

Wade Street Timeline Detail

#1 RDA acquired the property from the Select Board with town meeting vote Nov 30, 2009.

#2 Select Board granted to the RDA by way of Quit Claim deed subject to the terms by way of MOU dated Jan 12, 2010

#3 Deed was recorded on Apr 15, 2010



Bk: 38425Pg: 116 Page: 1 of 4
Recorded: 04/15/2010 10:46 AM

John R. Buckley Jr.
REGISTER
PLYMOUTH COUNTY REGISTRY OF DEEDS

QUITCLAIM DEED

The Town of Carver, a municipal corporation acting by and through its Board of Selectmen, with an address at Carver Town Hall, 108 Main Street, Carver, Plymouth County, Massachusetts 02330, for consideration of One Dollar (\$1.00) paid, grants to the Carver Redevelopment Authority, created pursuant to G. L. c. 121B Section 4, having its principal place of business at 108 Main Street, Carver, Plymouth County, Massachusetts 02330, with *quitclaim covenants* all that certain parcel of land located on Wade Street and South Meadow Street containing 6.32 acres described in deed recorded with Plymouth County Registry of Deeds in Book 4264, Page 595, and shown as Lot 3B of Sheet 112 of Assessors' Plans.

For grantor's title see Instrument of Taking dated June 21, 1991 and recorded with Plymouth County Registry of Deeds in Book 10438, page 314 and Final Judgment in Tax Lien Case dated June 4, 2003 and recorded with said Deeds in Book 26438, page 149.

Subject to the terms and provisions of that certain Memorandum of Understanding dated January 12, 2010, a copy of which is attached hereto and made a part hereof.

Use of the premises conveyed herein is restricted to residential purposes.

This conveyance is made in accordance with the vote taken under Article 4 of the November 30, 2009 Special Town Meeting, ~~a copy of which is attached hereto and made a part hereof.~~

No deed stamps are due on this conveyance pursuant to G. L. c. 64D Section 1.

Witness our hands and seals this 23rd day of March, 2010

Town of Carver
By its Board of Selectmen

[Signature]
[Signature]
Richard F. White
Sarah B. Harris

mail 2

Return to: Kathleen M. O'Donnell
P.O. Box 234
Milton MA 02186

Property Address: 0 Wade St. Carver, MA

COMMONWEALTH OF MASSACHUSETTS

Plymouth County, ss.

On this 23rd day of March, 2010, before me, the undersigned notary public, personally appeared Frank Conroy, John Conroy, Richard Ward, Sarah Newman members of the Board of Selectmen of the Town of Carver, proved to me through satisfactory evidence of identification, which is personal knowledge, to be the persons who signed the preceding or attached document and who acknowledged to me that such persons signed such document voluntarily as Selectmen for its stated purpose on behalf of the Town of Carver.

Jean Marie Bouchard
Notary Public
My commission expires: July 9, 2010

MEMORANDUM OF UNDERSTANDING

Between

Town of Carver

and

Carver Redevelopment Authority

Relating to

0 Wade Street

Carver, Massachusetts

This Memorandum of Understanding ("MOU") entered into as of this 12th day of January, 2010, by and between the Town of Carver ("Town"), acting by and through its Board of Selectmen, and the Carver Redevelopment Authority ("CRA"), with respect to the disposition by the Town of certain property located in Carver, Massachusetts.

WHEREAS, Town is the owner of a certain parcels of land situated at Wade Street, containing a total of approximately 6.32 acres of land, more or less, described in a Deed dated September 8, 2003 and recorded with Plymouth County Registry of Deeds in Book 26438, Page 149 (the "Property");

WHEREAS, Town and CRA agree that the continued use of the Property for residential purposes represents the highest and best use of the Property, and Town agrees to convey the Property to CRA upon the condition that CRA agrees to market and sell the Property for such purpose; and

WHEREAS, Town and CRA desire to set forth their mutual understanding and agreement with respect to the process by which Town and CRA will consider the proposed sale and conveyance of the Property from the Town to CRA.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby mutually acknowledged, the Town and CRA hereby acknowledge, confirm and agree as follows:

1. Town and CRA shall negotiate in good faith to determine if they can agree on the terms and conditions under which the Property shall be conveyed from Town to CRA, pursuant to G.L. c.121B, §23, which terms and conditions shall be substantially similar to, and shall include, but not be limited to, the following provisions:


- a. The Town shall convey the Property to CRA for One Dollar (\$1.00).
- b. CRA market and sell the Property for residential purposes.
- c. Upon sale of the Property by the CRA, the CRA shall reimburse the Town all insurance expenses accrued by the Town from the date of the conveyance to the date of the sale of the Property.

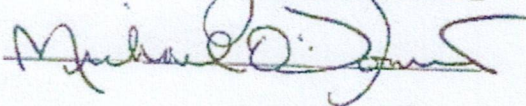
- d. Upon the sale of the Property by the CRA, the CRA shall be entitled to retain 10 % of the proceeds, gross of customary closing costs, brokerage fee, engineering fees, surveying fees and outstanding mortgage payments, as an administrative fee. 100% of the remaining proceeds shall be paid to the town by the CRA. The CRA will also be reimbursed for any mortgage interest and principal payments made on the construction loan taken for improvements to the property as well as the remaining mortgage.
 - e. The purchaser of the Property from the CRA shall be required to pay pro forma real estate taxes pursuant to G.L. c. 59 Section 2C.
 - f. This MOU may be renegotiated at the discretion of either party at any time.
2. If Town is unable or unwilling to complete the steps required to convey the Property to CRA, Town will inform CRA of this situation in a timely fashion and this Memorandum shall terminate without recourse to the parties hereto.

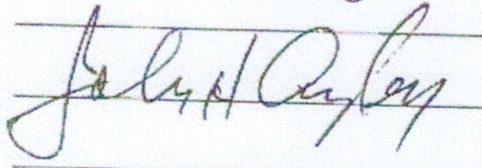
EXECUTED as of the date and year first above written.

TOWN OF CARVER

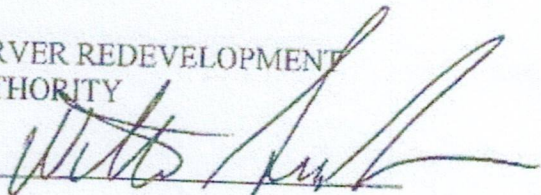
BOARD OF SELECTMEN

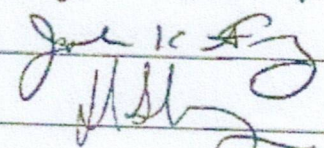


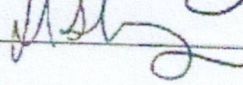




CARVER REDEVELOPMENT
AUTHORITY







Wade Street Timeline Detail

#4 Assessors' property record and Map 112 Wade St.

