

HAMILTON BOARD OF SELECTMEN &
HAMILTON BOARD OF HEALTH
MINUTES OF JOINT EMERGENCY MEETING
Town Hall Memorial Room, 577 Bay Road

March 23, 2020

Selectmen Present: Chair Jeffrey Hubbard, Shawn Farrell,
William Olson, Darcy Dale, and Rosemary
Kennedy (all participating remotely)

Board of Health Members: Chair David Smith, Giselle Perez, and
Chris Small (all participating remotely)

Town Manager: Joe Domelowicz

Also Present: Town Counsel Tom McEnaney of KP Law,
P.C.; Anthony Ansaldi, Wenham Town
Administrator (both participating
remotely); Michellelee Carroll,
Assistant to the Town Manager

At 6:05 p.m., Chair Jeff Hubbard called the joint Emergency Meeting to order for the Board of Selectmen (BOS) and the Board of Health (BOH). The Pledge of Allegiance was not recited as Mr. Hubbard said he wanted to get right to the agenda. The meeting was conducted via Zoom videoconference. Only Town Manager Joe Domelowicz and his assistant Michellelee Carroll were present at Town Hall. The video was live-streamed via HWCAM.

Local State of Emergency Declaration—Discuss and Vote

Mr. Domelowicz said the action [declaring a local state of emergency] was recommended by Town Counsel, KP Law, P.C., and had been taken [March 17] by the Town of Wenham one day after the Hamilton BOS last met. Wenham took the action upon the advice of KP Law, who represents both towns.

Town Counsel Tom McEnaney said in light of Governor Charlie Baker's declaration of emergency and adoption of emergency orders, there had been questions about whether local municipalities should make a similar declaration. He said KP Law's advice was that it wasn't necessary, but there were good reasons for doing so: #1) to send a message from the Town to the citizens that this is a serious issue and certain things need to be done to keep everyone safe. #2) there is State aid that flows from the declaration. Governor Baker adopted a new order today designating certain businesses as having essential functions and forcing businesses not essential to close. The order also prohibits gatherings of more than 10 people (prior, it had been 25). Mr. McEnaney said Hamilton could adopt a Declaration of Emergency and then decide what, if any, restrictions it wanted to impose beyond the State orders in its own local order. Some Towns are adopting restrictions more stringent than the State's. They can do this as long as those restrictions don't conflict with the State's, he said.

Mr. Domelowicz went around the virtual table asking for comment. Rosemary Kennedy said she thought the draft declaration "a good declaration" but wanted to suggest an amendment. Mr. Domelowicz asked if everyone participating had seen the draft declaration (included in the packets with the agenda.) BOH member Giselle Perez had not. For her benefit and that of the viewing audience, Mr. Domelowicz read the declaration aloud in its entirety. He reminded everyone that any votes taken will need to be taken by roll-call vote.

Decision 1:

Darcy Dale made a motion that the BOS vote [yes] that Hamilton should declare an emergency per the verbiage just read. Chris Small seconded the motion.

Further Discussion:

Ms. Dale asked what steps would be taken if someone tests positive for COVID-19 to ensure compliance. Mr. McEnaney said a public health nurse would be notified and restrictions put in place. The person would be required to be in isolation for a period of time; others in the household would need to be in quarantine for 14 days. William Olson said this topic isn't related to the order they're voting on tonight. He said on March 23 [today], Governor Baker issued a more restrictive order [than the previous one] and he wondered if that should be referenced in the declaration. Mr. McEnaney and Mr. Domelowicz agreed and said they would update the declaration to include it. Mr. Olson referenced the line "a state of emergency exists" and said right now, it doesn't actually exist because there aren't any active cases. Mr. Domelowicz said it made sense to leave the language as is because just because we don't have confirmed tests now doesn't mean cases don't exist.

Ms. Kennedy, who works on the front lines at Mass General Hospital, said one of the things the hospital is doing is to try and calm people's fears. She thought the line in the declaration that read: "COVID-19 is a potentially fatal respiratory disease" should read: "is a potentially fatal respiratory disease, most particularly to certain high-risk individuals with preexisting

disease or immune compromise...” She said she wanted to modify the declaration with medically factual data. Ms. Perez, who also works at Mass General, noted the rate of virus transmission is high, so people can be asymptomatic and still be transmitting. She said she agreed with Ms. Kennedy’s amendment. Ms. Dale said she wanted to include something to emphasize the disease is fatal to the elderly and people need to be careful around those in their senior years. Ms. Kennedy felt her language was sufficient to cover that. Mr. McEnaney said more details could be included in other documents, but didn’t have to necessarily be in the actual declaration.

Decision 2:

Ms. Kennedy made a motion that the language of the declaration be amended as previously discussed. [The language added was: *“most particularly to certain high-risk individuals with preexisting disease or immune compromise...”*] Mr. Olson seconded the motion.

