

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall Memorial Room, 577 Bay Road

August 26, 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 7:09 p.m. The Pledge of Allegiance was recited.

**ANNOUNCEMENTS & BOARD OPENINGS**

- The Board of Health, the Hamilton Affordable Housing Trust (HAHT), and the Finance and Advisory Committee (FinCom) each have one opening. Get in touch with Town Moderator Bill Bowler or FinCom Chair David Wanger if interested in the FinCom position.

**PUBLIC COMMENT**

None.

**Selectmen/Town Manager Reports**

William Olson reported the Planning Board is continuing to work on the Master Plan for housing and a public meeting will be held Sept. 19 at 7 p.m. at the Council on Aging (COA). The Planning Board also will be having a pre-application meeting regarding 59 Willow St., the property owned by the Hamilton Development Corporation (HDC). The HDC aims to sell the property with a permitted project of approximately 18 housing units with commercial space on the first floor.

Rosemary Kennedy said she's pleased more citizens have been coming to the Monday morning Selectmen hour. She has met with some seniors who provided an opportunity for her to listen to their concerns. She met with the Conservation Commission (ConCom) to

discuss updating the wetlands conservation regulations; there was a lot of give and take. Ms. Kennedy edited the draft and currently Amy Kwesell of KP Law, P.C., is reviewing it.

Shawn Farrell noted the Town pool will be open throughout the Labor Day weekend.

Darcy Dale said there will be a Capital Committee (CapCom) and FinCom joint meeting on Sept. 28 at the Library to discuss priorities. There's been a request for "traffic calming" on Walnut Street, which cuts through both Hamilton and Wenham. She had some comments on the Fire Chief contract that hasn't been voted on yet and it was decided that she would bring those up under Old Business at the end of the meeting.

Mr. Hubbard reported the Gordon-Conwell Theological Seminary (GCTS) Task Force will meet on Thursday. Gordon-Conwell has put together its own Task Force that will meet with Hamilton's GCTS Task Force.

Town Manager Joe Domelowicz said his Town Manager report will be posted online tomorrow. He mentioned the Early Childhood Partners' Nature Scavenger Hunt taking place at the Patton Homestead on Sept. 18. He cautioned that due to blue algae, swimming in Round Pond is unsafe for humans and pets. The Board of Health has advised residents to take precautions against mosquitoes as there were EEE-positive tests in mosquitoes in Boxford and Andover. Mr. Domelowicz encouraged residents to sign up to participate in Flash Vote Community surveys. He explained their purpose is to see how a cross-section of the community feels about given topics. Massachusetts Department of Transportation is closing Waldingfield Road in Ipswich for bridge repairs effective tonight until Nov. 20. The Ameresco Solar field is nearing completion and photos will be provided soon. Ms. Kennedy asked how people sign up for Flash Vote. Mr. Domelowicz said they will be sending out notices about it. People won't know what the survey topics are going to be when they sign up to participate.

Mr. Domelowicz requested a motion to move the agenda item regarding Pilot Closure of Sharon Road ahead in the agenda to accommodate a group of neighbors in attendance.

**Decision:**

Ms. Kennedy made a motion to move the Sharon Road agenda item forward to the beginning of the agenda. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to move the agenda item.

**Pilot Closure of Sharon Road at One End at Neighbor's Request—Discussion**

Mr. Domelowicz said many drivers are cutting through Sharon Road and are not being respectful of the thickly settled neighborhood. Police Chief Russell Stevens said Mark Deforest, 23 Sharon Road, had reached out concerning the issue. During certain hours, people are not supposed to be entering that road, but they don't adhere to the posted sign. The Chief cited a huge volume of traffic there. Mr. Olson noted Waze [the navigation app] directs traffic through there. Chief Russell gave some history, saying that about nine years

ago residents on that road proposed the idea of closing down one side and making it a dead-end. He suggested trying a pilot program to do that and then monitoring it. Mr. Deforest said he's terrified having his kids ride their bikes and play there as it is a recipe for disaster.

Mr. Olson wondered if this action might prompt other neighbors on other roads to want to close their roads also. Chief Stevens said he hasn't gotten a lot of requests about shutting down shortcut roads, but he does get many calls about speeding. Mr. Domelowicz said by doing the pilot for the 90 days they would be able to weigh the situation. Chief Stevens said he wanted to do it now before snow flies.

