

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

TOWN HALL—MEMORIAL ROOM

October 9, 2018

Selectmen Present: Shawn Farrell, Scott Maddern, William Olson, Allison Jenkins, and Jeffrey Hubbard

Town Manager: Joe Domelowicz

Other Town Staff Present: Finance Director Marisa Batista

Chair Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:09 p.m. with a quorum present.

**ANNOUNCEMENTS**

- **Board and Committee Openings:** The Board of Health has one open position and there are a few openings for the Open Space Committee. Town Manager Joe Domelowicz asked former Open Space Committee members to please reapply if they are interested. He said they definitely want them to stay involved.
- Hamilton/Wenham will be a participating community for “Wreaths Across America.” Eastern Essex Department of Veterans Services is looking for a few volunteers to create a committee. Please contact Karen Tyler at (978) 356-3915.
- Voter registration is Oct. 17 from 8 a.m.-8 p.m. in the Town Clerk’s office for the Nov. 6 State Election.
- Early voting will take place at Town Hall from Oct. 22 to Nov. 2, Mon., Wed., Thurs. from 8 a.m.-4:30 p.m., and Tues. 8 a.m.-6 p.m., and Fri. 8 a.m.-12:30 p.m.

**Public Comment**

Bill Shields, 721 Bay Road, referred to Warrant Article 1-1 and requested someone report to Town Meeting about the three citizen’s petitions and where they are with the Varsity [Wireless] cell tower case.

**Selectmen/Town Manager Reports**

Jeff Hubbard said the Gordon Conwell Theological Seminary Task Force is still in the research phase, gathering information about the financial status of the Seminary and what opportunities there are other than P.I.L.O.T.s (payments in lieu of taxes). Mr. Domelowicz is talking with Seminary officials and it is the hope that the Seminary will assemble its own committee that will meet with the Town's. Chair David Smith has met with every single Town department head to be sure they are touching all bases on things that could benefit the Town.

Scott Maddern reported the Finance and Advisory Committee (FinCom) is reviewing the draft of the financial reserve policy, which the BOS has had a first reading on. FinCom decided it will not do a financial analysis about the impact of the Longmeadow Way project prior to Town Meeting. Consultants to the Patton Homestead, who are highly skilled with fundraising, have their work plan in place, are conducting interviews, and expect to be done by the end of the year.

William Olson had no updates on the Planning Board. He noted the Hamilton Affordable Housing Trust (HAHT) met earlier tonight and is busy getting ready for STM. They have written Article 2-6's motion with Town Counsel Donna Brewer's input. It has seen some changes regarding the ask and funding source.

Allison Jenkins said the Community Preservation Committee (CPC) has been in discussion regarding STM warrant articles. The Zoning Board of Appeals (ZBA) postponed the end of its public hearing on rules and regulations for 40B development until its Nov. meeting. The Council on Aging (COA) has openings to add to tonight's agenda. They are asking that the Town post the applications for two weeks starting today. They'll meet on Nov. 7 to determine the candidates.

Mr. Farrell said he didn't have anything new to report.

Town Manager Mr. Domelowicz said there were three bids for Electricity Aggregation; the winning bid was NextEra Energy. He cited pricing. The Town has two vacancies: a Benefits Coordinator/Junior Account position and a Clerk in the Treasurer/Collector's office. Two employees are out with medical issues and two more are leaving in November. A retirement celebration is planned for Fire Chief Phil Stevens on Jan. 10 at the Danversport Yacht Club. In light of recent power outages, National Grid will return to the BOS to provide an update on was discussed in the spring. State Representative Brad Hill will also be coming to the meeting.

Ms. Jenkins noted she forgot to mention 60 plus acres of land at the corner of Chebacco Road and Essex St. are currently for sale, which may affect public trails.

Mr. Domelowiz had a few more announcements: Flu Clinic on Oct. 17; E-Waste Day on Oct. 20; Pumpkin Fest on Oct. 27; and Town Hall Open House on Oct. 30.

