

**Carver Select Board
Meeting Minutes
Town Hall- 108 Main Street
January 18, 2024 - 5:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Jim Hoffman, John Cotter, Sarah Hewins, Dan Ryan, Town Administrator Robert Fennessy and Nancy Hubbard

Chair led the Pledge of Allegiance, Cotter read the community prayer.

Citizens Participation: None

Request for Common Victualler License: RLS, Inc. dba Fish on South Main, 145 Main Street. Steve McArdell, owner was present. Motion by Ryan to approve license, second by Hewins.

Vote 5-0

Request for Common Victualler License: Vighnarajaya Corp., dba Main Street Market at 105 Main Street. Vishal Shukla took over the old Cumberland Farms location, and they have a request to put in a Keno screen and run as a convenience store with produce and market items.

Motion by Ryan to approve license, second by Hewins.

Vote 5-0

Approval of Lakeville Animal Shelter Agreement: Annual agreement with no changes from previous year agreement. Ryan stated it could cost the Town \$3,470. Fennessy stated that it is contractual by day cost for each dog, and the past year was extraordinary in that there was a dangerous dog case that required housing of that dog for many months while the process went through the legal hearings and then to the courts. Motion by Ryan to approve Agreement, second by Cotter.

Vote 5-0

Amendment to the Town Administrator Screening Committee Charge:

Mr. Meagher, Chair of the Screening Committee met with the consultant. After discussion, they feel they need a little more time to work on the wording of the advertisement and to get it placed. They asked for an extension until January 26th.

Motion by Ryan to approve amendment to the Charge, second by Hewins.

Vote 5-0

Discussion and Possible Vote: Finance Committee By Law Warrant Article: Chair Townsend placed this on agenda to get a sense of the Board. He stated that for the last 3-4 years they have had discussion about the Finance Committee By-Law, and there were many differences of interpretation from different people on what it actually says. This year there are two citizen's petitions for the annual town meeting to change the Finance Committee By-Law. Townsend wanted to put a placeholder in the event that the board wants to put forward their own by law change to the finance committee by-law. He suggested that this topic can go on a future agenda to discuss changes to the by-law wording.

Ryan agreed with Townsend and he reviewed some surrounding Towns information - Middleboro, Plympton and Wareham. He stated that it is hard to get people to volunteer and those that do usually volunteer for multiple committees. He noted the issue regarding the financial aspect of serving on the finance committee, especially in terms of a potential conflict of interest if you are able to vote on a financial budget.

Hewins stated her recollection of town counsel's interpretation of our current by law is that an "officer of the town" it means that you can't work for the town, and you can't be an appointed or elected official, so essentially you can't be on another committee, board or commission and be on the Finance Committee. She believes town counsel's recommendation was that it should pretty much stay the same or perhaps be made clearer.

Cotter stated that if we are going to have two citizens' petitions who knows what the amendments will look like when they are done, and that the Board should put something together that the Board can support.

Hoffman stated that if we put forward an article, that means there will be three articles at town meeting about FinCom, and it could get confusing, and that if we can come up with what we want we can always amend one of the citizen's participation articles, versus having 3 articles.

Hoffman also noted the issue and concern that if one gets read first and voted on first, then can the second and third articles change what we did, and wondered if that would lead to confusion.

Fennessy agreed with the concern for potential confusion and stated that it would be in the best interest to try to have a unified agreement of one article, instead of three.

Townsend stated that he will put it on a future agenda, and that way it will give everyone time think about what should be on the warrant article and maybe we have town counsel available to give us some guidance on what's legal and what's not.

Approval of KP Law Rate Increase on Specialty Services: KP Law requests increasing the rate for the specialized portion of their representation of the town. Fennessy noted that the town has only spent a total of \$99 for the year thus far in specialized services, and that one was related to a marijuana issue.

Motion to approve by Ryan, second by Hewins.

Ryan stated that if it was only one instance, why bother if it's rare. He also stated that if it's rare then it probably doesn't really impact us that much.

Fennessy stated that the concern is that it may be rare here, but they are setting rates throughout the Commonwealth. These are the issues that can draw the most work for an attorney to deal with, very complex and bringing in highly specialized attorneys from within their firm. They look at this group of legal issues as the ones that may require specialization and additional work.

Townsend stated that he thinks that the things that we are looking at here for the increase are areas of election recounts, cable TV licensing, etc. And noted that we recently went through the cable licensing for a ten year period.

Hewins noted that 40B's are rare, but they are all really important.

Fennessy stated that if you go out searching for a specialized attorney on these types of issues, it will most likely be well beyond what these fees that KP is requesting.

Cotter stated that it is his feeling that we should look at our overall legal situation, I voted against the last increase. Come up with some way of lowering our legal costs, and whether it's going out to bid, we should compare services or perhaps doing something in house.

