

**Norwell Board of Selectmen
Remote Open Meeting
5/13/20**

TOWN OF NORWELL
TOWN CLERK

2020 JUN -4 PM 12:1

RECEIVED

Present: Ellen Allen, Alison Demong, Jason Brown, Joe Rull, Bruce Graham, Peter Morin
Bob Galvin-Town Counsel

Open Session

The meeting was called to order by Chair Ellen Allen at 7:32pm. 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 Bruce Graham, seconded by Jason Brown, to approve the agenda as presented. Unanimously voted by roll call vote

BOS Reports - None

Town Administrator Report

Veterans Officer Dave Osborne informed Mr. Morin that there will a Memorial Day ceremony but no parade this year. Chief Reardon will have the Fire Department color guard participate in the ceremony, which will be broadcast for all to "attend" remotely. Mr. Morin reported that he and Town Hall employees are working in anticipation of Gov. Baker's May 18th announcement about a partial reopening of the state and assessing changes to be made to Town Hall. These changes will make it safe for employees and Town residents to conduct business in accordance with the governor's office. He is meeting remotely with the Facilities manager and department heads tomorrow to discuss this implementation. There will be a physical presence in each office once he receives the OK from the state and safeguards are in place. He will limit the number of visitors and employees, employing prescribed safety precautions. He is anticipating that the Town and state will be in better shape to move forward after Memorial Day. He is also anticipating that town halls will fall within the first group of businesses that can accommodate social distancing during business hours. If that isn't the case, Town Hall will maintain status quo. There may be offices where remote work will continue because space doesn't allow adequate safety precautions.

Discussion of request to reopen the Warrant to amend the CPA surcharge elimination petition Article

As Ms. Allen noted in her recap, the BOS voted at a previous meeting to reopen the Annual Town Meeting Warrant to include the citizens petition Article to repeal the CPA surtax. The main proponent of the petition submitted edited wording (one additional sentence) in a subsequent citizens petition after the Warrant was already in the process of being printed. Ms. Allen consulted both Mr. Morin and Attorney Galvin about whether it would be appropriate to accept a change at this point. Attorney Galvin opined that amending the Warrant Article at Town Meeting would be allowable and within the scope of the Article. The addition is an overly technical amendment and Mr. Morin believes that everyone will already understand the motion. Attorney Galvin stated that the above is a fair summary. He has had extensive discussions with the proponent Don Mauch, as well as a discussion with Town Moderator Bill Coffey. He noted that it is not customary to allow changes after submission of a citizens petition. Mr. Coffey and

Attorney Galvin reviewed the Article and agreed that the best way to amend was on the floor at Town Meeting. His advice is to leave it the way it is.

Per Mr. Morin, the Warrant went to the printer a week ago Monday, a date certain for lead time to allow mailing to residents for compliance with the required number of days before Town Meeting. Although the printer could print a newer version and distribute it at Town Meeting, a supplement wouldn't arrive within the required number of days. This request came in at the last second and was expedited at the petitioner's request.

Ms. Allen asked for questions from the board. Most do not want to reopen the Warrant and discussed reasons at length. Amending and discussing the change on Town Meeting floor will provide adequate time for residents to respond.

Per Mr. Morin, the Advisory Board will provide their Article recommendation at Town Meeting. This version of the citizens petition Article has been printed in many previous Town Meeting Warrants and the change was requested only by Mr. Mauch. No motion is needed.

CARES Act reimbursable COVID-19 expenses

Mr. Morin reported that the Town initially treated these unique expenses like an "extended snowstorm" event. They are now being tracked by the Town similar to a natural disaster in anticipation of federal reimbursable expenditures. Thus far, the Town has ID'd roughly \$150-\$160K of reimbursable expenses which include:

medical supplies, personal protective equipment (PPE), disinfecting public areas, public safety costs and payroll expenses for dedicated COVID 19 employees, the COA's expanded meals on wheels program (includes food pantry recipients, small transport expenses and delivery expenses, some of the costs incurred in distributing lunches through the schools (no lunch money is being collected as well as no federal underwriting), improved telework equipment such as laptops in order for employees to work remotely, paid family and medical leave for public employees during this pandemic and overtime related to covering for those employees.

Tomorrow morning Plymouth County is holding orientation on reimbursement procedures. The Town received \$15.5K from the federal government to address initial responses to COVID-19, which will be directed towards the purchase of PPE for public service employees. The federal government will probably send more funding but this is it for now.

In response to questions from the board, Mr. Morin explained the procedures for adding salary costs specifically due to COVID-19; there is partial salary reimbursement for someone like the Health Agent for overtime. He is expecting that Towns will be audited so he is operating under that guideline. He will continue to closely review expenditures directly related to this delay. Mr. Morin suspects that this money will take a very long time to be received by the Town.

Reimbursement requests can be submitted to Plymouth County almost like expense reports.

