



Meeting Minutes for November 1, 2022, at 6:30 PM,

This meeting was held in person, in meeting room #4 at the Carver Town Hall

This meeting is being videotaped and rebroadcast by Area 58 TV.

Attendees: Sharon Clarke, Chairman; Savery Moore, Vice Chairman; Patrick Meagher, Treasurer; Roger Noblett, Member

Also in attendance:

Absent: Johanna Leighton, Member

Meeting opened by Ms. Clarke at 6:40 PM

Discussion and possible vote(s):

- Rte. 44 Project update -
 - Update on DHCD - Ms. Clarke – Savery and I had a discussion with Maggie Schmidt from the DHCD. We reviewed the draft amendment. Everything looks in order; we just need to make a final copy. We cleared the Attorney General's office, regarding the bylaws. We are just waiting out the 90-day appeal period which is over around December 14th. Mr. Moore – Maggie had some good suggestions for making things clearer. John Smolak, Attorney for Hillwood, was in agreement. Ms. Clarke – I did let John know that we were having our meeting tonight. The one thing that I didn't have was the plan for the Business Park Road (the new cut through). Did we formally take that as a road? Mr. Moore – The Town would have that. The Selectboard made that a public way. Ms. Clarke – Maggie would like a plan of that. Mr. Moore – John Woods has that. Ms. Clarke – Maggie also needed clarification on the eminent domain parcel. Assessors gave it a number in case we needed it. We just need to get back with John and make it more formal. The objective is to make sure that these by-law changes kept it within the framework of minor modifications and didn't change the scope of project or the intent. Mr. Moore – We should ask John to do that as soon as possible. They will probably want the actual letter; not the draft to go out so that the decision from DHCD is somewhere near the end of the appeal period. Ms. Clarke – I will reach out to John tomorrow.
 - Eminent Domain Taking/Deed – Ms. Clarke – I sent you all a copy of Rte. 44 letter to convey. Kathleen O'Donnell and their attorney reviewed it and okayed it. Rte. 44 was supposed to send a separate \$4000 check; did you receive it? Mr. Meagher – Not yet. They may have sent it to the Town. Back in July, we had a \$4000 check but that was just because we were low on funds. Nothing else has been received. Ms. Clarke – I will follow up with George tomorrow. I sent you all a copy of the deed, do we want to sign it tonight or wait for the \$4000 check? Mr. Meagher – We could sign it but not record it until the check comes in.

Motion to sign the deed for the eminent domain taking and recording it at the Registry, contingent on receiving the check from Rte. 44

Development: Mr. Moore

Second: Mr. Noblett

Approved: Unanimous (4-0)

Mr. Meagher – Who needs to sign? Ms. Clarke – We had a vote a couple of years ago that in order to expedite matters, if all are in agreement, only one needs to sign. I've asked Cara Dahill to prepare a formal certificate of vote, with our minutes. She will do that after the election is complete. Once the vote is on record at the registry, we will never need to change it. The next board may choose to change it with their own vote.

Ms. Clarke – Christine is here from Plympton. Do you have any questions? Christine – No, nothing is going on; I just wanted to stay up to date.

- 90 Forest Street – Ms. Clarke – It is sold, deed in on record. Johanna mentioned that she did return the tax checks to the assessors/tax collector. Out of the 175K we received, we returned \$39K on the taxes owed and then there were some proforma taxes being returned as well. Johanna did indicate that she feels there is a discrepancy between the balance of the funds and the settlement sheet. Mr. Meagher – I deposited a check for about \$126K +. Ms. Clarke – Yes, but I believe she feels that amount should have been \$135K +. I am not sure about it but Johanna will meet with Kathleen O'Donnell to figure it out. Mr. Meagher – Does she feel the other two checks are correct? Ms. Clarke – Yes, they are correct. Mr. Moore – What was the amount of the proforma? Ms. Clarke – There were two checks; I am not sure. Mr. Noblett – Shouldn't copies be made for us for the record? Mr. Moore – They should be. Mr. Meagher – Who did the spreadsheet? Ms. Clarke – It's on the Settlement Sheet? Mr. Meagher – Who created it? Ms. Clarke – Kathleen O'Donnell. Mr. Meagher – Then she should talk with Kathleen about it. Ms. Clarke – Yes, she will talk with her.
- Wade Street - Ms. Clarke – Savery and Johanna met with the Selectboard. Mr. Moore – We asked the Selectboard to make a decision whether they wanted to fulfill their obligation of taking that property from 10 years or they could reverse their decision from 10 years ago, putting the property back into the ownership of the Redevelopment Authority. I think after the discussion, it was clear that whatever the outcome was, that the intention was to give it to Conservation. The Selectboard just wanted to be assured that this is the path the Redevelopment Authority would take with the property. They wanted us to take a vote stating that we would be donating the land to Conservation. They will not make a decision until we have met with Conservation. Ms. Clarke – So we meet with them and then Conservation will make a decision. We would have to have it surveyed; I assume that would be an RDA responsibility. Mr. Moore – We talked earlier about the next Conservation Meeting being on November 16th. Johanna sent an email earlier this week to Sue Moquin, Finance Director, I was the only one copied on this email. The email was read into record.