Vote 4 -1 (Cotter)

Approval of MA Lottery Commission Request for KENO Monitor Installation at 105

Main Street: Fennessy stated that the Board has a right to deny the permit and refuse to allow the KENO at the store. It was noted that other places in town offer KENO. Motion by Hoffman to approve the KENO Machine Installation, second by Cotter.

Vote 5-0

American Rescue Plan Act (ARPA) Update: Townsend stated that the town received updated guidelines from Plymouth County.

Fennessy stated that the County fund portion of ARPA has to be obligated by December 31, 2024 and expend all the funds by December 31, 2026. One of the requirements they also had would be for the town to put forth how we were utilizing the funds and any leftover funds. Fennessy notified the County of the town's position relative to the projects, and noted to Tom O'Brien that the bottom line is it's all in the pipeline except for perhaps a leftover of \$5,668.79, considering all approvals and that there are no increased change orders on original estimates. Fennessy noted that a few of the projects are coming in a little over from what they first put out as an estimate so that money will help take care of that. He noted that the other ARPA monies that we have is the unrestricted monies from the Federal Government so that if we needed to supplement anything we can draw from that too. He noted that the town is in good shape with that. He also noted that Kim Walsh and he have been putting together a excel spreadsheet on all the projects to keep a handle on things, and that is in the process of updating. He noted that Carver put through quite a few projects compared to other towns, and that many of the projects are those that may have appeared on a future capital outlay request.

Townsend asked Fennessy where we are with Middleboro on NCWD meter pit? Fennessy stated that the estimated cost was in the \$80,000 range, but the last time he talked with Middleboro a few weeks ago, the bidding out by Middleboro hasn't begun, but their engineer was estimated more like \$280,000.

Fennessy noted that it is one of the projects on the County ARPA list. Fennessy also noted that the work is being done on the Emergency Management Department right now, and it's coming along and should be in the queue soon.

Townsend suggested that we consider approving a couple of additional items just to have something to use up any leftover available funds.

Ryan agreed and said we should put a couple proposals together get them in the pipe line. Fennessy suggested that the Board think of projects too, and we can do another round in the near future just to make sure we don't turn back any ARPA funds.

Townsend suggested that the Council of Aging outside deck was originally discussed, and would like to see that put on the list. Fennessy said he would speak with Operations and Maintenance about getting a quote.

Townsend asked for another update at the next meeting. Fennessy said he would have the current information for the Board at that time.

Town Administrator Update: Fennessy began by saying that first he wanted to take a moment to make a statement regarding his intent to resign in the spring of 2024 due to a family medical situation. Prior, he had suggested to the Board that if things changed in a positive manner he would reconsider that, but unfortunately, they haven't so he will be going through with the resignation. He noted that he loves it here, and that he has a great Board to work with, great employees and that it's very difficult for him to leave something like that behind. Over the next several weeks, he will work with the Board to arrange something to stay on a little bit longer while the search to get a new Town Administrator takes place. He stated that he wanted to put that out to the Board and town because I knows that there is a lot of talk about it and a lot of nice things being said, but he feels it's time now to let everyone know what's happening.

Budget

The draft budget has been prepared and sent to the Finance Committee and the Select Board members, and will be a working template for the joint meeting of the SB and FinCom for Saturday January 27th. The Finance Committee is setting their meetings, as is the capital outlay committee, pursuant to their charge.

Ward Street Reopening

Dave Siedentopf and John Woods were notified in October 2023 that the culvert and road washed out on Ward Street. The road had to be immediately closed due to being severely undermined by water erosion.

Facing a possible long bidding process, we immediately applied for a state emergency waiver and were given approval within 48 hours to immediately proceed on the project. We identified a qualified contractor for the job, and solicited pricing from two

engineering firms. One was selected to do a Site survey and to prepare detailed engineered drawings for General Contractor review and use.

Shortly thereafter, DPW and public safety officials entered into an agreement to use bog roads for emergency vehicles only, which helped to put South Meadow Village residents at ease, as this was a quicker access to SMV rather than the 9 mile re-route that the this closure caused.

On Dec. 11, the General Contractor began mobilizing equipment and repairing the road and working seven days a week, finishing the project in record time. On January 4, 2024, the road was reopened to the public.

Payment was initially to be borne by the town, whether through finance committee reserve and from other funds, or through a special town meeting. However, we did receive additional chapter 90 funding that almost paid the full amount of the repair and the engineering services.

Dave Siedentopf and John Woods were commended and their staff for their diligence in working to get this monumental repair completed so quickly and effectively. Also thanks to the Police, Fire, Emergency Medical Services, and the Emergency Management Chiefs and their staffs for their work in keeping the residents safe.

