

Norwell Select Board
8-11-21
Open session minutes

TOWN OF NORWELL
TOWN CLERK
2021 AUG 26 AM 11:01

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The meeting was called to order by Chair Bruce Graham at 7:05pm, who stated that the Executive Session ran late.

Approval of Agenda

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

Approval of Meeting Minutes

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the Open Meeting minutes for 7-28-21. Unanimously voted

BOS Reports and Announcements

None

Town Administrator

Mr. Morin reported on his Monday conference call with the Emergency Management team about the current developments in the COVID situation and guidance on masks. At this point in time, there is no state recommendation to adopt a mask policy. The Council on Aging may reduce the number of attendees at indoor programming. During the pandemic, Town Hall made changes to the work spacing for employees in order to stay open and not require masks at this time. Mr. Morin will continue to monitor the COVID status.

Citizen Comments - None

7:15pm Water Department update – Water Restrictions

Present: Board of Water Commissioners; Peter Dillon, Fred St. Ours, Steve Ivas, Water Superintendent Jack McInnes.

Mr. Graham welcomed the commissioners and Mr. McInnes and invited them to update the board about the existing water restrictions and department activities.

Mr. Dillon summarized local water conditions over the past several months. May 2021 saw a severe drought in the state, who required the Town to place a Tier 4 restriction on water use. Rainfall over the summer produced "too much water" per Mr. Dillon. Our area is now out of drought status. The current Tier 3 restriction will help the Town manage the water quality and the PFAS chemical levels. The new state mandated PFAS levels affected wells 1 and 7, which are currently offline. The department is now conducting PFAS sampling to demonstrate to the state that the Town wells are under the new level. Water treatment to address this issue will begin soon. Mr. Dillon reported that PFAS are chemically inert and heat resistant, with an ability to shed rid of water. PFAS are in everyday products such as Teflon, Tyvek, food wrappers, Scotchgard, blue ice, shampoos, post it notes, etc. fire extinguishers, etc. Septic systems can have a sludgy layer of PFAS that sits at the bottom.

The new State standard for this chemical is 20 parts per trillion. The current detection methods are much better.

Solution:

- Blending well sources to stay under the standard
- Water restrictions to control quality
- Public notice will be issued if standard is exceeded (well #1 will be shut off tomorrow, public notified that PFAS exceeded the Town limit)

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- Current pilot using Granular Activated Carbon (GAC) filters to remove PFAS, which is highly effective. Like Brita for the well system.
- GAC is a very cost-effective method which won't affect the water rates right now
- State grants are available, will probably bond the project at some point
- The Water Department has retired most of its debt
- Per Mr. Dillon, this PFAS standard level is safe to drink for a lifetime. This is new to everyone, please don't worry – everyone is in the same boat. (Mr. Dillon listed several surrounding towns with this same issue)
- Well #2 is at 0 level. Grove street wells are clean.
- FYI, don't be concerned about water quality when wells are being pumped. Well #10 produces color in the water which is organic tannin.
- Per Mr. Dillon, dairy products have a higher PFAS concentration, as does clothing such as Gore-Tex.
- Water restrictions will stay at Tier 3.

Questions were asked and answered about sprinkler systems. If residents' systems are restricted, Town buildings should not use them.

The federal government passed funding yesterday with a large appropriation for water projects such as the GAC filter installations. Grants will be easy to get for treatment of this problem.

All thanked the commissioners and Mr. McInnes for coming in.

Wildcat Town property discussion and options

A large group of residents, many from the Wildcat neighborhood, were present at the meeting for this discussion, which is for the board to discuss their options and answer questions.

Question: is the Town Meeting Article vote binding on the Select Board (SB)?

Answer: MA Gen. L. Chapter 40, 15 states that the SB is not obligated to act on that vote. The board certainly wants to do what's right for the Town. Action on this core issue will not take place at the meeting this evening; the process has more steps that the board must take.

Brian Carroll, 7 Highfield Lane: read his memo disagreeing with this legal framework. Heard it all before, law is very clear. Cited laws and cases in his memo. Adding that "there are no more legal options for this land". Wanted to address the 'moral options' for this land. Gave a history of his push to get this land put into conservation and a summary of the HOA activities for the last several months. Also summarized his arguments for wanting the board to vote this evening.

Mr. Graham, SB Chair: offered kudos to Mr. Carroll for his legal skills as a corporate attorney. However, both Mr. Morin and Mr. Galvin are municipal attorneys. The Town has also sought independent legal counsel from well-known municipal lawyer Ilana Quirk, who opined that the vote is not binding by the BOS. This is not a pleasant task but the board has a role to play in the disposition of this land. The opinion of both the Conservation Commission (Con Com) and the Community Housing Trust (CHT) will be necessary before any decision is made. There could be other uses for the land, which might be sold to produce general revenue for needed Town use. This decision would have to be voted at a Town Meeting.

Mr. Morin outlined the necessary steps as stated in MA Gen L, Chapter 40, 15;

1. The board that has custody must determine that such land is no longer needed for the designated purpose. This hasn't been done.
2. The legislature (citizens petition) vote at Town Meeting, which took place first.
3. Determine appropriate manner of disposition per board discretion.

Mr. Graham added that the CHT Chair could not be here for this meeting but will be present at the 8/25/21 meeting to provide input. Con Com could also update the board on their opinion and vote. The SB could also consider selling the land.

