

**Norwell Board of Selectmen
Open Meeting Minutes
6/26/19**

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7:09 p.m.

Attorney Galvin gave the board a presentation on the open meeting law (OML). He elaborated on the nuances of proper communication among board members so as not to be in violation. No email "discussion" of items sent by email. These should be providing information only, not opinions. Board members can only have an email exchange or conversation with one other board member on any topic. The best policy is not to reply. Sharing opinions with the rest of the board is an OML violation even if the topic will be discussed at a meeting. Information can be sent to the board prior to a meeting, but no one can comment.

Do not text about board matters or agenda topics, and more importantly, do not reply to such texts. If the matter is an emergency, call a meeting, even if the meeting takes place an hour later. Mr. Morin could post a meeting immediately if it's urgent. Only discuss the emergency business at hand.

If responding to emails from citizens, speak only for yourself.

Ms. Allen would like to schedule OML training for board and committee members. Attorney Galvin or the state AG's office could conduct this training session. NOTE: The Attorney General's office conducted Open Meeting Law training for Department Heads, board and committees on 11/6/17 at Town Hall.

Additional questions were asked and answered about the Parkview Inn licensing issue, including what is allowable under the current zoning. The Town did not have the authority to initially license this property as a lodging house; a motel is allowed, lodging is not. Mr. Morin noted that the owner wants to sell the property if he can't operate with all of its current residences. The current fire alarm system covers only part of the property's residences.

Open Meeting, continued in Osborn Room

The meeting was called to order by Chair Ellen Allen at 7:30pm. She reminded all that the meeting is televised and recorded. All rose to recite the pledge of allegiance.

Agenda Approval

*Motion; made by Jason Brown, seconded by Bruce Graham, to approve the agenda as written.
Unanimously voted*

Citizen Comments - none

BOS Reports and Announcements

Ms. Allen announced that Assistant Assessor Barbara Gingras is retiring. The board wished her well.

Finance Director Donna Mangan and her department received a CAFR award for their exceptional work FY2018 financial statements. The board congratulated the Finance Dept. for achieving this prestigious award again.

Town Administrator's Report – None

Public Hearing – Cable Television License Renewal – Comcast
Execute license renewal with Comcast

Motion; made by Jason Brown, seconded by Bruce Graham, to open the public hearing at 7:38pm. Unanimously voted

The notice of public meeting was read by Clerk Joe Rull.

Cable Committee Chair Gregg McBride, Comcast representative Michael Galla and KP lawyer Bill Hewig were present for this hearing. Ms. Allen noted that the board received the draft of the contract, which has been negotiated over the last couple of months and is an extension of the existing ten-year contract. Changes include an increase in the Town's percentage of gross revenue from 3.75% to 5% and the ability to broadcast meetings in HD. Comcast will provide \$8K as an annual capital contribution for 10 years. A portion of that money will provide a drop at the new library. In response to questions about the PEG fund changes, Mr. McBride noted the above mentioned % increase of the gross annual revenues, but the actual amount will depend on the number of subscribers. In response to Ms. Allen's question, this contract is cable only and does not affect any changes in the small cell policy.

Questions were asked and answered about the contract and Comcast service to the Town and contributions to other programs. The meetings cannot be streamed live yet and are only on Comcast or Verizon cable channels. This is one reason why Comcast is donating \$8K per year to help address capital needs.

Motion; made by Jason Brown, seconded by Bruce Graham, to close the public hearing at 7:54pm. Unanimously voted

Motion; made by Jason Brown, seconded by Alison Demong, to amend the renewal to the cable license between the Town and Comcast, effective 7/1/19 when signed by Comcast.

Unanimously voted

The board signed the 3 license copies. Mr. McBride noted that the Cable Committee is finalizing and negotiating the contract with Harbor Media.

Parkview Inn – Building Inspector Update Memo Discussion

Parkview Inn Manager Brent May was present for this meeting.

Building Inspector Tom Barry summarized the property's history and current use as a lodging house. He stated that the Town had good oversight during the 1980's while it was run as a motel. There were three buildings; the motel building that had 15 units, a maintenance shed and the main building that housed the owner's office and residence. These same structures now house 18 units (17 resident rental units and 1 resident unit for the manager). The former maintenance shed is now a rental unit included in this count.