### **Update from Recreation Director Sean Timmons**

Mr. Timmons reported on activities of the Recreation Department, including:

- Renovation of the gym floor.
- Pickleball, which attracts between 20-30 players a day five days a week.
- A Town Meeting request for CPA funding to replace the two outdoor basketball systems at Patton Park. Youth Basketball is donating \$2K toward the effort. The hoop systems will most likely be installed in the spring, although could be done this fall weather permitting.
- Purchase of borders for containing the woodchips at the Patton Park playground. They expect to do the work at the end of the year when the playground is less busy.
- Pumpkin Fest, held each year in cooperation with businesses and groups—always a well-attended event with a day of activities.
- The Museum of Science will be bringing two programs to the Rec Department.
- There's an after-school program (kids get out of school early every Wednesday). A bus drops the kids off at the Rec Center. Mr. Timmons said Danielle Kiely [Recreation Assistant] has done a great job with programs for no-school days, such as Martin Luther King Day and school vacation week.
- They are finalizing details to work with the YMCA to offer a lifeguarding class and hope to do the same with Gordon College at its [Bennett Center] pool.
- They've teamed up with Appleton Farms for one-day events around maple sugaring, farm to table cooking, and animal caretaking.
- There's a drop-in playgroup.

### **Questions/Discussion:**

Ms. Jenkins commented on the great job. She asked if the Department of Public Works (DPW) had any plans to grade the back entrance to Patton Park, which has some big craters. Mr. Timmons said he would talk with DPW Director Tim Olson. She also asked about efforts to keep the Town pool open longer into the fall. Mr. Timmons said they lose staff with kids going back to college, as well as those involved in high school sports as they start their training season. Ms. Jenkins suggested contacting Gordon College, who might have an influx of lifeguards at that time who might like a one- or two-week gig.

Mr. Hubbard asked, since it is the pool's second year, how the actuals compared to what was projected. Mr. Timmons said the pool was busier this summer, but the pool sold less memberships than last year. He noted each summer the pool has paid for itself. He said he will supply membership numbers.

Mr. Farrell asked about basketball hoops for the smaller set, as this was brought up at a previous meeting. Mr. Timmons said Youth Basketball is going to be addressing that. They have smaller hoop systems for the younger kids, which they determined is a better option than adjusting the adult-size ones down. Mr. Farrell also had a question about the fans in the building. It gets hot in there with the sun beating in the glass windows. Mr. Timmons said he's addressing that with Wenham's Facilities Department.

Mr. Timmons talked about summer camp numbers, which last summer were the highest and generated the highest revenue they've seen. This year they are starting a new group for 4-year-olds. He estimated they accommodate 160-170 kids.

Duke Seaver, 402 Essex St., noted there's an election coming up at the Rec Center and wondered what that might do to the new gym floor. Mr. Timmons said it is designed to take any amount of foot traffic.

#### **CONSENT AGENDA**

- **Reappointment of Kim Dietel to the ZBA with term expiring 6/30/2021.**
- **Reappointment of Stacey Verge to the COA with term expiring 6/30/2020.**
- **Approval of water bill abatement for 42 Asbury St.**
- **Approval of water bill mail stuff "Let's Talk Trash" for the Waste Reduction Committee.**
- **Approve Minutes from BOS meetings on Aug. 20 and Sept. 10.**
- **Approval to hang banners at Patton Park for the Edfund Christmas Tree Sale Nov. 23-Dec. 16.**
- **Approval to hang banners at Patton Park for ECTA [Essex County Trail Association]'s Gabe's Run on Nov. 23.**

#### **Decision:**

Mr. Hubbard made a motion to approve the Consent Agenda. Mr. Maddern seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

#### **State Report on Veterans with Karen Tyler from the Eastern Essex Dept. of Veterans Services**

Ms. Tyler discussed the Wreaths Across America program, set for Dec. 15. Participating communities nationwide hold a ceremony and lay wreaths at the graves of veterans, including at Arlington National Cemetery. She wants to recruit a committee of volunteers from Hamilton and Wenham (they don't have to be vets), especially those who know something about the cemetery. People may contact her directly.

