



Meeting Minutes for June 24, 2021 at 6:00 PM, Carver Town Hall, Room 1.

The proceeding will be videotaped and rebroadcast by Area 58 TV.

Attendees: Sharon Clarke, Chairman; Savery Moore, Member; Johanna Leighton, Acting Treasurer; Patrick Meagher, Member

Also in attendance: Jim Walsh, Town Planner

Absent: Paul Kostas, Member

Meeting opened by Ms. Clarke at 6:05 PM

Ms. Clarke - With the permission of the authority, I will take some things out of order from the agenda. We will do the 90 Forest Street property first and then the Urban Renewal Plan.

Update on ongoing projects

1. 90 Forest Street –

Ms. Clarke – Jack Williams is with us tonight. Mr. Williams introduced himself. Mr. Williams – I have put in an offer for the property located at 90 Forest Street. I am here tonight to discuss it with the Board. Ms. Clarke – The RDA has been in charge of a small piece of property in North Carver, alternately known as 90 Forest Street and 0 Main Street. It is opposite Quickeez and we have been charged with selling that property. Mr. Williams expressed an interest and made an offer which we have accepted. Tonight we will discuss the P&S and any changes that might be needed in addition to some time tables. Mr. Williams – I need to get a building permit done; which will require getting some engineering done and a site plan review with the Planning Board. I am guessing that can be done within 6 months. I am looking to get the Purchase and Sales agreement signed next week and then start my planning and engineering and have my building permit before the end of the year. Ms. Clarke - If the Town is still in possession of the property, is there any liability to the Town if Mr. Williams does site work? Mr. Williams – We will have to do a perk test. My engineers are insured with Workers Comp and Liability. Mr. Lafond - Owned by the Town? Ms. Clarke – It is owned by the RDA. Mr. Lafond – So it's really not a "Town" liability. I would suggest that you get copies of their insurance policies, etc. Mr. Williams – I also have insurance. Ms. Clarke – I am not sure if you will need any permits? Mr. Williams – No, I will make an appointment with the Board of Health. He will inspect the site. Ms. Clarke – So, at the time of the P&S, you can provide us with proof of insurance and indemnification. Mr. Lafond – We would want your general liability insurance. Ms. Clarke – Would we want them to sign some type of waiver? Ms. Leighton – What is the expected time frame? Ms. Clarke – The P&S is contingent on getting the building permit. Once he gets the building permit, we can close. The ZBA variance expires at 6 months from signing the P&S. The Zoning Board said that the extension of the variance would take effect upon the signing of the P&S which would be good for 6 months.

Ms. Leighton – I have several questions. Where are we with the mix up on documents. I know Sharon is getting the paperwork settled. I just want to clarify that Mr. Williams would be working with the RDA on this purchase and not the Town of Carver. Ms. Clarke – Yes, I misspoke when I said, "Town owned." Mr. Lafond – The municipal sector could grant a license to use the property

