

HAMILTON FINANCE AND ADVISORY COMMITTEE
Minutes of Meeting
March 14, 2018

Members Present: Darcy Dale, Phil Stearns, Nick Tensen, and David Wanger (Chair).

Others Present: Michael Lombardo (Town Manager), Marisa Batista (Finance Director), and Jeff Hubbard (7:51 arrival)

This Hamilton Finance and Advisory Committee meeting was called to order at 7:00 pm at the Council on Aging Building.

Public Comments

Discussion of FY19 Budget including:

Discussion regarding related Warrant Articles and voting recommendations
Article 5-6 Zoning By-law Amendment for Table of Uses.

David Wanger read the article aloud. Rosemary Kennedy (Rust St.) would present the By-law change at Annual Town Meeting. Ms. Kennedy said the purpose of the change was to remove a use that was inserted October 22, 2016, which changed the use in the downtown area from one apartment over a commercial space to unlimited density anywhere in the downtown area. Ms. Kennedy said the By-law was instituted by the Hamilton Development Corporation (HDC). Ms. Kennedy distributed minutes from the HDC meetings when Brian Stein was noted as saying the By-law needed to be corrected to allow for multi-unit use. On September 14, 2016, the minutes outlined a description to change the By-law, including needing a Warrant Article and presentation for a hearing. Ms. Kennedy stated that none of those things were done for the use change.

Rosemary Kennedy continued that there was no Warrant Article, no discussion with any meaning between Planning Board members, and no notice to the citizens that there would be a change.

Instead an errata sheet was presented at 9:00 am the morning of Town Meeting, that purported to change the By-law with no discussion. Jeff Melick (Planning Board Chair at the time) announced it was merely a correction of an earlier By-law, according to Ms. Kennedy. Ms. Kennedy reiterated that the change caused unlimited density was without due process. Ms. Kennedy recalled that she was one of many people challenging the implementation of the By-law because it allowed the HDC to go forward and market their property at 59-63 Willow St.

The Attorney General's office reported that they did not receive the information either and that they approved By-laws based on the documents that were submitted from the Town, not the merits. The Attorney General's office reportedly suggested other avenues. The Town was now stuck with a By-law that allowed for unlimited density anywhere in the downtown area. If repealed, the use would revert back to allow one apartment above one commercial use, which was what Ms. Kennedy said Brian Stein had lobbied for. After reviewing the video of that meeting, it was clear to Ms. Kennedy the one apartment was what was intended. Citizens asked how many apartments would be allowed and Mr. Stein and Rick Mitchell both stated, "A handful of apartments in the downtown. Won't change the character of the downtown."

The Willow St. project had only one response to their RFP with Harborlight opting to go for the multi-unit by right approval with 40 units and no appeal as noted in the HDC minutes. If the By-law were repealed, the developer would need to file through a 40B process and override density but follow water and septic regulations. David Wanger asked if the adoption of the article would prevent the current option going forward. Ms. Kennedy responded that the proposal could be a friendly 40B and that the neighbors were already under the impression that it would be a friendly 40B.

The By-law was not properly adopted due to a due process violation, according to Rosemary Kennedy. Ms. Kennedy indicated that legal ramifications and the State Ethics Commission had been involved. Ms. Kennedy had not approached the HDC and thought it might not be beneficial but wanted the discussion in a public forum. Ms. Kennedy hoped they would agree that it was not submitted properly and revert to the publically advertised notice for hearing. In response to David Wanger's question as to why Ms. Kennedy did not go for litigation as the State Ethics plan would not resolve the By-law, Ms. Kennedy said she did not think citizens should need to pay for litigation when the change was instituted by the Boards. Ms. Kennedy referred to Chapter 93A remedies as the HDC was a corporation.

Rosemary Kennedy said if the By-law was not repealed, unlimited density could occur anywhere in the downtown area, which would be an unfair burden to the citizens who did not vote for or know about the change. Ms. Kennedy explained that a multi-use unlimited density development would be by-right and would be unchallengeable, which was also noted in the HDC minutes. Harborlight had indicated that they were doing the by-right development in November. Ms. Kennedy reiterated that the first time residents knew about the unlimited potential was the morning of Town meeting on the errata sheet. There was no Warrant article or public hearing for the change. The Zoning By-law had been reorganized with some substantive changes, based on MGL Statutes and changes to the law, after it was reviewed by the Planning Board consultant.

