

**Town of Norwell
Select Board
Open Meeting
4/10/24**

Present: Bruce Graham, Brian Greenberg, Andy Reardon, Pete Smellie, Darleen Sullivan, Kim Roy

The Chair called the meeting to order at 7:05pm. All rose to recite the Pledge of Allegiance, led by Boy Scout Sean Flaherty. He represented his troop members who were present to participate in this government process as part of the Civic Badge requirement.

Approval of Agenda

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

Approval of Meeting Minutes

Motion; made by Andy Reardon, seconded by Brian Greenberg, to approve the minutes of the 3/27/24 Open Meeting. Unanimously voted

Select Board Reports – None

Town Administrator Report – None

Citizen Comments

Tim Wall, 2 Summit Drive, was present to share his point of view in rebuttal to the Wildcat property Citizens petition comments made by Don Mauch, Mr. Graham and other Select Board members at the 3/27/24 meeting.

Mr. Wall was invited to send a written copy of his comments to the Town Administrator's office to be included with these minutes on the Town website. (*pending receipt of the comments*)

Mr. Graham thanked Mr. Wall for re-stating his point of view. He reminded all that Mr. Wall was instrumental in helping the Town to procure the new water filtration system with 0% financing, with the thanks of the board.

In response to Mr. Wall's comments, Mr. Graham made the following observations:

1. He did not hire his own engineer, but rather met with a colleague to flesh out his "Plan C" for the Wildcat parcels; sell 3 one acre house lots to bring revenue into the Town and put a portion of these parcels back on the tax rolls. Put the rest of the parcels into conservation in perpetuity.
2. The reason that the 2021 Wildcat land Warrant Article has been "ignored" is because the petition voted at that Town meeting was illegal and nonbinding. The 2/3 majority vote to direct the Select Board's action was taken before a Select Board vote, i.e. backwards. The board is the Executive branch and acts accordingly.
3. What direction should the Select Board take? Until recently, the AH option was pursued. The CHT wanted to explore other viable options for this land but that

has been voted down. The Town is best served by a compromise – put the portion of this property with trails into conservation and sell the buildable portion of the property for 3 one acre house lots, generating much needed revenue for the Town. The Select Board looks forward to gaining some direction from the Town Meeting votes to help them do the right thing. Discussion ensued about the 2021 Town Meeting, the resulting acrimony and court case, and Town Counsel Bob Galvin's opinion at the time.

Discussion/Action Items

- a) Unanticipated Agenda Item – Accept drainage easement on Hitching Post Lane – Vote and Sign

Atty. Jeff DeLisi was present to represent the developer. Mr. Greenberg explained the drainage easement requirement and the need for the last-minute addition to the meeting agenda. Two lots in the 7 house development are being conveyed to the new owners early next week. A yes vote on this easement will protect the Town's ability to correct the drainage or file liens as needed. (the Town will have the right, but not the obligation).

Motion; made by Andy Reardon, seconded by Brian Greenberg, to accept the drainage easement for lots 4 and 5 on Hitching Post Lane. Unanimously voted

- b) Wildcat Article Reconsideration and Ballot Question – discussion and vote
Mr. Graham recapped the discussion and outcome from the series of meetings between the Select Board Chair, some board members and Don Mauch, which resulted in an agreement by both sides to Indefinitely Postpone (IP) the two Wildcat property Town Meeting Articles and instead put forth a nonbinding ballot question for the local election.

Mr. Smellie stated that he would prefer to have a vote on the two Town Meeting Articles, as well as the ballot question. If the two Articles fail to get the necessary 2/3 vote, the ballot question could provide the board with guidance.

Mr. Reardon stated that he is not in favor of this approach because of the negative actions already starting to take place. A ballot question would be a better vehicle to provide clearer direction for the board, with a year buffer to consider next steps. The ballot question would have to be formally submitted to the Town Clerk by April 13th.

Mr. Graham invited Mr. Mauch to opine on this issue. Mr. Mauch again cited the agreement reached by him and Mr. Smellie as a clear path to follow before Mr. Smellie changed his mind. Mr. Mauch asked Mr. Smellie for further clarification. Mr. Smellie opined that the wording of the two Warrant Articles will provide enough information for residents to make an informed decision.

