

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall—Memorial Room

January 7, 2019

Selectmen Present: Chair Shawn Farrell, Scott Maddern,
William Olson, Jeff Hubbard, and Allison Jenkins

Town Manager: Joe Domelowicz

Other Town Staff Present: Director of Planning & Inspections Patrick
Reffett

Shawn Farrell opened the regular portion of the Board of Selectmen (BOS) meeting at 8:28 p.m. immediately following the Joint Meeting of the BOS and Finance and Advisory Committee (FinCom).

ANNOUNCEMENTS & BOARD OPENINGS

- **The Open Space Committee.**
- **The Town Hall Building Committee—two openings.**

Discussion of Vacant and Dilapidated Building (86 Meyer Rd.—Neighbors to attend)

Director of Planning and Inspections Patrick Reffett said the condition of the property at 86 Meyer Rd. has been a concern for many years. The property is under construction. He and Town Manager Joe Domelowicz met with owners Sami Herbawi and Sy Srouji of Andover and requested they up the staff and efforts to complete the work. The Town's bylaw isn't intended for buildings during construction; however, it does apply to buildings that are vacant and unmaintained. About 15 neighbors attended the meeting. Mr. Reffett said the owners say they are committed to working on the property, but many of the neighbors have wanted to see punitive measures. When you do that, he said, you end up in court and paying money for things that don't contribute to an improved property.

William Olson said the new bylaw was designed to motivate by fines and questioned why that wasn't happening. Mr. Reffett responded the house is in construction and there is a renewed permit on file. There aren't any health or building code violations.

Mr. Domelowicz said at a Nov. meeting, the owners agreed to specific things, such as getting the building “buttoned up” and secure from outside. They also started pursuing an inspection of the insulation so they can work inside during the winter months. No deadlines were missed since November.

Lindsay Seward, 74 Meyer Rd., said there was a missed deadline in Sept. pertaining to lawn mowing. He said the lawn was mowed, but only after neighbors submitted pictures and complained. He said the owners were on their ninth year of owning the property and there hasn't been any consistent work done. Ninety days have passed since the last demand letter. He thought financial penalties might be necessary. He said he feels a lack of respect as a neighbor. He read a 2016 email from the Attorney General's office in which the owners said they would complete work but hadn't.

Duke Seaver, 402 Essex St., asked if the owners are paying their property taxes. The answer was yes, they are current with them.

Mr. Herbawi, co-owner at 86 Meyer Rd., said he wanted to explain the delay. He said the house was in bad condition when they bought it and their goal was to finish it. He's had hard times—contractors taking money but not returning and people vandalizing the property. He was in a bad car accident and was out of commission for more than a year. Allison Jenkins commented eight years was a long time. He said right now they are working on it every day. There was a collective murmur from the audience that they did not believe that.

The BOS pressed him for a deadline/commitment to have the work done. Mr. Herbawi detailed work done to date (plumbing, electrical, windows, doors...) and what remained (stucco on the exterior, siding...). He said two windows didn't fit and he's waiting for them to be replaced. He said he can't commit to a date since that's in others' hands. He has five children and a business. Mr. Olson pressed him for a date. He said he couldn't supply one. Ms. Jenkins clarified that completion meant meeting terms of a certificate of occupancy. Mr. Farrell said they wanted a date or a close approximation.

Jackie Belezos, 1 Alexander Way, asked how they could put insulation in the home without windows. She said the whole back of the house was wide open. Mr. Herbawi said it wasn't true.

Alexis Studley, 23 Meyer Rd., said there are 14 or 15 children living on the road and the house is an attractive nuisance. It is a liability to the owners and to the Town. He said two contractors told him they did work at 86 Meyer Rd. and weren't paid.

Mr. Reffett said there have been a succession of building permits and some of them have lapsed. Permits have to be issued to get the work done.

Ms. Jenkins asked if the end goal was to live there as a permanent residence. Mr. Herbawi replied yes.

