

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Teleconference

September 14, 2020

Selectmen Present: Chair Shawn Farrell, William Olson, Darcy Dale, Rosemary Kennedy, and Jamie Knudsen

Town Manager: Joe Domelowicz

** This meeting was conducted via Zoom teleconference with all the above participants remaining in their homes.*

Call to Order/Pledge of Allegiance

Chair Shawn Farrell called the Board of Selectmen (BOS) teleconference to order at 6:32 p.m. All members were present. [**See roll call at the end of this document.**] The Pledge of Allegiance was recited.

Board and Committee Openings

The Council on Aging (COA), Hamilton Historic District Commission (HHDC) and Open Space and Recreation Committee have openings.

Selectmen/Town Manager Reports

Rosemary Kennedy reported she participated in the Town's flu clinic and helped to vaccinate approximately 80 Town and School Department employees. The Town Hall Building Committee (THBC) is finishing up construction documents.

Darcy Dale said she attended the THBC meeting along with Ms. Kennedy. A Board of Health (BOH) meeting is being held tonight at 7 p.m.

William Olson reported the Schools opened today in remote session. There is a one-to-one ratio of laptops to high- and middle-schoolers and one per family for elementary schoolers. The Schools plan to go to a hybrid plan on Oct. 2, and the BOH is discussing markers for that. The Planning Board's next agenda includes coming up with a more flexible zoning bylaw to update the current bylaw.

Jamie Knudsen reported that at its last Affordable Housing Trust (AHT) meeting, the AHT discussed a \$200K grant request to the Community Preservation Committee (CPC).

Shawn Farrell said at the CPC meeting, the CPC voted to move the AHT's \$200K grant request forward for Town Meeting vote. Also discussed by the CPC was an application from the First Congregational Church of Hamilton for steeple and clock tower restoration. The Church was asked to come back to the CPC with more cost breakdowns because items considered religious in nature may be excluded. The project falls under the heading of historic preservation. The Church was used as Hamilton's Town Hall for many years. A meeting/workshop was held Saturday at the Patton Homestead to discuss Town Manager and BOS goals.

Town Manager Joe Domelowicz reported the Town's free cash (\$3.3M). He credited department heads and Finance Director Marisa Batista with identifying spending the Town could put off. Collections were not as far down as had been previously expected. The Hamilton Wenham Rotary Club is providing 20 iPads to area seniors to help them combat social isolation and local high school students will offer training. Progress was made on purchasing the automated vote counters/clickers with Cares Act funds. The Gordon-Conwell Theological Seminary (GCTS) Task Force was reconstituted. David Smith and Dave Thompson will continue to serve; Mr. Knudsen and Planning Board Member and Hamilton Development Corporation President Rick Mitchell will join the Task Force.

Mr. Farrell added that the Home Rule Petition for 550 Highland St. is awaiting the Governor's signature. The Ameresco deed so that it can get insurance is in the final stages. Mr. Farrell said he had a discussion with State Representative Brad Hill about school funding. If kids are pulled out of school and being homeschooled, that reduces the numbers upon which school funding is based. Therefore, there is a proposal to base funding on the student count from last year instead of this year.

Public Comment

None.

CONSENT AGENDA

- Minutes of the July 27, 2020 BOS Meeting
- Approve Committee Reappointments and List of Committees and Terms
- Approve use of Perpetual Care Funds for Cemetery Lawn Maintenance

Decision:

Mr. Farrell made a motion that the BOS approve the Consent Agenda. Ms. Dale seconded the motion. A roll call vote was taken with "ayes" from Mr. Olson, Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

AGENDA

Appointment of Kenneth “Kirby” Brand as Acting Fire Chief—Vote

Fire Chief Ray Brunet is having surgery and needs to delegate authority for making decisions on day-to-day operations. Mr. Brand accepted the job to serve as acting chief. It was also pointed out that he will be retiring soon and has done a great job.

Decision:

Ms. Dale made a motion that the BOS approve the appointment of Mr. Brand as Acting Fire Chief. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Mr. Olson, and Mr. Farrell, (4-0-1). *Ms. Dale abstained because a member of her family is a fire fighter.