Apr 15, 2010 RDA was the owner 0 Wade St, 6.320 acres with a value of \$13,800. Record shows North Carver UNBLD/90 NO ADJUST "Recreation Area" for Vaughn Estates

Key: 506

Town of CARVER - Fiscal Year 2022

12/10/2021

5:44 pm

SEQ #: 511

CURRENT OWNER		PARCEL ID		LOCATION		CLASS		CLASS%		DESCRIPTION		BN ID		BN		CARD	
CARVER REDEVELOPMENT AUTHORITY		112-3-B-E		0 WADE ST		9300		100		VAC.SELECT/CITY CNCL						1 of 1	
CARVER MA 02330		TRANSFER HISTORY		CARVER REDEVELOPMENT AUTH		DOS		T		SALE PRICE		BK-PG (Cert)					
		CARVER TOWN OF		04/15/2010		E				1 38425-116							
		WILLIAMS BROS. INC.		09/08/2003		E				26438-149							
				05/11/1977		X				1 4264-595							

CD	T	AC/SE/UN	Nch	INFL1	INFL2	ADJ BASE	SAF	INFL3	Lp1	VC	CREDIT AMT	ADJ VALUE
100	S	60,000	NCR	1.00	U1	0.08	1	1.00	NCR	1.00	10,650	
300	A	4,943	EXS	1.00	U1	0.08	1	1.00	EXS	1.00	3,150	
TOTAL												

TY	QUAL	COND	DIM/NOTE	YB	UNITS	ADJ PRICE	RCNLD	PHOTO	ASSESSED	CURRENT	PREVIOUS
TOTAL									6.320 Acres		
NORTH CARVER									"RECREATION AREA" FOR VAUGHAN ESTATES		
UNBLD/90									LAND	13,800	12,400
NO ADJUST.									BUILDING	0	0
									DETACHED	0	0
									OTHER	0	0
									TOTAL	13,800	12,400

BUILDING	CD	ADJ	DESC	MEASURE	LIST	REVIEW	BLDG COMMENTS
MODEL							
STYLE							
QUALITY							
FRAME							

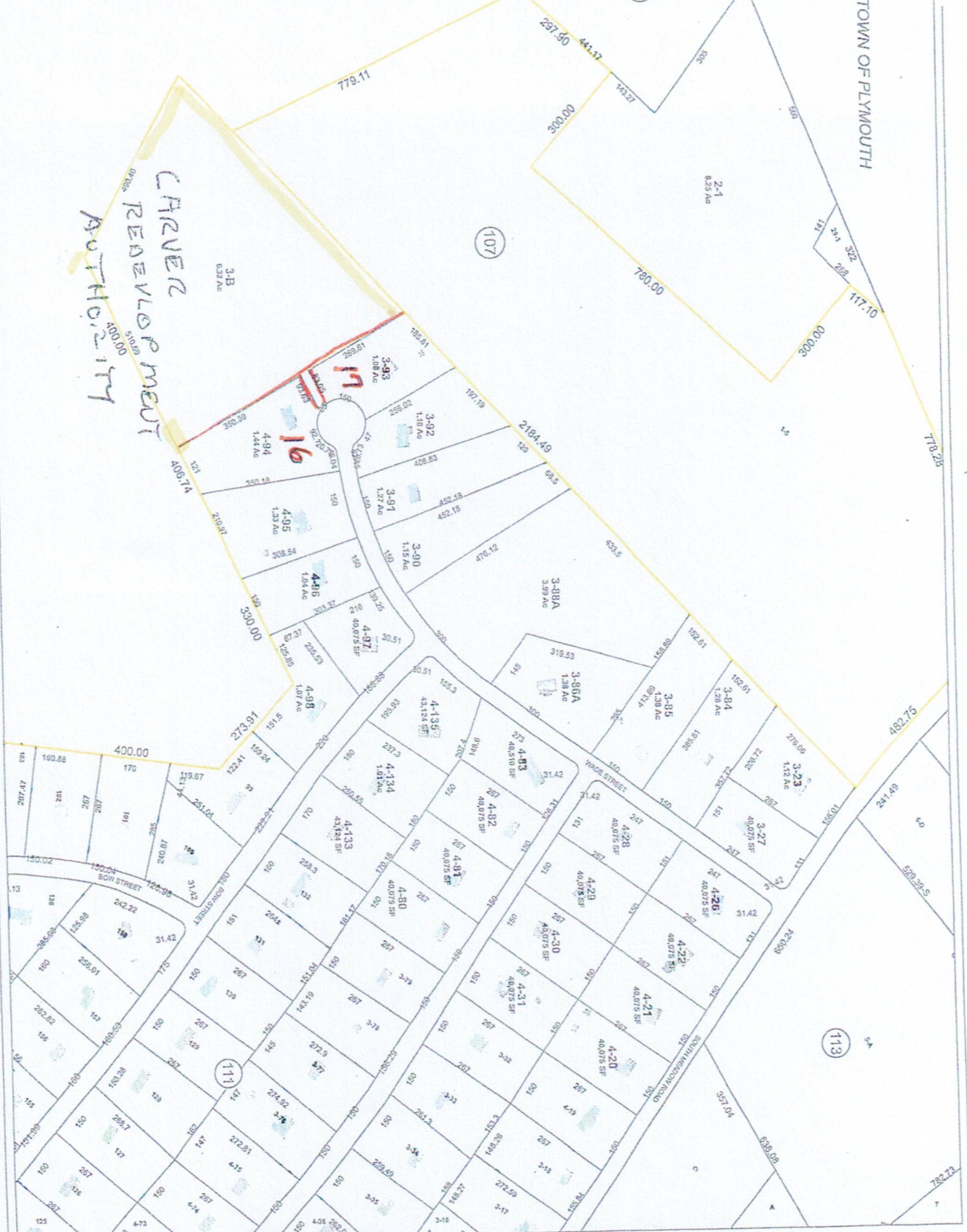
YEAR BLT	NET AREA	\$NLA(RCN)	SIZE ADJ	DETAIL ADJ	OVERALL	ELEMENT	CD	DESCRIPTION	ADJ	S	BAT	T	DESCRIPTION	UNITS	YB	ADJ PRICE	RCN

CAPACITY	UNITS	ADJ	TOTAL RCN	CONDITION ELEM	CD

EFF YR/AGE	COND	FUNG	ECON	DEPR	% GD

TOWN OF PLYMOUTH

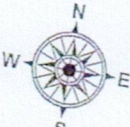
CHRYSLER
REDEVELOPMENT
AUTHORITY



PROPERTY MAP
Town of
Carver
MASSACHUSETTS



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1 inch = 100 feet
0 50 100



- Map Legend
- Parcel
 - Public Road
 - Unpaved Road
 - Building
 - Easement
 - Adjacent Map No.
 - Pond, Lake
 - Town Boundary

MAP NO. 112

Wade Street Timeline Detail

#5 RDA began to market the property and Makepeace was the interested party to purchase the property for a sum of \$18,900. RDA & Makepeace signed the P&S, next step went to the Planning Board. During that time the residents of Vaughan Estates (131) began to learn of the potential sale to Makepeace. Much "ToDo" about something made the RDA listen, revoke the P&S and advise the Planning Board of the change in plans.

