

**Norwell Select Board  
10-6-21  
Open Session minutes**

TOWN OF NORWELL  
TOWN CLERK  
2021 OCT 21 AM 9:56  
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**Present:** Bruce Graham, Andy Reardon, Pete Smellie, Peter Morin

The meeting was called to order by Chair Bruce Graham at 7pm.

**Approval of Agenda**

*Motion; made by Andy Reardon, seconded by Pete Smellie, to approve the agenda.  
Unanimously voted*

**Approval of Meeting Minutes**

*Motion; made by Pete Smellie, seconded by Andy Reardon, to approve the Open Session Meeting minutes for 9/22/21. Unanimously voted*

**BOS Reports and Announcements**

Mr. Graham attended the Conservation Commission (Con Com) meeting held last evening. The Commission voted to accept the two Wildcat land parcels, at no charge to them, if a future vote by the Select Board offers that option. He reminded all that if the land is put into conservation, there will be an opportunity cost. The land was taken by the Town for tax title and has a value of over \$600K, which could be used for other purposes.

Mr. Graham received a call from Stop & Shop that the Norwell store's pharmacy is planning to close in early November. The caller gave no reason for this decision, and the hope is that the store will contact its clients to assist them in moving prescriptions to another store.

Mr. Graham reported that Wildcat property abutter Brian Carroll brought up potential conflict of interest issues with the 3 legal opinions sought for Article 26 of the 2021 Town Meeting Warrant. Town Administrator/municipal lawyer Peter Morin, Town Counsel Bob Galvin and municipal lawyer Ilana Quirk have all opined that Article 26 does not bind the Select Board to move the Wildcat parcels into conservation. Mr. Graham sought a fourth legal opinion from the president of KP Law Lauren Goldberg, who opined that Atty. Morin, Atty. Galvin and Atty. Quirk are all correct; the Article is not binding. A formal written opinion will be available in time for the Select Board meeting on 10/20/21 when this issue will be discussed again.

Mr. Reardon met again with some of the residents of Jacobs Pond Estates to discuss the assessed values of several of the AH units at this development. Assessor Meredith Rafiki, AH consultant Lynn Sweet and CHT Admin. Assistant Kristin Ford attended the meeting to answer questions about assessed values and the AH deed riders that are placed on all AH properties in the Town.

He also attended the COA program on Aging and AH, which was well attended and well presented.

Thank you, COA!

**Town Administrator**

Mr. Morin reported great news from the Department of Revenue, Division of Local Services; the Town's largest ever Free Cash number has been certified at \$3.925M for FY2021. This is an example of the Town's prudent forecasting of revenues and operating expenses. He will give everyone another update on Free Cash, budget to actual expenses and projected revenue for FY2022 as the board gets closer to setting the tax rate in December.

Mr. Morin was pleased to be invited to discuss local government with the third graders of the Cole and Vinal Schools as part of their assigned curriculum. All the students were attentive and asked excellent questions. He thanked their teachers as well, one of whom is a Braintree native who had Mr. Morin's mother as a second grade teacher!

The board asked questions about the budget percentage of Free Cash compared to other towns.

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#### **Citizen Comments - None**

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#### **Appoint Deputy Police Chief – Sgt. John McDevitt**

Chief Lee and Sgt. McDevitt were present to give a summary of the Sgt. McDevitt's impressive background and qualifications for this position.

An interview panel composed of three local police chiefs and the Town Administrator considered three well qualified, internal candidates for this position: Sgt. McDevitt, Sgt. Bryan Resnick and Sgt. Bill Pasteris. The panel was impressed with the diversity of experience among the candidates. The board endorsed the choice of candidate for this position and a few questions were asked and answered.

*Motion; made by Pete Smellie, seconded by Andy Reardon, to appoint Sgt. John McDevitt to the post of Deputy Police Chief, effective 10/6/21, subject to successful contract negotiations. Unanimously voted*

Mr. Morin commented that the street level supervision in the Town is excellent under the leadership of both the current and previous police chiefs. The panel spoke highly of all the candidates considered.

#### **Community Housing Trust (CHT)/Zoning Board of Appeals (ZBA) Applicant – Brittany Reardon**

Mr. Graham would like to start a new policy of appointing volunteers for a period of one year, with the option to appoint the applicant to the remainder of the regular term at that time. The board will discuss this proposal further at a future meeting.

Ms. Reardon gave a summary of her background and reasons for applying to these two boards. She indicated her preference for the seat on the CHT. The board commented on her choice and hopes she will enjoy working with the group on all aspects of this committee's work. Questions were asked and answered about AH and its inclusion in the Town.