In response to Nick Tensen's suggestion to follow other avenues such as working with the HDC, Rosemary Kennedy responded that the By-law had to be repealed before it could be adopted properly with notice and a hearing. Phil Stearns suggested allowing more than one, but not an infinitive number of residential units and working with the HDC to determine their intentions. It was agreed that some buildings could support more than one apartment. Ms. Kennedy said she did not have the right to negotiate on behalf of the citizens, but was proposing to bring the topic forward to repeal it and start over. If the residents decided that they needed more than one but less than 20 or 30 units as was proposed by the HDC, it would be acceptable, according to Ms. Kennedy. Darcy Dale noted that height requirements would limit density.

David Wanger reasoned that having the Board come jointly with a repeal and replacement option would be beneficial rather than bifurcating the process. Rosemary Kennedy responded that a compromise needed to be heard publically. Phil Stearns thought the chance of success would increase if it were a joint proposal for a full solution. Mr. Wanger thought creating obstacles to a constructive solution would not benefit the cause. Ms. Kennedy said she would approach the HDC the following morning even though she had approached them the morning of the Town Meeting when it was adopted but was stonewalled.

Article 4-4 Solicitor By-law. Russ Stevens presented the change noting the definitive fee amount would be determined by the Town Manager. The current fee of \$5 was lower than other towns and didn't cover the hours of time needed to prepare the permit. Having the Town Manager set the fee would prevent future Town Meeting votes. Russ Stevens did not want to have the final opinion regarding the fee. Michael Lombardo added that if it were a more complex grid, the FinCom and Selectmen would be involved in the decision. The proposed fee would be \$25 to \$30 for a permit that was based on the calendar year.

Motion made by Nick Tensen to recommend a positive vote for Article 4-4.
Darcy Dale seconded.
Vote: Unanimous in favor.

Russ Stevens added that the current time period for solicitation was 8:00 am until 8:00 pm, which would be revisited to until 7:00 pm. David Wanger was concerned about sports teams approaching homes with dog warning signs, which he believed to be dangerous. Chief Stevens would alert the sport teams.

2-15 Fire Pumper Truck. Phil Stevens said the cost to repair the truck would be \$40,000 to \$50,000 including the transmission, new brakes, valves, and internal engineer corrosion. The truck would need turbo injectors to pass inspection in August. After failure, the department would have 60 days to repair the truck. The truck passed safety checks currently. The water pump operated from the engine and transmission and if there were an operation issue, the truck would not pump.

Michael Lombardo said there was a backup 2004 pumper truck. The pumper truck was listed in the original budget as a bond issue or a financed vehicle until the Board of Selectmen asked to explore sharing a truck with Wenham. Wenham would discuss the possibility the following

week. An analysis would cost \$6,000 split between Hamilton and Wenham. The pumper was described as being the front line vehicle, which was used for each fire. The truck responded to vehicular accidents as it had the jaws of life and medical calls if it was already out on a call.

Phil Stevens reported that if the two towns shared the truck, only one would be allowed to use it for insurance ratings. Russ Stevens stated the Town needed two engines and referred to the recent storm when Hamilton came to the aid of Wenham and Danvers needed to be called in to cover Hamilton. Mutual aid was reliant upon each town helping the other.

John Pruellage, who was not present at the meeting, had indicated that he complimented the initiative at cost saving but sharing a first piece seemed counterintuitive. Mr. Pruellage questioned the need for a \$6,000 study. Phil Stevens repeated that the Town of Hamilton could not backup the Town of Wenham if there were only one truck. Russ Stevens noted that mutual aid was slowly disappearing with the dwindling presence of a volunteer fire department. Phil Stevens responded that mutual aid was critical due to stress on all North Shore departments. Russ Stevens thought the area would be regionalized at some point, which would save money in the long run. Phil Stevens noted that demo pumper trucks would cost between \$488,000 and low \$500,000s.

Donna Brewer reportedly thought the article suggested purchase and was amended to include borrowing. The request would be for \$550,000 in the event it was needed, especially since equipment would be added to the truck. Marisa Batista said the cost would be ten years at 4% and Michael Lombardo said the Town would get preferable rates with a ten year lease. By using free cash, the acquisition would add \$.26 to the tax rate. Mr. Lombardo suggested financing the truck and building the debt service into the budget. Ten years at 4% would be \$77,000 per year, which would be \$.05 on the tax rate, according to Marisa Batista, who thought the Town might obtain a better rate with a lease. Another \$30,000 might be needed for tools. Nothing else was being bonded so Ms. Batista recommended having a short term note and wait for something else to come along to bond it with.

Motion made by Phil Stearns that the FinCom recommend Article 2-15 for a fire engine and equipment.
Darcy Dale seconded.

It was agreed that the Motion did not commit to debt or form of debt. The Town would acquire the truck and the Town Finance department would find the best way to finance it whether it be debt or lease or combination thereof. David Wanger was concerned about using free cash and assumed if acquired, it would delete the need for a study. Nick Tensen said the alternative would be to have the study done and available if needed to purchase it. Michael Lombardo noted the challenge of 90 days to do the inspections as well as time to discover the inventory of available trucks. The Wenham Fire Department was not for the study.

Motion made by Phil Stearns that the Finance and Advisory Committee recommend favorably the purchase of a fire engine and other necessary equipment to go with it, through the use of some form of debt, be it lease or bond.
Seconded by Darcy Dale.
Vote: Unanimous in favor.

Article 2-2. Compensation Classification. Marisa Batista explained that the table reflected a 2% increase and that three contracts had been in negotiation for the previous year. Once settled, the increased amounts had been paid. The current compensation table reflected the increased amounts of the negotiations for union employees plus a 2% COLAs and an additional 2% for step increases that were due on the anniversary dates of nonunion employees. The anniversary dates, which were throughout the year, reflected only a partial 2% increase as some were increased in the various months of the year.

Article 2-4. Prior worksheets showed a 16.49 tax rate with a .10% increase without schools and a 3.7% including the school request. The fire truck acquisition would alter that amount. David Wanger questioned the parallel accounting between Wenham, the School District, and Hamilton in terms of E&D and revenue. Michael Lombardo explained how Wenham had calculated the School increase compared to Hamilton. Hamilton used the 2.5% and added E&D, according to Marisa Batista. Nick Tensen said Wenham's Budget was a little bit higher as they funded their previous budget with a portion of E&D. If either articles failed, the School would need to recreate the Budget. If the Budget passed, Michael Lombardo said the School would obtain their full budget. Mr. Wanger wanted to ensure that the Towns had their acts together and that any

inconsistencies would be seized argumentatively. While the Budget increased by 2.5%, debt did not increase.

Article 2-5. The newest amount was of \$707,000 was discussed. The Budget of \$29,464,935 included the School Budget. Nick Tensen suggested splitting the budget between School and Town to understand the increase in both.

Sprinklers would be discussed on the following Monday night with Donna Brewer providing guidance. The Building Commissioner and Ray Brunet would put together a response. The time period for appeal had long since passed. It was discussed that the requirement was not just based upon the percentage based on the assessed value, which was based on square footage impacted. The Winthrop School impact was significant, which Mr. Brunet would argue triggered the need for sprinklers. If defeated, the inspectors can deny occupancy of the school and classes would need to be moved elsewhere.

Nick Tensen did not want to support the article and wanted no decision because he sensed hesitation on the issue. Mr. Tensen said it became a legal issue and asked if the Town wanted to oppose the law in some way and how would the Town deal with that. Mr. Tensen said the Town would need to make that decision, but it hadn't been demonstrated that it was necessary as there were egresses at each door. Michael Lombardo said that current code said the building needed sprinklers whether there were doors or not. Darcy Dale explained that one whole wing of the school did not have egress doors and that it was not up to the Fire Department. It was up to the Building Commission. Mr. Tensen wanted to hear the conversation regarding the topic. The topic would be held until the next Town Meeting or make a recommendation at Town Meeting.

Article 2-7. David Wanger noted that he had e-mailed the Superintendent and Assistant Superintendent of Schools to determine which projects were essential for FY19 and which projects could be deferred for a significant cost reduction, but had received no response. Peter Lombardo had reportedly asked for additional information and invited the School to Wenham Budget meetings with no response. Michael Lombardo had also invited them to the current FinCom meeting with no response. There had been repeated attempts at collaboration with no response.

Article 2-10 CPC. David Wanger was not concerned about the merits of individual projects but rather the loose accounting with aggregate costs with income. The Budget was close to the bottom line of an unreserved fund balance of \$555,000 as of June 30, 2018. There was a State match of \$69,000 and earnings on investments of \$5,000. Non-collected revenue was the fourth quarter tax. In response to Mr. Wanger's question regarding what would happen if they ran out of money, Michael Lombardo said there would be no more project funding. Funds would be set aside for Sagamore Hill obligations and the CPC would need to stay within their annual revenues. Debt would need to be obligated to the Town Budget.

