

**Carver Select Board
Meeting Minutes
Carver Police Station Training Room
March 15, 2022 – 5:30pm**

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.

Townsend thanked the Chief of Police and the Police Department for the use of the training room this evening.

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

Citizens Participation: None

Mitigation Agreement for the North Carver Development project: Fire Chief Craig Weston, EMS Chief Michael Ryan and Chief of Police Marc Duphily presented the agreement.

Chief Weston stated the Public Safety Chiefs developed and negotiated the agreement. It has been extensively researched and found that the town of Kingston received approximately \$200,000 towards an aerial ladder truck, and \$0 for their Police Department from the developers of their new Amazon facility and the town of North Andover received approximately \$350,000 in mitigation towards fire equipment for their 3.5 million square foot Amazon facility. The Town of Carver mitigation agreement is for almost \$7 million dollars, not including the costs associated with developing over 1 million gallons of fire suppression water and substantial increases to the buildings fire detection and suppression capabilities exceeding NFPA requirements. All equipment and apparatus will be the property of the Town of Carver, not the property of Hillwood. The agreement has a 10% escalation clause for the cost of the apparatus for inflation. Payments from Hillwood will revolve around the building permitting issuance, which will give Public Safety time to order, receive and train on the equipment. The money will be put into a mitigation fund and can only be used for what is outlined in the agreement. The agreement has no impact on the tax revenue or tax agreements. This agreement gives Hillwood zero preferential treatment on the issuance of permits.

Weston stated that if the height agreement is approved at Town Meeting, the agreement is in effect, if the height is approved at 40', the agreement is in effect. If the height of 40' remains and Hillwood does not move forward with development, then the agreement is not in effect and the cost of mitigation lies solely on the taxpayers of the Town.

Townsend thanked the Public Safety Chiefs for their detailed work on the agreement.

Belbin agreed with Townsend and asked about the UTV outlined in the agreement. Weston stated the vehicle could move command staff and equipment quickly back and forth if needed.

Hoffman asked if the height stays the same, and it stays as a Hillwood project, will the agreement stay in place. Weston stated that as long as the project remains with Hillwood, the agreement will remain in place, including a ladder truck, which is needed for reach, not height.

Hewins agreed with Townsend and thanked the Chiefs. She stated that voting to approve the mitigation agreement is not the same as approving an article at Town Meeting.

Bogart stated the Fire needs are met long term and asked where the 3-year salary came from.

Chief Duphily stated that additional staff is needed in the beginning until the Town determines what the actual needs are for the facility. Duphily stated he wanted to be reasonable and not exceed what was needed for the Town. Chief Ryan stated he does not know what the impact is going to be, and they need to be sure they have the ability to respond to additional calls along with the regular calls throughout Town. They do not want to deplete the Ambulance Reserve Fund.

Bogart pointed out that any costs associated with the to-be-created positions will have to be absorbed by the town after the 3 years, whatever the tax revenue from the project is, there is already something it needs to be spent on, as a direct results of the project.

Weston stated that Hillwood has been more than fair, transparent and reputable to work with and this type of agreement probably won't be found anywhere else. The tax revenue that comes in from this project has to be spent wisely such as reserve funds, public safety funds, etc., and to make sure the funds don't go where they shouldn't go.

Bogart questioned the title of the document as a 'Community Benefits Agreement' instead of a Public Safety Mitigation Agreement. She stated this agreement does not meet the qualifications of a community benefits agreements. She is afraid that if the need comes up for one, that Hillwood will say that one already exists. Fennessy stated that legally there are concerns with using the words 'mitigation agreement' and Town Counsel recommended the title. Bogart stated she is concerned that using this title could come back to haunt the Town and asked what other wording could be used in the title. Fennessy stated that this is a benefit for Public Safety, not all citizens, and stated we are at a point that it should be voted on. Fennessy stated that anything that helps the community is a community benefits agreement and this agreement does that. He can look into the name change, but is hopeful that the Board will vote for this today.

Motion by Belbin to approve the Community Benefits Agreement, second by Hewins.

Bogart stated she is not disputing the value in the agreement, just the name of it.

Vote 5-0

5 minute recess at 6:00pm

Swearing-in of Fire Department Officers:

Fire Chief Craig Weston led the ceremony: He called each officer forward who has been elected for 3 years to be sworn in by Town Clerk Dahill and pinned by their families. Each of these officers were elected in 2021 and a ceremony was unable to be held due to Covid. Weston outlined the accomplishments of each of the officers.

