

**Carver Select Board  
Meeting Minutes  
Town Hall  
February 15, 2022 - 5:00pm**

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.

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

**Annual Town Meeting Articles:**

Cranberry Village Well- Dave Siedentopf present to discuss the transfer of ownership of the well. This is a public water supply serving only the residents of Cranberry Village. In the early 1980's the Village entered into an agreement with the Town for the well operating services and gifted the land to the Town. This is no benefit to the Town and the town does not use water from the well. The Town is acting as a third party. A few years ago the bills increased and the residents questioned why and it was due to many leaks existing, which have since been resolved.

Hewins stated the Town has tried to purchase abutting land, and Cranberry Village is not selling it. Belbin stated the Town services are not compensated. Belbin stated the Town is providing services to maintain the wells and a monetary value has to be assessed to the property. Not knowing the monetary value, more research needs to be done. Siedentopf stated that the land may have no value as nothing else can be done on the property because of the surrounding area required for the well. No other entity would be purchasing it. Siedentopf stated that the Town has been providing a free service and now we are telling them we are not going to provide and they have to pay to have their well back. Belbin stated that only the Town of Carver can be water operators. Siedentopf stated it would be a transfer of water supply to the Cranberry Village Association and they would own it. Belbin stated the land has value and would like to see what it is worth.

Townsend questioned if the Town has been spending money maintaining the well. Siedentopf stated it is time, wear on equipment, and other hidden costs, however, there is not an invoice directly billed for services. This is an extra burden on the Town. Siedentopf also stated that they recently tested for pfas and eventually more problems will come up such as mechanical problems and parts which will be a large expense to the Town. There are things down the line that the Town may be responsible for and it will put the Town in a better position. Belbin stated through emails, he found that residents of the Village were given a one-month reprieve from paying their water bills. Hewins stated this was done to bring Cranberry Village to the negotiating table due to a misunderstanding and they were refusing to pay their water bills that were 3-5 months in arrears. Belbin stated no meter readings were taken during that time.

Siedentopf stated Cranberry Village changed their management company and they advised the residents not to pay their bills because there was no back up documentation. That has been straightened out and an investigation was done to determine why the bills were high and water leaks were found in their pipes. Belbin stated that the Select Board are the Water Commissioners and the Board was not notified of this.

Hewins stated that LaFond did inform the Board of this and he chose a non-combative way of addressing it rather than putting a lien on them.

Townsend stated it makes sense to give this back to Cranberry Village and put them in charge of their own water.

Motion to recommend the article to be placed on the warrant by Hewins, second by Hoffman.

Bogart stated the greater good would be to end the debacle now and move forward so the Town will not have to deal with these types of issues in the future, and agrees that things should have been done differently in the past.

Hoffman also agrees with Bogart's statement and would like it brought before Town Meeting for them to make the decision as there are pros and cons to the decision. Hoffman asked how large the parcel of land is. Siedentopf will get him that information.

Vote 4-1 (Belbin)

Motion to recommend the article by Hewins, second by Bogart.

Vote 4-1 (Belbin)

Unclaimed Property: Treasurer Kathy Kay present to discuss this article. The state has set forth a process MGL Ch. 200A, Sec. 9A, which if accepted, the Town will be able to put out to the public that unclaimed funds are available for disposition. If this is not accepted, the funds are returned to the state. A notice would go on the Town website, and for funds over \$100 it would need to be advertised in a county-wide newspaper for a year (issued in the paper once and posted on a bulletin board in the Town Hall for a year) and then the Town can claim those funds. Belbin asked how much money is unclaimed. Kay stated the amount is approximately \$18,000. Kay stated the notice is issued once and it needs to be out there for a year. Currently the money is sitting idle.

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

Vote 5-0

Motion to recommend the article by Belbin, second by Hoffman.

Vote 5-0

Land Transfers: Kathy Kay present to discuss this article. These two parcels are located on Roberts Way. In December, these parcels were put up for sale and it was brought to Kay's attention that the Town may have better use for the parcels.