#6 On April 10, 2012, our lawyer Kathleen O'Donnell wrote a letter to Jack Hunter (Town Planner) and the members of the RDA. **Kathleen O'Donnell's letter is attached for reading.**

Here you go I am not sure what letter he had in addition to these?

From: K Odonnell [mailto:kmeodonnell@verizon.net]
Sent: Tuesday, April 10, 2012 9:58 PM
To: Jack Hunter
Subject: Wade Street - Confidential - Executive Session Material Only

Carver Redevelopment Authority ("CRA")
c/o Mr. Jack Hunter
Director of Planning and Community Development

Re: Sale of Wade Street

Dear Members of the Redevelopment Authority:

The CRA executed a Purchase and Sale Agreement on October 11, 2011 with A.D. Makepeace Company agreeing to sell a lot located at the end of Wade Street to A. D. Makepeace. The sale was conditioned upon the CRA obtaining a decision from the Planning Board that would modify the 1976 subdivision plan that restricted the lot as "Recreation Area" to allow cranberry operations. The Planning Board did not reach a decision in time for the closing date. The CRA terminated the Purchase and Sale Agreement over the objections of the buyer.

After the termination of this Agreement, the CRA agreed to transfer the lot to the Town acting by and through the Conservation Commission. A deed has been prepared, reviewed and approved for execution by the CRA. I understand that at the last meeting, members of the CRA sought to rescind this transfer to sell the lot on the open market.

In my opinion, the CRA has a binding agreement with the Town of Carver to transfer the lot for the consideration of \$19,000. The Town has agreed to accept the lot notwithstanding the fact that the lot is still subject to a potential restriction based on the designation recited on the 1976 subdivision plan. It could seek to enforce the sale by suit. Should the CRA renew its request to the Planning Board so it could convey clear title to a third party, I suspect that the former buyer would seek to enforce its Purchase and Sale Agreement, arguing bad faith on the part of the CRA. In light of these risks, I recommend that the CRA proceed as planned and transfer the lot to the Conservation Commission.

Kathleen M. O'Donnell, Esq.
P.O. Box 234, Milton, MA 02186
Phone: 617-794-2794
Fax: 617-696-2040
kmeodonnell@verizon.net
www.kathleenmodonnell.com

Wade Street Timeline Detail

#7 On October 1, 2012 the RDA took a vote to give back to the town. The preference was for the recreation lot to go to the Conservation Commission as open space to be kept so that all the 131 residents could enjoy use of that property as it was designated on the 1976 subdivision plan.



108 Main St Carver MA 2330

Meeting Minutes
Tape recorded by Robert Belbin

Approved December 3, 2012
Vote of 4-0-0

Date: October 1, 2012 Time: 6:00
Agenda (exhibit A)

Attendance: Will Sinclair, Johanna Leighton, Jack Franey, Robert Belbin
Public: Jack Hunter Town Planner, Gregg Iovanno, Brian Abatiello (arrived at 6:35)

Meeting opened by Will Sinclair at 604

Motion: By Belbin to take the Agenda out of order at the Chairman's discretion.
Seconded: By Leighton.
Sinclair: Further discussion, none.
All in favor? AYE.
Unanimous, Sinclair, Leighton, Franey, Belbin 4.0.0

Item #1 Meeting Minutes

Sinclair: Hold off on minutes per jack Franey
Motion: By Leighton. A motion to table Meeting Minutes until next month.
Seconded: By Franey
Sinclair: Further discussion, Belbin suggested the Members read the minutes from the computer save on paper.
All in favor? AYE.
Unanimous, Sinclair, Leighton, Franey, Belbin 4.0.0

Item #5 Wade St Sub-Committee report.

Will Sinclair: Been a hot item and a bone of contention. Could the Sub-Committee please give the Board an update of what is going on? We have seen some emails going back and forth. Johanna and I have had a discussion, expressed her opinion to get off the sub-committee. So lets go from there, I know I have voiced my opinion on this project many times and would like to put it to bed today.
Belbin: The Sub committee has not had a meeting since our last RDA meeting. Therefore, we have nothing to report. Personally, though I would like to look at other option for it and move it forward. Put it on the Tax roll and look at the residents and move it forward, but whatever the Board wants to do, ill go along and vote.
Sinclair: Johanna the reason you want to get off the sub committee? That really mixes us up with 2 people on a sub committee.

Leighton: Bob and I have gone back and forth with many, many emails. We didn't have any particular meeting. He had some ideas and I did go along with some of those. Then, after hearing from the residents and so on I kind of set back and you know what the intent of the subdivision, I'll read what I had emailed to Bob. The intent of the subdivision of 1976 to have a recreational area set aside for the residents, however the BOS in those early days did not have and or use a follow through to provide the legal process by which that land taxes would be paid, for example Toff Tree and Kingsbury Hollow on Plymouth St of paying the taxes on open space should work. My thoughts and feelings are now that we have gathered all of the facts My belief is that the CRA returns the property back on over to the BOS. I had a second thought that maybe, Time heals all, the CRA holds on to the property for at least a year or more and if nothing conspires we turn it over to the BOS. That was my emphasis.

Sinclair: so you still want off the sub-committee?

Leighton: ya.

Sinclair: OK, so just for clarification. With this property we have always had 2 people on a sub committee. So that needs to happen. I'd like to entertain a discussion on giving it back to the selectmen. The reason why I say this is I have had many with everyone, it's no disrespect to anyone. I know you guys have been doing your best, like other committees.

We asked for this property because we had a prospective buyer, when we went to TOPS and to bring it to Town Meeting, this property. We had a P&S with Makepeace.

When it went to the PB to change the direction of the use, the neighborhood came up in arms. We also got political pressure. RDA withdrew their application with the PB. We attempted to form a subcommittee to move forward for some type of consensus what to do with this? A lot of talk by this sub committee and also Selectman and residents, and we are all over the place with the community on what to do with this project. I think it should go back to the selectmen because we don't have any good solid direction.