Special Election Date for Thursday, December 3, 2020—Vote

Decision:

Ms. Kennedy made a motion that the BOS approve the Special Election date of Thursday, Dec. 3, 2020, to vote on the outcome of the Special Town Meeting warrant article [concerning the Town Hall renovation project]. Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Mr. Olson, Ms. Dale, and Mr. Farrell, (5-0) unanimous.

Appointment of Bruce Gingrich to the Zoning Board of Appeals (ZBA)

Mr. Gingrich provided info. about his background. He has lived in Town since 2006 and worked in Town prior to that. He is in the construction and design business. He has been a ZBA alternate for four years and attends meetings. Ms. Kennedy asked him about what he would do to obtain legal advice now that ZBA Chair Bill Bowler (a lawyer) has stepped off the board and how legality would be checked before something was granted or denied. He said he would consult the Town’s legal counsel and that he understands zoning law.

Decision:

Ms. Dale made a motion to approve the appointment of Mr. Gingrich to the ZBA. Mr. Olson seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Mr. Olson, Ms. Dale, and Mr. Farrell, (5-0) unanimous.

Appointment of Hunter Carroll to Affordable Housing Trust (AHT)

Decision:

Mr. Olson made a motion to approve the appointment of Hunter Carroll to the AHT. Mr. Knudsen seconded the motion.

Further Discussion:

Mr. Carroll was asked about his background, which had also been discussed at the previous BOS meeting. He is starting an insurance franchise and getting his Master's degree. He has also worked in the nonprofit sector. Ms. Dale asked if he were the sole proprietor and where his place of business was. He said he is searching for a location for the franchise. He's only been living in Town for 18 months. Ms. Dale said she had a problem with students who tend to be transient populations filling Town boards. She noted he lives on GCTS campus [wife is a GCTS student] and asked if he might be looking for affordable housing for himself or for friends or family. He replied no. He said his wife has lived in Town her whole life. Ms. Dale said she was concerned about the appearance of a conflict of interest. She reviewed some history of the Town's dealings with GCTS. Mr. Carroll said while he and his wife live there, they aren't dependent on GCTS. Ms. Dale asked whether he would recuse himself if there were a conflict; he said yes.

Mr. Farrell commented Mr. Carroll was level-headed and would make educated decisions. Mr. Olson said Ms. Dale raised relevant points, but he was satisfied Mr. Carroll's answers were appropriate. Mr. Knudsen noted Mr. Carroll had been grilled more than others and said they didn't want to scare volunteers away from taking positions. He pointed out Mr. Carroll had answered all questions posed to him at the AHT meeting, as well. Ms. Kennedy said she read his cover letter and it struck her that he was motivated by his personal sense of social equity. But she said she felt he had written the letter without knowledge of the Town's goals and priorities. Mr. Farrell called the vote.

Decision (Continued):

A roll call vote was taken with "ayes" from Mr. Knudsen, Mr. Olson, and Mr. Farrell, and "nays" from Ms. Kennedy and Ms. Dale, (3-2). The motion passed.

Appointment of Mary Jean Brown to the Council On Aging (COA)

Decision:

Mr. Knudsen made a motion to approve the appointment of Ms. Brown to the COA. Ms. Kennedy seconded the motion.

Further Discussion:

Ms. Brown elaborated about her interest in joining the COA board. Her family has lived in Hamilton since 1996; her daughter graduated from the high school. She has aging parents. She said she would like to maximize the COA to meet the needs of the aging population and make sure it has the right funding. She wants to create a center with strong participation from clients that is integrated into the larger community. Ms. Kennedy initiated a discussion on outreach. Ms. Brown has a background in online marketing and thought outreach was critical.

Decision (Continued):

A roll call vote was taken with "ayes" from Ms. Knudsen, Ms. Kennedy, Mr. Olson, Mr. Farrell, and Ms. Dale, (5-0) unanimous.

Water Abatement—33 Woodbury St.

The abatement application was in the BOS packets. The amount of abatement was \$150.92 and was due to a leaky faucet in a barn. Mr. Domelowicz said the Department of Public Works (DPW) Director had read the meter and had seen that the water useage and bill had gone back to normal amounts.

