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HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

2020 JUN 25 PM 9: 03

Town Hall Memorial Room, 577 Bay Road

June 17, 2019

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

Selectmen Absent: William Olson

Town Manager: Joe Domelowicz

Other Town Staff Present: Director of Planning & Inspections Patrick Reffett; H-W Recreation Director Sean Timmons; and DPW Director Tim Olson

Jeff Hubbard called the Board of Selectmen (BOS) meeting to order at 7 p.m. The Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

- There was only one Board and Committee Opening, which was for the Board of Health.

PUBLIC COMMENT

Retired Town Clerk Theresa "Mimi" Fanning spoke in favor of keeping the Town Clerk position elected (rather than appointed). She described her experience having served. She said the Clerk needed to be available to serve the public 24/7 and the records she/he keeps are important as they are the history of the Town. She described her training as rigorous. She talked about the push to change the position years ago and how there was a recall at the time. She said the Town Clerk ought to live in Town to relate better to the residents and if the public is unhappy, they can vote the Town Clerk out of office.

Ms. Dale asked Ms. Fanning if she felt having an elected Town Clerk was essential to prevent the consolidation of power and preserve checks and balances. She said, yes and that clerks are watched by the State House to ensure elections are run properly. She said if the position was appointed someone could come and ask for something that shouldn't be done, which she said had happened to her.

Marlene Vacca, 27 Birch Road, showed photos illustrating repairs she said were needed at the Patton Park playground where she takes her grandchildren. One is a metal slide that has duct tape over something that could cut a child's hand. Another is exposed wire on a climbing rope, and another is a chunk of missing turf where kids can fall and get hurt. She said it was her third summer and she's never seen a delivery of sand. She would like these addressed by Monday when the summer camp program is starting. She said she was impressed that the Town Manager answers his own phone and that he was responsive.

Ms. Fanning added the dirt road into the park was in bad shape. Ms. Kennedy countered that as it had been recently graded. Ms. Fanning said she thought it should be paved. Mr. Farrell asked if the paving could be folded into other paving projects. He was told that depended on how close the road is to the wetlands because it has to go through proper channels. They will discuss it with Department of Public Works (DPW) Director Tim Olson.

Mary Green, 569 Bay Road, asked that the BOS reconsider the location of the cell tower. She thought having the cell tower behind Town Hall in the historic district would desecrate the residential neighborhood. She said no signal strength study had been done and it may result in only a small amount of service. She said there were better sites and urged the BOS to work with Gordon-Conwell Theological Seminary on a potential PILOT agreement there.

Sean Timmons, Parks and Recreation Director, to provide an update on summer programs

Mr. Timmons gave his report on the pool. They will have large inflatable slides in the pool on a rotating basis. They will release pool schedules a week in advance. The pool will be open on July 4 and will be open through Labor Day weekend. He discussed a number of planned events. He said they tweaked the pricing structure, increasing the price for drop-ins and lowering the membership fees so they can more easily predict staffing needs. They are selling Richie's slush and will look at other concession ideas. They have vending machines. They have 25-30 employees working at the pool this summer, which includes working with the 70 kids on the swim team. There is a swim team meet and greet set for Wednesday. It isn't a super competitive program but kids improve and swim 4-5 days a week. It is the largest team in the league.

He said summer camp numbers this year have surpassed last year with more than 200 kids. It is the highest rate of participation since he's been there, about 10 years. There are 31 camp employees. Out of about 60 total employees, 50 are Hamilton residents. He detailed the block party coming up, which includes a bike parade and fireworks.

Rosemary Kennedy asked about recreation programs for adults. He said Pickleball was the biggest. He said it is tough to have adult programming in the summer because the space is used by the camp; they offer more programs for adults in the fall. However, when pressed on how to better accommodate Hamilton's diverse community, he said he would look into offering more adult programs as well as multi-generational activities.