under particular conditions. If that is available to the RDA, I think that would be appropriate. Ms. Clarke – Mr. Williams, I think we just want to make sure we cover our bases. We do have the paper trail that gives the RDA the control of this property, including the Town Meeting vote from 2015 that the treasurer/tax collector gave to the Board of Selectmen; then in August of 2015, there was a vote by the Board of Selectmen to give the property to the RDA. Jim is working with KP Law? Mr. Walsh – I was under the impression that Katie had filed that. I sent her an email and it seemed she had done that? It appears that we are not quite there yet. Ms. Clarke – I have not seen a copy of the deed drawn up and we also do not have the MOU. I sent her a copy of a deed from a previous property that the RDA sold a number of years ago. Ms. Leighton – So we are waiting on Katie Klein for the deed? So it can be recorded? I want to take ownership of the property in the proper way. We have all the proof; Katie just needs to draw it up and someone needs to record it on our behalf. Ms. Clarke – It can actually be recorded at the same time as the sale to Mr. Williams. Ms. Leighton – I wouldn't do that; I need to show ownership before I sign anything. Ms. Clarke – The deed has to be signed by the Board of Selectmen. The Board of Selectmen will sign it over to us. We will get the deed from Katie and bring it before the next Board of Selectmen meeting. After they sign it and we sign it, I will bring it right over the Registry of Deeds. Mr. Williams – I have a suggestion, to protect everyone, we sign an "Offer to Purchase Form". Ms. Leighton – I thought we already did that? Mr. Williams – I presented one but it wasn't signed. Mr. Walsh – There were some changes needed. Ms. Clarke – That was when we discovered the issues with the paper trail. Ms. Leighton – We should do that. I have a check for \$1000 that I would like you to void. Can you make it out for \$5000 as referenced on the agreement and make it out to the Town of Carver, with a notation of P&S for 90 Forest Street? They will hold onto it. Mr. Williams was in agreement. Ms. Clarke – We need to check to see if it goes to the Town of Carver or the RDA? Ms. Leighton – It says "the Town of Carver in the P&S. Why would it go to the RDA? Ms. Clarke – We technically own the property but the deed was lost. This was all done under Mr. Hunter and we have had two other Planners since then. We have the votes that say we own it but we don't have the deed that was signed by the Select Board. Ms. Leighton – Normally, a real estate agent would hold onto that; Katherine Klein wrote up the P&S. That check is going to be deposited into an account. The Town of Carver would deposit the check in a non-interest bearing account for a certain number of days. At the closing, it will be taken off and they would readjust it on the document. Ms. Clarke – I was not on this Board during previous sales. Ms. Leighton – We don't even touch anything at this point; the P&S also states that Mr. Williams will pay the back taxes. We really have to follow what this P&S states. Mr. Lafond – My concern is that the Town doesn't own the property; how does the Town transfer funds to the RDA? We need to research this. Ms. Leighton – Ms. Klein has been working this from the beginning; she knows what she has done. Ms. Clarke – Ms. Klein knows that this is tax title property. Her last deed of record is the tax lien foreclosure which is probably why she put the back taxes in.

Mr. LaFond – If you could provide me an outline of what you hope to achieve. Ms. Clarke – Yes, Mr. Williams expressed that he wanted to sign by the end of June. If we format our questions, I can meet with Jim/Rick. I want to clarify where the deposit check should go and who it should be made out to. We can also clarify the back taxes as well. Is there anything else Mr. Williams would like to add? Mr. Williams – No, that's fine. Ms. Clarke – The timeline? Mr. Williams – Yes, that's fine. Ms. Leighton – The 6 month time frame would be 12/24/21, which can be pushed down some? Mr. Williams – Correct.

Ms. Leighton – Sharon will research the deposit information. That check will be in the amount of \$5000.00. In the past, when I have done this, there are two things. Proof of deposit / funds? Mr. Williams – I can send you a bank statement. Ms. Leighton – Do we know what the back taxes are? Ms. Clarke – I am not positive; I believe it is somewhere around \$48K. Ms. Leighton – We need something from the tax collector, in writing, with the exact amount owed. We don't want to set up a separate nonbearing account so Sharon will verify what we need to do with that. Mr. Moore – If we were going through a real estate agent, who would the check be made out to? Mr. Williams – To the real estate agent, with the notation (memo) of property. They have escrow accounts set up. Mr. Moore – #14 states "All deposits shall be held by the treasurer of the Town of Carver, as the escrow agent. Mr. Williams – Yes, that would be normal. I wouldn't have a problem with that. Ms. Clarke – We just need to verify if it is the "Town of Carver".

Ms. Leighton – #25 Closing – At the attorney's office? Mr. Williams – We can adjust that when we get there "Location to be determined".

Ms. Leighton – Please note in these documents that "Johanna Leighton" is only the "Acting Treasurer". Ms. Clarke – We can take care of that.

Ms. Leighton – What about the Building Inspector; we are getting a new one. Mr. Walsh – We have the current one until the new one is on board. We don't have a timeframe yet. The position has been posted. Ms. Clarke – Building permit won't be for a while. Mr. Walsh - Site Plan Review is first; developer takes any necessary steps for getting the Building Permit. Ms. Leighton – Maybe Sharon should be on the hiring committee for the Building Inspector?

Ms. Clarke – We would like to have these questions clarified for who to make the check payable to? Closing location? We should have these answered and ready to sign by next week. Ms. Leighton – Also, Mr. Williams needs to provide proof of funds. Mr. Moore – What about proof of ownership? Ms. Clarke – We will sign the P&S based on the votes and attach them to that. Mr. Moore noted that the Select Board will be meeting on July 6.

