

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Teleconference

October 13, 2020

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

Town Manager: Joe Domelowicz

Other Staff Present: Mary Beth Lawton, Council on Aging Director

*\* 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 6:30 p.m. A roll call was taken with all members present. The Pledge of Allegiance was recited.

Mr. Farrell asked to take the following Consent Agenda item out of order; the BOS agreed.

- **Accept \$5,000 gift from Senior Care to support COA meals program**

Council on Aging (COA) Director Mary Beth Lawton said she received a wonderful surprise in the form of a \$5K check from Senior Care. She introduced Linnea Hagberg of Senior Care who talked about Senior Care's mission to keep people 60 years of age and older in their homes or community of choice and offer support services. Senior Care receives Federal and State funding. Early in the pandemic, a critical need for additional meals for seniors became apparent (since many seniors couldn't go out), so Senior Care increased its meal programs with support from area COAs. When Senior Care received Cares Act and additional Federal funding, it decided to give money back to the COAs. Hamilton was one of the first to receive a check.

Darcy Dale asked if there would be more opportunities for funding from Senior Care. Ms. Hagberg said she didn't foresee that as this was a one-time opportunity, but said it could happen. Mr. Farrell advised the BOS to hold off on voting to accept the gift until the Consent Agenda portion of the meeting.

**Board and Committee Openings**

- Hamilton Historic District Commission (HHDC) openings
- Open Space and Recreation Committee opening
- COA opening.

**Selectmen/Town Manager Reports**

Ms. Dale said the Town Hall Building Committee (THBC) met and was seeking support from the BOS. The THBC is getting closer to getting bids and is on the home stretch.

Rosemary Kennedy reported, regarding the THBC, that she developed a flyer to let people know about the history of Town Hall, what is planned, and what the costs are, which will go on the Town's website and social media. She reported the Conservation Commission (ConCom) will be having work done by some young men needing service hours to remove invasive vines from trees.

Jamie Knudsen reported that at the Affordable Housing Trust (AHT) meeting, the big project discussed was the project by Habitat for Humanity North Shore at 434/436 Asbury St. Habitat is filing its application for comprehensive permits and looking for support of the Town.

William Olson said the School Committee is focused on getting the schools back to the hybrid mode and defining teachers' roles.

Mr. Farrell added the BOS is focusing on Town Meeting and the Town Hall project.

Town Manager Joe Domelowicz reported drive-through flu clinics will take place Oct. 20 and Oct. 27. Both require preregistration via links on the Town website. The State did approve the Town's request to purchase Laserfiche software with Cares Act funds to enable employees to work at home and facilitate COVID safety. The installation should be done by the end of the month. This means the article relating to the software purchase can be removed from the Town warrant.

Mr. Farrell added that CVS in Hamilton is offering a drive-thru COVID test as well.

**Public Comment**

None.

**CONSENT AGENDA**

- Approve Minutes of BOS Meeting on Sept. 14, 2020
- Accept \$5,000 gift from Senior Care to support COA meals program
- Accept \$5,000 grant for elections from Center for Tech and Civic Life

Ms. Kennedy asked for a hold on the minutes vote.

**Decision:**

Ms. Kennedy made motion to approve the two items on the Consent Agenda (excluding the held minutes item). Ms. Dale 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.

Ms. Kennedy discussed a revision she wished to make to the Sept. 14 minutes regarding the vote to appoint Hunter Carroll to the AHT. She said she wanted to clarify her concerns about his appointment. She said she was concerned his focus was on a personal philosophy and he hadn’t spent much time being involved in the community and didn’t seem to have a concept of goals previously outlined by the Town.

Mr. Farrell read Ms. Kennedy’s suggested revised language for a paragraph appearing at the bottom of page 4: *“Ms. Kennedy stated that during conversation with Hunter Carroll, he stated that a group he had recently connected with via Facebook helped inform his views that were expressed in his cover letter. Those views did not take into consideration the expressed housing needs of the Town and reflected lack of interaction with and understanding of the Town. She therefore had serious concern about his ability to objectively act in the best interest of the Town.”*

Mr. Farrell entertained a motion to accept the minutes with the change in language.

**Decision:**

Ms. Dale made a motion to accept the minutes with the revision. Ms. Kennedy seconded the motion.

**Further Discussion:**

Mr. Knudsen said he was OK with what was read, but wanted to know the language that was deleted. Mr. Domelowicz shared the minutes on the screen so the BOS could compare the versions. Mr. Knudsen said he wanted the minutes to reflect what Mr. Carroll had stated and to clarify what was stated by whom.