Lieutenant Adam Flood has been a member of the Carver Fire Department since April of 2017 and previously served as Call Firefighter for the Hanover Fire Department for 7 years. Weston thanked Adam for his 12 years of Public Safety service and officially recognized him as Lieutenant of Company 1, Center Carver District. As a Lieutenant of Station 1, Adam works alongside Captain Eric Weston and Lieutenant Robert Middendorf in managing 29 Firefighters. Adam has successfully become certified to the Level of Firefighter I/II, Fire Instructor I, Fire Officer I, Fire Officer II, and Hazmat OLR by the Massachusetts Fire Academy. Adam is also a member of the Carver Fire Dive Team.

Lieutenant Mark Durling has been a member of the Carver Fire Department since 2003, providing 19 years of dedicated service to the community. Weston thanked Mark for his service and officially recognized him as Lieutenant of Company 2, North Carver District. As a Lieutenant of Company 2, Mark will be working alongside Captain Bill Froehlich and Lieutenant Chris Mahoney. Mark has successfully become certified to the Level of Firefighter I/II, Fire Officer I, Fire Officer II, Fire Instructor I, Basic Fire Investigator among many more certifications by the Massachusetts Fire Academy. Mark also serves as Career Paramedic & Fire Lieutenant with the Hingham Fire Department. Mark has recently been hired by the Massachusetts Fire Academy working as a Certified Fire Instructor. Mark has been an instrumental member of the Carver Fire Department Dive Team, certified as a PADI Dive Master, and quickly earning the reputation of a first-class fire instructor, both here in Carver and across the state. Weston stated he would be remorseful if he didn't mention Mark's wife, Kris Durling who has also been a very high achieving member of the Carver Fire Department for 18 years.

Lieutenant Chris Mahoney has been a member of the Carver Fire Department since 1989, providing 33 years of dedicated service to the community. Weston thanked Chris for his service and officially recognized him as Lieutenant of Company 2, North Carver District. As a Lieutenant of Company 2, Chris will be working alongside Captain Bill Froehlich and Lieutenant Mark Durling. Chris has successfully become certified to the Level of Firefighter I/II, and Fire Instructor I, by the Massachusetts Fire Academy. Chris also serves as Plymouth County Special Police Officer, a Carver Public Safety and Fire Dispatcher and a member of the Carver Fire Dive Team. Chris recently was awarded the Medal of Valor through the Department of Fire Services for his heroism displayed on July 19, 2020, at a Structure Fire on Forest Street where he and fellow firefighters rescued a woman from the 2nd floor of her burning home.

Health & Safety Officer Adam Lauzon has been a member of the Carver Fire Department since April of 2011, dedicating 11 years of service to the community. Weston thanked Adam for his

service and officially recognized him as the Health and Safety Officer for the entire Carver Fire Department. Adam is now in charge of the safety and welfare of 85 fellow brothers and sisters of the Carver Fire Department. Adam is replacing recently retired Health and Safety Officer, Bob Telless who served the department for 50 years. Weston stated that those are very big shoes to fill and Adam has hit the ground running. Along with Adam's duties as our designated Health and Safety Officer, Adam remains a Firefighter for Company 2, North District. This means that Adam changes hats and operates as health and safety as fire incidents dictate. Adam has successfully become certified to the Level of Firefighter I/II, Fire Instructor I, Fire Officer I, Incident Safety Officer, Wildland Firefighter, Airport Crash Rescue and Pump Operator by the Massachusetts Fire Academy. Adam is also an EMT and a Public Safety Diver with our CFD Dive Team.

Along with Adam's dedicated Fire service to our community, Adam served 12 years in the United States Army, deployed to Iraq in 2006 and is currently working as a Career Firefighter at Joint Base Cape Cod for the last 2 ½ years.

Dive Master Alex Morena has been a member of the Carver Fire Department since 2017, providing 5 years of dedicated service to the community and served 10 years as an On-Call Firefighter for the Norwell Department. Weston thanked Alex for his service and officially recognized him as the Dive Master of the Carver Fire Department. Along with Alex's dive team duties as the Divemaster, Alex is assigned to Company 2, North District as a Firefighter. Weston stated that Alex has passion for diving and is proud to officially recognize him as the Divemaster. As the Divemaster, Alex will be working alongside Assistant Divemaster Nina Logan managing a Dive Team of 12 Divers and 6 support personnel. Alex has successfully become certified to the level of Firefighter I/II through the Department of Fire Services and as Master Public Safety Diver through the PADI certification process.

