

**Norwell Board of Selectmen**  
**4/8/20**  
**Open Session – Remote meeting**

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**Present:** Ellen Allen, Alison Demong, Jason Brown, Joe Rull, Bruce Graham, Peter Morin

**Open Session**

The meeting was called to order by Chair Ellen Allen at 7:35pm. She announced that all votes will be roll call votes as the meeting participants are using remote access software. The meeting was recorded and the audio file will be available on the Town website. Ms. Allen noted that this meeting will be conducted pursuant to the Executive Order dated March 12, 2020 suspending certain provisions of the Open Meeting Law, Gen. L. c. 30A §20 et seq. and 940 CMR 29.01 et seq.

**Approval of Agenda**

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the agenda as presented. Unanimously voted by roll call vote*

**Citizen Comments - None**

**BOS Reports - None**

**Town Administrator Report**

Mr. Morin reported that the Town is in its fourth week of remote government. Revenue is still coming in and the Town is not in bad shape. Employees are continuing to work both remotely and as a skeleton staff at Town Hall, identifying essential work and maintaining remote contact with Town residents. All are concentrating on keeping things safe and healthy.

**Amend Town Meeting Start Time**

*Motion; made by Jason Brown, seconded by Bruce Graham, to amend the start time of the Special and Annual Town Meeting on June 15, 2020 from 7:00pm to 7:30pm. Unanimously voted by roll call vote.*

**Inspector of Animals**

Mr. Morin gave the board background information on this appointment, adding that it is administratively easier to have the Town Administrator approve the appointment during the COVID-19 emergency

*Motion; made by Jason Brown, seconded by Bruce Graham, that the board temporarily authorize the Town Administrator to appoint the Inspector of Animals during this state of emergency declared by MA Gov. Charlie Baker. Unanimously voted by roll call vote.*

**Town Election – 6/27/20, Town Clerk**

Town Clerk Pat Anderson informed the board about the facts and figures for the upcoming election, for which there are no contested races. She would like the board to consider reduced hours for polling, citing concern for poll workers. Reducing the hours will help reduce the number of poll workers. She also informed the board that the state has allowed municipalities to conduct early voting by mail only. Absentee ballots are also available. All discussed appropriate measures to conduct this election during the COVID-19 emergency, including having the constable only allow 10 voters at a time six feet apart and also utilizing mail in ballots. The board suggested ways to promote the use of mail in ballots by using reverse 911, newspaper ads and perhaps a postcard mailing to all registered voters.

With regard to the reduced polling hours, the board noted that Elevated Access is pursuing a bylaw change, so the Town may want to leave the polling hours as is in order to give residents

the maximum time to vote. This may be especially important if the Town limits the number of voters allowed to vote at one time. The board supports leaving the polling hours as is, with support from Ms. Anderson, if this bylaw change is on the ballot. Mr. Morin received the draft bylaw change Articles yesterday for review by Town Counsel, the Town Planner and the Advisory Board. They are in good shape and in a position to be considered tomorrow by the Advisory Board. The drafts will also need a recommendation from the Planning Board. Per Ms. Anderson, the ballots are printed a month before the election (which would be May 27<sup>th</sup> with the June Town Meeting date). The BOS will put this topic on a future BOS agenda for consideration. The board will hold off making the decision to reduce the polling hours until they know if the ballot question is a go or no-go. All discussed mailing vs reverse 911 to publicize the Town election and mail-in voting, adding that postcard mailings are expensive. Ms. Anderson stated that many residents have already requested absentee ballots for all of the 2020 elections, which might help to reduce the mailing expenses. She also noted that polling hours are printed on the ballots, which is actually good publicity. Mail-in ballots can be dropped in the drop box at Town Hall.

The polling hours discussion will be revisited on the 4/22 BOS agenda.

#### **Ratification of the library construction cessation until 5/4/20**

Ms. Allen informed the board about the state's decision to suspend library construction. This motion and vote by the BOS will memorialize this action. Mr. Morin added more background information, adding that this is non-essential construction and appropriate at this peak time for COVID-19. Questions were asked and answered about the library construction contract. A portion of the contract that addresses such emergency cessation issues would toll any penalties accruing. Mr. Graham noted that the builder's insurance company should be notified about the cessation of the project. Mr. Morin has followed up with the OPM and Ms. Allen noted that the site is secured. Police are driving by to check the fields and the site.

