

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall Memorial Room, 577 Bay Road

February 10, 2020

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

Selectmen Absent: William Olson

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 Council on Aging (COA), Open Space Committee, and Essex North Shore Agricultural & Technical School Committee (appointment by the Moderator) each have one opening. The Hamilton Historic District Commission (HHDC) has an opening for an alternate. The Hamilton Development Corporation (HDC) has two openings.

**PUBLIC COMMENTS**

Patti Miller, 8 Maple Ave., asked that the Asbury Grove water billing situation be placed on the next agenda. She said the discussion had been going on for a year and she was eager for closure.

Marc Johnson, 6 Patton Dr., asked if there were a draft of the new wetlands bylaw. Town Manager Joe Domelowicz said it was a topic on tonight's agenda.

**Selectmen/Town Manager Reports**

Rosemary Kennedy said the Conservation Commission (ConCom) had been reluctant to discuss the Enhanced Wetlands Protection Bylaw until the new agent was on board. Now that Bert Comins has been hired, she has scheduled a meeting to talk with him about it. She has also been in touch with COA Director Mary Beth Lawton to talk about issues pertinent to seniors and how to help decrease their tax burden.

Shawn Farrell said nomination papers can be pulled and need to be returned by Feb. 20. He listed the openings and terms. This Saturday the A.P. Gardner Post will celebrate its 100th anniversary with a dinner.

Darcy Dale said there was a School Committee meeting about the budget. It started out with a 13% proposed increase, which is now down to 9.44%. The Schools' next meeting is Feb. 12.

Mr. Hubbard yielded his time to Mike Twomey, chair of the Town Hall Building Committee.

Mr. Twomey presented renderings of the Town Hall, the site plan, and plan for the addition. He discussed the location for parking and the cell tower. He talked about how it was decided to match trim and other features to make the addition blend in with the existing building. He talked about reconfigurations done to the plan for the second floor. He said the biggest issue upstairs will be acoustics.

Ms. Kennedy asked how many seats would be in the former ballroom/new conference room. Mr. Twomey said about 75, which also pertains to the amount of parking needed. Parking can extend into the Department of Public Works (DPW) yard when needed. Ms. Dale noted pricing must be better since they aren't doing as much demolition. He responded yes. They are not lowering the stage and have looked at other cost-saving ideas. They hope to have a completed design two weeks after Town Meeting; they couldn't get it done before. Mr. Hubbard thanked him and said he is impressed and appreciative of how the Building Committee has held down costs to get the best value for the community.

Town Manager Joe Domelowicz said he hoped everyone had a chance to see Fire Chief Ray Brunet in a short video on HWCAM. The video is the first in a new effort to share the work of public departments. He reminded Boards and Committees they have until Feb. 14 at noon to submit their drafts for the Annual Town Report. He noted there are just 10 more days in the nominating period for Town elections. He reported that the Community Projects Manager, who had been offered the position, had backed out due to a long commute. He also gave an update on the Regional Human Resources position, which had 20 applicants. Five candidates were selected and will be interviewed next week.

## **CONSENT AGENDA**

- Approve Minutes of the Dec. 18, 2019 Selectmen's Joint Meeting with the HWRSC [Hamilton Wenham Regional School Committee]
- Hamilton Bonfire Gift Acceptance
- Appoint Mary Green to fill vacancy on the HHDC
- Appoint Phil Tocci to fill vacancy on the Recreation Committee
- Approve request from Friends of the Hamilton Wenham Library to hang Book Sale banner
- Approve request to buy back cemetery plots
- Accept grants (2 at \$2,000 each) to the Council on Aging

**Decision:**

Mr. Farrell made a motion to approve the Consent Agenda. Ms. Dale seconded the motion. The BOS voted unanimously among those present (4-0) to approve the Consent Agenda.

**AGENDA**

**Introduce HDC [Hamilton Development Corporation] Alternates to the BOS**

HDC President Rick Mitchell introduced the HDC's two current associate members: Angela Arvanites and Chad Smith. Both are members of the downtown business community. Ms. Arvanites owns A Monogram Shop and is an active Shop Local HW organizer; Mr. Smith brings valuable real estate experience as owner of Mariano Smith & Co. Mr. Mitchell also introduced Tony Passaretti, an abutter to the Willow Street project, and said he'd volunteered to become an HDC associate member to make sure there's good communication between the HDC and residents. Ms. Arvanites, Mr. Smith, and Mr. Passaretti each spoke briefly about their backgrounds and current work with the HDC. Mr. Smith lives in Wenham; he owns the building where his real estate office is on Railroad Ave. and rents space upstairs to The Musary (nonprofit musical instrument lending library). Mr. Domelowicz said, per the BOS Appointments Policy, this is the first announcement for the HDC openings and the BOS will vote on the appointments. [The policy is to vote within two regularly held BOS meetings.] He asked if in the meantime the HDC could take a vote of support for the candidates. Mr. Mitchell responded they already do offer their full support.

**Introduce New Conservation Agent Bert Comins**

Mr. Comins, the new Conservation Coordinator, introduced himself and said he also works for the Town of West Newbury. Mr. Domelowicz said Mr. Comins was chosen by a committee that included Director of Planning & Inspections Patrick Reffett and two members of the ConCom; he has the education and certifications with the State; and he is eager and full of energy for the position.

**Request Increase to the Recreation Revolving Fund**

Mr. Domelowicz explained that due to an increase in programing this year, \$273 in expenses were already met and the Recreation Dept. expects to exceed the \$300K cap. The suggestion was to vote whether to increase the cap to \$350K. Mr. Domelowicz explained that the only money that gets spent is money that actually comes in from recreation program fees.

**Decision:**

Mr. Farrell made a motion to increase the Recreation Revolving Fund to \$350K. Ms. Dale seconded the motion. The BOS voted unanimously among those present (4-0) to accept the motion.

Mr. Domelowicz said as a side note that the two towns are looking to establish an Enterprise Fund for the Recreation Dept.

### **Town Acceptance of a Private Way (Discussion)**

Mr. Domelowicz said there was a note from Mr. Reffett in the BOS packets regarding this topic. There is a Town bylaw (not a zoning bylaw) that allows citizens of a private way to petition the Town to have their roadway accepted. If the BOS approves the acceptance, the matter goes to Town Meeting for a vote. Bancroft Way residents [four of whom were in the audience, including project manager Susan Morgan] petitioned the BOS to initiate the process to accept Bancroft Way as a public street; the residents cite road safety and maintenance concerns. The existing policy has the Town paying half of the engineering and construction costs to upgrade the road to the Town standards and the residents paying the other half, but the Town has been wanting to change this policy as it's too costly for the Town to continue doing.

Ms. Morgan, 1 Bancroft Way, said the group met with the Planning Board to follow up on their petition submitted in January and hoped the Town would work with them on the safety issues. She said they are operating under the existing Road Acceptance Policy from 1999. Her request to the BOS was whether that was the correct process. Mr. Domelowicz responded it was, but said they still have hurdles as the Planning Board and BOS can recommend against making the private way a public street. Ms. Morgan said their subdivision was approved in 1986 with a grade that's not safe and is getting worse over time.

Mr. Farrell provided some history of the road acceptance discussion, which had been tabled since the BOS had wanted the discussion to include all factors, such as road paving and plowing, and how trash collection was handled. The agreement that the Town provide 50% of the costs to upgrade the roads to Town standards adds up to a lot of money. He had questions about whether new roads being developed adhere to Town standards or subdivision standards. Mr. Mitchell, who is a Planning Board member in addition to his HDC role, said the Planning Board had been working to streamline this policy and eliminate the 50% cost share by the Town, although Bancroft Way is already grandfathered in. He wasn't sure if the subdivision road standards met the Town road standards. Sometimes the Planning Board agrees to let a developer shrink a road width within neighborhoods when they don't need the roads to be that wide. New developers often bear the costs for the roads and maintenance.

Mr. Domelowicz asked the BOS if they'd like him to have Mr. Reffett prepare a report on the standing between subdivision roads and Town roads. The answer was yes.

Mr. Johnson said there may have been some instances in Town where the infrastructure is appropriate for the street, but the quality of the construction was wrong, such as the pipes being old. There are hidden costs that should be looked at from an engineering standard. Mr. Farrell said he agreed.

**Close ATM Warrant to New Articles (Discussion and Vote)**

Mr. Domelowicz referred to the warrant articles list in the BOS packets, which he said was put forward by Town departments. Some articles are standard every year. The only new article was a Citizen's Petition, which appears at the end. Once the warrant is closed, Town Counsel K.P. Law, P.C., will begin drafting language for the articles, and then they will go to the Finance & Advisory Committee (FinCom) for review. He asked if the BOS wanted to meet with the FinCom on March 16 to have an opportunity to hear their recommendations prior to voting on the articles. The BOS thought that was a good idea.

Mr. Hubbard read through each article, starting with **Capital Expenditures** (expected request: \$507K). Mr. Farrell noted Mr. Seaver (in the audience) had requested that the actual Selectmen votes be recorded in the Warrant. The impact on the tax rate will also be added in. The warrant goes to the printer on March 20, with delivery to homes by March 27, about a week before Town Meeting.

Mr. Hubbard continued reading the list: **General Town Departmental Appropriations** will be in the form of two articles, the first to approve a dollar amount up to a 5% increase to support the Town's request and the School District's request. The second article will be the **School District Supplemental Appropriation**, which is the amount over and above the 5% amount. The BOS discussed that what they were looking at is an early draft and KP Law will need to spend time on the wording so it is clear to residents at Town Meeting what they're voting on. Ms. Dale said a motion could be made on Town Meeting floor to combine the two articles and they need to be prepared for that. Ms. Kennedy said she would like to see actual amounts in dollars and cents to show the tax rate per house value rather than just saying "four cents per thousand on the tax rate." Mr. Farrell agreed.

Mr. Hubbard continued reading the list: **Water Enterprise Budget**: Mr. Domelowicz said Department of Public Works (DPW) Director Tim Olson is reworking some numbers based on FinCom recommendations. The water rate discussion is expected to be held at the next BOS meeting. **Annual Financial Actions**: These are "housekeeping" transfers that occur annually. **Community Preservation Budget**: Mr. Domelowicz said he needed to talk with Community Preservation Committee (CPC) Chair Jay Butler so see if the CPC would be having a warrant article this time as they don't currently have any funding requests. **Annual Budget for Revolving Funds**: This involves setting the cap on the revolving fund for the Town pool and Recreation Dept. **Hamilton Development Corporation**: The expected request was discussed [\$75,014], which is based on actual meals tax revenue. **OPEB [Other Post-Employment Benefits] Trust Fund**: Expected request is \$125K. **Stabilization Fund**: This appropriation is in keeping with the Town's financial policies. **Capital Stabilization Fund**: This is for the special purpose of funding capital budgets. Mr. Farrell pointed out that since the fund is already established, the language "to see if the Town will establish" needs deleting. **Patton Homestead Operating Budget**: Mr. Farrell had a question on the expected request. Mr. Domelowicz said it would go in as \$115K minus the amount that gets reimbursed to the Town, which will be detailed in the

summary. **Master Plan:** Expected request is \$150K. Mr. Domelowicz said the current idea was to use Free Cash since it is a one-time expense, but he and Finance Director Marisa Batista are going to be looking at other options also. **Personnel Service and Union Contracts:** Mr. Farrell asked which contracts were up this year; Mr. Domelowicz cited two. Mr. Farrell said in the past they'd discussed seeing if there were a way to line up the contracts better so they are more staggered. Mr. Domelowicz said they now have a better cadence. There is one year when there aren't any contracts up to negotiate and they could move one of them to that year, but he is OK now with how things are going.

**Enhanced Wetlands Protection By-Law (by the Conservation Commission):** Mr. Johnson explained that the Town has bylaws regarding storm water and other rules and regulations for conservation. Regulations give the ConCom more flexibility, and he thinks that all of the rules and regulations can be synced up. However, he feels that if there is an anti-development piece to it, and the Town wants that, there should be more discussion from all parties involved, such as the Zoning Board of Appeals, etc. He was essentially questioning if this should be a bylaw as opposed to a regulation, which could be done with a simple adoption by the ConCom as opposed to going to Town Meeting floor. Ms. Dale asked if KP Law had been involved in writing this bylaw. Mr. Domelowicz said KP Law had worked with Ms. Kennedy on it last fall. Ms. Kennedy said the final draft was OK'd by KP Law, but she also wanted it to go through the ConCom as she agreed with Mr. Johnson. She clarified it wasn't intended as a zoning bylaw, but it is a Town general bylaw. Mr. Johnson commented that those affected by the bylaw deserved to have the right to discuss it. He said many properties could be impacted. Ms. Kennedy said many cities and towns have adopted this kind of bylaw; Mr. Johnson disagreed. Nevertheless, he thought the bylaw wasn't as straightforward as it might appear and there would be an impact that should be discussed someplace other than just going to Town Meeting floor.

**Amendment to Mixed Use Development Zoning District (by the Planning Board):** This bylaw is under development by the Planning Board. Ms. Dale said multiple studies are proposed for downtown parking, traffic, and things like pedestrian flow. Mr. Domelowicz wasn't sure whether this would be ready for Town Meeting. They are undertaking to get the studies in place. The parking study may be paid for by the HDC.

**Lease of Town Land at Chebacco Road:** Mr. Domelowicz provided some history. The Marsh Rats shooting club, which had been leasing the land for a long time, was asked to refrain from activity due to the development of the solar field. Now that it is completed, they are looking at signing another lease. It was discussed that they'd be willing to sign a 10-year contract as they'd like to make improvements there and that would help to better justify that. Mr. Farrell said he would be fine with sticking with a three-year contract. However, Mr. Domelowicz said they could perhaps put a clause in a 10-year contract to allow the Town to get out of the lease if necessary, for example, if they find a better use for the land. He said he could have KP Law write two versions of the contract, a three-year and a 10-year.

**Town Hall Project:** Mr. Hubbard explained no warrant article will be coming from the Town Hall Building Committee at this time. They will provide a status report only. He explained this was due to delays as a result of pursuing Option B and obtaining the HHDC's input. The good news is they're getting a better product overall.

**Application of Bond Premium:** This is a motion to supplement prior borrowing votes to permit the application of sale premium to pay project costs. It requires a simple majority vote. Mr. Farrell asked if sunsets on the bonds could be included in the table that will appear in the appendices so people can know when they roll off the books.

**Home Rule Petition to Amend Acts of 2010 Chapter 91.** This is an act providing a tax exemption for certain qualifying real estate in the Town. A draft version was in the BOS packets with added language providing by Town Counsel noted in red. Also discussed was a **PILOT for Solar Array Atop Manchester Water Plant.**

**Revision of STM [Special Town Meeting] Article 3-3 – Amendment to Income Limitations for Senior Tax Deferral G.L. .59, S5, Clause 41A.** This is a revision of a previous article because the word "single" was left out of the final article.

**Citizen's Petition for Weekly Trash Collection without Fees Up to 35 Gallons.**

Mr. Domelowicz said that as this is a Citizen's petition, it will appear on the warrant, but the impact will be determined by law. Town Counsel will review it to make an opinion and provide text of the language to the FinCom for its recommendation. Then the BOS will vote on it, and it will then be discussed on Town Meeting floor.

**Decision:**

Mr. Farrell made a motion to close the Annual Town Meeting Warrant for 2020 to new articles. Ms. Dale seconded the motion. The BOS voted unanimously among those present (4-0) to approve the motion.

**Update HPP [Housing Production Plan] and Report on Next Steps (Discussion)**

Mr. Domelowicz said the HPP consultant had provided an update based on input from the BOS, the Hamilton Affordable Housing Trust (HAHT), and the Planning Board. It is on the HAHT's agenda to be discussed this week, then it will come back to the BOS for final approval. [It has already been approved by the Planning Board.] This plan doesn't require the HAHT's approval, but the BOS would like its opinion before acting. Mr. Farrell asked if Mr. Hubbard as BOS Chair would need to write a letter of support. Mr. Domelowicz said no, it just goes to the State with the votes of both the BOS and the Planning Board.

Duke Seaver, 402 Essex St., asked what "HPP" meant and said "Housing Production Plan" should be stated on the agenda.

**Town Manager Goals for 2020**

Mr. Hubbard said one document in the packets pertained to the critical functions of the Town Manager and the position's day-to-day functions. He said he thought it more important to focus on 5 or more specific goals. Some from last year need to be finished up and many are ongoing. The Patton Homestead was one. Mr. Domelowicz said it was a stated goal to find a way to make the Homestead self-sustaining. He said they had identified challenges, but "success" didn't necessarily mean it had to be Town-owned and run. As they were looking to FY21, they were broadening terms and ideas for success.

Mr. Farrell said he had a laundry list of goals for Mr. Domelowicz and some they can help facilitate as Selectmen. He wanted to run through his list. Ms. Dale said she felt the Capital Committee (CapCom) had already done that work and they should use the CapCom's list to work from in terms of prioritizing things, adding and removing items as they saw fit. Mr. Farrell said he was just wanting his list for reference. Ms. Dale said his list was already used by the CapCom and she didn't want to be giving out individual assignments to Selectmen.

Mr. Hubbard asked Mr. Farrell to offer his list for the Town Manager's goals, the top five or so. First was to determine best options for the Homestead. The second was to establish the Capital Stabilization Fund, which has been done. The next was to finish the Financial Policies. Ms. Dale said they should review the ones FinCom had set as priorities. Well Exploration was another item, as well as paving Chebacco Road and finding other water sources in the North Coastal basin. Mr. Domelowicz has been in conversation with Wenham on this. Mr. Farrell said they could add Beverly into the conversation. Ms. Dale asked if they were talking about a sewer system; they said no, just water. A further long discussion was had on what the boundaries are on water withdrawal. The next article on Mr. Farrell's list was the Master Plan. The housing section of it has already been completed. Ms. Kennedy said she would like to see the Master Plan as a top priority. Ms. Dale asked how many years ahead it would look. Mr. Domelowicz responded 10-15 years. Mr. Farrell said he wanted to see as much of the community invested as possible in a living document that guided the Town. A big piece is figuring out a way to gain revenues. Mr. Farrell said there is only so much land that can be developed and they need to come up with ideas as well as partners they can reach out to and be proactive. Mr. Domelowicz mentioned seeing what the Town's tolerance would be for ecotourism and utilizing the marshes and hiking trails to attract visitors.

The BOS returned to the discussion of updating Mr. Domelowicz's goals. Mr. Farrell mentioned trying to get rid of some of the management letter recommendations that come in the yearly audit. Another goal might be to look at the homes coming off of their deed restrictions and see if the Town can work something out with those residents to extend the restrictions. Mr. Domelowicz said the HAHT was looking at that, but chances seemed slim.

Mr. Farrell discussed the DPW's fueling station with Wenham as another goal; Mr. Domelowicz is already working on that. The Approved Roads bylaw and figuring out all the factors, including paving, plowing, and trash collection was another. Consideration of rezoning the area near Winthrop School and the Massachusetts Vulnerability Plan (MVP) were other topics offered by Mr. Farrell. Mr. Domelowicz said the MVP was submitted to



the State. Once accepted, the Town would be eligible for grants. Mr. Farrell added perhaps a joint services program for IT. Mr. Domelowicz said the Town joined a request for a feasibility study of regional IT. They'd identified a plan, which may involve changing software so that all the towns involved were using the same software. Ms. Dale asked if it was a municipal initiative. Mr. Domelowicz said it was a municipal effort but using State money.

Ms. Dale said she needed to leave the meeting.

Mr. Farrell brought up potential PILOTs similar to what Boston is doing. The discussion concerned Gordon-Conwell Theological Seminary and perhaps Pingree School, as brought up by Ms. Kennedy. The next topic was regionalizing the health department to realize some cost-savings. The health insurance was re-bid a couple of years ago. It could be something to look at. Mr. Domelowicz discussed that the increase this year was projected at 7%. He said if you leave MIA, you have to be out two years before you can get back in. Since insurance companies know this, they bid accordingly. Mr. Farrell asked about combining insurance with Wenham. Mr. Domelowicz thought Wenham's health insurance fees were higher. He was comfortable with where the Town was currently with that.

Mr. Farrell brought up the nuisance and dilapidated building bylaw and situation with a property on Meyer Road. He thought maybe that bylaw had to be tightened up a bit to get it to Mass General Law standards. Other issues were joint services perhaps with the Council of Aging or Veterans Affairs. Ms. Kennedy said everything done to conserve the budget was good. Mr. Farrell mentioned the HDC's efforts to improve the downtown with new sidewalks and branding and to get behind that. Mr. Domelowicz proposed an event idea where people would bring their horses into the downtown. Ms. Kennedy praised the efforts of Shop Local HW.

Mr. Domelowicz said the Schooling Field lease (where the pool is) needs to be signed.

Mr. Farrell said he attended a seminar with the Massachusetts Film Board a while ago and Hamilton could have an appointed liaison to welcome filming in Town. Ms. Kennedy said she would think carefully about that.

Mr. Farrell asked if they could discuss not having any Town sporting events scheduled for the day of Town Meeting in Hamilton and Wenham. Mr. Domelowicz said that conversation was in process with the coaches.

Ms. Kennedy brought up having someone dedicated to look at the Town website. She said people have said it is hard to navigate and there are outdated bits of information. She wanted to see that as a priority.

## **NEW BUSINESS**

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

- Water Rates Discussion
- Accepted Roadway Policy
- Vote on HDC member appointments (not the next meeting but meeting after).

**Adjournment**

Ms. Kennedy made a motion to adjourn the meeting at 9:31 p.m. Mr. Farrell seconded the motion. The BOS voted unanimously among those present (\*3-0) to adjourn. \*Ms. Dale had previously left.

Prepared by:

Mary Alice Cookson                      4-17-2020  
Mary Alice Cookson                      Date  
Minutes Secretary

Attest:

Darcy Dale                      4-17-2020  
Darcy Dale                      Date  
Board of Selectmen Clerk