

**Norwell Select Board
12-15-21
Open Session Minutes**

TOWN OF NORWELL
TOWN CLERK

2022 JAN -6 AM 9:34

Present: Ellen Allen, Andy Reardon, Pete Smellie, Bruce Graham, Peter Morin

Absent: Jason Brown

Present: Town Counsel Bob Galvin, Darleen Sullivan, Christine McCarthy

Mr. Graham called the meeting to order at 7:07pm

Approval of Agenda

Motion; made by Bruce Graham, seconded by Pete Smellie, to approve the agenda as amended. Unanimously voted

Approval of Meeting Minutes

Motion; made by Ellen Allen, seconded by Pete Smellie, to approve the Open Meeting minutes of the 11/17/21 and 12/1/21 meetings. Unanimously voted

Motion; made by Ellen Allen, seconded by Pete Smellie, to approve the Executive Meeting minutes for the 11/17/21 and 12/1/21 meetings. Unanimously voted

BOS Reports and Announcements

Ms. Allen read the following statement about the State Ethics Commission report on Mr. Carroll's accusation of her unethical actions:

"As you will recall, Mr. Carroll spoke during Citizen Comments at our November 17th Select Board meeting, reporting that he had filed an accusation of unethical actions by me with the State Ethics Commission. He posted it the same evening on FaceBook.

I am pleased to report tonight that the Massachusetts State Ethics Commission has already completed its investigation with no action being taken against me, not even a slap on my wrist or a requirement that I get additional state ethics training. So much for Mr. Carroll's accusations of "gross violations" and "corruption and self-dealing!" Needless to say, I'm pleased that this independent commission has determined I did nothing wrong. And let me be clear, I have always taken the State Ethics laws very seriously and always will.

Mr. Carroll's accusations were made in bad faith and contained many demonstrably false allegations. In fact, some were disproved by his own filing. He showed that I had no involvement in the contract signed by the CHT with Mr. Brown by attaching the contract I did not sign! He conveniently omitted the CHT meeting minutes showing I played no part in their deliberations or decisions regarding Mr. Brown's services. Obviously, there are many other false statements in Mr. Carroll's lengthy filing as he well knows.

As becomes clearer with each passing week, Mr. Carroll has been consistently wrong on the facts and wrong on the law on matters related to the town's Wildcat property. But worse, his behavior has brought Norwell town discourse to an unprecedented low. He has purposely misled town meeting, countless committee volunteers and made false filings with both the State Ethics Commission and the Attorney General's office. His increasingly desperate efforts have been malicious and defamatory. It is time for him to own up to his bad behavior by retracting his misinformation and apologizing to me, Mr. Galvin, Mr. Morin, Mr. Graham, Ms. Demong, members of the past and present Select Board, CHT and Advisory Board and, frankly, the town as a whole.

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With respect to the land in question, it is the responsibility of the Select Board to assess what is best for the town, not preferred by Mr. Carroll. Devoting a town asset worth over \$500K so the view from **his** back yard remains unchanged is not what's best for Norwell's taxpayers. And let's be clear, no part of these town owned parcels has ever belonged to the Wildcat HOA. The paperwork on this is clear.

Regarding affordable housing in Norwell, it is unbelievably sad to me that we have residents who oppose having homes near them that would be affordable to such people as teachers, police officers, firefighter/paramedics, town hall employees and retiring Norwell seniors. Yes, as stated repeatedly by the Community Housing Trust, that's the target market identified for town initiated affordable housing. These are the very people who have and continue to make Norwell a great and safe place for all of us to live! In fact, it is people just like us when we were starting our careers.

It is my sincere hope that there are other residents in the Wildcat community who would welcome such neighbors and will work with the CHT to restart a dialogue about putting some attractive, right-sized affordable housing on this land after placing the majority into conservation. And if that is not possible, we should certainly restrict a large portion as conservation, but then sell it to a developer in order to capture its substantial value for the benefit of all Norwell taxpayers.

Thank you, Mr. Chairman."

Town Administrator Report -None

Citizen Comments

Will Saunders and Marynel Wahl shared photos of the new Wompatuck Park access/parking lot on Prospect Street. The lot will open on January 1st for access to the park. However, please use caution as it will not be plowed in the winter.

