

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall—Memorial Room

December 17, 2018

Selectmen Present:

Chair Shawn Farrell, Scott Maddern,
William Olson, Jeff Hubbard, and Allison Jenkins

Town Manager:

Joe Domelowicz

Scott Maddern called the Board of Selectmen (BOS) meeting to order at 7:05 p.m. He said they were waiting on Shawn Farrell and William Olson to arrive. The meeting began with the Pledge of Allegiance. It was heavily attended with all audience seats filled.

ANNOUNCEMENTS & BOARD OPENINGS

- Mr. Maddern announced the Open Space Committee still has openings. He encouraged people who were on the prior committee to please apply.

Public Comment

Gretel Clark, Waster Reduction Committee chair, announced that Styrofoam, typically used as packaging, should not go into recycling and tends to take up too much room in the trash. Therefore, arrangements have been made for a white Styrofoam drop-off (blocks and pellets, not coffee cups) at Winthrop School on Saturday, Jan. 12, from 9 to noon. Also, she noted recyclables need to be clean and no plastic bags can be in the recycling. The Committee will be sending out a notification to all households.

BOS Chair Mr. Farrell arrived at 7:10 p.m.

Selectmen/Town Manager Reports

Jeff Hubbard said Wreaths across America was a wonderful event. More than 100 people placed wreaths on more than 700 veterans' graves. He thanked the American Legion for its behind-the-scenes work. The Gordon-Conwell Theological Seminary Task Force met today and are still in fact-finding mode. The new Seminary president doesn't start until April. The Seminary will form a complimentary committee to interact with the Town's task force. The Town Hall Building Committee met. The architect was chosen and met with all the

employees, asking about existing conditions and what they'd like to see. For an agenda item, he'd like the BOS to discuss the assembly room upstairs and whether it should continue to be used as office space or be returned to being an assembly space.

Allison Jenkins announced Chief Russell Stevens was named President of the Massachusetts' Chiefs of Police Association, chosen from among the chiefs of 351 cities and towns. She has been doing work on census data, looking at data bases. For the first time in 35 years, they have a listing of all the Gordon-Conwell apartments. Town data had previously listed "heads of household," as anyone who checked off that box, causing duplicate listings, which she's been working to remove. For the first time they will be able to run a census report and get the accurate number of households.

Mr. Maddern said Mr. Farrell and Town Manager Joe Domelowicz both spoke at the induction service for Chief Russell Stevens. Mr. Maddern remarked what a nice event it was and how the Chief will become involved at the State level. In Mr. Olson's absence, he reported the Planning Board is seeking people to participate in focus groups for the housing section of the Master Plan and to contact Director of Planning & Inspections Patrick Reffett. Regarding taxation of 550 Highland St. (subject of the citizen's petition), there has been some progress; it's being considered by the State Legislature and there may be news soon. A joint meeting took place between the School Committee and both Hamilton and Wenham's Finance and Advisory Committees (FinComs). Mr. Maddern said Mr. Domelowicz got requests from the BOS across to the School Committee. Key take-aways were to continue with warrant articles for both OPEB and capital [planning].

Mr. Farrell did not have much to add because the joint meeting, Wreaths Across America, and Chief's induction were already discussed.

Mr. Domelowicz said his report will be online. The budget process is moving forward. He and Finance Director Marissa Batista met with each department head and a rep. from the FinCom. After they receive the School Department budget proposal and revenue projections for Fiscal Year 2020, he expects to have a budget proposal to the BOS mid-January. Last week, in addition to Hamilton having a visit from the Lt. Governor and Attorney General, Secretary of Housing and Economic Development Jay Ash came to talk about improvement projects the Town is considering and what funding is available. Mr. Domelowicz will be away Christmas through the New Year holiday. He gave updates on the progress he's made regarding Town Manager goals (also online).

CONSENT AGENDA

- **Approve Minutes from the BOS meeting Nov. 19 and the Joint Meeting with the FinCom Nov. 19.**

Decision:

Mr. Hubbard made a motion to accept the Consent Agenda. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) to approve the motion.

*Mr. Olson had not yet arrived.

AGENDA

Recognition of the Little League for their Donation of the Bleachers at Patton Park—

Lou Levesque

Mr. Levesque, 62 Pine Tree Drive, introduced himself and gave a brief history on some highlights of the Little League, calling it one of the best, if not the best, little league in the country. Since there are now two sets of bleachers at the park, people no longer need to bring chairs when they come to watch a game.

Ms. Jenkins said she was confused to see this on the agenda. She said the BOS were told the process that had to be followed to build on Town land and had chosen to ignore Town Counsel on how to approach the project.