Decision:

Ms. Kennedy made a motion to approve the water abatement for Elisabeth Cloutman, 33 Woodbury St, in the amount of \$150.92. Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Ms. Kennedy, Ms. Dale, Mr. Olson, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Sale of Cemetery Lot to Former Resident—Vote

Mr. Farrell explained that the application (in the form of an emailed letter) came from Marcie Ricker, Town employee and long-time resident of Hamilton, who had recently moved away but wanted Hamilton as place of burial.

Decision:

Ms. Dale made a motion to approve the sale of the cemetery lot cemetery lot to the Ricker Family. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Mr. Olson, Ms. Dale, and Mr. Farrell, (5-0) unanimous.

Amend the Policy on Committee Appointments—First Reading

Ms. Kennedy had brought a hard copy with highlighted changes. She said there was a minor edit noted in past meeting minutes that had not yet been inserted into the document. Mr. Domelowicz said the minutes stated Ms. Kennedy would provide language to the document and thought she already had. She detailed her edit as follows: Where it says “following such consultation the Board shall select one or more candidates,” she thought it should read: “following such consultation the BOS shall vote to select one or more candidates.” Her reasoning is that the BOS isn’t doing the selecting, but rather voting on the selections made by Town boards and committees.

Mr. Knudsen raised an issue regarding the language of the policy: under 2B, he thought there should be some requirement that the board and committee chairs need to make their recommendations within a certain timeline. Mr. Domelowicz noted sometimes there is a lack of meetings with some of the boards so that is why there can be a delay in the chair recommendation part of the process. It was decided Mr. Knudsen would work on the language to make it more succinct and forward it to Mr. Domelowicz for distribution to the BOS. Mr. Olson suggested possibly having a chart to indicate the steps in the appointment process and the timelines.

Amend Policy on Emergency Water Bans—First Reading

Mr. Domelowicz displayed the current policy on outdoor water use. The language for #5 (below) had been deemed at the previous meeting as needing work.

Because the discharge flow rate continues to stay below the rates deemed necessary to sustain a healthy watershed, a ban on all nonessential outdoor water use is recommended. This means water use not required 1) for health and safety reasons, 2) by regulation, 3) for the production of food and fiber, 4) for the maintenance of livestock, or 5) to meet the core functions of a business.

Mr. Domelowicz said DPW Director Tim Olson had suggested adding language to #5 to say "as approved by the Town Manager or his designee." That would designate Mr. Domelowicz authority to make determinations about what constituted a core function of a business on a case-by-case basis. Mr. Farrell asked for examples. Mr. Domelowicz said that if a homeowner had work done that required the grounds to be torn up and had gone out of its way to re-landscape the property, the landscaper would be stealing money if he/she took the job and didn't water the grass. However, Ms. Kennedy said she didn't think anyone's lawn was essential during a water ban and landscapers should be required to do their work when there wasn't a ban. The idea that erosion could be dangerous and necessitate planting and watering was discussed. Another idea brought up was that the BOS, who are the water commissioners for the Town, could determine what constituted the core functions of #5. Mr. Olson brought up kiddie pools as a side note and asked whether they should be noted in the policy. Mr. Knudsen asked about Myopia Hunt Club and was told Myopia had its own water source, a well on its property, but also had a special permit from the State that excluded it from the water ban.

Ms. Kennedy volunteered to redline some language and send it back to Mr. Domelowicz or Mr. Farrell for another BOS reading. Mr. Farrell added that new language would constitute a change of bylaw (rather than policy) and will likely need to go before Town Meeting for a vote. Mr. Domelowicz said he will review that with Town Counsel.

Close the Warrant to New Articles

Decision:

Ms. Dale made a motion to close the warrant to new articles. Ms. Kennedy seconded the motion.

Further Discussion:

Mr. Domelowicz said there weren't any new articles to add. He displayed the list, which included a few new items since the last BOS review. He listed what the new items were. Mr. Olson inquired about the trash issue (recycling and composting). The BOS decided to put it on the warrant as a placeholder, although the proponent of the Citizen's Petition regarding the matter appears to be happy with the every-week trash pickup and had not asked the BOS to put it on the STM warrant. Mr. Farrell said the matter needed more discussion with the proponent.