Mr. Farrell suggested tabling the vote until wordsmithing was done by Mr. Knudsen. Mr. Knudsen said he didn’t think that necessary. He made one further change, adding in: *“According to Ms. Kennedy, they further discussed that those views did not take into consideration...”*

**Decision:**

A roll call vote was taken on the amended minutes with “ayes” from Ms. Kennedy, Ms. Dale, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

**AGENDA**

### **Introduce Justin Mullen, New Hamilton FF (Fire Fighter) with Acting Fire Chief Brand**

Chief Kirby Brand introduced Mr. Mullen to the BOS and cited his impressive background, saying he was a great addition to the team. Mr. Mullen said he was glad and honored to be there.

### **COVID-19 and Halloween Updates**

Mr. Farrell said there were good tips on the internet for having a safe Halloween.

Board of Health (BOH) Chair David Smith reported that in the Oct. 7 Department of Public Health (DPH) report, there were two positives over the previous 14-day period. The two positives, over the past weekend, may be due to an outbreak at Merrimack College and the kids being sent home, but the BOH wasn't sure of that. The BOH was also struggling to pin down facts about a situation at Cumberland Farms. Mr. Smith said the COVID numbers at hospitals in Beverly and Salem are significantly down, which was good news.

Mr. Smith said that at the Oct. 1 BOH meeting, a concern was raised over a potential legal issue in which some information provided to the Hamilton Wenham Regional School District (HWRSD) may have been taken out of context. The BOH worked to clarify language and incorporate it into their matrix.

Pertaining to Halloween, Mr. Smith said there will be a celebration. The Town's website details activities that are low-, medium- and high-risk. The Recreation Department announced a "Pumpkin in the Park" event to be held at Patton Park on Oct. 24.

Mr. Smith mentioned the flu clinics (previously discussed), and "Mask Up" campaign by the Town. He said he was making progress in finding a replacement for Public Health Nurse Chris Lee.

Mr. Domelowicz offered some additional details on the Cumberland Farms issue. An employee had identified he had been in contact with someone who had tested positive for COVID (unconfirmed), and the store had closed in an abundance of caution.

Mr. Olson asked Mr. Smith for any advice regarding the pandemic. Mr. Smith said the biggest risk people face is letting their guard down and inviting people into their homes for parties. Ms. Kennedy added that people should get flu shots so it's easier to discern COVID-19 from the flu. Mr. Smith agreed.

### **Approval of Nov. 3 Ballot**

#### **Decision:**

Ms. Kennedy made a motion to approve the Nov. 3 Ballot. Ms. Dale 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.

### **Street Acceptance Policy—Second Reading**

KP Law had provided some language changes to the document subsequent to the first reading. Mr. Domelowicz explained some history of the policy that had put half of the burden for upgrading a street upon the Town and why the BOS needed to change that. He displayed the redlined version on the screen.

Ms. Kennedy questioned the language where it read that 75% of the landowners on the street needed to voice their intent. She thought it should be 100%. There was a question about what would happen if neighbors couldn't get a strong majority and still wanted to convert a private way into a public street. Mr. Knudsen said he had some changes he'd like to make to the document and that it would be good for Town Counsel to suggest some things for the part concerning developers.

### **Decision:**

Ms. Dale made a motion to table the agenda item to a future meeting. 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.

### **Human Rights Commission Policy—Second Reading**

Mr. Farrell said he had not yet received any edits to the document.

### **Decision:**

Mr. Knudsen made a motion to approve the Human Rights Commission policy. Mr. Olson seconded the motion.

### **Further Discussion:**

Ms. Kennedy reaffirmed she felt the Commission was a good idea and supported it as well as its premise, but she said she was concerned about some of the language. She was in favor of it reading "freedom from discrimination," but didn't feel the rest of the sentence about micro-aggression, bigotry, etc., was necessary. She wanted the language to be emphatic but gentler in its approach.

Ms. Dale agreed. She said it would be an advisory committee and the Town didn't want to create divisions, so keeping the language general and concise would be better and easier for people to understand.

Mr. Farrell asked if Ms. Kennedy and Ms. Dale had any concerns about the composition of the group or only about the statement of the mission. Ms. Kennedy cited other concerns. For example, she didn't think that discrimination in banking and healthcare was anything the Commission would be able to do anything about. She was also concerned about the language concerning no discrimination to ex-offenders, such as sex offenders. Also, she thought that if a high-schooler were on the Commission, the term should be one-year. She also didn't think the charge should say that the group was to work with other

organizations; she thought that was beyond its scope, although the group could choose to do that if it wanted.