Ms. Dale asked for some pricing specifics. He said the youth membership was lowered from \$70 to \$50. The drop-in fee for a child is \$7. Children under 2 are free. Right now the pool has about 1,000 members. All kinds of memberships are available, including one for seniors and one for veterans. Swim lessons are tied to the camp program.

Mr. Farrell suggested people take a photo of their pool pass so it can be accessed by phone if someone forgets it.

Mr. Timmons thanked Recreation Assistant Danielle Kiely for doing an unbelievable job.

Ms. Kennedy asked if they might schedule a senior hour at the pool a couple days a week. He said the schedule is so tight it is hard to find the time to do it, but he will discuss it with Council on Aging (COA) Director Mary Beth Lawton. The pool currently has one lane open for lap swim, but he said they could tweak that.

Selectmen/Town Manager Reports

Mr. Farrell said he missed the last Community Preservation Committee (CPC) meeting> he noted CPC Chair Jay Butler was in attendance. He attended author David McCullough's lecture at the First Congregational Church. McCullough discussed a pastor of that church whom he called one of the most important characters he's written about, who was responsible for westward expansion into the Ohio Territory and keeping it slave-free.

Ms. Dale reported she and Ms. Kennedy attended the selectmen seminar in Sharon, Mass., and learned a lot. She met with Town Manager Joe Domelowicz and Finance and Advisory (FinCom) Chair Phil Stearns as she is the FinCom liaison. Mr. Stearns is stepping down so they will be looking for good people to fill that slot.

Ms. Kennedy talked about attending the 75th Anniversary of D-Day on a recent trip to France. She attended her first Conservation Commission (ConCom) meeting and said she learned about a proposition member George Turner is putting forth regarding increasing the ConCom's area of control to preserve fragile land that's primarily wetlands (making a wetlands garden, preserving the canoe launch, and adding a loop trail). There's a new ConCom member who's experienced at writing grants. Ms. Kennedy said she also attended the Chebacco Woods Land Management meeting to which she is a liaison. They propose putting in two benches.

Mr. Hubbard said the Hamilton Development Corporation (HDC) is taking its Willow Street property through the permitting process and then will put it on the market. Once sold, the HDC aims to use the proceeds for downtown improvements, such as improved sidewalks and lighting. He talked about the Town Hall Building Committee and said he can't speak highly enough about the work they've done under Chair Mike Twomey's leadership. He also acknowledged Mr. Butler and the rest of the Building Committee members.

Mr. Domelowicz said his report will be posted on the website. The Town was awarded a \$15K planning grant to conduct a community resilience building [resilience to climate change] workshop. He thanked Anne Gero for bringing the program to the BOS and helping with the application. The Town will pick a consultant to lead it soon. Mr. Farrell asked if that grant might overlap with a storm water management plan for the town. Mr. Domelowicz said yes and no. If the workshop is able to identify measures that help with climate change and also address that, then perhaps.

CONSENT AGENDA

- **Approve Minutes from the BOS meeting May 20.**
- **Approve request for Sept. 29 Road Race to benefit the HAHT**
- **Approve Administrative Staff Union CBA**
- **Approve Police Union CBA**
- **Approve Fire Union CBA**

Ms. Kennedy asked that a hold be placed on the first item. Mr. Farrell wanted to hold the last three. The BOS doesn't have all the information on the contracts. They will go on the next agenda. Mr. Domelowicz said all three unions came to the table ready to work and they are fair contracts within the scope of what he was asked to do.

Decision:

Ms. Dale made a motion to approve the May 20 minutes. Ms. Kennedy seconded the motion. The BOS voted unanimously among those present (4-0) to approve the minutes.

REAPPOINTMENTS

- **Reappoint Town Board and Committee members whose terms are expiring, per attached list**

The BOS was missing the attached list, which included those who asked to be reappointed and those who did not. It was emailed to the BOS but hadn't been included in the printed packets. The BOS decided to postpone the vote until the next meeting on July 1. The appointments expire June 30 so that will be OK.

