

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall Memorial Room, 577 Bay Road

May 20, 2019

Selectmen Present: Chair Jeffrey Hubbard, Shawn Farrell, William Olson, Darcy Dale, and Rosemary Kennedy

Town Manager: Joe Domelowicz

Jeff Hubbard called the Board of Selectmen (BOS) meeting to order at 7:02 p.m. The Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

- Board and Committee Openings included one for the Board of Health and one for the Finance and Advisory Committee (FinCom). Mr. Hubbard noted FinCom plays an important role at Town Meeting and serves as advisors to the BOS. Town Manager Joe Domelowicz said some people have expressed interest and he hopes to have applicants soon.
- The Rain Barrel Program pickup already occurred. It was at the DPW Yard on May 18.

PUBLIC COMMENT

Bill Kerr, 101 Chebacco Road, said he wanted to raise "red flag concern" and was also speaking for the more than 200 people he has on a mailing list about the property at 133 Essex St., which he described as a jewel for the Town. The group wants the property preserved and has been talking with Essex County Greenbelt about this, and would be in support of a lawsuit to allow continued public use of the trails. He wanted to know what the BOS was doing to preserve the quality of the Town and particularly this piece of property.

Kevin Kaminsky, 550 Highland St., curator of the Dodge House in Bradley Palmer State Park invited the BOS and the public to an Open House on Friday and Saturday from 1 to 4 p.m. He said the definition of curator is a presenter of artifacts or something of cultural importance as well as a legal guardian of an asset.

Al DeGroot, 193 Chebacco Road, said the character of the community is of incredible value and is a better place with green space. He said the Town needs to find ways to preserve the

133 Essex St. property and farm stand. He echoed what was said about supporting conservation groups to buy the land. Shawn Farrell commented Town Counsel is looking for 20 years of corporate action on the trails. The trails group maintains Gordon College has an archive showing trail use dating back 40 years, as the original student housing was on the other side of Beck Pond. Mr. Farrell, who is liaison to the Chebacco Woods Trails group, said he will touch base with them.

Rosemary Kennedy said she wholeheartedly supports reaching an amicable solution to satisfy all parties. Darcy Dale added it would be best if a group could purchase the land as opposed to resorting to litigation. She wondered if a citizen's petition might be an option. Mr. DeGroot said his understanding is the litigation is to keep the trails open not to keep the owners from selling their land.

Judy Kushner-DeGroot, 193 Chebacco Road, wanted to hear from each BOS member about where they stood. Mr. Hubbard said they couldn't do that as it wasn't on the agenda. Ms. Kennedy responded that as the liaison with the Chebacco Woods Management Committee she would do all she could.

Nancy Peterson, 111 Chebacco Road, said the owners want to get more for the land than what conservation land is worth. She said she thought it was awful they put up No Trespassing signs. She said it was important to the trails group to have BOS support.

Duke Seavor, 402 Essex St., said if the Town could get the property, they could lease it to a farm and "let the garden grow."

Selectmen/Town Manager Reports

Ms. Kennedy said she spent the last couple of weeks touching base with her assignments the Chebacco Woods Management Committee, the Hamilton Affordable Housing Trust (HAHT), and the Hamilton Foundation. She met with Carin Kale and talked about potential out-of-the-box uses for the Patton Homestead. She attended the Street Fair, which she said was fun.

Mr. Farrell said the Street Fair was a great first event and hopes the businesses will do it annually. Also he said he hopes the vendors who backed out this year will come back. He said the Police Memorial ceremony at the Hamilton Cemetery on Sunday, was a top-notch job. The Community Preservation Committee (CPC) met and discussed open grants. A handful of grants were being closed out, including the Patton Park cannons, the Patton Estate roof replacement, work on the Brooks House, and the Town Hall Building Committee's OPM grant. Spraying to remove invasive species is happening (or has happened) at Weaver Pond and hydro-raking will be in August. Regarding the HAHT—the CPC will be getting money back that wasn't used. The Master Plan housing survey is underway. Patton Park basketball courts have two new hoop systems. As part of its charge the CPC has to hold a public hearing. Last year they did it as a joint meeting with the BOS and they'd like to do that again.

Ms. Dale echoed that the Street Fair was fun. She attended the Police Memorial, as well, and she listed the officers who have passed away in the last year. She said she and Ms. Kennedy had a good meeting with Energy Manager Vicky Masone, and there are some grant opportunities that come with being a designated green community, which could mean water mitigation monies. She stated now might be a good time to have National Grid do a free energy analysis and to gather ideas about how to enhance energy efficiencies. She spoke with Board of Health Chair David Smith who wants to open up lines of communication and would like something with the imprimatur of the Town to go on the website so people with questions about the water can get the truth instead of being fearful. She met with Mr. Domelowicz about perhaps establishing a mediation unit so the Town doesn't have to resort to so much litigation, which has tripled in the last couple of years. She said the 133 Essex St. land situation might be a perfect test case.