Franey: My position was to give it back to the Town, it's a hot potato.

Sinclair: I know you were at first, with the TOPS committee you were I knew it was questionable, about the potential buyer.

Franey: No matter what you do you are not going to satisfy all the people.

Leighton: 131 people.

Franey: Talked about pine tree village meeting 117 home and only 20 people showed up.

Markus Atwood home is in a Trust can we do the same? Have 3 residents be the trustees of it. Maybe eligible for CPA funds.

Belbin: First, one thing did concern me is that, People were calling you and you that I was going door to door. I have to say for the record, I went to 3 houses. I think who ever this was confused me for Brian walking around the neighborhood. My opinion only, I only went to 3 houses. The direction of the property, I hate to give up, I like to look at different options and to look around. I think if we give it back to the Selectmen we will be back here, someone's going to be back here to deal with it again in some way shape or form. The idea of a trust, the residents don't want a playground back there, they don't want building back there, and they don't want anything back there. I can't see giving back the property to the 1 neighbor, 2 or three. And sub dividing into 2 acres each. It would have to be a community involvement with those people. That property is worth money whether a little bit of a lot of money. We need to find out how much that is? If were to into a trustee with a group of people of that neighborhood I wouldn't have a problem with that. But, I still think if we put it back to the Selectmen and they hold on to it for future government use, something may come up in the future we could come back with the same issue.

Franey: Let the selectmen put it to Town Meeting, let the residents mobilize and do something. It is the purest form of Government.

Belbin: what ever Town meeting wants to do it will do. I don't like the word can't; I don't like to here you can't do something. I don't like the idea you give up. We have done a lot here. As I see here I am out voted. We never had a meeting with the residents to gauge what they really want to do with it.

Sinclair: well not this RDA but the PB. Discussion about that meeting.

Leighton: discussed history of property, deed, tax issue. Problems past issues.

Franey: I want to give it to the residents, I don't want to charge them anything, I want to help them maintain it with CPA money. That's my suggestion; the Selectman may not go along with it. Town Meeting might not go along with it.

Belbin: 3 issues and I am done. 1. Possible contamination?

Sinclair: you have to stop saying that. No one knows?

Belbin: that's why I say possible? There is dumping, there is stuff out there. 3. Is My son has to do an Eagle Scout project, I put a bug in his ear. Possible cleaning up the area, trash. I'm ready for a vote on this.

Hunter: discussed the history of the PB.

Motion: By Belbin to give Wade St back to the Selectmen.

Seconded: By Leighton.

Sinclair: Further discussion, none.

Gregg Iovano: Originally you want to put it on the Tax rolls. When you want to make this into a recreation where does that money come from?

Hunter: as jack said it would come from the CPA.

Belbin: From your taxes 3% taken from you.

Franey: the agreement was to sell the property to put it on the tax rolls. Making it recreation the town pays something. Buckman park discussion.

Gregg: it goes to the selectmen.

Sinclair: they have control of it.

Gregg: to be honest I would like to leave it like it is.

All in favor? AYE.

Unanimous, Sinclair, Leighton, Franey, Belbin 4.0.0

Item # 4 Ben Ellis final Reconciliation.

Sinclair: Basically I want to pay the Town the Money.

Franey: gave a review of the Ben Ellis financials (Exhibit B) we owe the Town \$109,555.09 we keep \$38,519.00.

Sinclair: we need a motion to pay the check.

Motion: By Belbin to pay \$109,555.09 to the Town of Carver to pay our bill.

Seconded: By Leighton.

Sinclair: Further discussion, none.

All in favor? AYE.

Unanimous, Sinclair, Leighton, Franey, Belbin 4.0.0

Item #6 61 West St. request for CDBG (Carver Development Block Grant program)

Wade Street Timeline Detail

#8 On October 23, 2012 there was a joint SB and RDA meeting. Selectperson Helen Marone made a motion to accept both properties (Oak Drive and Wade Street) from the RDA. Jack Franey then a member of both the Select Board and RDA made a motion to put Wade St. on the next meeting agenda.

Minutes of the Board of Selectmen's Meeting of October 23, 2012
Town Hall – Meeting Room #1 7:00 p.m.

Present: Selectmen Richard Ward, Sarah Hewins, Jack Franey, Helen Marrone, Chairman Mike O'Donnell, Town Administrator Richard LaFond and A.T.A. Jean Bouchard.

After leading the audience in the Pledge of Allegiance the Chair announced the vacancies on various committees, commissions and boards.

Public Hearing Carver Convenience, Inc. dba QuickeeZ:

The applicant, Suresh Kumar Patel, and his attorney, Joseph Devlin, came before the Board requesting a Wine and Malt Alcoholic beverage license and a Pledge of the same for QuickeeZ. Applicant is also requesting a Common Victualler License.

Devlin explained the business is being purchased for \$150,000, with the applicant contributing \$30,000 and a \$120,000 loan through Rockland Trust. The convenience store inventory is estimated at \$35,000. Applicant has entered into a seven year lease. Applicant has two other businesses, one at the Westgate Mall in Brockton and one in New Bedford. He will be on site to manage the business.

Police Chief Miksch stated he does not normally get involved regarding the licensing, however this is a unique situation given the past history of the business. He has spoken to Patel and his attorney regarding this. He will meet with Patel once the sale is final to take care of any issues he might have. At the local level he sees no problems.

Motion by Franey, second by Ward to approve. Hewins had concerns due to the past history. Miksch stated if the Board does not approve the license they can appeal to the state.

Devlin stated that the applicant is not related to Suresh B. Patel. Patel stated he has owned a business in the Brockton for thirteen years and the one in New Bedford ten years.

Before opening up the hearing to residents O'Donnell cautioned the applicant to work with the Police Chief as there have been problems in the past with the business.

Resident Jane Forrester asked how long has Patel been here. Patel responded he was born in India and came to this country in 1997. Forrester stated it is good to see a business come to Town and welcomed him.

Vote 5-0.

Website Committee Update:

Steve Dewhurst, Ellen Blanchard and Bob Bentley came before the Board to give an update on the Website Committee.

Dewhurst gave a slide show presentation to the Board on what has been done to update the Town's Website. The following points were made by Dewhurst:

- Cut the budget 100%
- Implemented the posting of public meeting information
- The website is the most secure municipal website in the commonwealth

- More efficient by leveraging department heads expertise
- Information posted in a timely manner

Dewhurst went on to thank the various departments in Town for their assistance in the development of the website and continued with what the committee hopes to do in the future with the Website. Dewhurst asked before proceeding if any of the Board Members had concerns. Marrone replied that she would bring up concerns altogether as she has prepared written comments.

