

**Carver Select Board  
Meeting Minutes  
Town Hall  
February 1, 2022 - 5:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Robert Belbin, Jen Bogart, Jim Hoffman, Interim Town Administrator Robert Fennessy, Assistant Town Administrator Elaine Weston & Tim Zessin from KP Law.

Motion to adjourn into Executive Session at 5:05pm in accordance with MGL chapter 30A section 21(a)(3) to discuss strategy with respect collective bargaining, as an open meeting may have a detrimental effect on the Board's bargaining position (SEIU Local 888) by Hewins, second by Hoffman.

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

Return to open session at 6:00pm:

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

**Citizens Participation:** None

**Review and Recommendation of Draft Annual Town Meeting article:**

Motion to take Special Act to Remove Civil Service out of order by Hoffman, second by Hewins.

Vote 5-0

**Special Act to Remove Civil Service:**

Hewins asked if this was approved by the Police Union. Chief Duphily confirmed that this was approved by the Police Union.

Motion to approve the submission to place the following article on the FY 23 Annual Town Meeting Warrant: to authorize the Select Board to Petition the General Court for Special Legislation Act to remove the Carver Police Department from Civil Service by Belbin, second by Hewins.

Vote 5-0

**ARPA funds update:** Plymouth County Treasurer Tom O'Brien present to represent the Plymouth County Commissioners. O'Brien gave a recap of the Cares Act funds. The 11<sup>th</sup> Cares Act check of \$49,710.77 will be presented tonight bringing the total presented to Carver: \$1,260,551.62. There are still 4 submissions pending. The state shut the deadline off for submissions on October 29, 2021 and the County accepted submissions until December 31, 2021. The submissions during that time period were approximately \$500,000. Carver was not

a community that received Covid test kits and the Plymouth County Commissioners were able to secure 4,140 test kits for Carver. The Cares program will wind out in the next few months.

Townsend praised the two Interim Town Administrators, the Assistant Town Administrator and the Department Heads for their efforts in coordinating the Cares Act program for Carver.

ARPA (The American Rescue Plan Act) has been extended for a year to give communities time to determine appropriate uses. Carver is slated to receive \$1,231,635. Twenty-five percent (25%) of Plymouth County funds allocated to Carver have been received so far (\$554,258.44). The County will be disseminating their funding to the Towns this year. The County immediately used resources to develop a team to create a rubric for communities. This is on their website at [www.plymouthcountyarpa.com](http://www.plymouthcountyarpa.com). This contains a breakdown of eligible categories.

Infrastructure (water/sewer & broadband), Public Health, Economic Development in proportionate response to the pandemic, revenue replacement & hazard duty pay (premium pay).

The team consists of an Accounting Firm of Clifton, Larson, Allen, Audit Firm Powers & Sullivan, a Legal Firm and the Plymouth County Treasurer & Commissioners.

The rules of these categories have changed.

Revenue replacement is the category in which they get most of their questions.

ARPA allows recipients to use funds to replace lost revenue in order to avoid cuts to governmental services, or to return services to their pre-pandemic level. The Interim Final Rule requires that the revenue loss be calculated at the entity-wide level, and specifies which revenues are allowable and which are excluded. Allocating grant funds to revenue loss is a multiple step process. First, grantees must calculate their lost revenue. For Massachusetts communities, the last full fiscal year that ended prior to the pandemic was FY2019, which will become the "Base Year" for calculation purposes. Communities are then able to compare the base year to each of four periods: calendar years ending December 31, 2020; December 31, 2021; December 31, 2022 & December 31, 2023. The base year is adjusted by a growth factor of 4.1% or average growth rate of the prior three years. The County will be awarding sub-grantees revenue loss based on the 4.1% rate.

Once the loss has been calculated, the grantee must use the funds towards a wide-range of governmental services. The Interim Final Rule did specify some exclusions that the funds cannot support.