The BOS discussed that the building permit was issued in the owner's name rather than that of the general contractor. Mr. Herbawi is an engineer who owns restaurants and his partner is an architect. He says he has the money to finish the job. Scott Maddern asked if they could provide the license for the general contractor. Mr. Domelowicz said he will have the Building Inspector visit the property and make sure all the windows are in. If the windows are not in, that means one of the goals required was not met and there will be fines.

Tim Ford, 80 Meyer Rd, lives adjacent to the property. He said Mr. Herbawi has been a gentleman and wants to complete the project. He attempted to negotiate a sale with him and Mr. Herbawi didn't take his offer. He said work is being done about every other Saturday, not daily. He said he didn't think they needed to bury the owners in fines but rather should set a reasonable time frame for completion and impose a fine if something isn't done by a certain date.

Mr. Olson said the house project can't be a hobby; it has to be a full-time job.

Kevin O'Connor, 95 Rock Maple Ave., suggested they could put fines in place and then waive them. It's been eight years, he said. It's an unsafe abandoned property that has been that way for 18 years. That is how it should be defined, not as a construction site. He said it is imposing a danger to the kids who live nearby.

Charles Pepler, 53 Meyer Rd., said three buildings in the area were built from the ground up in a short amount of time and it wasn't rocket science.

Jeff Hubbard asked what language in the bylaw excluded it from being applied to this situation. Mr. Reffett said construction is taking place, and although the house looks abandoned, when work is asked for, it is done. Mr. Olson said with Town Meeting coming up, they might need to modify the bylaw at Town Meeting so it will apply. Mr. Reffett went over points in the bylaw and listed the improvements that had been done.

Mr. Olson suggested they impose a fine for having an unsafe structure. Mr. Herbawi said the building is secure and that he did not prosecute the children who trespassed. He said he has kids and wouldn't do that.

Mr. Farrell returned to the question of fines. He thought they should talk to Town Counsel Donna Brewer. He listed some steps to take, which included Mr. Olson walking the property and looking it over and setting a timeline for completion of tasks. Mr. Hubbard wanted to

impose the bylaw now saying this case was the poster for it. Mr. Farrell said perpetually renewing building permits is also an issue.

Mr. Olson said the State requires a licensed supervisor on the job site when it's not the owner. Mr. Farrell wanted Mr. Herbawi to provide his general contractor's license.

Mr. Herbawi apologized for the eyesore and talked about the hardships he has gone through.

Mr. Srouji, co-owner of 86 Meyer Rd., addressed the idea brought up by Mr. Olson that the project was a hobby, something they thought would be a fun project. He is an architect. Whenever they were asked to do something, he said they did it. He said the work started in earnest two years ago. He said they intend to finish and could talk with Mr. Reffett and agree to a timeline and a commitment in writing. He didn't think fines and going to court was going to help anyone.

Mr. Farrell said they will revisit the issue in two weeks. Mr. Maddern said he wanted to make a motion now. He said the facts showed a clear mismatch of skills, that the owners aren't able to accomplish what they want to accomplish.

Decision:

Mr. Maddern made a motion that the BOS ask the Town Manager to immediately enforce the fines under the Vacant and Dilapidated Building Bylaw and ask that the building permit be reissued to a licensed general contractor. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Ms. Jenkins said if they hear from Town Counsel that they can't do this, they will need to revisit the bylaw. She suggested they plan to give an update on what they hear from Town Counsel and put this matter on the next meeting agenda.

Mr. Ford commented the bylaw was well-vetted so if it needs to be changed they may need some help getting it corrected. Mr. Olson said in the meantime he will visit the property. Mr. Domelowicz said it would be helpful for the point persons to send him an email so he will have their contact info.

Selectmen/Town Manager Reports

Mr. Hubbard had nothing to add.

