

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Memorial Room, Town Hall, 577 Bay Road

July 19, 2021

Selectmen Present at Town Hall: Vice Chair Jamie Knudsen, Rosemary Kennedy, Darcy Dale, and Shawn Farrell

Selectmen Absent: Chair William Olson

Town Manager: Joe Domelowicz Jr.

*The Board of Selectmen/*Selectboard meeting was held at Town Hall with an online/Zoom option offered.*

Call to Order – Memorial Room/Pledge of Allegiance

Board of Selectmen (BOS) Vice Chair Jamie Knudsen called the Selectboard meeting to order at 7:01 p.m. **Note: The Board of Selectman is informally known as the Selectboard.* Four of the members were present in the Memorial Room at Town Hall. Chair William Olson was absent. The Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

Board and Committee Openings

- Finance and Advisory Committee (FinCom)—two associate member openings
- Conservation Commission (ConCom)—one opening
- Hamilton Historic District Commission—one opening
- Zoning Board of Appeals—one opening
- Open Space Committee—two openings
- Planning Board—one associate member opening

Public Comment

Representing Kevin Kaminski, curator of the Dodge House at 550 Highland St., Peter Britton, 466 Highland St., said Mr. Kaminski had received the correspondence from Town Counsel (discussed at previous meeting), and although it was said the Kaminskis would be receiving a letter about “options,” only one option was open to them. Mr. Britton had

distributed a handout, which was displayed onscreen, and included a representation of a property card. He also read Mr. Kaminski's letter to the BOS in March. The letter stated that Hamilton had chosen to tax parkland for which it receives a reimbursement of \$145K from the State, which some may call "double-dipping," and that when the Citizens of Hamilton approved the Home Rule petition at a previous Town Meeting, it relieved the Town of levying the tax on the property and attempting to collect it, but did not absolve any wrongdoing. He detailed history and specifics of the property tax issue, including that the occupants must provide for a public purpose and can see no capital gain or other monetary return from living at the property. In summary, the Selectboard was asked to return the previous taxes paid by the Kaminskis (\$13K) by taking that money from the \$145K paid by the State.

Selectmen/Town Manager (TM) Reports

Darcy Dale called the History of Hamilton lectures given by Annette Janes and Ray Whipple at the Senior Center an impressive event with standing room only. She also attended the ADA forum held by the Human Rights Coalition and noted July is Disability Pride Month. She stressed she fears legal action if the lack of ADA-access at Town Hall is not addressed. Regarding the anti-bias and sensitivity training she is setting up for the Selectboard, she provided dates received from Diversity at Workplace for an in-person training and asked that Selectboard members check their calendars and get back to her. She also commented that she wants the public to understand that the Selectboard has no power over getting the cell tower up and running any faster than is happening.

Rosemary Kennedy said the Master Plan Steering Committee met on July 8 and Emil Dahlquist, member of the Steering Committee and Planning Board, provided a template, which Committee members agreed was great to use as they work on their own Master Plan template. The Steering Committee took first steps for a community survey, is working on a mission statement, and has planned to have a table at the downtown merchants fair in September. The next Steering Committee meeting is on July 29. Ms. Kennedy said she attended a ConCom site walk last week to look at wetlands potentially impacted by the 133 Essex St. proposed development. She said the development group had withdrawn its RDA (resource determination assessment). There were three requested but they were all withdrawn and a notice of intent will be filed, which is a comprehensive review of all the potential impacts on the wetlands. She said she was glad to see them all working together. Ms. Kennedy also discussed a garden party for seniors being sponsored by the Selectboard and Council On Aging (COA) that is set for Sept. 11 at the Patton Homestead.

Shawn Farrell said a Community Preservation Committee (CPC) meeting was held, but it was the third month in a row without a quorum. The Town Pool has been well-attended and there are waiting lists for the parks program. Regarding the Hamilton Historic District Commission, Mr. Farrell said an annual event was planned and information will be online but he couldn't recall what it was. He commented favorably on the lecture event previously mentioned by Ms. Dale as well as Military History Day, noting that about half of the speakers for the day were women in the military.

Mr. Knudsen said the Affordable Housing Trust had met last Wednesday for an update on the various affordable housing projects being considered, which he listed.

Town Manager Joe Domelowicz explained reasons why the cell tower has been delayed, echoing that the Selectboard is not responsible for that. He said Richard Maloney was hired as the Building Commissioner and provided details on Mr. Maloney's extensive experience as well as the hiring process. Mr. Domelowicz also listed other open Town positions. Ms. Dale asked if there was a policy of hiring from within; he said yes and anyone interested should reach out. He said other Towns were also having trouble filling positions. Ms. Kennedy commented on how helpful Mr. Maloney had been to a citizen recently.

