than 2 homes were being built and if so, can they be underground? Johnson is not aware of any further plans.

Hewins asked if the cost goes to Eversource or the homeowner. Johnson stated if the town wanted to put its own power underground the cost would be to the town, but in this case the cost would be to the builder. Bogart asked if trees could be marked. Johnson stated trimming would be done to keep them off of the lines. Bogart recommends that the poles not be approved for above ground and that they be underground.

Motion by Bogart to deny the construction and installation of 6 poles on Indian St. as proposed, second by Belbin.

Hewins asked if the plan could be modified. Johnson stated the initial plan was to go overhead. Five man holes, conduits, labor and materials, etc. would be needed. If the plan was to change, the needs would need to be changed.

Townsend stated if the Board approves it underground the builder is probably going to pass along the cost to the home buyers.

Hoffman clarified that the \$108,000 would be for underground poles/service for the two lots.

Hewins asked if Bogart could amend the motion and instead continue the hearing for more information from the applicant/Eversource.

Bogart rescinded her prior motion and made a new motion to continue the hearing to July 20 at 6:30pm and that Eversource come back with a different design that is underground, second by Belbin.

Demetrios Kazonitos the builder was present. He stated he is building two lots and does not own any other land on that street. For an additional \$96,000 for two homes is a large cost to absorb.

Hewins asked why 6 poles were needed for two houses. The closest pole to the west is 500' from the next lot and the other end of the street is 1800' away which is why the underground cost is significant.

Vote 5-0

Town Auditor Exit conference –Powers & Sullivan:

Renee Davis – Audit Engagement Partner

The Audit Objective is to give an opinion of the Town's basic financial statements and that they are following Generally Accepted Accounting Principles. Regular internal controls could not happen due to Covid and that was taken into consideration during the audit.

In May the preliminary audit work began which focused on the budget, single audit, transaction testing and debt. In November, the year end work was done which looked at the Town's balance sheet, financial statements, notes and analytics.

The Audit Opinion was an Unmodified opinion which is the best you can receive. There were no significant deficiencies or material weaknesses that were identified.

Financial position highlights are that revenues exceeded budget by \$584,000, expenditures and encumbrances were under budget by \$899,000.

Free Cash of \$1.15 million was budgeted for: North Carver Water District debt, Recreation Committee start-up, Town-wide Field maintenance and radio system/infrastructure as well as the Town Hall complex & senior housing fire suppression cistern at the Police Station.

The General Fund balance was \$9.4 million which included 21% of expenditures and unassigned general fund balance was 12% of expenditures. The General Stabilization account is \$3.2 million and Capital Debt and Stabilization is \$274,000. Net Pension Liability is 2.76% of Plymouth County Retirement. The valuation is dated as of 1/1/2020 and the net pension liability is \$18.9 million, which was previously \$21.3 million. Net Pension Liability is scheduled to be funded by 2029.

Other Post Employment Liabilities were valued as of 7/1/2019 at \$37.1 million and was previously \$38.5 million. There is no legal requirement to fund it, only to measure it. The Town does have a trust fund to help keep the liability down slightly.

Capital assets totaled \$99.8 million, with \$4.9 million in additions.

Strong documented financial policies have led to increased financial reserves and financial flexibility. Stabilization funds are up by \$1.9 million. The General Fund Balance has increased by \$3.3 million and the Town is not relying on one-time revenues for general operations.

Next year the focus will be on the Cares Act funds and ARPA funds.

Cash Collections is still under comments. The departments in need of controls are Permitting and Council on Aging. They are small departments and the Town should offer alternative ways to collect payments.

Town Administrator Screening Committee (TASC): Gregg Corbo present: Corbo provided an opinion on possible conflict of interest of relatives of Town Employees being on the screening committee for the Town Administrator.

Belbin questioned if James Dahill would be eligible to be on the committee as his wife is elected, not appointed by the Town Administrator.

Corbo stated the issue is not whether or not the individual is a Town Employee, but rather if the employee is appointed or supervised by the Town Administrator. The Town Clerk is elected and her salary is set by town meeting and therefore he would be eligible to sit on the committee.

Belbin would like to see Paul Kelly kept on as a candidate as long as he fills out a statement of disclosure form. Hewins asked if it was in the conflict of interest law that this would not be allowed. Corbo stated that the spouse of an employee would have a financial interest. Corbo stated that under the law for appointed employees, they can file a disclosure and have the approval of the appointing authority, the problem is that the appointing authority is the Town Administrator. It is a multiple level of conflict that is making it more complicated. Some interests are remote and speculative. Corbo recommends that each individual seeks a recommendation from the Ethics Commission and is liable for fines or sanctions from Ethics.

