

**Carver Select Board  
Meeting Minutes  
Town Hall Meeting Room #1  
July 26, 2021 - 8:30am**

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

Meeting called to order at 8:42am.

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

**Establishment of a Technical Review Fund for the Route 44 Urban Renewal Project:**

LaFond stated that one change was suggested by Belbin that was distributed by LaFond. Bogart questioned if the use of the fund was for the sole use of the Fire Department. LaFond stated this is a broader agreement and the account is not for the sole use of the Fire Department. He also stated that the Redevelopment Authority will have their own separate account. Bogart questioned item #15 that was left blank. LaFond stated this will be filled in today when he speaks to his contact at Hillwood. LaFond stated that the Planning Board has their own ongoing technical review account. The Town will review this and make sure this account is replenished as needed. Hewins stated that the funding concerns are answered in item #6 & #9. Bogart stated that the proposed project is huge and the Town is doing a lot of good faith and the developer has the right to appeal. Townsend stated that Hillwood would be appealing to the Select Board. Hoffman stated that #2 states that funds can be used by the Town at its discretion.

Motion by Belbin to approve the agreement with the redlined changes and approval of Town Counsel, second by Hewins.

Vote 5-0

**Update on Plymouth Street Water Line & Compliance with Administrative Consent Order:**

Angela Gallagher at DEP called Townsend and stated the Town was not in compliance with the administrative consent order since the procurement of the individual hook ups was not completed. This was not listed in the administrative consent order and LaFond stated it is impossible to do what is being suggested by the DEP. The Town held an open forum on this specific item and Angela was confirmed to attend this meeting and did not show up at this meeting. Health Agent Kevin Forgue has made multiple calls to DEP and LaFond has a call in to a higher up at DEP to confirm that the Town is in compliance.

Forgue stated that this is a water line project which has been completed 3 months ahead of the deadline given by the DEP. Forgue has received an estimate on the cost of each of the 19

homes on the line for potential hook-up. Input from DEP and the Engineer is needed to give to the residents at a public meeting for the residents. There are 5 of those 19 homes that are in the area in which the groundwater flow from the North Carver Landfill have made it necessary that they need to be tied into the water line according to the geo-hydrologist & 3 of those homes are required to be hooked up by the DEP. The 2<sup>nd</sup> tier are those that are outside the plume, but are close and have not had a detection. Some of those may choose to tie into the water line and will need to decommission their well. The 3<sup>rd</sup> tier are clearly outside of the groundwater flow. Those 12 homes will add a significant cost and that number is needed which will determine what type of bid process the town needs to use.

Townsend stated in the Administrative Consent Order item #8 part E is being referenced which states that by April 30, 2021, subject to appropriation of funds, award such bid or bids.

Forgue stated #8 in the Order stated the Town shall extend its public water supply line to the properties located at 162, 164 and 165 Plymouth Street and the town is offering it to 19 homes.

Hewins stated that in item #8 part G it states that by November 30, 2021 subject to appropriation of funds, complete the water line up to the service point of each dwelling in Area A. She added that the language indicates that we have until November 30, 2021 to hook up the water to these homes.

Belbin stated he is frustrated as he has been asking for meetings with the residents all along before the Town got to this point. Forgue stated at the June 30 public forum, the DEP did not show up for the purpose of providing information to the residents so that they could make their decision on whether or not they would like to tie in to the water line. Forgue then asked the residents who would like to tie in, and there was a collective response that they don't know because they wanted information from the DEP. Belbin stated there have been months to have these meetings. LaFond stated the Town has been looking for guidance for months and that the guidance from the DEP has changed. Belbin stated that there was a well being used to irrigate their garden and they were asked to stop. Belbin stated at a minimum, a quote should have been received to bring the water line hook-up to those 5 residents. LaFond stated a bid would not be done for 5 residents if it may be needed for 10. There is a good faith effort by the Town to make sure this was viable by allocating money for this at Town Meeting. The point of contention with Angela is that all bids were not completed by April 30, and this not viable due to the fact that if the Town did not know how many residents are tying in and cannot go out to procurement until that is known. Forgue stated that education of the residents is needed at this time. All residents will be invited to a 2<sup>nd</sup> follow up meeting in August which hopefully all residents & DEP will attend and Bruce Haskell will be present to acknowledge which homes should be tied into the water line. Townsend stated once the water line goes to a home a plumber would need to go in and give a quote on the cost to hook them up according to the situation in each of those homes.