Dewhurst then explained the subscription service available to residents. They looked at other Towns subscription services. He stated that Beta testing has been done and it runs well. This is a very safe service for those that subscribe due to encoding on the site. Also, Dewhurst stated that the E-mail capacity is 400 per hour.

O'Donnell praised the committee for their work on the Website. Dewhurst stated he could not ask for better committee members. He also thanked Hewins as this was her idea.

Marrone expressed her concerns with the committee as well as thanking them for what they have done so far on the site. Dewhurst stated Board Members should talk to him with concerns. He has been trying to meet with members on their concerns for months. Marrone stated she confirmed with the A.G.'s Office that once someone's e-mail is entered it becomes a public record and has serious concerns with the risks to both the Town and subscribers. She then read a written statement on her concerns (addended). Some of her concerns included not being invited to meetings; time of meetings held; limiting the committee to three members, lack of minutes at the Town Clerk's Office; privacy of residents; inappropriate statements and and "unfair" photography promotion" regarding photos displayed on website that she called "unfair and unethical". Dewhurst explained the software for the photos demands a copyright and said the Committee was actively seeking people to submit photo and said that the Committee was trying to give credit for photos that were on the website before the existence of the Committee. Bentley then talked about the timing of their committee meetings, as he works. At their 8:30 a.m. meeting residents Mr. Forrester and Ms. Padovani were present and the committee has never held "behind the scene" meetings. Dewhurst pointed out that Marrone had never asked for minutes, and had never spoken to any member regarding the website. Marrone stated it is inappropriate for a "webmaster" to have control over the website when his wife is a sitting Board of Selectmen. Hewins stated there is no conflict as she has no financial interest, and her ethics are between her, the Ethics Commission and God. Dewhurst said the Committee proceeded in a very public way, and that if the Board was concerned, they should have asked the Committee to report. During this discussion Mr. Dewhurst stated that Ms. Marrone had a bee in her bonnet. Chairman O'Donnell stopped Mr. Dewhurst from speaking derogatory to Ms. Marrone.

Franey stated that Marrone went through the right channels as LaFond is the Board's liaison. Dewhurst stated the committee is trying to make the website the best website in the State and that there has been little interest expressed by the Board in the past two years while the site has been developed and updated.

Ellen Blanchard spoke as Director of Assessing and stated her department's page has information galore, forms, etc. This is important information citizens need. She stated that they have never limited the number of people on the committee as this is a Board of Selectmen matter and she did not understand why that issue was raised as a criticism of the committee.

O'Donnell stated it seems to be a lack of communication with both groups, and more frequent updates should be scheduled. Marrone stated that she would like to see some Policies and Procedures drafted and reviewed by the Board of Selectmen and suggested that there be additional members on the committee.

Appointment Requests:

Eric Steele came before the Board requesting appointment to the Business Development Commission. Motion by Franey, second by Hewins to appoint. Vote unanimous.

Skip Martin came before the Board requesting appointment to the Recreation Committee. Motion by Franey, second by Marrone to appoint. Vote unanimous.

Phil Shannon came before the Board requesting appointment to the Web Site Committee. Motion by Franey, second by Marrone to appoint. Vote unanimous.

Appointment of Election Workers:

Motion by Ward, second by Franey to appoint the following Election Workers: Judy Cabrera; Marilyn Carey, Linda Fermino, Joanne Myette and Sandra Tedford. Vote unanimous.

Redevelopment Authority – Wade Street and Oak Drive Property:

Will Sinclair, Joanna Leighton, Bob Belbin and Jack Franey discussed the Oak Drive and Wade Street Properties that the RDA wants to return to the Town. They had a P & S on Oak Street, however it fell through. This is an unbuildable lot. The Wade Street property is a large parcel of land left to the Town by the developer that does not have easy access. After further discussion a motion was made by Ward, second by Marrone for the Town to accept both properties back from the RDA. Franey asked that they be put on the next Agenda. Ward remarked the Wade Street property is a valuable piece of property and whatever taxes are relinquished are not going to compare to the value in ten years. Vote 4-0-1 (Franey abstained).

Business Development Commission - Spring Street Property:

Jack Hunter came before the Board regarding the BDC's recommendation and analysis on re-zoning property on Spring Street at the interchange on the new Route 44 to promote economic development and commercial growth. The majority of the land (approximately 35 acres) is currently owned by the state that they took by eminent domain. The State stated two years ago that they would work with the Town on Master Planning the area. SRPEDD did an analysis and had a meeting with abutters. He is bringing this before the Board before presenting it to the Planning Board. He showed slides that showed the topography with buffer areas. This property is close to the Sysco property and has good access to the highway. Further meetings with abutters would be held. The analysis recommends the best use would be a plaza.

One Day Special License:

Motion by Franey, second by Marrone to approve One Day Special License to Bartending Service of N.E. for October 26, 2012 at the Sportsman's Club. Vote 4-0-1 (O'Donnell). Resident Forrester called for a point of order stating that Ward is a life member of the club.

Charter Committee:

Franey withdrew this item.

Appointment of Tax Collector as Tax Title Custodian:

Motion by Ward, second by Marrone to appoint Tax Collector as Tax title Custodian for Scrub It Car Wash, Map 18, Lot 21. Vote 4-0-1 (Franey).

Minutes:

Motion by Ward, second by Franey to approve minutes of 9-11-2012. Vote unanimous.

Motion by Ward, second by Hewins to table minutes of 9-25 until next meeting. Vote unanimous.

Citizen's Participation:

Resident John Rinella read a prepared statement (addended) regarding the treatment of Bruce Kaiser, Chairman of the Audit Committee that was recently disbanded at a Board of Selectmen's meeting. Rinella stated Kaiser deserved an apology from the Board of Selectmen. Rinella stated Kaiser is unaware that he is making this statement this evening. As a resident for 32 years he has never seen anyone treated this way in front of the Board.

Resident Bob Belbin brought up that Rinella's issue was not relative to the Agenda Policy. He also spoke on the e-mails between Kaiser and committee members and did not like what was said by either of the parties, but mostly Kaiser. He did not like was stated by either party. O'Donnell stated he made an exception to the Agenda Policy.

Will Sinclair asked if the Audit Committee was going to be put on a future Agenda with direction. O'Donnell and Marrone stated definitely.

Dawn Padovani stated it is well in purview of the Board to disband the Audit Committee. Also there was a Legal Services Committee who worked hard and was disbanded by the Board.

