

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Memorial Room, Town Hall, 577 Bay Road

April 9, 2019

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

Town Manager: Joe Domelowicz

Other Town Staff Present: Town Counsel Donna Brewer

Shawn Farrell called the Board of Selectmen (BOS) meeting to order at approximately 7:10 p.m. immediately following the Executive Session.

AGENDA

Hamilton Board of Registrars temporary appointment

- **Annika McKenna to serve until June 30, 2019 or some other term as agreed to by the Board of Selectmen**

Allison Jenkins suggested they take this agenda item out of order out of respect for Walter Leszczynski who was waiting to speak.

Town Manager Joe Domelowicz said in keeping with a request at Saturday's BOS meeting, they have an email from Ms. McKenna acknowledging she wishes to be appointed as a registrar temporarily, as well as letters signed by other registrars Mr. Leszczynski and Town Clerk Andrea Dello Russo giving notice of the need to fill the vacancies.

Mr. Farrell confirmed that the appointment of Ms. McKenna will satisfy the requirement that there be a balance of the political parties.

Mr. Domelowicz said on or about April 15, they will send letters to the chair of the two parties asking them to provide registrar candidates. Town Counsel Donna Brewer said they would then be given these candidates' names between June 1 and 30. Registrar appointments are to be staggered appointments with one made every year.

To review the professional performance of the Town Clerk's Office and identify areas of improvement

Mr. Leszczynski read a letter from Town Clerk Ms. Dello Russo. (See attached scanned letter.) He said he had offered to do this for her. In the letter Ms. Dello Russo alleges Ms. Jenkins has harassed her starting while she was out on maternity leave with premature twins. She said Ms. Jenkins decided to make a "public spectacle of minor issues."

After reading the letter, Mr. Leszczynski admonished the BOS saying he had been watching their behavior, has lived in Town for 50 years and worked for the Commonwealth for 35, and had never seen anything get to this stage. He cited the BOS Code of Conduct adopted in 2013 pertaining to not criticizing individual employees publicly. He said everyone makes mistakes. He talked about the mistakes he felt the BOS had made selling off land at the Patton Estate and decommissioning the water board. He said he served on the board of public works responsible for the water supply and said that issue was bigger than what they were discussing tonight.

Ms. Jenkins asked him about his role as registrar and noted there's a booklet outlining the role, which she didn't think the registrars were following. Also she noted guidelines needing to be followed by law. She said what prompted the meeting were a number of things, but it appeared the Town Clerk had signed many certified papers to the State with the signature of a 94-year-old person who was not a registrar. The BOS had asked Ms. Dello Russo to provide the documents. Ms. Jenkins cited personal circumstances she's faced in her own life and said she still has to perform her job as an elected official. She brought up that she tried to bring forth a warrant article changing the Town Clerk position from elected to appointed and said this was about the position and not personal.

Mr. Leszczynski offered his opinion that everything did seem to happen while Ms. Dello Russo was out on leave. Ms. Jenkins said most people receive 12 weeks of maternity leave, but Ms. Dello Russo was out 20 weeks and didn't respond when asked when she was coming back and then sent her husband to respond. Noting Ms. Dello Russo wasn't there tonight to give her side, Mr. Farrell requested they get back to the topic at hand of how they can work toward best practices moving forward.

Hamilton Board of Registrars temporary appointment (continued)

- **Annika McKenna to serve until June 30, 2019, or some other term as agreed to by the Board of Selectmen**

Mr. Domelowicz said, and Ms. Brewer confirmed, that the request for the appointment of a temporary registrar was legal and could be voted on by the Board.

Decision:

Scott Maddern made a motion to appoint Ms. McKenna a temporary registrar. William Olson seconded the motion. The BOS voted (3-0-1) to make the appointment. *Ms. Jenkins abstained because she is leaving the BOS. A roll call vote was taken with "ayes" from Mr. Farrell, Mr. Olson, and Mr. Maddern.

Decision:

Mr. Olson made a motion that the BOS delegate Mr. Domelowicz and Ms. Brewer to draft a letter to the two parties over the next week to solicit candidates for registrars. The BOS voted unanimously among those present (4-0) to accept the motion. A roll call vote was taken with "ayes" from Mr. Farrell, Mr. Olson, Ms. Jenkins, and Mr. Maddern.

To review the professional performance of the Town Clerk's Office and identify areas of improvement (continued)

Ms. Jenkins listed her areas of concern. She said she doesn't believe the BOS ever designated authority to the Town Clerk to be stamping names on documents. She said ignorance of the law and past practice weren't explanations.

She said she asked Ms. Dello Russo for Zoning Board of Appeals (ZBA) documents, which are required by law to be in the record of the Town Clerk, but Ms. Dello Russo had pointed her to the building department and assessors' office for obtaining them.

She said also by law, the Town Clerk is supposed to have a record of anyone who resigns from the position of registrar and needs to inform the BOS. [Ms. Jenkins' contention is that filling the current vacancies only came about because she (Ms. Jenkins) had made an inquiry about who were the registrars for the Town.]

She said the position of Town Clerk is responsible for enforcement of required conflict of interest/ethics training and is supposed to facilitate group online training sessions if it were found that people weren't compliant. [Ms. Dello Russo is keeping track of who is noncompliant but said at a previous meeting she isn't doing any policing of it.]

Ms. Jenkins also inquired about who had certified the Town Clerk's nomination papers and who swore her in. Mr. Domelowicz said she was sworn in by the clerk in Ipswich and clerk in Wenham.