Mr. Farrell said her comments were noted. He presented Mr. Levesque with a citation for the Little League and said he appreciated all his work as well as that of the many parent volunteers.

Patton Ridge Trash Pickup—Vote

Barbara Hecimovich, 3 Patton Ridge, made a pitch for the Town to agree to trash pickup for Patton Ridge, which is a 55 plus community consisting of 12 homes, 10 attached and two not attached. Each has its own driveway. They pay for their own streetlights and trash pickup. She noted other condos/private communities (Asbury Grove) do have trash pickup by the Town. She said the Patton Ridge residents pay the same tax rate as other residential taxpayers. Their cost through JRM Hauling is about \$850 per household, which is high. Also, they don't get to participate in the Town's composting and recycling programs. The cost to the Town if it were to incorporate them would be just under \$240 per household. The Town's hauler, Cassella, is already coming down their street so it wouldn't involve any extra route. She said the BOS has the authority to change the policy and asked them to do "the right thing."

Mr. Domelowicz said he talked with Cassella and if the Town paid for the service, it would be roughly \$12 per home per month or about \$1,700 a year.

Ms. Jenkins said all this was new to her because of lateness in receiving the agenda. She said out of 59 condos, 34 have no trash pick-up paid for by the Town. Also, commercial

properties do not have Town pickup; they handle it on their own. Some new condo developments have been built with the conditions of having no trash pick-up or snow removal.

Mr. Hubbard said that when Patton Ridge was first built it was a controversial project and it was presented at that time, that if the project were approved, it would have minimal financial impact on the Town. Mr. Farrell recalled that as well. Mr. Maddern asked Ms. Clark (of the Waste Reduction Committee) if they had ever discussed the parts of Town that don't receive trash pickup. Ms. Jenkins said there are four groupings of condos that have pick-up and two who don't. Ms. Clark said she had no opinion on the issue at Patton Ridge, but she gave some history of Asbury Grove.

Mr. Maddern suggested making the case at Town Meeting. Ms. Jenkins said it was decided at Town Meeting under a warrant article years back that the trash issue should fall under the BOS. BOS members and Mr. Domelowicz discussed that if they decide to do something for Patton Ridge, they should look at doing something for the whole town. The cost is about \$5K per year added to the budget.

Ms. Jenkins noted they can't decide on this tonight. They should have a policy in writing and there is a process they need to follow. There are other new developments (such as Canter Brook) coming up.

Mr. Hubbard brought up that leaving off trash pick-up in the newer developments was intentional and it was important to talk with the Planning Board about it, as it was one of the tools they have been using to reduce costs to the Town.

Ms. Jenkins wondered if there would be a way to roll Patton Ridge into the Cassella pickups (which would cost about \$1,500) and charge Patton Ridge the cost that the Town pays, which is a lot less than what they're currently paying privately (\$10K). This was Mr. Domelowicz's idea, as well, and he said he can look into how they could do that.

Ms. Hecimovich said she would bring the idea back to Patton Ridge's condo association. She didn't know if they were locked into a contract with JRM. She would find out.

Vacant and Dilapidated Buildings—86 Meyer Rd.—Discussion

This agenda item was tabled until next meeting to accommodate the neighbors who will be speaking about it.

Road Acceptance Bylaw Change for Warrant Article—Discussion

Mr. Domelowicz noted the existing bylaw on the acceptance of new roads in today's dollars is not a good thing for the Town and its residents financially. He doesn't feel they should abolish it, though, but rather they should get another mechanism in place. He and Mr. Reffett looked at other towns that had a policy on this and noted one from Canton, which provides a path forward yet puts the cost burden (for easements, design, construction etc.) onto the residents living on the private road who want it converted to a town road. Basically it says that after the road is constructed up to the standard, the Town will then take over all its future maintenance. Mr. Domelowicz said the current bylaw is not a zoning article—it doesn't need Planning Board approval or a two-thirds majority to change it, it only needs a simple majority at Town Meeting.

Ms. Jenkins said she thought road acceptance was a policy, not a bylaw. Mr. Domelowicz said no, it is a bylaw. Ms. Jenkins looked it up and said Mr. Domelowicz was correct. She cited it is in Chapter 9.

Mr. Maddern said they should utilize the Planning Board, although Ms. Jenkins read the bylaw that states that street acceptance procedures be adopted by the BOS. Mr. Maddern said regardless, he'd like to get an opinion from the Planning Board. Mr. Farrell agreed they should talk to Mr. Reffett about putting it on one of their agendas and then bringing it back to the BOS.

