

**Carver Select Board  
Meeting Minutes  
Town Hall - 108 Main Street  
January 17, 2023 - 6:00pm**

In Attendance: Chair Mark Townsend, Vice-Chair Sarah Hewins, Jen Bogart, John Cotter, Jim Hoffman, Town Administrator Robert Fennessy and Shelby Roy

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

**Citizens Participation:**

Jo Beadling of 277 Meadow Street stated that the sand mining needs to stop. She had tested her well and the results showed positive for PFAS. She is at risk and something needs to be done.

Mary Dormer of 162 Plymouth Street stated that she has e-mailed the Board for an item to be placed on this agenda and it was not. Her item is to have a hearing as soon as possible to talk about the units, safety, etc. regarding the 40B project. Fennessy explained to Dormer that a hearing can only come from the Zoning Board of Appeals. The Select Board cannot can't make a vote for this. Dormer stated that it is up to the Board to have a meeting if they support this and they are responsible for all of the contamination.

Hewins asked Fennessy that as the Select Board, we don't have the authority to hold a Public Hearing only Zoning Board of Appeals does?

Fennessy stated that this is correct.

**Liquor License Hearing:** Treat Restaurant Group, LLC dba Cornerstones, 96 N. Main Street for a transfer of license

Robert Harriman of 139 Long Water Drive in Hanover, MA in attendance – License being transferred to him.

Harriman explained how the current owner approached him to take over the business and it felt like the right step at the right time. He is planning on keeping the same staff and spruce the place up a bit.

Fennessy asked Harriman to explain his experience in liquor serving businesses and whether he has been TIPS certified.

Harriman said he has been in this business for 12 years and is TIPS Certified.

Motion to approve the Treat Restaurant Group, LLC dba Cornerstones Transfer of License by Hewins, second by Hoffman.

Vote 5-0

**Set the date and hours for local Town election day as April 22, 2023 from 8:00am – 5:00pm**

Town Clerk, Cara Dahill in attendance.

Dahill explained that the previous hours of 8:00am – 6:00pm seemed overkill and she suggests to have this changed to 8am – 5pm.

Hewins stated that this should be well advertised because she has seen people come in at the last minute.

Townsend understands and even though this is a small change, he agrees with Hewins that this be well advertised to reduce confusion.

Bogart stated that Fire Station and School boards do a great job advertising information. She recommended they reach out to them for advertising.

Motion to approve to set the date and hours for Town Election Day as April 22, 2023 from 8am – 5pm by Hewins, second by Hoffman.

Vote 5-0

**Approval to opt out of vote by mail option for the Annual Town Election scheduled for April 22, 2023:**

Town Clerk, Cara Dahill and a member of the Board of Registrars, Maureen Townsend, is in attendance.

Dahill stated that this will ultimately save the Town money because of the cost of mailing.

Chair Townsend asked that with the State and Federal Ballots, if the Town gets reimbursed.

Dahill confirmed that being reimbursed is required.

Motion to approve to opt out of vote by mail option by Cotter, second by Hoffman.

Vote 5-0

**Approval to opt in for in person Early Voting:**

Motion to approve to not opt in for in person Early Voting by Bogart, second by Hoffman

Vote 5-0

**Approval of ballot question for Annual Town Election: Shall the Town of Carver revoke its acceptance of Chapter 31 of the General Laws, the Civil Service law, for all positions in the Police Department?**

Chief Duphily stated the following:

Good evening and thank you for a few minutes of your time to discuss the matter of approving a ballot question for Annual Town Election to remove the police department from Civil Service.

Last April at town meeting, the voters approved an article to remove the Town of Carver's Police Department from Civil Service. We moved this article forward after negotiation with and the support of the Carver Police Union. We took this action, as many other towns have done to improve the hiring and promotional process for police officers while providing the protections that our officers deserve within the contract. The current police contract provides for the same or better protections that our officers received from civil service including preference for veterans and residents while creating a more efficient and locally controlled hiring process. The promotional process, also designed with the police union provides for a testing process that focuses on our laws, criminal procedures and department policies, which our future supervisors would need to be proficient in to be successful.