Mr. Olson asked what the document was modeled after. He thought it was hard to go too far when it comes to talking about human rights, but he was happy to look at revising the wording. Mr. Domelowicz said it was drafted by Town Counsel and based on documents in other communities. There were edits made based on the first reading. He said he would like to hear what Police Chief Russel Stevens had to say.

Mr. Knudsen said he thought the document had been worked over a few times and he was comfortable with all the language. He encouraged them to keep the words disrespect, bigotry, etc., because the BOS is against those things.

Chief Stevens said he was happy the BOS supported the Commission. He understood all sides. He said if all the BOS wants to do is wordsmithing and drilling it down, he was happy to sit down with School Committee member/advocate Anna Siedzik and re-tool it. He said they were at the home stretch. Ms. Dale reiterated a need to keep it simple. She thought being specific could create problems.

Mr. Olson said he was fine with giving Ms. Kennedy and Ms. Dale a chance to wordsmith the document and bring it back for a third reading. Ms. Dale suggested putting that off until after Town Meeting.

Ms. Siedzik said the problem with leaving a blanket statement like discrimination is that it is too all-encompassing and things might be missed, such as micro-aggression. She didn't see any harm in saying it, but did see harm in leaving it out. She encouraged the BOS to keep the document as it is. Since the BOS has the power over and final authority on appointments and because ex-offenders are discriminated against, she said she wanted to leave that part in. She said if they water it down, it won't be as effective.

Ms. Kennedy asked to make the language less "aggressive." She said it could be written in a way that confirms steadfastness, but didn't need to use words that could be interpreted in several ways.

Mr. Farrell asked the BOS to send their edits to him and Mr. Domelowicz within the next week and they would put the topic on the agenda for Nov. 9.

Christina Hargrove confirmed the Finance and Advisory Committee (FinCom) can meet with the BOS on Oct. 19.

Ms. Siedzik asked if others (outside of the BOS) could email their comments, as well. Mr. Farrell said yes.

### **Review Draft STM Warrant**

Mr. Domelowicz displayed the recent draft of the warrant that included track changes, which the BOS reviewed in detail. Some notes:

- Articles for the consent motion were skipped for now.
- Prior year bills need to have information filled in prior to the joint meeting with the FinCom. The bills were small amounts.
- The expected request for capital expenditures (Article 2-2) was \$500K, but Mr. Domelowicz said it might be a bit less. This is money set aside for various projects as determined by the Capital Committee (CapCom). The Town did not get the grant it was pursuing for its water expenditures. The goal is to have the capital expenditure money come from free cash. Mr. Domelowicz said at the next meeting, these items will be listed out and included in an appendix. They included a police cruiser, getting work done to keep up with storm water permits, upgrading radio equipment for public safety. Ms. Hargrove said FinCom was talking about a project at Patton Park to take care of water drainage there, which may be put off. Other items were \$250K to replace the fueling system, which will be needed whether or not Hamilton does it in partnership with Wenham, and a roof repair at the Library, in addition to replacing a server there. The BOS discussed the fuel system, which, if it remains a joint project, could be located at Iron Rail or some other location.
- Water treatment plant (Article 2-3)—Plan for improvements to the plant is currently being finalized by the engineers. When they get the amount, it can be put out to bid. Ms. Kennedy confirmed the amount to complete the project will be about \$2.8M. Mr. Domelowicz said aside from the water treatment plant measures, the Town was going to pause efforts until it determines the direction the Town will go in concerning finding other water sources.
- Community Preservation Committee (CPC) articles (Article 2-5)—Mr. Farrell explained the CPC had decided it would like to make the three CPC articles three separate warrant articles. One is the Town Hall Building Committee project/renovation. According to Mr. Domelowicz, Town Counsel, supported by Bond Counsel, thought all the borrowing for the project could be in one article. Mr. Farrell explained the reasoning for making the CPC articles three distinct articles is that it would make it clearer for people to understand and a hold on one item or another wouldn't be needed.

### **Decision**

Mr. Olson made a motion that the BOS separate the CPC warrant articles into three separate articles. Ms. Dale 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.

Mr. Farrell discussed the First Congregational Church bell tower project to which the CPC had awarded a \$75K grant out of \$116K requested. Ms. Dale asked if KP Law had given the dollar amount. Mr. Farrell said yes, but the CPC stayed below it as it was asking for "skin in the game" from the church. Ms. Kennedy noted it sounded like the CPC had parsed out the portions of the renovation for non-religious-related renovations, which was thought to be good.