Excluded costs:

- Debt service payments or issuance costs

- Settlement agreement or judgement costs
- Replenishment of reserve funds; including stabilization funds, Free Cash or Retained Earnings
- Restriction on Pension or OPEB deposits

In addition, grantees may not use these funds to lower their tax rate. Finally, only costs incurred beginning March 3, 2021 are eligible.

The projects will be treated as advancements to the applicant and will require the grantee to report on a quarterly basis the status of the project, including expenditures.

For Water/Sewer infrastructure projects the County will require that applicants include either a Town Meeting or City Council vote authorizing the project, unless the project is fully funded from grants. The projects will be treated as advancements to the applicant and will require the grantee to report on a quarterly basis the status of the project, including expenditures.

Once it is reported to the U.S Treasury how the funds are going to be used, it is a complicated process to change the use of the funds. He asked the Board to think about the priorities prior to submitting an application.

The audit team has indicated there will be more changes to the rules for the funds.

Once checks are given out, the funds will have been vetted fully.

Affordable housing would be under economic development. All categories require quarterly reporting. The Commissioners can answer if the guidelines are met and he offered for anyone to call at any time.

The hazard duty pay is distributed by starting with the lowest paid employees, not by department. Once that is done, then you can move up the scale. There are limits as to how much can be spent per hour and as a lump sum. Low wage employees that were actually at work should be focused on.

Infrastructure spending has a look-back period. It is intended it be for projects that are affected by the pandemic.

The method being used to disburse the County money is being done by population. If a project is underway and is completed by December 31, 2026, then the funds are eligible.

O'Brien presented the check to officials.

**Comcast Contract Renewal:** Attorney William Hewig from KP Law, Mike Galla, Senior Government Affairs Manager from Comcast and Cable Advisory Committee members Dan Ginnetty & Jay John who were involved in the contract negotiation.

Belbin stated that anything agreed upon is on the subscribers in town. He stated he has an issue with this and prices keep increasing. Belbin stated the same wires are used to send internet through and internet is not part of the agreement. If the wires are being used for a different purpose, the cost should not be passed on to the subscriber. Belbin would also like to see a basic service rate and something for low-income as well as for box fees & would like to know how much Comcast makes off of Carver annually. Galla stated he is happy to provide this information, but he does not have that information with him tonight. Belbin stated it looks like the residents are getting little and Comcast is getting a lot.

Galla stated this is a favorable contract for the size of the community and has been working on this for several years. In regards to customer service issues, he immediately responds to them. Comcast is constantly investing in their infrastructure. There is a senior discount that is offered to every community and it is needs based. If there is any type of complaint, he is happy to address it internally or before the Board. It is a significant increase in revenue to offer successful programs at Area 58 and is hopeful the Board will vote in favor of this.

Hewins stated the pass-through to subscribers is required by law. Hewig stated it is permitted by law. Hewins asked how people would get an income based discount. Galla stated Comcast would need to be contacted and proof will be requested.

Hoffman asked if the previous contract was also a 10-year contract. Galla stated yes. Hoffman asked to hear from the Cable Advisory Committee on their thoughts. Ginnetty stated this contract is not that much different than the previous contract. Area 58 is funded through this contract. There is a wide variety of programs offered. This past Thanksgiving, Area 58 was able to air the local football game live to residents at home. This contract keeps Area 58 up to date with modern technology and able to offer more programming and in turn serve the community better. Another element is that there will be an HD channel to broadcast shows on. John stated that the Committee tried to see how much more could fit into the contract and sometimes you have to settle for the best that you can get. Area 58 will be getting improvements that will benefit the Town.

Bogart stated it is great that Area 58 will get upgrades. The grant from Comcast is not really a grant. It is the subscribers giving the money to Area 58, the money is being passed through Comcast. Ginnetty stated that the prior 10-year contract came with \$0 capital expenditure and Area 58 received nothing and it has been a challenge to keep up with computers and editing software, and in some ways they were not able to keep up. For the last 10 years Area 58 received nothing and for the next 10 years we will receive something, and that rationalizes the contract.

