

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Teleconference

October 26, 2020

Selectmen Present:

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

Town Manager:

Joe Domelowicz Jr.

** 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. and took a roll call. All five BOS members were present. The Pledge of Allegiance was recited.

Public Hearing—Liquor License Application for A&M Motors

Mr. Farrell opened the public hearing regarding consideration of a liquor license (beer and wine) for the A&M Motors convenience store located at 203 Highland St. Ms. Dale asked if there would be any contingencies to the license. Town Manager Joe Domelowicz Jr. turned the floor to Attorney Robert Holloway of Ardifff & Morse in Danvers, who was representing the applicant, Anthony Barbiris. Mr. Holloway, Mr. Barbiris, and the store manager who was recently named director, Sarah Johansson, were present online.

Remedies for the issues raised at the previous hearing were discussed. One was that a P.O. Box (rather than address) was supplied on the corporate filing. [The State requires that the majority of the directors for the business reside in-state and Mr. Barbiris lives in Florida.] The issue was resolved by Mr. Barbiris making Ms. Johansson a director of the company. She is a Massachusetts resident and her address at Asbury Grove in Hamilton was given instead of the P.O. Box. Another issue is that the intersection where the store is located was characterized as potentially dangerous [a fatality had occurred there about 25 years ago] and it is in a residential neighborhood. A sign-off on safety issues had been requested and was received from Police Chief Russell Stevens and included in the packet. Another amendment to the application was that the type of business was changed from a real estate entity to gas station/convenience store. Rosemary Kennedy had previously raised concerns

about how many hours the manager would be at the store and was told Ms. Johansson, who works 30 hours at the store, will also be on call daily during the hours the gas station/store is operating.

Mr. Farrell noted the BOS had received a letter of support from a resident living near the business, which was also in the packet.

Ms. Kennedy asked who had been doing the hiring for the business and was told it was Ms. Johansson and Mr. Barbiris, although the store had been closed in the past for a while and the service station/gas station had been leased out for 15 years. Mr. Farrell confirmed the business would no longer service cars, but was still selling gas and operating as a convenience store. Details about updates to the store were discussed. William Olson asked if the accountants had addressed all that was asked of them, such as proof of payroll taxes. Mr. Holloway said yes and to let him know what other information was needed. Mr. Olson asked if the license pertained to the existing store or the store after the renovations were made and was told the existing store.

Ms. Kennedy said the reconfiguration of making the manager a director was done for convenience to maintain the liquor license. She asked whether Ms. Johansson had been involved in running a liquor store before. Ms. Johansson responded no, but said she has worked for Mr. Barbiris since 2001. Ms. Kennedy remarked on the enormous responsibility and legal ramifications of alcohol (beer and wine) sales. Mr. Barbiris said he felt gasoline sales were an even bigger issue and that Ms. Johansson would receive testing and schooling. The attorney made the point that the business couldn't be expected to invest in the training until after the license was issued.

Ms. Kennedy said one of her concerns was the application had been done originally in a haphazard way with conflicting information given. Ms. Johansson said the correct information was provided, but old information pulled during the application process. Ms. Kennedy said she wanted A&M to be proactive rather than relying on the BOS to learn about steps to take.

William Hooper, 177 Highland St., commented that every bicyclist that passes through there does not stop at the stop sign. He was also concerned about precautions taken against robbery. Mr. Farrell asked about the security systems in place. Mr. Barbiris detailed them, including burglar alarm, surveillance cameras, etc.

Decision:

Mr. Olson made a motion that the BOS approve A&M Motors' consideration for an ABCC [Alcoholic Beverages Control Commission] license at A&M Motors, 203 Highland St. Ms. Dale seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Olson, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Mr. Farrell said that concluded the public hearing and the BOS returned to its regular order of business.

Announcement of Board and Committee Openings

- Council on Aging (COA) two openings
- Hamilton Historic District Commission (HHDC) openings

Selectmen/Town Manager (TM) Reports

Darcy Dale said there will be a Town Hall Building Committee (THBC) meeting tomorrow.

Ms. Kennedy said the subcontractor bids for the Town Hall renovation came in under the estimates. The final bid for the general contractor is due Nov. 6. A flu clinic for seniors will be held tomorrow with sign-up at the COA. Ms. Kennedy went on two site walks: for a tear down/rebuild on Chebacco Road and another on Arabian Way where there was an issue with the wetlands setback—whether it should be 25 feet (per State statute) or greater (current is 75 feet no-disturb and 75 feet no-build). Ms. Kennedy said this is why she believes rewriting the Town wetlands bylaw is needed.