Ms. Jenkins asked who would write the policy. Mr. Domelowicz suggested Mr. Reffett. A copy of Canton's policy had been sent to Town Counsel Donna Brewer for her opinion. Mr. Domelowicz will work with Mr. Reffett to draft something for a first reading in January.

Improving Communications/Email Notifications—Discussion

Mr. Domelowicz said, as recommended by the BOS, he is scheduled to meet with Jay Burnham to talk about the email newsletter Mr. Burnham (a local realtor) sends out. The Town would like to do something similar. Mr. Domelowicz said he has an idea on how to do this involving existing staff. He asked the audience [and viewing audience] if they would please supply their email addresses for a weekly newsletter. Ms. Jenkins noted Code Red can also be segregated with filters set up so residents can opt in and receive only the info. they are interested in receiving. She said it's already in the budget to do so.

Mr. Olson arrived to the meeting at 8:15 p.m.

Ms. Jenkins had concerns that information wasn't getting properly disseminated to BOS members as a board. For example, she said she didn't receive an invitation to attend the Joint Meeting with the School Committee and the two FinComs. Also, she doesn't think it helpful to read about something on Friday afternoon prior to Monday's meeting, as it doesn't give enough time to prepare. Mr. Olson said nobody was "invited" to the meeting; it

was just posted. He said the information is getting out, but it isn't going out early enough. Ms. Jenkins asked Mr. Hubbard if he knew she had an open meeting law complaint filed in Boston against the BOS. He said he wasn't aware. She said lawsuits in Town are definitely things all BOS members should be aware of. She said she didn't think the BOS was being respectful to all its board members in not informing them on things or passing along email communications they should know about.

Mr. Olson cited the policy they now have in place, that if three members of the BOS express they might go to a meeting, they will post it. Ms. Jenkins said that particular joint meeting had to do with stating BOS priorities to the School Committee and she feels she should have known about it. Mr. Olson said nobody had invited him specifically. Mr. Farrell said it was mentioned at the meeting that BOS attendance was optional.

Mr. Maddern said if they look at some of the independent actions that get taken in Town—the more direct contact they have with residents the better.

Mr. Domelowicz noted the Town's movable LED sign in front of the Public Safety Building, which was brought for emergency purposes, is getting a lot of use by various boards for keeping people informed. He said there's a need for the Town to have a modern, attractive, permanent sign that doesn't look like it's announcing road construction. Mr. Olson offered to take part in the process. Mr. Domelowicz's goal is to have a proposal for a sign go before the Zoning Board of Appeals (ZBA) in January or February.

Mr. Maddern said he had an occasion to talk with School Superintendent Dr. Michael Harvey at the induction ceremony about signage. He suggested that if they extend use of the sign to Wenham and to the Schools, those entities might be willing to help with the cost.

Decision:

Mr. Farrell entertained a motion to enlist the help of Mr. Olson and to involve Dr. Harvey and others in Mr. Domelowicz's effort to improve communications/signage and work with the ZBA to see what they can accomplish.

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

Chebacco Woods Trails

Mr. Maddern noted this topic was the subject of a recent Executive Session. He said citizens have longstanding rights to use the trails, although things have escalated and two huge cement barriers were put up on the side of Chebacco Road by the property owners, who are selling the property. They also asked that trail maps be recalled. He recommended the BOS decide if they should ask the Town Manager to work with the Chebacco Woods

Association, the Town of Manchester-by-the-Sea, and other interested parties to make it clear the property is open for the public's continued use, which goes back many decades. He invited users of the trail who were in the audience to speak.

Bill Curr, 101 Chebacco Road, said the property had been used by him and his family for multiple generations, which goes back to when Gordon Divinity School first opened and the trails were called bridal paths. He called the land a jewel and he'd like to save it from development. He was outraged when they shut off the entrance with snow fencing. He said more than 200 people texted him about it since he is the first house near it. He has lived there since 1956.

John Cole, 66 Chebacco Road, commented on the map recall. He said the current property owners had basically thrown him off the property. He applauded the BOS for taking action. He said he lives directly across the street and has walked the trails for 25 years. He said they've been asked not to antagonize the owners. He described the beauty and the wildlife there. He said the trails date back to the Civil War. There is a foundation of a house that was a shepherd's house. He noted other trails across the country that people have tried to close down and said they've been unsuccessful at it.

Merle Olmsted, 24 Hickory Lane, said he is retired, has been in Town 35 years and he started a biking group and they've been using that property from his house to Chebacco Road since 2005. They go out four or five days a week for an eight-mile run. It would be a killer if they couldn't use that trail, he said.