Mr. Greenberg does not like the possibility of a “cage fight” but would like to go forward with the Select Board Article to place the Wildcat land in conservation. Regardless of his feeling about the underlying question, he has sympathy for the people who voted at the 2021 Town Meeting. He also agreed with Mr. Graham's opinion that the 2021 Warrant Article was nonbinding, but it would be fair to allow the same group of residents to have their day at Town Meeting to revote this question. He opined that to IP both Articles could cause residents to feel disenfranchised. If

the Articles are put to a vote, whichever one gets a 2/3 vote is the one he will support. If neither gets a 2/3 vote, that is another data point to go back to the drawing board. If the ballot question is also a “go”, everyone will have a chance to express an opinion. His hope is that both sides will come to an agreement. He is also in favor of a ballot question with some edits. Discussion ensued about the pros and cons of these options.

Mr. Wall’s comments about the process to put a question on the ballot led to a debate on the “democratic process” for other Warrant Article questions that could qualify to be a ballot question.

Motion: made by Brian Greenberg, to place a Wildcat property ballot question on the next available local election ballot.

Mr. Reardon reminded all that the Mass Supreme Judicial Court decision upheld the Town’s position. He wants to do what is best for the Town of Norwell, and observed that these two competing Articles are stirring up a lot of personal feeling. He is in favor of a ballot question to get feedback from residents and expressed concern over the possibility of a great deal of acrimony at Town Meeting. He proposed a motion to place a question on this year’s local election ballot consistent with the proposed draft, language to be worked out this evening, in time to be placed on the ballot.

The board discussed rescinding their original vote to put the Wildcat Article on the Warrant, but opined that it would probably be a tie vote at this meeting that would result in no resolution.

Mr. Greenberg respectfully asked Mr. Reardon to amend his motion or allow him to make a competing motion as follows:

Motion; made by Brian Greenberg, that the board place this question, with amended language as noted, striking the words “in between \$600K and \$1M”, adding “3 one acre house lots” on the ballot for the upcoming local election. Seconded by Andy Reardon.

Mr. Graham invited Mr. Mauch to comment on the ballot question edits. Mr. Mauch agreed with Mr. Greenberg but reminded him that this deals with only a portion of the land. The board and Mr. Mauch discussed additional wording to specify the land areas and potential sale parameters. Mr. Wall was invited to comment on the draft question language. A lengthy discussion ensued about specific ballot language dealing with the actual sale of house lots (3 proposed). Mr. Greenberg withdrew his first motion above. Further discussion ensued about the possible outcomes of the Articles votes in addition to a nonbinding ballot question vote. Atty. Galvin stated that the above motion is acceptable language for the board vote.

Mr. Greenberg’s amended motion was unanimously voted.

Both Mr. Mauch and Mr. Wall were invited to comment on the amended ballot language. Mr. Mauch said that he is satisfied but asked that the land description stays in along with the maximum sale potential for 3 house lots.

Mr. Wall doesn't think there should be a ballot question but will go along with the board's decision. In response to Mr. Reardon's question, the language should include topography and zoning.

Discussion ensued about the ballot wording, with the final decision to include the following:

3 one acre house lots

The board reminded all that no public funds can be expended on this ballot question. All mailings should be done by PAC's.

c) Stone House Antiques Shop – Junk Collector License renewal to 4/30/25

Shop owner Bob Woodill was present for the renewal of this license.

Motion; made by Andy Reardon, seconded by Pete Smellie, to approve the Junk Collector license for Stonehouse Antiques Shop for a term expiring 4/30/25.

Unanimously voted

Mr. Smellie thanked the scout troop for attending tonight's meeting.

School Supt. Matt Keegan was present to request signatures for an MBSA statement of interest, as they were encouraged to reapply. The motion included below is to allow him to submit an amended priority proposal. By approving this motion, it will be stamped by the Town Clerk. The Town Administrator will sign both sheets.

The "bottom line" is repair vs. rebuild for the high school. Questions were asked and answered, citing the fact that the boiler and roofs are currently off the table, but may be back on by the time this project would be considered. Heating options were discussed.

Motion; made by Brian Greenberg, seconded by Andy Reardon:

Resolved: Having convened in an open meeting on April 10, 2024, prior to the SOI submission closing date, the Select Board of the town of Norwell, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 12, 2024 for the Norwell High School located at 18 South St. which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Priority #5 Replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating, and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility – the high school was built in 1972. The boilers are original to the building and most internal mechanicals need upgrading and or replacing, cement work is crumbling and massive repairs will be required in the near future unless the building is replaced. Priority #7 replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements. Due to the changing program needs in music, art, science, world language, special education, and student services, many originally build spaces have been altered and no longer serve the current programs adequately; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the

acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Norwell Public Schools to filing an application for funding with the Massachusetts School Building Authority. Unanimously voted

Park View Motel – 2023 License Extension Discussion and vote

Mr. Graham updated the board on this afternoon's meeting, noting that the owner is making good progress. The new fire alarm system will be installed on 4/22. The owner was reminded again to have a registration log in place as well as an exterior posting of the Rules and Regulations. This group will meet again on May 15th for another progress report.