Ms. Jenkins said the Town's census data was flawed, and this data is used for voter registration, Chapter 70 funding, school enrollment numbers, affording housing, and local lists, she said, adding that the State provides training to town clerks on how to pull census data. She said registrars make sure census info. is correct in the system and the Town Clerk certifies it. She cited inconsistencies, specifically concerning the count of the number of households. She revealed the back and forth she had had with Ms. Dello Russo and the State and what had been done to get the data corrected. Mr. Farrell noted a good portion of the data had been cleaned up and said the Town received good news regarding how the numbers at Gordon-Conwell and Asbury Grove will be counted, but there is still much more data to go through.

Mr. Olson wanted to know the particulars of how inaccurate data might have negatively impacted the Town. He listed topics they had covered this evening pertaining to the Town Clerk's performance: having the Board of Registrars and poll workers nominated and appointed correctly, accurate census data, planning and zoning decisions documented,

having minutes and procedures for the Board of Registrars, and following procedures on conflict of interest and ethics compliance.

Mr. Farrell said he wished Ms. Dello Russo were there to give her feedback. He said while the BOS didn't have any jurisdiction over the Clerk's position, he wanted to encourage her to work with the BOS and have follow-up conversations. He said he would also encourage her to go to trainings and reach out to other clerks, and maybe have someone come in to look at what's being done and review best practices.

Ms. Brewer said the Town Clerk's Association has a mentoring program whereby a Town Clerk can be assigned a mentor. Ms. Dello Russo is a member of the association and they confirmed she has the appropriate level of membership to cover the mentoring.

Mr. Maddern brought up there will be consulting and training money required and talked about where that funding might come from. He said they needed to guide the Town Clerk's office in making the requests. He advocated asking Ms. Jenkins to stay involved, for example, to review reports on progress made. Ms. Jenkins said the State has offered in the past to help the Town Clerk with the functions and there is much contained in the handbook.

She brought up that Ms. Dello Russo had agreed verbally with the Finance and Advisory Committee (FinCom) to keep her time in the payroll system as would any other Town employee, but hadn't adhered to it. [At a past meeting, Ms. Dello Russo noted she keeps her own time spreadsheet, which she says anyone can look at.]

Ms. Jenkins said at the 1995 Annual Town Meeting it was voted to have the Town Clerk be changed from elected to appointed by a unanimous decision, but then at the next Fall Town Meeting the Town Clerk at the time got up and said people hadn't understood what they were voting on and asked for a vote to be taken again; the motion did not carry.

Mr. Olson said he thought pursuing the idea of changing the position might be good but thought they needed to have more thoughtful planning on how to bring it forward.

Decision:

Ms. Jenkins made a motion that the BOS investigate the stamping of registrars' names on nomination papers. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to accept the motion. A roll call vote was taken with "ayes" from Mr. Farrell, Mr. Olson, Ms. Jenkins, and Mr. Maddern.

Ms. Leszczynski brought up that the Town can get census figures from the water department, but Ms. Jenkins noted not all dwellings have individual meters. He asked if the Town knew where their wells were. The BOS responded yes. He said that unofficially he had asked other town clerks if they followed all the guidelines in the books and what they had said off the record. Mr. Domelowicz said he had consulted other town clerks, as well, and some boards do rely on them to certify papers, but he said there was a deeper issue, which is that they needed to get policies and procedures tightened up.

I have asked Hamilton registrar Walter Leszczynski to read this statement tonight on my behalf. It is my belief that this meeting tonight has been created to inflate an error made in the Town Clerk's office, and to further make this evening a broad indictment of my professionalism and pride which I take in working on behalf of the Town Residents.

Let me assure everyone that the error which was made during the daily course of business in the Town Clerk's office and which was pointed out to me by Selectwoman Jenkins has been remedied. The Town Clerk's office operates at a fast pace on a daily basis and errors, as you all know can occur to each and every one of us from time to time. In this particular case I was following the guidelines set forth by my predecessor, and to whom I relied on for training. At no time was I made aware that the steps and approach were not in line with proper policy or procedure issued by the Commonwealth of Massachusetts.

I have chosen not to be here tonight because it is my contention that I have been harassed by Selectwomen Jenkins since December of 2017 when I was out on maternity leave after giving birth to premature twins. Her nonstop harassment and bullying tactics have taken their toll on me personally as well as the Town Clerk's office and I have asked for this behavior to stop. It was this continuous barrage of questions, comments and criticism which caused me to file harassment claims against Selectwoman Jenkins. We have reached out several times to set dates for meeting with Ms. Jenkins to discuss her questions and comments. One such meeting in January was cancelled and when asked to reschedule promised to get back with a date but never did. Rather than meet, she has on multiple occasions decided to make a public spectacle of minor issues which should have been resolved with a simple phone call.

It is also my contention tonight that the approach of having a discussion such as a "debate" selected by the Board of Selectmen and the Town Manager do not allow an honest assessment of my office duties, as they have never performed any aspect of my job. I stand ready to work side by side with them and or any employee of the Town of Hamilton to create a solution and provide the highest quality of service which the residents of Hamilton deserve. It is their opinion that I value the most as I serve them on a daily basis. The ultimate judgement of my job performance will occur when or if I stand for re-election to this position in 2020.

I have acknowledged any missteps I have made along the way; I am correcting them, and always trying to improve. I will not subjugate my office or myself to another attempt to discredit the 11 Successfully certified elections I have run.