Ms. Dale asked if there were a backup plan in case this didn't work. Chief Stevens said he didn't know how it wouldn't work, although some people are going to be going down the road and then having to turn around; also there might be neighbors not in favor of the plan. Mr. Deforest said 10 of the neighbors were away on vacation, some are present this evening, and only about one or two didn't sign the petition.

Duke Seaver, 402 Essex St., asked if they might put a one-way street along the new Canter Brook project. The answer was no as it is a private road.

Chief Stevens recommended holding a public hearing so everyone who lives in the area can be heard. Mr. Olson said he thought they could offer that while also approving the pilot closure. Ms. Kennedy said any neighborhood trying to protect its children is doing the right thing. Mr. Farrell guessed they might make the road a cul-de-sac and asked about the costs of the temporary barriers and then permanent barriers needed later on. Mr. Domelowicz will explore those costs. Mr. Hubbard and others speculated it might take Waze a while to catch up with the change after it is made.

**Decision:**

Mr. Farrell made a motion to approve a 90-day temporary dead-ending of Sharon Road. Ms. Dale seconded the motion.

**Further Discussion:**

Mr. Farrell noted the BOS should also hold a public hearing on the matter.

Alice Maciejowski, 17 Sharon Road, gave an emotional account of her son almost being struck by a car. This isn't about the Town being sued, she said, it is about public safety. She said they are barraged by people on that road when Pingree School hockey lets out, for example. She said in 2003, they had every household sign a petition to close the road.

**Decision (Continued):**

The BOS voted unanimously (5-0) for the 90-day pilot shutdown of Sharon Road.

### **Presentation by National Grid on Progress with System Upgrades**

Mr. Domelowicz said the presentation would be posted online tomorrow. (The Town's projector wasn't working.) The BOS was given copies of it and copies were made available to the public.

National Grid's Faith Hassell reviewed what her company has been doing to address concerns over double poles in Town. They've replaced 26 and there are six double poles remaining. Mr. Domelowicz said they will discuss those at the next Pole Hearing.

Ms. Hassell highlighted all the work that has been done and pieces of equipment added. National Grid identified a hot spot on the line and set up an outage to resolve the issue. Reclosures (which isolate outages if they happen) were added. She also discussed tree trimming. Mr. Farrell asked about the level of cooperation from homeowners concerning trimming. She responded that in the past they had had 12 refusals of trimming on private property, but they've since turned that around. Some homeowners had asked if they could hire a private company to do the trimming; National Grid is following up.

Ms. Hassell discussed a program whereby citizens can alert National Grid of a power outage and receive messages back. Mr. Farrell noted it is important for residents to report outages by calling or texting as National Grid uses that to inform its response.

National Grid Massachusetts' President Marcy Reed will host a free community event to address power issues and citizen concerns at the Patton Homestead on Sept. 16 from 6 to 8 p.m.

The BOS thanked Ms. Hassell for the good dialogue and for the effort of her and her team. Mr. Domelowicz said when there is an outage now, Ms. Hassell is usually the first to notify him.

### **Discussion with Assessor Re: Deferral Program Interest Rate—John Speidel**

Director of Assessors John Speidel said upon reviewing the 41A deferral program, they found they were using \$40K as the income limit, but that had never been approved by Town Meeting and they should have been using \$20K. They only have one person on the program right now and were thinking that if they upped the income limit to \$58K for a single tax earner more people might be able to qualify for the deferral program and it may help people stay in their homes. FinCom hasn't weighed in on this yet. Mr. Domelowicz noted the Town would still collect the taxes, but that would be done when the home was sold. Mr. Speidel was asked the interest rate and said it had been lowered to 5% (from 8%) in 2006 by Town Meeting. Mr. Farrell mentioned the Town offers other programs, such as the tax work-off program for seniors, as well.

Mr. Olson asked how the Town absorbs the deferred taxes. Mr. Domelowicz said the amount is marginal and doesn't result in a big shortfall. There is only one person on the program currently and they expect that by upping the income, they might get only about

one or two more to participate. This matter would have to be a warrant article. No decision is needed tonight from the BOS.