POLE HEARING

Willow St.—National Grid to install 1 JO Pole on Willow St. National Grid to install 1 JO Pole and Anchor and all Appurtenances in Willow Street.

The Pole Hearing began at 7:30 p.m. Sibhita Mahabier-Sheehy, Senior Design Engineer at National Grid, said the point of the hearing was for National Grid to provide service to the gas monitoring station installed there. Mr. Farrell noted that currently there is a box across the street and this is a new pole for that. The line will go across the street once. Ms. Kennedy inquired whether the residents were notified. Ms. Mahabier-Sheehy said the public hearing should have done that. There is a fence there and they are putting in just a short pole.

William Olson brought up the BOS policy of requiring a rep. from Verizon to be present at the hearing as well as other utility companies with equipment on the pole. A man in the audience, Steve Bigly, identified himself as a utilities consultant representing Verizon. He said he would take the issue back to Verizon. This particular installation won't require the removal of any poles. [There are about 17 double poles left existing in Town, according to Mr. Domelowicz. In some cases the remaining equipment on the poles is the Town's or in a couple of cases, it is Comcast's.]

Decision:

Ms. Dale made a motion to approve the National Grid installation of 1 JO Pole and Anchor and all Appurtenances on Willow Street. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

Selectmen/Town Manager Reports (Continued)

Mr. Olson said he met with Gretel Clark, Chair of the Waste Management Committee. Costs continue to go up and he would like to get her to speak to the BOS.

Mr. Hubbard thanked the American Legion and those involved with the Police Memorial ceremony. He said the Street Fair downtown had a nice turnout. He credited the private individuals who are merchants in Town and Coordinator Dorr Fox at Town Hall who worked hard to organize it. Cleanup after the event was efficient. Veterans Affairs discussed their contract with Veterans Affairs Officer Karen Tyler. They are working on her review. Mr. Hubbard encouraged vets to share their input. He, Mr. Domelowicz, and Ms. Kennedy met to prepare tonight's BOS agenda. He is rotating in Selectmen to help him and Mr. Domelowicz with the task.

Mr. Domelowicz has four interviews scheduled for this week for the vacancy in the finance dept. There were more than 50 applicants. He will be going out of Town to attend the Massachusetts Municipal Association Managers spring conference. He and Fire Chief Ray Brunet met with the Town of Wenham to talk about their ambulance program. It requires more investigation. Wenham already has their Level 5 ambulance license with the State; Hamilton is in the process. Also Wenham purchased a used ambulance for a good price. More of their call fire fighters are certified as EMTs than Hamilton. Therefore Hamilton might require more upfront expense than Wenham. He advised the BOS that on May 28 there will be a voluntary outage by National Grid. The 140 customers affected were notified by mail. He asked the BOS to take a look at a Transportation Vision Statement from the North Shore Coalition, an extension of the Metropolitan Area Planning Council (MAPC), and share their thoughts.

CONSENT AGENDA

- **Approve Minutes from the BOS regular meeting and Executive Session on April 24.**
- **Appoint Jack Lawrence to the Town Hall Building Committee.**
- **Appoint Mary Lea Lester to Conservation Commission—3-year term.**
- **Appoint David Smith to Hamilton Affordable Housing Trust—2-year term.**
- **Request of the Girl Scouts to have use of the Council on Aging building as a back-up location for their scheduled Pot Luck event on June 1 from 4:40 to 6:30 p.m.**
- **The summer concert committee requests permission to post the Sundays in Patton Park concert banner on Bay Road from June 17 through Aug. 11.**
- **Family Promise requests the use of Patton Park for their Cardboard City event on Aug. 3 for an overnight fundraiser to help reduce family homelessness.**

Decision:

Mr. Farrell made a motion to approve the Consent Agenda. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

Mr. Farrell had a question regarding the number of members for the Building Committee. Mr. Hubbard clarified there will be a total of seven.

Jeanne Maurand, 21 Garfield Ave., of Sundays in Patton Park handed out posters and said her Committee met and would like to rejoin the Parks and Recreation Committee as their umbrella organization. The Community House was in agreement, she said.

