

**Town of Norwell
Select Board
Open Meeting Minutes
11/9/22**

Present: Bruce Graham, Jason Brown, Ellen Allen, Andy Reardon, Pete Smellie, Peter Morin, Darleen Sullivan

Motion; made by Jason Brown, seconded by Pete Smellie , to approve the agenda as presented. Unanimously voted.

Meeting minutes: 10/26/22, Open and Executive Meeting Minutes

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the Open and Executive Session meeting minutes for the 10/26/22 meetings. Unanimously voted

Select Board Reports

Ms. Allen gave a shout out to the Town Clerk's Office; Pat Anderson, Laurie Davis and her staff for doing a great job on the election. Voter turnout was larger than expected, along with additional voting administration steps to accommodate the expanded voting hours and multiple voting methods. Well done!

Mr. Reardon thanked the police and fire departments for their quick response to a car fire at his house.

Town Administrator Reports

Kudos to the COA for their grab and go event being held tomorrow for the Veterans. They provide exceptional service for this event in advance of Veterans Day on Friday.

Citizen Comments

Resident Tim Wahl, 2 Summit Drive, was present to comment on his reactions to the agenda topic about Town owned property disposition that mentioned parcel ID's. He repeated his comments made at prior Select Board meetings about the 2021 Town Meeting citizens petition vote and his perception of the Select Board's subsequent decision not to act on that vote.

Mr. Graham explained to Mr. Wahl that the specific agenda topics listed on the agenda were to both protect board members, Town Administrator and Asst. Town Administrator and comply with the AG's directive regarding the Open Meeting Law (OML). A series of emails from resident Brian Carroll, 7 Highfield Lane, warned Mr. Graham that any failure to comply with the OML would result in another complaint being filed with the AG's office. Mr. Graham is able to engage in a discussion as the topic is part of the agenda. Mr. Carroll was not correct; the board will be talking about how the Town can raise money through the sale of some parcels of land that should be considered for auction. Ms. Allen asked for clarification from Atty. Galvin about the process of putting the land in conservation.

Atty Galvin reminded all that the Town Meeting vote had no authority over the land. The executive body must first vote that it's no longer needed for its original purpose and thereafter an article would need to pass at TM. MA Gen. Law, Chapter 40, section 15 clearly states that the Article was nonbinding and not effective.

Resident Melissa Julian, 4 Lot Phillips Lane, reiterated her concern about the Town Meeting vote not being acted upon by the board. Mr. Graham again stated that both branches of government must agree to sell town owned land. He repeated this statement and gave examples of board and Town Meeting procedures to sell Town owned land.

With regard to the Town Meeting vote on the Wildcat properties, Atty. Galvin reminded all that the vote was taken on a Citizens Petition Article, not a Warrant Article. In many instances these Citizens Petitions are not correct and only represent an advisory vote. Citizens cannot authorize and direct in a petition.

Ms. Sullivan and Treasurer Mary Beth Carter listed the following disposition options for town land.

1. Auction – Tax Possession Sale – Chapter 60, Section 77B
 - a. The Town does not need a Town Meeting Warrant Article. The Select Board of any town which holds property acquired by foreclosure of tax titles or acquired under section 80 may appoint a custodian who shall have the care, custody, management and control of all property heretofore or hereafter so acquired by said city or town.
2. Sealed Bid Process – Chapter 30B, Section 16
 - a. A Town Meeting Warrant Article is required to dispose of property in this manner.
 - b. If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the government body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.
 - c. Generally used when a town wants to specify how the property will be used
3. Fair Market Value under \$35,000
 - a. A Town Meeting Warrant Article is required to dispose of property in this manner.
 - b. The Select Board has the option of selling the property in any authorized manner by law or to a specific buyer, if authorized through Town Meeting.
4. Fair Market Value over \$35,000
 - a. A Town Meeting Warrant Article is required to dispose of property in this manner.
5. Vacate a judgment
 - a. A Town Meeting Warrant Article is not required to dispose of property in this manner.
 - b. A former owner has one year from the foreclosure judgment date in which to petition the court to vacate the judgment.
 - c. The former owner may request to redeem the balance on the foreclosed property from the Select Board within the first year of the judgment date, or after the first year of the judgment date.
6. Transfer within the local government

- a. A Town Meeting Warrant Article is most likely required to dispose of property in this manner (Ch. 30B).
- b. The town may transfer property to another department such as Conservation within the local government.

****The Town is under no obligation to dispose of any Town owned properties.***

Further questions about property disposition were asked and answered, using specific examples such as the Town Hall property.

- Any property to be sold must be declared available by the Select Board. An appraisal must be done to declare a minimum value.
- Only property that can be auctioned is tax title land.
- If auctioned, the property is subject to zoning, but not conditions.
- The best option for properties not being used would be to bundle together and auctioned off.

Further discussion ensued about property sale conditions.

Athletic Fields Committee (AFC): Resignations and Appointments

Motion; made by Jason Brown, seconded by Pete Smellie, to accept with regret the resignations of both Mike Morris and Marty Adams from the Athletic Fields Committee, with many thanks for donating their time and energy to this committee. Unanimously voted

Seth Bailey and Chris Franssen were both present to give a summary of their backgrounds and reasons for applying to serve on the AFC.

Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Seth Bailey as an At Large member of the Athletic Fields Committee for a term expiring 6/30/25. Unanimously voted

Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Chris Franssen as an At Large member of the Athletic Fields Committee for a term expiring 6/30/25. Unanimously voted

All Are Welcome Committee Resignation: Jamila Kielhorn

Motion; made by Jason Brown, seconded by Pete Smellie, to accept with regret the resignation of Jamila Kielhorn from the All Are Welcome Committee, with the thanks of the board for her donation of her time and energy to this committee. Unanimously voted

93 Longwater Circle – approval of offer/Purchase and Sale, additional information

Mr. Morin gave a summary of this potential purchase for a new Town Hall. Mr. Graham recapped the history of the current Town Hall, reasons for its current condition and decision not to renovate due to the prohibitively high cost of \$12M.

Mr. Morin reported that Town Hall moved to its current home in the 1980's from the Cushing Center. Minimal refitting was done at the time. Since then, not much has been upgraded except for some attempts to improve the HVAC system (now near impending failure). The third floor has never been occupied by Town Hall staff as it is unfit for use. Various options were explored, such as relocating to share the Sparrell building with the school department, but that space could not accommodate both parties.

Following the override to finance the new library in 2017, the Select Board promised residents that the renovation of Town Hall would be under the levy. By 2021, subsequent estimates determined that the renovation cost had become prohibitive.

Building Inspector Tom Barry suggested acquiring property to house a new Town Hall based on the significantly lower commercial real estate market prices during and after the pandemic. There was only one response to the RFP for a 20K sq. ft. building in the Town, 93 Longwater Circle. All inspections have been done. All departments, the architects and the OPM have visited the building and reviewed repair and maintenance records. The RFP response offered the building at \$4.5M in an outright sale. Mr. Morin countered with an agreement and price of \$4.4M, contingent on 21E survey, Title 5 and Special Town Meeting Warrant Article approval. With the board's permission, Mr. Morin will forward a draft of the P & S to the building owners for their consideration and further negotiation. No debt exclusion override will be needed. The purchase will be financed using Free Cash, capital stabilization funding and some debt under the levy (replacing retired debt). Per Mr. Morin, this is a very doable acquisition. It still allows sufficient Town reserves to address future capital needs and nonrecurring expenses at a price point less than the renovation estimate 3 years ago. This will utilize a different funding source than the St. Helen's potential purchase (there will be no override or debt exclusion for that property either). This is the last of the Town properties that needs to be addressed. Every other building/property has been upgraded or renovated. The board and Mr. Morin hope it will be approved; this will be such a win/win for the Town employees and residents. There is much more meeting space, flexible office areas and better accommodations for civic activities. Mr. Brown added that this is the best outcome for this project that could happen in the Town. This option is so much better- Town Hall business will be conducted in a building that was designed for such a purpose. The board offered wholehearted support for this purchase.

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the Purchase & Sale between 56 Realty, LLC and the Town of Norwell for the purchase of the condominium property located at 93 Longwater Circle, Norwell, MA 02061.

Unanimously voted

Special Town Meeting: potential disposition of Town owned properties

(See above discussion under Select Board Reports)

Jacobs Farm property license to Cross Street Flower Farm (CSFF) & Installing granite posts

Mr. Graham summarized this discussion for the board. The Jacobs farm's leaching field is vulnerable to heavy equipment being used over the top of it and needs to be re-marked, as its previously placed markers over several years were repeatedly removed. Three granite posts will be installed to prevent any damage to the field.

The board discussed at length both the terms of the license between CSFF/Nikki Bartley and the Town, offering suggestions for amending the license terms and payment for the granite posts and their installation. Mr. Graham suggested not extending the license to the end of 2025 to ensure CSFF follows all rules; it could be extended to the end of 2026 next year.

Mr. Graham polled the board; Mr. Brown and Mr. Graham would like to have the Town underwrite the materials and installation, warn Ms. Bartley of the consequences in the event of a recurrence of this issue and move on. Mr. Reardon, Ms. Allen and Mr. Smellie would like to hold Ms. Bartley accountable for these materials and labor and

hold the upcoming license renewal. (the license agreement notes that the licensee pays for damage done to the property)

Per Mr. Graham, Ms. Bartley is now completely aware of the problem and will be very careful in the future not to use heavy machinery over the leaching field area. The board took a vote to decide its course of action.

Motion; made by Bruce Graham, seconded by Pete Smellie, to allow the automatic extension of the Cross Street Flower Farm license for another 12 months, subject to Cross Street Flower Farm's reimbursement to the Town for the purchase and installation of 3 granite posts, not to exceed a cost of \$1000. Motion carried; 4 yes, 1 no.

St. Helen's Property

Ms. Sullivan recapped the inspection process for the board, citing the environmental survey done by GZA and the departmental inspections. There are no recognizable hazards in the buildings or the land (which was farmland in the 1940's and 50's). All looks acceptable.

On behalf of the Town, Atty. Galvin contracted with Judi Barrett of the Barrett Planning Group, LLC, to look at AH construction costs and options. The need was identified to add a Special Town Meeting Article with alternatives to the purchase Article. Mr. Morin noted that the goal should be to make the property as attractive as possible to investors, perhaps considering Tax Increment Financing (TIF). If the purchase Article doesn't pass, the Town should still have a say in what happens to the property. This additional Article could designate the parcels in question as an economic development zone with a TIF option as incentive for a developer to work with the Town. This would be a way to participate with a measure of control over the property if the purchase Article fails.

Mr. Graham recapped the purchase details and financing plan, pending CPC approval.

Future meeting dates: 11/16/22, 11/30/22, 12/7/22

Adjournment

*Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn at 8:20pm.
Unanimously voted*

A handwritten signature in dark ink, appearing to read 'Bruce W. Graham', with a stylized flourish at the end.

Bruce W. Graham, Chair