

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Teleconference

July 13, 2020

Selectmen Present:

Chair Shawn Farrell, William Olson,
Rosemary Kennedy, Darcy Dale, and
Jamie Knudsen

Town Manager:

Joe Domelowicz

Other Town Staff Present:

Finance Director Marisa Batista, Town
Counsel Tom McEnaney, and Assistant to
the Town Manager/CPC Coordinator
Patrick Shannon

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

Call to Order/Pledge of Allegiance

Chair Shawn Farrell called the Board of Selectmen (BOS) teleconference to order at 6:32 p.m. Pledge of Allegiance was recited. Mr. Farrell took a roll call; the full Board was present.

Board and Committee Openings

The Council on Aging, Hamilton Affordable Housing Trust (HAHT), and Hamilton Board of Appeals each have one opening. The Hamilton Historic District Commission (HHDC) has two openings, and the Community Preservation Committee (CPC) has three openings.

Public Comment

Newly sworn-in Town Clerk Carin Kale introduced herself and gave a summary of election law changes, primarily involving vote by mail and early voting. Vote by mail is allowed for both the State and Presidential elections this year and there is a broader opportunity for early voting than there was for the 2016 election. There will be seven days of early voting for the Primary and 14 days for the Presidential election (expanded from 12 in 2016). Ms. Kale encouraged people to register and if they want to vote by mail, to send their applications. Mr. Olson noted no other Town events may be scheduled during the days when the election is held. Ms. Kale complimented those working in her office. Mr. Farrell

asked if there was State money available for poll workers. Mr. Domelowicz said he hadn't seen anything about that, but the Town Clerk will keep them abreast.

AGENDA

Updates—Selectmen/Town Manager Reports

William Olson gave no report.

Rosemary Kennedy said she is working with new HAHT Chair Marnie Crouch to resolve an issue concerning the two Habitat for Humanity homes at 270 Asbury St. not being listed on the Town's Subsidized Housing Index (SHI). She also said there is a Conservation Commission (ConCom) issue to be discussed later this evening.

Darcy Dale said she heard from the Kaminski-Clarke family regarding their historic curatorship property at 550 Highland St. The Town's petition to waive taxes there is in its third Senate reading. Ms. Dale would like the BOS to request that Senator Bruce Tarr bring it to the floor to have the matter expedited by the deadline. She also discussed that the way the new Town Hall's parking lot will be configured means moving it back into the Department of Public Works (DPW) yard and there may be an issue there with the cell tower taking up that room.

Jamie Knudsen gave no report.

Aside from welcoming Ms. Kale, Mr. Domelowicz welcomed new Assistant to the Town Manager/CPC Coordinator Patrick "Pat" Shannon, who will also serve as coordinator for the HAHT and HHDC. Mr. Domelowicz said Mr. Shannon will do some grant writing and also assume some duties of Michellelee Carroll (now regional Human Resources Director). Mr. Shannon introduced himself and was welcomed by the BOS. In Colorado he managed special districts.

Mr. Domelowicz pointed out that although the Town has been focused on COVID-19, other work is going on, such as the installation of the signboards. Two members of the Police Department, Sgt. Karen Wallace and Officer Brian Shaw, are retiring. He reminded everyone of the water ban. The joint fueling arrangement with Wenham as part of a pilot study is proceeding. Cape Ann Transportation Authority is now providing transportation for Hamilton's seniors. Sidewalk work is being done along Linden Street, at the Madonna Drive and Highland intersection, and along School Street from Knowlton Street to Essex Street with completion expected by mid-August. An electric vehicle recharging station was built behind Town Hall using grant money. Reopening of playgrounds and public bathrooms with weekly cleaning has happened. The full Town Manager's report, which included mention of the Town's Summer Recreation programs, will be posted online tomorrow.

Mr. Farrell discussed the liaison list he had sent that was included in the BOS packet. He said everyone had received the roles they requested. There is nobody currently assigned to

