

**Carver Select Board
Meeting Minutes
Carver Middle High School Auditorium
October 19, 2021 - 6:00pm**

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

Motion to adjourn into Executive Session in accordance with G.L. c. 30A §21(3) to discuss strategy with respect to collective bargaining negotiations with unions (Dispatchers & Police) that may have a detrimental effect of the bargaining position of the town if held in open session, and anticipated executive Session in accordance with G.L. c. 30A §21(a)(1) to discuss the reputation and/or character of an individual; and to return to open session by Belbin, second by Hoffman.

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

Open Session: 6:05pm

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

Citizens Participation: Alan Dunham spoke regarding concerns of the Select Board not making a decision on the hiring of a Town Administrator.

Public Safety Officials Recognition:

Police Chief Duphily stated he is extremely proud to work with members of the Public Safety teams and tonight is an opportunity to shine the light on a few of those that made life saving efforts on September 9, 2021.

EMS Chief Ryan stated this presentation is to recognize the efforts made by the members of the Public Safety team. On Thursday, September 9, 2021, at 12:12pm, members of the Carver Police and EMS departments were dispatched to a business for a party that was unresponsive on the floor. The patient was found to be in cardiac arrest. Emergency Medical Technicians Ariana Backman and Jessica Janzewski, along with Paramedic Tim Dunham, Plympton Fire Department Paramedic Mark Madonna, as well as Carver Police Officers, Al Silva, Jeremy Farquharson & Sergeant Dennis Rizzuto responded to the call. Each of these Public Safety members worked together seamlessly to save a person's life. Through efficient CPR and use of an accessible automated external defibrillator, they were able to obtain a pulse prior to being transported by ambulance to the hospital. The staff transporting the patient were able to care for the patient to maintain a pulse and see improving vital signs.

The patient, Dennis Coit, came into the Carver Police Station looking to thank those involved in his care. Chief Ryan stated that there is no doubt that if the members of the Police and EMS Departments did not work together, this life could not have been saved.

The Board thanked the Public Safety Departments.

Chief Duphily, Chief Ryan and Chair Townsend called each individual forward and presented them with the following awards for their heroic actions and to thank them for their service to our community: Life Saving Award, CPR Save Pin & Certificate of Recognition

Ratify Dispatcher's Contract:

Motion to approve Dispatcher Contract by Hewins, second by Hoffman.

Vote 5-0

Election re-precinct legal boundary description approval: Town Clerk Dahill presented the new precincts based on the 2020 Census result. 11,645 is the new population of Carver. There are still 3 precincts and the redesign is the best option for the Town which was done with the help of Dave Siedentopf and John Woods as well as Kevin Forgue, the Town's Health Agent who is also an engineer. The alternative to this is a 4th precinct.

Motion to approve by Belbin, second by Hewins.

Select Board members thanked Town Clerk Dahill as well as the team that helped.

Vote 5-0

Ch.61A Request: Federal Furnace Cranberry Co., 104 Tremont Street, Attorney Danielle Justo present: the parcel consists of 781.11 acres. The owner intends to convert 29.79 acres, more or less, portion of the parcel to a commercial solar power use. This was approved by the Planning Board in December of 2020. The number of acres may be lower as bound surveys are still being conducted. Belbin asked if the numbers being presented may be smaller. Justo stated this number is as high as it is going to go and it could be smaller. Townsend stated it is not going to be bigger as it is stated on the plot plan. A survey draft is being updated and will be finalized in the next two weeks. This will be submitted to the Assessor. Bogart stated that this puts pressure on the Town to say yes and asked them to come to the Select Board first prior to going to permitting. Belbin stated it is difficult for the Board to make a decision when it has already gone to other Boards for approval. Belbin asked for a letter from the Select Board to Planning requesting that it come before the Select Board first. Hewins stated if plans are presented to Planning, they must be stamped in which starts their process with the Planning Board.

Motion to exercise first right of refusal by Hewins, second by Hoffman.

