

HAMILTON BOARD OF SELECTMEN,
HAMILTON BOARD OF HEALTH,
& HAMILTON FINANCE & ADVISORY COMMITTEE

MINUTES OF JOINT EMERGENCY MEETING

Teleconference

April 6, 2020

Selectmen Present:	Chair Jeffrey Hubbard, Shawn Farrell, William Olson, Darcy Dale, and Rosemary Kennedy
Board of Health Members Present:	Chair David Smith, Giselle Perez, and Christopher Small
Finance and Advisory Committee Members Present:	Chair David Wanger, John Pruellage, Christina Schenk Hargrove, and Valerie McCormack
Finance and Advisory Committee Members Absent:	Nicholas Tensen
Town Manager:	Joe Domelowicz
Other Town Staff Present:	Town Counsel Tom McEnaney of KP Law, P.C.

** This meeting was conducted via Zoom teleconference with all participants remaining in their homes.*

At 6:04 p.m., Board of Selectmen (BOS) Chair Jeff Hubbard called the joint emergency meeting/teleconference to order for the BOS and took a roll call. Board of Health (BOH) Chair David Smith and Finance and Advisory Committee (FinCom) Chair David Wanger also called their respective boards to order and took a roll call. It was determined all FinCom members were present but Nicholas Tensen. The Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

- The Council on Aging (COA), Hamilton Historic District Commission (HHDC), Open Space Committee, Conservation Commission, and the Essex North Shore Agricultural & Technical School Committee (appointment by the Moderator) each have one opening. The HHDC position is for an alternate.

PUBLIC COMMENT (3 MINUTES ON TOPICS NOT ON THE AGENDA)

None.

Selectmen/Town Manager Reports

Rosemary Kennedy gave an update on the Hamilton Affordable Housing Trust (HAHT) meeting in which the Hamilton Development Corporation (HDC)'s Willow Street project was discussed. A developer is interested in building 18 apartments with about 2,500 square feet of commercial space. She liked that it proposes half its units as affordable at 80% of AMI (area median income). She is concerned, though, it may jeopardize the affordable housing project proposed by Habitat for Humanity because the HAHT may not be able to afford both projects at once. She listed questions she posed at the HAHT meeting, which she said are important to answer about the Willow Street project, for example, what the percentage of local preference would be and whether some units can be designated for seniors at a lower percentage of AMI. She said there was a balance of positives and negatives with the project, but providing affordable housing is great news.

Darcy Dale offered two visuals for those who might balk at new requirements of wearing masks in public. She said on a frosty day, you can see your breath and droplets in the air when you exhale and speak. If you think of those as ridden with shed virus you can see how dangerous it is. Another example was seeing dust dancing around in a beam of sunlight, such as in a barn. She hopes everyone who goes out will wear masks.

William Olson, who served on the Screening Committee for the new School Superintendent, said the Hamilton Wenham Regional School Committee extended the offer to Mary Beth Banios, who is from Woodstock, VT; her contract will start in July.

Shawn Farrell and Jeff Hubbard had no report.

Town Manager Joe Domelowicz said earlier in the day Mr. Smith had pointed out Wenham is doing a COVID-19 informational page. Stirling Technologies, Hamilton's web host, is creating a similar resource for Hamilton at no additional charge. He had shared a mockup with the BOS earlier in the day.

