

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall Memorial Room, 577 Bay Road

September 9, 2019

Selectmen Present: Chair Jeff Hubbard, Rosemary Kennedy, Shawn Farrell, William Olson, and Darcy Dale

Selectmen Absent: None

Town Manager: Joe Domelowicz

Jeff Hubbard called the Board of Selectmen (BOS) meeting to order at 7:04 p.m. (William Olson had not yet arrived.) The Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

- The Board of Health, the Hamilton Affordable Housing Trust (HAHT), and the Finance and Advisory Committee (FinCom) each have one opening.

PUBLIC COMMENT

None.

Mr. Olson arrived.

Selectmen/Town Manager Reports

Shawn Farrell reported that fall sports have begun. Rec Department Director Sean Timmons will give a report to the BOS at a future meeting regarding the pool numbers and other details. Kite-Flying Day is Sept. 22 at 11 a.m. at Patton Homestead. The Hamilton-Wenham Cultural Council is accepting grant applications; deadline is Oct. 15. The Council is part of the Massachusetts Cultural Council, a network of 329 local cultural councils serving 351 communities in Massachusetts.

Darcy Dale reported the Capital Committee (CapCom) will hold its next meeting Sept. 30 at 6 p.m. at the Library. She attended the joint FinCom/CapCom meeting last week, an introductory meeting as these two bodies will be working hand in hand. Due to the work of Energy Manager Vicky Masone, the Town received a Green Communities grant of \$23,156

for LED-lighting retro-fits for the rec center, public safety building, and water treatment plant.

Rosemary Kennedy discussed the Hamilton Foundation, which provides short-term support for Hamilton citizens. The Foundation will begin its fall fundraising effort and will appear before the BOS in mid-November. No tax money is used for the program. She will join the trash mitigation task force on Sept. 26, discussing the pros/cons of the different ways of collecting the Town's trash. Citizens are invited to attend. She received a letter from the Chebacco Lake and Watershed Association concerned with some flooding issues and looking for assistance to clear sediment so the water will drain more efficiently. She is looking at some solutions in the form of programs that might help fund the effort. At Town Meeting the BOS will present the article she's been working on that is a rewrite of the Wetlands Protection Act. It was reviewed by Town Counsel and is now in final draft form. It will be presented to the FinCom on Thursday, and the BOS will holding a question/answer on it at the next meeting.

William Olson reported the Planning Board will give an update of its Master Plan for housing. The meeting will take place at the Council on Aging on Sept. 19 at 7 p.m.

Mr. Hubbard reported the Town Hall Building Committee will meet on Wednesday at 3 p.m. at Town Hall. He asked the BOS to check their emails and respond to him regarding the Town Manager review process in preparation for the next meeting.

Town Manager Joe Domelowicz said his report will be posted on the website. He introduced Anthony Ansaldi, the new Wenham Town Administrator, to the Board. Mr. Ansaldi spoke of how the two communities as well as he and Mr. Domelowicz will be working together.

CONSENT AGENDA

- **Approve annual request of the Friends of the H-W Library to hang a banner on Bay Road to support the Book Sale from Sept. 14-19.**
- **Approve request for Change of Manager on Liquor License for Indigo Restaurant doing business as 15 Walnut.**
- **Approve Minutes from the BOS Special Water Meeting on July 29.**

Two holds were requested. The BOS voted on each item separately.

Decisions:

Mr. Farrell made a motion to approve the Friends of the Library's hanging of the Book Sale banner from Sept. 14-19. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

The Change of Manager for the Liquor License vote was postponed to a future meeting so the restaurant (15 Walnut) can have someone present at the meeting to answer questions.

Mr. Farrell made a motion to approve the July 29 Special Water Meeting Minutes. Ms. Kennedy seconded the motion. The BOS voted (3-0-*2) to approve the minutes. *Mr. Farrell and Mr. Olson both abstained because they were not present at the July 29 meeting.

Hamilton Development Corporation (HDC)—Presentation with Local Businesses

HDC President Rick Mitchell updated the BOS and audience on activities related to the economic development of the downtown commercial district. The first item discussed was a new tab on the Town's website entitled "Shop Local!" Mr. Mitchell showed slides about how to navigate the page, which includes a map of Hamilton and Wenham businesses, links to their websites, contact information, and postings about news and upcoming events. HDC staff Dorr Fox and Mary Alice Cookson were responsible for the research and content.