Rich Goulart, Director of Area 58, wanted to address some rumors about Area 58. Goulart stated this is the 3<sup>rd</sup> contract and the money has always been a pass through. Goulart stated that 'kids' have never run the cable channel, the cable channel was housed in the school and they needed to find a new location. The new location and collaboration with other towns has

made it easier to accommodate their needs. Area 58 is filming over 100 meetings, graduation, concerts and anyone can come in, use equipment and borrow equipment at no cost.

Belbin thanked Area 58 for everything they do. Goulart stated that all the questions that were brought up tonight, have already been brought up by the Cable Advisory Committee.

Townsend confirmed that the Cable Advisory Committee vote on the contract was unanimous.

Motion to approve the Comcast Cable License with the Town of Carver, as presented by the Cable Advisory Committee, for the period of February 1, 2022 to January 31, 2032 by Hewins, second by Hoffman.

Hoffman thanked the Cable Advisory Committee for their hard work.

Vote 4-1 (Belbin)

5 minute break at 7:10pm

**Review and Recommendation of Draft Annual Town Meeting articles:**

Collective Bargaining Agreements: Fennessy stated this is standard language to allow funding for collective bargaining agreements.

Hewins asked for two votes, one to recommend the article be put on the warrant, and the next to whether or not to recommend it.

Motion by Hewins to approve the submission of the following article for the FY 23 annual town meeting warrant to fund and implement the cost items of collective bargaining agreements, second by Hoffman.

Vote 5-0

Motion to recommend to approve this warrant article by Hewins, second by Hoffman.

Belbin is not comfortable approving without knowing what will be agreed upon.

Item will be tabled to a later date.

**Acceptance of Montello Street (portion):**

Motion to approve the submission of the following article to be placed on the FY 23 annual town meeting warrant: to lay out Montello Street (Portion) as a public way, from Main Street (Route 58) to an intersection with an accepted portion of Montello Street, all as shown on a plan entitled "Plan of Road in the Town of Carver, Mass. Plymouth County Showing Location Easements for the Purpose of Reconstructing Montello Street at Main Street for the Town of Carver", dated January 11, 2022, prepared by VHB, and on file with the Town Clerk, by Belbin, second by Hewins.

Vote 5-0

Motion to approve the submission of the following article to be placed on the FY 23 annual town meeting warrant: to accept as a public way Montello Street (portion) by Hewins.

Bogart is not comfortable with the wording of 'eminent domain' in the description of the warrant article. Fennessy would like to check with Town Counsel prior to changing the wording of the article.

Hewins withdrew her motion.

Moratorium on Mounted Solar Photovoltaic Installations: Bogart requested this article be placed on the warrant to give the Town time to do research. Bogart has heard from people that it is too much too fast and that issues need to be addressed proactively and not reactively. Bogart would like ambiguity removed from the bylaw and would like the potential change of motivations re-assessed as the intention is to help the local cranberry growers and is not sure the current installations are owned by growers. Bogart would like to make sure things are being done in the Town's best interest.

Motion to put the following article on the FY 23 annual town meeting warrant: to vote to amend section 3580 of the Town's zoning bylaws to add a section to adopt a 12-month moratorium on the issuance of special permits for new installation of large scale ground mounted solar photovoltaic installations by Belbin, second by Bogart.

Vote 5-0

Transfer and Disposition of 11 Green Street:

Motion to approve the submission of the following article on the FY 23 annual town meeting warrant: to transfer from the Treasurer/Collector to the Select Board for disposition, the property located at 11 Green Street, Carver, MA, by Hewins, second by Belbin.

Hewins stated this property went to land court and came out of land court on June 28, 2021. The article states the disposition would be to a non for profit organization or another qualified entity for the purpose of providing affordable housing to eligible persons honorably discharged from the United States Military Service and to further authorize the Select Board to take any action required to accomplish the purposes of this article.

Vote 5-0

Placeholders by Select Board member Belbin:

Interim Town Administrator/Town Administrator Screening Committee bylaw; Town Administrator bylaw; Discipline of Appointed Town Officials; Accessory Apartment bylaw; Yard Sale bylaw and Burglar Alarm bylaw.