Update from BOH Chair on Community COVID-19 Response—David Smith

Mr. Smith said COVID-19 positive tests are in a linear growth rate phase (which is better than continuing exponentially). He hopes to see the curve start to bend, but hasn't yet. At the State level, positive test results are about 20 per 10,000 residents. In Essex County, there are about 18 positives per 10,000 residents. The latest data from Hamilton is they have had 4 positive patients who have completed the 14-day isolation protocol so are no longer considered positive. Presently they have 2 active positive patients in isolation protocol, and 2 in quarantine due to having had contact with someone positive. If you take Hamilton and Wenham together, they are at about 5 positives per 10,000. Primarily, the BOH wants to educate the public. He and Mr. Domelowicz have posted videos of themselves wearing masks and explaining the value of doing so. He's been sampling the Crosby's parking lot and a good number of people are wearing masks. He's been posting on the local community Facebook page, and Assistant to the Town Manager Michellelee Carroll has been posting on the Town Facebook page. He said the BOH has been trying to give people good news and attend to their mental and physical health. He said he had publicized that all the residents contributed to the Sagamore Hill conservation area and encouraged them to go there to get outdoors. He said he was happy Cumberland Farms had voluntarily terminated self-service for beverages; Crosby's has adopted safe practices; and Gordon-Conwell Theological Seminary is doing all it can to comply with the Governor's orders. He received a note about the boat launch ramp on Chebacco Lake and said the BOH needs to decide whether or not to allow it to be open.

Ms. Kennedy said in the hospital world, when people finish their 14-day quarantine and are feeling better, they retest them before allowing them to go back to work. She wanted to know if the BOH was doing that. Mr. Smith said things are changing, but it is his understanding that if patients were symptom-free or able to produce two negative tests more than 24 hours apart, they can return to work. Dr. Giselle Perez asked if the Town could push for the tests. Mr. Smith said he and the BOH will need to review the matter again with the public health nurse. She has the authority to clear someone, but he would like to review it again because there has been some concern about accuracy rate with the tests.

Mr. Wanger asked about contact tracing efforts. Mr. Smith outlined the State protocol for Hamilton's public health nurse, which is that the nurse needs to connect with all a person's contacts and assess their conditions; any contact must go into the database.

Update on Local Government Operations—Town Manager

Mr. Domelowicz said due to last week's exponential growth in COVID-19 positive cases in the State, Public Health Nurse Christine Lee had identified a couple of other nurses to help her in the event her workload increases beyond her ability to handle it by herself. He said some local hotels are offering rooms where municipalities' first responders can be quarantined to help protect their families and offer them some peace of mind. Mr. Domelowicz said he felt so far the decisions and the work in Hamilton were going in the

right direction, but they are only about halfway through the crisis. He said he had made contact with Wenham and the Regional School District to talk about the FY21 budget and what to do about reducing costs due to expected reduction in revenues. He would also like to start a conversation with the Superintendent of Schools. The BOS as well as Wenham's BOS have been invited to join a Regional School District videoconference roundtable discussion with State Senator Bruce Tarr and Representative Brad Hill regarding State funding for schools and local school finances, and they will open that up to a wider conversation. Additionally, Wenham's BOS, through Town Administrator Anthony Ansaldi, has asked to have a joint BOS meeting to talk about coordination on the timing for Town Meeting and Town elections, as well as discussing their joint programs to see if changes may be needed to reduce costs to help with Wenham's cash flow.

Mr. Domelowicz mentioned the COVID 19 webpage and programs at the COA and Recreation Department to help people stay in good spirits. He said the Rec Department has been busy processing refunds, which hurts the Town's revolving fund. They are hoping the summer park program can go forward and are moving ahead with interview process for camp counselors. They won't be requiring deposits at the time of camp registration, so if they have to cancel they won't have to process refunds. He discussed the Department of Public Works (DPW) roadway paving and striping work and said they are hindered by needing to work as one-man crews for now. He said he had a call last Friday with Town Administrators on the North Shore to discuss staffing and didn't want to do any staff reductions in Hamilton at present, but wanted to hear from the BOS on that.

Mr. Hubbard asked about the things residents expect from Town Hall, such as building permits. Mr. Domelowicz said they're asking people to try and put building off except for necessary work. He's asked the health agent to put off Title V work for now in the interest of safety. He said they're ahead of last year's pace in terms of permitting revenue. They're asking people to pay bills through the website or by mail. They're working with a skeleton crew at Town Hall. The managers like to interact with their staff so they are trying to keep one day where they do overlap. They still need people in house to process payroll, etc. Ms. Kennedy asked about Town Clerk functions, specifically if someone could get a marriage license. Mr. Domelowicz said yes, they can arrange it by calling that office.

