

**Norwell Select Board
3-2-22
Open Session Minutes**

TOWN OF NORWELL
TOWN CLERK
2022 MAR 21 PM 3:57

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

Mr. Graham called the meeting to order at 7:00pm

Approval of Agenda

Motion; made by Pete Smellie, seconded by Andy Reardon to approve the agenda, striking item 6f. Unanimously voted by roll call vote.

Approval of Meeting Minutes

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the Open and Executive Session Meeting minutes of the 2/16/22 meetings as amended. Unanimously voted

Select Board Reports and Announcements

Mr. Graham commented on correspondence from Ben Margro and trash collection procedures for private roads. Waste Management is currently having labor problems.

Town Administrator

A grant application in conjunction with CPC will be sent to the state for more work on the Jacobs Farmhouse. The board will vote on this application at their 3/16/22 meeting. Please call the office or Facilities Manager Ted Nichols for more information. The application is due on 3/18/22.

Citizen Comments

Mr. Tim Wahl repeated statements he made at the previous two Select Board meetings and again brought up comments made by Mr. Graham about the lawsuit. He stated that Mr. Graham pledged to pay all legal costs associated with this lawsuit if they exceed \$500. Mr. Wahl requested confirmation that Mr. Graham is indeed paying the legal fees, which are now at \$7500 (this not correct – the total cost is actually \$6500).

Community Preservation Committee (CPC) Town Meeting applications for review

Chair Bob McMackin reviewed the 17 funding applications presented to the CPC. Funding requests totaled \$1,317,634 for this year. There was a fantastic state match this year of 43%. Recent yearly state match percentages ranged from 28% to 35%. CPC members who were present thanked Julie Gillis, who chaired the committee for most of this past year. Bob Galvin provided excellent support as did Administrative Assistant Kristin Ford. Mr. McMackin described the review and discussion process; applicants came in to answer questions and provide additional comments and information. CPC members who did not attend meetings when a specific application was reviewed and discussed abstained from the vote to approve funding. There were very few dissenting votes on these applications; most were unanimous in their support.

There are four Special Town Meeting applications and thirteen Annual Town Meeting applications. The applications as reviewed by Mr. McMackin and the board are attached to these minutes.

The Select board discussed maintenance work issues for CPC funded projects, reminding all that the Act does not allow funding for maintenance. Maintenance is done by the Highway/Tree & Grounds departments and outside contractors. Mr. Ferguson is very involved in many of these CPC projects, providing input to the application process to lay the groundwork for efficient maintenance plans.

The Town's pathway system was used as an example of regular and substantial maintenance costs for a CPC funded Town asset. More discussion ensued about "preservation" vs

“maintenance”. Mr. Morin noted that he has been augmenting the Tree & Grounds budget over the last 3 years to include maintenance for mostly nonrecurring expenses. He will be asking for \$385K from Free Cash at this year’s Town Meeting to deal with the downed trees and damage from the October storm.

The Clipper Community Complex restrooms application requests funding to supplement the increased cost from the state’s review of the plumbing variance request. The project size had to be almost doubled due to the capacity of the complex. The hope is to begin construction as soon as Town Meeting approval is voted. A new Memo of Agreement between Town Hall and the School Department will be written for ongoing maintenance and upkeep, which will include fees charged to groups using the complex.

The Jacobs farmhouse and outbuildings restoration was discussed at length, with the board citing the host of problems and delays that have occurred on this project. The hope is that this application will be the last big ask for funding on this property.

Crisis Management Update

Mr. Brown presented the idea of a draft policy to hold debriefing meetings after both planned and unplanned events in the Town, such as Summerfest or a winter storm event (which necessitates opening the Emergency Operations Center (EOC)). A Select Board meeting should be scheduled (the board is elected to oversee crisis management) immediately following the event as no two are the same. The Town follows FEMA guidelines during emergency events. The meeting discussion should include an event recap and updated plan going forward. In adopting the policy, the meeting must be held ASAP after the event. Mr. Brown used a further example of the loss of cell phone coverage during the October storm. Capital planning ties into this policy.

The board discussed this proposal with questions related to the board’s jurisdiction over the schools and school property. All agreed that the schools should have their own procedures set by the School Committee. This policy will address more Town-wide events such as a storm or road race. Mr. Reardon heartily supports this. Mr. Brown will produce a draft for review by the board to be discussed at the next meeting.

Discussion ensued about examples to put this policy into regular practice.

Capital Budget Committee Application – Susan Powell

Susan Powell was present to give a summary of her background and reason for applying.