Mr. Ozahowski said with this program a lien is involved and that's a hurdle for people to understand; it's a deferral that is like a loan and nobody is taking their house. He mentioned there is a clause that raises the exemptions for deferrals to the Circuit Breaker levels. That way the program is not tied to assets; it is solely based on income and designed for seniors.

Ms. Kennedy initiated a discussion about the interest rate and there was a general discussion about what it should be. Mr. Olson also pointed out that while applicants' information might be confidential, liens are public information.

Mr. Domelowicz said they could discuss the interest rate with the FinCom. There was a discussion about doing more research on what other towns are offering and having Mr. Speidel speak with COA Director Mary Beth Lawton.

Mr. Seaver commented that on all the forms he always sees "husband" and "spouse." He would like to also see it include dependents and disabled people.

Ms. Dale asked if the interest was compounded; she was told it is annual. Ms. Kennedy thought they might want to send out a flyer. Mr. Farrell suggested including a notice with a tax or water bill.

#### **Discussion of Vacant/Dilapidated Buildings—86 Meyer Road Update**

Mr. Domelowicz referred to information included in the BOS packet, not all of which can be made public, he said. On the 86 Meyer Road property, a fine has been issued based on missing windows and there had been complaints about the lack of progress made. Mr. Olson said they need to look at the tools they have in their toolbox to motivate the homeowners as they've made some progress but not enough progress. The deadline is six months and there is still a lot of work to be done.

Mr. Farrell said he's talked with Director of Planning and Inspections Patrick Reffett about this and the issue is that the bylaw provides a two-year widow from permitting to occupancy. In this case, a permit was reissued last July and the homeowners still have about a year left on the permit. The home was supposed to have been completed this July but that has been extended to November. Mr. Olson said they had asked the homeowners for a construction estimate and that was undervalued, so they asked for a revised estimate. Mr. Domelowicz will follow up with Mr. Reffett to issue that in writing and will talk with KP Law, P.C.

Police Chief Stevens answered a question directed to him about safety concerns. He said there is occasional trespassing and they've had some graffiti at the property. Insurance, taxes, etc., are up to date. The next step, according to Mr. Olson, is talking with Town

Counsel. Mr. Farrell asked if there were any inspections coming up. Mr. Domelowicz said he would ask the recently hired interim building inspector for a written update.

### **Trash Collection—BOS to Appoint Member to Task Force**

Mr. Domelowicz said the BOS had agreed in June to have him assemble a Task Force on waste reduction measures and exploring the implementation of the trash collection plan advocated by the Waste Reduction Committee. He would like the BOS to take a vote this evening to appoint some BOS members to assist with this.

Mr. Olson said he supports a change to minimize the waste stream as proposed by the Waste Reduction Committee and was willing to volunteer. Ms. Kennedy said she was also interested in working with Waste Reduction Committee Chair Gretel Clark (who was in attendance along with Committee member Charlotte Lidrbauch) to change the minds of citizens opposed to taking measures.

### **Decision:**

Ms. Dale made a motion that Mr. Olson and Ms. Kennedy serve as members of the Task Force on trash collection. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Mr. Domelowicz thanked Ms. Clark and Ms. Lidrbauch for coming and said he would be in touch. Ms. Clark said she hoped the trash situation would be resolved quickly so the Town can stop losing money. Mr. Hubbard mentioned trash collection might be a good survey topic for the Flash Survey.

### **Discussion of Possible Need for Vacation Rentals Bylaw**

Mr. Olson said the Planning Board was looking for a straw vote from the Selectmen to see if a bylaw on this issue was something they should focus on. Mr. Domelowicz said they had taken a look to see if there were a lot of vacation rentals and found there are a handful, mostly near the lake, but there aren't a large level of complaints. Ms. Dale said it seemed like they were trying to solve a problem that didn't exist; she was for letting the matter go. Mr. Farrell mentioned there had been a discussion about this previously at the State level. Mr. Domelowicz said the State had wanted towns to take action by July 1, but that had gone by. Mr. Olson thought this might be another good topic for a flash survey.