Jamie Knudsen gave no report.

Mr. Olson reported School Superintendent Mary Beth Banios will be invited to a future BOS meeting after Town Meeting.

Mr. Farrell gave no report.

Mr. Domelowicz introduced Michelle Brillard, who is replacing Chris Lee as the public health nurse. Ms. Brillard said she has enjoyed working in the school system and helping with contact tracing. She is a nurse practitioner. She hopes to add value in her position.

Mr. Domelowicz displayed new public service ads designed to remind residents to practice social distancing and wear masks. The Town worked with Wenham, which has a similar campaign. Regarding Special Town Meeting (STM), some are concerned about the health risks of an indoor meeting, so Mr. Domelowicz is looking at options: a tent (at \$35K) or the high school gym (\$6K). Chairs would be spaced six-feet apart with everyone wearing masks. For those who cannot wear a mask, an overflow area would be provided. The deadline for ordering a tent is Oct. 30. Cares Act money is available for both scenarios.

Mr. Olson asked if the tent will have sides or no sides. Mr. Domelowicz said they've asked for quotes for both, but people have expressed they feel safer in a tent than inside a building. Mr. Olson said they are putting hundreds of kids in the high school as a safe place to be. He wanted to seek input from Board of Health (BOH) Chair David Smith. Mr. Domleowicz said they have surveyed the public and reported on some of the data. Ms. Kennedy asked if they could use the tent as the overflow room to save money. Mr. Domelowicz said the middle school cafetorium is already set up for socially-distanced lunches, so that would be the overflow room if the meeting is held in the gym. He will be

supplying more information by Friday when he, Mr. Farrell, and Town Moderator Bill Bowler meet to discuss the venue.

In other matters, Mr. Domelowicz said the downtown parking study would kick off on Thursday afternoon. A volunteer steering committee will meet with the consultant to determine future needs and how to manage parking.

Public Comment

Larry Sargent asked for an update on status of the cell tower behind Town Hall. Mr. Domleowicz said the agreement was signed and they are awaiting State officers' sign-off. He hoped it would be fully executed shortly. Mr. Sargent asked about the expected completion date. Mr. Domelowicz said they have been told Everest [Infrastructure Partners] intends to apply for the building permit by the end of the year.

CONSENT AGENDA

- Approve Minutes of the Sept. 21, 2020 BOS Meeting
- Approve League of Women Voters sign at Patton Park
- Approve Selectmen's Meeting Calendar

Mr. Farrell referred to these items in the packet. A photo of the sign was displayed. The BOS calendar involves a return to the regular cadence of meetings on the first and third Mondays of the month.

Decision:

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

AGENDA

Mandatory Compost Proposal

Mr. Farrell acknowledged the Waste Reduction Committee (WRC) members online and referenced materials in the packet. WRC Chair Gretel Clark said approving this should be the easiest thing since the Town has all the elements for composting in place. Ms. Clark remarked that removing food waste from the waste stream made sense and said she was excited Hamilton was setting a pattern for the rest of the State to follow. Mr. Farrell said the matter was not up for vote yet and the Town was not enforcing it yet, but the Town is rolling it out to encourage people and receive participation. He said it was a moral obligation to keep the planet sustainable for future generations. He said if Hamilton residents are pioneers, other local communities will follow suit.

Mr. Olson said he had lived in Seattle where they had mandatory composting for years. He said he didn't think someone not wanting to compost was a good reason not to do it. He said nobody objected to putting their trash in a barrel, and the program just means they will put food waste and the rest of the trash in different containers.

Ms. Dale said as an educational activity, families could measure the weight of their composting to find out what they are saving in terms of costs. Mr. Farrell said Bob Curry, 713 Bay Road, and his wife had done that and mentioned it at a previous meeting. Mr. Olson said he lives across from Brick Ends Farm and sees compost become black gold. Ms. Kennedy said one of the most important things for her was putting environmentally sound fertilizer onto her lawn, trees, and perennials. She thought people with kids and pets would find that good. Mr. Farrell suggested the BOS treat the Composting Proposal as a first reading and vote on it Nov. 9.