Mr. Olson said he hadn't attended any Planning Board meetings since the BOS last met. At the Hamilton Affordable Housing Trust (HAHT) meeting last week there was a presentation by Habitat for Humanity. The two homes on Asbury St. haven't closed yet but do have

occupancy. The residents (from Hamilton and Beverly) are paying rent of about \$1,000 per month. The finishes are nice. The project took longer than expected because they relied on labor supplied by the schools and had to work around the summer break. Harborlight Community Partners pulled their offer for 59 Willow St. and the Hamilton Development Corporation (HDC) is looking at other uses. Also at the HAHT meeting was a presentation by Layline Ventures, which uses private, not public, funding for housing. Typically they come into a community and do one large project of about 150-200 units. The HAHT informed Layline that Hamilton preferred smaller projects. The Trust recommended a warrant article to change the Trust's composition so the Town Manager is no longer a voting member but acts in an advisory role. The article would also change the number for a quorum from 4 down to 3. Mr. Domelowicz said this requires an amendment to the general bylaw, according to Town Counsel.

Ms. Jenkins said that HWCAM television now has a YouTube page, and she is hoping they can post some of the Town's audios there. The Waste Reduction Committee will hold a Styrofoam drop-off this Saturday. There are three openings coming up on the School Committee and two for the BOS. Residents can pull papers to run in the election. She did research on the Council of Aging (COA) newsletter to see if there was a way to reduce costs. She read an article that solar farms in Massachusetts might become tax-free, which could impact Hamilton. There is new legislation for Air BNBs (allowing towns to be able to tax and regulate them) that goes into effect July 1. All COA board members now have Hamiltonma.gov email addresses for the first time.

Mr. Maddern met with the 133 Essex Street group that is working to resolve the issue of the blocked-off hiking trails. FinCom is in the loop on all financial topics—reviewing the budget, financial policies, and showing a cooperative process with the School Committee (as happened tonight).

Mr. Farrell said he and Mr. Maddern attended a School Committee meeting. Most of that info. was presented this evening. There is a presentation on Special Education that people can watch on YouTube. The Recreation Department is discussing a request for a user fee reduction for the flag football program. They have about 750 kids in the program and 30% of those are out-of-town kids. There's a recommendation on renaming Donovan Field at 238 Sagamore Street "Sagamore Field" that they will be making to the Land Trust. They took no action on refurbishing the Pingree tennis courts. There will be a presentation at the Library on Jan. 17 about the Turf Field project. He asked if anyone might be interested in attending a Municipal Climate Summit at Merrimack College on Saturday hosted by State Senator Bruce Tarr and the Sierra Club. If nobody from the BOS can attend he will reach out to the Waste Reduction Committee. National Grid informed the Town of a rate increase. Mr. Domelowicz drafted a letter protesting that since National Grid has neglected infrastructure in Hamilton. Mr. Farrell would like the BOS members to review the letter and each reply back to Mr. Domelowicz. School Choice Proclamation Week happens the week of

Jan. 20; the BOS is being asked to endorse it. Ms. Jenkins asked for more information, which Mr. Farrell will pass along to all of them. The Conservation Commission (ConsCom) opened a public hearing to discuss applying an herbicide and hydro-raking Weaver Pond to get rid of nuisance vegetation. The hearing was continued. They also discussed the 19 acres of open space adjacent to Patton Ridge and created a detailed plan for mowing and vegetation management, including work on beech trees there. That was continued to the next meeting.

Mr. Domelowicz went over his report dated Jan. 7, which is available online. It addresses the budget process; retirement party for retired Fire Chief Phil Stevens; Town Meeting date of April 6; new law concerning taxing short-term rentals, such as Air BNBs, which could be a new source of revenue (Ms. Jenkins said there will be ways to restrict Air BNBs out of certain neighborhoods. Some residents are in favor of collecting the taxes; others aren't.) Mr. Domelowicz also discussed improved communications efforts, such as a weekly e-newsletter with an opt-in feature and improved functionality, which may be provided by the Town's web provider Stirling Technologies. The Town received an annual data report from Essex North Shore Agricultural and Technical School, which is in the Selectmen's packets. A written update on his Town Manager goals was also in their packets.