- **Reappoint Building Inspector, Plumbing Inspector and Wiring Inspector, per agreement with Wenham**

Director of Planning & Inspections Patrick Reffett said he would recommend respectfully that the board endorse them all. When asked the time length for the appointments, he said one year.

Decision:

Darcy made a motion that the BOS reappoint the Building Inspector, Plumbing Inspector and Wiring Inspector per the agreement with Wenham. Mr. Farrell seconded the motion. The BOS voted unanimously among those present (4-0) to accept the motion. Mr. Farrell questioned why there was a hold on the Sept. 29 Road Race to benefit the HAHT agenda item. He made a motion to approve the race. Mr. Hubbard seconded the motion.

Further Discussion:

Ms. Kennedy said she wanted to do her homework to understand what she is voting/not voting for. She was concerned it was not a local event. Previous events by this entity have drawn 3,000 runners from all over the state, she said. Three events are proposed (half marathon, 10K, and cross-country race). The route would end on Willow Street, a residential neighborhood. There was little evidence of long-range success with this entity. In Salem their race had limitations put on it. She said they didn't know how much the event would contribute to the HAHT or who would manage the route, provide porta potties, pick up water cups, etc. She wasn't planning to discuss this this evening, but she said it was her goal to look out for the Town.

Mr. Domelowicz suggested they ask the entity for more info. Ms. Dale said it set a precedent if they had outsiders coming in to make a lot of money. Who will pay for security, traffic mitigation, etc.? Mr. Farrell said the race organizers would pay for the police detail, but Ms. Dale said they don't know the cost. Mr. Farrell said Police Lt Jaynes worked with them to change the race route. Ms. Kennedy said the over21 party planned for after the race also concerned her.

Decision:

Mr. Farrell withdrew his previous motion and made a motion that the BOS table its vote on the request for the Sept. 29 Road Race to benefit the HAHT until C5K Sports comes in to discuss its plans. Ms. Dale seconded the motion. The BOS voted unanimously among those present (4-0) to accept the new motion.

AGENDA

Joint Meeting with Board of Assessors—Discussion

Mr. Hubbard greeted Steve Ozahowski, Chair of the Board of Assessors (who is also on the Recreation Board), and said the BOS wanted to open up a discussion to determine how they got to where they are regarding 550 Highland St.

Mr. Ozahowski said he was hesitant to say too much because the case is pending. However, he did say that the Assessors have always been sympathetic to the Kaminskys, but they had followed the law. He explained that the Department of Revenue (DOR) oversees the Board of Assessors and told them what to do, which they did. Their action was supported by Hamilton's Town Counsel. The Assessors advised the curators to apply for an abatement that the Assessors would then have to deny by law. Then the curators could appeal it to the appellate tax board, which could make a ruling and get the matter taken care of. The

Kaminskys chose not to go that route. To apply for the abatement, you need to pay the taxes, he said, so it is a Catch 22.

Mr. Domelowicz noted the action of the Assessors was not only endorsed by Hamilton's Town Counsel but also by another counsel the Town brought in examine the issue. He said they are hopeful it will be resolved soon.

Ms. Kennedy asked about the *Salem News* article mentioned by Mr. Ozahowski that referred to a similar case in Topsfield. She asked if that referred to the Willowdale estate or to a private residence. Mr. Ozahowski thought it was to a residence.

Mr. Farrell asked Mr. Ozahowski to give an overview for the public of what assessors do on a daily basis. He talked about all the types of taxes they handle and noted there are also abatements and discounts offered. He said if any seniors need assistance filling out the forms they can come in and the staff will assist them. Most everything can be done online. Every property has a record called a field card and he recommended that residents check their field cards for accuracy.