Mr. Olson suggested inviting the CPC to a future BOS meeting, and the BOS decided it would invite CPC Chair Jay Butler to attend the Oct. 26 meeting.

- Town Hall Building Project (Article 2-7)—Mr. Domelowicz asked the BOS if it wanted to have this warrant article include a vote on both the CPC grant portion of the funding and the Town bonding. That was to avoid confusion and the project having to be discussed twice during Town Meeting.
- Assessors Department software (Article 2-8)—Will come from free cash.
- Election equipment and staffing (Article 2-9)—These are additional costs identified by the Town Clerk due to elections, early ballots, paying poll workers, etc. This will also come from free cash.
- Department of Public Works (DPW) employee retirement (Article 2-10)—The particular employee didn't notify the Town of wanting to retire until after the budget was passed, so that's why the additional amount is needed. It was recommended that this warrant article, the article on the assessing software, and other items coming from free cash could all go on the Consent Agenda.

Mr. Farrell needed to attend to a personal matter so he left the meeting briefly. Vice Chair Mr. Olson resumed reviewing the list of articles.

- Master Plan—will stay on the warrant.
- COA (Article 3-1)—Mr. Domelowicz called on Mr. Knudsen to detail what was discussed by the COA in terms of making changes to its bylaw regarding board membership. Mr. Knudsen said the COA wanted to increase the size of the board to 9 voting members and 2 alternates with a quorum of 5 members out of the 9. The BOS discussed that these changes might not make things easier for the COA. Mr. Domelowicz said the board size could perhaps be 7 with 2 alternates who could be made voting members on the days their attendance was required at the meeting. Mr. Olson said they could use language from the Planning Board rules; Mr. Farrell said the CPC also had language that could be used. It was discussed that the quorum requirement be changed to 4 out of the 9 (7 regular members and 2 alternates). Ms. Dale asked if a quorum of 4 might pose a problem since a vote could result in a tie. Mr. Domelowicz said if that happened, the item would be continued to the next meeting.
- P.I.L.O.T. (Payment in Lieu of Taxes) for solar array at the Public Safety Building (Article 3-2)—Mr. Domelowicz said this article was taken off the warrant for the last Town Meeting and will be finalized by Town Counsel tomorrow. It will be brought up to be discussed at the next meeting.
- Solar array on Public Safety Building (Article 3-3)—Mr. Domelowicz said before any solar equipment is put on the roof, the roof may need to be reinforced, although a contractor has said the roof is strong enough to handle the weight. Given that it is a large capital expense, Mr. Domelowicz felt the issue should be further explored; it may need to be removed from the warrant.

- Gordon-Conwell Theological Seminary (GCTS) lease space for temporary location of Town employees (Article 3-4)—Mr. Domelowicz said this article will need to be passed at Town Meeting if the Town Hall renovation funding goes through.
- Trash collection (Article 3-5)—The purpose of this article was to return to every-other-week trash collection; however, this article might be able to be removed if at the next meeting the BOS votes to keep every-week pickup and remove food waste from the waste stream. The Citizens Petition on the trash issue will need to remain on the warrant, but there can be a vote of “no action” at Town Meeting.
- Tax Rate Impact—To be determined for the next BOS meeting.

### **Endorse Town Hall Project**

Mr. Farrell discussed the other committees that have endorsed the Town Hall project: the Planning Board, CapCom, and FinCom.

### **Decision:**

Ms. Kennedy made a motion that the BOS endorse the Town Hall renovation/preservation project. Ms. Dale 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.

### **Finalize TM (Town Manager)/BOS Goals**

Mr. Olson had sent a spreadsheet to the BOS. He said he took what was in his notes and put the goals into buckets. He asked if anyone had noticed anything being left out. Nobody had.

Mr. Farrell said some of the goals were BOS goals rather than TM goals. The BOS decided to go through the list and mark those goals that were TM goals, BOS goals, or shared goals.

Ms. Dale said an item to add would be oversight for the Schools because anytime the Town spends money, the BOS should have oversight on how that happens. She cited as an example, the AHT issue in which the Town did not receive credit for some of its affordable housing until it was straightened out at a later point. She said hundreds of thousands of dollars could be going through their fingertips. Mr. Farrell asked Ms. Dale to spearhead an oversight policy. Ms. Kennedy said it didn’t just pertain to schools, but to anything involving taxpayer money. Rather than “oversight policy,” Ms. Kennedy asked if the wording could be “operational audit.”