She discussed the State report on Chapter 115 benefits to vets. It covers from 2011-17. [Chapter 115 of Massachusetts General Laws provides a program of financial, medical, and fuel assistance for veterans and their dependents.] Her office is in the Ipswich Town Hall. In Fiscal Year '17, 74 vets in this area were being helped. There's been a steady increase. The average number is 71 district-wide. Hamilton serves about 5 currently.

Mr. Maddern asked if she knew how many total vets are in Hamilton. She said a little over 300. He asked about how they reach those who might qualify for the program but be unaware of it. She discussed outreach efforts—such as setting up a table at the flu clinic and through direct mailings. The program is self-identifying. Mr. Domelowicz confirmed she also has a relationship with the American Legion. Mr. Farrell said Ms. Tyler should let him know what the BOS can do, perhaps set up a table at Town Meeting and the voting polls.

### **Waste Reduction Committee Update with Gretel Clark**

Ms. Clark reported on activities of the Waste Reduction Committee, discussing the following:

- The Committee appeared before the School Committee and put out a plea for the schools to compost, but it isn't going to happen, she said.
- There are lots of new residents moving into town each month, about 40, and if they don't receive information/education, they won't be composting either.
- In tonight's consent agenda, the Committee got permission to send out the mailer "Let's Talk Trash." One of the Committee members, Tom Rogers, creates websites professionally and is working to make the website more user-friendly.
- The Waste Committee also sent out a large-sized postcard on heavy-stock telling what can and cannot be composted and other info.
- The Committee has encouraged trash hauler Casella to use rejection stickers on non-compliant trash and to enforce recycling rules. A big offense is people putting recyclables in plastic bags. Anne Gero has gone to area stores, such as Shaws, and persuaded them not to sell bags marketed as compostable because they gum up the plant's machinery.
- The Department of Environmental Protection (DEP) has an award program statewide; Hamilton receives about \$7,200. They would like to use some of that money to send out "Let's Talk Trash" to new residents.
- Fewer people are composting. If everybody composts, it accounts for about 25% of the trash tonnage. Hamilton is at 7%. It used to be at 15%.
- While Hamilton is recycling well, the Town has to pay a lot for handling recyclables.

Mr. [William] Olson recommended using a rejection sticker for "compost in trash." Ms. Clark said she thought composting should be obligatory and they shouldn't pick up the trash unless a household also has a green bin [composting bin] out.

Mr. Farrell acknowledged the good job they were doing. He suggested they leave extra flyers on a table at STM and push composting education. It would also be good for lowering taxes.

Ms. Clarke said Ms. Gero had posted a great video on social media about not using plastic bags in with the recycling.

Mr. [Tim] Olson added people should not compost their grass clippings. The DPW will take that at no charge.

Ms. Clark said the Schools aren't composting because they pay a fixed price per container whether they compost or not. It doesn't impact their budget. Mr. Farrell said a State law that's being proposed would mandate that large institutions compost.

**Discussion and Overview of STM with Town Moderator Jeffrey Melick**

Mr. Farrell said they needed to discuss timing, the script, and who's presenting what at STM. He will be giving the BOS chair report and will discuss the citizen's petitions and cell tower issue [brought up by Mr. Shields earlier]. He is planning to speak five minutes or less.

Mr. Maddern suggested grouping articles into a consent agenda to save time. If anyone had an issue with an article within the consent agenda, they could request that it be pulled out. The BOS agreed it was a good idea.

The BOS and Mr. Domelowicz went over the articles with Mr. Melick and recorded who would be doing what motions.

Ms. Jenkins expressed irritation she hadn't received the latest motions. Town Counsel Ms. Brewer said she always sends them to the BOS chair, Town Manager, Town Clerk, Town Moderator, and Anabela Batista [Assistant to the Town Manager]. Typically the script starts rough, she said. Mr. Farrell said they should all have the latest version, version 6. Mr. Olson only had version five.

As Finance and Advisory Committee (FinCom) had also suggested, the BOS decided Articles 2-1, 2-2, and 2-3 could be consolidated, along with Article 4-1, which was basically just a housekeeping issue. They noted Article 4-2 (retail hours of operation) was removed.