Town oversight of the property has been sporadic since 2000. The license continues to indicate a maximum number of 15 units. Prior to 2009 the property operated as a traditional motel. In April 2019 Fire, Health, Building and Police departments conducted inspections, which raised general concerns about the resident status of the units and various safety issues. Since those inspections and subsequent report from the departments, the site and grounds are now being maintained, and issues with pipe discharge have been fixed. Mr. Barry went back a second time to address the 18 residence units. The additional units came into existence between 2009 and now. For the last 3 years, there has been no response to the Building Department letter requiring an annual inspection. (note: the Health Department license was issued without the Building Department inspection certificate.) The Building Inspector was able to re-inspect the property in June. The issue is the property use, not the condition. The Parkview is no longer a motel, but now operates 24/7 lodgings with At-Will tenants. This section of the Town is zoned R1, which limits motel stays to 30 days but does not allow residence units. R3 zoning would be non-transient housing such as student housing.

Mr. Brown noted that the original motel had only 14 units. Questions were asked about the additional 3 to 4 units, which are not protected with fire alarms. They need to be tied to the existing system or have a new system installed.

Mr. Barry defined a lodging unit as one in which the occupant can exist independently. He elaborated on some of the specific units' amenities which make them long term residences.

Mr. May answered questions from the board:

1. microwaves were present when the new owner took over
2. kitchens are installed in several of the units
3. Gas access is capped, and is not in use
4. Average length of stay is longer than 6 months, with the exception of perhaps 5 transient rooms.

5. No building permits were pulled to do the remodeling in the units, per Mr. Barry.

Further questions were asked and answered about the International Building Code compliance.

Per Mr. Barry, there are two options; comply with the licensing rules or sell the property. He added that this property is grandfathered as a transient type motel.

The board would like a list of items needed to comply with the motel law. In response to Mr. May's request for explicit direction and clear rules to handle his tenants, Mr. Morin replied that it should be obvious – Mr. May "should know it when you see it". The management needs to comply with the license requirements. The "trigger" is more than 30 days in residence. If someone stays for 4 weeks in the spring, leaves and then comes back in the winter that is not compliance. The board shouldn't be held to define every situation. The general guidelines are more than fair. If there is a pattern of flaunting the regulation it will become clear that this is a violation.

The board discussed options to grant a license if the 18 existing units are in compliance, including changing the zoning to R2, which has a wider range of allowable uses. What is currently in use is beyond the original 15 grandfathered units. The Board of Appeals can't grant a use variance. If the owner agrees to get rid of the 3 additional units and go back to the original motel function the property would be in compliance. A working motel registration office, open 24/7, would be required.

The board addressed concern for the tenants and what would happen to them if they were displaced. The board noted that the Parkview operated as a homeless shelter for a while, then went back to lodgers.

Ms. Allen recapped the status of this issue: for this license to be legal, the property needs to operate 15 units functioning as a motel and close the units created without pulling building permits (the rehabs that changed the use). To be compliant, the 15 units will need 24/7 manager office, registration book, amenities more commensurate with a motel, stays of not more than 30 days. Get rid of the microwaves. Ms. Demong would like to task Mr. Morin and Mr. Barry with making this property compliant and giving the owner options and a timeframe to get the work done. Mr. Graham asked that they come up with a plan before the next public hearing. The goal of the hearing will be to revoke the existing license and issue the correct license for the 15 original units, with compliance conditions and a timeline.

Papa Gino's - Change of Ownership

This is an administrative change in the corporate structure; the name on the license is changing.

Motion; made by Jason Brown, seconded by Alison Demong, to approve the Common Victuallers license for New England Authentic Eats, (dba Papa Gino's and D'Angelos), expiring 12/31/19. Unanimously voted

Review of Instructions to Elected Officials at May 2019 Town Meeting

1. **Caroline Corbin – inquired about a Clipper Community Complex addition for restrooms.** Per Ms. Demong, better restrooms are needed at the facility. The AFC expressed interest in this project. She noted that it would be an allowable use of CPA funding. Mr. Rull asked why the schools aren't addressing this and why CPA funding? All discussed the fact that the schools should take responsibility for pursuing this project, not the BOS, because it is on School property. The original Clipper Community Complex project did private fundraising as well as CPA funding and restrooms should have been

part of the plan at the beginning. Ms. Demong would like to use CPA funding as a portion of it comes from the state. If Town funding were tapped it would compete with other capital needs. The board would like the Schools to work on this with the AFC.