Mr. Hubbard asked how Mr. Ozahowski felt Hamilton was in terms of valuation. He responded that the current assessment is based on 2017 sales, which in the current market is ancient history. Assessors are always chasing the money to catch up, he said. He said Hamilton was fortunate to have Tom Hogan as a consultant, who is a guru of assessors and who stays on top of valuation.

Mr. Domelowicz added that the Assessors are instrumental in helping with the Town budget. He and Mr. Ozahowski explained the difference between assessed value and appraised value. They also talked about the current vacancies in the Assessors' department.

Town Hall Building Committee—Update and Potential Vote

Mike Twomey, Chair of the Town Hall Building Committee gave a progress report on the Town Hall renovations. He said the Committee endorsed Option A, which was to eliminate the historic staircase. With Option B, the staircase would not be removed and an elevator and stairs would be added within an addition to the building. He said their job was to work with the Town Manager, DPW Director, and Director of Planning, as well as to build liaisons with the Historic District Commission/Historical Commission, CPC, FinCom, COA, and others. They also met with the State administrator [of the CPA Coalition] to find out what can be funded through CPA.

Mr. [Tim] Olson discussed the Town Hall Renovation Survey that had been done. They received about 209 responses and 60 comments. He gave a quick rundown of the responses and key factors touched on. 56% said yes on the question of removing the grand stairway. 67% were in favor of the exterior addition [allowing for the keeping of the stairway].

Mr. Twomey said the Historic District Commission and FinCom both endorsed Option B. However, he then detailed an alternate approach: a conceptual design provided to them by an in-town architect in an effort to make the building historically correct, maintain the double staircase and keep the large meeting room. It would utilize ramps inside the building to make it ADA-compliant. A big part of this plan would involve moving 30% to 50% of the Town Hall staff out to the Patton Homestead as a permanent location.

Mr. Hubbard asked about the cost difference between the options. Mr. Twomey responded Option B would be \$750K more than Option A. Ms. Dale asked if there were a cost estimate for the idea utilizing the Patton Estate. Mr. Twomey said it was about \$4M-\$4.5M for the Town Hall and \$2M-\$2.5M for the work on Patton. Mr. Olson cited rough cost estimates he had received from an architect a while back to bring the Patton Homestead up to code, which was roughly \$1.9M, excluding the south and north wing. That is not including septic upgrades or interior renovations, which he thought might be another \$320K-\$350K.

Ms. Dale asked which offices would be amenable to be relocated to Patton. Mr. Twomey said perhaps the DPW and building dept. and those grouped on the first floor. It was a concept they hadn't really explored.

Mr. Hubbard asked Mr. Twomey to go through the timeline on the two options, which he did. The architect needs an answer sometime in June to proceed with the schematic and design development drawings.

Mr. Domelowicz said the new plan offered by a resident would mean the Town would be running two municipal buildings, which poses challenges, although he said he has no preference. He pointed out that the Building Committee's charge had been just to look at Town Hall. The Patton Homestead needs reinforced structure and would need fire suppression, he said. Also it is not ADA-accessible and none of the parking lots are graded. They had discussed using Patton on a temporary basis for office space.

Ed Howard commented that the temporary ramp on the side of Town Hall was authorized for a couple of months and has been there 20-plus years.

Mr. Farrell said there would be a worry with having two campuses that residents might come to Town Hall only to find out that they had to go to Patton. He preferred Option A. His question to the Committee was what option it liked best: A, B or the new C option. Mr. Twomey said they originally endorsed Option A to keep everyone in house at the lowest cost. But after hearing from the Historical Commission, FinCom and indirectly the CPC and then the survey, they started looking at Option B more closely. However, there is still a lot to be done. The paperless initiative has to happen. There are many nuances to make things work. Also there are many historic features they need to make note of.

Mr. Domelowicz said the Historic District Commission has a lot of say on what happens on the exterior by statute, so if the decision was to keep the interior staircase he wondered if there would be a problem with adding the elevator to the exterior of the building. Mr.