Mr. Knudsen echoed others' comments and asked Ms. Clark about bags and liners on hand. Ms. Clark said, thanks to committee member Anne Gero, the Committee purchased hundreds of bags. Mr. Farrell said when the Town introduced textile recycling, a pink bag was sent out. He thought they could do something similar with the compost bags to welcome people, and he discussed having a mailing and/or video to inform the public. Ms. Clark said her Committee had written a draft letter offering the pros of composting and explaining the reasoning behind the program. Ms. Kennedy asked if the Committee could be on hand to provide information to people attending STM. She also liked the useful postcard that was sent out in the past and encouraged the WRC to do it again.

Nick Tensen, Finance and Advisory Committee (FinCom) member, said he was a huge composting proponent, but that education may be needed to help people overcome some issues, such as transferring the compost from counter top into the green bin and dealing with fruit flies. Mr. Olson said his family put a lid on the compost bin and they don't have flies. Mr. Tensen said some people throw the food waste into the freezer. Mr. Olson asked if the Town will have to order more bins. Ms. Gero said they need to determine how many bins are at the Department of Public Works (DPW). They could provide a roll of the bio bags when the bins are dropped off at people's homes.

People who compost for their own backyards can apply to receive an exemption sticker. How to roll that out was discussed. The proposal is that if a person who puts out a trash barrel with no accompanying green compost bin, the trash will not be picked up unless an exemption sticker is on the barrel. Nobody will be fined, but the trash won't be taken.

Mr. Domleowicz said his grandmother's house had a cement-lined hole in the back yard for food waste and noted they were actually going backwards to how trash was handled 50 years ago. Mr. Tensen said they had to be careful not to penalize people. Visiting the households of those applying for exemption stickers was discussed.

Ms. Kennedy said the BOS should have a date to review the policy after it is rolled out, perhaps after six months. Mr. Olson said the proposal as it read now was for a monthly

review. Ms. Kennedy said they should give it time to get off the ground and work out the bugs. Mr. Farrell said the monthly review could be qualified as getting data from the WRC.

Mr. Sargent asked if they could drop the citizen's petition (regarding trash pick-up) placeholder off of the STM warrant. Mr. Farrell said the BOS could vote at STM to take no action, or the petitioner can withdraw it. Because the BOS had sponsored it onto the warrant, it was decided that the BOS could remove it.

Mass Department of Environmental Protection (DEP) Regional Solid Waste/Recycling Coordinator Sharon Kishida commented on grants that were to be announced and said Hamilton was perfectly poised to roll out the program.

Decision #1:

Ms. Kennedy made a motion that the BOS reopen the Special Town Meeting warrant. 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.

Decision #2:

Ms. Dale made a motion that the BOS vote to remove Article 3-4 [the citizen's petition regarding maintaining every-week trash collection] from the warrant. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Olson, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Further Discussion:

Mr. Bowler said it was his understanding that the other Citizen's Petition was going to be voted "no-action." He said if the BOS were cleaning out the warrant, this was the time to do it. Bill Heney, 82 Homestead Circle, (proponent of the other citizen's petition on the warrant) said he thought they needed to leave it on based on what had happened with Wenham. Mr. Domelowicz agreed with that, noting the proponent had gotten the required number of signatures, met the deadline, etc.

Decision #3:

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

Water Abatement for 860 Bay Road

Mr. Farrell referred to the abatement application from Victoria Spaulding, 860 Bay Road, which was in the packet. Mr. Olson noted the BOS had discussed putting abatement amounts of less than \$100 on the Consent Agenda, but this one was for \$372.86 and was for a leaky toilet.

Decision:

Ms. Dale made a motion that the BOS approve the abatement for 860 Bay Road. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Olson, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Vote to Approve Pay Scale for Public Health Nurse

Mr. Farrell reminded the BOS that they had met the new public health nurse, Ms. Braillard, earlier in the evening.

Decision:

Ms. Kennedy made a motion to increase the public health nurse salary based upon recommendation by the Town Human Resources Director. 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.

Vote to Authorize Town Manager to Sign Cemetery Deeds

Mr. Domelowicz explained that since the pandemic began, it has been difficult for the BOS to sign the cemetery deeds and they pile up. Mr. Domelowicz thought if he were authorized to sign them until the BOS was back to meeting in person it might be a good way to handle it. Ms. Dale asked if there had been any resulting hardships to families; Mr. Domelowicz said no, it was just to expedite paperwork.