Belbin would like the Burglar Alarm and Yard Sale bylaw eliminated.

Fence Bylaw: There is nothing in the bylaws to regulate fences. There should be some set guidelines to follow. If a fence is put on the lot line, it is owned by both properties.

Hewins asked if this is covered under the Building Commissioner. Fennessy stated the Building Commissioner is in charge of fence issues and is not sure if there is anything in place for guidelines. Hewins stated she is solely responsible for her fence.

Bogart questioned the portion of non-surveyed fences. It states that the fence viewer chooses the surveyor. She stated there should be a pool of town approved surveyors. Hewins stated the person installing the fence chooses the surveyor, not the neighbor. Belbin stated if you have a friend who is a surveyor and is liberal in their property markers, there could be an issue with the neighbor. Belbin stated if the fence is on the property line, then both the installer and the neighbor would pay for the surveyor. Hewins stated the fence cannot go on the property line, it needs to be two feet from the property line. Belbin has not found a state law that says this.

Townsend stated this should come before the Planning Board and would like the Building Commissioner to have input into this as well.

Hoffman asked if there was something in the Building Code. Fennessy recommended deferring this to the next meeting so this can be researched.

Townsend stated that if the town does not have a bylaw, then it defers to the State Law.

Hewins would like to ask the Building Commissioner what is in place.

Motion by Bogart to approve the submission of the following article to be placed on the FY 23 Annual Town Meeting Warrant: to add a fence bylaw to the Town of Carver bylaws, second by Belbin.

Belbin stated if what he is saying is not true about the fence laws, then he will pull it from the warrant.

Hoffman asked if this can be on the next agenda and have the Building Commissioner present.

Vote 3-2 (Townsend, Hewins)

Town Administrator Bylaw: Townsend suggested starting at the beginning and going through item by item.

Hewins distributed what was reviewed and voted on 5-0 at the 12/8/21 Select Board meeting.

Belbin distributed a new version with suggested changes.

The Board went through each section of two different sets of wording submitted. Belbin asked if the Board wants to move forward with the changes on Hewins version or Belbin's version.

Section 3.3.1 Appointment: 3.3.1.1: Belbin version- discussion on screening committee, it states no town employees, but the Chiefs are town employees, Hewins would like Town Counsel to review. Townsend does not want to bind future Boards. Review of sections 3.3.1.2 & 3.3.1.3 of Hewins version in regards to contract extension and length of an interim and appointment wording of not being an employee or on a committee/board.

Hoffman does not want to be specific in order to give future Boards leeway and be more specific on other items there have been issues with.

Townsend asked if the Board would like to change the bylaw. Hewins stated it is fine the way it is. Bogart would like to see that the contract is not renewed every year. Hewins agreed.

Townsend suggested approving it go on the warrant and discuss changes at a future meeting.

Motion to approve the submission of the following article to be placed on the FY 23 annual town meeting warrant: Town Administrator bylaw by Hoffman, second by Bogart

Vote 5-0

Fennessy suggested that going forward all amendments should be drafted off of the original bylaw. He also cautioned that it is difficult to find Town Administrators and not to make it too restrictive.

Discipline of Appointed Town Officials: Belbin stated when the Town Administrator has a conflict between employees, there is no one above him except the Board. He stated he thinks the Board should have the ability to investigate and discipline.

Hewins stated the Town was run by 5 political people and there was nepotism and back room deals. The Town voted to have a Town Administrator to remove this and have an impartial person to impose discipline. If that person does not feel discipline is necessary then that is up to them. Hewins stated what is being proposed is to make the Select Board Kings and Queens and it is not like that anymore and she does not want to go backwards. Hewins stated to take over the role of discipline is the wrong direction.

Townsend stated the merits of the article are not being debated, but to decide if an article should be on the town meeting warrant. He stated the Town Administrator is hired for a reason and the Board is elected to set policy for the Town, not for the day to day operations of the Town and Townsend is not in favor of having this on the warrant.