Hamilton-Wenham Library Director Kim Butler—Introduction

New Library Director Ms. Butler joined the staff the end of April. She gave some details of her career as a way of introduction and invited the BOS to stop by anytime for a tour.

Water Abatement Request—Vote

Mr. Domelowicz presented a request for abatement. Department of Public Works (DPW) Director Tim Olson reviewed it and is recommending favorable action. Water was lost by a leaky toilet. The issue has since been addressed.

Mr. Olson mentioned an inexpensive dye test can detect leaks and discern water loss prior to having it show up on a water bill. The DPW department has these dye kits available. Mr. Farrell said most abatement requests are due to leaky toilets.

Decision:

Mr. Farrell made a motion to approve the water abatement request for 289 Asbury St. Ms. Dale seconded it the motion. The BOS voted unanimously (5-0) to approve the abatement.

Ms. Kennedy wondered if there were some alert system to indicate a problem rather than only finding out after suffering the expensive water loss. Ms. Dale said residents should take notice if they notice toilets running or making noise.

Capital Committee Appointment—Vote

Mr. Hubbard said he had just received information from Town Counsel about this issue. The BOS took a few minutes to review it.

Ms. Dale asked at what point the structure of the Capital Committee (CapCom) was decided and voted on. Mr. Domelowicz responded it was done in March. She mentioned this was now a new Board and maybe it should decide on the structure, which could be a hybrid system, starting with the BOS and Town Manager and then bring in the department heads, the DPW, the Fire Chief—all the people who have capital needs—and make them part of the process.

Mr. Domelowicz explained the Town Manager Act in the Town's bylaws makes it the responsibility of the Town Manager to create a one-year and five-year capital plan. He said the idea for the CapCom stemmed from him asking the BOS to appoint a committee to help him and add a layer of transparency. The plan does that, he said. It assigns a committee to seek input from the community at large and help in creating a plan the community can support. He said there was a feeling someone was trying to assert an influence or outcome

and the only outcome is to create a plan the community can support. Ms. Dale noted the FinCom had suggested a Capital Committee a couple of years ago. Her concern was that they had a Committee people could trust.

Mr. Olson said they have a five-member committee and seven people who want to be involved. They discussed perhaps adding people to the Committee.

Ms. Kennedy said she wanted to address the issue that, from the standpoint of ethics, one of the members was appointed prematurely and that is why they have one opening. She said it was disappointing this arrived 30 seconds before they were to have a vote. She submitted they go along with appointing a committee member as they had planned to do and then they could think about expanding the group.

The BOS discussed there was supposed to be a 30-day “cooling off” period prior to making the appointment. That period has now passed. Ms. Dale said it was an improper appointment. The person was “rewarded” with the appointment, which can’t be done. It is a State ethics law violation called self-dealing, she said.

Decision:

Mr. Olson made a motion that they vote Scott Maddern a member of the CapCom. Mr. Farrell seconded the motion.

Further Discussion:

Ms. Dale said that if the BOS voted yes, they would be making an ethical mistake and the people at home are listening and watching.

Decision (Continued):

The BOS voted (2-3) to approve the appointment. Mr. Hubbard, Ms. Dale, and Ms. Kennedy voted no and the motion did not pass.

Ms. Kennedy made a motion that the BOS approve Heather Ford as a member of the CapCom. She noted Ms. Ford is chair of the Hamilton Foundation and listed many of Ms. Ford’s qualifications. Ms. Dale seconded the motion. The BOS voted (3-0-2) in favor of the appointment. *Mr. Olson and Mr. Farrell abstained from the vote.

Mr. Farrell noted he serves on the CPC and is a voting member, but he is also on the BOS. Ms. Dale said that is permissible and transparent while this is not.

Mr. Olson said the Town Counsel had said the appointment of Mr. Maddern was permissible and this is going against Town Counsel.

Wetlands Protection Bylaw Proposal—Presentation & Discussion

Ms. Kennedy said she wasn’t going to give a full presentation tonight. She has had many come forward to talk about their ideas. Her goal is to get a revision of the Wetlands

Protection Act ready for Town Meeting. She wants to see a temporary or permanent enhancement to the Town conservation bylaw and looks forward to working with those who have come forward and offered to help.

Mr. Farrell asked her if she had any draft of it. She said she had the Massachusetts Association of Conservation Commissions' model bylaw and is starting to review it. He asked her to email it to the BOS. She said she will. He said at some point the BOS will need to vote on this if it is to be a board initiative, but Ms. Kennedy will do her due diligence on it first. She said 197 towns have instituted versions of this bylaw.

