

**Norwell Board of Selectmen  
Meeting Minutes  
March 16, 2016**

TOWN OF NORWELL  
TOWN CLERK

2016 JUN 16 AM 11:30

RECEIVED

Mr. McBride opened the meeting at 7:30pm, and introduced Ellen Allen, Mr. Brown arrived at 8:45pm, Alison Demong, Peter Smellie and Town Administrator Peter Morin.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the agenda as written.  
Unanimously voted*

**REPORTS**

**Citizen Comments**

None

**Selectmen's Report**

None

**Town Administrator's Report**

None

**Not Your Average Joe's - Change of Management**

The new manager at NYAJ's in Norwell will be Stuart Mazur, who has requested a transfer of the restaurant's licenses into his name. It is currently under the name of the prior general manager. Mr. McBride asked for questions from the board; there were none. Per Mr. Morin, all relevant departments have no issues with this change. Mr. Mazur gave a summary of his work experience and stated that this transfer to the Norwell location is a promotion for him.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to approve the NYAJ Norwell, LLC license change in Manager to Stuart Mazur. Unanimously voted*

**7:45pm Billboard Articles**

Mr. Morin gave all an overview of the billboard Articles with descriptions of the various types of billboards. There are two sets of Articles in the Warrant. One creates a zoning overlay district, all on private property (which would have to comply with various state and federal boards as well as the ZBA for display appearance and content, along with multiple standards as defined by regulations and precedent). In the first Article, there would be nothing allowed within 1000 ft. of a residential district with additional restrictions. The second Article details steps to put up a billboard. The proposed bylaw would allow two-sided billboards. Other bylaw restrictions are also included in the Warrant Articles. There are 9 billboard Articles by petition that are basically identical in substance. The petition Articles detail the proposed allowable locations for billboards. The Board asked about finding parcels to display billboards (difficult in Norwell due to the larger lot size) and also asked if a nursing home was considered residential property. (this question is included in one of the petitioned Articles). Ms. Demong asked about projected revenues to the Town; per Mr. Morin, billboard properties would be taxed as personal property; there would be a community mitigation agreement which would be negotiated (within a set market rate) and a licensing feature, which will probably be a one-time fee. Per Mr. Morin, the maximum billboards allowed in the zone would be 2, possibly 3, because of the 300 foot radius required. Mr. Morin will talk more with the attorney for the proponents, Because their Article is almost identical in nature to the BOS Article, Mr. Morin thinks they will withdraw their proposed Article. The BOS might vote on all of their Articles next week.

**Dissolve the Mooring Bylaw Committee**

Ms. Allen asked if Mr. Morin had heard from the committee; per Mr. Morin – no. Ms. Allen stated that they will have to come forward as individuals with future suggestions.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to dissolve the Mooring Bylaw Committee with appreciation for their hard work. Unanimously voted*

2016 JUN 16 AM 11:30

RECEIVED

#### **Approval of Solar with Kearsarge Energy**

Mr. Morin stated that the town has come to an agreement with Kearsarge Energy, who has sent a signed contract copy and it's good to go. Mr. Morin itemized the changes to the contract, most are minor in nature. This project will be next in line for the next round of projects if the state increases the net metering cap. This is expected in this legislative season.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to authorize the Town Administrator to sign the contract with Kearsarge Energy for the project on Longwater Drive. Unanimously voted*

Ms. Allen asked Mr. Morin to summarize the revenue; per Mr. Morin, the Town will see a reduced electric bill and increased property taxes from the Longwater Drive construction.

#### **Sign Indemnity Agreement for Fieldstone Way and Forest Ridge**

Per Mr. Morin, this is part of the plan to get these two streets accepted as public ways. The paperwork is not ready, so this will be continued to the next meeting.

As this project has to do with lot lines and street layout, all parties must sign off that it is acceptable as the street is laid out, and also indemnify the Town. Per Mr. McBride, this transaction has been going on for at least ten years.

#### **Hours for Special Election on May 10, 2016**

The Town Administrator is still waiting for the approval letter via Mr. De Coste, but it should be arriving this week.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to set the hours for the Town election to coincide with the State election, subject to the approval of the State legislature, on Tuesday, May 10, 2016. Unanimously voted*

All agreed on the need to publicize this well, with the reminder that it is also the Town election.