CONSENT AGENDA

- **Approve minutes of the June 21, 2021 BOS Meeting**
- **Approve Asbury Grove Road Race**
- **Approve Coast to the Cure Bike Ride**

Decision:

Ms. Dale made a motion that the BOS approve the Consent Agenda.

Further Discussion:

Ms. Kennedy said there was nothing in the packet about the Asbury Grove race and the files regarding the Coast to the Cure bike routes could not be opened.

Decision (Continued):

Ms. Dale modified her motion. She made a motion that the BOS approve the June 21 meeting minutes. Ms. Kennedy seconded the motion.

Further Discussion:

As a side note, Mr. Farrell asked that the BOS be referred to as Selectboard in the agendas and other info.

Mr. Domelowicz read details of the Asbury Grove race, including the roads involved. He said the run/bike ride only takes a couple of hours on a Saturday morning and has been held annually. Ms. Kennedy said she was concerned about safety and inquired about police details. She asked how many participants are anticipated; the response was about 25.

Decision (Continued):

Ms. Dale again modified her motion, moving that the Selectboard approve the June 21 meeting minutes and Asbury Grove Road Race. Mr. Farrell seconded the motion. The BOS voted unanimously among those present (4-0) to approve the motion.

Mr. Farrell discussed the policy for approving races, walks, rides, etc. He asked that the Police Department weigh in first and that all the information be provided to the

Selectboard in advance. Mr. Domelowicz said another event (bike ride) is happening on Sept. 7 and he will get all the information to them.

Recommend Appointment of John McGrath to Finance and Advisory Committee

Mr. Knudsen took this agenda item out of order. He said the Selectboard had received Mr. McGrath's application, resume, and an email from the FinCom recommending the appointment. Mr. McGrath was not present in person or online for the discussion.

Decision:

Ms. Dale made a motion that the Town Moderator appoint John McGrath to the Finance and Advisory Committee. Ms. Kennedy seconded the motion.

Further Discussion:

FinCom Chair Christina Schenk-Hargrove said Mr. McGrath had joined the FinCom for two meetings and had demonstrated a willingness to take on liaison roles. She said the FinCom was in agreement about the recommendation. Ms. Kennedy was concerned with procedure, which is that applicants be encouraged to attend a Selectboard meeting to introduce themselves and answer questions. Ms. Dale said perhaps Mr. McGrath could come in to the Zoom meeting tonight or the Selectboard would need to table the item. Ms. Kennedy said she would reconsider and defer her concerns because Mr. McGrath is a known entity, but they should follow procedure. Ms. Dale agreed regular order should be paramount. Mr. Farrell reiterated that the appointment is made by the Town Moderator and the Selectboard is just making a recommendation. He said the Selectboard could vote and then invite Mr. McGrath to the next meeting.

Decision (Continued):

The BOS recommended the appointment of Mr. McGrath to the FinCom unanimously (4-0) among those present.

Reappointment of KP Law as Town Counsel—Discussion and Vote

Decision:

Ms. Dale made a motion that the BOS recommend the reappointment of KP Law as Town Counsel. Ms. Kennedy seconded the motion.

Further Discussion:

Mr. Farrell asked about the idea of "shaking things up" every five years or so by changing Town Counsels as he said was commonly done with auditors. Mr. Domelowicz said they should talk about that next year as KP Law has only been with the Town a short time. He thought the time frame for changing was more like 10-15 years. Ms. Kennedy said on a performance level, KP Law had been responsive and reliable. Ms. Dale said it was notable that the wording on the warrants wasn't being changed up until the last minute as had happened in the past. Ms. Kennedy and Mr. Farrell credited Mr. Domelowicz for that. Mr. Farrell asked if there was any cost-savings with KP Law since Hamilton has Inter-Municipal

Agreements (IMAs) with other towns represented by the firm. Mr. Domelowicz said no because the law firm must represent the best interests of each of its clients individually.

Decision (Continued):

The BOS voted in favor of reappointing KP Law as Town Counsel, (4-0) unanimous among those present.

Financial Policies—Discussion

Mr. Domelowicz said he had emailed the 88-page document to the Selectboard, but had not printed it. Mr. Farrell noted five of the financial policies have been done. He said the former Finance Director, Marisa Batista, had given her opinions of priorities to work on and they had asked this of new Finance Director Alex Magee, who was present online for the discussion. Some of the policies require more work than others, and Mr. Farrell suggested divvying them up for review by Selectboard members. Ms. Dale asked what the FinCom had recommended. Ms. Schenk-Hargrove said FinCom had not discussed the topic yet, but she would be willing to present it to them.

