

**Carver Select Board  
Meeting Minutes  
Town Hall  
May 24, 2022 - 5:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Jen Bogart, John Cotter & Jim Hoffman, Interim Town Administrator Robert Fennessy, Assistant Town Administrator Elaine Weston and Town Counsel Gregg Corbo.

Motion to go into Executive Session pursuant to MGL 30A §21(a)(3), to discuss litigation strategy with respect to all pending and potential litigation, if discussing the matters in open session will have a detrimental effect on the Town's litigating position and the chair so declares, including the following pending matters: Town v. Vanoss, Southeast Housing Court; Frustaci v. Town Clerk, Plymouth Probate Court; Cara Flaherty v. Police Chief, Wareham District Court; Save the Pine Barrens v. Zoning Board of Appeal, Plymouth Superior Court; Jenness v. Conservation Commission, Plymouth Superior Court; Ironwood Renewables v. Planning Board, Land Court; Beard v. Earth Removal Committee, Plymouth Superior Court; and to return to open session by Hewins, second by Hoffman.

Roll call: Affirmative: Cotter, Bogart, Townsend, Hewins, Hoffman

Motion to adjourn Executive Session at 5:41pm and go into open session by Hewins second by Hoffman.

Roll call: Affirmative: Cotter, Bogart, Townsend, Hoffman, Hewins

Open Session:

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

**Citizens Participation:** Donna Forand stated she has had the opportunity to work with three Town Administrators and is impressed with the professionalism of Robert Fennessy and is pleased with what he has done with the Council on Aging.

**Discussion and possible vote on hiring of a Town Administrator & designation of a subcommittee for the purpose of negotiating a contract with the Town Administrator:**

Applicant Michael McGovern was a finalist in Raynham and he has withdrawn his name from consideration in Raynham.

Hewins stated she has been through this process several times and she thinks the finances would be fine with all three candidates. She would like to see someone who could provide stability and that person is Bob Fennessy.

Cotter thanked the Screening Committee for their efforts in this process. Cotter stated he looked at various categories such as administrative and financial strengths. He thinks they will all do well. Cotter was impressed with Fennessy through three days of Town Meeting along with a new voting system.

Bogart saw good in everyone and has put thought into this. Bogart stated she has concerns about two of the candidates. When one candidate was asked how long it would take to get back to residents, she was not happy with the response of three weeks. With another candidate, she felt the experience was too heavy in economic development and would like to see Fennessy as the Town Administrator.

Townsend was happy with the three candidates and resonated with Bogart's comment on the response time. Having worked closely with Fennessy over the last few months, he has witnessed several things that have impressed him. Townsend was also impressed at the way he took the time to get up to speed immediately on the North Carver Development project.

Hoffman thanked the Town Administrator Screening Committee and was also not happy with the response of getting back to residents timely. Hoffman stated in the less than six months that Fennessy has been here, morale has been improved in the Town Hall. Townsend is impressed with Fennessy's work on the budget along with the Finance Director Sue Moquin.

Motion by Hewins to offer a conditional offer of employment to Robert Fennessy, Jr. for the position of Town Administrator conditional upon the successful negotiation of a contract, second by Bogart.

Vote 5-0

Motion by Townsend to form a committee consisting of Hewins and Hoffman to negotiate an employment contract with Fennessy, second by Cotter.

Vote 5-0

**Acceptance of gift from A.D. Makepeace:** Police Chief Marc Duphily and Officer Jeremy Farquharson present for the acceptance of a grant in the amount of \$26,697 for two ATV's for the Police Department. This will allow the department to patrol wooded areas to respond to illegal ATV riding. A survey was done of surrounding towns and how they do this. A trailer to store the ATV's is also provided so they can remain charged. The SEMLAC team can also use the vehicles to search for missing persons. This grant was initiated by Officer Farquharson responding to a call for A.D. Makepeace and the person questioned why the department didn't have the capability of using an ATV and referred him to the grant.

Hewins thanked Farquharson and noted that there is a lot of illegal riding on the Cole Property. Chief Duphily stated this patrol would need to be run on overtime, not a regular everyday patrol due to budget constraints.

Bogart asked how much the safety equipment that goes along with it would be. Duphily stated it is minimal and does not have an amount at this time. Training will be offered by the environmental police which is free.

Motion by Hewins to accept the grant from A.D. Makepeace, second by Hoffman.

Vote 4-0-1 (Bogart abstain)

**Pole Hearing: Wareham Street:** Eversource is requesting 8 new poles for 11 new homes on Wareham Street. Karen Johnson from Eversource present.

Bogart observed that based on the plan, they correspond with the subdivision plan that is on the Planning Board agenda for tonight which has been postponed. Hewins stated they are Form A lots which cannot be turned down by the Planned Board. Bogart is concerned that if the poles are approved, the poles will be put in, something will happen, and the subdivision may not be approved.

Hoffman asked if it could be voted pending Planning Board approval. Bogart stated she would like to see it tabled or with a conditional approval.