#### **Open and Close Warrant for Special/Annual Town Meeting**

##### **1. Right to Farm Article by Petition and Discussion of Articles**

Ms. Allen reminded all that this is the same Article as the one proposed five years ago. The Town didn't approve it because this is already in State law, and to adopt the same verbiage would be redundant. Mr. McBride further explained that the bylaw would preclude new town residents from deciding that farming activity is not desirable in the Town. The petitioner felt the adoption might offer further protection if it were a local bylaw. Per Mr. Morin, in other communities there are restrictions against keeping farm animals but the lot sizes are smaller. Norwell has a farming history, and Mr. McBride doesn't see any harm in this. Mr. Morin will confirm that this is the state law. This bylaw is meant to encourage and support agricultural use. Mr. Demong asked about other controls. Per Mr. McBride, the Town would have to do this within the limits (not in this bylaw) of Town boards such as the BOH and Con Com; State laws and regulations would control practices and quantities of livestock and other farming issues. Mr. Bucha, the Article petitioner, was present for this discussion, and Mr. McBride asked why he wants this Article on the Warrant. Per Mr. Bucha, to protect the rights of the farmer and encourage economic activity. He stated that 133 towns in Massachusetts have adopted this bylaw, which allows farmers like John Hornstra to apply for APR funding. (APR = agricultural protection restriction) Adoption of the bylaw would give the Town a jump on funding over a town that doesn't it, and would protect farmland for future generations. Per Mr. Bucha, farming is increasing in the State, who would like to keep this momentum going. His petition has four pages of signatures.

(Per Mr. Morin, the Town can open and close the Warrant at BOS' discretion)

**8:22pm Library Project Committee**

2016 JUN 16 AM 11:30

Scott Brodsky, Jeanne Ivas, Committee members, were present

They are here to talk about hiring a designer and OPM. The committee must adopt written procedures as approved in the Town, which can be modified as necessary. The BOS will revisit the process that was used for the police station project.

*Motion; made by Ellen Allen, seconded by Peter Smellie, to adopt the written procedures for selecting designers on the project subject to the designer selection law MGL c.7c, chapter 54(a), (which should also be adopted for the whole Town) as presented in the meeting materials, subject to changing "Norwell public library" to "Town of Norwell" for each project involved. Unanimously voted*

The committee is currently working with Mr. Morin to hire an OPM. Next year the trustees will be formally applying for a grant. By next week, the list of applicants will be narrowed to a short list of candidates, with a selection the week after. The committee will hopefully will be hiring an architect (subject to funding availability). Per Mr. Morin, 27 OPM's asked for an RFP, which is due back on Monday. Mr. McBride thanked the committee for the update, and reminded them to decide on the inclusion of a cable TV studio; is it in the plans or not? Please consult the Cable Committee (CC). The CC wants to move as quickly as possible as the PEG money needs to be used before negotiating with the cable companies on the new contract. Further discussion ensued about possible locations for the cable studio, including placing it in the new library building. Ms. Ivas reminded all that a decision needs to be made before the architect begins the design, as adding a cable studio to the library project might be a very complicating factor. The new library may not be feasible, whereas the cable studio could be funded right now with PEG money.

**Main Street, Facility Study and Capital Needs**

Mr. Morin gave the board an overview of updated funding needs, identifying major capital projects and cost estimates in context with the sidewalk request:

Granite curbing - \$450K

Sidewalks - \$906K

**Total project cost - \$1.356 million**

Per Mr. Morin, this project hasn't been discussed in conjunction with the other needs of the Town. Collier's did a survey/assessment of all town facilities, including the Water Dept. Their survey is nearing its final version, but the draft gives enough of an idea to identify the Town's needs. Grade 1 itemizes critical repairs, Grade 4 could be done over next 10 years. Grade 5 is projects with preexisting status, therefore no action is required.

Overview and aggregate cost for major buildings: \$20million Total; \$193K in Grade 1 repairs, \$2.4 million in Grade 2 repairs, \$13.65 million over the next five years (includes schools, Town buildings, water, etc.) The schools have millions in project needs, Town Hall had \$4 million. These amounts included some discretionary repairs.