Hewins stated the Legal Services committee was disbanded due to the fact they had completed their work.

Jean McGillicuddy stated what she saw was somewhat disturbing. It looked like someone made an error and that this action will prevent people coming forward to volunteer. It did not look good, and hopes it will never happen in the future. It would have been nice if the rest of the committee was here. Marrone stated her biggest concern was them not taking the oath. She has reviewed town counsel bills on Open Meeting Law complaints and this could create a myriad of complaints regarding open meeting law violations. McGillicuddy stated when there is an oversight people have been informed and they have come in to take their oath of office.

Town Administrator Notes:

LaFond stated that Mammoet will be moving another transformer and asked Bouchard to speak on this. Bouchard stated that an old transformer will be moved out of Town to Cordage Park and from there it will be barged to Sandwich to enhance that Town's service supply.

LaFond also stated there was a Public Hearing at the Library on the Route 58 reconstruction, and that there is another applicant for the Website Committee. He has been in contact with SRPEDD and the County to see what interest there is for a regional Building Commissioner. Minutes from the prior Executive Session was put in the Selectmen's folder. Asked Board members to review so that they can be approved at the next Executive Session.

Franey stated we have two open meeting law complaints and wants them put on next Agenda. He asked LaFond to send a letter to the complainant. He also reminded public of the tax bill payment deadline. Also, he suggested a policy on residents taking oath of office when appointed, and reminded people to vote. Franey also brought up November's meeting dates. O'Donnell stated he is not available on the 27th. O'Donnell suggested moving meeting to December 4, 2012. This would take place of the November 27th and December 11th meetings.

Hewins reminded people Sunday is the last day of the Farmer's Market, and also reminded people to vote.

Ward also reminded people to vote, and to please stop by the Farmer's Market. He asked for donations to the food pantry. He was reading through the Discriminatory/Harassment Policy and believes this is a good guideline for treatment of people that come before the Board.

Marrone talked about gathering information on consolidating departments and that she attended some sessions on consolidations at a recent Association of Town Finance Officers meeting. She stated that she has met with the Board of Health and will be meeting with Carole Julius, Tom Walsh and Ellen Blanchard. LaFond is providing her with Department Head job descriptions. She is glad we have Citizen's Participation and it is good to hear from people who want to speak up on issues. She also reminded everyone to vote.

O'Donnell announced the Jingle Bell Fair at Our Lady of Lourdes and the Veterans Day Breakfast at the COA sponsored by the American Legion. He stated it is the 270th birthday of the Marines. Also asked everyone to keep our men and women serving around the world in their thoughts and prayers.

Ward motion, second by Franey to adjourn at 10:10 p.m. Vote unanimous.

Wade Street Timeline Detail

#9 On November 13, 2012 that next SB meeting was held and many of the residents came to offer their opinions. All stated to leave alone, let it be what it was designated to be namely "recreation area".

Minutes of the Selectmen's Meeting of November 13, 2012
Town Hall – Meeting Room #1 7:00pm

Present: Selectmen Jack Franey, S. Hewins, Helen Marrone, Chairman Mike O'Donnell, R. Ward and Town Administrator Richard LaFond. Elaine Weston took the meeting minutes.

The Chair led the audience in the Pledge of Allegiance. The Chair read the announcements

Michele Cohen-Request to be appointed to the Website Committee

Cohen stated she is interested in working with the Website Committee, has worked with her IT department at work in order to develop a more user friendly application. Motion by J. Franey to appoint M. Cohen to the Website Committee, second by R. Ward. Vote 5-0.

7:10 Hearing: Landmark Auto Sales

No one was present for the hearing, he arrived late as he was stuck in traffic. Hearing to be put on hold. Motion for the hearing to be postponed to December 4, 2012 by S. Hewins, second by H. Marrone. Abutters to be re-notified via certified mail.

2013 License Renewals:

Licenses are historically approved contingent on payment of taxes. Motion by R. Ward to approve 2013 License Renewals as long as the licensees that owe taxes are in a payment agreement with the Tax Collector or payment of taxes is made in full. Second by H. Marrone. Vote 5-0.

Fishing Tournament Requests for Use of Sampson's Pond

Motion to approve both Rod Jockey's Bass Club of Cape Cod for September 14, 2013 and Mass Bass Federation Nation for September 15, 2013 by J. Franey, second by S. Hewins. Vote 5-0.

Approval of Minutes of Sept. 25th and October 16th, 2012

Changes per Franey: 9/25 & 10/16 one minor change on each. Changes by Hewins: 9/25 minutes 3 minor changes. Changes by Marrone: 10/16 minutes one minor change
Motion to approve as amended by J. Franey, second by R. Ward. Vote 5-0.

7:25 Hearing: Mike Terrill dba Mike's Auto Sales

Terrill currently has a Commercial Garage permit behind his house on Fosdick Road. Requesting a Class II license for 4 vehicles at 37 Fosdick Road and storage for up to 4 vehicles with no display. Special permit was granted by the ZBA. Motion to approve a Class II License for up to 4 vehicles with no display effective January 1, 2013 by J. Franey, second by H. Marrone. Vote 5-0.

Power Purchase Agreement with No Fossil Fuels:

Mary O'Donnell from No Fossil Fuels was present with Jack Hunter. Jack has been working with the parameters set by the Board of Selectmen. There is no issues with the concept, their attorneys notified them this afternoon. Hunter stated that council may have concerns about being the host and would like to discuss those before approving. Mary stated that the host customer controls the host metering credits and gives them out to other towns. You would use all the credits you want as the host and send off anything you don't want as the host. There is no more financial liability to it. H. Marrone questioned if there would be any additional administrative processes as being the host. Mary stated that the bill would come to the town. The DPU will be holding a meeting on Dec. 6 which will explain how the billing works. Hunter stated it will be more responsibility but we will have more capacity in our agreement, but

needs to learn more about it. H. Marrone stated that she was under the impression that a certain amount of net metering credits would be allotted to Carver. Mary stated that in electricity some months would be a deficit and it is possible to have to pay more. Mary asked the board to commit to it when the lawyers work it out, not sign tonight. The consensus of the Board seemed to be hesitation about being the host since they had no prior notification. Mary stated that the money comes in and takes the town's percentage off the top and is sent out to the other towns. There is nothing in the contract that anticipates mistakes in billing.