Decision:

Mr. Olson made a motion that the BOS authorize the Town Manager to sign cemetery deeds temporarily until the ban on meeting in person has been lifted. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Mr. Olson, Ms. Kennedy, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Special Town Meeting (STM) Warrant Hearing and Vote

Mr. Domlowicz said he had the appendices if the BOS wanted to look at them and said Ms. Kennedy had done some editing of the warrant. Mr. Domelowicz said seven articles were included under the Consent Agenda, which means there are only about 15 articles on the warrant. The BOS reviewed the document onscreen.

Mr. Bowler said it might be helpful to list when votes required a 2/3 vote or 9/10 vote instead of a simple majority vote. Mr. Domelowicz said that was written into the script, but it wouldn't hurt to also include it in the warrant. The BOS decided it should be noted in the warrant summaries.

Mr. Domlelwociz said they were waiting on the FinCom votes on each article to add in. Mr. Tensen said they would have that info. on Wednesday after FinCom met.

Mr. Domelowicz said he developed a table that includes all the items in the capital program, which is color-coded. Ms. Dale asked if it were in the packet. Mr. Domelowicz said it was not

included, but he can share it with them later. Mr. Tensen asked for a copy, as well. Mr. Domelowicz said the only thing that didn't get funded was indicated in red. Ms. Kennedy wanted a number clarified. It was noted that for the meeting, they were using estimates not real numbers and that they would use an estimate at the time of printing if the real number was not known. Mr. Farrell said they should make sure that the asterisk was seen. Ms. Dale said could they use a "not to exceed" number if they didn't know the exact figure. Ms. Kennedy commented things were looking on-point for the estimate for Town Hall.

The BOS continued to review the warrant articles. Pertaining to the CPC article concerning a grant to the First Congregational Church of Hamilton for its clock and belfry, it was noted there had been some questions. Mr. Olson said someone was going to talk with the Church about whether the building might be opened up to the community, such as for Girl Scouts' use.

Ms. Dale said she balked at the amount. Mr. Olson said he will abstain on voting. Ms. Kennedy asked why he didn't vote no. He said because he thinks it important for the Town to vote on it, but it isn't the right place or time for spending \$75K. Ms. Dale said there was no rule the Town needed to spend that money at this time. Ms. Knudsen said he thought it was a fairly high amount and even though it was for a church, it doesn't strike him as something he would do. Mr. Farrell noted the amount for the CPC grant to The Community House [voted on at a previous Town Meeting] had been amended on the floor. They can't ask for more money to be awarded on Town floor, but can ask for the amount to be less. Ms. Kennedy said she thought what Ms. Dale had been saying is true, about how important it is for the Town to prioritize resources to things integral to the Town. Ms. Dale said the Church could do some fundraising of its own for the belfry/clock.

Decision:

Ms. Dale made a motion that the BOS vote NO on the Community Preservation Committee grant/First Congregational Church Clock and Belfry Warrant Article 2-6. Mr. Olson seconded the motion. Mr. Knudsen, Mr. Olson, Ms. Dale, and Ms. Kennedy voted "nay" (unfavorably); Mr. Farrell voted "aye," (4-1).

*Mr. Domelowicz clarified that the BOS members had recommended unfavorable action (4-1).

The next issue raised concerned Warrant Article 2-7, the bonding of \$3M for the restoration of Town Hall by the CPC, and Article 2-8, which seeks the funding for the portions not covered by the CPC article. Ms. Kennedy said she was uncomfortable asking the citizenry to approve the \$3M without a presentation. Mr. Farrell said the presentation would come before the two CPC articles were voted on. Mr. Domelowicz suggested Town Meeting hear about Articles 2-7 and 2-8 together and then vote them separately. The BOS and Mr. Bowler agreed to this plan. Ms. Kennedy suggested that she or Ms. Dale make the presentation.

Mr. Olson said his issue with Article 2-8 was that it had gone up by \$500K since they had voted on it. Ms. Kennedy said that is because they didn't have the firm numbers; she said

nothing had changed in the estimates. She will clarify the figure at the THBC meeting tomorrow. Mr. Olson questioned the addition of another ADA [Americans with Disabilities Act]-approved entrance when the idea was to have the back entry be the main entry with the grand staircase as the secondary entry. Now there are three entries.

Article 2-9, which pertains to upgrading the Assessors Department software system, was discussed. The BOS had already voted favorably on it. It is on the Consent Agenda. Article 2-10 was on the Consent Agenda, as well. Article 2-11 was about a payout for a DPW employee retirement that had not been previously budgeted for. Article 2-12 was for the Master Plan. FinCom had not voted on 2-12 yet. The COA bylaw change was recommended favorably by both the BOS and FinCom.