Mr. Magee said of the 18 financial policies, 5 had been implemented (Financial Reserves, Capital Planning, Disbursements, Revenue Turnover, and Travel Reimbursement). He said the policies were listed in three categories: budgeting, operational, and other. He said in 2018, his predecessor Ms. Batista and the BOS had prioritized the list. He offered his suggested priorities, which included: Indirect Cost Allocation, Debt Management, Reconciliations, Procurement Conflict of Interest, and OPEB. He noted there are indirect costs associated with IMEs and mentioned other things that should be looked at.

Mr. Knudsen said the Selectboard will need to weigh in on the priorities. Mr. Domelowicz will update the priorities/ranking list based on what was discussed and distribute it to the Selectboard. Mr. Farrell said they needed to set a timeline as well and should involve Assistant Finance Director Dyan Katz in the process. Mr. Magee suggested having a working group tackle the policies.

Asbury Grove Seasonal Water Rates—Discussion

Department of Public Works (DPW) Director Tim Olson, who was online for the discussion, said the last time this item was discussed, Asbury Grove was asked to remedy some things before a rebilling strategy would be considered for their account. Mr. [Tim] Olson detailed actions taken by the Grove. For example, a separate water meter now tracks the pool's water usage separately from the domestic usage of the cottages. Pool usage is billed at a higher rate. He said nothing had been formalized pertaining to billing, but residents had inquired about their rates because their water usage is seasonal and yet they are charged an infrastructure fee for the whole year.

Mr. Olson said a big concern is that the Grove does not have a backflow device installed. Ms. Dale stressed the backflow meter protects the Town's water supply and asked if there were State money available or a way to fast-track having a backflow device added. Mr. Olson said

it was a conversation they should have with the Grove's Association because if it were a new development, the developer would bear the cost/responsibility. He said there isn't money for that in the DPW budget. He said he believes the Asbury Grove Association would be willing because it also wants to have the ability to connect wirelessly to be sure no water valves are mistakenly left on as had happened in the past. Ms. Kennedy said she agreed there should be cost-sharing of the expense. Mr. Farrell asked if they had "buttoned up" the issue whereby an old valve had been mistakenly open and there was water leakage. Mr. Olson said yes.

Asbury Grove residents had asked at a previous meeting that the BOS look at how the water is charged to the cottages and that any work done be done in the off-season since the cottages are seasonal. Mr. Farrell said he would feel comfortable waiving the infrastructure fee for the billing cycles when the residents aren't there. Ms. Kennedy said the Grove residents don't have the option to stay, which is a different situation from "snowbirds" who choose to leave for the winter. However, Mr. Olson said the water main is kept live for fire protection and technically the water is still available and people could come in and get water. Ms. Dale noted the infrastructure is still there (during the off-season) and the Town incurs the fee. Mr. Domelowicz noted the Town has to take care of its water plant.

Ms. Kennedy said she thought they had talked about perhaps allowing one quarter's worth of the Asbury Grove residents' fees to be waived. Mr. Farrell discussed only having the infrastructure fees appear on the bills while the residents are residing there. Mr. Olson said that would come down to making it work within the billing software. The residents' rates are already lower now that the pool is on a separate meter and only the pool usage is billed at the higher rate. Also, Mr. Olson noted the Grove had brought its usage down, although he did not have specifics yet on the full year. Ms. Dale suggested the Selectboard focus on the issue of the backflow device first. Mr. Farrell agreed and said they could review the billing issues after negotiating with the Grove on that. Mr. Domelowicz said he and Mr. Olson would reach out to Asbury Grove's new facilities director.

Mr. Magee left the meeting.

Casella Requirement for Space between Trash Cans—Discussion

Mr. [Tim] Olson said the Town's trash hauler, Casella, had decided to go with a mechanical arm that picks up the barrels and tosses the trash into the truck and had requested informing residents to space out barrels to help facilitate pickup. Mr. [Tim] Olson said he was happy to spread the information although the task was in Casella's contract and they were currently working with a marketing company to put out a flyer. Mr. Farrell suggested residents put their trash bin on one side of the driveway and compost and recycling bins on the other to assist Casella. There are some streets, such as one-way streets or private roads, where residents might need to put cans on the other side of the road, which could be challenging or dangerous and will need to be looked at.

Fall Community Event/Shop Local HW to Discuss Downtown Event—Discussion and Vote

The Shop Local HW representative who had requested to appear was not present. Mr. Domelowicz said there must have been some miscommunication and suggested tabling the item.