Micheal Pernari-the CFO spoke about billing and responsibility of No Fossil Fuel to make sure everyone gets paid. No extra staffing would be needed. H. Marrone asked Mary to summarize the benefits of being a host. The 10 megawatt max that each town has-the town will never use the full capacity unless we build facilities triple the size of what we have now. We can only get credited for what the annual usage is. H Marrone would like a clause in the contract in the event that Carver is the host community that we will not be held liable for any administrative mistakes and that any errors would go back to No Fossil Fuels to alleviate. R. Ward suggested when the lawyers are done and the Board agrees they will be the host that they could hold a special meeting to vote on that. Motion by J. Franey to table the issue until December 4, second by H. Marrone. Vote 3-2 (O'Donnell and Ward opposed).

8:00 (5 minute break)

8:05 Wade St. Property Discussion

J. Franey read a letter from A.D. Makepeace received today dated November 12, 2012 which stated they are interested in acquiring the parcel. Ch. O'Donnell invited the abutters to speak before the Board of Selectmen.

Abutter Greg Iovanna of 17 Wade St. recently moved there, has young children and is opposed to the sale of the parcel due to several concerns including the proposed playground. Ch. O'Donnell questioned if he would be interested in purchasing half of the property. He would entertain the suggestion but is has the understanding it is currently unbuildable land. R. Ward stated that he is interested in the town keeping it as a future investment. Ch. O'Donnell stated that the town could have several options to make revenue from the property. S. Hewins asked J. Hunter why the lot was unbuildable and he stated that there was not enough frontage on the parcel as it stands alone. Theoretically if an abutter bought it, they could possibly use their frontage for access. It cannot be rezoned as a retreat lot, the frontage has to be pre-existing.

Town Assessor Ellen Blanchard spoke to why the value of the property was so low, it was set that way because it was decided that parcel would be allocated as recreational. There are 130 parcels as part of the subdivision. It is unbuildable and the intention is for all of the residents of the subdivision to partake of that area equally.

Redevelopment Authority Member Robert Belbin suggested that the parcel be used for government purposes regardless of the frontage and feels that if it doesn't go to the property owners that the town should keep it. He feels that the price offered by A.D. Makepeace before was way too low. Ch. O'Donnell suggested that if the parcel is sold, the town can put restrictions on it.

Brian Abatiello, 15 Wade Street, would like to leave the property the way it is and enjoys the untouched beauty of the wildlife that the parcel provides to the neighborhood. He walks the property and sees

neighbors walking their dogs and feels it is already being used as a recreational area. It is a park without the swing-set.

Palmer Pearson, 3 Wade St. has lived there over 30 years. He would be against anything bringing more traffic to Wade Street. He would like to see a public garden type of area and would like to see the direct abutters have the first option to buy it and that would give revenue back to the town via taxes.

Ch. O'Donnell questioned if the original intent was to deed it to the subdivision. J. Hunter said it was up to the developer to build a recreational area and that it was the intention for every sub division to have a recreational area. For subdivisions now, a deed is required for each lot to own part of the property. Ellen Blanchard stated it would go to an association, and is not sure it could now be deeded to each person in the development.

Gina Hanlon-Cavicchi, 11 Wade St., agrees with the others that she likes the parcel the way it is and does not want to see a gravel project in there. She likes the idea of it going into a trust. And would like to see the direct abutters have the first option to buy, and if not then put it out to the Wade St. residents. If it were to go into a trust, it would have to go to a Town Meeting vote.

Mary Lou Boulay, 16 Wade St. is happy with her neighbors and agrees that the wildlife is enjoyable on the property. She does not want to see anything happen to the land and enjoys it the way it is. She feels that she has protected the property for several years. Williams Bros. dumped 30 years of building materials over the years. She also feels she would be taking the responsibility of the trash.

J. Franey suggested possibly getting town council's advice on the clean-up responsibility of the property.

Eric Simpson, 14 Wade St., would like to see it stay the same or be a trust for the development.

R. Belbin would like to see if the RDA could pay for soil testing. He thinks this would helpful to the residents and the Board of Selectmen.

Brian also suggested testing the aquifer to see if it is contaminated in case that piece of property is affecting their wells.

Jane Forrester, Cranberry Village spoke in defense of R. Ward.

Ch. O'Donnell feels there was efficient input from the abutters on the property. No action taken at this time.

8:55 (5 minute break)

9:00 Cisco Brewers request for 30 One Day Special Licenses

Looking for an Edaville Wine and Malt license for 30 days beginning this weekend. O'Donnell asked if all bartenders are TIP certified and have a 3 drink maximum drink limit. Brenda Johnson described the area the beverages are being served in: it will be in a fenced in area. Chief Miksch stated he will discuss issues with Brenda as they come up and does not have a problem with patrons being served in a controlled environment. They cannot leave the fenced in area with the beer and wine. They will also be

using wrist bands. If they leave the courtyard, they need to get another wristband. Motion to approve the 30 one-day special licenses by H. Marrone, second by S. Hewins. Vote 5-0.

Special Town Meeting Warrant-December 6, 2012

R. LaFond stated that Town Council suggested formatting changes to a few articles. They also suggested article #9 & #10 to be combined since they intend to accomplish the same thing. They have language to accomplish that. It will reduce the warrant to 15 articles. The transfers are for the purposes of paying the Verizon abatement. The Dept. of Revenue puts the values on the account. Verizon appealed it and won. Verizon wants the money back plus interest. Instead of the money coming directly from short-term interest, the overlay account will be transferred to the short-term interest account.

Motion to accept the articles for the warrant to be posted by J. Franey, second by H. Marrone. Vote 5-0.

Art #1: Motion to approve by Franey, second by R. Ward

Art #2: No recommendations at this time. Motion to remove article from warrant by J. Franey, second by H. Marrone. Vote 5-0.

Art #3: Motion to approve by J. Franey, second by H. Marrone. Vote 5-0.

Art#4: Motion to approve by J. Franey, second by H. Marrone. Vote 5-0.

Art#5: Motion to approve by H. Marrone, second by R. Ward. Vote 5-0.

Art#6: Motion to approve with amendment "or borrow" to be added by H. Marrone, second by J. Franey for discussion purposes. Goal is the same to borrow since rates are so low for short term –they are a private entity, should we support cranberry village water system. Defined by the pipes and structure we own and ends at the connection. Vote 5-0.

Art#7: Motion to approve by J. Franey, second by H. Marrone. Vote 5-0.

Art#8: Motion to approve by J. Franey, second by R. Ward. Vote 4-0-1 (O'Donnell recused himself from the vote).

Art#9: To be combined from Article #10.

Art#10: Motion to approve to combine articles and the amounts by J. Franey, second by H. Marrone. Vote 5-0.