Brian Carroll, 7 Highfield Lane:

"Thank you. I will use my 60 seconds that I guess I'm allowed now by the board to speak. I'd suggest we should consider renaming Town Hall to the Norwell Center for the performing arts after that performance by Ms. Allen. It's fine to make dramatic statements but I didn't hear a single fact in your entire statement. The fact is that the State Ethics Commission did not determine that there was no violation; they said that they wouldn't take any action. They did not find that a single statement was false, and you didn't identify a single statement that was false. If you'd like to have a discussion about it, I would like to listen to what statements you thought were false. Ms. Allen replied "All of them". I think some of the residents here are going to address some of the false statements from two weeks ago. Y'know, the sad fact is that this is embarrassing for Norwell. The board has pushed this to the point that we're gonna resolve this in court. It's unfortunate and I'm not going to say any more about it here. We're just gonna get the resolution. That's all I have to say in response to two weeks ago and tonight."

Mr. Barry Halloran 8 George Road, stated that he is a 50 year resident.

Mr. Halloran asked why Mr. Graham's vote counts and his doesn't. He stated that he would like an answer, to which Mr. Graham replied that he didn't know what Mr. Halloran was talking about. Mr. Halloran stated he was talking about Wildcat Lane and that Mr. Graham lost the election by 2/3. Per Mr. Halloran, "the people said give the land to Conservation, but for reasons best known to yourself and people you know said no". He repeated his original question. Mr. Graham replied that he was not going to debate this issue and was again interrupted by Mr. Halloran. Mr. Graham replied that he is on the Board of Selectmen. Mr. Halloran replied "Big

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Deal. You were elected to do what the people want you to do." Mr. Graham encouraged Mr. Halloran to go back and listen to his statement made on 12/1/21 in which he explained how the law works. "For those of you in the audience who applaud and support this gentleman's position, if you don't want to believe it or don't understand it, those are two different things." Mr. Graham continued to say that, with Town Counsel's allowance, he understands that "Mr. Carroll will be filing a lawsuit in which he asks a judge to make a decision, which some of you may choose not to accept. The board has been advised by 4 municipal attorneys that this is the board's job, and if it's contrary to your understanding, I can't help."

Mr. Halloran questioned the statement "4 municipal attorneys", to which Mr. Graham replied "that is correct". In answer to Mr. Halloran's question about Town Counsel's opinion not being good enough as he is paid by the Town, Mr. Graham replied that the opinion wasn't good enough for Mr. Carroll. Mr. Halloran then accused both Mr. Graham and Ms. Allen of lying. More remarks were exchanged, after which Ms. Allen asked Mr. Halloran if she and Mr. Graham were being threatened. Heated remarks ensued, and Mr. Reardon requested Mr. Halloran to please sit down and thanked him for doing so. Ms. Allen stated that for the record, she felt threatened and would like that reflected in these minutes.

Ms. Courtney Simpson, 1 Highfield Lane, considers Mr. Graham's 12/1/21 comments "an attack on fellow Norwell resident, Brian Carroll". She opined that this subject should have been included on the agenda and criticized Mr. Graham for limiting Mr. Carroll's comments to one minute at future meetings. She continued with additional criticisms of Mr. Graham's board policies. She noted that some of her neighbors asked Mr. Carroll and Mr. Wall to speak to this topic on their behalf to avoid repetition and confusion from multiple voices, adding that this time limit will not silence discussion on this issue.

Mr. Dan Cox, 4 Summit Lane, commented on Mr. Graham's speech and the opinions of the 4 lawyers with regard to this issue. He cited random facts from various public records with regard to the CHT agreement with Mr. Wylie Brown, adding further comments about hiring via a competitive process. He disagreed with the way the board has chosen to handle the proposed transfer of the Wildcat land to Conservation. He also again cited the Town Meeting vote statistics. Further comments addressed the Carleton property, the Town's rural character and Con Com's vote to accept the Wildcat land if offered. He again addressed MGL Ch. 40, s. 15A and the options of the board to move forward with a transfer, adding that there is "nothing preventing the board from implementing the actions passed at Town Meeting." He accused Mr. Graham of carrying out his personal agenda. He stated that the board should immediately make this transfer.

Ms. Melissa Julian, 4 Lot Phillips Lane, commented that this has become a personal agenda, which is hurting our relationships at various Town activities. "It's breaking us apart." She recommended that the board "take a real long look in the mirror and think about the example that they are setting for our Town and our children of how elected officials are helping to run our community". She opined that the board is elected to represent the voice of the Town residents. She asked the board to take action on the Town Meeting vote and move the land to conservation. She would like everyone to move on to do "the good that we're meant to do in this Town". Further comments were made about the good character of the Town residents and how she views this issue as embarrassing.

Shawn Brennan, (did not give address, lives at 7 Lot Phillips Lane) opined on the Town Meeting vote and asked why Atty. Galvin did not talk about MGL Ch. 40, s. 15A at Town Meeting along with the required 2/3 vote to pass the Article. Mr. Brennan felt it would have been a different conversation if it had been mentioned.

