

HAMILTON BOARD OF SELECTMEN &  
HAMILTON FINANCE AND ADVISORY COMMITTEE  
MINUTES OF JOINT MEETING

Memorial Room, Town Hall, 577 Bay Road, Hamilton

November 1, 2021

Selectmen Present at Town Hall:	Chair William Olson, Shawn Farrell
Selectmen Online:	Rosemary Kennedy, Jamie Knudsen
Selectmen Absent:	Darcy Dale
Finance and Advisory Committee Members at Town Hall:	Chair Christina Schenk-Hargrove, Nick Tensen
Finance and Advisory Committee Members Online:	John Pruellage, David Wanger, John McGrath
Town Manager at Town Hall:	Joe Domelowicz Jr.
Others Present Online:	Finance Director Alex Magee, Department of Public Works (DPW) Director Tim Olson

*\* This meeting was conducted at Town Hall with a Zoom component.*

**BOS AGENDA: Call to Order**

Board of Selectmen (BOS)/Select Board Chair William Olson called the joint meeting to order at 7 p.m. and took roll call. Two BOS members were at Town Hall: Mr. Olson and Shawn Farrell, and two participated remotely: Rosemary Kennedy and Jamie Knudsen. Darcy Dale was absent. *\*The BOS refers to itself as the Select Board (SB). The name change is pending confirmation by the State of the successful vote of the Oct. 23, 2021 Special Town Meeting.*

**FIN COM AGENDA: Call to Order by Chairman**

Finance and Advisory Committee (FinCom) Chair Christina Schenk-Hargrove called the meeting to order for the FinCom at 7:02 p.m. and took roll call. Two members were at Town Hall: Ms. Schenk-Hargrove and Nick Tensen. Three participated remotely: David Wanger, John Pruellage, and John McGrath.

**BOS & FIN COM AGENDA: Public Comment Period (5 minutes)**

Addressed later in the meeting.

**BOS & FIN COM AGENDA: FY '23 Budget Process, Schedule and Goals—Discussion with Finance and Advisory Committee and Town Manager**

Town Manager Joe Domelowicz Jr. said he wanted to know the goals of the boards so he could communicate those goals to the department heads. Mr. Olson read through a list of goals previously prepared by Mr. Domelowicz and Finance Director Alex Magee for the purposes of discussion. The first goal was to avoid an override situation. Mr. Magee noted the first public meeting with the School Committee will be on Dec. 1, a month away. The FY'2023 Budget Preparation Schedule was shared onscreen. Ms. Schenk-Hargrove said there had already been an initial meeting with the School Committee, School Administration, two Select Board chairs, and two FinCom chairs. Mr. Olson said his big goal was to avoid last-minute surprises.

New FinCom member John McGrath asked what surprises had occurred in the past. Mr. Farrell said, for example, that the budget had averaged a 6% increase that had gone up at times to 13%. OPEB (Other Post-Employment Benefits) and high-ticket capital plans had been put into the budget and later pulled out. Ms. Schenk-Hargrove said another issue was timing as the budget had in the past been presented to the boards with a vote being needed rather quickly. She advocated they take a multi-year approach because while they might prevent an override situation in one year, they could end up needing it the next.

Mr. Magee said that speaking in simplistic terms, the higher the property values, the less likely the need for an override. He said revenue projections are being worked on currently and should be completed in the next week or so.

Mr. Tensen said he wanted the two boards to have a goal of offering some form of recognition to Town employees (in base or one-time measurement above and beyond the norm), citing dealing with the pandemic, cost of living increase, and other factors. Open staff positions and hiring challenges were discussed.

Mr. Olson asked about plans for the water treatment plant and its associated costs. Mr. Domelowicz said one of the principle uses of ARPA (American Rescue Plan Act) is to invest in water and sewer infrastructure. He said he and Mr. Magee will be making a presentation to the BOS about plans for the use of ARPA funds at the Nov. 15 meeting. Mr. McGrath said for transparency sake, information on how ARPA money is spent should be presented on the website. Mr. Tensen said people will ask questions on why funds are spent one way

versus another. In response, Mr. Magee said he would also compile information about the restrictions on how ARPA funds may be used.