Hoffman is concerned that three members can overrule the Town Administrator for any kind of discipline.

Townsend asked Fennessy if there was anything in this that would violate the Town Administrator Bylaw. Fennessy stated it is a question for counsel and his opinion is that it does because the Town Administrator has the authority.



Belbin would like the Select Board to have control in case something goes bad. Hewins stated the Board has the authority to discipline the Town Administrator.

Townsend has a concern about bringing politics back into this.

Bogart sees merit to this if the Town Administrator excessively disciplines or lack of discipline, but is not sure the bylaw is not the right place to do this.

No motion to put this on the town meeting warrant.

Accessory Apartment bylaw: Hewins stated this should come before the Planning Board and it is not something the Board should be recommending to put on the warrant.

Belbin attended a Mass Municipal Association meeting and this language is closer to the State law wording.

Townsend stated this would go through a public hearing when going through the Planning Board. The Building Commissioner should have input on this and not come from the Select Board.

Hoffman asked if this article is approved, it still needs to go before the Planning Board and it theoretically should be coming from the Planning Board. Belbin stated if the hearing isn't done in a timely manner, it cannot be on the warrant.

Motion by Bogart to approve the submission of the following article to be placed on the FY 23 Annual Town Meeting Warrant, second by Belbin.

Hoffman questioned the process, if the Board approves the article to be on the warrant, Hewins stated this forces another elected board to put an article on the warrant.

Vote 1-4 (Bogart, Townsend, Hewins, Hoffman)

Townsend asked the Board to read the Yard Sale and Burglar Alarm bylaws prior to the next meeting. The intention is to remove items from the bylaws.

Carver, Marion, Wareham, Regional Refuse Disposal District:

Marion is still on the name in name only and they still have liability to the landfill. Belbin reviewed all items in the contract which include the quorum being 4 members, the district property includes the license for the transfer facility allowing Wareham to manage the facility. If the District loses our money, the district can send a bill to Carver to pay the District bills. There is now a stabilization account of which \$150,000 needs to be deposited which has already been done. Amendments must be done through the Select Board instead of Town Meeting. The valuation is currently at 75- Wareham/25-Carver. Dissolution can occur with a 2/3 vote of members of the committee. Both Wareham and Carver need to vote in favor of the agreement in order for it to pass.

Motion to approve the submission of the following article to be placed on the FY 23 Annual Town Meeting Warrant by Bogart, second by Hoffman

Vote 5-0

5 minute break

**Town Administrator Update:**

1. North Carver Water District: There have been several issues of no water or low pressure water this past winter. I met with Kevin Tracy and we discussed the problems, and they ranged from software issues to human error. We discussed the status of a notification procedure, and the process is that if there is an issue with the water flow, they are to contact the town hall (Operations and Maintenance) and advise, and the staff will notify the proper person to investigate it. If it is off hours, they should contact the police dept., who will in turn get in touch with Dave Siedentopf, and he will check or contact Small Water Systems to correct. They have collected emails for the users that were willing to give an email and have the ability to notify users by email. The Commission is also looking at placing notices in the next billing cycle to remind everyone of the procedure. They may also send out emails.

Bogart asked who can be contacted outside of Town Hall hours. Fennessy stated they can call the Police Station. Fennessy stated the Police Department will get in touch with Dave Siedentopf or Small Water Systems.

Belbin stated that the 911 operator will then be inundated with calls for half an hour. If the phone numbers can be obtained of all users, users can be notified.

2. The warrant is being put together for town meeting and is in a first draft format. It should be ready in the next several weeks as the Select Board goes through voting the articles onto the warrant.
3. Capital Outlay Requests: The Capital Outlay Committee met with Department heads who submitted capital requests on January 13<sup>th</sup> and 27<sup>th</sup>. The Finance Director and Town Administrator presented a budget and was able to recommend most capital requests within the budget. Three requests, the Library HVAC, the town wide radio public safety system, and the town hall exterior siding and trim replacement will be bundled together and bonded out over 10-15 years. The process was made smooth by the cooperation of the department heads, some

who have deferred their own requests to next year so that another department could have their request approved. That type of cooperation is not something you see in many cities and towns.