In response to Mr. Graham's question about mentioning MGL Ch. 40, s. 15A at Town Meeting, Atty. Galvin stated that he couldn't remember if he mentioned it or not, but his opinion of the legal process is unchanged.

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ARPA portal assigned users

Town Accountant Christine McCarthy gave a summary of the ARPA votes needed to apply for grants (see paragraph below):

The Town may apply to Plymouth County for grants for certain eligible purposes to be funded from a grant received by Plymouth County pursuant to the American Rescue Plan Act (ARPA). The County will receive applications for such grants through its online portal. The County requires evidence of Town authorization before granting access to the portal. The following votes will authorize one Town official to supply the County with all supporting data for each application and another Town official to approve the application and make the required representations and certifications on behalf of the Town to complete and submit the applications.

Motion; made by Ellen Allen, seconded by Pete Smellie, that the Authorized Reporter, Christine McCarthy is authorized to prepare and enter information into the Plymouth County American Rescue Plan portal in support of one or more applications to Plymouth County for grants ("ARPA Grants") to be funded from a grant received by Plymouth County under the American Rescue Plan Act. Unanimously voted

Motion; made by Ellen Allen, seconded by Peter Smellie, that the Authorized Representative Peter Morin is authorized to approve, finalize, and submit on behalf of the Town any such ARPA Grant application and to make all representations and certifications required to be made on behalf of the Town to complete each such application, with such approval, representations, and certifications to be evidenced by the signature of the Authorized Representative on such application; and if any such ARPA grant is awarded, the Authorized Representative shall be the recipient of such grant on behalf of the Town. Unanimously voted

Discussion; Brian Carroll's 12/3/21 Open meeting law violation complaint

Mr. Graham recapped his remarks to the board at the 12/1/21 Select Board meeting during the Select Board Reports. He noted that Town Counsel Bob Galvin reviewed these remarks before the meeting. Mr. Graham read Atty. Galvin's response to Mr. Carroll's complaint filed with the state on 12/3/21 (attached to these minutes).

Mr. Graham and Atty. Galvin made additional comments. Both added that the board is free to opine on matters of their own choosing during the Select Board Reports and Announcements agenda item. Atty. Galvin added that he would have stopped Mr. Graham's comments if he felt it was a violation of the Open Meeting Law. The response will be sent to the Attorney General's office.

Board members discussed and made a few edits. In answer to Mr. Reardon's question, Atty. Galvin said that the board will prevail with this defense/response and gave the steps for filing with the Attorney General's office. Although Mr. Carroll could file an appeal, that has rarely happened. If a violation had been found, a remedy would have been to require some Open Meeting Law education.

Motion; made by Ellen Allen, seconded by Pete Smellie, to approve the draft response to Mr. Brian Carroll from Town Counsel regarding an open meeting law complaint dated December 3, 2021 as presented, with the corrections to the description of the address and the length of Ms. Allen's response to reflect that it lasted 44 seconds. Unanimously voted.

2022 License Renewals

Mr. Morin reported that there are two renewals of motel licenses for board approval; Pilgrim Lodging/Rehoboth House and Capeway Motel. Their inspections have been completed and both are ready for approval.

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The Park View Motel would not allow the Building Inspector to inspect the premises, so their license renewal is being held in abeyance until they comply.

Questions were asked about counting Rehoboth House in the AH inventory, but to date it has not been included. Some changes would have to be made for the property to be counted.

Motion: made by Ellen Allen, seconded by Pete Smellie, to approve the license renewals for Pilgrim Lodging/Rehoboth House and Capeway Motel, expiring 12/31/22. Unanimously voted.

Complete Streets Application – Daniel Collins

Mr. Collins gave a summary of his background and reasons for applying to the committee. Ms. Allen recognized and thanked Mr. Collins for his hard work on the Government Study Committee.

Motion; made by Ellen Allen, seconded by Pete Smellie, to appoint Daniel Collins to the Complete Streets Committee for a term expiring 6/30/24. Unanimously voted

CPC Resignation – Julie Gillis

Motion; made by Ellen Allen, seconded by Pete Smellie, to accept with regret the resignation of Julie Gillis from the Community Preservation Committee. Unanimously voted

Ms. Allen said that Ms. Gillis was a member of the CPC for several years and also served as the Chair. She will be very much missed on the committee.

Appointment to Library Building Committee

Motion; made by Ellen Allen, seconded by Pete Smellie, to appoint Rachel Breen to the Library Building Committee. Unanimously voted

Ms. Allen noted that Interim Library Director Rachel Breen replaces retiring Library Director Judy McConarty.