*Motion; made by Jason Brown, seconded by Bruce Graham, to ratify the cessation of the Town's library construction project until May 4, 2020. Unanimously voted by roll call vote.*

#### **Update on the Town Center project**

Ms. Demong reported to the board on the proposed Warrant Article for \$200K for Town Center updates, adding that it could be postponed if needed, given the current state of emergency for the COVID-19 virus. Highway Surveyor Glenn Ferguson also participated in this discussion. Both he and Ms. Demong stated that traffic and parking were the main concerns of business owners and residents. The Complete Streets Committee (CSC) has been working with BETA Consulting on this plan. Because of the state of emergency, the planned 3/27 meeting with residents and business owners could not take place. Ms. Demong displayed the proposed graphic of the plan for the board. The rough calculation of the cost to complete the update is \$2M, which is a huge number for a town the size of Norwell. Ms. Allen, Ms. Demong and Mr. Morin met with state Sen. O'Connor about several new state funding opportunities planned for the near future. If these plans are complete, hopefully Norwell could be first in line for an earmark grant to fund this plan. The CSC opined that the sponsor of this plan should be either the BOS or the Highway Surveyor, or both. Sen. O'Connor would be happy to support this project when and if the transportation bond bill gets funding, adding that the Town will need shovel ready plans to qualify. The board discussed parking options for Town Center at length, debating the merits of both parallel and the current diagonal parking. Ms. Allen highlighted some parts of the bond bill which included paving for state numbered routes. Mr. Ferguson noted that he needs to pave Town Center sooner rather than later as well as the remainder of River St, Dover St., West St. and Main St., which totals about 5000 feet of paving.

Per Ms. Demong, obviously the Town won't be able to afford to do this all at once, but it would be good to plan ahead. She reviewed her graphic with the board for the plan to redo Town Center, which includes tightening up the roads, traffic calming measures and bigger and more user friendly sidewalks. Different scenarios for public parking were discussed, as well as

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additional parking and walking options as far away as the James Library. Mr. Rull reminded all that speeding and traffic calming is a continuing concern for the whole Town, not just Town Center. People will shop in the center regardless, but the changes look great. The tentatively scheduled meeting for residents and business owners feedback will be on May 15<sup>th</sup>. Mr. Brown's concern is practical; as great as this looks, if presented now at Town Meeting, residents are going to vote emotionally in the "now". A large part of the community just got laid off, so this might fail because of the timing. People vote in "real time". The Town doesn't have \$200K in these times of uncertain revenues. This good project could be DOA. Discussion ensued about postponing. A lot will depend on events in the next 4-6 weeks. Mr. Morin weighed in; he spent 21 meetings doing Article and budget reviews with the Advisory Board (AB). Until March, the Town was in a very good place with a good budget that would have been reviewed and approved at tomorrow night's AB meeting. Now the Town is in the position of waiting for word from the state about how much they are going to cut the budget. There is no word yet on state budget revisions. The board discussed options for budgeting and the Town's financial resources. The main discussion topic at the 4/22 meeting will be budget possibilities for both operations and capital spending as well as outside Articles.

All expressed concern and some reservations about this project going forward at this time. Ms. Allen asked Mr. Morin for his recommendation. Mr. Morin stated that this is the right idea for Town Center and he is very supportive of the project, but not at this time. All discussed at length the best way to proceed with this plan. One option would be to ask BETA to break this plan into pieces to use up the \$75K grant. All agreed that the worst thing would be to spend \$200K on a well-constructed plan that sits on a shelf again, so this should probably be put on hold until a good point in the future. The largest part of the \$2M cost would be redoing the drainage for Town Center. Ms. Allen suggested presenting the Article to the AB and delay the BOS opinion to a future meeting. Maybe the CSC will have ideas about a smaller piece of this project. This plan will be revisited at a future meeting. Mr. Morin will tell the AB not to vote on this Article at tomorrow's meeting.

### **Contingency planning for personnel**

Mr. Morin gave the board his recommendation on what action to take if a temporary Town Administrator is needed. After surveying neighboring communities, the consensus is that most, if there is no Assistant Town Administrator position, would generally would fall back on the Finance Director or the Fire Chief. In Norwell, the Finance Director signs off on documents and spending that are countersigned by the Town Administrator. Mr. Morin is recommending the Police Chief. The BOS could take over some of the signatory duties. As far as the remaining departments, the Deputy Police Chief could take charge of the Police Department, and all other departments have backup, with the exception of the Building Inspector and the Health Agent. Mr. Morin proposed a reciprocal agreement with the town of Hingham to utilize each other's Health Agent if needed. Basically, there is backup for everyone in a position of leadership. In response to Mr. Brown's question about the board involvement in day to day operations if police might be needed elsewhere in an emergency, Mr. Morin stated that this is the model utilized in other towns with no assistant Town Administrator. Norwell has a Deputy Police Chief who could do the Police Chief's job. It would be difficult for the board to step in as they have other commitments in their lives, and this would be too much to ask of volunteer elected officials. The board's oversight and strategic roles are enough commitment to ask. Ms. Allen suggested that if Mr. Morin were to go out the BOS could have an emergency meeting and use the Mass Municipal Reform Act to appoint someone to perform the Town Administrator function via a BOS vote. Mr. Morin stated that Chief Ross is willing to assume the Town Administrator duties if the situation arises.