CONSENT AGENDA

- **Approve Minutes from the BOS meeting Nov. 19, 2018 and the Joint Meeting with the FinCom Nov. 19, 2018.**
- **Approve Minutes from the BOS Regular Meeting and Executive Session on Dec. 3, 2018**
- **Entertainment License Renewals-2019: The American Legion Augustus Peabody Gardner Post 194, and 15 Walnut.**
- **Approve 2019 Fast Half Marathon on May 11 (route is in their packet).**

Decision:

Mr. Hubbard made a motion to accept the Consent Agenda. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

First Reading of the Complete Streets Updated Policy

Mr. Olson asked if this was to trigger funding sources. Mr. Domelowicz said yes, it is a policy put out by the State that towns have to adopt to be eligible. Mr. Olson said he saw a few typos, but otherwise didn't have any problem with it.

Mr. Farrell asked them to look the policy over and give comments to Mr. Domelowicz for the second reading. Mr. Domelowicz explained the policy is scored by the State and based on his past experience, he thinks it should result in a good score, so it shouldn't necessarily

be changed too much. Ms. Jenkins just asked that it go into the standard policy format that the BOS had agreed to prior to Mr. Domelowicz becoming Town Manager. She will send the format to Mr. Domelowicz.

Second and Final Reading of Pole Hearing Policy

Mr. Farrell inquired about a link to a pole data base that Ms. Jenkins was going to send them. She thought she had sent it out. She will resend.

Mr. Farrell explained the pole policy was a result of frustration over double poles in Town. He said in some of the cases, the Town has fire and other Town communications on the poles. Mr. Domelowicz said according to Verizon, out of the 19 double poles in Town, about 9 or 10 may have Town equipment on them. He is looking into that, as well as into poles Comcast has equipment on.

Mr. Farrell said they have a tree warden and wondered if they needed a pole warden. Ms. Jenkins and Mr. Olson thought the duty should fall under the Department of Public Works (DPW). Mr. Farrell and Mr. Domelowicz will speak with the DPW about it.

Ms. Jenkins said the pole policy needs to have its formatting fixed also.

Decision:

Mr. Maddern made a motion that the BOS adopt the Pole Hearing Policy and format it in the form of all the other Town policies. Mr. Olson seconded it. The BOS voted unanimously (5-0) to approve the motion.

Financial Policies—Discussion of Priorities

Mr. Maddern said the next items on the list of priorities for Financial Policies are: Cost Allocation, Debt Management, and Forecasting. He thought Debt Management and Forecasting policies should be looked at next.

In the interest of not overburdening Finance Director Marissa Batista, who is busy with the budget, Mr. Domelowicz and the BOS discussed waiting until after the budget hearings and Town Meeting to work on the Financial Policies. Mr. Farrell said that if they forecast out a budget calendar and then go back to working on the Financial Policies after Town Meeting they should be in good shape.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- 86 Meyer Road (continuation of tonight's discussion)
- Letter protesting National Grid rate hike (discussed earlier); sending it to the Department of Public Utilities
- The 2019 budget.
- Opening the warrant. Discussion of warrant articles.
- Complete Streets Policy—Second Reading
- Patton Ridge trash pickup
- Town Hall Building Committee—determining the best use of the second floor. (Mr. Domelowicz elaborated on what is currently being done by the architects. He cautioned that he doesn't want to go to Town Meeting until there's a complete plan.)
- Donations policy. Building on Town land.
- Road Acceptance Bylaw.
- Patton Homestead (Mr. Domelowicz updated them on the director position. The Screening Committee's preferred candidate pulled out so they are reaching out to other candidates.)
- New email provider possibility.
- Chebacco Road paving.
- Update on cell tower lawsuit
- Updating some Personnel Policies.
- Executive Session Minutes and when to release them.
- Signage and the application to the Zoning Board of Appeals. Mr. Maddern said the Schools may be interested in using the sign.
- Gordon-Conwell Theological Seminary—seeing if a dorm building there might be leased back to the Town for affordable housing run by the Housing Authority. (Ms. Jenkins said it was a good idea, but they should tap Ms. Brewer for her opinions.)

Adjournment

Mr. Olson made a motion to adjourn the meeting at 10:13 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the meeting.

* The Selectmen signed Cemetery Deed #1172.

Prepared by:

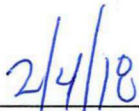
Mary Alice Cookson / 2/4/19

Mary Alice Cookson

Date

Minutes Secretary

Attest:



William Olson
Board of Selectmen Clerk

Date