

**Norwell Board of Selectmen
3/24/21
Open Session – Remote meeting**

Present: Ellen Allen, Alison Demong, Jason Brown, Bruce Graham, Joe Rull, Peter Morin, Town Counsel Bob Galvin
Members of Advisory Board, CHT, Pat Anderson, Bill Coffey
Members of Wildcat Hill HOA, Town residents

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Open Session

The meeting was called to order by Chair Ellen Allen at 6:02pm. She announced that all votes will be roll call votes as the meeting participants are using remote access software. The meeting is being 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 written.
Unanimously voted by roll call vote*

Wildcat Hill HOA Discussion about CHT plan for AH on Wildcat Hill

Ms. Allen gave a short recap of this discussion topic; highlighting the fact that the land in question was taken by the Town for tax/title and voted to be set aside for Affordable Housing at the 2004 Town Meeting. She noted that this agenda item was scheduled to allow the Wildcat Hill HOA members and residents to voice their opinions and ask questions. She announced that Town Administrator Peter Morin will conduct the meeting for this discussion.

HOA member Brian Carroll began the discussion by thanking the board for the opportunity to discuss this sometimes emotional topic. He expressed frustration over not being able to speak to this petition at prior BOS meetings. He thanked Town Counsel Bob Galvin for his assistance and clarified some of the comments made last week. He again stated that there is no threat of litigation from the Wildcat Hill HOA. His goal is to allow the residents to give their input on the best use for this land in question.

- Mr. Carroll summarized the proposed Article to transfer 5.9 acres from Town owned land on Wildcat Lane into conservation, giving a short history of this land in question, which is surrounded on all 4 sides by deed restricted land. There are a number of developer restrictions on the land that were put in place when the houses were constructed in 2012. Residents have invested in land improvements such as wastewater treatment and stormwater management as well as other improvements. There is a trail system maintained by the HOA.
- Tim Wall, Wildcat HOA Chair:
"All documents used in our presentation came directly from Town documents or the Community Housing Trust presentations. We haven't made up anything." With respect to the surrounding area, the property has been owned by the Town for 17 years, but used for recreation for over 40 years. We are further protecting the priorities the Town has made with respect to this area. The current project would take up 42,000sq. ft. of the land. It would be about the same density as the proposed Simon Hill project. The Simon Hill building permits would provide safe harbor for Affordable Housing for about two years." Mr. Morin clarified that there is NO project per se, this is only a draft RFP with a concept.

- Dan Cox, 4 Summit Drive:
 "In terms of a project this big, I like to break this into three buckets; the people, the process and the facts. The most powerful bucket is the people, and because we don't know each other, we lose a lot of the power. Not just the Town vs the residents, but the project proponents vs. opponents. Comments made are not helpful when addressing topics such as NIMBY and entitled; this chips away at the people part. This could be rebuilt with the process by using the second bucket called trust. The third bucket deals with facts and changing them; an example is the projected RFP, and verbiage about the lottery concerning "who would live there". A later conversation mentioned policemen, teachers and firemen. A lottery is a lottery and it would be tough to know who would live there. No one would.
 If this project does not get us to 10% Affordable units why are we giving away the land?"
- Becky Pesko, 219 Wildcat Lane:
 Ms. Pesko noted that she is the only direct abutter to the Town owned land under discussion. She expressed her disappointment over the fact that there was no formal or informal notification about this project, about which she has several concerns. She stated that lot of planning went into the development of Wildcat Hill, highlighting specific issues such as the current and planned water retention areas for land with a high water table. She gave examples of water issues she has experienced with her property. She opined that people don't understand that Wildcat Lane is a very busy street with a lot of pedestrian and vehicle traffic and a history of accidents.
- Meghan Crowley, 5 Highfield Lane:
 Thanked the board for volunteering their time to serve the Town. Stated that she grew up in Norwell and lives close to her childhood home. She had a question for the CHT. Re: the Conservation Commission and the discussion about the pending RFP; Con Com has not heard any of the concerns raised by this RFP. The AB considered the Citizens Petition Article at a meeting last week without input from Con Com. It was her understanding that this topic was removed from the Con Com agendas twice; were they "ordered not to discuss the Wildcat Lane parcels" and if so, by whom? When will that order be lifted. Per Mr. Morin, Town Counsel advised Con Com about concerns over whether this board should be acting on the petition with the BOS having taken a position on the land pursuant to the 2004 Town Meeting Article. the BOS will revisit that issue and see if it can be put on a Con Com agenda for discussion prior to Town Meeting. in answer to a question, Mr. Morin noted that Con Com made that decision based on communication with Town Counsel. Town Counsel, Attorney Bob Galvin, stated that he is in complete agreement with Mr. Morin. When the topic was first put on Con Com's agenda, the circumstances were vastly different than they are now. Con Com now has the latitude to put this on an agenda for discussion.
- Steve Brandt ? , no address given:
 Asked what has changed from the outset of this petition discussion. Per Mr. Morin, there was a perception on the part of the BOS, Atty. Galvin and himself that the likelihood of litigation was high. Subsequent assurances have been made that that is not the case, which is the major change in circumstances. Mr. Morin clarified his answer for Mr. Brandt.
- Marty Adams, 9 Highfield Lane:
 Stated repeatedly that he would like a definite answer about putting this discussion on the Con Com agenda before May 8th. Mr. Morin replied that he will recommend that the BOS ask Con Com to put this discussion on their next agenda. Mr. Rull added that the BOS does make recommendations to Con Com about agenda items. He would strongly urge Con Com to put this on their next agenda. In response to Mr. Adams' comments, Mr. Morin reminded all that this project at its inception, and there will be Ample opportunity to be heard and to give public input.