This doesn't include such items as vehicle repairs, etc., but did include amounts for the new fire truck and salt shed. This is the level of funding that the Town has been providing on a regular basis. The current method of funding roadwork is to do a \$1million bond every 5 years, plus \$2-300K in Free Cash, use Chapter 90 road funds from the State in addition to some other funding. Ms. Allen stated that, per Linda Murphy, Interim Highway Surveyor, the Town could receive close to \$4-500K from Chapter 90 money, but the amount is not known yet for this year. The board stated that granite curbing sounds like small change, but it is not being put in context with the other needs of the Town. Any new library funding would be on top of these asks! If the Town makes a choice to do one project, they would be postponing another project. All BOS members stated that they need to be mindful of their role as caretakers of the Town's infrastructure, which requires a balancing act. Ms. Demong asked for a breakdown of Priority 1-\$300K, Priority 2-

2016 JUN 16 AM 11:30

RECEIVED

\$2.4 million. Priority 1 includes HVAC for Cole School, exterior shell work at the High School and Middle Schools, HVAC at Town Hall. Priority 2 – Cole School - \$1.1 million for the exterior shell, Town Hall – \$850K. Per Mr. Morin this is not a final draft. Discussion ensued about the condition of Town Halls' third floor, which is currently unused, as well as window replacements for the entire building. The list can still be pared down but items would only be postponed, not eliminated. These very serious cost estimates for much needed work should be put into context for the desired sidewalk project on Main Street. Mr. McBride referred to a summary sheet for Main Street costs from Mr. Kary of EPG;

Additional costs range from nothing to \$1.4 million. Paving and striping a bike lane would be \$302K. Granite curbing is preferred, but it is still \$450K. There is basically an additional cost for everything. Discussion ensued about options, safety, Town liability, pedestrian traffic and accidents. Permitting and design includes a Cape Cod berm. More discussion ensued about timing and funding this project with an override, which should be viewed in the context of projects that will certainly require overrides in the near future. Commercial tax revenues or lack thereof may also contribute to the need for an override. Should the board allow an override Article on the Warrant for the granite curbing? Mr. Morin proposed an alternative which, though not ideal, would complete the project incrementally, and would allow it to be done in a way that the Town can afford. Do the repaving of Main St. as planned, and when the Town has the money, pay for the curb and put in a sidewalk.

Question from a resident: is route 123 is a state highway? Mr. McBride stated that it is a state numbered road but the Town owns it. Therefore, there are no state funds and the Town must maintain the road. He gave the history of the last state proposal which was widely rejected at Town Meeting and subsequently voted down.

Peter Bloomfield stated that this would be an opportunity for the Town to make an investment and likes Mr. Morin's idea to do the project incrementally. Ms. Allen reminded all that there is a million dollars of capital requests this year! Mr. Bloomfield still thinks the Town should vote for what they want. When discussing a prospective vote and funding sources, the board and residents in favor of this project differed on both the priority and funding source for the project, with the BOS being reluctant to agree to fund a desired project vs. a much needed capital expenditure.

Mr. Brown asked Mr. Bloomfield what he was asking the board to consider for a vote after making the case several times that resources were not responsibly available to fund the sidewalks. Mr. Brown further stated that trying to fund a project without identifiable funds is irresponsible, but it was fair to ask the BOS to consider a vote to put an override on the Warrant, since it would at least provide an identifiable source of funds. However, he thought it was an improper use of the override and if the BOS decides to consider it his vote would be no.

Mr. McBride asked if Ms. Murphy had anything to add; she stated that she would have to call district 5 to see if using Chapter 90 money would be allowable. Mr. McBride reminded all that there are other priorities for the Chapter 90 money, highlighting the work on Grove Street as a prime example. More discussion ensued regarding bonding and options for townspeople to vote. The board decided to ponder the choices and will table further discussion until the BOS meeting next week.

### Adjournment

*Motion; made by Ellen Allen, seconded by Peter Smellie, to adjourn at 9:37pm. Unanimously voted*

\_\_\_\_\_  
Board of Selectmen