Vote 3-2 (Bogart, Belbin)

CARES/ARPA funds: The major categories the ARPA funds can be spent on are supporting public health expenditures, addressing negative economic impact caused by the public health emergency, aid the communities and populations hardest hit by the crisis, premium pay for essential works and water, sewer and broadband infrastructure. The federal government is still establishing how the funds are going to be handled and Townsend stated the Plymouth County Commissioners suggested not rushing into decisions on how to spend the money until more guidance is issued. Carver is expected to receive \$1.2 million and \$600,000 has already been received and an additional \$600,000 is anticipated to be received in the next 6 months.

Plymouth County ARPA signatory authority:

Motion by Hewins to authorize Richard LaFond, Interim Town Administrator to be the Authorized Representative, and to authorize Suzanne Moquin, Finance Director to be the Authorized Reporter/Preparer of Plymouth County grants on behalf of the town, second by Hoffman.

Vote 5-0

GATRA Advisory Board Designee:

Motion to approve Connie Kelly to be the GATRA advisory Board Designee by Belbin, second by Hewins.

Vote 5-0

Discussion and possible vote of appointment of Town Administrator: Townsend stated for the good of the town, a decision needs to be made.

Motion by Townsend to hire LaFond as Town Administrator for an 18 month contract to the end of fiscal year 2022; at the same time, establish clear goals and objectives, with written evaluations, to be done at the end of 6 months and at the end of 12 months, second by Hewins.

Townsend stated that this is a different Board than the Board that hired LaFond. Expectations have not been communicated to LaFond. Carver has a unique Public Safety set up than other towns. The Route 44 project is the largest project the town has ever had and does not believe it is a good idea to bring someone new in during this as LaFond brings continuity to all the projects going on at this time.

Belbin stated he does not feel he can vote that way. Belbin asked if the Chair or Vice Chair has contacted Mr. Kelley. Belbin stated he has and stated that Kelley is still interested in working for the Town. Belbin stated he does not support LaFond as the Town Administrator.

Hewins stated that it is a serious misunderstanding that the Town will just go on if the Town wants to preserve its rural character. We need a town administrator who supports our town's

character and the people working under him support that as well. Rural character doesn't happen overnight and it takes a team effort since it can get lost quickly. LaFond has things well in hand, the Public Safety departments know him and trust him, there are new Department Heads who are working with LaFond to fix things that have fallen through the cracks.

Townsend stated that giving written evaluations gives the Board the opportunity to bring forward issues that may have not been made clear earlier on. He stated this would be a poor time to change Town Administrators. A short-term contract is a good compromise solution to this Board.

Bogart stated she was the first one a few meetings ago to say that there are options. She questioned if anyone has asked LaFond if he would say an additional 6 months. She stated she is not comfortable offering either candidate a long-term contract. Bogart stated 18 months is too long for her to agree to. She would be open to asked LaFond to stay on another 6 months paired with continuing a search.

Townsend stated he would explain how he got to 18 months. The contract expires at the end of December which is the start of the budget season. The best time would be at the end of the fiscal year at the end of June. The Screening Committee worked hard and did the best they could. They brought forth 3 candidates and one withdrew. Six months is not helpful to the town and sitting down as a Board and establishing clear goals with an evaluation, gives the Board a chance to evaluate him. He stated 18 months is not a long time and it gives the Board time to make decisions. He stated 18 months is unusually short for a Town Administrator contract.

Hoffman asked why December 31 was negotiated with the Interim contract. Belbin stated the by-laws allow a process for a Town Administrator, but does not for an Interim. He stated if a decision is not made tonight, the Board is violating the bylaws. There is no good time to get someone into this position. He agrees a decision needs to be made tonight and it is between Kelley and LaFond.

Townsend agrees there may not be a good time, but stated this is a bad time. He thinks Mr. Kelley was a good applicant and had a good interview. He stated there are not too many towns of Carver's size and Carver's rural character with a huge project like we have going on and LaFond has made himself intimate with this project and that project is not going to stop because the Board needs to choose a Town Administrator.

Hoffman asked if the Board had to use the list that was presented by the Screening Committee, Townsend stated Town Counsel sent a statement that the Board would not be violating the bylaws if the Board does not choose someone from the list forwarded by the Screening Committee. Belbin does not agree with this.