Ms. Leighton – Under #2 title deed – written notice? Mr. Williams – Is the P&S your written notice? Ms. Leighton – We don't know. Mr. Walsh – We will need and MOU for the Select Board. Ms. Clarke – I will research prior ones and look for any changes we may need. I will get everything out in the next day or so. July 6 will hopefully be when we meet with the Select Board. Any questions? None heard.

2. Urban Renewal Plan – Ms. Clarke – Savery, Jim and I were part of the Site Walk on Saturday. Johanna and Pat are going to go this Saturday at 9:00. George gave us the walk through. I was impressed. It felt good to be able to picture things; how far away it was, etc. I was happy with the walk through. Eric Mueller, Board of Health; Bruce Maki, Connie Shea and Ellen Sordillo, Planning Board; Jim Walsh, Town Planner and Pete Dion (Delhomme) were there as well. George will not be there this weekend; you will have Bob. There is some talk about scheduling a date for the public and how to get that information out to the public. Maybe a video tour on Area 58. Mr. Walsh – Maybe a drone? Ms. Clarke – Maybe put it all together in August to run in September. Mr. Walsh – Kathy from the Carver Report is here tonight and she was wondering if she could attend the site walk on Saturday. Ms. Clarke – I don't see why not. It's at 9:00. I believe Mr. LaFond and the Fire Department will be going. Mr. Moore – Chief Duphily will also be going. I will be going again this Saturday. Mr. Walsh – I did not hear back from Mr. Gaskey or Mr. Dion from the Planning Board.

Mr. Walsh – We met with the owner of Advanced Acquisitions in Carver. Mr. Rich requested a private conversation and was requesting some consideration in the future (no specifics). His site has more land behind it and over by Dunkin Donuts there is also an area. His other concern was an easement area that he would be willing to do, but only temporary. I spoke with Wayne Amico, Engineer. Part of the plan was to add a water connection to the property; which would be his compensation. That would give him a dead end road that would give space for tractor trailer to pull up and additional landscaping. There would be an extra water connection that would be made available. Mr. Rich does not want that connection. Wayne will redesign so that they will not need a permanent easement. Wayne sent me that information that I will send to Mr. Rich. Ms. Leighton – How did Pat make out with procurement? Mr. Meagher – We got a legal opinion on it. The RDA does have to come under chapter 30B procurement. However, it doesn't necessarily mean it has to be a formal bid process. My question was, "Does the RDA have to follow the 30B Procurement Law when the funds are not Town funds?" The answer to that was yes. However, if the funds are gifted appropriately the formalized bidding process does not need to take place. This would have to be defined. If we were to look for consultants than you could do so on a more informal basis rather than a formal bid process. The key to the this is that this amount of money is defined as a gift which seems like an easy procedure. Ms. Clarke – Is this common? If we hire a consultant that Hillwood is paying for that? The amount of money they give us to do that is a gift? Mr. Meagher – The details would need to be worked out but is a simple process. Ms. Clarke – Is it a dedicated gift? Mr. Meagher – Yes, it would be to do something specific. It precludes the RDA from going through the 30B bid process. Ms. Leighton – When the bids come in, we can take the one you want, right? Mr. Meagher – No. Low bid issues are usually due to specs being written improperly. If you opened up the bidding, it would require you to offer the contract to the vendor that meets or exceeds your specifications, at the lowest prices. The key is the specifications; they need to be written well. Ms. Leighton – During a previous project, they alternated some of the material and it was tossed out. I like the gift idea better. Mr. Meagher – But that doesn't mean you will get a better result. You need to define the criteria that the consultant is supposed to meet. But you can also negotiate; in 30B you can't. Mr. Moore – Who did you speak to? Mr. Meagher – Rick spoke with the attorney's office. Mr. Moore – Why can't we tell Hillwood who to hire, with the specification that the