After town meeting, our Senator forwarded our article to the Massachusetts House of Representatives for approval. It sat in committee at the House for the remainder of the session with no action taken. This was not unique to Carver; it seems that more than 20 other communities submitted similar requests to come out of Civil Service to the legislature with the same results. Each of those bills died at the end of this past legislative session with no action taken. All will need to be refiled in the current session. The legislature has chosen to ignore the vote of the residents of Carver at their town meeting.

We have received advice from labor council that communities can also come out of Civil Service the same way they went in. Carver entered Civil Service by a Ballot vote in 1968. This is why we are now asking to bring the matter to a ballot voter in April. If the vote is successful, we leave civil service without needing legislative approval.

I would ask that you vote to place this question on the ballot. If we do that, I would suggest an informational night to present the reasoning to potential voters so that they can make an informed decision.

Please remember coming out of Civil Service was negotiated with our police union and has their support.

Motion to approve of ballot question for the Annual Town Election by Hewins, second by Hoffman.

Vote 5-0

**Recommendation of Police Chief and vote to hire Christopher Mahoney as a full-time police officer:**

Chief Duphily stated the following:

Good evening and thank you for your time this evening to discuss the future of the Carver Police Department.

The department faces an issue regarding potential retirements and staffing within the next two years. At least five of our officers will very likely retire on or before June 30, 2025. We expect these retirements based on length of their careers and the change in cost for healthcare for those who retire after June 30, 2025.

To prepare for those potential retirements and to ensure continuity of the department, we must begin hiring replacements now. To that end, we have worked with our Town Administrator and Finance Director to prepare budgets that will allow this to occur.

Earlier this year we began the hiring process. This included looking for fully trained officers who might want to work in Carver, called Lateral Transfers and by calling the Civil Service List for residents who may want to attend the police academy and join the force. Both of these approaches have been impacted by the difficulties departments are having nationwide in finding good recruits during this period of demonizing the police and the good work which they accomplish on a daily basis.

At this point, you might ask, chief didn't we vote at last town meeting, with the support of the police union to leave the civil service system so that we could position the town to be better able to hire new officers? The answer is yes we did but the state legislature has refused to move our petition, along with those of about 20 other communities who wish to leave civil service forward. But more on that later in the evening.

So we have moved forward with the hiring process through civil service. We had the opportunity to fill one position with a lateral transfer but we lost him to another department. We also called for the civil service hiring list and were able to get two individuals to sign it indicating they would accept the job.

The two Carver residents completed the application process and once the information was in the applications was verified both took part in an oral board interview. A Chief, Deputy Chief and Captain from other area departments along with our Deputy Chief and a Sergeant interviewed the candidates. The interviews used pre-determined questions to assess each candidate as to their ability to perform the duties of a police officer.

From this point both candidates moved forward in the process. Both successfully completed a medical exam and a Psychological exam. Unfortunately, at this point one of the candidates was injured taking the physical abilities test. One of the candidates passed the test and moved forward. Select Board Chair Mark Townsend, Town Administrator Bob Fennessy, our Deputy Chief and me, then conducted a final interview with the candidate.

Before I introduce you to the candidate that I would recommend to you, are there any questions regarding the hiring process?

Please allow me to introduce you to our new hire candidate:

Christopher Mahoney – Chris is a 51-year-old Carver resident. He is married and has two daughters. He has successfully run his own business for many years. He has also been an integral part of the Carver public safety team. Chris is a long time member of the Carver Fire Department where he holds the rank of Lieutenant and has received the State’s Medal of Valor for his life saving efforts. Chris has also worked as a per-diem dispatcher and is currently a Special Police Officer with us.

Chris will make an excellent addition to our team. I am happy to recommend him to the honorable board for appointment as a student police officer so that he may attend the Plymouth Police Academy in February.

Motion to accept the recommendation to hire Christopher Mahoney as a Student Police Officer by Hoffman, second by Hewins.

Vote 5-0

**King Richard’s Faire traffic study committee update; and citizen’s participation (10 minutes)**

Chief Duphily stated the following:

Tonight, I have been asked to update the Select Board as to the progress of the King Richard’s Faire working group.

If you recall, this group was charged by the Select Board with establishing a daily capacity of visitors that allows for the successful operation of the business, minimizes the traffic impact and does not negatively impact the ability of the town’s public safety departments to ensure public safety services are deliverable.