Hoffman wants to be sure a Screening Committee has plenty of time and that at the 12 month evaluation, if it is not satisfactory, to negotiate a notice to be given for LaFond.

Bogart asked how it would be different than doing a 6 month contract. Townsend stated that LaFond would be permanent. The difference is that LaFond being an interim could have limited the applicant pool and by him being permanent, the Board could choose not to renew his contract and then it would be open to applicants.

Hewins stated that due to the time of year the 18-month contract falls, it would give the Board more time to find a Town Administrator and town meeting would be done and it would be a better time.

Townsend stated this allows the Town to have continuity. He stated Mr. Walsh, Chair of the Screening Committee, stated that he felt there would have been more applicants if LaFond was not the Interim applying for the permanent position.

Vote 2-3 Motion fails

Motion by Belbin to appoint James Kelley as new Town Administrator.

No second.

Motion by Hewins to appoint LaFond as a permanent Town Administrator for a 6-month period, second by Townsend.

Hewins stated she thinks 18 months is better. Hewins asked if Bogart is amenable with a 6-month contract. Bogart stated she is if the search continues. Townsend asked if there is some period of time that Bogart would be amenable longer than 6 months and less than 18 months as it does not benefit the Town to continue to search. Bogart would like someone she is totally confident in and is open to another 6 months and would like to see if someone else would come along in the next 6 months.

Belbin stated that the only real project going on is the roadway project and the development project is not going on until the next two years or so. The road construction project is easy and quick. Belbin stated the people who have come through the screening process are the ones we have to choose from.

Hewins stated that what people don't realize is the right now LaFond is the chief negotiator for the Route 44 development project and there is a lot to get through before the project comes to fruition. The upfront negotiations are what drives the project. LaFond is someone extremely competent and LaFond was in the town for 17 years prior to our former administrator, and LaFond did a good job back then, too. Hewins pointed out to Bogart that it is the town she moved to for the rural character that LaFond worked hard to establish.

Townsend stated that every Public Safety Chief has endorsed LaFond and what gets overlooked is that the Town Hall stayed open the entire time during the pandemic except for a couple of weeks. Plymouth Town Hall was closed for a year. People were able to get permits and go to the Town Clerk's office and that benefited everyone in town and a lot of that credit goes to LaFond.

Belbin stated that he requested for a search to start in February. Townsend stated there are a lot of things that could have happened, but we are here now.

Vote 2-3 motion fails

Bogart asked if LaFond is open to staying knowing there is an open/active search. LaFond stated organizations need stability and instability is not good for the town. LaFond stated something so short does not supply stability needed and is causing issues the Board may not see and it isn't helping the Town.

Motion by Hewins to appoint LaFond as Town Administrator for a period of 12 months, second by Townsend.

Townsend asked if Bogart would accept this as it would get the Town through the budget process and to the end of Town Meeting, second by Hewins

Bogart stated she feels she is in the hot seat. Belbin stated he is offended.

Vote 2-3 motion fails

Motion by Bogart to re-open the Town Administrator search, second by Hoffman.

Hoffman stated he made this motion at the last meeting and added and to not hire the two finalists. Bogart is not convinced the 2 finalists should not be hired.

Belbin referred back to the bylaws and stated there are two finalists available to appoint. The bylaw does not address other options.

Motion by Bogart to amend her motion to re-open the Town Administrator search and to appoint a new screening committee.

Townsend asked for authorization to reach out to the current screening committee to see their interest level in continuing the process, then the Board can make decisions on moving forward with the process as an amendment to Bogart's motion.

Bogart amended her motion to re-open the Town Administrator search and to authorize Weston to contact the most recent screening committee members to see if they want to continue serving on a screening committee, second by Hoffman.

Vote 3-2 (Hewins, Belbin)

Motion by Hoffman to choose neither candidate as permanent Town Administrator, second by Belbin.

Belbin stated this finalizes this decision by the Board. Townsend stated that Weston should be contacting the finalists, not a member of the Board without authorization of the Board.

Vote 2-3 motion fails (Bogart, Hewins, Townsend)

Townsend stated at the next meeting hiring an interim should be discussed as it is likely that a search will not be completed prior to December 31.