Mr. Wanger asked if Finance Director Marisa Batista were available this evening. He noted she was working on a survey of department heads about reducing expenditures. Mr. Domelowicz said he did not ask her to attend as she and other staff are working hard during the day and he is wanting to reduce their stress. He said Ms. Batista will have a report soon. They are trying to reduce expenditures without staff reductions.

Updates from State Actions—Tom McEnaney

Town Counsel Tom McEnaney reported on Governor Charlie Baker's signing of Chapter 53 of the Acts of 2020 last Friday, which amended general law to allow for annual town meetings to be conducted past June 30. Most towns are going to try and get their town meetings in by June 30, he said, but in the event there's still an immediate threat and the state of emergency is continuing, towns can go beyond that date. Hamilton's warrant hasn't been posted yet. If it gets posted in mid- to late June and Hamilton can't hold its Town Meeting on the date scheduled, the Town Moderator would be the one to take a vote to extend the deadline by 30 days. He described what would happen if the Town were not able to adopt its budget by the end of this fiscal year. With the approval of the Department of Revenue (DOR)'s Director of Accounts, they would go to a 1/12 budget and could use free cash certified as of July 1, 2019 as a funding source for FY21 expenditures, including funds in an enterprise fund or special account. The legislation also authorizes the Town to amortize any deficit spending over a three-year period, which is similar to what was allowed in 2015 after the bad winter. Chapter land, which is any land classified as forest, recreational or farming, includes a provision that gives the town right of first refusal if there is a conversion in terms of the use of the properties. The act suspends the time frame; he detailed what the time frame was.

Mr. McEnaney said pertaining to some potential votes by the BOS that may be taken this evening—**Sections 10, 11, and 12 of Chapter 53 of the Acts of 2020 address three local approved options:** The first allows the CEO of the town (which is the BOS) the ability to extend the deadline of payment of real estate and personal property taxes from May 1 to a date not later than June 1, 2020; the second grants the BOS the ability to waive interest on payments received after the due date provided they are made prior to June 30, 2020; and the third allows the BOS to extend the deadline to allow people to apply for certain extensions from April 1 to June 1. Rules have changed with respect to restaurant and taverns, allowing them to sell beer and wine for off-premises consumption along with the purchase of food, as long as they verify the drinks are going to someone 21 and older. The beverages must be in sealed containers and there are limits on the amounts. Provisions related to post-retirement work for municipal employees, with the exception of police and fire, have also been relaxed to fill positions and have them not be subject to the normal cap on compensation for public sector employment. The Acts also address provisions related to land use and other permits. Mr. McEnaney said his firm KP Law, P.C., had prepared a detailed advisory on that.

Mr. Domelowicz said when the Governor originally filed legislation March 17 to provide relief to municipalities, one of the provisions was to relax restrictions for town meetings if making the quorum count was too challenging. The Legislature chose not to include that provision. He and about 15 other town administrators petitioned (unsuccessfully) to restore the provision. Ms. Kennedy commented that Hamilton's Town Meeting quorum is so small they shouldn't have an issue meeting it. Mr. Domelowicz said yes, but other towns are in a different position so he was showing partnership with them.

Update on Steps Taken by Other Municipalities

Mr. Domelowicz reported that in general, neighboring towns were holding tight, making projections for FY21 and trying to hold steady on FY20. The Family and Medical Leave Act provides a local option exemption to allow towns to exempt first responders. He said this might need to be done by some towns with very small departments, but he and most of his colleagues wouldn't consider it because if someone needed to stay home to care for a loved one, they wouldn't want to get in the way of that. He said he was just mentioning it to see if anyone had any other perspectives; nobody had any comment.