### **Pond Street/Accord Park zoning Article proposal**

Ms. Allen updated the board on the status of this Article draft after last night's meeting with the Advisory Board. There was opposition voiced by AB member Pete Smellie to the current draft of the Article over the building height on two lots. The AB vote of support was split for the Article.

Alternative zoning options were discussed by the BOS for inclusion in the Article. Mr. Graham reviewed maps of the proposed zoning changes with the board, noting that zoning in areas outlined in orange would be changed to allow a building height of 5 stories. AB Chair Pete Smellie's offer to include six lots in the proposed zoning area in exchange for the lowered building height in the two lots on Cordwainer Drive doesn't work because all six lots have wetlands constraints and could not de facto allow 5 story buildings. Per Mr. Smellie, High Street residents would protest this Article at Town Meeting. The board reviewed the three maps and graphics, noting the particulars of the zoning plan. The question at hand is whether to give up the two lots on Cordwainer Drive that are under discussion or keep the proposed Article as is. The estimated tax impact of conceding the two lots is about \$35K per lot, which is not a great deal of potential revenue. Ms. Allen added that the group working on this zoning Article went out of their way to assure High Street residents that their neighborhood view wouldn't change. Coupled with the potential citizens petition Article for the Assisted Living Overlay proposal, this might add to residents' emotional response when they vote at Town Meeting. One of the lots in question is the Elevated Access property, whose future plans might be in limbo if their bylaw change Articles don't pass. The company has stated that they would probably sell the lot, which would be worth more if higher story buildings are allowed. All discussed the 2/3 vote needed for the Article to pass. Mr. Graham added that a zoning Article cannot be resubmitted for **two years unless it is supported by the Planning Board**. Mr. Rull would like to let the people decide. Most residents' number one concern is that taxes will continue to increase. One resident's threat to derail this proposal is not the whole town. Mr. Brown supports this project, but cited examples of prior years' proposed development projects in this area of the Town that have failed because of the perception of residents that the Town is forcing them to accept projects that will change their quality of life.

Mr. Brown informed the board about his phone conversation with Mr. Smellie, who voiced several concerns about the consequences of passing this Article at Town Meeting, such as nighttime lighting from higher story buildings. Mr. Brown also gave an example of a medical building parking lot on 53 with bright lights that impact the residents on Bay Path Lane. He noted that the Town doesn't have a great track record with residents and potential development projects. He and the board discussed at length the details of the Article with regard to Mr. Smellie's concerns, as well as the pros and cons of amending the Article vs going ahead with the original wording. If this fails at Town Meeting, the BOS could go back with an Article for a future Town Meeting, but they can't resubmit a zoning Article unless the Planning Board supports it. Ms. Allen noted that the AB members gave comments on their votes and 7 of the board members other than Mr. Smellie supported this article. 10 years ago these Articles almost passed, and this time there are more safeguards included to protect the High Street residents. *Motion; made by Jason Brown, seconded by Bruce Graham, that the board approve the Pond Street/Accord Park zoning bylaw Article as originally presented. Unanimously voted by roll call vote.*

#### **Approval of BOS meeting minutes**

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the following Open Meeting minutes of the board; 2/26/20, 3/4/20, 3/11/20, 3/18/20, 3/25/20. Unanimously voted by roll call vote.*

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the following Executive Meeting minutes of the board; 2/26/20, 3/4/20, 3/25/20. Unanimously voted by roll call vote.*

Mr. Brown asked about declaring a state of emergency locally. Per Mr. Morin, this is not needed as yet. The purpose is to make the Town eligible for reimbursement of expenses, but because the state has declared a state of emergency the Town is eligible already.

#### **Executive Session**

*Motion; made by Jason Brown, seconded by Bruce Graham, to postpone the Executive Session until the next BOS meeting. Unanimously voted by roll call vote.*

**Adjournment**

*Motion; made by Jason Brown, seconded by Bruce Graham, to adjourn at 9:29pm. Unanimously voted by roll call vote.*

*Ellen H. Allen*

Ellen Allen, Chair

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