

May 16, 2021

Dear Chairman Garretson:

I received your note delaying the Carver Earth Removal Committee meeting yet again. I view this latest delay with considerable suspicion.

Here is why.

Carver Earth Removal Committee Composition

The Carver Earth Removal By-Law makes clear that "in no case shall more than two of the appointed members of the Committee represent the same trade, profession, occupation or business interest."

As you perfectly well know, more than two members of this Committee represent or possess material business interests in the cranberry industry. Indeed a majority of the Committee members have documented business interests in the cranberry industry, including owning and operating cranberry bogs.

Where the composition of this Committee is improper, the earth removal permits it has granted are flawed.

As an example, the Earth Removal Permit issued to AD Makepeace for Lot 1-2C dated July 10, 2020, is invalid because the majority of the members of the Committee who voted to approve the permit represent the same trade, profession, occupation, or business interest (see minutes of the July 9, 2020 meeting, at which the Committee voted 5-0).

Worse, as you also know, at least two Committee members disclosed that they are, or have been, third-party purchasers of sand from AD Makepeace (the cranberry behemoth you are charged with ensuring is not violating sand mining rules). Presuming these Committee members paid for this sand and were provided a receipt as required, these Committee members may themselves possess direct evidence of a violation of your Committee's permits.

Add to this, presently unconfirmed, allegations that at least one Committee member has had discussions about selling their cranberry bogs to AD Makepeace. Can you imagine Mr. Chairman?

Is your unwillingness to enforce the earth removal laws against AD Makepeace because of this overload of cranberry owners/operators/vendors/agents/advocates/representatives on your Committee?

Is the pressure or risk of backlash from fellow growers requiring sand from AD Makepeace's mining operations too much for this Committee to do its assigned job?

Is the insatiable demand for government handouts to finance bog renovations another reason for the unlawful mining and this Committee's indifference to the same?

Cease and Desist

The same Carver By-laws compel that this Committee order any earth removal operator it "**believes**" is violating a permit "to immediately cease and desist specific activities or the entire operation pending a review." This Committee has already formally **confirmed** violations of earth removal permits by AD Makepeace. Accordingly, any further delay in complying with your unambiguous obligation to force a stoppage of this offending conduct is wrong and deeply suspect.

Additionally, "calling" AD Makepeace by phone to "discuss" its documented violations constitutes gross neglect of your legal duty to stop this cheating. The Carver Earth Removal committee is a regulatory body with explicit compliance obligations, not an adjunct cranberry trade association or a cranberry club. Simply phoning industry friends and colleagues to discuss their cheating is disgracefully cozy.

And your assurances that AD Makepeace now "understands" its obligation to limit the daily truck trips to no more than 50 per day is hopelessly without credibility and is contrasted sharply with the massive increase in the non-conforming number of daily trucks since the moment you 'postponed' the meeting. Who is kidding who, Mr. Garretson?

Accordingly, you and the entire Earth Removal Committee membership are directed to preserve all phone, text, and email records of all (emphasis added) communications with AD Makepeace. You and your Committee are also cautioned against any destruction of the same.

Forensic Audit

This Committee's documented findings to date confirm the need for the engagement of an independent forensic firm to:

- (i) account for precisely where all of the sand and earth removed from Carver was transported, and
- (ii) to determine if the entities conducting the earth removal paid the required taxes (past and present) fees and fines, where applicable.

The gross neglect this Committee has demonstrated in failing to identify the cheating is another reason why an outside firm is required. A simple reading of the reports submitted by the cheaters, loaded as they are with clear admissions of violations, could have prevented the situation from getting completely out of hand, as it is today.

It would be spectacularly improper for anyone at GAF Engineering (or any other company on the payroll of an accused wrongdoer) to perform this audit. Just as it would be unjust to utilize any funds in any account on the books of the Town of Carver to pay the audit costs. Only the identified wrongdoers should pay the full cost for this forensic work.

As you know, Mr. Chairman, the ultimate responsible party for all AD Makepeace breaches of the Carver earth mining laws is your longtime colleague, Jim Kane. Kane promised that he would "absolutely" provide citizens an open and full accounting of the earth removed from one of its sites in Wareham, where the same pattern of deliberate cheating has been alleged. To date, not surprisingly, Kane has reneged on this promise.

Residents of the Town of Carver are likewise entitled to the truth. So, without a genuinely independent forensic firm auditing the earth removal records (which function your Committee should have been doing all along), Carver taxpayers could remain in the dark and betrayed.

Cranberry Sauce (Fiction)

Allowing for the benefit of the doubt, one could conclude that the Carver Earth Removal Committee was originally hoodwinked into earth removal permits for fictitious agricultural projects. After all AD Makepeace and other parties represented in 2016 that all of the earth removed from the 50-acre 118 foot high Golden Field solar site on Federal Road would be transported solely to AD Makepeace bogs and not out of Town. The evidence now signals that the permit process was a ruse for unpermitted industrial-scale mining operations. Operations which became and remain conspicuous but which this Committee, under your supervision, failed to monitor or stop.

At some point, Mr. Garretson, we all need to stand for something. Will your legacy be standing up for the truth and protecting the Town of Carver from improper earth removal activities? Or will it be for permitting and perpetuating a cranberry sauce of cheating and untruths by unlawful mining operators?

One thing is for sure, continuing to do nothing will accelerate the spoilage of the cranberry brand you hold so dear.

BCC