Since receiving that charge, we have met once and began discussions on how to accomplish the task. Unfortunately, our first scheduled meeting had to be rescheduled because I was sick. We met on January 3, 2023 and began working on the matter. We reviewed this previous year along with some of the suggestions that came out of the after action review that was conducted immediately following the close of the season.

As you have read in the letter from King Richard’s Faire owners, the concept of a daily capacity is “unworkable” and could put them out of business. This point will need further discussion in our next meeting.

We were successful in determining two key points for action. The first is the establishment of an Emergency Action Plan to ensure Faire staff and first responders are all on the same page in regards to any potential emergency that may arise. The second is that the Faire is looking at

alternate sites for parking once their lots are full. One of the biggest problems this past year was where to put the cars that were on Route 58 once the parking lots at the site were full.

The owners of the Faire are also looking at different ticketing companies to improve how ticket sales are handled.

We have scheduled our next meeting for February 2, 2023.

Daniel Walsh was present– Attorney for King Richard’s Faire: Office located at 40 Court Street, Plymouth MA 02360

Walsh stated how productive their previous meetings with the Town were and he looks forward to working on this constructive process.

Townsend asked if the tickets that are being sold right now for the Faire, specifically dated.

Walsh stated that he believes they are, but not 100% sure and can come back to confirm.

Chief Duphily stated that the tickets were dated at the end of the previous season to have more control.

Townsend stated that the number of cars that fit into the parking lot needs to be determined. There cannot be any parking on the side of Route 58. He had seen families with small children trying to navigate their way to the Faire. It is very unsafe, especially at night.

Cotter looked for confirmation if the tickets being sold are date specific.

Walsh stated that he will have to get back to the Board on this.

Bogart stated that it is non-negotiable to have the tickets be date specific. She had done research on places that require dates on their tickets. At Santa’s Village in New Hampshire they have a non-refundable policy and read it from their website. They are a very successful business even though their tickets are dated. She also mentioned Sauchuk’s Farm in Plympton who also have date specific tickets and stated how successful their business is as well.

Fennessy stated that he appreciates and gives credit to Chief Duphily with all that he has done for this. He would like to meet on March 7<sup>th</sup> with the Board and King Richard’s Faire.

Citizens Participation (King Richard’s Faire):

Patricia Cooney of 5 Canterbury Path stated her idea of having parking at Edaville and then have shuttle transportation to King Richard’s Faire.

Ellen Blanchard of 238 Main Street stated that she has lived across from the Faire for 31 years and last year was the first year where it became frightening to see what type of dangers were happening and could happen.

Bill Duggan of 285 Meadow Street asked how the Faire would handle when the tickets are sold out. There are visitors that do spend a good amount of time traveling here and if the Faire is sold out it would be frustrating for them. There needs to be a system for this.

**Town Meeting placeholder by Jennifer Bogart for the repeal of the following zoning changes passed in April 2022 at the FY2023 ATM:**

Bogart stated that she proposed zoning changes that were made at the 2022 Annual Town Meeting back to what they were before the Town Meeting. These were created to support a “Proposed State of the Art Warehouse Facility” that is to be built off Montello Street, allowing specific design criteria instead of having to ask for variances from the Zoning Board of Appeals. The Board was invited for a site visit to this location with detailed plans from the developer. She stated that Fennessy let the Board know that the Hillwood and Route 44 Development have/or will be parting ways. Also, the Finance Chair announced publicly that Hillwood “pulled out, it was not the economy that made them do it and that developers know the vast amount of time and money that will be spent to come here and face Moe, Larry & Curly on the Planning Board.” These are two confirmations that this project is not happening.

Bogart stated that in her opinion, it is the Town’s best interest to have the zoning by law changes back to the way they were before the 2022 Town Meeting. She also hopes that the Board votes to do so and not let the next Town Meeting decide.

Savery Moore from the Redevelopment Authority is in attendance.

- Former Article 10: Table of Dimensional – Building height in Green Business Park

Townsend looked for confirmation from Fennessy that the Planning Board already has a placeholder for this Article.

Fennessy stated that yes, they do.

Bogart stated that if the Planning Board has a placeholder for the same wording, she will withdraw this Article.