Hewins thanked Kay and stated these may be viable sites for affordable housing. Belbin stated this property is a good property for affordable housing.

Townsend agreed that the Town is in need of affordable housing and this is a good step towards that.

Kay stated it would be beneficial if the Board had these properties in their custodianship.

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

Vote 5-0

Motion to recommend the article by Belbin, second by Hewins.

Vote 5-0

Board of Assessors Articles: Ellen Blanchard, Chair of the Board of Assessors and Joe Roche, Town Assessor present. There are 3 articles for the senior tax work-off program. Blanchard stated that these amounts have not increased in 15 years. She stated these articles will increase the amounts the work-off program will provide.

Surviving Spouse and Minor Exemption: (Clause 17D) This is requested to increase from \$262.50 to \$500.00 and for Community Preservation the amount would increase from \$7.87 to \$15.00 to be taken off of their tax bill.

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

Vote 5-0

Motion to recommend the article by Hewins, second by Hoffman.

Vote 5-0

Senior/Veteran Tax work off program: This is requested to increase from \$750.00 to \$1,000.00 to be taken off of their tax bill. As the minimum wage increases, the amount of hours they can work decreases.

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

Vote 5-0

Motion to recommend the article by Hewins, second by Hoffman

Vote 5-0

Senior Tax Exemption: (Clause 41C) This is requested to be increased from \$750.00 to \$1,000.00 based off of income and assets.

The value of the house is not in consideration. Need is determined by income and assets.

The deadline to apply for all of these is April 1.

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

Vote 5-0

Motion to recommend the article by Hewins, second by Hoffman

Vote 5-0

Fence By-law: Paul Boucher, Building Commissioner present. Boucher stated that this typically is not in the zoning by-law, it is normally in the town bylaws. His opinion is that it is a civil matter and that the town should stay away from it. He would not recommend this article. Belbin stated the Town could have parameters around it. Boucher stated that the Town should not get involved in it. There is a sight obstruction by-law that exists. Bogart asked what is required currently for a fence installation. Boucher stated the state requires a permit for 7' or above. This is to make sure the footings have the proper depth. There are no regulations on which way the fence faces. Bogart stated there are other towns that have fence regulations and the location of the fence varied and it is not uncommon to have a fence bylaw or ordinance. Bogart is not sure she agrees with all of the language in the bylaw. Boucher asked if there was a problem in town with fences. Bogart stated that she is not aware of any. Belbin stated as a fence viewer, he has been called several times and in one occasion, a fence was put on the neighbor's property. Belbin would like to see something in place, but does not have a problem withdrawing this article so more research can be done.

No action taken - article will not be placed on the warrant.

#### **Covid Test Kit Update:**

The Test kits will be available behind the Town Hall on February 19 from 9am-1pm. One kit will be available per household and proof of residency is required. Kits will be delivered to each of the 55 and over communities in Carver. Bogart asked what happens if there are additional kits. Fennessy stated another time may be held for public pick up. Cones and signs will be set up. Entrance will be by Meadowbrook. If there is a snowstorm, an alternate date will be chosen.

5 minute break at 5:55pm

**Citizens Participation:** Pat Meagher - in regards to recognizing Rick LaFond, addressed the decisions of the Select Board that have been made including a permanent Town Administrator & Cable contract. Meagher submitted his statement to be included into the record on file.

**Pole Hearing:** Karen Johnson present from Eversource. Verizon needs to be included as a petitioner on the application as it is joint owned. New paperwork will be submitted for a future hearing.

**Plymouth Airport Commissioners Update:** Ed James, Carver Representative to the Plymouth Airport Commissioners introduced the Plymouth Airport Commissioners. Ken Fosdick, Chairman, Doug Crociati, Vice Chairman, Tom Hurley & Tom Maher the Airport Manager present.

Fosdick stated the Commissioners thanked Ed for being dedicated to attending all of the Commissioners meetings. The Commission is going through a Master Plan update which is on a 10-year cycle. It is a way the FAA and the State can determine what they are going to do and it makes them eligible for funding.