Phil Stearns wanted to have a capital stabilization fund for fire trucks and other major items. A State match of \$69,000 was received for FY18, but a lower amount was set for FY19. Now that Boston was part of the program, the State match amount could be lower. Marisa Batista said the CPC had \$595,900 left with about \$450,000 or \$470,000 in revenues to be received.

Technically, with what was received in FY19, the CPC would spend \$509,900. Jeff Hubbard offered that there was not much accounting for future projects such as Town Hall. David Wanger read John Pruellage's opinion indicating that he was concerned about the low reserves, which would cause tough choices in the future. Mr. Wanger asked if this would be a crutch for their advocacy to increase the CPC rate to 3%. Mr. Lombardo said he would rather 1% be placed into a capital reserve fund. Phil Stearns thought Wenham would repeal CPC all together.

Phil Stearns wanted to ensure that if the FinCom recommended unfavorable action, it was clear the recommendation was not based on projects that were not worthwhile. Michael Lombardo suggested putting a hold and vote on individual projects, which wouldn't include debt as it was included as separate items. Mr. Stearns didn't want to guess which project should be funded or not. Mr. Stearns suggested paying the debts and administration expenses. Another option would be to hold the projects until next Town Meeting. Nick Tensen thought the CPC should be cautious until their reserves were built up. If funds were depleted, there would be no money left to fund other projects such as the Town Hall, which could cost \$6M. Michael Lombardo added that CPC would only be able to pay for a portion of Town Hall with the remainder in general debt. The construction would not allow for the tax rate to stay under 17. David Wanger noted the Town was facing \$18M in School OPEB with a \$12 increase on the tax rate. The Committee decide to hold on Article 2-10.

Article 3-1. Conservancy District. The Article was being withdrawn. Michael Lombardo indicated that Town Counsel and Special Counsel had opined that the By-law was not legal and should be removed from the Zoning By-law. The Committee decided to hold on the Article.

\$375,000 in free cash was predicated upon the 2.5% School Budget. David Wanger noted the tax rate would remain until the first of next year and free cash would be established after the tax rate certification was complete. Michael Lombardo responded that the \$375,000 would change how much would be raised through taxes.

Article 5-6. Citizen Petition. Nick Tensen said if the By-law was presented illegally, it should revert, but Michael Lombardo responded that Donna Brewer opined that discussion was included in the vetting with Special Counsel and the Planning Board. Mr. Lombardo suggested the Petition was a mechanism to thwart the development on Willow St. so it could be appealed.

Darcy Dale thought the proponents should work the issue out with the HDC. Phil Stearns said no timeline was attached to the article and that if the FinCom voted to not recommend, the proponents would have time to return to the HDC and return in six months. Mr. Tensen said if Town Counsel said the By-law was passed legally, the issue would be if it should be changed.

Town Meeting did not vote funds for substantive changes and the Planning Board did not want substantive changes as part of the Phase I Zoning By-law rewrite. Mr. Stearns thought change from one residential unit to unlimited units was a big jump. John Pruellage had indicated that he was not in favor of the article, but wanted more information.

Article 4-1 and 4-2. Vacant, Unsafe and Dilapidated By-law and Demo Delay By-law. Darcy Dale noted the final language was not available. The Committee agreed to hold on voting until Monday. Nick Tensen was concerned about people who lived in houses that were not well cared for by conventional description but thought there was no reason why they could not be in them. Mr. Tensen did not want to see unsafe buildings or eyesores, but questioned how much right the government had. Michael Lombardo indicated that most would have clear code violations and the Building Commissioner would evaluate the properties. David Wanger added that a prolonged vacancy would have an effect on the neighborhood in terms of crime, drugs, and police response. Mr. Lombardo referred to the assessed value of abutters.

The complaint driven By-law would involve the Building Commission, Town Manager, Board of Selectmen and the Council on Aging. Phil Stearns was concerned about residents who might not be competent and would need help. The By-law would be a mechanism to do something. The By-law would also act as an incentive for the owner who was just sitting on a piece of property and had the resources to do something. Michael Lombardo referred to the Attorney General's vacant building initiative. Jeff Hubbard, who was the liaison with the Council on Aging said they were opposed to the By-law because of the unavailability of tools for situations such as the one discussed. A program existed for interior work that did not apply to exterior improvements.