State Action

Regarding the three proposed actions (underlined above), Mr. Domelowicz said he and Mr. McEnaney agreed the BOS should vote on all three together so only one mailing to the taxpayers would be required because mailings are expensive. Tax bills have already gone out, so they will need a separate mailing. He thought the BOS should make sure they were ready to vote on all three actions. Mr. McEnaney said it made sense for the BOS to vote on them sooner than later. Mr. Domelowicz said Mr. Wanger had provided input. One problem posed by taking in all of the receipts in June 1 is that the Town would be simultaneously closing out the fiscal year and also planning Town Meeting so it will be an extremely busy time for the staff.

Mr. Wanger remarked he had provided a hurried aggregation of thoughts from the FinCom and asked if individual FinCom members wanted to comment. Christina Schenk Hargrove asked Mr. Domelowicz to repeat the three actions to be voted on. The BOS motions sought were:

- **To extend the deadline to collect tax payments to June 1.**
- **To extend the deadline for certain tax exemptions to June 1.**
- **To waive any interest that might be applied to a late tax payment as long as the bill is paid by June 30.** Mr. McEnaney added the language: **"on any bill due on or after March 10, 2020."**

Ms. Dale introduced making the motion, but first Mr. Wanger suggested they extend a message urging residents to think of their community and if their income was above a certain level to ask them to pay by May 1. Mr. McEnaney said with respect to that, he didn't think there was anything in the legislation to condition it on income qualifications. Mr. Wanger said it would be a generic waiver and appeal to the good will of the population, asking people to voluntarily comply with May 1. There was a discussion about whether this messaging would be in a BOS motion or just in the letter. Mr. McEnaney didn't advise it appearing in the motion, wanting to keep it "cleaner."

Mr. Domelowicz said there is an outstanding question about the excise tax bills; those bills were already due and many people have already paid. Therefore, it might cause problems if people wanted refunds. He said the BOS could just vote not to send out demand notices for the excise tax bills, because if you didn't send them, you were essentially waiving the interest and fees. Mr. McEnaney suggested the action also cover any items added to a real estate or property tax bill, such as water and sewer charges.

Ms. Dale asked to hear from the FinCom. John Pruellage said he is in full agreement of the waivers; Ms. Schenk Hargrove and Valerie McCormack were, as well. Ms. Kennedy asked if people would have to show hardship to receive the extension. Mr. McEnaney said that was an unanswered question, but he doesn't read the legislation that way. Ms. Dale asked for clarification on the time limit. Mr. McEnaney responded "provided the payment is made by June 30." He said, for example, if someone pays on July 5, the total interest and penalties would accrue. Mr. Hubbard asked if this would impact the Town's cash flow. Mr. Domelowicz said he didn't anticipate a big cash flow problem because in emergency situations people usually make sure they don't get behind on their taxes, and the Town always receives its money if there is a foreclosure.

Ms. Dale added the State estimates a revenue shortfall of about \$750M on the high end with expected huge losses after July 2020. The revenue shortfall for FY21 is expected to be about two billion dollars. Therefore, the Town will need to think about how that will affect them.

Decision 1:

Ms. Dale made a motion to accept the provisions of Section 10 of Chapter 53 of the Acts of 2020 to extend the deadline by which the tax payments are due from May 1, 2020 to June 1, 2020. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Mr. Farrell, Mr. Olson, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous.

Decision 2:

Ms. Dale made a motion to accept the provisions of Section 11 of Chapter 53 of the Acts of 2020 to waive any interest and/or penalties that might be applied to a late tax payment on any bill due on or after March 10, 2020 as long as the bill is paid by June 30. Mr. Farrell seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Mr. Farrell, Mr. Olson, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous.