- Former Article 11: Definition – Height of Certain Accessory Buildings

Moore stated that this article was based on the water storage tanks. The tank is for the water being stored for the treatment system.

- Former Article 12: Access Driveways – Nonresidential Premises

Moore clarified that this article states that this needs to be at least 24 feet for a two way roadway in case bigger trucks need to pass. He does not understand why this needs to be rescinded.

- Former Article 13: Rezone from Highway Commercial to Green Business

Bogart stated that Sharon Clark the Chair of the Redevelopment Authority sent the Board an e-mail regarding this Article and confirmed that this can be withdrawn.

- Former Article 14: Amend Section 3580 – Exemptions from Large Scale Ground Mounted Solar Voltaic Installations

Moore stated that this amendment was created to be able to put a larger than allowed solar array on the roof of a building and not the ground. He stated that any of these articles are a selling point for any potential future developer to come in and figure out what they want to do. He feels that if these are rescinded it makes the property less valuable and could turn people away that want to build a nice development.

- Former Article 15: Amend Sections 3166 and 3347 – Site Plan Review performance and parking lot lighting standards

Moore stated that this amendment was based upon an environment/economical issue. He is not sure as to why this would need to be rescinded. This is a reasonable need for this business or any business.

- Former Article 16: Amend Section 3521. Permitted signs for Green Energy Business Park

Moore stated that Amendment is for allowing this business to put up a sign.

- Former Article 17: Amend Section 2230. Use regulation schedule – Industrial – Allow privately owned wastewater treatment facilities as an accessory use

Moore stated that this Amendment is for any facility that size. No matter who comes in will have a wastewater treatment facility and not a septic. They will need something to cover the magnitude this type of facility will bring.

Hewins asked if this Green Business location is now only owned by 1 owner.

Moore confirmed that it only has 1 owner (Route 44 Development).



Hewins asked Fennessy if this would be spot zoning if these articles were rescinded.

Fennessy stated that this could be a form of spot zoning.

Cotter agreed that the spot zoning issue needs to be looked at.

Hoffman asked if these Articles could be rescinded, why did these end up going to Town Meeting when they could have had the option to just go to the Zoning Board of Appeals. Moore stated that this was probably due to the cost of creating plans for something of this magnitude and not knowing if this 100% was going to happen.

Bogart stated that there were many benefits with having Hillwood, but with not having them now means there is no community benefits agreement involved. Anyone can come in and do whatever they want even if they aren't benefiting the Town like Hillwood.

Townsend stated that he does have concerns on Article 10 and understands that there is already a placeholder from the Planning Board and is glad to see that.

Moore stated that the Select Board should trust the other Committees & Departments to watch out for the Town and protect the rights. Not anyone can just come in and build whatever they want. There are checks and balances for this process.

Bogart went through the articles and stated that the following can be withdrawn:  
Article: 10 – Since the Planning Board already has a placeholder, Article: 12, Article: 13 and Article: 14

Bogart stated that Articles 15, 16 & 17 still need to be looked at for further discussion.

Townsend thanked Moore for joining the Board on these articles.

Five minutes recess at 7:35pm

**Town Administrator Performance Evaluation process and deadlines:**

Townsend stated that in the Town Administrator contract there needs to be an evaluation no later than 60 days before the Town Election.

Townsend set a deadline of February 14 at 4pm for completed written evaluations to be submitted to Elaine Weston, Assistant Town Administrator.

The Board will need to meet with the Town Administrator individually to discuss their evaluations with him.

On March 7, 2023 there will be a Select Board meeting to announce the results of the evaluations.

**Approval for Determination and Consent of KP Law Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 – Representation of Carver, North Carver Water District and Middleborough for the Drafting of Intermunicipal Agreement of Meter pit.**

Motion to approve the Determination and Consent of KP Law by Hewins, second by Hoffman.

Vote 5-0

**Resignation of Jim Hoffman as the Select Board representative to Capital Outlay, and discussion and appointment of a subsequent representative:**

Hoffman resigned as the Select Board representative from Capital Outlay due to the Bylaws.

Motion to appoint John Cotter as the Select Board representative to Capital Outlay by Hewins, second by Hoffman

Vote 4-0

There is now an opening for a Town Administrator appointment.

**Approval of Lakeville Animal Shelter Agreement for 2023:**

Motion to approve by Hewins, second by Hoffman.