A lengthy discussion of the following topics ensued:

- The right to the revocable license for a trail on the land given to AW Perry, builder of the Wildcat houses.
- Con Com Chair Marynel Wahl and the SB discussed putting this land into conservation vs acquiring their choice of parcels listed in the OSRP.
- Mr. Brown noted the original intent of the 2004 Town Meeting Article to set the land aside for Affordable Housing. This year's Town Meeting vote supersedes the previous vote and could be called the 'new will of the people'. There is a process to follow with the boards (CHT, Con Com) for questions about the land use.
- Ms. Wahl will put the SB on one of their meeting agendas after the CHT votes. There is no urgency to do anything in a hurry, nothing is being done with the land.
- CHT member Cara Hamilton reported that their next meeting is 9/13/21. Please allow the Trust to have a full meeting to discuss their options before the SB considers this topic again. Housing is a hard issue in this Town. She gave background information about the pros and cons of the Town Meeting Article. Please give consideration to the need for some Affordable Housing (AH) in a neighborhood as large as Wildcat.
- Mary Ellen Wall, 2 Summit Drive, offered her perception of personal discussions on this topic subsequent to Town Meeting.
- Mr. Reardon is concerned about the continued acrimony present in this evening's discussion. He would like the board to take the appropriate actions and move on.
- CHT Chair Gregg McBride will be present at the 8/25/21 Select Board meeting to give an update prior to the Trust meeting on 9/13/21.
- The board discussed options for alternative AH plans that could include conservation restrictions to limit the number of buildings.
- Mr. Morin expanded on the 3-step process to resolve this issue the right way once and for all, to reduce the possibility of an appellate process. Get this done after taking the steps required by Mass General Law.

Motion; made by Bruce Graham, seconded by Jason Brown, to not pursue the option to sell the land.

Discussion ensued about this motion. Mr. Reardon expressed concern about not selling the land when it could help avoid a tax increase. He would hate to take an option off the table that could benefit the Town's taxpayers.

Mr. Brown would ask all to respect the mandated process and go through with it.

Mr. Graham withdrew his motion.

- Next steps: talk to CHT, talk to Con Com, a vote at TM, legal counsel based on these board and committee inputs.
- Selling option next steps: all discussed the pros and cons of an appraisal and the variability of an estimated land value. Maybe explore a smaller option.
- Larry Bandoni, 7 Summit Drive, offered his view of the proposed CHT development. Mr. Graham advised him to attend the CHT meeting to share his opinion.
- Tommy Blake, 21 Highfield Lane, asked a process question that was clarified by Ms. Allen.
- Tim Wall, 3 Summit Drive, asked about alternatives to a land sale – why not lower the CPA surtax? Recapped the Town Meeting vote again.
- John Fabrizio, 22 Highfield Lane, stressed the importance of the board being on the same page (in his opinion). He doesn't remember a time when a TM vote was challenged. Mr. Graham advised patience. Mr. Fabrizio volunteered his financial services to the Town.

- Ethan Allen, 3 Highfield Lane, asked about the approval process to sell the land. Mr. Morin explained the MA Gen. Law process.

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Community Housing Trust application – Don Mauch

Mr. Mauch was present to give a summary of his background and reasons for applying. Per Mr. Mauch, his extensive experience in Town government will give the CHT a new approach. He reached out to CHT Chair Gregg McBride and had a cordial conversation, even though he has a different approach to tackling the AH issue.

Mr. Graham thanked Mr. Mauch for his application. He and Mr. Mauch addressed Mr. Graham's reservations about how Mr. Mauch would interact with other CHT board members including Chair Gregg McBride. Given that Mr. Mauch spoke to Mr. McBride to address any concerns, and with the hope that both can work together effectively, Mr. Graham opined that he would be a welcome addition to the CHT with his fresh perspective. He added that, although very familiar with Mr. Mauch's excellent detailed research products, he has also witnessed poor interpersonal skills upon occasion. He would recommend a one year term to make sure that this appointment works "collaboratively", per Mr. Mauch's statement.

Mr. Brown supports Mr. Mauch's application, noting that he has always done thorough research when addressing issues in the Town.

Ms Allen summarized her history of working with Mr. Mauch, noting that he has had issues working with boards in the past. She invited him to share some of his ideas for the CHT with the SB. Mr. Mauch would like to join the CHT before offering his thoughts, which include a master plan approach and something to mitigate the ongoing neighborhood opposition. Ms. Allen asked how his petitions to eliminate the CPA surcharge for years squared with applying to join the CHT. Per Mr. Mauch, he has only tried to give the choice to the townspeople. Discussion ensued about where AH funding would come from if not from the AH part of the CPA fund. Mr. Reardon thanked him for decades of service. He asked Mr. Mauch for his views/ concerns about people who voiced public opposition to 40B development but experienced private personal enrichment. Mr. Mauch opined about 40B projects and how they should be presented; perhaps revisit the Master Plan for property ideas. He cited examples of lost opportunity that could have been developed years ago.

Motion; made by Jason Brown, seconded by Peter Smellie, to appoint Don Mauch to the Community Housing Trust for a one year trial period/term ending 6/30/22. Unanimously voted

Road Race Approval – McCourt Foundation Tour de South Shore – 9/26/21

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the McCourt Foundation Tour de South Shore bike event on 9/16/21 with conditions as noted in the approval memo. Unanimously voted

Road Race Approval – Evan's Run – 9/26/21

Motion; made by Jason Brown, seconded by Pete Smellie, to approve the 21st Evan's Run road race on 9/26/21 with conditions as noted in the approval memo. Unanimously voted

Select Board Focus Areas FY22-postponed to the 8/25/21 meeting.

Other Items not reasonable anticipated by the Chair-none

Upcoming Meetings – August 25th and September 8th

Update federal funding usage spreadsheet from Mr. Morin.

Mr. Morin's annual review

Review of Fire Chief and Police Chief – later in the year

Adjournment

Motion; made by Jason Brown, seconded by Pete Smellie, to adjourn at 9:25 Unanimously vote.

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Bruce Graham, Chair

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