Finance Director Position

The position of Finance Director has been posted and advertised, and then reposted to attempt to garner qualified candidates. A working group of HR coordinator Elaine Weston, Finance Committee Chair Alan Germain, Capital outlay Chair Beth Sulger, School Finance Director Ron Griffin, and Robert Fennessy are reviewing candidates. Thereafter, pursuant to the by-law, and assuming there is a good candidate, Fennessy will consult with the Chairs of the FinCom and Capital outlay before making a decision.

George Samia is continuing as Interim Finance director, for two to three days per week. He's done a great job pulling together data for the budget. I want to thank everybody, they've really stepped it up without a finance director, even board members who helped on a working group for the budget.

Townsend, to echo your comments regarding Ward Street, once again it just shows how the Town of Carver comes together when there is a problem. I think the Public Safety Chiefs had to arrange an alternate plan on how to access South Meadow Village very

quickly and operations & maintenance did a fantastic job in getting that road fixed in record time.

Minutes and Licenses:

Motion to approve minutes of December 11, 2023 by Hoffman, second by Ryan.

Cotter has a change on page eight, first paragraph right at the end, add: Cotter feels that we should incentivize developers to make affordable units part of a project in any location in Town.

Motion to approve minutes as amended by Ryan, second by Hewins.

Vote 5-0

Motion to approve minutes of December 19, 2023 by Hewins, second by Hoffman.

Motion to approve Best Buddies bike race on June 1, 2024 by Cotter, second by Ryan.

Vote 5-0

Appointment of Joseph Ritz as a Special Police Officer: Chief Duphily stated Sergeant Ritz recently retired from his position as a full time police officer. In keeping with our standard, all officers who retire in good standing are appointed as special police officers to continue to work details and help us out in that aspect. It gives us an extra police officer on the road who we know and who is trained.

Motion to appoint Sergeant Joseph Ritz as a Special Police Officer by Hewins, second by Ryan.

Vote 5-0

Select Board Announcements: Ryan state that he'd like to offer a sincere thank you to all that were involved in the Ward Street repair. It was a major issue for the residents of South Meadow Village. He talked to a lot of them and they are very appreciative of everything that was done to resolve the issue and also the support of EMS, Police, Fire, Ambulance, during the hard time. Secondly, with the winter storm season, he also appreciates all the work that is being done to treat the road surfaces, keep them clear and also the extra efforts of EMS, Police, Fire and Ambulance.

Cotter stated that he would like to echo the comments made about Ward Street trying to get something like that repaired as fast as we did it just goes to show that the Town can work together to get anything done, and commend everyone involved.

Hewins stated that she, too, would like to thank operations and maintenance department, all the public safety departments, and others for Ward Street and for the work during the storm as well. She would also like to remind people to remember Shane Gives Thanks Food Pantry.

Hoffman also thanked everyone for work on Ward Street. He stated that it was great teamwork and done a lot quicker than expected. He stated he attended one of the meetings at South Meadow Village and all the citizens were very concerned, and the key was keeping the communication open, and he thanked Mr. Fennessy for that as well as the Chiefs. He noted that there were no questions that weren't answered and they were kept up to date. Also he wanted to announce the Carver Athletic Boosters are having a fundraiser for the month of February, and that it's a calendar every day they are giving out a different prize. The calendars are \$20 and they are only selling 300 of them.

Townsend, None

Next Meeting: February 6, 2024

Townsend noted that the Board has a joint meeting with the FinCom and Capital Outlay on January 27th, and that we may have additional meetings on Tuesday nights in February as we get ready for Town Meeting.

Motion to adjourn from open session at 5:58pm and go into executive session pursuant to G.L.c. 30A, §21(a)(3), to discuss strategy with respect to union negotiations, dispatch, that if discussing the matters in open session may have a detrimental effect on the bargaining position of the Town and return to open Session by Hoffman, second by Hewins.

Roll call-affirmative: Ryan, Cotter, Townsend, Hoffman, Hewins.

Motion to adjourn executive session and go into open session at 6:50pm by Hewins, second by Hoffman.

Roll call-affirmative: Ryan, Cotter, Townsend, Hoffman, Hewins.

Reconvened into open session at 6:52pm

Ratify Dispatch Contract:

Motion to Ratify Dispatch Contract by Hewins, second by Hoffman.

Vote 5-0

Motion to adjourn by Hoffman at 6:55pm, second by Ryan.

Vote 5-0

Listing of Exhibits: 2 Common Victualler License applications, Letter and Contract from the Town of Lakeville, Town Administrator Screening Committee Charge, Letter from KP Law and rate for FY25 & FY26, Letter from the Massachusetts State Lottery Commission, Memo from Tom O'Brien, Plymouth County Treasurer, Memo from Robert regarding ARPA, ARPA Spreadsheet, minutes of December 11, 2023, minutes of December 19, 2023, Memo from Paul Curley – Best Buddies bike race