Ani Sarkisian, 307 Essex S., said her parents have owned the house since the 1970s. She said Meadowbrook Farm was a last source of local agriculture, a spot where everyone gathers. She has a four-year-old and they walk there. There are vernal pools and barn owls. She said not to value that land would be pretty sad. Meadowbrook Farm can't plan for their future with this up in the air, she said, and there's a value for kids to see where their food comes from and the dedication it takes.

Chris Davis, 6 Partridgeberry Lane, who nearly abuts the property and who put together the deal for Chebacco Woods, said they need to work with the land owners to find a conservation deal to diffuse the situation. He said there's a good argument that the public has historical rights to use the trails. He has been using them for 25 years. He said the end game is conserving the land, which would require a significant contribution from the Community Preservation Committee (CPC) funds. He said development there would ruin the land.

Paul Driscoll, 111 Chebacco Road, said his family have used the trail since 2002. He said the end game is to try to get use of the entire property. Even if they have use of the trails, sometimes people veer off of them.

Ms. Jenkins clarified nobody is currently working on purchasing that land for the Town as conservation land. Her question was: Can they remove the barriers? Can they put up a sign saying it is public access? They've been told not to "antagonize" but what does that mean? Mr. Farrell said there hasn't been much give and take with the property owners when the Town asked that people be able to continue using the trails.

Ken Whitaker, a Wenham resident and current president of the Hamilton-Wenham Open Land Trust said his concern, having practiced law, is that if the Town gets engaged, it could take five years to have the issue resolved. However, he said there was opportunity, as the land is up for sale and there is an offer on the table from the Essex County Greenbelt Association. The Town should evaluate how much time and money would be needed on a lawsuit and see if there are ways that money and time could be better spent.

Mr. Farrell said a next step will be speaking with Essex County Green Belt. He will reach out to and introduce Chris LaPointe, director of Land Conversation, to Mr. Domelowicz. He thanked people for showing up and said it was important for getting their support on the record. Mr. Olson said he brought a property that had a bridle path for that reason and they need to protect it. Mr. Maddern was charged will organizing a group and compiling information. He asked the citizens there to network with each other and to give him information for documenting use of the trails going back decades. Mr. Domelowicz will reach out to Ms. Brewer.

Mr. Maddern said the BOS needs to engage the Town Manager in reaching out to the Town of Manchester, the Chebacco Woods Association, the Hamilton-Wenham Open Land Trust, and Essex County Green Belt in working together, first to make sure they can get out on the trails and keep using them and secondly, to evaluate potential purchase as they did with Sagamore Hill.

Mr. Davis said it would be good to have Town Counsel give the citizens prescriptive use and what gives them leverage with the land owner. Mr. Maddern said the BOS will pursue that, but for now they need the documented use as evidence to help make that case.

Ms. Jenkins said a letter from Jim Hankin [the Town's Conservation Commission coordinator] is a public document that defines the use and the Town Counsel's viewpoint. She said they should make it available. Those in attendance discussed how they will circulate Mr. Maddern's email address and gather contact info. Susan Buttislieri, 26 Old Cart Road, suggested using Facebook for this purpose.

Mr. Olmsted said someone chopped up a bridge that was over a stream and threw it into the woods. He said he once went through the ice there and was helped by hockey players.

David Alden of Beverly said he attended the meeting because that land is important to the community at large as well as to Hamilton residents.

Ann Haas, 3 Villa Rd., said she lives across the street and they had a trail bordering their property that is an ancient way. She found out through their lawyer looking at old deeds that the only way the trail can be taken away from being an ancient way is through Town vote.

Ms. Jenkins said if residents wanted the Town to pursue purchasing the property, there is a process. They could apply for CPA funding; there's State money available. Ms. Sarkisian said she had been in touch with State Representative Brad Hill on the matter.

Judy DeGroot, 193 Chebacco Rd., said there is a Mushroom Meetup Group that uses the trails. She said there are people out there taking photos all the time. She asked who had spent time in the woods and said everyone should go in there and soak it up.

It was suggested that someone looking to buy and develop the property might change their minds if they knew there was litigation, or the possibility of a lawsuit, which could hold things up for five years and free up things for Essex County Greenbelt or another group to buy it.

Mr. Domelowicz said to qualify for a recreational trails grant, the Town needs to have an updated Open Space and Recreation plan in place. The Town's plan has expired and a full Open Space and Recreation Committee is needed to finish it up. Ms. Clark, formerly the chair of the Open Space and Recreation Committee, said anyone interested in land preservation should think seriously about joining the committee. She detailed what it involves and said it wasn't a big time commitment. Mr. Farrell said there's an application on the Town website.