Further Discussion:

BOH member Mr. Small gave examples based on his own recent experience of people in the community not being as cautious as they should be. Mr. Olson agreed and said the BOS could write its own order. Shawn Farrell noted Provincetown had a very restrictive order that included no riding your bike or walking about town. Mr. McEnaney said Hamilton does have the ability to do that. Mr. Olson said while it was a separate discussion and he didn’t know whether they wanted to discuss it now, he had noticed people still out on the playgrounds. Also, he thought they should reference the change from “no more than 25 assembling” to “no more than 10” per the Governor’s order. Mr. McEnaney added that Hamilton could backdate its emergency declaration to the date of the Governor’s first order, which he thought was March 10. Mr. Farrell said they might also want to include a notice of where to go for more information. Mr. McEnaney said he hadn’t seen that appear in a declaration, although towns were posting additional info. coinciding with their declarations, such as steps for minimizing the spread of the virus.

Decision 2 (Continued):

The BOS voted to accept Ms. Kennedy’s amendment to the Local State of Emergency Declaration and also to add language referencing Governor Baker’s action today and to backdate the date of the Emergency Declaration to the date of the Governor’s first order. [*referenced during the meeting as March 10.] A roll-call vote was taken with “ayes” from Mr. Olson, Mr. Farrell, Ms. Dale, Ms. Kennedy, and Mr. Hubbard (5-0, unanimous). The BOH also voted to accept the amendment as stated. A roll-call vote was taken with “ayes” from Mr. Small, Mr. Perez, and Mr. Smith (3-0, unanimous).

Decision 1 (Continued):

The BOS voted to adopt the Local State of Emergency Declaration as amended. A roll-call vote was taken with “ayes” from Mr. Olson, Mr. Farrell, Ms. Dale, Ms. Kennedy, and Mr.

Hubbard (5-0, unanimous). The BOH also voted to adopt the Declaration. A roll-call vote was taken with “ayes” from Ms. Perez, Mr. Small, and Mr. Smith.

Mr. Domelowicz said he and Mr. McEnaney would make the amendments and have an updated document for them to sign. He will be working at Town Hall tomorrow.

Update on Local Government Operations

Mr. Domelowicz said he had forwarded two draft letters, one on how the Town would be operating and the other, a more personal letter from him to the staff. He said he planned to reduce staff to an essential level. The Governor’s order allows for people to work from home and there is leeway in the plan, he said, but to make it a safe environment, he doesn’t want people overlapping in close proximity or to have more than five people at Town Hall at any one time. He will share that information/plan with everyone. Via the program LogMein, people can work from Town desktops remotely. Also, calls can be forwarded from their desk phones to their cellphones. He invited comments on the two letters.

Mr. Hubbard asked how the staff was doing. Mr. Domelowicz said overall the attitude is good, although there is anxiety as some staff members are seniors. Mr. Hubbard asked what was being done to get information out to the committees about how to use the Zoom program. Mr. Domelowicz said the way they bought the program, there is one host, which is him. He needs to figure out how to enable others to host meetings. All the other meetings last week (aside from the BOS’s) were cancelled or postponed. Also, given the Governor’s revised order today, he wants to keep Town Hall closed until further notice. Mr. Olson asked about technology and supplies for those working at home. Mr. Domelowicz discussed how they were being provided, although he said not all positions are able to be done remotely.

Mr. Farrell asked how water meter readings would be handled. Mr. Domelowicz said they can do radio reads, and typically they only go into homes when there are problems. Those reads will be estimated for the foreseeable future. For budgeting purposes, he said they need to be cognizant on what is being bought until the end of the year. Building permit revenue is going to be down. He said there is a set of opinions that the Town may want to change the trash program back to every week. They do, however, find it necessary to implement the new water rates. He said while he and Finance Director Marisa Batista are not making any changes to the Town budget right now, they are reviewing the budget to see if they may have to make amendments as State officials are estimating a \$500M loss of State revenue, likely to affect State aid (although Hamilton doesn’t receive that much in State aid). Mr. Domelowicz said he’s asked Ms. Batista to go back and review the numbers according to what happened during the last recession.

Mr. Farrell asked what happens with the budget if they miss holding Town Meeting before June 30 (the end of the fiscal year). Mr. McEnaney said it was the expectation they'd then have to go to a 1/12th budget based on last fiscal year's figures. The hope is it won't come to that if people observe rigorous social distancing.

Mr. Hubbard commented the largest exposure (impact) would be property valuations. Mr. Domelowicz said they would be watching to see what the State is telling them as far as making budget changes for FY21. Water usage they expect will go up with people staying at home. Mr. Domelowicz said they are anticipating the Town being in a drought condition due to no snow melt this year. Mr. Olson advocated they return to trash pickup every week concurrent with the emergency order to alleviate the stress of people having to go out to the store to buy the blue bags.