Bogart is concerned that poles may go up anyway and would like a surety. Johnson stated she would note that the approval has been postponed until June.

Hewins stated that Johnson should also note that Wareham Street is a scenic road and tree cutting and removal needs to be approved by the Tree Warden & the Planning Board via a public hearing (MGL ch. 40 §15C).

Bogart asked if a site walk is necessary. Hewins stated that the Town Planner would know.

Motion by Hewins to approve the poles, second by Townsend.

Motion by Bogart to amend the motion to add the poles that are necessary to provide electricity on Wareham Street in Carver.

Townsend stated that specificity is not needed as it is listed.

Motion by Hoffman to amend the motion for the approval to be contingent on the Planning Board approval of the preliminary subdivision plan.

Hewins rescinded her motion.

Motion by Hoffman to approve the pole request contingent upon the Planning Board approval of the preliminary subdivision plan, second by Cotter.

Vote 4-1 (Bogart)

**Next Meeting:** 6/7/2022

Minutes:

Motion to approve Minutes of May 3, 2022, by Hewins second by Hoffman.

Vote 5-0

Motion to approve and release Executive Session minutes of April 8, 2022, by Bogart second by Hewins.

Vote: 3-0-2 (Cotter & Hoffman abstain)

**Request for One Day Special License: St. John's Club**

Motion to approve a One Day Special License for St. John's Club for June 23 & 24 from noon-11:00pm by Hewins second by Cotter.

Vote 5-0

**Select Board notes:**

**Select Board Community Announcements:**

Hoffman: None

Hewins: Memorial Day Parade is Monday, May 30<sup>th</sup> at 9:30am starting at the Sons of Veteran's Hall

Cotter: The 2<sup>nd</sup> annual Jack Quindly Cornhole Tournament is June 11th

Bogart: The Town-wide Yard Sale is June 25 from 9-2. Registration is open- go to [carverma.gov](http://carverma.gov)

Townsend: Planning Board is still accepting applications for a Planning Board Alternate until May 31. Eversource is holding a webinar for assistance with paying for electric bills. Info. is available at [Eversource.com/billhealth](http://Eversource.com/billhealth) or call 866-861-6225

5-minute recess at 6:28pm

**Public Hearing: Little Red Smokehouse on revoking of license:**

Townsend read the hearing notice sent to Chris Vogel, South Main Management Corp. dba Little Red Smokehouse:

This letter is to inform you that the Select Board voted unanimously at their meeting held on May 3, 2022 to hold a hearing in regards to the revocation of your licenses for South Main Management Corp. d/b/a Little Red Smokehouse located at 145 South Main Street, Carver, MA. The details on this are as follows:

Public hearing to be held on Tuesday, May 24, 2022, at 6:30pm at the Carver Town Hall, 108 Main Street, Carver, MA, Meeting Room #1 located on the second floor.

The Select Board will be discussing and voting on the revocation of the following:

All Alcoholic Beverage License #00035-RS-0174, Carver Liquor License #4

Violations: Non-payment of license, Non-renewal of Liquor Liability Insurance

Common Vicutaller License

Violations: Non-payment of license.

The Town made the following attempts to contact you in regards to these licenses which include phone messages on December 2, 9, 20 & 28, 2021, a letter dated March 30, 2022, a letter dated April 15, 2022 and an email dated April 29, 2022. The Town has not received a response from you to date.

Townsend addressed the public for anyone wishing to speak on the matter: No parties present representing Vogel and no members of the public present to speak on the matter.

Corbo gave the Board the following background for the record:

- Prior to December 31, 2021, South Main Management Corp., d/b/a Little Red Smokehouse held a license to sell alcoholic beverages on the premises and a common victualler license for its business at 2145 South Main Street;
- On or about November 3, 2021, the owner submitted an application for renewal of the licenses;
- The application was incomplete because it was not accompanied by the required fees;
- The owner's liquor liability insurance policy expired on March 15, 2022 and no renewal policy has been submitted to the Board;
- The business appears to be closed to the public;
- The Town has made several attempts to contact the owner about renewing the licenses with no response;
- The owner did not appear at this hearing, renew the licenses or present a plan for the future;
- Therefore it is open to the Board to find that the owner does not plan to continue the licensed business.

Corbo stated that the owner has a responsibility to continuously maintain its licenses and insurance.

Motion by Hewins that the Board vote to find that the license to sell alcoholic beverages on the premises and the common victualler license issued to South Main Management Corp., d/b/a Little Red Smokehouse for the 2021 calendar year have expired and have not been timely renewed for the 2022 calendar year; that the Board order that said licenses are cancelled; and that the Board adopt the following findings in support of its decision- these findings were stated by Corbo and are in the record as written above, The Board therefore finds that the Owner does not plan to continue the licensed business, second by Hoffman.

Vote 5-0

Motion to adjourn by Hoffman at 6:39pm, second by Cotter.

Vote 5-0