Maher gave a brief presentation. The airport will remain a B-II airport which is categorized by size and weight. The airport is overseen by the Plymouth Airport Commission. The Master Plan is 90% funded by the Federal Aviation Administration (FAA) and 5% is funded by the MASS DOT Bureau of Aeronautics with the remainder a local match. Input from the public is crucial to ensuring the Master Plan reflects the needs of the local community. The Master Plan will ensure the airport's future aligns with the Town and community. They will evaluate safety needs, economic development opportunities and determine sustainable infrastructure needs. The process of the Master Plan is to meet with the Commission, have a public overview meeting, prepare a forecast, submit to all agencies for approval, hold a second public meeting, have a comment period, a third public meeting, FAA approval and distribution of the final document. The timeline for this is to have the first public meeting in February of 2022, the second public meeting in March of 2022, the third public meeting to be held in May of 2022 and the plan is anticipated to be implemented from 2022-2025.

Townsend asked how the public meetings would be advertised and asked that the notices be sent to the Select Board office so they can be put out to the public from the Town as well.

Belbin asked how the airport can build on the Town side. Tom stated the challenge is the split tax rate. Maher stated the 4 hangers that are on the Carver side cost 50% more than the ones that are on the Plymouth side. They would like to have discussions about a PILOT program to help bridge this divide. The hangars are privately owned and they bring that tax calculation into consideration.

Belbin asked about flights to the islands. Tom stated this did happen in the past and the airline went out of business. The economics of it don't work. Belbin thanked the Commission for running the Civil Air Patrol.

**Annual Town Meeting Warrant Articles continued:**

**Article #1:** Annual Town Reports

Motion to put article 1 on the warrant by Hewins, second by Hoffman.

Vote 5-0

Motion to recommend article 1 by Hewins, second by Hoffman.

Vote 5-0

Article 8: Transfer and Disposition of Green St.

Motion to recommend article 8 by Hewins, second by Hoffman.

Vote 5-0

Article 11: Acceptance of Montello Street (portion)

Motion to recommend article 11 by Hewins, second by Hoffman.

Vote 5-0

Discussion on Zoning articles: The Board will wait until the Planning Board holds public hearings prior to approving them to be on the warrant. In the past, it has varied if the articles are approved by the Board to be put on the warrant and then withdrawn at Town Meeting if needed.

Article 21: Moratorium on Mounted Solar Photovoltaic Installations

This was voted to be put on the warrant at the 2/1 meeting. There are 2 citizen's petition articles that are very similar. Townsend stated this could cause confusion at Town Meeting as petition articles cannot be removed from the warrant. He asked if anyone would like to reconsider putting this article on the warrant. Bogart submitted a petition article to be sure it was on the warrant. Fennessy recommended leaving this article as it has gone through Town Counsel and the petition articles have not.

Motion to recommend this article by Belbin, second by Bogart.

Hewins asked what health impacts solar panels have. Bogart stated it was for the installations, not the panels. Hewins asked if this should be addressed for the Planning Board or the Conservation Commission. Bogart stated that is listed in the article to have conversations. Belbin would like to be more proactive, instead of reactive as in the case of the poles being put into the ground. Bogart stated this allows Town officials to discuss what has happened as well as what do they want to happen to ensure projects are happening the way they want them to. This is not anti-solar, it is taking a pause to step back and see what is going well and what needs to be looked at that would benefit the Town. The Select Board may want to wait until after the Planning Board hearing to make a decision on the article. Hoffman stated there is no subcommittee so there is no trigger to take action on the article.

Belbin rescinded his motion.

Tabled to the 3/15 Select Board meeting.

5 minute break at 7:00pm

Article 23: Sale of Town Property

Hewins withdrew the article.

Article 26: Will be addressed at the joint meeting with the Finance Committee.

Article tabled to the March 15 meeting.

5 minute break at 7:15pm

Interim Town Administrator/Screening Committee Bylaw:

Townsend stated he has had a change of thought in regards to the Town Administrator bylaw. He stated the ambiguity can be good as each Board may have a different opinion of what they want to happen. Hewins agrees and does not want to hold future Boards to restrictions.

