

**Town of Norwell
Select Board
Open Meeting
1/10/24**

Present: Jason Brown, Bruce Graham, Brian Greenberg, Andy Reardon, Peter Smellie, Darleen Sullivan

The Chair called the meeting to order at 7:00pm. All rose to recite the Pledge of Allegiance.

Approval of Agenda

Motion; made by Andy Reardon, seconded by Brian Greenberg, to approve the agenda as written. Unanimously voted

Approval of Meeting Minutes

Motion; made by Brian Greenberg, seconded by Andy Reardon, to approve the minutes of the 12/13/23 Open Meeting. Unanimously voted

Select Board Reports

Mr. Graham announced the Supreme Judicial Court (SJC) ruling on the Wildcat land parcels lawsuit and appeal. He recapped the history of this case; the Town won in Land Court, the plaintiff Brian Carroll appealed and the SJC decided to take the case, ruling in favor of the Town. Mr. Graham read excerpts from the ruling.

Mr. Reardon offered condolences to Bob Molla's family. Mr. Molla generously donated his time to serve with distinction on many Town committees over the years.

Town Administrator Report

Ms. Sullivan also offered condolences to Mr. Molla's family.

The recent storm efforts went well in the Town. Kudos to Highway and Public Safety for their hard work!

A walkthrough was conducted at 93 Longwater Circle for interested parties to submit responses to the RFQ for design and fitout of the building. The deadline is Thursday, 1/18/24. In answer to Mr. Brown's question about the delay in moving to the new building, Ms. Sullivan replied that a rebid was necessary as the prior team was contracted to rehab the current Town Hall. She is hoping for a September move.

Most of the department heads at Town Hall were issued new cell phones, switching from Verizon to First Net wireless. This is consistent with Police and Fire. The new phones will match their bandwidth in emergency situations.

At Mr. Brown's request, Ms. Sullivan will pull together a recap meeting for the recent storm with power outages. She has had proactive conversations with Verizon and Comcast to increase availability of service during storms.

Citizens Comments

Heather Hanley, 40 Jordan Lane, asked if the large cement rebound wall currently adjacent to the Middle School pathway will be moved to a better location. In its current location it can't be used from both sides. Ms. Sullivan and Ms. Roy did a site visit with Mr. Ferguson to discuss the location and a possible move. There are issues with

relocating such a heavy object. Other areas are being looked at. Ms. Sullivan will schedule a meeting with Mr. Ferguson to discuss this issue and a potential relocation. Ms. Hanley will be invited to the next meeting.

Cell Tower Proposal – Water Department

Water Supt. Jason Federico and Water Commission Chair Peter Dillon were present to talk about this cell tower proposal. Mr. Federico's power point presentation is attached to these minutes. Mr. Federico noted that the Town's new cell phone carrier First Net now prioritizes public works over regular cell calls during emergencies.

The 5G tower would be located at 133 Grove Street with a 130' monopole, 100' x100' ground space with an access road. The Town would get a % of the lease fees and Town communications would receive priority.

Mr. Brown asked about masking the pole. Discussion ensued about its sightlines and the setback. Both think it won't be seen as it will be installed very far back from Grove St.

The terms will be included as part of the RFP process. The Town will realize about \$15K per year in revenue from cell tower leases (final numbers could be higher). This tower will help solve the poor service on Grove Street.

Questions were asked and answered about installing generators at cell tower sites for emergencies. This proposal will be a Town Meeting Article.

Grange Historic Restriction and vote

Motion, made by Brian Greenberg, seconded by Pete Smellie, to approve the historic restriction for the Grange Hall, located at 142 Main Street. Unanimously voted

The restriction will be signed by the board and notarized.

Committee Application – North River Commission (NRC) Alternate – Steve Lynch

Mr. Lynch was present to give a summary of his background and reasons for applying.

Motion; made by Andy Reardon, seconded by Brian Greenberg, to appoint Mr. Lynch to complete the remainder of Bob Molla's term as a Alternate, expiring 6/30/24 and then serve his own term, expiring 6/30/27. Unanimously voted

Mr. Graham asked about the issue of fragmites clogging the North River waterway and any planned remedial actions. Mr. Lynch noted that the NRC could address (through education and exploration) nontoxic ways to solve this issue. There is no planned action on the part of the NRC at this time. This is an invasive species and is not protected in MA.

Zoning Article – MBTA Adjacent Community Zoning Article

Motion; made by Brian Greenberg, seconded by Andy Reardon, to refer the above Article back to the Planning Board for a public hearing. Unanimously voted

Mr. Greenberg gave kudos to Ms. Quirk, who used grant money to work on this Article.

Set 2024 Mileage Rate – 67 cents per mile

Motion; made by Andy Reardon, seconded by Brian Greenberg, to set the 2024 mileage rate at 67 cents per mile, effective 1/1/24. Unanimously voted

Wildcat land discussion; MGL Chapter 40, section 15A, Town transfer of land; board vote, Town meeting Article and vote

Mr. Smellie recapped his decision process to have the board discuss and vote on this issue.

Mr. Graham cited the ruling language from the SJC decision, adding that he invited the CHT to meet with the Select Board 2 years ago to discuss this topic. He noted that the SJC went on at length about this issue. The Select Board has had no discussion about this action and ability to determine the purpose of the land. Mr. Graham stated that this parcel is almost identical to the Carleton property parcel touted by Mr. Smellie for Affordable Housing.

Mr. Smellie quoted the TM Petition Article and vote from 3 years ago to present his position on this issue.