4. The Finance Director Sue Moquin and I have been meeting weekly with the School Superintendent and Finance Director to pare down and close in on a balanced budget. The process will continue until I can present a sustainable balanced budget to the Select Board.
5. Conservation Agent reports that the Conservation Committee has placed an order of conditions for Jellystone Park (formerly shady acres campground). They are proposing an elite type campground with a water park that will only be open to guests.
6. The police reports that the body worn cameras have been ordered. Also, the Chief received a grant from MIIA for installation of anti-theft devices to prevent theft of a cruiser during emergency response. This has happened in 2 local towns nearby.
7. On the Fire side, the Chief has hired 5 additional call FFs, and the recruit training begins Feb 5<sup>th</sup>. Also, he makes note of a house fire at 2 Coles Mill Road a few weeks ago, and what makes this notable is that 41 Carver FFs responded and there were no injuries to the occupants or FFs.
8. EMS – The Chief notes that they, too, have new candidate recruits in the hiring process right now. After their training, they will join the force as paramedics or EMTs.
9. Back here in the Town Hall, the clerk has been extremely busy doing all the duties incumbent upon that office, including the annual census and dog licensing. Cara mentioned that two weeks ago they had well over 650 dog licenses given out thus far.
10. I.T. Town Hall and EMS Wi-Fi access points are being upgraded to support more devices and faster Wi-Fi.; and the library is undergoing significant network upgrades to connect them to the town – school fiber network
11. Operations and Maintenance: The staff under Dave Siedentopf and John Woods did a fantastic job weathering the storm, so to speak, with a great assist of public safety departments. They also report that there has been a substantial completion of the town hall high efficiency lighting. This conference room is on the list to be completed.
12. The Board of Health agent notes that the water main tie ins have started on Plymouth St, Hines Ave, and Capt. Perkins Drive, and it affects 21 homes. Also, last week, the BOH placed a mask recommendation at town hall to try to stem the tide of infections since Christmas spike.
13. Finally, the staff in the Town Administrator's office – Elaine, Shelby, and Nancy, along with each member of the Select Board, have been generous with their time and advice and guidance as I

took on the duties of Town Administrator, and I want to publicly thank each one. It has made the transition that much smoother for the town!

**Next Meeting:** 2/15/22 at 6:00pm & a meeting is being added on 2/22/22

**Minutes:**

Motion to approve minutes of 1/18/22 by Belbin, second by Bogart.

Vote 3-0-2 (Hewins & Hoffman abstain)

Motion to approve Executive Session minutes of 1/11/22 and not for release by Hewins, second by Hoffman.

Vote 5-0

**Request for MS Bike Ride:** Cape Cod Getaway, June 25-26

Motion to approve by Belbin, second by Hewins.

Vote 5-0

Townsend recused himself from the following license request:

**One day special license:** Friends of Council on Aging rescheduling request for one day special license originally approved on 12/21/21 scheduled for 2/5/22 to change to 5/14/22.

Motion to approve by Bogart, second by Hoffman.

Vote 3-1 (Belbin)

Belbin requested to see a copy of the insurance policy for the event.

**Select Board notes:** None

**Select Board Community Announcements:**

Bogart: None

Belbin: Thanked Town emergency services during the storm last weekend. Welcomed the new Interim Town Planner. Thanked Town Management employees.

Hoffman: Thanked all workers during the storm and it is appreciated. The roads were passable. Asked all to keep Shane McColgan in your thoughts and prayers.

Hewins: Commended the Operations & Maintenance for the hard work on the town during the storm and is thinking of Shane.

Townsend: Thanked all Town Officials for working so well together during the storm and asked all to keep Shane in their thoughts. Thanked Eversource workers for their work during the storm.

Motion to adjourn by Hoffman at 9:25pm, second by Hewins.

Vote 5-0