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 MAY 8 P 12:24
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- Carolyn Ghaie, 32 Highfield Lane:
Norwell is no different than many towns who are trying to work with residents but looking to meet housing needs. We do differ because we have access to Route 53 and all of the opportunities for smart growth in those business areas. She listed various groups of people looking for housing that met both affordability and proximity to businesses and transportation. Putting an apartment building in a rural area with a blind spot on the road doesn't belong here.
- Ethan Allen, 3 Highfield Lane:
Gave reasons to move to Norwell, including building plan and conservation land. Enjoys clearing the trails near his house. How is the board going to make sure there is an accurate vote count at TM. Mr. Morin gave the details of voting methods to ensure an accurate count of the votes. Mr. Morin invited Atty. Galvin to explain the question: is the vote binding. Atty. Galvin noted that there has already been one Town Meeting Article asking the BOS to transfer this property to the CHT. The new petition Article, which is unedited in every respect, authorizes the BOS to transfer the land to Conservation for open space or recreational purposes. That means that there will be two votes. It will be up to the Selectmen, the Executive branch of the Town government, to decide what to do with the property. Town Meeting is the legislative branch of government. As such, it can only authorize, but not direct, the Selectmen to take any particular course of action for the land.
In answer to board questions, Atty. Galvin noted the Town Meeting vote in 2004 to put this Town owned land aside for Affordable Housing. If both the Citizens petition to put the land into conservation and the Article to transfer the land to the CHT both pass, it will be up to the BOS to decide by vote what to do with this land.
Questions were asked and answered about this issue. Atty. Galvin stated that the CHT has gone on record as saying that they are not going to issue an RFP prior to Town Meeting. Mr. Rull would like to make a motion to rescind the prior BOS vote to support the RFP for this project. The board agreed that the discussion could be a topic on the next Con Com agenda.

This discussion ended at 7:03pm.

BOS Reports and Announcements

Ms. Allen announced that there will be a ballot question to allow cultivation of recreational marijuana in Accord Park by Elevated Access. The product will be only wholesaled, no retail activity. All are invited to a public meeting on March 25th. See the Town website for details.

Ms. Allen toured the new library, which is hoping to open to the public in July.

Ms. Demong reported that a tick shoe spray will be held at Town Hall in the parking lot on May 1st.

Town Administrator

Firefighter Harding responded to a fire at the Capeway Motel on Route 53, and was able to save the life of a disabled woman caught in her residence unit. This is another example of excellent cooperation between the Fire and Police Departments. Kudos to this lifesaving team of Town employees! Mr. Morin will invite this team to the next meeting to say thank you in person.

North River Commission Update

Ms. Demong gave a recap of this funding request for \$50K to allow the North River Commission to enforce the protective order over the North River. This funding is still not locked down, so North River Commissioners Tim Simpson and Bob Molla, NSRWA Director Samantha Woods and Sen. Patrick O'Connor and Rep. David DeCoste were present to talk about the development on the river vis a vis the protective order. The group gave a presentation on the

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status of the North River with photos, noting that the river now has great water quality and has cleaned up well.

The funding is needed for a patrol boat and employee to patrol the river to maintain its pristine condition. Hopefully Sen. O'Connor and Rep. DeCoste can help to get the budget earmark for the funding, with a long term goal of perpetual funding so that this yearly uncertainty doesn't occur.