Art#11: Motion to approve by J. Franey, second by R. Ward. Vote 4-0-1 (O'Donnell abstain)

Art#12: Motion to approve by R. Ward, second by S. Hewins. Franey & Marrone would like to see the article removed and put on the Annual Town Meeting. Hewins does not think it is the same article that is normally on the Annual Town Meeting. Vote 2-3. (Hewins & Ward approve, O'Donnell, Franey, Marrone disapprove).

Art#13: Ch. O'Donnell asked if it was necessary for this article to be on the warrant. Chief Miksch just wanted to get by-laws in place for pawn shops before they move into town. Motion to remove article from warrant by J. Franey, second by H. Marrone. Vote 3-1-1 (Hewins disapprove, O'Donnell abstain)

Art#14: Motion to remove article from warrant by J. Franey, second by S. Hewins. Marrone feels this should not come off the warrant. Zoning articles require a 2/3 vote. Ch. O'Donnell suggested someone from the Solar by-law committee come to the Dec. 4 meeting. Michele Cohen spoke to keep this article on the warrant. Marrone question if there could be a time frame put on discussion on each article. R. LaFond suggested speaking to R. Bentley regarding this. O'Donnell feels that this article should stay on the warrant because of the commitment to the community on this issue. Vote 2-3 (approved by Franey & Hewins, disapproved by O'Donnell, Ward and Marrone).

Art#15: Amend article to have a date. Motion to approve with amendment until the calendar year 2013 by S. Hewins, second by J. Franey. Vote 5-0.

Art#16: cannot vote on this

Discussion on delegating one or two members to serve on the Town Accountant Screening Committee

The Town Accountant has accepted a position in another community. The Town Administrator asked if one or more of the Board would like to serve on the Town Accountant Screening Committee, including someone from the Finance Committee and School Committee. Ch. O'Donnell would like to see a committee weed out unqualified candidates and bring 3 qualified candidates to the Board of Selectmen in the order they would like them to be selected. R. LaFond would also like to see other department heads participate in the selection and possibly interview process. Ch. O'Donnell would like to see a public interview to determine who they think they would like. R. LaFond feels the board will be happy with the selected applicant if someone from the board is involved in the selection process. R. LaFond also pointed out that the Board of Selectmen is not the appointing authority. Marrone thinks it may be a good idea for full disclosure and to avoid a veto of the Town Administrator's appointment. R. LaFond stated out there are many interviews until there are finalists. R. LaFond would like clarity on the process of the interview. R. Ward pointed out that for the hiring of all other department heads, we should use the same process. R. LaFond feels it is critical for the Board of Selectmen to be involved. O'Donnell would like the screening committee to be established and take it from there. Motion by R. Ward and second by S. Hewins for H. Marrone to be on the screening committee. Vote 4-0-1 (Marrone abstain). Motion by R. Ward and second by Helen Marrone for J. Franey to be on the screening committee. Vote 4-0-1. (Franey abstain).

Discussion on Use of Town Counsel Policy

Marrone went thru a year of legal bills and questioned who has the authority to call the town council. LaFond stated that many years ago the board voted to make the Town Administrator the "gate keeper" of town council. Department Heads go thru the Town Administrator to contact them. Sometimes state agencies contact town council directly in lieu of the town. He suggested sitting down and discussing specific issues with the department head to discuss the need of the calls. Marrone stated that approx. \$15,000 was spent on Open Meeting Law violations. R. LaFond feels each issue has its own dynamics and would discuss each issue individually with her because each issue is not as simple as it would seem and feels the legal bills have been relatively reasonable. He suggested keeping a weekly or bi-weekly update on pending legal matters so the Board will have a better grasp on the issues happening before they see it on the bill. If members of the Board of Selectmen had a particular concern, no cost would be incurred. The way it is currently being handled is to pre-empt things from going wrong and the keep the budget down. Marrone feels there should be something real time before the call is made. Motion by H. Marrone that in order to keep the process simple, if there is an open meeting law violation it should be brought to the Chairman's attention so they can be aware of it, second by J. Franey. R. Ward feels that suggestion would be difficult and if it is a crucial, it may be difficult to get in touch with the Chairman. Marrone feels that there is enough time to respond to an open meeting law complaint to get in touch with the Chairman or Vice-Chairman if its appropriate before any discussion with town council. R. LaFond also stated that not all the calls come from the town, and that they also come from state agencies responding to complaints and requests. R. LaFond stated he can start doing that, but also suggested a bi-weekly update on the ongoing issues brought to the town council so they know what to expect on the bill. R. LaFond stated that there are issues that come up a few times a week when you need an answer immediately. He used the Zoning Board of Appeals complaints as an example to ask part-time volunteers to respond to a complaint that would have substantial legal and financial ramifications to the town would be a lot to ask on them. H. Marrone withdrew her motion.

December Meeting Schedule

Ch. O'Donnell suggested meeting on December 4 and 18. There is no meeting on November 27. Motion to approve the meeting schedule as suggested by S. Hewins, second by R. Ward. Vote 5-0.

Open Meeting Law Violation Complaints (Fortier)

Ch. O'Donnell read the two open meeting law complaints submitted. Motion by J. Franey to authorize to ask Town Council to respond to these complaints. Second by S. Hewins

Citizens Participation:

R. Belbin questioned why Hewins had recused herself from the vote on the meeting minutes. He stated he has a right to know the purpose. Franey stated that the minutes were approved and that this issue is not on the agenda and needs to be on the agenda. Ch. O'Donnell suggested if she chose not to address why, it is not for anyone else to argue.

He also addressed open meeting law complaints not being addressed and asked for a simple apology instead of denying. He feels there needs to be more communication in that area.

J. Fortier of Cranberry Rd. stated that at the Oct.16 meeting regarding the issue of the swearing in of appointed applicants, and feels that there is a significant amount of people that are not sworn in on boards. He would like a discussion on a future agenda

Town Administrator Notes: Unable to find a regional solution for the Building Inspector position - Will need to advertise to hire for the position.

Selectmen Notes:

Franey- Pleading to the public to come to the meeting on Dec. 6th and be educated on the solar by-law so the meeting will be finished on time.

Hewins- questioned if we could get info. On the Rule of Necessity

Ward –Wished everyone a Happy Thanksgiving and pleaded to the public to give to the local food pantry.

O'Donnell –Agreed with Ward to dig deep to do what you can to help out people in need. Happy Thanksgiving. Keep members of military serving in your thoughts in prayers.

Marrone –Stopped by the council on Aging to visit the vets. Thanked the cub scouts who honored the vets. Thanked the vets. Enjoyed hearing the stories-she wants them to know she is inspired to fight for the liberties & freedoms for us. Happy Thanksgiving.

Motion to adjourn R. Ward, second by J. Franey vote 5-0.Meeting adjourned at 11:10p.m.