*Motion; made by Pete Smellie, seconded by Andy Reardon, to appoint Brittany Reardon to the Community Housing Trust (CHT) for a term expiring 6/30/22. Unanimously voted*

#### **Recreation Commission Applicants – Christine White, Patrick Kelly, Samantha Kelly**

The board asked questions of the applicants about serving on this board, including the willingness to serve as the Rec Commission rep to two other boards – the CPC and Complete Streets. Recreation Superintendent George Grey also participated in the discussion.

The board appointed Christine White to the vacant seat on the board, and asked Mr. and Ms. Kelly to serve as alternates.

*Motion; made by Pete Smellie, seconded by Andy Reardon, to appoint Christine White to the Recreation Commission for a term expiring 6/30/22. Unanimously voted*

*Motion; made by Pete Smellie, seconded by Andy Reardon, to appoint Patrick Kelly and Samantha Kelly as Alternate members of the Recreation Commission for a term expiring 6/30/22. Unanimously voted*

#### **Highway Surveyor Update and Discussion**

Highway Surveyor Glenn Ferguson was present to update the board on several current topics.  
*Highway Barn Project:*

- Design plans are 90% complete for a much more comprehensive work space of about 20K square feet total.
- Con Com has approved the plan. Mr. Ferguson updated the board on additions to the contract.

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- Late November/December timeline to go out to bid and hire a General Contractor. Goal is to break ground around the end of March. COVID has delayed the process and inflation has impacted the numbers to a degree.
  - Construction cost estimate: \$4.8M-\$5.5M. Questions were asked and answered. The board asked that Mr. Ferguson come back in February or March with an update as he gets closer to the above deadlines.

#### *Private Road Policies*

Mr. Ferguson distributed a list of public, private and scenic roads in the Town with the length of each road in feet.

- There are 75-80 miles of public roads, 10-15 miles of private roads in the Town, with a total of 135 public roads and 70 private roads. The private roads have a wide variety of road types and conditions. This means that additional equipment would be needed by the Town to maintain and plow these roads.
- In answer to Mr. Reardon's question about the Town's obligation to these private roads, Mr. Ferguson stated that emergency access is needed for first responders. If maintenance is needed to keep the road "accessible", plowing or tree removal is performed. Otherwise, the Highway Dept. does not work on private roads.
- Mr. Graham proposed that the Planning Board/Town Planner, Mr. Ferguson and Town Counsel come up with an idea for a front-loaded HOA fund from the developer, to be used and replenished by the homeowners for maintenance of their private road. Mr. Graham expanded on the private road issues such as catch basin cleaning frequency and the costly increase in maintenance responsibilities that would be created by accepting these private roads as public ways.
- Mr. Ferguson noted that all the private roads want plow service, which inevitably leads to additional maintenance work for the department. A road needs to be accepted as a public way within 2-3 years of its creation. An older road is more likely to have repair and maintenance issues.
- Storm water issues are more difficult to solve. The amount of biomass and number of catch basins has increased greatly over the years. The drainage locations' upkeep is becoming cost prohibitive. Discussion ensued about this problem and possible solutions. Mr. Morin suggested a written agreement with an HOA acting on its members' behalf to draft a release for the Town that includes: a hold harmless clause for any damage occurring from plow service and a broader indemnity for salt corrosion of the catch basins.

#### *Ongoing maintenance of Town properties such as CPA project, open space, fields, etc.*

- Mr. Ferguson noted that these beneficial properties come with added responsibilities. He cited projects such as boardwalks and parking lots, etc. which need ongoing maintenance.
- He would like his departments to be involved in projects from the outset so that he can build and maintain whatever is approved. Mr. Morin suggested that each project include a sentence in its Town Meeting Article to require involvement by Mr. Ferguson's departments (maintenance and construction under supervision of the Highway surveyor).
- Instruct the CPC to ask for a realistic maintenance budget, even though the CPA does not fund general maintenance costs, only substantial rehab projects.
- Mr. Morin noted that the Jacobs Pond bridge has reopened.

Mr. Ferguson reported that the Traffic Study Committee (TSC) reconvened a few weeks ago. The committee is getting up and running with new members Police Chief Ed Lee and Fire Chief Dave Kean. A priority for the committee is to create a set of guidelines and an application form with signature requirements for road complaints/issues.

More TSC updates will be discussed at the Select Board meeting on 11/3/21.

All thanked Mr. Ferguson for his updates and hard work.

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**Future Meeting Agendas**

All discussed the upcoming meeting on October 20<sup>th</sup> and other agenda items.

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**Adjourn**

*Motion; made by Pete Smellie, seconded by Andy Reardon, to adjourn at 9:10pm. Unanimously voted.*

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Bruce Graham, Chair