Mr. McGrath said he thought it valuable to ask department heads to give their visions of for the future.

Mr. Domelowicz said the General Stabilization and Capital Stabilization funds reached their minimum goals. A question on whether to add to those funds was brought up.

Mr. Magee discussed creating a part-time accounting position to help fill some needs in finance operations. He was asked to present that case at the next BOS meeting.

Identifying new revenue sources was another goal discussed. Mr. Pruellage asked if there was talk about funding a part of the budget from Free Cash this year. Mr. Magee said if they have it available and the financial policies' goals are met, they would need to evaluate it. Mr. Domelowicz said he would resist using Free Cash toward the operating budget unless absolutely necessary. Mr. Olson said one thing to look at would be the cost of deferring maintenance. Finding a permanent solution to how to fuel Town vehicles was brought up by Mr. Domelowicz.

Mr. Wanger asked if the Schools had identified capital asks yet. He was told not yet. Mr. Wanger said he wanted to add to the goals list the status of the Regional School District Agreement and potential revenue and availability for housing, including addressing zoning issues, at Gordon-Conwell Theological Seminary. Mr. Domelowicz said that was being discussed by the Master Plan Steering Committee, and Gordon-Conwell reps had been encouraged to become involved in the planning process, which will need to be taken up by the Planning Board.

Ms. Kennedy said she was glad to see the FinCom and the Capital Committee (CapCom) involved in the allocation of ARPA funds and making sure a prudent decision is made. Mr. Knudsen said he appreciated the conversation. Mr. Pruellage thanked Mr. Domelowicz and Mr. Magee for putting together the goals list to frame the conversation.

Mr. Tensen said one thing they had discussed in the past was looking at guidelines regarding budget increase percentages. It was discussed that this would be done in the near future. Mr. Domelowicz said staying under the override means they cannot grow the budget by more than 2½% over last year's levy limit. He noted some things, such as the cost of health care and unemployment insurance, are beyond their control. Ms. Kennedy asked if the 2½% figure included the school budget. The answer was yes, but it isn't a static number in the sense that the Towns can adjust their budgets so the overall percentage doesn't exceed 2 ½%. Mr. Domelowicz said the two boards would have the opportunity to look at budget projections by department by the end of the month.

**FIN COM AGENDA: Other Topics Not Reasonably Anticipated as Determined by Chair**  
Not discussed.

**FIN COM AGENDA: Public Comment Period (5 minutes)**

Robin Davis, 57 Lois St., brought up that a Boy Scout was going to be making some picnic tables for Cutler Park and suggested a more appropriate place would be Patton Park. She said she had outlined that in a slide show. Mr. Domelowicz said the DPW should have an opportunity to weigh in on anything having to do with public parks and asked her to send the slide show and any information to him for forwarding to DPW Director Tim Olson.

**FIN COM AGENDA: Adjournment**

At 8 p.m., Ms. Schenk-Hargrove made a motion that the FinCom adjourn its portion of the meeting and called for a roll-call vote, receiving “ayes” from Mr. Wanger, Mr. Pruellage, Mr. McGrath, Mr. Tensen, and Ms. Schenk Hargrove, (5-0) unanimous.

HAMILTON BOARD OF SELECTMEN

REGULAR MEETING

**Pledge of Allegiance**

Recited by the Select Board.