Mr. Moore - We've done a little investigation on the Conservation Commission, for which I am Chair, unrelated to Wade Street. We were looking for funding to maintaining some of the other properties owned by the Conservation Commission in Carver. Through discovery, we have found that a portion of income that is derived from Permit Fees that Conservation gets from new projects is supposed to go into a special account just for use by Conservation, That has not happened. There is no money in a Conservation trust or any other Conservation fund. I know that we had talked about voting tonight. I assume we can vote to take the land which is what the Selectboard is looking for. The other part of this is the reimbursement for survey and other expenses. To my knowledge, there is no money to do that. What do we want to do as far as voting tonight?

Ms. Clarke – We have never formally voted to take it to Conservation. I will email and get on the Conservation agenda. Mr. Moore – So we can vote to make an offer to donate? Ms. Clarke – Yes, we cannot give it to someone who may not want to take it, so it needs to be an offer. I don't know how long it will take Conservation to make a decision but we don't go back before the Selectboard until we know the answer. Mr. Moore – I think you could probably make your presentation on the 16th. I think their decision will be contingent upon the monies available and if the RDA is insistent on reimbursement. Mr. Noblett – We have people that are infringing on that space. Ms. Clarke – We have people that we believe are encroaching. Mr. Noblett – So we need to do the survey first. Do we know how long that infringement has been there? We could go back and fine for that and use the money to help pay. Mr. Moore – I don't think we want to go down that road. The broader issue is there should be funding for maintenance for all Conservation properties in Carver. I would like to find out why what we expected to find in that fund is not there.

Mr. Moore - The Conservation Commission does have an acquisition fund, which is pretty robust. That is funded by land that is taken out of 61A and the difference in back taxes that the people have to pay goes into that acquisition fund. We have used that fund for land acquisitions and included items such as a survey expense. The question is whether the acquisition should come out of that or the Trust fund. First, we have to vote to offer to donate it and then do the survey. Mr. Moore – The Conservation would have to make the determination in saying the items associated with the property, such as surveys, are part of the acquisition. Acquisition means to acquire,

which I feel could be through donation. I feel that we could use that money to pay for at least the survey. That will be part of the conversation to have during the meeting on the 16th.

Mr. Noblett – Once surveyed and acquired, it would no longer be the responsibility of the RDA to follow up on the property encroachment? Mr. Moore – That is correct. This would involve a notice to the property owner with a timeline; then we can assign a fine, if that timeline is not met. Mr. Noblett – I thought we were supposed to invite them to defend their position? Ms. Clarke – Without a land survey, we don't have proof they went over the line. It is because of the possible encroachment that the survey is done. Does the Conservation Commission in your experience require new surveys of offered land? Mr. Moore – Only if there is a violation or question. Mr. Noblett – Outside of it being turned over to you, will the RDA have to deal with anything after? Ms. Clarke – I think that is a discussion with Conservation. Mr. Moore – Conservation has certain rules; it needs to be for passive recreation use, what is there is not that. It is in our by-laws that if there is a violation, we give them a warning and a certain amount of time to fix the violation. After that, we can impose a fine. My first hope would be to do it amicably.

Mr. Meagher – We are talking about funds for maintenance and property; we have budget season coming up so now is the time to address that. Mr. Moore – We are aware of that. We were under the assumption, based on history, that certain fees that were paid for permitting and given to Conservation were put into this fund. Recently, when we were looking for maintenance dollars for tree cutting on Lakeview Street, we asked the Finance Director how much money was in that account. We were told there was nothing in there, but we have not used any of that money. We don't know where it went. Mr. Meagher – Have you asked her to review that? Mr. Moore – This is all brand-new information. Mr. Germaine has asked but I don't have an update yet. There is a trail somewhere. Moving forward we need to make sure that money goes to where it is supposed to go.