The Home Rule Petition, to amend acts of 2010 Chapter 91, had been voted on favorably by the BOS. Ms. Kennedy had a question about household income in Section 5, why it was relevant. Mr. Domelowicz said with two earners in the household, it was higher. They are inconsistent if they didn't have that there. Ms. Kennedy had an issue of why someone who is living in the house who is not on the deed is included. Mr. Domelowicz said if a person is living there, but not just temporarily, they are considered a household member. There are between 40-50 people who are part of this program.

The lease for the temporary Town Hall being offered by Gordon-Conwell Theological Seminary (GCTS) was discussed. It is being offered rent-free, although the Town will pay for utilities. Mr. Tensen clarified the Town was actually paying \$1 per year for the two-year lease.

Mr. Farrell said the new Article 3-4 would now be Mr. Heney's citizen's petition [dealing with requiring the Town Board of Health to adhere to all guidance and metrics promulgated by the Department of Elementary and Secondary Education and the Massachusetts Department of Public Health concerning the opening and operation of schools.] Mr. Heney said the article passed in Wenham last month by a narrow margin. Right now the proponents are thinking of voting no-action at STM, but depending on where things go in the next month, it could change. Mr. Farrell asked that if it seemed like things were going south to keep the BOS in the loop. Mr. Farrell asked what would cause it to go south. Mr. Heney answered: if the schools go back to full-remote learning. Mr. Domelowicz said he would add in the FinCom recommendations and the warrant would go to the printer on Friday.

Mr. Farrell asked if the BOS had taken a vote on the citizen's petition yet. The answer was no. The BOS agreed to wait on voting and to schedule a BOS meeting for about 15 minutes before the start of STM. Mr. Bowler clarified that he, Mr. Domelowicz, Mr. Smith, and Mr. Farrell would get together on Friday to decide on the venue for Town Meeting.

Second Reading of Converting Private Ways Policy

Some language in the form of a new clause that required the citizens of the private roadway to bear 100% of the cost of upgrading the road was added to the document by Town

Counsel/KP Law. Ms. Kennedy commented she thought the document well-constructed. Mr. Olson asked if they wanted to vote on it this evening. They reviewed the new section. Mr. Domelowicz said in the case where a developer would want to convert a private roadway to a public street, this would add language so they would know the process. Mr. Olson had a question about why it said "Town Counsel" rather than "BOS" and thought it should say "BOS." The change was agreed upon.

Ms. Kennedy noted the language reading: the Town may withhold a performance guarantee. She asked, why wouldn't they withhold it? She wanted the language changed to "shall withhold the performance guarantee." Mr. Domelowicz responded that "may" afforded the BOS flexibility for the future. Mr. Knudsen said he would leave "may." There was an ensuing debate on whether to use "may withhold" or "shall withhold." In the end, Mr. Olson suggested Mr. Domelowicz run Ms. Kennedy's suggestion by KP Law and find out the pros and cons. Ms. Kennedy also wanted the language to say "substantially completed." Mr. Olson said to also discuss the wording "or in part" with KP Law.

Mr. Knudsen said he had emailed a question: Where it says that the land owner is responsible for legal fees, he wanted to know if that included Town Counsel fees incurred. Mr. Domelowicz will ask KP Law about that also. Mr. Olson wanted to add an indemnification clause to hold the Town harmless, for example, in the case where one of the residents on the private road changed their minds and might want to sue the Town to recoup the money.

Mr. Farrell discussed the Town Hall renovation flyer. Ms. Kennedy said the plan was to include it in the warrant mailing as objective information. She said renderings would be added to the back of the flyer; she will meet with Assistant to the Town Manager/CPC Coordinator Pat Shannon about that.

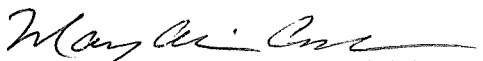
Consideration of Topics for Discussion at Future BOS Meetings

Not discussed.

Adjournment

Ms. Dale made a motion to adjourn the meeting at approximately 8:55 p.m. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Ms. Kennedy, Mr. Olson, Ms. Dale, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Prepared by:

 / 1-19-21

Mary Alice Cookson
Minutes Secretary

Date

Attest:

Jan. 20, 2021
Date

Jamie Knudsen
Board of Selectmen Clerk