**ANOUNCEMENTS & BOARD OPENINGS**

**Board and Committee Openings**

- Finance and Advisory Committee (FinCom)—two associate member openings
- Conservation Commission (ConCom)—two openings
- Hamilton Historic District Commission—one opening
- Open Space Committee—two openings
- Hamilton Planning Board—one associate member opening
- Hamilton Affordable Housing Trust (AHT)—one opening
- Hamilton Human Rights Commission (HRC)—one opening (Housing Authority Rep.)
- Zoning Board of Appeals—one associate member opening

**Selectmen/Town Manager Reports**

Mr. Farrell had no report other than to compliment Ms. Kennedy on handing out cards from the Master Plan Steering Committee with a QR code along with candy at Halloween.

Ms. Kennedy reported Eagle Scout candidate Cooper Blatz had completed and installed raised planters at the back of the Council on Aging (COA), which she described as fabulous

and impressive. Referring to Mr. Farrell's comment, she said the Master Plan Steering Committee would be holding its first public visioning session at the Middle School on Nov. 13 and was working to get the word out. On Dec. 10, BoSoma School of Dance students will be performing at the COA followed by a pizza supper.

Mr. Knudsen gave no report.

Mr. Domelowicz reported the American Legion will be having its annual Veterans Day breakfast followed by memorial ceremony at the cemetery. The Hamilton Wenham Regional Library will celebrate its 20<sup>th</sup> anniversary on Dec. 1 and the BOS is invited. Anyone wanting to speak at the event should let him know. A Patton Homestead director was hired, and Mr. Domelowicz gave the status of hiring for the other open Town positions. He said he would let the BOS know when the National Grid easement was ready for signature. Ms. Kennedy asked if the terms (putting back into original condition in a timely manner after the digging) were included in the easement document. Mr. Domelowicz said that didn't appear in the easement but would be included in the permit from the DPW.

#### **Approve Minutes of Board of Selectmen Meeting from Sept. 20, 2021**

Mr. Olson commented he thought the robust discussion at the meeting was captured accurately, but questioned whether Town Counsel Tom McEnaney had stayed online for the flag policy discussion. Mr. Knudsen said he was online for that portion of the meeting and said he did remember Mr. McEnaney asking to be allowed to leave the meeting prior to the flag discussion.

#### **Decision:**

Mr. Farrell made a motion to approve the Sept. 20, 2021 BOS meeting minutes. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, and Mr. Olson, (3-0-1). \*Mr. Knudsen abstained because he had exited the Sept. 20 meeting prior to the flag policy discussion.

#### **Water Abatement Request for 35 Junction Lane—Vote**

Applicant Andrew Siergiewicz was present online. DPW Director Tim Olson commented that this abatement is different in that it involves two leaks from two separate toilets that appeared on two separate bills in two different quarters. He said he is only authorized to approve one abatement per resident every 10 years. There have been times when the BOS has approved an abatement spanning two different billing quarters but those involved only one leak, not two.

Mr. Siergiewicz asked that his chart of water meter readings with the start and end dates highlighted be shared. The illustration showed where the higher readings had occurred. He said the reading was in April but they had not received the bill until May 20. They had no way of knowing about the excess until well into the second billing. Mr. [Tim] Olson confirmed the first leak spanned two quarters, but said there was also a second leak and it was hard to determine how much of the overage in the bill was pertaining to each leak.

The BOS decided to table the item to the next meeting to allow time to figure out the exact abatement amount and review the policy. Mr. [Tim] Olson said for the bill not to be liened, all outstanding bills have to be paid by Dec. 1.

**Sidewalk Plan for Hamilton—Discussion (Tim Olson)**

SB Chair Olson asked DPW Director Olson about neighborhoods in Town that don't have sidewalks and his recommendations on making Hamilton a more walkable community. Mr. [Tim] Olson said Chapter 90 funds can be used for that purpose, but noted sidewalks were very expensive so they would probably have to use a multi-year, phased approach. He commented on Essex Street, as well as sections of Asbury Street and Highland Street, which were turned down for a Complete Streets grant. In response to a question, he said the sidewalks proposed would have been granite curb with asphalt sidewalk. Mr. [William] Olson asked if the DPW could take a map of the Town and identify where the problems are and how to prioritize them.

Virginia Cookson, 318 Forest St., speaking as a citizen although she is a ConCom member, said she likes the look of the granite curbing but it prevents turtles from crossing the road safely. She said she has witnessed the deaths of some turtles and asked the SB to consider that when selecting the materials.

Jack Davis, 57 Lois St., commented on behalf of the volunteer group Friends of Downtown Hamilton about unevenly joined and broken sidewalks on Railroad Ave., which he said are trip hazards. He also said the different colors of asphalt used doesn't reflect the quality in the business district that citizens of a relatively affluent town would expect. He asked that consideration be given to sidewalk repairs and upgrades.

Mr. [Tim] Olson said the DPW is geared to handling the small projects but larger work would need to be contracted out. He said getting the project put together isn't a problem, funding is. Mr. Domelowicz said it was the right time of year (budget season) to talk about these things with the Capital Committee (CapCom). Mr. Farrell noted the parking study that had been done and said as an idea that charging for parking could fund downtown improvements. Mr. [Tim] Olson said he would gather some information for review.

**Review Policy for Serving Alcohol on Public Property—Discussion and Vote**

Ms. Kennedy said she had been talking with people all week and had modified her stance on the policy, which she had sent to Mr. Domelowicz and asked to have available for tonight's meeting. Mr. Domelowicz shared the document onscreen, which Ms. Kennedy said is a rewrite of the original but is not in finished form. She said she spoke with the towns of Gardner and Essex who don't do any private rentals for events involving alcohol. She also spoke with Ipswich. She said many towns are confused about the A.B.C.C. [Alcoholic Beverages Control Commission] policy specifically as it applies to private functions on town property. She said the template that Town Counsel Mr. McEnaney had written for them was still unclear to her. She discussed some of the particulars regarding a liquor

license provided to a 12C license holder, which provides a higher level of scrutiny (CORI check, etc.) as well as liability insurance, than one who is unlicensed. Ms. Kennedy reviewed fixed costs for a 12C licensed bartender service vs an unlicensed bartender service. There is a \$355 fixed cost for the 12C license holder and a \$325 for the unlicensed. Her feeling was that if they want to protect the Town, they ought to require everybody who rents the Patton Homestead to have a 12C license.

Mr. Olson asked that all information be included in one document. He wanted to address both alcohol consumption on private property and alcohol consumption on public property in the one policy.

When asked if a private entity having a party on private property should be required to have a 12C license, Ms. Kennedy said not necessarily, because the Town is not liable; the responsibility falls on the owner of the property. Her concern was about things like the beer garden at the Shop Local HW (now called Local HW) Fall Festival. She said she did not like seeing people carrying cups of alcohol down the street. It was discussed that the TM Landscaping business, which served beer and wine at the festival, was private property. She said she will consult the Myopia Hunt Club and the Community House for more information. Mr. Farrell suggested Ms. Kennedy talk with someone at the town of North Andover.

#### **Policy for Flying Flags on Town Flag Poles—Discussion and Vote**

Mr. Olson said those he talked with one-on-one on the board were in favor of either having no policy or a policy that allows for just flying flags associated with state and federally recognized holidays and events. With that in mind, he had asked Mr. Domelowicz for a draft. Mr. Olson said it would be up to the BOS to ensure the flag being promoted represented the state or federally recognized event or holiday and followed the rules of the application process. He read the language of the policy.