Mr. Meagher – With all have good intentions, but we need to be aware when people on this committee are asking questions, outside of this committee, that those questions need to be through the Chair or the consensus of this Committee. Mr. Moore – I agree, Johanna's email to Sue Moquin should have been an agenda item tonight prior to her contacting Sue Moquin. I am assuming that I was the only one copied as I am the Chair of the Conservation.

Mr. Moore – So that is where we stand. We need to guarantee to the Selectboard that the RDA will offer to donate the property to Conservation. It makes the most sense as the deed is in our name.

Ms. Clarke – I see that Brian is here tonight. Brian, as an abutter, do you have any questions? Brian – No, I have nothing tonight.

Mr. Noblett – Some of the meetings that we had back in June-August, have not been approved for minutes? Ms. Clarke – All of the minutes have been approved except the two on tonight's agenda. Mr. Noblett – Does the Selectboard have concern about residents' feedback or do they feel it's fine. Mr. Moore – The only concern the Selectboard had was if they reversed their decision, the RDA would offer to donate to Conservation and not sell it to someone else. To assure them, we would do a vote, tonight, saying that the RDA will only offer to donate to Conservation. If Selectboard agrees, Kathleen said that they don't even have to officially "reverse" the decision as it has been so long. Ms. Clarke – I raised that as an issue because, if someone went through the records and discovered this paper trail, I wanted to make sure we didn't need a formal vote to rescind or if it was simply failure to act. Mr. Noblett – I just wanted to make sure the residents didn't have to do anything more. Mr. Moore – Brian and another resident were at the Selectboard Meeting and talked. Ms. Clarke – There wasn't a question as to holding a public hearing? Mr. Moore – No. Brian – The Selectboard felt this was the easiest course of action and also protecting the whole thing being reversed in some way. They were creating a conduit to making this a much easier transaction rather than lingering in their hands. Ms. Clarke – The Conservation Commission meeting will be held on 11/16/22.

*Motion to authorize a representative of the RDA to appear before the Conservation Commission to discuss offering the Wade Street parcel under the Care and auspices of the Conservation Commission: Mr. Noblett
Second: Mr. Meagher*

Discussion: As the Chair of Conservation, Mr. Moore will abstain from the vote. Ms. Clarke will attend the meeting and Mr. Moore will be in attendance as the Chair of the Conservation Commission.

Approved – 3-0-1 (Mr. Moore)

Treasurers Report:

Mr. Meagher - I emailed everyone.

Account Balances, September 30, 2022

- ⇒ Checking \$2785.99
- ⇒ Money Market - \$27121.13
- ⇒ Hillwood \$11002.84
- ⇒ URP \$3255.36

There are two outstanding checks in the amount of \$1875.00 We also have one deposit in the amount of \$126,707.29 for 90 Forest Street. Ms. Clarke – URP account doesn't include anything recent? Mr. Meagher – No it does not. The last activity from that account was back in August. Ms. Clarke – I will let George know tomorrow that we voted to sign the deed, pending receipt of funds for the consideration, recording fee and state stamps. I will sign it in front of Elaine and she will notarize it. I will get a check from Pat after that.

Topics not anticipated by the Chair, 48 hours in advance of the meeting:

Members Notes:

- Sharon Clarke –
- Savery Moore -
- Pat Meagher -
- Roger Noblett – Today I ran across a surveyor over in Lakeville. I wanted to offer him for consideration on any future services. Alan and Major Associates. I met with Mr. Phil Cordero. Ms. Clarke – When we needed a survey, we had to put that out for bid. Mr. Moore – We did, but the issue before was finding someone that was available, so having another option is good. This should go to Tom Bott as well.

Minutes:

Meeting - 8/23/22 and 9/20/22 -

*Motion to approve the minutes of 8/23/22, as written: Mr. Moore
Second: Mr. Noblett*

Discussion:

Approved: 3-0-1, Mr. Meagher

*Motion to approve the minutes of 9/20/22, as written: Mr. Moore
Second: Mr. Meagher*

Discussion:

Approved: Unanimous (4-0)

Next Meeting:

Carver Redevelopment Authority November 1, 2022,

Next Meeting will be held on November 29, 2022 at 6:30 PM

Adjournment:

Motion to adjourn at 7:31 PM: Mr. Moore

Second: Mr. Noble

Approved: Unanimous (4-0)

Exhibit(s)

- A. Email to Sue Moquin