Mr. Farrell said he had emailed Wenham BOS Co-Chair Gary Cheeseman about holding a joint meeting on shared goals. Ms. Dale said they needed to have O.P.E.B. (other post-employment benefits) for the Schools addressed, stressing the BOS needed to strengthen its hand, make a plan, and stick to it.

Mr. Farrell continued reviewing the goals list, noting ones that pertained specifically to Mr. Domelowicz as TM, as well as those that were shared goals or BOS goals: Regional IT and other services was a continuing goal for the TM. The Master Plan update was one Ms.

Kennedy identified as a shared goal. The downtown parking study had been started, according to Mr. Domelowicz. Ms. Kennedy said anything concerning the Town's vision, such as branding, sidewalks, etc., would fall under the Master Plan update. A review of town-owned property was another on the TM list. It was noted much of this land is not developable. Assisting the Planning Board with flexible zoning was also identified as a TM goal.

Ms. Dale wanted details on the affordable housing item. Mr. Domelowicz explained the Gordon-Conwell Theological Seminary (GCTS) was looking to divest itself of some of its campus housing. After selling it off, some of that housing could become affordable housing for the Town. Ms. Dale asked if the GCTS would ask for variances. Mr. Domelowicz noted some options the GCTS could pursue. Ms. Dale asked if that meant the Town would get the associated tax revenue; Mr. Domelowicz replied yes. Ms. Dale said they would need to make sure the septic system wasn't as noticeable as it currently is.

Mr. Farrell went through the utility services/infrastructure list and noted items pertaining to the BOS, such as waste, composting, and road acceptance policies. Financial Policies also falls under the BOS. Communication items will be shared goals. Board binders (Mr. Farrell's idea of having a binder/dossier for each committee) could be a BOS goal. The paperless initiative and health department reorganization were TM goals. Keeping litigation at a minimum was a TM goal. Preparing voters was a shared goal with TM and BOS. Preparing the warrant and appendixes was a TM goal. Preparing employee reviews was a TM goal, which hasn't been done in the past, but is being done now.

Mr. Farrell said the BOS should go down the list again, excluding those items that were solely BOS goals and then approving the rest of the goals as TM goals for Mr. Domelowicz. It was noted that most of them are things Mr. Domelowicz is already doing. Mr. Domelowicz marked items as Mr. Farrell went down the list.

**Decision:**

Ms. Dale made a motion to approve the Town Manager Goals List, which consisted of all of the items minus those that were only BOS goals. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

**Schedule TM Evaluation**

Mr. Farrell reviewed upcoming BOS meeting dates: Oct. 19, joint meeting with FinCom; Oct. 26, warrant review; Nov. 9, BOS meeting; Nov. 14, Town Meeting; and Nov. 23, recap of Special Town Meeting. Mr. Farrell said they would target Nov. 23 for himself and Mr. Olson to have the review documents ready to hand out. BOS members will fill out the review form, have individual reviews with Mr. Domelowicz, and then go over and finalize the completed BOS review on Dec. 7.

Mr. Knudsen noted the BOS would be evaluating Mr. Domelowicz on goals they've only just set. Mr. Farrell said yes, but there are many items that have been ongoing. Mr. Olson said they can mark those items that were previous TM goals.

Mr. Farrell said work on the Financial Policies needed to be started again. Mr. Domelowicz said some of that work took place prior to his starting as TM and some had been on hold due to all that has happened this year. He said Finance Director Marisa Batista had begun working on them again.

Mr. Farrell reminded the BOS that in addition to the TM Goals list, they would be working on their comments regarding the Human Rights Commissions and Street Acceptance Policy. Ms. Dale asked Mr. Domelowicz if he would send out a list of the action items and dates; he said he would.

**Consideration of Topics for Discussion at Future BOS Meetings.**

None.

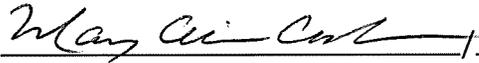
**Adjournment**

Ms. Dale made a motion that the BOS adjourn the meeting at 9:16 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.

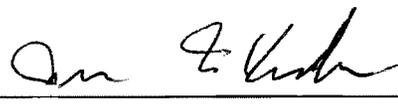
**Cemetery Deeds #1198 and #1199**

These deeds appeared on the agenda but were not discussed.

Prepared by:

 11/25/20  
Mary Alice Cookson Date  
Minutes Secretary

Attest:

 11/25/2020  
Jamje Knudsen Date  
Board of Selectmen Clerk