Nick Tensen and David Wanger debated the current laws and safeguards as well as government's right to intervene. Darcy Dale suggested language that allowed for a rundown home if it were out of site. Michael Lombardo said the Town would want to help if a building were unsafe due to infestation of vermin or if uninhabitable. If a senior was living in an unsafe condition, it might be best to force the situation and alert the owner that they should not be living on their own. Mr. Wanger noted the incremental hazard for the Fire Department and DPW employees if the building were in such shape as to trigger the By-law. Mr. Wanger added that as residents and property owners, if the Town acted in a way that impinged on other aspects of communal life, there would be a responsibility to deal with it.

Article 5-1 Celltower. Planning Board Members.

David Wanger said he took the initiative to encourage mediation and received some tentative position reactions. John Pruellage had commented stating that he would not recommend funding counsel for the Planning Board, citing four or five cases. Town Boards were not separate legal entities from the Town itself. A By-law that empowered the Selectmen to hire counsel in any suit in the Town was exclusive. When the Billerica Planning Board denied a cell tower permit and were sued in Federal court by the tower companies, the counselor settled the suit and granted Special Permits to the cell tower companies. The Planning Board objected to the settlement and argued to the court that the Town had failed to provide separate counsel and that the Town had usurped its authority to agreeing to the settlement. The By-law in Billerica authorized litigation and gave no power to the Planning Board. The Federal court dismissed to the objections and agreed to the settlement granting the permits. The finding was that the Planning Board had no authority to engage an attorney. Mr. Pruellage suggested the case be put to the Selectmen and

suggested looking at what was best for the Town. The denial of the permits would not be upheld. Decisions of Boards should be respected but the impact to taxpayers to fight a losing battle legal would be an expense. Mr. Pruellage's recommendation was strongly not to recommend.

David Wanger spoke of citizen participation and fairness. Mr. Wanger said the three people who prevented the supermajority Special Permit acted procedurally consistent with the By-law that established the Planning Board. While not commenting on whether it was right or wrong, Mr. Wanger said the members acted in conformity with the rules of the committee. The Selectmen thought it was the wrong decision and that the Special Permit should have been granted. Varsity Wireless sued the Town and the Town was purportedly defending the lawsuit, but when reading through the pleadings, the Town when defending was adopting the view of the majority of the Planning Board but not the super majority in that the Special Permit should have been granted and taking the same position as the plaintiff even though they were the defendant. The lawsuit could be described from a legal viewpoint as a sham in that the point of the defendant and the plaintiff had the same goals. Mr. Wanger asked if the three citizens who acted in conformity with the process and procedure should be cast out without recourse.

Phil Stearns agreed that it was troubling and complicated. Anyone on a Town Board should have a right to vote and the Town should support that and shouldn't be hanging them out to dry just because others disagreed. Michael Lombardo explained that Federal laws would allow for that tower to be built while the three members who voted against it, used the rationale that the applicant had not demonstrated a coverage need. The applicant, who went through the RFP process, was suing because they had a right to have the cell tower because Federal law encouraged cell towers due to the lack of service and NIMBY responses.

Michael Lombardo said the three opponents to the cell tower hired counsel on their own when they didn't have the right to do so. The Selectmen and the broader Planning Board voted not to defend the appeal. The three acted inappropriately on their own interest. Phil Stearns said the three members had a right to hire counsel, but the Town did not have to pay for it, but Mr. Lombardo responded that they did not have a right to hire an attorney as they were three members of the Board. The Board was named in the case, not the three members individually. The Selectmen had the right not to hire counsel. David Wanger worried about future legal constraints and thought the Town should send a message that volunteer citizens who were elected or appointed to serve the Town would be entitled to exercise their best judgment on subjects in their purview if they act within the procedures that govern the Committee.

Michael Lombardo explained that the three members filed as a plurality of the Planning Board, which didn't meet the definition. David Wanger noted the position for the Town was squarely consistent with the plaintiff. Mr. Wanger thought the three members had a right to make that decision with a consequence of being voted out of office at the next election. Mr. Lombardo said it would be in the Board's interest to settle this, move on, and get through the Federal proceedings. Mr. Wanger suggested a solution that would save everyone's face would be worth the effort. According to Phil Stearns, the expense was \$7,000. Marisa Batista said she could not legally pay it.