Previously Ms. Jenkins had said she wasn't going to be able to make Town Meeting due to a family obligation, but she will be there. She was asked to present Article 3-2 [Conservancy District bylaw].

They discussed who would be giving presentations, for example, Carin Kale on the Patton Homestead and someone on the Community Preservation Committee (CPC).

Ms. Brewer said they had been negotiating for a while about the Landfill and National Grid hasn't told them yet if they will need an easement. That is why Article 5-2 is in the warrant. Mr. Farrell asked if they would need to meet on that prior to Town Meeting. They didn't think so.

Ms. Brewer noted Article 2-3 required a 9/10 vote. The other articles in that consent agenda only needed a majority vote.

CPC may be making a motion on Town floor about using money previously approved for the Town Hall's OPM [Owner's Project Manager] to be also used for designer services.

Mr. Domelowicz was asked about what had happened regarding lining up babysitting services. He said that National Honor Society kids are otherwise engaged and the kids who aren't have sports obligations. They talked about the overview room where parents generally go and how it slowed down communication/vote counting, etc.

Kate Walker, 89 Ortins Road, said this wasn't the time to be considering eliminating the overflow room, as she knew a few families who have said they are definitely going to Town Meeting with kids. That decided the matter.

#### **Further Discussion Regarding Article 2-6**

Ms. Jenkins raised questions about the motion for Article 2-6, which had changed since its original version. Mr. Olson presented background, saying the HAHT had discussed the motion with Ms. Brewer. FinCom had made the recommendation they not take more than \$750K from Free Cash. Since the ask had changed from \$1M down to \$600K (under the \$750K amount), they decided they didn't need to take anything out of the Stabilization Fund and it could all come from Free Cash.

Mr. Domelowicz commented FinCom had originally said that without knowing the funding source, they couldn't support the article, so he and the Finance Director had recommended splitting it between Free Cash and General Stabilization. Then when the HAHT decided to use money from Canter Brook Estates [the \$400K payment in lieu of creating affordable units], it wasn't necessary to utilize both funding sources.

A fairly involved conversation ensued in which Ms. Jenkins questioned that the project had previously involved 100-108 affordable units and now was being reduced to 40-50 units. She didn't feel they were being upfront about that. Mr. Olson said the point is the Trust wanted to raise \$1.3M to build affordable housing. If they don't, Harborlight Community

Partners is discussing developing 200 [market-rate] units. Ms. Jenkins said her problem was with the narrative and the Minutes support what she is saying, that the motion was to reduce the number.

Mr. Farrell asked what her suggestion would be. They looked to Ms. Brewer, who said she couldn't comment on what Harborlight was doing or not doing, but could confirm that HAHT money can't be used to reduce the number of affordable units.

Ms. Walker said she's been at all the HAHT meetings and again and again, it was been presented as buying down the number of units.

Mr. Olson pointed out there was never a 100-unit project on the table; Ms. Jenkins said there is no 200-unit, market-rate project on the table either. Mr. Olson said the HAHT was asked to figure out a way to build 40 units at a certain price per unit, which it did.

A lot of history was raised, including that a previous grant included the stipulation that none of it be used for Longmeadow. Also, Ms. Jenkins said if in the absence of funding Harborlight were to use the money approved to build more affordable units it could be a problem.

Mr. Olson said the HAHT created a PowerPoint that addresses all these questions. Ms. Jenkins said Town Meeting is a BOS meeting, so if slides are presented to residents, the BOS should have already seen them. Ms. Brewer said Town practice has been that the movers of the motions put together their slides and those slides go up. They don't get voted on by the BOS.

They thanked Mr. Melick and he left the meeting.

Mr. Domelowicz said he wanted to apologize that all the Selectmen didn't have the most current version of the script this evening and said it won't happen again.

#### **Social Media Policy with Town Counsel Donna Brewer**

Mr. Domelowicz drafted a social media policy, based somewhat on the Town of Easton's. Ms. Jenkins noted that policy said something about a Town Charter, which Hamilton doesn't have. She didn't think they could require elected officials to sign such a policy and they can't be subject to discipline from the Town.