Ms. Dale asked Mr. Olson if the Planning Board had prioritized a list of bylaws to work on. Mr. Olson said yes, this had been next on their list. Mr. Hubbard wanted to know if there were any revenue repercussions. Mr. Domelowicz said the State allows something similar to a hotel tax and if Hamilton wanted to regulate them, they could. Mr. Farrell noted the Planning Board had discussed some type of application fee or right to inspect. The main concerns were about how the rentals affected the neighbors and about parking, but they haven't received any of those complaints recently.

**Decision:**

Pertaining to the straw vote requested, Mr. Olson made a motion to let this issue rest and recommend to the Planning Board that it move on to another bylaw topic and perhaps revisit this one at a later date. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to recommend that the Planning Board not pursue a bylaw on this issue at this time.

**Review of Community Preservation Committee (CPC) Votes for STM**

The purpose of this agenda item, Mr. Domelowicz explained, was to simply give an update on how the CPC had voted in preparation for Special Town Meeting. No further BOS deliberation is needed. The CPC had approved funding of \$200K for the HAHT's affordable housing project and \$250K toward the construction design plans for bidding the Town Hall Building project. Mr. Olson clarified that the CPC is remaining silent on whether it favors Option A or B. The CPC vote to approve the \$250K for the Town Hall was (4-1). Mr. Farrell talked about how over the years the Town had been diligent about using preservation funds only on those things eligible for CPC funding.

Mr. Domelowicz added that on Thursday morning at 10:30 a.m., the Town Hall Building Committee would be meeting with Energy Manager Vicky Masone and others to look at making the building as energy-efficient as possible.

**Town Manager Review—Discuss Process and Scheduling**

Mr. Domleowicz provided a template of an evaluation tool and list of his goals for the past year. Mr. Farrell said the tool can perhaps be improved with more poignant questions. Ms. Dale inquired if there were any mechanism for hearing feedback from department heads. Mr. Hubbard said there had never been a formal process for that. Mr. Farrell said if they did go down that road he would like to keep it to about three to five questions on higher-level things rather than the BOS getting into operations. He said he understood from former Selectwoman Allison Jenkins that the BOS is supposed to make everything concerning the evaluation public. They will enlist KP Law, P.C., for help.

Mr. Olson nominated Mr. Farrell and Mr. Hubbard to spearhead the process. Both said they would. They discussed a timeline of late September/early October. Mr. Domelowicz has been with the Town a year on Sept. 4. He said he embraces the process and likes it to be collaborative and open.

Ms. Kennedy asked how they would compile the goals for 2020. Mr. Olson said in the past they have held a Saturday session at the Public Safety Building to brainstorm priorities.

So as not to violate Open Meeting law, Mr. Farrell asked that all Selectmen send their list of Town Manager goals to Mr. Hubbard as the one who will be compiling them.

**OLD BUSINESS**

Pertaining to the Fire Chief's contract, Ms. Dale discussed that she would like to see a goal that every person within the Fire Department be able to operate every piece of equipment. Mr. Domelowicz said the new Fire Chief Ray Brunet had spoken about establishing a training curriculum and it can be added to one of his goals and assessed during his evaluation.

Mr. Farrell commented that yearly evaluations for the department heads are part of the Special Act for the Town Manager and he was glad they were being initiated.

**NEW BUSINESS**

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

Not discussed.

**Adjournment into Executive Session**

Ms. Dale made a motion to adjourn into Executive Session at 8:50 p.m. to:

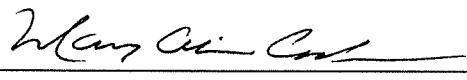
- Discuss strategy with regard to possible future real estate transaction/acquisition

and not to return to open meeting at the close of the Executive Session. Mr. Olson seconded the motion. A roll call vote was taken with "ayes" from Mr. Farrell, Ms. Dale, Mr. Hubbard, Ms. Kennedy, and Mr. Olson.


**Cemetery Deed #1183**

Signed by the Board.

Prepared by:

 / 9/23/2019  
 Mary Alice Cookson Date  
 Minutes Secretary

Attest:

 / 9/23/2019  
 Darcy Dale Date  
 Board of Selectmen Clerk