Assistant Dive Master Nina Logan has been a member of the Carver Fire Department since 2015, providing 7 years of dedicated service to the community and 5 years of Service to Carver EMS, now as a licensed Paramedic. Along with Nina's dive team duties as the Assistant Divemaster, Nina is assigned to Company 3, South District as a Firefighter. Weston stated that Nina has a passion for diving and has earned the reputation as being a first class instructor within the department. Weston officially recognized Nina as the Assistant Dive Master. As the Assistant Dive Master, Nina will be working alongside Divemaster Alex Morena, managing a Dive Team of 12 Divers and 6 support personnel. Nina has successfully become certified to the level of Firefighter I/II through the Department of Fire Services and Advanced Public Safety Diver, Rescue and Dry Suit Diver and Divemaster through the PADI certification process.

5 minutes recess at 6:25pm

Joint meeting with Finance Committee:

Finance Committee members present: Chair Alan Germain, Vice-Chair Adam Holmes, Ronald Clarke, Walter Cole, Bill Cullum, Anthony Macrina, Patrick Meagher & Elizabeth Sulger.

Town Meeting Articles:

Supplemental Appropriations for Fiscal Year 2022: Fennessy stated this article is not needed right now. There are currently no items in the article and it could be needed so it will remain as a placeholder for now.

Motion by Hewins, second by Belbin to put the article on the warrant.

Vote 5-0

Allocations of Funds from 2022 Free Cash:

Motion by Belbin to put the article on the warrant, second by Hewins.

Vote 5-0

Finance Committee discussion:

Motion to present article 3 by Clarke, second by Holmes.

Holmes is looking for clarification on the total amount, Sulger questioned confirmation on the article. There are also questions on the landfill monitoring as well as the amount allocated for North Carver Water District.

Capital Maintenance is for repairs and maintenance to current capital.

Motion to table article by Clarke, second by Holmes.

Vote 8-0

Select Board discussion:

Motion to put the article on the warrant by Belbin, second by Hewins.

Vote 5-0

Motion to table discussion and recommendation on the article by Hewins, second by Hoffman.

Vote 5-0

FY 2023 Operating Budget and Enterprise Funds, Funding for OPEB Trust and Stabilization Funds:

Germain stated that Health Insurance is coming in 3% lower than expected. It was budgeted at 5%. It is uncertain if the number reflected is reduced.

Motion to put Article 4 on the warrant by Hewins, second by Belbin

Vote 5-0

Hewins commended Fennessy and Moquin for upgrading the positions in the Veteran's and Council on Aging Departments.

Germain stated this budget was presented to the Finance Committee by the Departments, Fennessy and Moquin.

Motion to recommend Article #4 by Clarke, second by Sulger.

Vote 8-0

Motion by Belbin to recommend Article #4 Part A & Part B, second by Hewins.

Vote 5-0

Capital Improvement Budget:

Motion to put Article #5 on the warrant by Hewins, second by Belbin.

Vote 5-0

Motion to table by Belbin, second by Hewins.

Vote 5-0

Motion to table by Clarke, second by Sulger.

Vote 8-0

Community Preservation Committee:

Motion by Hewins to put the article on the warrant, second by Hoffman.

Vote 5-0

Motion to table article by Holmes, second by Clarke.

Vote 8-0

Motion to table article by Hewins, second by Hoffman.

Vote 5-0

Finance Committee Bylaw:

Germain stated this bylaw needs to be cleaned up. He stated you need to be a registered voter, not just a resident, to be a member of the Finance Committee.

The Finance Committee is an advisory committee and Germain is not in agreement with the suggested wording of section 4.3.7 in which it states you cannot be a member if a family member has a financial interest in town. This would eliminate Sulger from the committee. She

does not vote on the budget, even though there is no direct financial interest for a Call Fire Fighter.

Germain stated the suggested wording attacks volunteerism. The committee has always self-policed. Former member Kate Bandzul did not vote on the EMS budget. Himself and several other members sit on other committees.