The second item Mr. Mitchell reviewed was a spreadsheet/contact list compiled by Ms. Cookson for the purpose of helping the businesses and the Town be in better communication with each other. The third item he reviewed was the HDC's offering of assistance to Shop Local HW by paying the insurance costs for the upcoming holiday event that is set for the Saturday after Thanksgiving, which is Small Business Saturday.

Jan Soolman of Clutch Towels introduced herself and other members of the Shop Local HW group. Ms. Soolman sells her towels at A Monogram Shop owned by HDC Associate Member Angela Arvenites. Karen Moulton of TM Landscaping, another member of the Shop Local HW team, was also present. Ms. Soolman spoke of Shop Local HW's successful Street Fair and explained how the nonprofit Shop Local HW came about. She said the group had been engaged in helping the HDC and the Town gain a better understanding of the needs of the local businesses. The Street Fair was pulled together in just six weeks, shepherded by Mr. Fox, who assisted with fact-finding and permitting. More than 50 businesses took part. She said the two-town holiday event planned will include holiday activities such as a tree lighting and caroling. They hope to have a trolley and visit with Santa. She said one of the goals was to show walkability of the town. Ms. Arvenites added that there is a "flow" to the Town that people don't understand.

Ms. Kennedy asked some questions. Shop Local holds regular meetings and has a Facebook group with membership of about 500. Mr. Farrell said most comments he's heard are that people would like to see more events like the Street Fair. Mr. Olson said the BOS was there to help.

Mr. Mitchell discussed the HDC's presentation at the last Town Meeting regarding downtown improvements proposed for Railroad Ave. and surrounding area. The HDC hired consultants to take its 59 Willow St. property/project through the site plan review process with the hope of selling it as a permitted project to a developer for market-rate rentals or condos (approximately 20 bedrooms). Proceeds from the sale would be directed to downtown improvements and making the two shopping areas on opposite sides of Route 1A more cohesive. The HDC believes the profit of the sale might be about \$1M.

Ms. Dale said she had an issue with private nonprofit companies making profits off of Town-owned real estate. Mr. Domelowicz said the HDC is a public nonprofit. Mr. Mitchell said the HDC is separate from the Town and pays the Town for services it provides. The HDC also pays real estate taxes on its Willow St. property. He said the HDC doesn't cost the Town. Ms. Dale argued that the HDC does cost the town about \$75K a year in meals tax money that comes from the Town's general fund. She said this is legislated each year at Town Meeting and is not a given. How the State charter of the HDC came about was discussed. Ms. Dale said she had voted on it as an experiment. She said she had a problem that the HDC can parlay the sale of the property and the Town has no say in how the money is spent. It was pointed out that the HDC's five members are appointed by the BOS. She said she wanted to see mechanisms in place for transparency. Mr. Mitchell said the HDC budget is public information and a list of its projects is pointed on the website. HDC meetings are public meetings held every other Wed. at 7:30 a.m. Ms. Dale said \$450K had been spent and it didn't seem like there had been a lot to show for it. She wanted details on what the HDC had been doing. Mr. Mitchell said there is a list on the website and that he would be happy to sit down with her to discuss her concerns.

Ms. Kennedy said in 2016, a consultant had looked at the water table at the property on Willow Street and according to HDC minutes the conclusion was that development there would cause risk of flooding to the abutters. Mr. Mitchell said he knew of no such report. He said the HDC recently hired a civil engineering firm and architect who did perc tests of the site. It will be designed with drainage that meets State requirements and a public hearing will be held as part of the planning process, he said.

Ms. Kennedy noted two HDC members are also Planning Board members. Mr. Mitchell said he and Brian Stein would be recusing themselves from the permitting process.

Ms. Kennedy asked the question what is different now (concerning the water table). Mr. Mitchell said it was no secret agenda and that many residents in Town can't find housing. Mr. Fox pointed out that a public meeting with the consultants to discuss the project had been set for Oct. 1 at 6 p.m. prior to the Planning Board meeting at 7 p.m.

Water Abatements

Mr. Domelowicz went over three water abatements and supporting information that were in the packet: 780 Bay Road, which is resulting in a total revised bill of \$513.46 (leaky toilet); 300 Moulton St., with a revised bill of \$695.11 (leaky toilet); and Asbury Camp Meeting Corporation, revised bill of \$41,822.80. The BOS discussed the circumstances of the Asbury Camp bill were due to a valve that had been left on unnoticed. Mr. Olson talked about a need to see water usage in real time so situations such as this don't occur.