Decision:

Mr. Olson made a motion that the Town return to every-week trash pick-up until the State's emergency order is lifted. Mr. Farrell seconded the motion. A roll-call vote was taken with "ayes" from Mr. Olson, Mr. Farrell, Ms. Dale, Ms. Kennedy, and Mr. Hubbard.

Updates from State Actions—Tom McEnaney

Mr. McEnaney said he received an email indicating action on the bill relating to the election delay. It had to do with some special elections scheduled for various senate and house seats that are up and it established dates to fill those vacant seats. He said he also saw a provision for municipal elections, but hadn't had a chance to read it yet. It is his understanding that the BOS's previous vote on the matter of the Town's election was sufficient. Mr. Domelowicz said the Town should be able to continue with holding the elections five days after the date of Town Meeting.

Mr. Farrell asked if there were any vacancies to be filled prior to the Town election as some reappointments happen in June. Mr. Domelowicz said those appointments by the BOS can be done remotely by voting. He discussed that Mr. Hubbard, who is stepping off the BOS, may need to continue in his capacity a bit longer. Mr. Domelowicz asked if the BOS was satisfied with the decision to keep Town Hall closed until further notice. They said yes. He asked if they wanted to make any order (similar to what Provincetown had done), for example, to order hair and nail salons to close or whether to close liquor stores. They said it needed to be discussed.

Update on Steps Taken by Other Municipalities

Wenham Town Administrator Anthony Ansaldi said Wenham had issued a press release on Friday summarizing the Wenham BOS's actions [declaration of emergency]. He said he thought having a joint PSA [Public Service Announcement] with Hamilton was a good idea.

Ms. Perez said putting resources on Facebook was a good avenue and stressed clarifying things in laymen's terms. Ms. Kennedy agreed and suggested writing a short, bullet-point document, for example, letting people know they can take kids for a walk, but need to keep physical separation. Mr. Domelowicz said perhaps they engage some high schoolers to do a TikTok video. Mr. Ansaldi said besides a press release, Wenham initiated a reverse 911 and shared information on social media. Mr. Domelowicz said Hamilton can do a reverse 911, as well, and he will work with Mr. Ansaldi on the joint PSA.

Mr. Olson went back to the idea of whether they wanted to discuss making an order today (telling people not to go out like Provincetown did). Ms. Perez was not in favor of that. Mr. Domelowicz said the Governor had ordered a shelter in place advisory for nonessential functions. Mr. Domelowicz said the question if they do an order is how they'd enforce it. Mr. Farrell said they don't have to talk about enforcement at this point. Mr. McEnaney said some Towns had closed parks and playing fields and made it so basketball hoops aren't usable. Mr. Olson said they should discuss if it is worth meeting again about this so they can be proactive rather than reactive. Ms. Perez said no matter what they put out, it should be simplified and clarified. Mr. Farrell referenced what Mr. Small had said about people not social distancing at CVS and other places and asked if they should put out some advice to local businesses. Ms. Dale said some stores are putting marks on the floor 6 feet apart so people will know where to stand at the registers. Mr. McElnaney said Trader Joe's was only allowing 25 people in the store at a time and were wiping down shopping carts and pin pads. Mr. Domelowicz said some communities are considering sheltering in place orders, but what works in Boston might not work in Hamilton. Every community should figure out what they need to reinforce. Ms. Kennedy said some kids might not know they shouldn't play basketball and once reminded, they wouldn't do it. Mr. Domelowicz said yes, behavior will evolve and they should be cognizant that this is probably not going to be just temporary.

OTHER BUSINESS

Mr. Hubbard suggested the BOS meet weekly. Ms. Dale asked to keep the meetings at 6 p.m. They all agreed. Mr. Farrell asked if they might change using the word "order" to something like "tips" or "advice for preventing the spread." Ms. Dale suggested "updates." Ms. Kennedy said "Personal Safety Recommendations."

Mr. Domelowicz said the BOH was welcome to meet jointly with the BOS or have a member join them. Mr. Farrell said if anyone had any ideas or tips, to send them to Mr. Domelowicz.

Adjournment

Ms. Dale made a motion to adjourn the meeting for the BOS at 7:30 p.m. Mr. Olson seconded the motion. A roll-call vote was taken with "ayes" from Mr. Olson, Mr. Farrell, Ms. Dale, Ms.

Kennedy, and Mr. Hubbard (5-0, unanimous). Mr. Smith made a motion to adjourn the meeting for the BOH. Ms. Perez seconded the motion. A roll-call vote was taken with "ayes" from Mr. Small, Ms. Perez, and Mr. Smith (3-0, unanimous).

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