Discussion of public hearings policy draft

All reviewed and discussed Ms. Demong's draft and feedback from the ZBA Chair, Conservation Commission Chair, Town Planner, and Conservation Agent. The policy is intended to give certain boards flexibility to decide whether to move forward or not with holding Public Hearings.

Mr. Morin's key points include:

- ☐ The legislature provided time out (tolling) for statutes, but didn't incorporate changes in the open meeting law.
- ☐ This legislation is ONLY for emergency and will go away once the emergency is over. He wouldn't advise holding public hearings that violate the open meeting law and would hold things in abeyance until the emergency is lifted.
- ☐ He knows people don't agree but he believes that there is too big a gap between computer savvy residents and those who can't afford the technology.

The Board commented as follows:

- Ms. Allen stated that Mr. Kirkland and Con Com Chair Ms. Wahl would like to move projects forward but not hold public hearings. People can still schedule appointments and work on projects. The delay hasn't been that long, some projects are not emergencies and several red flags were raised. There may be a hybrid option and future guidance from the state coming soon.
- Mr. Graham recapped his email to Ms. Demong, adding that he thinks it is unfair to property owners to suspend hearings for a year or more, giving examples of subdivision hearings and his observations.
- Mr. Rull stated that his position hasn't changed; open things back up where possible and hold online hearings, regardless of potential lawsuits. Residents could incur loan costs project penalties for not being able to forward. Let the boards decide.
- Mr. Brown doesn't want to hold up everyone's lives and cited the need to get on with the new normal. A few weeks delay is acceptable, but then we need to move on. He expanded on variation in the range of public hearings.

Both Mr. Morin and Attorney Galvin advised caution, adding that zoom meetings are not a substitute for face to face public hearings. Attorney Galvin recapped the ZBA remote hearing on a variance for a buildable lot on Winter Street, noting that one resident will probably appeal. He added that the ZBA doesn't grant a lot of variances and it takes a lot of effort. The Norwell ZBA has a great deal of experience, but an in-person experience is more valuable. He is hopeful that by June in-person meetings will be allowed. He suggested using the Planning Board as a barometer; if they aren't holding public hearings on controversial topics then don't move forward. The bigger issues are Con Com and Planning Board hearings with larger, more complex projects. Routine approvals should be able to move forward.

The board further discussed the pros and cons of moving forward and opening in phases with regard to government vs. business. Mr. Morin reminded all that no one at Town Hall is sitting around waiting to go back to work; employees are working every day all day, using many workarounds with no guidance from anyone. He suggested waiting another couple of weeks. More discussion ensued about waiting to hear what the changes are vs. moving forward. Mary Ann Sullivan, 52 Christopher Road, reported on her ZBA hearing status, with the hope that the BOS will vote to hold public hearings so she can move forward on her addition.
Motion; made by Bruce Graham, seconded by Joe Rull, to adopt Ms. Demong's draft public hearing policy. Vote by roll call; Ms. Allen – no, Mr. Brown – no, Mr. Graham – yes, Ms. Demong – yes, Mr. Rull – yes. Motion carried.

Electrical easement approval for new library

Ms. Allen informed the board about the Library Building Committee remote meetings held to discuss this and status of the electrical easement that would flow up the access road, requesting a vote to allow Mr. Morin to sign on behalf of the Board of Selectmen.

Motion; made by Bruce Graham, seconded by Joe Rull, to authorize the Town Administrator to sign the easement on behalf of the Board of Selectmen. Unanimously voted by roll call vote.

Property tax and motor vehicle excise tax collections

Mr. Morin reviewed the handout from Ms. Mangan, highlighting the following:

- Real Estate Taxes - 2.8% still outstanding to date. 2.2%-2.8% at this date in prior years, so not a major concern.
- Excise Taxes - slightly behind; 13.4% outstanding compared to 6-7% prior years. However, when looking at local receipts data, this exceeds the budgeted amount, 27% higher than anticipated this fiscal year. Per Ms. Sullivan, the Town received a good response for motor vehicle excise taxes in April and we are still in good shape.

- Collections on local receipts is good; permitting is ahead of last year's pace even with pandemic (partly because of some of last year's late booked revenue, some due to heavier activity)
- Ms. Sullivan expects abatements to come in during the filing period, but she is not overly concerned. FY2020 is going well.

Mr. Morin thanked both Ms. Sullivan and Ms. Mangan for their hard work, adding that FY2020 is going well. Other communities are having current year deficits, but the Town is in good shape. FY2021 will be challenging but the Town is well prepared.

BOS vote to use signature stamps

Copies of the Annual Town Meeting Warrant (6) require the signatures of the board. As Town Hall is still closed to the public, each board member can email either Ellen or Lynda to give permission to use their signature stamp on the Warrants. If not, arrangements can be made with the Town Clerk to come to Town Hall to sign in person.

Future Meeting Agendas

The board will meet next on May 27th.

Adjournment

*Motion; made by Jason Brown, seconded by Alison Demong, to adjourn at 9:05pm.
Unanimously voted by roll call vote.*



Ellen Allen, Chair

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