Ms. Kennedy noted the policy did not specify that four of five BOS members had to agree to the flying of a flag. Mr. Olson said he had taken that out because there was no longer anything emotionally charged with a decision to allow a flag to be flown. Ms. Kennedy said the policy still gives the BOS the discretion to approve or deny the request for any reason or no reason at all. Mr. Olson said the policy would allow a flag to be raised with a 3-2 vote. Ms. Kennedy said if you are putting up a guest flag pole, you are inviting the public, and yet the BOS can approve or deny it at its own discretion, which is arbitrary. She said they still need to consider the basic premise that the BOS represents all of the people in the Town and something important to 25 townspeople might be something not sanctioned by the state or federal government. Also, she cited some events that would be sanctioned, implying that they could be controversial, such as Peace Officers Memorial Day on May 15; Armed Forces Day; Juneteenth; Women's Equity Day, and National Days of Prayer and Remembrance. Mr. Olson said he would be OK with rewriting the first paragraph and striking the idea that the BOS had sole discretion. Ms. Kennedy said the BOS needed to agree on how they would define "federally recognized." Mr. Farrell said if the State House

would fly the flag, Hamilton would fly it. Ms. Kennedy said the policy was being made to align with Hamilton's citizens and wanted the document to be neutral and enduring.

Mr. Olson said the things to rework are that the BOS can't deny a flag for no reason and that they need to make sure the document was more concise and clear. Ms. Kennedy said her other comment is that she is wondering why member of Town boards and committees would get special consideration. It was agreed that was a previous iteration of the document that would be deleted. Ms. Kennedy commented on seeing fairness and tolerance and said that was good.

HRC member Nancy Stehfast asked that the flag policy draft document be shared on the website. Mr. Olson said he thought it appropriate to share it with the HRC. Mr. Domelowicz said he would like to see it redrafted and would post it on the website for people to comment on prior to the meeting.

Anna Siedzik, Hamilton-Wenham Human Rights Coalition president, asked if the motion for raising a flag had to come from a third party or if the BOS itself could bring forth a motion. She asked if that might affect the duration. She said she was thinking of Pride month because it would be appropriate for that flag to be raised for more than the one-week duration. Ms. Kennedy said BOS members could comment as citizens. Mr. Olson said the idea of flying a flag for longer than seven days was something they needed to also consider.

Mr. Knudsen said one thing he had mentioned before and would say again is that he is in favor of language that said "absent special circumstances" a flag would only fly once a year. For example, after the nightclub shooting, there were proclamations made and rainbow lights lit in response. He said it was important to speak out when something means something to the collective community consciousness and thought there needed to be some wiggle room. Also, he recommended Town Counsel review the draft because he thought the phrasing "or for no reason at all" was included for some legal reason pertaining to the case currently going to the Supreme Court and government speech. Ms. Kennedy agreed, saying it would cost the Town a lot of money to defend something in the event of being sued and wanted to make sure the SB was open-minded so people will feel heard by their government.

Another factor raised was whether the name of the policy should be Third-Party Flag Raising or Guest Flag Raising. In conclusion, Mr. Olson said the draft policy would be posted on the website and reviewed after a two-week period.

### **Debrief and Discussion of Unconscious Bias Workshop and Training—Discussion**

This agenda item was tabled to the next meeting as Ms. Dale was not present.

### **Adjournment**



At 9:23, Ms. Kennedy made a motion that the Hamilton BOS adjourn. Mr. Farrell seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Knudsen, Mr. Farrell, and Mr. Olson, (4-0) unanimous among those present.

Not discussed but require BOS signature.

*Respectfully submitted as approved at the 12-20-21 meeting.*

Prepared by:

Mary Alice Cookson, 12-20-2021  
Mary Alice Cookson Date  
Minutes Secretary

Attest:

Darcy Dale, 12-21-2021  
Darcy Dale Date  
Board of Selectmen/Select Board Clerk

**Documents Discussed at Meeting:**

- Email from Alex Magee to the BOS and FinCom regarding the FY'23 Budgeting Season
- FY'23 Budget Preparation Schedule
- Minutes of BOS Meeting on Sept. 20, 2021, Mary Alice Cookson
- Water Abatement Application, Andrew Siergiewicz, 35 Junction Lane
- Guideline for Alcohol Service on Public Property within Hamilton
- Town of Hamilton Guest Flag Raising Policy
- Town of Hamilton Guest Flag Raising Application
- Town Manager Report, Joe Domelowicz Jr.