Hewins asked who would write the letter to ask for disclosure approval. Corbo stated Mr. Kelly would write the letter to LaFond as Mrs. Kelly's appointing authority. LaFond has a financial interest in making that decision. LaFond would then need to write a letter to the Select Board to be approved. If approved by the Board, then the Town Administrator would need to make the decision if any of the employees can sit on the Town Administrator Screening Committee.

Townsend stated that time is of the essence and does not want to see it held up.

Bogart asked for clarification on an opinion he gave in the past and Corbo explained that Bogart's reference was to a union employee and the negotiations only happen every several

years. The opinion given was a general opinion not knowing the situation of any employees. In addition, Corbo stated that employees that can be disciplined by the Town Administrator would also be considered a financial interest. If a committee member is up for re-appointment during this process may be in questions vs. an appointment that is not up for example, for two years then the financial interest would be remote and speculative.

Motion by Hoffman to replace Paul Kelly, second by Hewins.

Vote 4-1

Motion to replace Margaret Wood by Hoffman, second by Belbin.

Vote 4-1

Motion to take the 7:00pm item out of order for the applicants for the **Business Community Representative**.

Motion by Belbin to appoint Walter Cole as the Business rep for the TASC, second by Hewins.

Vote 5-0

At-large TASC applicant replacement:

The Board rated their candidates and the two candidates with the highest ranking would then be the at-large committee members. The members with the highest ranking were Patrick Meagher and Mary Ross.

Advertise the Town Administrator position: Hoffman would like to discuss if the Board would be open to advertising the position prior to the Screening Committee meeting. Hewins stated that if the Board is trying to be hands-off then she would like to see the Screening Committee use the consultant to do this. Discussion on the advantages of having the recruit consultant post the ad vs. having it posted by internal staff. Townsend stated since the Board previously decided to use the recruit consultant for this purpose, it doesn't make sense for the Town to advertise twice or without the recruit consultant in place.

Creation of a Finance committee by law sub-committee: The goal would be to put this on the next Town Meeting Warrant

Board members interested in serving on the sub-committee are Belbin and Hewins.

Motion to appoint Belbin and Hewins as the Select Board reps to the sub-committee by Hoffman, second by Hewins.

Vote 5-0

Carver, Marion, Wareham, Regional, Refuse Disposal District (CMWRRDD) appointment of additional member: A new agreement is needed between Carver and Wareham and that will

take time. Another member is needed as there is money that needs to be protected. The membership will guide the district.

Town Administrator Update:

The State of Emergency has been lifted. The Town did not declare a state of emergency. The provisions of remote meetings are no longer allowed.

Cares Act Funding: Nine requests have been submitted totaling over \$1,300,000 and the Town's allotment is \$1,700,000. There are approximately \$744,295 in submissions that are under review. There is a submission currently in process which would bring the town to its use of the total allotment. Guidance is beginning from the state on the ARPA funds. There are 5 areas of funding that are allowed and the Town's allotment is approximately \$1.2 million and the working group for use of these funds is meeting weekly. Townsend asked if there was someone in the Finance Department heading this. LaFond stated we are awaiting review of our submissions and the Finance Department is processing what is needed. The burden is lighter as we are approaching our overall submission cap.

Plymouth Street Water Line: The project began in late May and must be completed by November 30th. A community meeting is looking to be held on June 30th at 7:00pm for DEP and Health Agent Kevin Forgue to answer questions that remain such as close out of private wells, ability to perform hookups, etc.

Finance Director: The posting is closed and Duxbury's Finance Director and Town Manager have agreed that the Duxbury Finance Department will be providing interim services for several weeks until the position is filled.

Cranberry Village Wells: Over the last year LaFond has had conversations with Cranberry Village about the challenges and came to a joint conclusion that the wells and infrastructure should be conveyed back to Cranberry Village as that would be in the best interest of the Town. LaFond will discuss with Town Counsel.

Capital Outlay Committee: The newly formed Capital Outlay Committee met for the first time. Beth Sulger was elected Chair and Marie Zwiegman Vice-Chair.

The Redevelopment Authority will be having a site walk of the proposed Route 44 Development on Montello Street for June 19th and June 26th.

The Council on Aging is having an open house on June 19th at 10:00am.

Motion to go into Executive Session at 8:20pm in accordance with MGL CH 30A, §21(3) to discuss strategy with respect to collective bargaining negotiations with unions (Operations & Maintenance) that may have a detrimental effect on the bargaining position of the Town if held in open session, and to reconvene in open session by Hoffman, second by Hewins.

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

Return to Open Session at 8:42pm:

Operations & Maintenance Contract:

Motion to ratify Operations & Maintenance contract by Belbin, second by Hewins.

Vote 5-0

Motion to adjourn at 8:45pm by Belbin, second by Hoffman.

Vote 5-0