Rep. DeCoste assured the group that he is working hard to get this funding, and highlighted his participation in other activities to keep the river unspoiled. The Department of Conservation and Recreation (DCR) has many asks for their funding support; he is hoping for good news.

Discussion ensued about funding support in past years, with all noting that the activity on the North River increased last summer, with the potential for more boats this summer.

Per Ms. Woods, the state provides the support for the North River Commission. The hope is to hear about this funding by May. Rep. DeCoste noted that the governor is well aware of this request and funding issue. He will speak to state officials again.

Sen. O'Connor greeted everyone. He reported that this funding issue was brought to us after no communication for years; Rep. DeCoste was the leader on this request after DCR said no. Both he and Rep. DeCoste are hoping that the timeline goes in the right direction when both houses do their budget. The new fiscal year begins July 1, so there is sometimes a week or more lag for the organization to receive their funding. He is hopeful that this won't be an every year process, but it might have to be done again. If DCR denies fiscal responsibility, the commission may need to do more fundraising.

The board thanked everyone for joining the meeting and giving the update.

Audit exit interview

Erica Lussier, Melanson Heath audit manager, and Scott McIntyre, Melanson, Heath engagement principal, were present to review the results of the FY20 financial audit. Ms. Lussier and Mr. McIntyre reported that the audit went very well. There were no significant estimates other than the pension estimate for the OPEB trust fund. All financial systems are in good working order.

Ms. Lussier gave a comprehensive summary of the audit report, highlighting items such as the OPEB trust fund balance.

The management letter was reviewed by Ms. Lussier and Mr. McIntyre, who recapped its purpose to confirm that internal controls are operating effectively, noting the two comments and responses from the prior year's letter.

They updated the board on the preparation for GASBs 84 and 87. For FY21, GASB 84 may require a reporting change for such items as police details, student activity funds, etc. GASB 87 would require the reporting of the long term liability of capital and operating leases such as those for the school buses and copiers.

For FY21, the Town received CARES Act funds, certain of which were considered federal expenditures. The receipt of such funds over \$750K may trigger a single audit for the special education cluster expenditures. That report should be forthcoming in the next few weeks.

Questions were asked and answered about the OPEB liability numbers. Per Ms. Sullivan and Ms. Mangan, an OPEB audit was performed. In response to a question about the discount rate used for these liabilities, Mr. Morin suggested that the auditors reduce the rate, adding that although the numbers will look worse, they will be more consistent and responsibly reported. Questions were asked and answered about the discount rate for both the pension and OPEB liabilities.

The board thanked Ms. Lussier and Mr. McIntyre and congratulated the financial team on earning the CAFR award for the third year in a row.

Removal of Soil – permit application-postponed

Mr. Morin explained the bylaw requiring permitted removal of soil and gravel. The Kopacz property purchaser is reviewing the amount requirements for filing an application to receive a permit. If one is necessary there will be a formal public hearing for this developer. The question

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2021 MAY -6 PM 2:25
TOWN CLERK
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is the estimated value of the topsoil; the intent of the bylaw is to compensate the Town and also not disturb neighbors, wetlands and meet Planning Board requirements. The goal is to prevent environmental impact and also dirt farming.

Committee appointment for ZBA Alternate

Motion; made by Jason Brown, seconded by Bruce Graham, to appoint William Lazzaro to the Board of Appeals as an Associate member for a term expiring 6/30/23. Unanimously voted by roll call vote.

Approval of Minutes

Motion; made by Jason Brown, seconded by Bruce Graham, to approve the Open Meeting minutes for the 2/10/21 BOS meeting. Unanimously voted by roll call vote.

Reopening Town Hall – April 5, 2021


Mr. Morin is planning to re-open Town Hall to the public beginning Monday, April 5, 2021. He expanded on transitioning employees to full occupancy at Town Hall over the next month, depending on the COVID case numbers and in conjunction with oversight by the Health Department. In response to Ms. Allen's question about continuing Zoom meetings, all discussed remote vs in person meeting in the near future. While Mr. Morin favors remote meetings, a hybrid format could be a future option.

Future Meeting Agendas

Ms. Allen updated the board on future agenda items. The next BOS meeting will be April 7, 2021, at 7pm.

Adjourn to Executive Sessions

Motion; made by Jason Brown, seconded by Bruce Graham, to adjourn to Executive Session at 8:18pm, not returning to Open Session, to discuss potential land sales for both session. To discuss these topics in Open Session would compromise the negotiating position of the Town. Ms. Allen polled the board; Brown voting yes, Demong voting yes, Graham voting yes, Rull voting yes, Allen voting yes.


Ellen Allen, Chair

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