Draft Town Meeting Calendars—Discussion

Mr. Domelowicz presented the calendar. He said they had reserved the High School for Town Meeting on Oct. 19.

Ms. Kennedy said she wanted to see the Town institute full disclosure of pros and cons on any of the articles the BOS put forward so residents can prepare for Town Meeting ahead of time. Mr. Olson said they had talked about that and it made sense. He'd like to see a sample. Ms. Kennedy had said Ipswich does a good job of that and she will get a copy of their warrant, which includes pros and cons. Mr. Olson said one issue might be who was going to draft the cons portion. Mr. Farrell also brought up that they'd need to figure out who would fact-check it. Mr. Domelowicz recommended involving the FinCom.

Mr. Farrell added they were working hard to make it easy for residents to do the Citizen's Petition. Right now they can bring in a petition right up until the day the warrant goes to press. He'd like to see some kind of a hard stop so they will have more lead time to have it reviewed by Town Counsel and make sure it has the proper language.

The BOS expressed they were in agreement with the calendar. Mr. Domelowicz will run it by the FinCom.

Mr. Farrell asked Mr. Domelowicz to check with the schools on the date. Mr. Olson noted there were only five meetings between now and when they close the warrant.

Review/Update Town Manager Goals—Discussion

Mr. Hubbard said this was time to refresh their memories on what Mr. Domelowicz's goals are. Mr. Domelowicz outlined the goals and process that the BOS had created and what he had done. He said he welcomed feedback and always hoped to get better. Mr. Olson said Mr. Domelowicz is dealing with reactive things as well as being proactive, and he said he thought he had done a good job with both.

Ms. Dale asked about what the timeline was. Mr. Farrell said Mr. Domelowicz was hired in August. They would do his review at about 11 months. Mr. Farrell said they might also want to look at the evaluation tool they were using and make updates. He proposed having

another workshop at the Public Safety building to do a check-in with Mr. Domelowicz prior to filling out their evaluations of him. Mr. Farrell said they should look at the reporting laws and make sure they were doing everything on the up and up.

Ms. Kennedy said she thought Mr. Domelowicz was working hard on all the goals and was impressed.

Virginia Cookson, 318 Forest St., wondered if the goal included improvements to the Wetlands Protection Act. Mr. Farrell answered that currently it doesn't, but they were going to have a workshop with Mr. Domelowicz and decide on his priorities.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- North Shore Coalition—Transportation Vision Statement—Discussion of principles, goals and actions for Hamilton. The MAPC would like to schedule a press event for announcing priorities.
- Town Clerk Transition Plan—A proposal for the operation of the Town Clerk's office from July 1 through April 2020.
- Town Clerk Study Committee—Discussion of whether to have Special Town Meeting (STM) vote on whether the position should be elected or appointed.
- Joint Meeting with CPC—Request by CPC for joint meeting (CPC annual public hearing) to discuss CPC grants, STM warrant articles, and priorities
- Joint Meeting with Board of Assessors—General discussion re: the assessors' process.
- Executive Session re: Final Report on Alleged Harassment Investigation.
- Executive Session re: Strategy with regard to Varsity Wireless suit/appeal.
- Executive Session re: Strategy with regard to Chebacco Woods threatened litigation.
- National Grid request permission to address the board re: improvements in their system.
- Double poles status and next steps—Discussion of the current situation with double poles in Town.
- Recognition of Police Dept. intern. This was moved from May 20 due to a conflict with Police Chief Russell Stevens' schedule.
- Waste Reduction Committee report.
- Water—Discussion of the big picture.
- Expanding the CapCom from five members to seven members.
- Joint meeting with Wenham's BOS to look at mutual issues and shared services.
- Patton Ridge trash pickup and discussion of private ways.

Ms. Kennedy said she won't be there for the next meeting.

Mr. Domelowicz said he will be using some personal time on Fridays for weekend trips with his family as his son is involved in travel lacrosse.

Mr. Farrell announced the Town Hall Building Committee survey was up on the website and there will be an All Boards and Committees meeting on Wednesday.

Mr. Olson proposed putting the next meeting date at the bottom of the agendas.

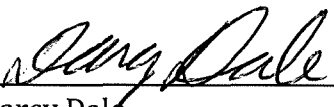
Adjournment

Mr. Farrell made a motion to adjourn the meeting at 8:41 p.m. Ms. Kennedy seconded the motion. The BOS voted unanimously to adjourn the meeting.

Prepared by:

_____/_____
Mary Alice Cookson Date
Minutes Secretary

Attest:

_____/_____
Darcy Dale Date
Board of Selectmen Clerk