Decision:

Ms. Dale made a motion to approve the abatements for 780 Bay Road, Asbury Camp Meeting Corporation and 300 Moulton St. Mr. Olson seconded the motion.

Further Discussion:

Ms. Dale asked if there were a discounted rate applied. Mr. Domelowicz explained how the abatements were calculated and that part of the bill that was an overage was cut in half. Mr. Farrell had a question regarding how the bills are paid. Typically they are paid in full.

Brad Tilly, 7 Essex Ave., was present along with the Asbury Grove superintendent. Mr. Tilly said Asbury Grove's proposal is to have the water department divide the bill by the amount of cottages because currently they are billed as a corporation at a high rate and they get a bill for four quarters when most of the cottages are seasonal and only use water for two quarters. Also, he said they repair and maintain their own water lines. Mr. Domelowicz said he and the Department of Public Works (DPW) Director Tim Olson have been in discussion about the tiering of the bill; however, he said, tonight's discussion is only regarding the abatement. Ms. Kennedy asked Mr. Tilly what the Corporation had done to prevent this from reoccurring. He said they had purchased and implemented a meter that delivers an alert via cell phone.

Ms. Dale made a motion that the BOS allow Asbury Camp to have a four-year payment plan. Mr. Farrell said he would feel more comfortable if they authorized Mr. Domelowicz and Mr. Tim Olson to work out a plan so that the BOS didn't pigeon-hole them into one plan.

Decisions (continued):

The BOS voted unanimously (5-0) on the first motion, which was to approve the three abatements as presented in the packet.

The BOS then voted on the second motion (Ms. Dale's motion amended by Mr. Farrell) that leaves the timetable and details for payment up to Mr. Domelowicz and Mr. [Tim] Olson to work out with Asbury Camp Meeting Association for a maximum of a four-year payment plan. The BOS voted unanimously (5-0) in favor of the amended motion.

Mr. Farrell made an announcement to the public to pay attention to water meters. Mr. Domelowicz added that dye test kits to test for leaky toilets are available from the DPW. Having the dye test kits available had been a suggestion of CPC member and Historic District Commission Chair Ed Howard.

Discussion of Trash Contract with Patton Ridge Condo Association

Mr. Domelowicz said Casella (Waste Systems) had informed the Town that the annual cost of the trash plan would be \$14 per household x 12 Patton Ridge households x 12 months. There is just one caveat that some details of the document had not been ironed out yet, but the policy had been reviewed by Town Counsel.

Decision:

Ms. Dale made a motion that they accept the trash contract with the Patton Ridge Condo Association with the caveat that some details of the documents may be modified. Mr. Olson seconded the motion.

Further Discussion:

Mr. Olson wanted to clarify if this applied to any private way. Mr. Domelowicz said the policy requires that a homeowners group approach the Town and authorizes him to work with them. There are only a couple of groups in Town that don't have Town trash pickup.

Mr. Olson also wanted to know where the pickups would happen. Barbara Hecimovich, 3 Patton Ridge, of the Condo Association answered that it would be at the end of driveways. Each situation's trash pickup will be looked at on a case by case basis.

Ms. Kennedy asked about how cost increases would be handled. Ms. Dale read the language in the policy pertaining to that. There are two three-year renewals allowed, but the details for after that haven't been worked out yet. The Town has nine years to figure that out.

Decision (continued):

The BOS voted unanimously (5-0) to accept the contract.

Mr. Hubbard asked if they needed a motion to take the next agenda item out of order for the convenience of Fire Chief Ray Brunet who was in attendance. The BOS decided it did not need a vote.

Fire Chief Contract Discussion:

Mr. Domelowicz said FinCom had been forwarded a copy of the contract at the same time that it was forwarded to the BOS. Ms. Dale said she wanted to make sure there was a curriculum in place so that all staff at the station would be able to operate every piece of equipment. Chief Brunet said that is forefront of his goals for the upcoming year. He has been working on policies and procedures and incorporating the necessary training and curriculum. He is about ready to put that forth to the department so it will know what is expected as of July 1, 2020.

Mr. Hubbard asked Ms. Dale (the FinCom liaison) if she could ask FinCom to get back to the BOS regarding the contract. She said she would, but that shouldn't affect the BOS voting on it this evening.