Mr. Farrell said a citizen had reached out recently about getting a Citizen's Petition on the warrant. It would need 100 signatures for Special Town Meeting (STM). Because it was advertised that the BOS was going to close the warrant this evening, the BOS is not obligated to include it on the warrant for STM. By law, it does need to go on a warrant, but it could be slated for Annual Town Meeting in April. It involves a question to restrict the Board of Health from deviating from State standards.

Mr. Knudsen asked if warrant articles can be removed from the list. The answer was yes. Mr. Domelowicz said it is possible that one of the two water items might get pushed off until the next Town Meeting. Also, if something urgent comes up, the BOS can agree to open the warrant, add the item, and close the warrant, provided that happens before the warrant goes to print. Mr. Farrell pointed out the BOS can take no action on a warrant article at Town Meeting if it chooses. A few typos were noted in the document.

Decision (Continued):

A roll call vote was taken to approve the final draft/list of warrant articles and close the warrant to new articles with "ayes" from Ms. Kennedy, Mr. Olson, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Establishment of a Hamilton Human Rights Commission—First Reading

Mr. Domelowicz displayed the latest draft of the document in the BOS packets. Mr. Farrell asked everyone to review and return to either him or Mr. Domelowicz with comments and changes.

School Committee Member Anna Siedzik provided historical context for the idea of forming the Commission. She said having a Human Rights Commission was a path to resolve issues in a "good community way." Police Chief Russell Stevens said he was behind the action 100 percent. He said it provided citizens an outlet to be heard by their Town government.

The document was drafted by Town Counsel. Wenham is establishing a similar document. It was decided to have two separate coalitions, one from each town, working together. Mr. Olson commented he thought it looked great and was inclusive, but that 11 members on the committee seemed like a lot. He liked the idea of students taking part; however, since it is for a three-year term that could be difficult. He thought it should be a one-year term for students.

Mr. Farrell discussed changing the membership from 11 to 9, and from 7 to 5 for at-large members. Four of the members come from Town staff. They could reduce that by two, he said. The number of meetings held would be up to the Commission. He thought it should be at least once or twice a year and that the Commission should provide input to the BOS. Mr. Olson said he wouldn't be against having a meeting once a month so they don't lose momentum. Ms. Siedzik said they looked at other municipalities; some meet quarterly. She said it would depend on the charge for the group.

Ms. Dale said she liked the concept, but wanted to make sure they weren't diluting any power of the people. Ms. Kennedy said she found the move very positive and said there are demographics in Town who don't feel heard. Mr. Knudsen said he liked it too and sees a need for it. He brought up the question of whether a student under age 18 could be a member of a Town commission. He asked if perhaps it could be a school-year appointment and the student could be a junior member. Mr. Domelowicz will consult Town Counsel.

Ms. Siedzik noted a student representative, Olivia Soolman of Wenham, was currently attending the online meeting and introduced her to the BOS. It was generally agreed it was important to involve youth on the Commission. Ms. Kennedy pointed out the group would be an advisory committee and thought having a teen member shouldn't be an issue. Ms. Siedzik complimented the community, saying she received an immediate yes from both Towns to the idea of the Commission. Ms. Dale said Hamilton has always been a town that cares about human rights.

Consideration of Topics for Discussion at Future BOS Meetings.

None.

Roll Call

A roll call was taken at the conclusion of the meeting because an official roll call was not taken at the opening of the meeting. All five BOS members (Ms. Kennedy, Ms. Dale, Mr. Knudsen, Mr. Olson, and Mr. Farrell) were in attendance.

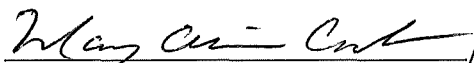
Adjournment

Ms. Dale made a motion that the BOS adjourn the meeting at 8:44 p.m. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Ms. Kennedy, Ms. Dale, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

Cemetery Deeds #1195 and #1196

These deeds appeared on the agenda but were not discussed.

Prepared by:

 11-25-20
Mary Alice Cookson Date
Minutes Secretary

Attest:

