

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall Memorial Room, 577 Bay Road

September 23, 2019

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

Selectmen Absent: None

Town Manager: Joe Domelowicz

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

ANNOUNCEMENTS & BOARD OPENINGS

- The Board of Health has one opening.

PUBLIC COMMENT

Marc Johnson, 6 Patton Drive, commented that a candidate who had previously applied for an appointment to the Hamilton Affordable Housing Trust (HAHT) was not on tonight's Consent Agenda. That person was on the agenda in early August and tonight another qualified candidate is there. He said he thought the BOS wanted to be transparent and this didn't seem transparent. Mr. Hubbard said the BOS had solutions to discuss.

Selectmen/Town Manager Reports

William Olson said he would yield to others to discuss the Housing Plan meeting as he had left early that evening.

Rosemary Kennedy said the HAHT had reviewed a proposal for seven affordable units on Asbury Street. She called it a gentle proposal; many abutters attended the meeting and had a good discussion. She said the BOS did have a quorum at the Housing Plan meeting at the Council on Aging (COA) in which the consultant discussed proposals for different types of housing. The meeting generated good discussion as well.

Shawn Farrell reported the Recreation Board was meeting this evening. He noted Massachusetts Cultural Council grant applications are available. He said the Council doesn't always award the full amounts requested. In years past the grants have gone mostly to arts programs.

Darcy Dale attended State Senator Bruce Tarr and State Representative Brad Hill's cookout at the COA. She also attended the Finance and Advisory Committee (FinCom) meeting; warrant articles were discussed. She had an idea that perhaps Pingree School might want to contribute to the ambulance fund because they need to have ambulance coverage within so many minutes of their hockey rink for their Youth Hockey programs. A player was recently injured and there was a long response time.

Mr. Hubbard reported he attended the cookout at the COA and the Housing Plan meeting as well as about two and a half hours of a five-hour Town Hall Building Committee meeting.

Town Manager Joe Domelowicz's report will be posted online. There will be an open public discussion on the Town's trash collection on Sept. 26 at 6:30 p.m. The Town is seeking participants for Flash Vote Community Surveys. Community Projects Coordinator Dorr Fox is retiring and will be hard to replace. Director of Planning & Inspections Patrick Reffett is going out on medical leave.

CONSENT AGENDA

- **Approve Road Closure for Downtown Holiday Event**
- **Approve Permit for Purple Heart Trail 10K on Nov. 10**
- **Approve Permit for Gabe's Run on Nov. 29**
- **Approve Permit to sell Christmas Trees at Patton Park**
- **Approve Minutes of Aug. 26 BOS Meeting**
- **Approve Minutes of Aug. 26 Executive Session**
- **Approve Minutes of Aug. 29 BOS Emergency Meeting**
- ***Appoint Margaret Crouch to the Hamilton Affordable Housing Trust (HAHT)**
- **Appoint Lindsey Peabody to the Hamilton Cultural Council**
- **Appoint Laura Range to the Hamilton Cultural Council**
- **Appoint Angelo Salamone as Building Inspector under the Joint Inspectional Services program with Wenham**

*Mr. Olson asked for a hold on the appointment to the HAHT.

Decision:

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

Mr. Salamone of Lynnfield introduced himself and thanked the BOS. Mr. Domelowicz said Mr. Salamone was unanimously recommended for the position.

Pertaining to Mr. Johnson's public comment, Mr. Farrell said the BOS needed a policy/process to vet appointees and make sure volunteers for Boards and Committees felt welcomed. Ms. Kennedy agreed. She said she was prepared to vote and wanted to hear from the HAHT members present.

HAHT Chair Russ Tanzer, 100 Ortins Road, agreed a vetting process was a good idea. He explained how things occurred when he was appointed.

Mr. Olson said he wasn't prepared to vet the two candidates this evening. They include Margaret "Marnie" Crouch and Anna Siedzik—two candidates for one open HAHT position. He said both should be invited back. Prior to that a policy/process should be in place. Mr. Domelowicz was charged by the BOS with coming up with a First Reading. Mr. Olson noted Oct. 2 is the next HAHT meeting and asked both candidates to attend or listen in.

Decision:

Mr. Olson made a motion to put the appointment to the HAHT on the next agenda so the two candidates and BOS may have a dialogue. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

AGENDA

National Grid Pole Hearing—Vote

Sibhita Mahabier-Sheehy, Senior Design Engineer at National Grid, was seeking BOS approval to install five new poles to serve the solar field on Chebacco Road.

Mr. Domelowicz said the past double-pole problem has been resolved and only about a handful of double poles remain. He said he's been happy with the current process.

Mr. Farrell asked Ms. Mahabier-Sheehy if the Manchester side was approved. She said yes. He noted there had been an issue concerning wetlands and vernal pools. She confirmed that was resolved.

Decision:

Ms. Dale made a motion that the BOS vote yes on the pole hearings as written. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the installation of the poles.

Special Town Meeting Warrant Review

- **Review all Articles in STM Warrant for final vote and closing of Warrant**

The BOS decided they would earmark articles for the Consent Agenda to discuss with Town Moderator Bill Bowler at the next meeting.

Mr. Domelowicz acknowledged the department heads and committee chairs who were present to discuss the warrant, including Town Counsel Tom McEnaney of KP Law, P.C.

FinCom Chair David Wanger said the FinCom had voted on all the articles and was favorably disposed to recommend all except for Ms. Kennedy's wetlands bylaw, although he complimented her. He said the FinCom had difficulty with the Town Hall article, Article 2-7; however, FinCom believes the project should go forward notwithstanding its preference for Option B. He said he believes Town Meeting should have the opportunity to vote on A or B without being guided by the current language capturing only A. If they can't reach an understanding prior to Town Meeting with a full opportunity to vote on A or B, the FinCom will write: "Please see our statement of position." In it, they will say their preference is for Option B, but they don't want to hold up the project and believe Town Meeting should have the ultimate voice. Mr. Olson suggested more dialogue when they get to the article.

Mr. Farrell asked if babysitting services would be provided by the National Honor Society at the high school. Mr. Domelowicz said the school hadn't gotten back to him yet. He is also waiting on discussion with Essex Agricultural and Technical School regarding the breakfast.

- **Article 1-1, Article for Consent Motion**
No discussion.
- **Article 2-1, Prior Year Bills**
Mr. Farrell said this will require a 9/10 vote so shouldn't be included on the Consent Agenda.
Decision: Ms. Dale made a motion that the BOS recommend favorable action on Article 2-1. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.
- **Article 2-2, Reduce Education Appropriation**
The BOS discussed that the article could be included on the Consent Agenda.
Decision: Mr. Farrell made a motion that the BOS recommend favorable action on Article 2-2. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.
- **Article 2-3, Budget Adjustments**
Decision: Mr. Farrell made a motion that the BOS recommend favorable action on Article 2-3. Mr. Olson seconded the motion.
Further Discussion: The name of the appendix needed to be filled in. Finance Director Marisa Batista explained why the article was divided into two parts and

said the adjustment had to do with an employee who chose not to retire after saying they would. She recommended some changes in language and said it was basically a housekeeping item. Mr. Olson wanted the language finalized prior to the vote. Mr. Domelowicz said they didn't want to have to wait until next meeting to vote on it and suggested Town Counsel and Ms. Batista conference and bring back language to vote on before the end of the meeting. The BOS agreed to this plan and put a **hold** on the article. (**See below for subsequent vote.*)

- **Article 2-4, Water Improvements**

Decision: Mr. Olson made a motion to recommend favorable action on Article 2-4. Mr. Farrell seconded the motion.

Further Discussion: Department of Public Works (DPW) Director Tim Olson asked the BOS to strike the last sentence of the summary: "This represents the final phase of this project" because it isn't; it is the last portion of work within the previously approved borrowed amount. Ms. Dale asked for details on the replacing of water piping. Ms. Kennedy wanted to know the streets affected. He supplied them. He said the DPW also will be replacing some old fire hydrants. The BOS discussed that the article could go on the Consent Agenda.

Decision (Continued): The BOS voted unanimously (5-0) to recommend favorable action on Article 2-4 after striking the last sentence from the summary.

- **Article 2-5, Community Preservation—Habitat for Humanity**

Community Preservation Committee (CPC) Chair Jay Butler said he supported the comment on the warrant, in pink in the margin that had been added by Town Counsel, and recommended it be added to the article. The comment was about adding a sunset clause so any funds not spent by Jan. 1, 2022 would return to the CPC. Mr. Butler noted the CPC had voted (5-0) in favor of this article.

Decision: Mr. Farrell made a motion to recommend favorable action on Article 2-5 with the insertion of the comment. Ms. Dale seconded the motion.

Further Discussion: Ms. Kennedy said she would like to see the Town grant affordable housing deed restrictions in perpetuity. Mr. McEnaney pointed out language that was there for that. Mr. Olson asked if there had been any way to carve out the portion of the property for the cell tower to allow access. Ms. Kennedy said there is a road and frontage on the plan.

Decision (Continued): The BOS voted unanimously (5-0) to recommend favorable action on Article 2-5

- **Article 2-3, Budget Adjustments, (Continued, *See above.)**

Town Counsel read the new language he and Ms. Batista suggest adding to the article. The BOS discussed that the article can go on the Consent Agenda.

Decision: Mr. Olson made a motion that the BOS recommend favorable action on Article 2-3 with the language added as read by Town Counsel. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

- **Article 2-6, Community Preservation—Town Hall Building Project**

Date needs to be changed from 2012 to 2021. Also there were some notes in the article needing deletion. Mr. Butler asked that the same sunset clause used in Article 2-5 be used in this article so that money would revert back to the CPC if the project didn't commence by Jan. 1, 2022. Mr. McEnaney said he would add it. Ms. Batista noted that in a previous version of the article, the balance of the historic preservation fund was going to be used up first and then the remaining money would come from unreserved. Now all of the money will be coming from the unreserved/general fund. The CPC had voted (4-1) in favor of this article.

Decision: Mr. Olson made a motion that the BOS recommend favorable action on Article 2-6 with the following modifications: change the date, add the sunset clause, and remove the notes from the language. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

- **Article 2-7, Town Hall Building Project**

Ms. Dale said she would like to see language added for Options A and B. She said the Townspeople should have a way to decide the option and asked if Town Counsel could provide a way to do that. Mr. Olson said the BOS had already voted on it and the Committee had gone down the path [on Option A]. Ms. Dale said the BOS makes recommendations but ultimately the Townspeople have the say. Mr. Farrell agreed with Mr. Olson and said Town Meeting has a right to say no to the option the BOS was bringing forward. Ms. Kennedy said this issue isn't as simple as whether they save the [historic] stairs and it would require in-depth discussion. Ms. Dale said yes, there would be a necessity for protracted discussion on Town Meeting floor. Mr. McEnaney explained that Town Meeting is a Legislative Body and legislates funds. The article is drafted as a bond authorization with an expected request of \$357,767, which is the amount for Option A. They can keep the expected request or they can strike it and present both options and let someone make a motion for A or B. Mr. Olson said he had a problem with changing mid-stream. Mr. Domelowicz said someone could stand up at Town Meeting and do it anyway. A lengthy discussion ensued.

Town Hall Building Committee Chair Mike Twomey will be doing a presentation on the two options at Town Meeting. He updated the BOS that the cost estimates the Committee received from two separate cost estimators about the two options were close to what was originally thought. The cost difference was about \$750K-\$800K.

It was discussed that an expected request can't be amended up but could be amended down, although some town moderators say only the amount appearing in the article may be voted on. Voting on a requested amount provides flexibility in the options. Or they could leave the expected request blank. Mr. Olson asked to hear from the Town Hall Building Committee.

Mr. Butler, who is on the Town Hall Building Committee as well as Chair of the CPC, detailed how the CPC arrived at its decision to contribute \$250K to the project. It amounted to about half the construction costs. The CPC had voted on Article 2-6

with the idea that the balance from the total amount would be brought forth in a separate article, which is 2-7. He said he thought the relocation costs needed to appear in Article 2-7 as the CPC can't fund those costs. Mr. Butler said that he thought the questions and answers on this project would likely happen during the discussion of the CPC article (Article 2-6).

The BOS and Town Counsel discussed adding the language "relocation costs and all other incidental and related costs." At the end of "which are not eligible for CPC funds," Mr. Olson wanted to add: "in Article 2-6."

Mr. Twomey said the Committee had reconciled every line item in the estimates. The Option A March estimate was \$8,583,000 and the recent estimate was \$8,548,000 so that means they are on target. The Architects' estimator arrived at \$9,377,000 for Option B. When asked by Mr. Olson how the Building Committee had voted, Mr. Twomey replied that their task was to get many options and present them. They had originally recommended Option B but voted to support the BOS and move forward on A.

Mr. Domelowicz noted they had taken Option A through development and design and haven't done that with Option B. To go with B would extend the project by six months at an additional cost. The difference between the options is \$830K.

Mr. Butler has prepared a brief paper to explain the project to the public.

Mr. Wanger was apprehensive that unless it's clearly stated, Town Meeting has an opportunity to vote on A, B, or nothing. He thinks the clearer the motion, the better.

Mr. Domelowicz noted that if Town Meeting approves the project, it will also require a ballot question to fund it. He wanted to ensure that they are moving in a way that gives clarity to the project so that when they have to develop a ballot question they have a sense that the Town got to that point together.

Jack Lawrence, 105 Rock Maple Ave., said he thought the worst possible thing would be to come away from Town Meeting and not have a decision on A or B. He wanted to make sure that the Warrant included all the necessary appendices with it. He proposed perhaps adding another article where the specific option would be voted on. Mr. Farrell said at this point in the process they cannot add warrant articles.

Mr. McEnaney said the way it works is someone makes a motion to appropriate \$357,767 (the Option A amount). The motion is voted on. Or someone would have the option to amend it. It is choosing the funding not the options.

Mr. Domelowicz said if they struck the expected request amount, they could make a presentation at Town Meeting for both options. Mr. Olson wanted to leave the

amount in. Mr. Farrell also wanted to leave it in. Mr. McEnaney said they could add: "Expected request: \$357,767 to fund Option A."

Ms. Kennedy said the more clarity and decisiveness, the more confidence from the voters. She said she foresaw a protracted Town Meeting and wanted something in the warrant that discussed both options. Ms. Dale referred to Mr. Butler's document and said Mr. [Tim] Olson would provide information also. Ms. Kennedy wanted the information sent out with the warrant.

Decision: Mr. Farrell made a motion to recommend favorable action on Article 2-7. Mr. Olson seconded the motion.

Further Discussion: Ms. Dale asked if the BOS would be amending the article to reflect what they had discussed. Mr. Farrell said he didn't think they needed to. Mr. McEnaney said the only amendment he would make is what was discussed earlier pertaining to including the employee relocation costs and all other incidental costs. The expected request is for Option A. Ms. Dale asked Mr. Wanger if he would like to comment. He said he had already contributed his thoughts and reiterated what FinCom's printed statement of position was going to be, to highlight the need for Town Meeting to understand that it has the ability to choose Option A or B. Mr. Olson noted the BOS had voted already (4-1) while FinCom had voted differently. He was not in favor of changing his mind.

Decision (Continued): The BOS voted unanimously (5-0) to recommend favorable action on Article 2-7 as amended.

- **Article 2-8, Public Safety Building Garage Doors**

Decision: Mr. Farrell made a motion that the BOS recommend favorable action on Article 2-8. Ms. Kennedy seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

Further Discussion: Mr. Farrell noted that the purpose was to make the building weather-tight.

- **Article 2-9, Water Treatment**

Decision:

Ms. Dale made a motion that the BOS recommend favorable action on Article 2-9. Mr. Farrell seconded the motion.

Further Discussion:

Ms. Kennedy said she'd like to see the amount added in there: \$1.5M.

Decision (Continued):

Mr. Olson made a motion that the BOS recommend favorable action on Article 2-9 as amended. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

- **Article 3-1, Wetlands Protection Bylaw**

Ms. Kennedy explained the purpose of this bylaw update was to include the Massachusetts Association of Conservation Commissions model bylaw that 197

other towns have adopted to make the Town's bylaw the strongest it can be. She has done a lot of work, but FinCom had felt it needed to be more broadly reviewed by various people in Town and brought back for the Spring Town Meeting. Therefore, Ms. Kennedy is proposing they withdraw the article from the Warrant.

Decisions:

Mr. Farrell made a motion to reopen the warrant and remove Warrant Article 3-1. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

Mr. Farrell made a motion to close the Warrant. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

- **Article 4-1, Amendment to Compensation Tables**

Decision: Ms. Dale made a motion that the BOS recommend favorable action on Article 4-1. Ms. Kennedy seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

Further Discussion: Ms. Dale recommended the article for the Consent Agenda. Ms. Kennedy asked if the wage revisions would be available at Town Meeting. Mr. Domelowicz said they would appear in the appendix.

- **Article 4-2, Home Rule Petition 550 Highland Street**

Decision: Ms. Dale made a motion that the BOS recommend favorable action on Article 4-2. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Further Discussion: The item was recommended for the Consent Agenda.

- **Article 4-3, Amendment to Income Limitations for Senior Tax Deferred G.L. c.59, §5, Clause 41A**

Decision: Ms. Dale made a motion that the BOS recommend favorable action on Article 4-3. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Further Discussion: Ms. Kennedy asked about the language "single, non-head of household" saying that if it is a single person, that person is head of a household. Mr. Farrell recommended that this item not go on the Consent Agenda as they want to promote the program and make sure people know about it.

Ms. Domelowicz clarified that all the FinCom votes on the Warrant should be recorded as (4-0) votes as there were only four members voting at the time.

Mr. McEnaney and Ms. Batista left the meeting.

Set Date for Possible Extra Meeting for STM Prep

The BOS decided they made enough progress and do not need to set up an extra meeting.