Clarke stated that the opinion from Town Counsel is that 'officer' means anyone sitting on a Board or Committee. This could mean that spouses cannot each be on another committee. Hewins said that her understanding is that this does not affect spouses on other committees—it only means if you are on the Finance Committee, you can't be on another board or committee or commission.

There was discussion on what qualifies for serving on other Boards and Committees. The current language is ambiguous. There are other committees that were not established by state statute. The intent is not clear.

Townsend stated that when he was on the Finance Committee, it was understood that you could not serve on another Committee. He stated the language should be clear and concise. There are also references to the Council on Aging in the bylaw which could be a typo.

Germain stated if you get a stipend, then you are a Town employee.

Belbin stated that a Finance Committee member must be a carver resident, cannot be a family member or member of a household. Town employees cannot be on the Finance Committee due to financial benefit. Rational of who and who cannot be on the Finance Committee per Town Counsel opinion.

Holmes agreed with Belbin that counsel stated about committees formed by state statute. Other adhoc committees and some committees have budgets.

Belbin asked if it would be better to pull the article. Townsend agreed that Town Counsel should be involved as well. Hewins suggested we have a date when both Fin Comm and Select Board can meet together with Town Counsel to review the bylaw.

Motion to withdraw Article 27 from the warrant by Belbin, second by Hewins.

The goal is to look at this bylaw prior to the next Town Meeting.

Vote 5-0

Next Finance Committee meeting: March 28 at 6:30

Motion to adjourn Finance Committee meeting at 7:11pm by Clarke, second by Sulger.

Vote 8-0

5 minute break at 7:12pm

Collective Bargaining:

Motion by Hewins to put Article 8 on the warrant, second by Hoffman.

There is no further information available for the article.

Vote 5-0

Town Administrator By Law:

Motion by Hewins to recommend the Town Administrator Bylaw change, second by Hoffman.

Hewins asked Fennessy his opinion as having worked on the bylaw in his own town. Fennessy stated being appointed to, for example, a Board of Directors somewhere, is not within the municipality, as long as it does not interfere with their duties as Town Administrator. That wording has been corrected.

Belbin stated that the point of the bylaw is to have the Town Administrator available 24/7 for the needs of the town. Hewins stated this bylaw does not limit the person from having their own life and what they do in their own personal time.. Belbin stated the amount a Town Administrator is being paid is enough to live on.

Hoffman is concerned that the bylaw could be considered too restrictive and potential applicants may not apply if they feel that way. Fennessy stated many towns have restrictions and he stated there is enough leeway in the proposed bylaw to do other things on their own time. They are not going to be doing Town Administrator duties 24/7.

Hewins stated the main restriction is that they are to be doing things only outside of their full-time town hall hours.

Townsend has concerns and was happy with the former language. He stated the language gave the Board the right to approve or disapprove something. The previous language left the decision up to the current Board. Townsend stated you cannot anticipate everything that could possibly happen.

Belbin stated these changes happen because of things that happened that people don't like. The wording stricken in section 3.3.3.4 is important.

Hoffman questioned if approving, are all sections being approved. Townsend stated yes. Hoffman asked if each section can be broken down to be voted on.

Section 3.1.1.1

Motion to approve by Hewins, second by Belbin.

Vote 5-0

Section 3.1.1.2

Motion to approve by Hewins, second by Hoffman.

Vote 4-1 (Belbin)

Section 3.3.1.4

Motion to approve by Hewins, second by Hoffman.

Vote 5-0

Section 3.3.3.4

Motion to approve by Hewins, second by Belbin.

Vote 3-2 (Townsend, Hoffman)

Next Meeting: 4/5/2022

Minutes of 3/1/22:

Motion to approve minutes of 3/1/2022 as amended by Belbin, second by Hoffman.

Vote 5-0

Select Board Community Announcements:

Belbin: Keep Ukraine & service men and women in your thoughts and prayers and stated the U.S should be doing more to help them. There is new legal counsel for the Disposal District.

Bogart: None

Hoffman: Reminded everyone to think of Shane as he battles cancer.

Hewins: Echoed Hoffman to keep Shane in your thoughts.

Townsend: Congratulated the Fire Officers sworn-in tonight and thanked them for their service. He also reminded all to keep Shane in your thoughts.

Motion to adjourn by Hoffman at 7:45pm, second by Belbin.

Vote 5-0