Howard, the chair of the Historic Commission, responded. He said he thought they were number crunching the interior and exterior, but the bigger question was where they would house Town government while the rehab was being done. He thought they could move a big bulk of Town government to Patton and bring it up to grade so it can be used. Another option might be Gordon-Conwell. He said at the last CPC meeting, it was well demonstrated they could build an elevator shaft on the back of the building and not interrupt the preservation of the building. He didn't see it as a problem putting the elevator on the exterior, but he said if CPC money was used to do the work, they had to bend to the will of rehabilitation under the U.S. Secretary of the Interior. There are 10 elements they would have to adhere to as the building is of historical significance to the State.

Mr. Twomey said another piece is that the Dept. of the Interior controls what happens inside buildings on the National Historic Register. Funding from CPC is determined by how historically correct they do the work. He said the architect they've hired is sensitive to this and they are relying on the firm to do the right thing.

Ms. Kennedy questioned the reasonableness of putting the elevator outside to preserve the stairway. She noted that nobody takes the stairs anymore; everybody uses the elevator. She also wanted to know if preserving the historical features of the building was part of the cost estimate. Mr. Twomey said yes. They were looking to maintain the millwork and were trying to make it as historically correct as they can line item by line item. When asked by Mr. Farrell if they had done a historical analysis, Mr. Twomey replied that to preserve the stairs, they would look for a waiver because nothing meets code. The load won't meet the code. As far as hiring a historic consultant, he said that would be an added cost and he expected that expertise to come from the architect or a consultant contracted by the architect.

Mr. [Tim] Olson said the Committee would like to know if the BOS would recommend splitting up the forces. Patton Homestead is just one option if so. For example, they could rehab the DPW building out back. Mr. Domelowicz said that in the past, they talked about that, which would be far cheaper and make them more proximate to the rest of the offices. He said a change in the Committee's charge at this point will slow things down considerably. He added that the Patton Homestead had started down a path of operation that deserved a chance to make it a success. He said he could see using it as temporary office space, but using it as permanent offices would be changing the whole use of the building.

This was followed by a discussion that the cost of the entire project includes everything needing to be done to make it happen. Mr. Farrell said he thought a large part of the cost was getting the building up to code. Mr. [Tim] Olson said that those large-ticket items (increasing to code) would have to be done regardless if they split the forces.

Mr. Olson made a pitch to the public to please respond to the survey, which is still on the website. Mr. Farrell suggested they take a straw poll to help inform the Committee for responding to the architect.

Straw Polls:

Ms. Kennedy and Mr. Farrell voted in favor of Option A. Ms. Dale and Mr. Hubbard favored Option B. In light of the split decision, Mr. Farrell suggested they reach out to William Olson for his choice.

Mr. Hubbard asked for another straw poll on whether it would make sense to use the Patton Homestead as a permanent location for a portion of the Town staff. Ms. Dale said yes, with qualifications. She was open to it if they can find the right fit. Ms. Kennedy, Mr. Farrell, and Mr. Hubbard said no.

Mr. Butler said the architects had spent more time on Option A than on Option B so they would now need to raise the level of detail on Option B. The information is being shared through Drop Box.

Trash Collection Policy for streets not already serviced—second reading

Mr. Domelowicz said Ms. Kennedy had made some additional tweaks to the redlined version of the document. Mr. Hubbard explained the policy allows for neighborhoods that don't have trash collection to ask that their neighborhood be included as part of the Town's program, but the neighborhood would be responsible for the costs. [This policy enables a neighborhood to receive its trash pickup at a lower cost by reimbursing the Town rather than having to contract for it on its own.]

Mr. Hubbard read the "Policy Regarding Trash Removal on Private Ways" policy aloud. Mr. Farrell suggested adding "and/or" in the second sentence appearing under "III. Review and Approval" so it reads: *The Town Manager may also analyze the request with the Director of Public Works and/or a representative of the Town's waste removal contractor to determine whether the service is feasible.*

Decision:

Mr. Farrell made a motion to accept the policy with the redlined edits and additional edit. Ms. Kennedy seconded the motion. The BOS voted unanimously among those present (4-0) to accept the motion.