**Note: The language "on or after March 10, 2020" means the BOS is exempting excise tax bills from being included in the motion since those bills were already due prior to that date. It was decided not to send out demand notices.*

Decision 3:

Ms. Dale made a motion to accept the provision that the BOS extend the deadline for applications for property tax exemptions from April 1, 2020 to June 1, 2020 in accordance

with Section 10 of Chapter 53 of the Acts of 2020. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Ms. Dale, Mr. Farrell, Mr. Olson, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous.

Mr. Domelowicz said he had forwarded a draft of a letter to the DOR identifying the Town’s Emergency Expenditures, basically asking the DOR to be able to spend into the red and make up that money through free cash or some other means, such as FEMA [Federal Emergency Management Agency] reimbursement. It amounts to about \$85K. He said he was asking if the BOS would consider voting on the letter once it is firm. He wanted to make sure they weren’t missing any cost centers; they had about 12 identified. Ms. Dale asked if it included any costs for seniors. He responded it does; the COA has expended costs reaching out to seniors to make sure they had help with Meals on Wheels, etc. Ms. Dale asked if it included school expenses; he replied the School District would have to address that through its own process. She asked the timeline for submitting the expense list and if it could be ongoing. Mr. Domelowicz replied he didn’t think the Town would be spending the \$85K, but was trying to give a worst-case scenario and was just asking for flexibility to expend above the Town’s appropriation and to apply any funds from the government to be applied immediately to those bills rather than go into the general fund.

Decision:

Ms. Dale made a motion that the BOS approve [the letter regarding] Emergency Expenditures due to COVID-19 for approval of these emergency liabilities in excess of the appropriation, knowing that items may be added to make the list more comprehensive and that any monies received from State of Federal agencies would be applied directly to the bills that the Town will be accumulating. Mr. Olson seconded the motion. A roll call vote was taken with “ayes” from Ms. Dale, Mr. Olson, Mr. Farrell, Ms. Kenney, and Mr. Hubbard, (5-0) unanimous.

Mr. Domleowicz said he will let them know when the letter is ready to be signed.

OTHER BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

Mr. Hubbard recommended they keep meeting weekly. Ms. Dale agreed. Mr. Domelowicz asked if they wanted to hold next week’s meeting (April 13) jointly with the Wenham BOS. Regarding items for discussion, Ms. Kennedy asked if they would be confined to COVID issues. Mr. Domelowicz said if there are other items to discuss, they can add them. Ms. Dale said she knows Wenham is looking for things to cut so perhaps the Wenham BOS could give the BOS a list for discussion. Ms. Kennedy said she would like to receive meeting documents early so they can have an informed discussion. Ms. Dale suggested perhaps getting the information to discuss on their own next Monday and then involve the Wenham

BOS the following week. Mr. Wanger was asked if FinCom could participate next Monday. He said yes, they'd have a quorum. It was decided the BOS would like to keep the BOH involved in the meetings. David Smith said his sense was it wouldn't have to be a joint meeting with the whole board [of Health], but he would be happy to give the BOS an update.

Adjournment

Ms. Dale made a motion to adjourn the meeting for the BOS at 7:41 p.m. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Mr. Farrell, Mr. Olson, Ms. Kennedy, and Mr. Hubbard, (5-0) unanimous. Mr. Smith made a motion to adjourn the meeting for the BOH. Mr. Small seconded the motion. A roll call vote was taken with "ayes" from Mr. Small, Ms. Perez, and Mr. Smith, (3-0) unanimous. Ms. Schenk Hargrove made a motion to adjourn for the FinCom. Ms. McCormack seconded the motion. A roll call vote was taken with "ayes" from Mr. Pruellage, Ms. McCormack, Ms. Schenk Hargrove, and Mr. Wanger, (4-0) unanimous.

Prepared by:

Mary Alice Cookson, 5-19-20
Mary Alice Cookson Date
Minutes Secretary

Attest:

Darcy Dale, 5-19-20
Darcy Dale Date
Board of Selectmen Clerk