Decision:

Ms. Dale made a motion that they accept Fire Chief Ray Brunet's contract as written. Ms. Kennedy seconded the motion. The BOS voted unanimously (5-0) to accept the motion. 5-0.

Draft Warrant Review

Mr. Domelowicz referred to the document printed in color in their packets. He said the warrant had been reviewed by Town Counsel Tom McEnaney who was on hand to answer questions. Mr. Domelowicz said the FinCom was meeting Thursday and had started their draft of recommendations. The warrant is planned to be printed out two weeks prior to Town Meeting and mailed the week prior. FinCom had had questions on the difference in costs between Options A and B for the Town Hall Building renovations. He said he and Town Moderator Bill Bowler had met and that Mr. Bowler would attend the BOS meeting on Oct. 7 to review the warrant script and determine would be speaking to each of the articles.

Mr. Domelowicz discussed that the warrant articles included the numeral "4" as part of article numbers, which was a mystery to the BOS. He and the Town Counsel weren't sure why and wondered about taking that out.

Duke Seaver, 402 Essex St., said he thought it was so they could see how the BOS votes were recorded. They said that was a good guess but it wasn't the reason. The BOS said they were OK with striking the number "4"—unless they find some reason not to.

Mr. Olson noted a typo on a date in the Table of Contents.

Mr. Farrell reminded the public that Town Meeting is Oct. 19 at 9 a.m. at the Hamilton-Wenham Regional High School. Mr. Domelowicz said he will confirm the babysitting arrangements and is looking into using Essex Agriculture and Technical High School's culinary arts program for the breakfast.

Mr. McEnaney said there will be additional changes to make to the warrant. Mr. Fox had given him some language from the CPC and he want to make sure it is consistent with the warrant. He had also noticed some typos.

Ms. Dale asked how much more time they had to look at the articles. Mr. Domelowicz said they had a couple of scheduled meetings before Town Meeting.

Mr. Farrell said he would like more time to review the summaries. He asked if Mr. McEnaney could be present at the next meeting on Sept. 23 in case there were questions on the language to work out. He said he would.

Mr. Olson said the only thing they hadn't discussed was Article 2-7. If they vote on it, they would be voting it without a discussion. He suggested they go through all the warrant articles to make sure they had had enough discussion on each. The BOS agreed they would look at what to put in the Consent Agenda at their next meeting on Oct. 7.

The BOS then went through each of the warrant articles to decide on whether they had had enough discussion on them. The language might change on Article 2-4; re: 2-5, they agreed more information was needed and will invite Hamilton Affordable Housing Trust (HAHT) Chair Russ Tanzer to come in to discuss; re: the CPC articles; Mr. McEnaney said he is

working on the language; re: 2-6 and 2-7, the BOS will invite the Town Hall Building Committee to come in (might also require a special meeting); re: 3-1, they would like to hold a question/answer session for the public. The compensation table had an error in labeling to be fixed.

Mr. Domelowicz discussed that they will probably need to allow more time at Town Meeting to discuss the Town Hall Building Committee articles and that Mr. Bowler had agreed to allow a bit more time.

The BOS thanked Mr. McEnaney and said they can perhaps vote on the Warrant at the next meeting.

OML Violation Ruling

Mr. Domelowicz explained that last year there was a complaint of an OML violation involving the BOS. Initially it was found there was no violation, but on request for a second review, it was determined there was a violation and they were asked to make sure it doesn't happen again. The BOS had since created the policy to let Mr. Domelowicz know if any Selectmen were planning to attend another committee's meeting so the meeting may be posted in the event that there is a quorum there. Mr. McEnaney also proposed the idea of conducting an open meeting law training.

Mr. Hubbard mentioned the next test of this will be Sept. 19 since many of them plan to attend the meeting regarding the housing master plan on housing by the Planning Board. Mr. Domelowicz will plan on posting that meeting. Mr. McEnaney said each board would be responsible for keeping track of its own minutes. Ms. Kennedy asked if in that case, Ms. Cookson would be joining them. Mr. Domelowicz said he would work it out with Director of Planning & Inspections Patrick Reffett and Marcie Ricker, who handles the Planning Board minutes, and let them know.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

Mr. Hubbard and Mr. Domelowicz will be setting the next BOS agenda next Monday morning at 9:30 a.m. Mr. Olson will participate via conference call.

Adjournment

Ms. Dale made a motion to adjourn the meeting at 8:45 p.m. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to adjourn.

Cemetery Deed #1184

Signed by the BOS after the meeting.