2. Bob Woodill – improve the visual system at Town Meetings

Mr. Woodill is present to discuss better screening for presentations at Town Meetings. All are in agreement. Now how to do this? It is a projector issue, and the room would need a more expensive system, costing from \$4K to \$14K. Perhaps this could be underwritten with PEG funds. Mr. Graham could pursue this with the Cable Committee and the schools, as it would be in their building. He will report back to the BOS. All were complimentary of the audio system. Per Mr. Morin, a third party was hired to improve the sound system and did a really good job. He added that part of the problem with presentations is timely receipt! They are always late, which results in not enough prep time. This might be a good reminder to post on the Town website before the next Town Meeting.

3. Dave DeGhetto – citizen comments at every committee meeting

Mr. DeGhetto listed his reasons for asking the board to request this of other committees. Ms. Allen noted that many committees are already doing this, adding that the board can ask, but committee members must understand that comments cannot become a subject for deliberation. If the item is not a discussion topic on a posted meeting agenda, discussing it at that time would violate the open meeting law. Citizen comments on specific agenda items are allowed at the discretion of the Board Chair. Ms. Allen will follow up on General Citizen Comments with Ellen M.

IT Support discussion

Mr. Morin updated the tech support agreement with the schools and is doing research on alternatives. The option to hire Soho Consulting (who works with the Police Department) is TBD. He is currently working with the School Department to improve IT support for the Town Hall Departments. The schools are upgrading their wireless enhancer equipment and giving their current equipment to Town Hall, which should improve wireless communications. He is finishing up the report with Green Pages to ID Town Hall system needs and create an IT capital plan. The departments currently switch out 8-12 computers per year. The school department has its own tech budget. Perhaps the visual equipment upgrade for Town Meetings could be underwritten from the Town Clerk's budget.

Mr. Morin will let the board know in a month or so if Soho Consulting is a viable alternative to the school IT support contract, which is problematic (although Steve Huntley is great, the schools are his first priority). It may not be realistic to share support with the schools prioritizing their needs over Town Hall. The board discussed some current IT issues. Mr. Morin noted that the Tech Committee is excellent and has a wealth of expertise. One of the part time consultants working with Mr. Morin could address website issues.

BOS Goals – FY20 Goals

The board postponed this to a future meeting agenda.

Discuss form of Town government

Mr. Rull stated that he never called for a change in the form of Town government. He stated that his frustration was with certain constraints as a board that cause things to move too slowly to address issues in a timely manner. He would like to see a committee tasked with exploring ways to streamline the government processes and lessen the BOS' burden of administrative tasks. Ms. Allen noted that many of the "administrative tasks" are items required by statute, and a great many have already been delegated. Mr. Morin added that the board tries to keep the small stuff limited. The Government Study Committee that worked on the charter change several

years ago is not currently active. Ms. Demong stated that there are areas where the efficiency could be increased, but it's not worth the time to review changing the form of government. All discussed innovation and technology as it relates to changing the form of government. Mr. Brown reviewed the Government Study Committee's resulting charter changes, noting the good and bad. He would like this board to work on delivering the best customer centric focus that would be a good approach, such as perhaps changing some of the policies and procedures. This topic will be explored further in the upcoming BOS goals discussion.

Mr. Morin announced that two consultants will be assisting him with certain projects such as procurement issues, the Jacobs farm project components and their many issues, the capital plan and web maintenance.

Mr. Brown opined that the board could perhaps address Mr. Rull's government issues within the BOS goal framework. Ms. Allen will review the list of open projects for future discussion. The board agreed to start their early meeting at 6:45 from now on to create more time for to review pending matters.

The next BOS meeting will be July 10th, as the board is meeting on their summer schedule of every other Wednesday evening.

Adjournment,

Motion; made by Jason Brown, seconded by Joe Rull, to adjourn at 9:30pm. Unanimously voted

Ellen H. Allen

Ellen Allen, Chair