Jeff Hubbard recalled that the permit required a supermajority and the applicant did not obtain it. Mr. Hubbard asked if the Town should support the vote as it didn't pass. David Wanger said that is what troubled him. The principal should have been defended but wasn't because the Town's interest was the same as Varsity Wireless. Phil Stearns said the Town should support the Board, but the article was to pay money for people who hired a lawyer on their own, which was not an authorized use of Town money. It was understood that the money probably could not be spent but David Wanger emphasized that the Town thought the three members made the wrong decision and that the Special Permit should have been granted and they would do what they could to achieve that end. Mr. Wanger added that regardless of what the three members did, they had a right to do it.

Article 5-4. Highland St. Property Tax. In a prior year, the Board of Assessor had determined that the caretaker had not satisfied the public benefit aspect of his program, which would have allowed a tax exemption. He had the ability to appeal the decision and declined to do it, according to Michael Lombardo, who added the Assessors were within their right to determine if the tenant was operating in accordance with the laws that allowed him to be tax exempt and they deemed not. The tenant's home needed to be open to the public to meet the conditions of the program and if not, he was not tax exempt. The tenant had the opportunity to appeal the decision or provide sufficient evidence to the Assessor's office that he was meeting the standards of the program and had not done it. Nick Tensen stated the home was open to the public twice a year, Mr. Lombardo responded that no documentation to that effect had been provided, just the

tenant's word. Phil Stearns thought taking an abandoned, run down nuisance house and repairing it would serve a public purpose. Mr. Lombardo said the Assessors were not satisfied.

Darcy Dale suggested taking the tax money from the \$125,000 PILOT to satisfy the Assessors. Michael Lombardo said the Town did not have the authority to do that but if the tenant provided the information that the property should be tax exempt, they would exempt it. John Pruellage agreed with Town Counsel's assessment that it would be advisory and the Town did not have the authority to ask the Town Assessor to exempt it. Mr. Pruellage thought there was also a matter of fairness to be considered. If the tenant wanted to appeal, he would need to pay the tax first and possibly hire counsel. Mr. Pruellage also cited the PILOT as well as the Town's image if they pursued the case. The lease expressly contemplated that if tax were included, the caretaker would be responsible, which meant the State did not want to be responsible for it. As it was an advisory vote, Mr. Pruellage thought there was no harm sending a message to the Board of Assessors that the town would be okay with them not levying the tax. The Town could afford to forego the amount for a public good. Mr. Pruellage did not recommend passage of the article as it was worded too broadly.

Phil Stearns said he didn't like the optics and that the caretaker could be given a break. Michael Lombardo said a foreclosure meant the State would find another caretaker. Mr. Lombardo reiterated that the law was clear in that if the caretaker did not follow the conditions, they would not qualify for the exemption. The Assessor did not think they met the terms of the program. Nick Tensen pointed to other situations where the caretakers were not taxed and that the tenant was not paying rent as he was doing repair work. The tenant did not own the building. Mr. Stearns added that the caretaker could not sell and experience capital gains and that before he moved in, the Town received no taxes on the property. David Wanger said the Citizen's Petitions were opposing laws versus equity and drawing lines based on subjective assessments. Mr. Stearns said he was fine with not being taxed if they met the criteria for fixing up the dilapidated building.

Article 5-5. Town Manager's Salary. David Wanger noted that the referendum appeared to be a way to push the Town Manager out. Mr. Wanger would not recommend the Article. If residents had complaints, it should be processed through the Board of Selectmen. Phil Stearns agreed. It was not the FinCom's responsibility to do a performance review, but rather to determine if the Article had merit. It was clearly the Board of Selectmen's responsibility to do a performance review and if members of town were unhappy, they should be a part of the review process. The Town should support the Town Manager. Legally the article did not make sense. Darcy Dale said the optics were not positive for a future Town Manager. Phil Stearns and Marisa Batista agreed the clawback was illegal.

Motion made by Nick Tensen to not recommend Article 5-5.
Darcy Dale seconded.
Vote: Unanimous in favor.

Adjournment

Darcy Dale made motion to adjourn the meeting.
Seconded by Nick Tensen.
Vote Unanimous to adjourn at 10:45 pm.

Prepared by:

Marcie Ricker
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Attest

Date