Mr. Farrell asked if they needed to talk about the MOU [Memorandum of Understanding]. Mr. Domelowicz said he wouldn't sign one without first being in touch with them. The policy allows for a three-year MOU with two renewals. They will do a yearly assessment of the costs.

Discussion on Special Town Meeting Warrant Question re: Appointed Town Clerk or Elected Town Clerk—Vote

Mr. Hubbard said a prior board member had initiated this discussion over the past year and they were opening up a discussion about whether to put it on the warrant. Mr. Domelowicz said it wouldn't require a public hearing, but they might want to have one anyway.

Ms. Dale said she has strong feelings about keeping all the elected positions as elected. She said anytime you move an elected position to an appointed one, you are dismantling your democracy. Once you take away the power of the people politicization can creep into your town functions. She discussed the history of what had happened in the past pertaining to this issue and didn't see a reason for pursuing it again.

Ms. Kennedy said she agreed with Ms. Dale. She pointed out that many towns have a recall option, which allows for a remedy to cover elected officials.

Ms. Dale said if they were looking for a deeper, wider talent pool, they should raise the salary from the current \$60K with no benefits to about \$80K.

Mr. Farrell said he thought it was a hot-button issue and wanted to take it to Town Meeting and give the townspeople a choice. Ms. Dale said that would be advocating to change the Town's democracy, and the Town had been doing it this way for two centuries. He disagreed with her. He said he wanted to make sure they had a qualified person in that office. He said he wasn't advocating it be elected or appointed, but said he worried that someone could get into that office and not be qualified. Ms. Dale proposed they offer paid training.

Ms. Kennedy said she was an optimist and just as she, as a Selectman, was motivated to educate herself, she expected people would travel in that same vein. She proposed holding off on the issue until Annual Town Meeting, but that doesn't work because spring is when they hold the election.

Ms. Dale advocated going ahead with the election in the spring just as they normally do and talked about raising the salary to make it commensurate with the responsibility.

Decision:

Ms. Dale made a motion that the BOS continue on as they always have (holding the election of the Town Clerk in the spring), but raising the pay to attract a deeper, wider pool of talent (since Town Clerks must live in Town and make enough money to afford to do that). Her motion was basically to maintain the status quo but offer a better package. Ms. Kennedy seconded the motion. The BOS voted (3-1) to approve the motion. (*Mr. Farrell voted no. Mr. Olson was not present.)

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- National Grid update

- Electrical aggregation update from Green Energy
- Water futures/Water Assessment
- Double poles in Town
- Opening of the warrant
- Town manager goals/review
- Special Town Meeting—auto counters for efficiency and to alleviate overflow room issue
- Financial policies
- Compliance regarding ethics/conflict of interest training, which all boards and committee members are required to take annually

Ms. Kennedy noted the Open Meeting Law training coming up, which will be run by Wenham and taking place at the Library.

Adjournment to Executive Session

Decision:

At approximately 9:48 p.m., Mr. Hubbard requested that the BOS adjourn the regular meeting and enter into Executive Session, not to return to open meeting for the following purpose:

- To discuss strategy with respect to litigation on the Varsity Wireless cell phone tower, with the Chair determining that an open meeting could adversely affect the Town’s litigation position.

Mr. Farrell seconded the motion. A roll call vote was taken with “ayes” from Mr. Farrell, Ms. Dale Mr. Hubbard, and Ms. Kennedy. The BOS voted unanimously among those present (4-0) to enter into Executive Session and not to return to open session.

Prepared by:

Mary Alice Cookson, 7-15-2019
 Mary Alice Cookson Date
 Minutes Secretary

Attest:

Darcy Dale, 7-15-2019
 Darcy Dale Date
 Board of Selectmen Clerk