Ms. Brewer said that there's no draconian action. However, the Board that the elected official was a member of could issue a censor vote or a public reprimand or something of that nature.

She recommended adding something on the social media policy that applies to its use so the Town's sites can't be a forum where people can just post anything they want. The Town has a Twitter and a Word Press account. They will look into who controls the Twitter account because nobody knew. Ms. Jenkins mentioned a lot of tweets go out from the Schools.

Mr. Domelowicz asked Ms. Brewer what language she would propose. She said she's created a social media policy for other towns she will forward.

Mr. Maddern asked if they could just strike the language in the policy pertaining to a Town charter; however, Ms. Jenkins said it isn't defined how they are going to discipline. Mr. Maddern thought maybe something about being subject to public sanction. Mr. Domelowicz said he was more interested in establishing the policy they would agree to.

Ms. Jenkins said she doesn't understand why it is in front of the BOS. Mr. Farrell said they discussed last year that the policy wasn't up to date and it was recommended by the Town Manager they update it. This was the first reading. Mr. Domelowicz said he would work with Ms. Brewer on a revision and get it back out to them.

#### **Open Meeting Law Discussion with Town Counsel Donna Brewer**

Ms. Brewer said her firm has a PowerPoint that is an Open Meeting Law basic overview. Everybody is required to get Open Meeting Law guidance from the Town Clerk, whether elected or appointed/reappointed. Where boards usually get hung up is how to deal with Executive Sessions. Going into Executive Session, for example, requires a roll call vote. She said the Attorney General's office has decided it isn't a deliberation within the jurisdiction of the board if they want to talk about personality issues. That kind of discussion can be done outside of a posted meeting. She said they all need to pay attention to emails. A violation of the email policy is a problem of individual members, who can be fined, not just the Town. She will send the policy to Mr. Domelowicz for sharing and he will put it on the Town website.

#### **Discussion/Schedule of Goal Setting with Town Manager**

The BOS selected the date: Nov. 10 in the Public Safety meeting room

#### **Review and Discussion of Road Acceptance Procedures**

Mr. Domelowicz said he brought this to the BOS to consider sending to the Planning Board. The Town's Road Acceptance Procedures, which were approved in 1999, should be looked at. Private ways aren't anywhere near the standard for acceptance to become public ways. People on private ways are asking for snow plowing, etc., and the Town should review that.

Mr. Olson agreed to tee up the issue with the Planning Board.

Mr. Maddern asked what the recommended best practice was. Mr. Domelowicz suggested they have the Planning Board check what's accepted in other municipalities. Some won't accept a road until it is improved to the local standard. There isn't any proposal for a road acceptance before the BOS, but they should be prepared so they aren't open to risk.

They'd need to have a public hearing and a motion for Town Meeting. Mr. Olson will follow up with Brian Stein on the Planning Board and Director of Planning & Inspections Patrick Reffett.

### **Approve and Sign the Warrant for the State Election on Nov. 6, 2018**

#### **Decision:**

Mr. Hubbard made a motion to approve and sign the warrant for the State Election on Nov. 6, 2018. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

### **NEW BUSINESS**

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

- A complaint filed against the BOS for an Open Meeting Law violation.
- A debrief of STM.
- Fiscal Year 2020 budget calendar.
- Financial Reserves and Capital Planning policies currently with the Fin Com for review. (These need to be done before FY'20 budgeting.)
- Census data. Ms. Jenkins wants to look at cleaning up Town records and making sure they're accurate. She said there's a procedure to be followed. Mr. Maddern suggested they have the Town Clerk attend.
- Building on Town land.
- Inspectional services—discussion of how it rolled out.
- Setting agendas out into the future so information might be provided earlier.

#### **Adjournment**

Mr. Maddern made a motion to adjourn the meeting at 9:48 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the meeting.

Prepared by:

Mary Alice Cookson      11/5/18  
Mary Alice Cookson      Date  
Minutes Secretary

Attest:

William Olson      11/5/18  
William Olson      Date  
Board of Selectmen Clerk