Decision:

Mr. Farrell made a motion to table the agenda item. Ms. Dale seconded the motion. The BOS voted unanimously among those present (4-0) to table it.

Reopening the Regional School Agreement—Discussion and Vote

As was discussed last meeting, the Selectboard is taking a vote this evening on reopening the Regional School Agreement. It was agreed Mr. Domelowicz would then draft a letter to the Regional School Committee prior to its next meeting on Aug. 18. Ms. Kennedy asked if they can also provide suggested topics to be addressed in reopening the agreement. She said she was confused about the timeline. Mr. Domelowicz explained that after this evening's vote, Selectboard members can send their lists of topics to him for inclusion in the draft letter. He asked that they authorize him to draft the letter and then it can be refined.

Decision:

Ms. Dale made a motion that the BOS reopen the Regional School Agreement. Ms. Kennedy seconded the motion. The BOS voted unanimously among those present (4-0) to reopen the Agreement.

It was discussed that the vote also authorized Mr. Domelowicz to start drafting the letter. Ms. Kennedy asked to whom it would be addressed. Mr. Domelowicz replied the Regional School Committee with a cc' to the Wenham Selectboard. All parties (the two towns' Selectboards and the School Committee) must agree for the Agreement to be reopened.

Opening the Warrant for the STM Oct. 23, 2021—Review Warrant Schedule

Decision:

Mr. Farrell made a motion to open the Special Town Meeting (STM) warrant. Ms. Dale seconded the motion.

Further Discussion:

Mr. Farrell asked what items are potentially going to be on the warrant aside from the usual items. Mr. Domelowicz said pursuing a name change from BOS to Selectboard was one item.

Ms. Dale asked if an article regarding the Kaminski property would be on the warrant. Mr. Domelowicz said yes, unless they can resolve it prior to Town Meeting. It was discussed that the article could be sponsored by the BOS rather than having to be a citizens' petition.

New Business: Ms. Kennedy posed the idea of conducting a feasibility study for combining the two towns (Hamilton and Wenham). Mr. Domelowicz said when the DOR released its report in the past, it was not universally accepted as a way forward. Ms. Kennedy said people on local social media have been talking about it in terms of saving money. Ms. Dale said the move probably wouldn't result in cost savings to Hamilton and detailed why she thought this. Mr. Farrell said it would mean not having a regional school district anymore; the Town would control the schools. Ms. Kennedy said yes, and services would be combined. Ms. Kennedy posed the question that if they found grants to explore the matter, what would be the harm? Ms. Dale said a study was done in 2009. She noted Hamilton's Fire Department budget was about \$800K and asked how they could do any better than that. Ms. Kennedy suggested the idea as something to explore as a long-term solution to expensive costs in the Town. Ms. Dale said money could be saved by putting guardrails into the Regional School Agreement. Ms. Domelowicz asked Ms. Kennedy if she was proposing combining the towns as a warrant article. She said no, but it was something they should talk more about.

Mr. Farrell asked if anyone knew of any towns that had combined. While there are many IMAs, not many towns have done this. Mr. Domelowicz said when county governments went away in the 1990s, councils of government were created, but they still run individual municipalities with their own elections.

Decision (Continued):

The BOS voted unanimously among those present (4-0) to open the STM warrant.

Mr. Domelowicz said the schedule leading up to Town Meeting was drafted and had been forwarded to the FinCom and that it can be adapted as needed.

Adjournment

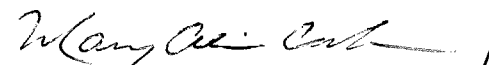
At 8:50 p.m., Ms. Dale made a motion that the BOS adjourn for the evening. Mr. Farrell seconded the motion. The BOS voted unanimously among those present (4-0) to adjourn.

Cemetery Deed #1212

This item was included on the agenda as requiring BOS signatures.

Respectfully submitted as approved at the August 16, 2021 meeting.

Prepared by:

 | 8-16-21
Mary Alice Cookson | Date
Minutes Secretary

Attest:

Darcy Dale, 09-16-2021
Darcy Dale Date
Board of Selectmen Clerk

Documents Discussed at Meeting:

- Minutes from BOS meeting on June 21, 2021, Mary Alice Cookson
- Coast to the Cure NF Bike Ride—Hamilton
- Hamilton Financial Priorities Implementation Priority
- STM Schedule and Prep, Fiscal Year 2022
- John McGrath application
- Memo from Carin Kale to Joe Domelowicz re: Regional School Agreement