Vote 5-0

**Town Administrator Update:**

Green Community Grant Award –

The town has received a grant of \$199,984:

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**Broken down to:** \$138, 708 for Middle High School high efficiency lighting and Air sealing projects;

\$33, 632 for Fire Stations 2 and 3 insulation, air sealing and weather stripping projects;

\$14,216 School Administration building for insulation, air sealing and weather stripping projects;

\$5178 for Library Air sealing and weather stripping projects; and

\$8250 for Town administration costs.

He thanked Dave Seidentopf, Tom Bott, and Elaine Weston for their work on getting this grant for the town.

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**Joint budget meeting Saturday 1/28/23 –**

The Joint Budget meeting with the SB, FinCom and Capital Outlay committees will be held Saturday Jan. 28<sup>th</sup> at the fire station beginning at 8:30am. This will give all three Boards the ability to review and comment of the budget, as we work towards a balanced budget for FY24.

The meeting will be taped by Area 58 and played on their “you tube” channel.

**North Carver Water District Update –**

On the NCWD; he met with the Chair, Mike Palimeri, and they are developing their FY24 budget for town meeting. He informed him that things are progressing at the water plant, and that the last piece of equipment is in transit to the town. Once received, it will be installed, and thereafter, the state will conduct and oversee testing and the process of re-instituting the water flow to the town, which should occur between mid and end of February.

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**Earth Removal Great Meadow neighborhood well update –**

He met with the voice chair of the Earth Removal Committee, and was advised that at their last meeting, Van Johnson, owner of the property, Ryco, and 4 resident families were in attendance and it was noted that all issues have been resolved with the residents and that the pumping of water has ceased permanently.

Finally, not on this list, but wanted to give recognition to our police chief, Marc Duphily, who was installed as the president of the southeastern Massachusetts Police Chiefs Association. That is a great honor. Among many other duties, He will work to set up continuing education training programs for the chiefs.

He would have said something earlier when he was here, but being forever humble, he said that the Chief did not want any fanfare! Congratulations Chief Duphily.

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**Minutes of 1/3/23:**

Bogart requested a change on page 5 that the number should be changed from 33 units to 336 units.

Motion to approve the 1/3/23 minutes as amended by Hoffman, second by Cotter.

Vote 5-0

**ES Minutes of 1/3/23 for approval and release:**

Motion to approve and release the 1/3/23 Executive Session minutes by Cotter, second by Hoffman.

Vote 5-0

**Request for Best Buddies Bicycle Ride June 4, 2023 9am – 12:30pm:**

Motion to approve by Cotter, second by Hewins.

Bogart added that there should be conditions on this approval:

1 – No markings shall be affixed to any road surface (i.e. paint, decals, arrows, etc.)

2 – All signage must be removed from the Town of Carver within 48 hours of the event.

Motion to approve with these conditions by Hewins, second by Hoffman

Vote 5-0

**Request for One Day Special License: Carver Sportsmen’s Club 127 Main St. , 1/27/23 from 5pm – 11pm:**

Motion to approve the request for a One Day Special License at the Sportsmen’s club on 1/27/23 from 5pm – 11pm by Cotter, second by Hoffman.

Vote 5-0

**Select Board announcements:**

Hewins – Reminder of the Shane Gives Thanks Pantry in Town and they also accept fresh food. They are always in need.

Townsend – Town Planner, Tom Bott has put up a “frequently asked” section on the website for any questions on the Chapter 40B Development. This will be very helpful for the public and thanked Bott for putting this together. Hewins added that this is a very detailed and informative document.

**Next meetings: 1/28/23 (Saturday, 2/7/23 & 2/23/23 (Thursday)**

ARPA Meeting on January 24<sup>th</sup> at 5:00pm.

**Motion to adjourn by Hoffman at 8:13pm, second by Cotter**

Listing of Exhibits: Treat Restaurant Group, LLC dba Cornerstones – Transfer of License application, Town Administrator Evaluation form, KP Law Determination and Consent Letter, Lakeville Animal Shelter Agreement, Minutes of 1/3/23, Request for Best Buddies Bicycle Ride on June 4, 2023, Application for One Day Special License for Sportsmen’s Club on 1/27/23