consultant will be working for us. Can we find out what North Andover did? Ms. Clarke – Yes, I will do that. North Andover did it as a Town project, not an RDA project. Mr. Meagher – I think it's a simple process. But I think that if they are working for us, we have to get the gift and pay the bill. Mr. Moore – At Saturday's site walk, George mentioned that the Fire Chief has already procured a consultant. Can we find out how that happened? Mr. Meagher – This is a simple process and within the confines of 30B. Mr. Moore – When we first spoke a couple of months ago, he spoke about getting it paid for by the developer. Ms. Clarke – You could ask on Saturday, he will be there. Mr. Meagher – Just to clarify, the definition for 30B is only for the Redevelopment Authority. Mr. Moore – I reached out to Sarah Stearns re: consulting. They do offer that. She spoke with management and felt it was not a good idea to work on this project due to the amount of work they do with the Town of Carver. I did note that the RDA was separate but Beals and Thomas still declined. She did give me a couple of suggestions and also mentioned Bill Napolitano from SRPEDD. We would need someone that would know what we need to look out for. Specifically for a warehouse. Most of what I found on line was dealing with housing. I don't think it will be a large investment of time. Shall I reach out to the two that Sarah gave me? Ted Brovitz, Brovitz Community Planning and Design and Emily Keys, Innes Assoc. Ltd. Ms. Clarke – Yes. Jim will reach out to Bill. Ms. Clarke will reach out to North Andover. Ms. Clarke – Maybe we can interview them, bring them the plan so that they can give us an estimate on time, etc. Mr. Moore – I imagine this would involve some meetings, site visits, etc. We need someone that knows more about it than we do.

Ms. Leighton – The agreement that the LLC group signed; When Hillwood decides to take it over, will we know? We would need new agreements. Ms. Clarke – Once the Town Meeting and other hurdles are cleared, they will sign the P&S and close by the first of next year. Ms. Leighton – Everything will need to be thrown out and we need to use the lawyer. We need to think of the agreement and what we want in it. We will need to start from scratch. Ms. Clarke – We can't do that until after the Town Meeting. Mr. Moore – We will have the consultant to help us through that. Ms. Leighton – What about Katie? We have a good relationship with her. Ms. Clarke – Yes. Mr. Moore – We need to be sure there isn't a conflict of interest, if we were to continue using her.

Mr. Moore - Regarding publicizing a site walk – Using drones, etc. At the site walk, last weekend, we talked about Town Meeting. We want to make sure that the residents of Carver are fully aware of this project before they walk in to the Town Meeting. We talked about using Facebook, Carver Reporter, Maybe put a URP page on Carver Town website. Update the newspaper whenever needed, the newspaper will kindle the Facebook pages. Also, keep an updated webpage on the Town site. Mr. Walsh – I can contact SRPEDD and see if they can help with this. Mr. Moore – I can see a rather substantial FAQ page. Ms. Clarke – I think that traffic is probably the biggest issue right now. This would be a good way to keep everyone up to date with any information we get. Mr. Moore – At the site visit, we did a 360 degree look and there was only one house you could see and it was in Middleboro and you could only see the roof. Ms. Clarke – If the last talking point you remember is the eminent domain issue, they need to understand that it was never used.

3. Bills Payable –

Ms. Leighton – I see two invoices for Susan Hannon. There is enough in the account for those.

Ms. Clarke - Susan rewrote the last meeting based on video. She was unable to rewrite the ES minutes as there is no recording. The Board will re-read the Executive Session Minutes and vote on them at the next meeting.

Treasurer's Report

None tonight

Minutes:

- **April 6, 2021, General Session**

Motion to approve the minutes from 4/6/21, General Session, as amended: Mr. Moore

Second: Ms. Leighton

Discussion: Mr. Moore - Page 4, middle of page - should be PFAS

Approved: Unanimous (4-0)

- **April 6, 2021 Executive Session – Tabled to the July Meeting.**

- **June 3, 2021**

Motion to approve minutes for the June 3, 2021 Meeting, as written: Mr. Moore

Second: Ms. Leighton

Discussion:

Approved: Unanimous (4-0)

Members Comments:

- Ms. Clarke –
- Ms. Leighton –
- Mr. Moore –
- Mr. Meagher –

Next Meeting:

July 6 – Board of Selectmen Meeting -

Ms. Clarke - We should attend the meeting with the Select Board on July 6. We will need a draft of the Deed and MOU by then. Ms.

Leighton – So we won't use the taxes on the P&S? Ms. Clarke – I will look at the MOU and check on the assessment. I believe that it was stated that from the proceeds of the sale we would give back to the Town. RDA gets 10% off the top, all our expenses are paid for, etc. We don't really need a meeting with the Board of Selectmen, just representation at the meeting. This would be for them to sign the deed.

Our next scheduled meeting is on July 15, 2021 at 6:00 PM, Room - TBD

Adjournment:

Motion was made to adjourn this meeting at 7:51 PM: Mr. Moore

Second: Ms. Leighton
Approved: Unanimous (4-0)

Exhibits

A: Agenda