Motion; made by Bruce Graham, seconded by Brain Greenberg, to extend the 2023 motel license to 5/31/24, subject to the meeting update on 5/15/24. Unanimously voted, with the following reservation from Mr. Reardon: Mr. Reardon asked that the minutes reflect that this property has been out of compliance for years. The current owner and his attorney are making an effort to move forward towards compliance with the Town's bylaws.

Review of FY2023 ACFR (audit) – Marcum, LLP; Scott McIntire, partner

Mr. Smellie welcomed Mr. McIntire and Ms. McCarthy, with apologies for skipping this agenda item earlier in the meeting.

Finance Director Christine McCarthy gave an overview of the audit report, along with the audit firm Marcum, LLP, formerly Melanson

Mr. McIntire presented a quick walkthrough of the audit; reviewing the audit process, opinion and the financials. A copy of the audit is available in the Town Administrator's office.

- A Clean Opinion was issued. Mr. McIntire reviewed the opinion details, highlighting the long and short term perspectives, OPEB and Plymouth County post employment benefits (health care)
- CPA fund: essentially cash. General fund balance(unassigned) of \$10.6M, up about \$800K over prior year.
- Healthy balance sheet. Assets include 2 accounts, general and stabilization funds. \$7.7M is the true unassigned fund balance as a starting point to certify Free Cash.
- Statement of revenues and expenditures and fund balance were reviewed, Mr. McIntire noted that the Town funded capital activities from the general fund for the highway barn project.
- Budget vs Actual bottom line: excess revenue of \$5.3M
Expenditures dropped to about \$440K, a smaller amount than FY2022. Strong revenue and less expenditures
- In FY23, some Free Cash was used for operations, and Town Meeting voted to use Free Cash for FY 24, netting the increase to \$800K for the fund balance.

In response to questions from the board, Mr. McIntire noted the following:

- In response to Mr. Smellie's question about a "letter grade for the Town's audit, Mr. McIntire referred to the Clean Opinion and no significant adjusting entries.
- In response to Mr. Graham's question about not receiving a management letter, Mr. McIntire noted that management letters are only issued for material

weaknesses or a significant deficiency. A management letter is a professional standard for weaknesses in internal control; none were found this year.

- The Pension Liability increased by \$6M as investments didn't meet their earnings expectations. The fair market value of the Plan's assets was less than anticipated.

Ms. McCarthy thanked the audit team and the financial staff at Town Hall for their hard work on this successful audit. She also thanked everyone at Town Hall for their contributions.

Multigenerational Facility Study – vote and sign contract

COA Director Susan Curtin was present. Ms. Sullivan gave a short update on the company chosen for this work.

Motion; made by Andy Reardon, to authorize the Chair to sign the contract with BH + A for the multigeneration feasibility study.

Mr. Graham opined that this firm needs to explore an existing building option instead of looking only at buildable sites. There are available buildings, but this study doesn't mention the option. It needs to be part of this study. He suggested that the firm go back to the drawing board and include both this option and a search for a senior center only.

Ms. Sullivan stated that this contract includes only site and feasibility. Discussion ensued about existing building options in the Town that should be included in this study.

The board stated that there is too much potential spending on the horizon. Mr.

Greenberg added that proof of concepts for existing structures and private buildings would need a totally different bid process. A lengthy discussion ensued about expanding the scope of this feasibility study. Ms. Sullivan will review the original language of the Warrant Article. If the board doesn't vote to sign this contract, she may be able to negotiate something to look at other available structures. Ms. Curtin added that the Warrant Article included other options. The board would like to have a study look at both options simultaneously. Mr. Graham added that this would be a waste of \$250K until other options are studied. He would also like to have this firm precluded from bidding for this job to ensure that the Town's best interest is prioritized.

Discussion ensued about revising the contract and next steps; meeting with Ms. Curtin and Mr. Grey and both committee Chairs to voice Select Board concerns. Mr. Graham volunteered to be part of that group.

Mr. Greenberg thanked everyone for entertaining the Hitching Post easement vote as a last minute agenda item.

Future Meeting Dates; April 24th, May 15th

Adjournment

*Motion; made by Andy Reardon, seconded by Brian Greenberg, to adjourn at 9:25pm.
Unanimously voted*

Peter Smellie, Chair