Belbin withdrew his request for the Interim Town Administrator/Town Administrator Screening Committee bylaw.

Town Administrator Bylaw:

Hewins would like to see a portion of the bylaw changed in section 3.3.3.4 that states the Town Administrator cannot conduct additional business outside of Town Hall. Bogart cited section 3.3.1.2 and read the suggested change from the last meeting. Bogart mentioned the appointment terms from section 3.3.1.3 and in regards to the Interim Town Administrator. The Board will make changes and present them at the next meeting for review.

Motion to approve changes in section 3.3.1.2 by Hewins, second by Bogart.

Vote 5-0

Motion to approve changes in section 3.3.1.3 by Hewins, second by Bogart.

Vote 5-0

Motion to correct typos in section 3.3.2 by Belbin, second by Hewins.

Vote 5-0

Motion to approve changes in section 3.3.3.4 by Bogart, second by Belbin.

Discussion on the change of the language as this is in regards to the Town Administrator having another job. This is difficult to cover any possible scenario. Hewins made suggestions for

wording with exceptions. Townsend read the bylaw as it is written currently. Bogart suggested that if someone has a pre-existing job, it is ok. Townsend stated the bylaw is written that way now as essentially the Board needs to approved it. Belbin agrees with Bogart on the pre-existing wording and also gave potential suggestions for changing the wording of the bylaw.

Motion by Bogart to approve Hewins suggested language change, second by Belbin.

Fennessy stated this may be too restrictive and the Board may not find anyone to fill the position due to the restriction. He would like to leave it open to the discretion of the Select Board as each situation is different and can be settled during contract negotiations.

Townsend suggested to come back with language at a future meeting.

Motion rescinded by Bogart.

Motion to correct typo in section 3.4.3 by Belbin, second by Hewins.

Vote 5-0

Motion to correct typo in section 3.4.5.6 by Belbin, second by Hewins.

Vote 5-0

Motion to correct typo in section 3.4.5.4 by Bogart, second by Belbin.

Vote 5-0

Belbin would like his new proposed section considered: During the term of office for the Town Administrator, the Select Board will be sole governing authority if a conflict (any issue that shows a potential appearance of conflict) arises related to the duties of the Town Administrator. The Select Board shall have all powers to investigate any allegation of misconduct involving Employees, Elected Officials and Appointed Officials. The Select Board shall have the final decision on any issue of discipline, demotion, removal or termination of Employees and Appointed Officials when a conflict arises between Employees and Appointed officials and the Town Administrator. Elected Officials cannot be disciplined, demoted or removed by the Select Board.

If an Employee Bargaining Association (Union) contract is involved the Contract must be followed in regards to discipline and or Appeal of discipline.

Hewins stated who defines what a conflict is, and is not in favor of bringing politics into the day to day workings of Town Hall. Hewins stated that this renders the Town Administrator weak and strips the Town Administrator of their authority.

Townsend stated if the Board feels this is necessary, he would be uncomfortable adding this language prior to the approval of Town Counsel.



Motion by Bogart to hold off on this section and requested that this language be sent to Town Counsel. Fennessy stated it can be sent, but is doubtful that Counsel would approve it.

Motion by Belbin to send wording to Town Counsel, second by Hoffman.

Vote 3-2 (Townsend, Hewins)

Yard Sale Bylaw & Burglar Alarm Bylaw: Belbin is suggesting to remove both of these from the Bylaws.

Townsend asked the members to read the bylaws prior to discussing and suggested tabling to the next meeting.

Article 28: Carver, Marion & Wareham, Regional Refuse Disposal District Agreement

Motion to recommend the article by Belbin, second by Hoffman.

Vote 5-0

Townsend stated an additional meeting has been tentatively scheduled for 2/22/22. There will be no additional information by that time to act on anything. There is no need for that meeting.

Next Meeting: 3/1/2022

Select Board notes: Bogart: 1. Brainstorming ideas and taking action to increase citizens' awareness and understanding of board and committee openings. 2. Discussing and possibly altering the Town's drug and alcohol policy, specifically about possession/use on town property.