Motion; made by Jason Brown, seconded by Pete Smellie, to appoint Susan Powell to the Capital Budget Committee expiring 6/30/25. Unanimously voted

Vote Intent to Layout Public way – Cowings Cove Road

Mr. Graham recapped the issues about accepting private roads as public ways. The proper procedure and documentation were not followed for this application. The Planning Board voted 4-1 not to accept this application.

Motion; Made by Jason Brown, seconded by Pete Smellie, to vote against approving this application and remove it from the draft Warrant Articles list. Unanimously voted

Draft Warrant Articles discussion

Mr. Graham recapped the problems with the draft revised demo delay bylaw, adding that the Historical Commission (NHC) wrote their own draft which did not mesh well with the Planning Board draft. The Planning Board voted to pull this Article from the warrant. The NHC was present at the meeting to offer their opinion.

NHC Chair Nancy McBride discussed the draft that was submitted from the NHC, who would like to see a “little bit of historic preservation” in the demo delay bylaw. Ms. Allen added that she thinks a meeting of the minds can be reached in the future. The best option would be to dangle a carrot rather than overmanage the preservation process. NHC still wants to have all building applications reviewed by them to “advise” homeowners of guidelines. Hopefully a compromise draft can be submitted for next year’s Warrant. NHC member Rachel Wollam noted that the

Norwell Historical Society is working on input for this bylaw as well as literature to go out to historic homeowners.

Motion; made by Jason Brown, seconded by Pete Smellie, to delete the Demo Delay Bylaw Revision from the list of 2022 Town Meeting Warrant Articles. Unanimously voted

Planning Board Discussion re: Warrant Articles

- Advisory Board meeting quorum bylaw change: a suggested change from the hard number quorum of 5 members to a majority of those currently serving on the board, which would require a charter change. Mr. Morin added that the last two Advisory Board meetings have barely managed a quorum. There are different approaches to resolving this problem, which might take a couple of years. Mr. Morin will draft some options, such as adding associate members or a majority of those currently serving on the board. Discussion ensued about associate members, using the ZBA as an example, but all noted that the structure and assignments of the ZBA are very different than those of the Advisory Board. The consensus is to use a majority of those currently serving, noting that the "post Town Charter Advisory Board" serves a very different role in the Town's government. Ms. Allen added that a Government Study Committee should be an active part of this discussion, but lack of volunteers has hindered this option.

Motion; made by Bruce Graham, seconded by Pete Smellie, to reopen the Warrant at the next meeting to include an Article naming the Advisory Board quorum as the majority of those currently serving on the board instead of 5 members. Unanimously voted.

- Carleton property to Conservation proposed Article: Mr. Smellie wants to add this Article to put the remainder of the property into conservation. Ms. Allen noted that the neighbors have Not requested this and added that there are those who are not opposed to Affordable Housing. The CHT could propose a much smaller housing plan. She is reluctant to rule out any options as there is so little land to work with. There is really no urgency. No one has asked to do this.

Discussion ensued about comments from neighbors who would like to see any proposed plans. CHT Chair Gregg McBride was present to expand on this topic, confirming that the neighbors were not opposed to this at first. As the plan grew larger and "safe harbor" was discussed there was more neighborhood pushback. Mr. McBride suggested going back to the original plan of smaller cottage type homes with a U-shaped driveway. Mr. Reardon stated that the Town doesn't want Affordable Housing in "someone's back yard.", giving examples. "Don't hold onto the land for this option." More discussion ensued giving the pros and cons. Mr. Graham would like to wait a year to give the CHT some time to come up with options as there is no urgency.

Motion; made by Jason Brown, seconded by Pete Smellie, to create a Warrant Article voting to put the Carleton property land into conservation. Smellie, Brown, Reardon voting yes, Graham, Allen voting no. Motion carried.

Contract statement: lbg contract statement and Wildcat parcels

Mr. Graham gave the background of Mr. Wahl's public records request vs this history as viewed by Mr. Wahl. Mr. Morin noted that the Town is now outsourcing all public procurement work to an outside consultant. Mr. Morin added that this contract was reported through Town Counsel to the Inspector General. The resolution took longer than it should have, per Mr. Graham.

Mr. Wahl made additional comments about this contract. A contentious discussion ensued with Mr. Wahl making accusations against Mr. Morin and the board members. Mr. Graham noted that the Design Review Board reviews this type of mistake all the time. He was sorry that it happened. The correct procedure is now in the forefront of everyone's minds. He added that the Mass General 7C laws are advisory in nature.

Future Meeting agendas

The board discussed upcoming agenda topics. The board will meet next on March 16th.

Adjourn

*Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn the meeting at 9:51pm.
Unanimously voted*

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RECEIVED



Bruce W. Graham, Chair