Mr. Graham proposed that the Town put half of this land in conservation and sell the other half of the land for \$500K-\$600K, which would help to underwrite the budget shortfall for the upcoming fiscal year. This approach would be fiscally responsible. He added that it is only January 10th, what is the hurry? He proposed taking some time to flesh out his "Plan C" as noted above. The 2 lots could be sold to a developer who could build private residences similar those in the existing development. The sale proceeds could be split between the General Fund and the CHT. This would be consistent with what the board was elected to do.

Mr. Brown cited the Town Meeting vote as precedent for the vote tonight. Discussion ensued about placing too much weight on the TM vote.

Mr. Reardon expressed concern about Mr. Smellie's point of view. He would like the board to "take a breath" and look at some of the available options for this property which protect both the abutter and benefit the entire community. He favors pursuing a middle ground and looking for another way to resolve this and maybe generate revenue. There is *No* obligation to do something today.

Mr. Greenberg offered some thoughts: he tried to put himself in the shoes of the Wildcat neighborhood residents as a regular person. The neighborhood group took political action when faced with the prospect of an unwanted AH project. The successful TM 2/3 vote didn't work because the correct legal procedure wasn't followed. A Wildcat resident would be frustrated by this turn of events. Mr. Greenberg said that he has a hard time not allowing this vote to proceed tonight. This will give the Wildcat residents an opportunity to try again at the May Town Meeting.

Lengthy discussion ensued about the pros and cons of voting tonight and the proposed plans for this property.

In response to the board's request for Town Counsel to opine on this issue, Atty. Galvin outlined the steps to be taken if the board votes:

- 1) A majority of the board votes that the land is no longer needed for Affordable Housing.
- 2) A Warrant Article will ask the Town for a 2/3 majority vote that the land is not needed for Affordable Housing.
- 3) If the Article passes, the land could be used for anything, including being sold. If the board follows these steps they will have the benefit of knowing that the legal procedure is correct.

Mr. Graham added that the Town does have an AH need and he would NOT want this procedure to be immediately followed by another petition to block AH in a different Town location.

Mr. Reardon confirmed that this vote tonight would reset the clock. It gives a Town Meeting Warrant Article authority to use the land for a different purpose or to do a 15A to say that part of the land would be not needed for AH.

Motion; made by Brian Greenberg, seconded by Jason Brown, pursuant to Chapter 40, section 15A, that the board vote that the two Wildcat parcels are no longer needed for Affordable Housing purposes. Brown, Greenberg, Smellie voting yes, Graham, Reardon voting no. The motion carried, 3-2.

Mr. Smellie requested a Town Meeting Article to vote the land into conservation. Mr. Reardon would like to hold on this in favor of adding alternate proposals for the land that could help underwrite some budget shortfalls for departments in need such as the School Department.

A lengthy discussion ensued over the pros and cons of this request. Ms. Sullivan stated that the Wildcat residents could purchase this land from the Town. (Atty. Galvin reminded all that the original petition that passed at Town Meeting was of dubious legality. He added that the deed submitted by Brian Carroll to the Plymouth Registry of Deeds was removed.)

Motion; made by Jason Brown, seconded by Brian Greenberg, to authorize the board to put an Article on the Town Meeting Warrant to move this land into conservation. Brown, Greenberg, Smellie voting yes, Graham, Reardon voting no. The motion carried, 3-2.

Carleton CPC Application/Article Amendment and board re-vote

The board will rewrite its CPC application for \$50K to be spent under the jurisdiction of Ilana Quirk. Mr. Greenberg stated that he is trying to avoid another Wildcat debacle and explore a potential AH project that would be acceptable to the abutting neighborhood. The plan is to move slowly and judiciously. If there is no climate for acceptance the plan is to step away.

Mr. Greenberg expanded on reasons to exclude the CHT from participating in this application as it is only the initial engineering due diligence activity. He added that he is personally making a commitment to work with the CHT on future parts of this project when it gets to the phase for next steps.

Motion; made by Brian Greenberg, seconded by Pete Smellie, that the Select Board revise its application to the CPC for funding related to Carleton Property due diligence to reduce the requested amount to \$50,000 and commit to working with the CHT on the second phase of the project once due diligence is done. Brown, Graham, Greenberg, Smellie voting yes, Reardon voting no. Motion carried 4-1.

Mr. Reardon noted that the proposed CHT/community meeting over the previous Carleton proposal was never allowed to take place.

Discussion ensued about encouraging more community involvement for future project proposals.

Mr. Greenberg added that this \$50K can be spent without CHT permission. In response to Mr. Reardon's query about how this funding may be spent with no involvement of the CHT, Mr. Greenberg clarified that this is more about what strings are attached to the money, adding that it's more about how the money can be spent and with whose permission.

The CHT doesn't have any control over this particular spending, but anyone can offer an opinion to an elected official.

Jacobs Farmhouse/Cross Street Flower Farm license update

Mr. Smellie would like an update and next steps. Ms. Sullivan gave a quick update noting the parties involved, including Mr. Graham. The hope is to wrap this up by month end. The group will meet on 1/22/24 to finalize the updated license terms. The current license needs clarified language. Use of the west barn is a bigger hurdle. If an agreement is not reached, then the current license will be in effect until 2025.

Discussion ensued about "what-if's". Ms. Sullivan elaborated on the parties involved in administering this property. As the museum is now restored and open to the public the schedule for the buildings will need to be more collaborative. The board will get a copy of the draft to review once it is finalized.

Future Meeting Agendas/Dates; January 24th, February 7th

Adjournment

Motion; made by Jason Brown, seconded by AR, to adjourn at 8:50pm. Unanimously voted

Peter W. Smellie, Chair