Hoffman questioned the water line and the 3 homes listed to tie in. Forgue stated he looked at this as a water line project and it was done with a 'curb stop' which allows any home on the line to tie in including Captain Perkins and Hines Ave.

LaFond stated the Town went above and beyond by determining that a minimum of 5 homes will be tied in and offering it to 19 homes and appropriating funds to do so.

Belbin stated that the email that was sent out states that the town is in violation of item #8 part E as the Town has not received bids to tie in to the 3 homes listed on the Order.

Belbin stated he disagreed with this not being procured yet and that this should have been done some time ago.

Townsend asked for clarification on bid splitting. LaFond stated he would propose the question to the Inspector General's office and explained that you can't bid twice for the same thing.

Bogart would like to know who legally needs to hook up to the water line and would like to see a letter go out via certified mail to residents so the Town has a way to confirm communications are received.

LaFond stated the legal requirement for the Town is what is listed in the Order.

Forgue stated that the June 30<sup>th</sup> meeting was a step toward doing everything Bogart is asking. The bulk of that meeting was to be a Q&A so that residents could make an informed decision.

Bogart asked what will happen if DEP doesn't show up at the next meeting and Forgue stated they will take guidance from the engineer.

Hoffman asked at the next meeting, the Town is prepared to answer questions if DEP does not show up. Forgue stated yes that Bruce Haskell, the Engineer and the geo-hydrologist will be there. They were both at the 1<sup>st</sup> meeting that was held with the residents on Plymouth Street. They do a good job at explaining technical data. He feels the Town is its doing due diligence, but technically these 3-5 homes need to be taken care of immediately. Hewins stated that the hydrogeologist is an LSP (Licensed Site Professional) who deals with hazardous waste sites and has his own title/expertise separate from the engineering firm's.

Motion by Belbin to have Town Counsel draw up three different agreements- those residents who need to hook up to the water line and decommission their wells, those who choose to hook up to the water line and not decommission their wells, one for those who choose not to hook up to the water line at all, second by Bogart.

LaFond stated the Town's liability needs to be covered as the Town will not be having their wells tested indefinitely.

Belbin stated in past practice, the DEP has required residents to decommission their wells. Townsend does not feel that this guidance from the DEP is clear on the requirement to decommission the wells.

Hewins would like guidance from DEP on this as she is aware of a home on Lakenham Dr. that uses their well to irrigate their lawn.

Hoffman asked if DEP will agree that it is now 5 homes and not 3 that are subject to the Order.

Forgue stated that if you have tested positive, DEP will weigh in on those homes. The homes listed are those that tested positive at the time the Order was written. Then, zone A was expanded which is why there are now additional homes.

Forgue agrees with having the agreements in place. One of the residents has told Kevin that they are not tying into the water line. Hoffman also agrees.

Vote 5-0

Townsend asked LaFond to contact DEP for a status and to give an update to the Board as soon as possible.

Hoffman thanked Forgue for all his work on this.

**Request for Use of Shurtleff Park:** Church of the Vine 8/26/21 5:00pm-7:00pm

Motion to approve by Hoffman, second by Hewins.

Motion by Belbin to amend to refund the \$50 fee paid, second by Hewins. Hewins explained that there are no fees for non-profits, which includes churches or for town entities.

Vote 5-0

Motion to adjourn at 9:47am by Hoffman, second by Hewins.

Vote 4-0