Senior Tax Relief

Mr. Morin gave an overview of this topic, adding that this is just the beginning of the discussion. He would like to get a sense of the board before Town Meeting and before proposing additional measures of tax relief. The Town has already adopted a senior work-off program, in which 40 to 50 residents participate each year. There are about 20 towns in the Commonwealth that offer programs. Many use the state circuit breaker tax relief (based on property tax and utility bills as a percentage of income) as an eligibility requirement for tax relief. There are two methods for funding a residential exemption as determined by the state circuit breaker qualification:

1. the remainder of town residents assume that portion of the tax exemption for qualified residents.
 2. instead of shifting the tax burden to the remaining residents, the Town's overlay surplus is used to provide relief.
- This would require special legislation, Town Meeting approval and filing with the legislature. Towns with the program offer either the same circuit breaker amount or 150% of that amount.
 - Mr. Morin would prefer to use the overlay surplus. His estimate of the overlay impact would be about \$80K, which the Town could easily handle.
 - He discussed the mechanics with the town of Reading Assessor who pioneered this program.
 - Mr. Morin explained that the Town sets the tax levy with an allocation for estimated abatements of about \$300K. The \$80K would come out of that allocation.
 - Towns can now combine fiscal year abatement allocation surpluses. The Town has always generated a hefty surplus, which includes \$40K to fund the senior work program. He is confident that there would adequate surplus to cover the \$80K and would not push that burden onto other taxpayers.
 - Ms. Sullivan and Ms. McCarthy estimated that about 50 to 60 residents would be eligible for this exemption.

- Mr. Morin will work with the Assessors office, suggesting additional exemption status for gold star and veteran tax relief.

Questions were asked and answered about the overlay surplus, CPA exemption and state circuit breaker.

Jacobs Farm-consolidate west barn use with license renewal/CSFF– amended

Mr. Graham recapped the zoom meeting discussion on Monday as follows:

- Norwell Historical Commission (NHC) Chair Nancy McBride noted that they were exploring options to rent the farmhouse apartment. Currently the apartment does not have an occupancy permit. Any rental decisions will be made at a future date.
- Cross Street Flower Farm (CSFF) currently holds a 3 year license for the farm, with a 1 year license for use of certain portions of the west barn. Nikki Bartley (CSFF owner) would like to combine the two licenses for ease of use.
- All discussed the CSFF license, the west barn rental and its details. Per Mr. Morin, this discussion will focus on the proviso that the west barn license would be reviewed after the first year. As no objection was filed by 10/31/21, is the board willing to extend the west barn usage for the remaining term of the rest of the license?
- Ms. Allen and Ms. Bartley would like to remove the wording “for one year only”. Ms. McBride stated that the NHC has been fine with the rental agreement. The Select Board and the NHC have approval authority.
- Mr. Morin will review this request with Town Counsel. Currently, Historic New England’s (HNE) use and management plan states that the Select Board has authority to determine outbuilding use.
- Ms. Bartley noted that the use plan was written in the late 1980’s. A committee working with HNE to streamline the property management would make sense, as HNE needs a better understanding of the use of the property.
- The current management plan states that the apartment should be rented to an overseer. HNE has its own properties commercially managed. A call to HNE might be informational.

Motion; made by Ellen Allen, seconded by Pete Smellie, to approve the change to the Cross Street Flower Farm license, striking the words in paragraph 4, line 5: “for one year only”.

Unanimously voted

- Licensing of the apartment and rental will be discussed at a future meeting with the NHC, Wendy Bawabe and Ms. Bartley, but not until the occupancy permit is issued.
- Mr. Morin reminded all that there is a large list of project components that are funded (in the amount of \$500K) but not completed.

Consider/discuss - one year initial term for new committee appointees - postponed

Review and approve draft policy for Select Board agendas

Ms. Allen reviewed her draft policy as in the packet. All agreed on the following wording:

“Select Board Chairs are responsible for proposing the content of meeting agendas. However, they shall not use that authority to prevent agenda items that are specifically requested by the Town Administrator or any member of the Board prior to the agenda being posted, or, during meetings, for future agendas. The Chair shall determine the date for such agenda items.”

Motion; made by Bruce Graham, seconded by Andy Reardon, to adopt the policy as written above and to reaffirm said policy when the board is reorganized. Unanimously voted

Future Meeting Agendas

The board discussed future meetings and updated the schedule. There is no meeting on 12/29/21. The next scheduled meeting will be 1/5/22.

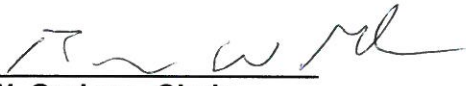
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Adjourn

Motion; made by Pete Smellie, seconded by Andy Reardon, to adjourn at 8:40pm. Unanimously voted.

RECEIVED



Bruce W. Graham, Chair