Select Board Community Announcements:

Bogart: None

Belbin: Thanked the DPW for their work during the storm.

Hoffman: None

Hewins: None

Townsend: Thanked Kevin Forgue and the Board of Health for putting together the plan to distribute the Covid test kits.

Motion to adjourn by Belbin at 8:12pm, second by Hoffman.

Vote 5-0

Select Board Meeting

- Almost 30 years municipal government experience at the highest levels
- 12 years as Carver School Business Manager, retiring in 2014 as Asst Supt
- Carver Fin Com member, Carver RDA member, Carver Cable TV Board member, also on town administrator search committee
- I spent a few years in the Marshfield schools, and several years in a regional vocational school serving nine cities and towns.
- I am currently a part time Treasurer for two regional collaboratives
- Be sure that I am addressing you as a private citizen and in no way, shape , or form am I representing any of these groups.
- Just want to let you know that I've been around the block a few times and I have never seen anything like what has been going on here over the last couple of years....and I don't mean that in a good way.....
- I appreciate a couple of minutes to make a few statements and observations. This is not meant at this time to be a dialogue with the board, but I do hope that you all take something from this and begin a dialogue of your own.

I want to start by recognizing Rick LaFond

- I have known and worked with Rick for over 25 years
- One of the best and most effective Town Administrators in the area
- It is very unfortunate that he will not be back as the permanent Town Admin

Next I want to address the members of the Select Board

- I have little confidence in this board as a whole, and zero confidence in what has evolved to be a 3 member majority
- There is minimal experience and municipal knowledge and it shows in the decisions and comments that are made—in fact the board has often shown itself to be visibly dysfunctional.
- Decisions have been damaging to the town, and potentially to a very fine individual. Even involving a campaign of disinformation with anonymous

sources, unnamed employees, and unfounded, unproven, and uninvestigated allegations that unfortunately have influenced decisions.

-Members may want to try speaking to others who may be more experienced and knowledgeable as you're really missing the bigger picture and the ramifications your decisions have. People need to be held accountable for their decisions—especially poor ones—that is obviously not happening here.

-And if board members cannot make coherent and effective decisions, then they should resign and make room for others who can.

-This board came within one vote of hiring a permanent Town Administrator on a one hour interview—only because it wasn't Rick. How inept is that?

-I could go on and on with other examples but I won't at this time....talk about amateur hour. You don't know what you don't know.

-There are many holes in town government here—in fact it looks like Swiss cheese—often I have seen minimal functionality at town hall. This is totally embarrassing and must be corrected.

-There was a concern on whether or not a representative from the Fin Com should be on the Town Admin Search Committee.

-This has come up for a vote due to members of this board not liking or disagreeing with this choice.

-Well....this person was selected unanimously by the Fin Com to represent us. We feel he is the best person to do so, and should not be subject to the whims of this board....fortunately corrected.

-You are going down a very dangerous road when you question the decisions of autonomous boards. There is no place for that here....and then it happened again with the Cable contract as negotiated in good faith with Comcast and the Cable committee. Rejected by this board for reasons not even related to the contract itself.....again fortunately corrected. Maybe you would like it if there were no boards or committees.....or even go back to the time when there was no Town Administrator....then you could just do everything yourselves and continue to drive this town into the ground.

-Who do you think you are....some sort of authoritarian dictatorship?

- The message being sent to all boards and committees is this—if we don't agree with or like what you do we will deny it. This is a horrible reality.
- This should never happen, as it is OK, even healthy to have a variety of opinions—but there must be a coming together and moving forward to honor a vote when it is made with the best intentions. .
- And remember....there should always be only one ultimate goal—what is in the best interests of Carver and its residents. I would insist that this board, and all boards, reflect on this as votes are taken.
- If your'e interested in having community members serve on committees then you have to work with them, not against them.
- And by the way....all I've said....factual and without exaggeration.
- To reiterate....if board members cannot make coherent and effective decisions, then they should resign and make room for others who can.

Thank you.