5 minute break at 8:15pm

Townsend stated the Town may need an Interim Town Administrator. He asked the Board for authorization for Weston to reach out to consultant firms to find an Interim Town Administrator.

Motion by Hoffman to have Weston to look into the available candidates or whatever the process for an Interim Town Administrator, second by Bogart.

Bogart asked what this process means. Weston stated there are various firms that can provide outreach to candidates.

Vote 3-2 (Hewins, Belbin)

Carver, Marion, Wareham Regional Refuse Disposal District (CMWRRDD): Belbin reviewed the financials of the District. He stated it is possible the District could be bankrupt in the next 15-20 years. A new agreement needs to be made with Wareham and Carver. It is the goal of the District to have an agreement reached by April 2022. The main goal of the district right now is to protect the money.

Town Administrator Update:

Cares Act: An additional \$516,00 will be submitted in the next week. Plymouth County Commissioners delivered checks to the Town this week for reimbursements to 4 Cares Act submissions.

Plymouth Street Water Line Update: The Town is assessing the impacts of the groundwater and sampling crews will be on site 10/27 & 10/28 to collect samples. Lab results will be provided to the residents.

Route 44 Project Update: The internal committee continues to meet every other week. A proposal has been sent to the Fire Department on water supply and pressure. This is a piece of what needs to be considered.

Montello Street Interchange/Mass works update: Construction start date is on or about 10/15 and the Town is anticipating this to start soon.

Town Planner position Update: Jim Walsh is filling in on a part-time basis until the position is filled. Hoffman asked if SRPEDD is a resource if the Town needs help. LaFond stated they only have so many hours available on a contract basis and they are not a local Planning Board type of administrator.

Update on 149 & 152 Plymouth St: Town Counsel is authorized to contact these land owners as the next step in the compliance process. Bogart would like to know the exact date the letters

were sent. Belbin read a letter sent to the Board from Cornelius Shea noting an illegal commercial shop being run at 149 Plymouth St. and is concerned with the health and safety of the public. The activities are in directly conflict with several zoning bylaws and for 152 Plymouth St. has noted switching of license plates, excessive noise at night and all day on Sunday, there is dumping and burning of waste, as well as unsafe use of equipment and violations of the bylaws.

Hewins stated one of the tools of getting compliance is having a full-time Building Commissioner, which Mr. LaFond has just recently hired.

Request for One Day Special License: Edaville Railroad , wine and malt for 28 days: November 12-January 1 from 2:00pm-9:00pm.

Motion to approve by Belbin, second by Hewins.

Vote 5-0

Next Meeting: 11/2/21 at 6:00pm

Minutes of 10/5/21:

Motion to approve with amendments by Belbin, second by Hoffman.

Vote 5-0

Executive Session Minutes:

Motion to approve and release the Executive Session minutes of 5/4/21, 7/12/21 & 7/20/21 by Belbin, second by Hewins

5 minute recess at 8:57pm

Vote 5-0

Motion to approve and not release the Executive Session minutes of 6/15/21 by Belbin, second by Hoffman

Vote 5-0

Request for use of Town Property: Sampson's Pond parking permit fishing tournament 8/7/22 5:30am- 11:00am requested by Eastside Sport Fishing Club.

Motion to approve by Belbin, second by Hoffman

Vote 5-0

Select Board Community Announcements:

Bogart: None

Belbin: It is hunting season, he cautioned those in woods to wear hunter orange for humans and pets. Boy Scouts started their bottle and can drive. It is located behind the EMS building. He asked that no trash be dumped. Congratulated Town Clerk Dahill for obtaining her Town Clerk certification.

Hoffman: None

Hewins: None

Townsend: Congratulated Town Clerk Dahill for her certification.

Select Board notes:

Belbin: Care and maintenance of town owned property: Wade Street property is being used for parking from an abutter. This could dissuade people from using the property as it looks like private property.

Motion to adjourn in to Executive Session at 9:10pm in accordance with G.L. c. 30A §21(3) to discuss strategy with respect to collective bargaining negotiations with unions (Dispatchers & Police) that may have a detrimental effect of the bargaining position of the town if held in open session, and not to return to open session by Belbin, second by Hoffman.

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