Most residents in attendance left the meeting at approximately 9:15 p.m.

Pole Hearing Policy—First Reading

Mr. Farrell said this was listed on the agenda as "Second and Final Reading," but it is actually a first reading. He gave some background on the last pole hearing the BOS had had with National Grid. At that time, the BOS discussed having a policy that says the BOS wants all parties—and those with decision-making authority—in the room when conducting a pole hearing. This is to get a plan in place for having double poles removed. He read the draft of the policy in its entirety.

Mr. Olson said he seconded the motion, but because this is only a first reading, BOS members were asked to send changes or additions to Mr Farrell or Mr. Domelowicz for a second reading.

Mr. Maddern said they should let State Rep. Hill know about the policy and inform other towns about it. Mr. Domelowicz said he had reached out to Verizon, Comcast and National Grid. He said he received an email from the Verizon contact who was interested in helping them on the double pole issue. Nevertheless, the policy is still good to have, he said.

Ms. Jenkins noted there is a data base used across the country regarding poles. She recommended the Town sign up for it. She will send a link. The data base gives details about where all the poles are. Mr. Domelowicz noted there's conflicting data out there. Also they discussed that sometimes the Town's own fire department can hold up the removal of a pole because of having a fire alarm on it. Mr. Maddern recommended that the new fire chief be the point person. They thought that a good idea.

Mr. Olson said he missed giving his report [since he wasn't present earlier], but on a related note, he said the Planning Board had been given a presentation by Sprint about coming into Town with more poles for data coverage (not cellular). These poles would be along Route 1A. Sprint's agreement with the MBTA is they can go by-right anywhere within certain parameters of mile markers. He said while the Town is trying to get rid of poles, new poles, which are powered by other poles, are being allowed in. As part of the special permit hearing process, the Planning Board has asked for more information. There's no bylaw in place. Mr. Farrell wondered where else Sprint had applied and what other towns were doing. Mr. Olson said Planning Board member Dan Hamm is well-versed in this and may be able to point them in the right direction.

Package Store Malt, Wine and Cordials License Renewal for 2019

- **Honeycomb—Vote**

Decision:

Mr. Maddern made a motion that the BOS approve the license (above) for Honeycomb. Ms. Jenkins seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

NEW BUSINESS

Mr. Domlowicz said there are some staffing issues in Treasurer/Collector's office due to a previously scheduled vacation so it may be closed a number of hours. Ms. Jenkins said they ought to put something on the website as year-end is when people come in to pay taxes.

Consideration of Topics for Discussion at Future BOS Meetings

- How to make and provide [online] audio tapes of meetings to allow the Town to be more transparent and save Minutes Taker's time.
- Keeping meetings to a certain length. A suggestion that if there are too many agenda items, the BOS can make a decision to remove some.
- When a donation to the Town is made, such as a new score board from the Little League, what is the plan/policy for its maintenance? A policy for what to do if people want to construct things on Town land—how to involve the Department of Public Works (DPW), which may ultimately be tasked with the maintenance, or see if a special fund would need to be created for that purpose.
- Inviting Superintendent Michael Harvey to talk about school budget.
- Complete Streets policy review.
- 86 Meyer Road complaint/issue.
- Town Hall renovations.
- FY'20 budget proposal—to be submitted by the Town Manager.
- Road Acceptance Bylaw change—first reading.
- Retiring Fire Chief Phil Stevens would like to bring in incoming Fire Chief Raymond Brunet and go over public safety issues with the BOS.
- Pole Policy—second reading.
- Meeting room space for the BOS. Ms. Jenkins has suggested they use other venues and mix it up to see what works best.
- Financial policies—next ones on the list to review.
- Streamlining filing so instead of each department having its own system they have some standardization. Filing things by address and not residents' last names. Mr. Farrell noted the filing issue is being looked at regarding the regionalization of the inspections department in how the two towns talk to each other. They may want to call in professional help with it, perhaps get a committee together.
- New poles currently being discussed by the Planning Board (as brought up by Mr. Olson) and how other towns are responding.

Mr. Domelowicz noted the holiday party for Town employees and boards will be Dec. 20 at 1 p.m. at the COA building. Town Hall will be closed early. Ms. Jenkins suggested a notice about the closing go on the website.

Adjournment

Mr. Olson made a motion to adjourn the meeting at 9:50 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the meeting.

Prepared by:

Mary Alice Cookson 1/22/19

Mary Alice Cookson
Minutes Secretary

Date

Attest:

William Olson 1/22/19

William Olson
Board of Selectmen Clerk

Date