the Gordon-Conwell Theological Seminary (GCTS) Task Force; Mr. Domelowicz will look at that as the task force sunsetted June 30 and some members have left so new ones may need to be appointed. Mr. Farrell acknowledged there are two Town Hall Building Committee reps: Ms. Dale and Ms. Kennedy. It wasn't certain if the Committee still wanted to have two reps. Mr. Domelowicz will double-check and also find out if the reps are voting members. Mr. Farrell noted Governor Charlie Baker rescinded his order concerning plastic bags and people can now bring their own reusable bags to the grocery store and plastic bags will again be banned. Mr. Farrell said the BOS should discuss whether the Town should return to every-other-week trash pickup. He reached out to the Waste Reduction Committee to see if they would do some Zoom educational sessions on recycling and composting. Mr. Farrell asked the BOS liaisons to reach out to their respective chairs about whether they were OK extending their appointments until September and if not, to let him know. The CPC needs to hold its annual public hearing and asked for it to be a joint meeting with the BOS on July 27. The Hamilton Wenham Regional School District School Committee will meet Aug. 12. Mr. Farrell suggested a BOS member watch some Zoom meetings on cyber security and report back. Lastly, he said the solar array at the landfill had been held up in land court, but based on recent discussions, he expects movement on it at the end of July. Also, a meeting regarding the cell tower was held with all the entities involved. Mr. Farrell will get back to the BOS regarding next steps in that process.

AGENDA

Approve Minutes of the May 5 and June 29, 2020 BOS Meetings

Decision:

Ms. Dale made a motion to approve the May 5 and June 29 BOS minutes. Mr. Olson seconded the motion. A roll call vote was taken with "ayes" from Mr. Olson, Mr. Knudsen, Ms. Dale, Ms. Kennedy, and Mr. Farrell, (5-0) unanimous.

Approve Minutes of the May 18, 2020 Joint BOS and Finance and Advisory Committee (FinCom) Meeting

Decision:

Ms. Dale made a motion to approve the May 18 joint BOS/FinCom minutes. Ms. Kennedy seconded the motion.

Further Discussion:

Ms. Dale added some clarifying language to a sentence on page 5: "The FinCom vote was (4-1) in favor of having one article rather than the split..."

Decision:

A roll call vote was taken to approve the May 18 minutes with the change noted, with "ayes" from Mr. Olson, Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

End of Year Transfers—Review and Vote

Finance Director Marisa Batista explained two transfers needed, which were already approved by the FinCom: \$6,433 from the Retirement Fund to fund Cherry Sheet

Assessments Expenses and \$448.94 from Celebrations Operating Expenses to Library Operating Expenses to make up for a small discrepancy in the assessment Hamilton pays to Wenham.

Decision:

Ms. Dale made a motion to approve the two transfers. Mr. Knudsen seconded the motion. A roll call vote was given with “ayes” from Mr. Olson, Mr. Knudsen, Ms. Dale, Ms. Kennedy, and Mr. Farrell, (5-0) unanimous.

Ms. Batista said the Town had its last FY’20 warrant. Departments have until July 15 to request encumbrances. She said it doesn’t look like the Town will meet its revenue expectations, but will see some savings in appropriations.

Community House Parade and Play—Presentation by Melissa Elmer/Vote

Mr. Farrell had asked and it was agreed to take this agenda item out of order.

Melissa Elmer, the Community House executive director, was not present. Amy Wallick, a Community House board member and parade chair, and Gail Lull, the event manager, gave presentations on requests for two events.

Ms. Wallick said because the Community House was not able to hold its annual Hamilton Wenham block party, it is proposing a rolling parade. The suggested route was shared onscreen. Proposed date for the parade is Aug. 29 with a rain date of Aug. 30 from 3 to 7 p.m. Fire and Police Departments have been contacted.

Mr. Olson said it was a great idea and asked how the BOS can help. Ms. Wallick said they would need restroom access. Mr. Domelowicz said the Patton Park restrooms are now open. Mr. Farrell recommended they also rent some porta-toilets. Both Mr. Olson and Ms. Kennedy thought the length of the parade was too long and discussed cutting it. Mr. Farrell said he was good with the idea if they worked with the Public Safety department on the timing and route. Ms. Lull asked if the group would need to appear before the BOS again after the details were ironed out. The BOS agreed the group would not have to do that if they kept Mr. Domelowicz updated.

Decision #1:

Ms. Kennedy made a motion that the BOS approve the Community House request for a rolling parade on Aug. 29 with a rain date of Aug. 30 pending approval of the Fire and Police departments. Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Mr. Olson, Mr. Knudsen, Ms. Dale, Ms. Kennedy, and Mr. Farrell, (5-0) unanimous.

Katie Clarke, Artistic Director of Stage 284, outlined the Community House’s other request: to hold a socially distanced concert in Patton Park utilizing the gazebo on September 11 or September 12, but not both; two dates reserved in order to allow flexibility for weather. “The Secret Garden” play was not held in March due to COVID-19 so this would be a concert of that music. Ms. Clarke said the performers would stay 12 feet apart with no more than

four performing at one time and would be away from the audience. They would not share microphones. The audience would be socially distanced at six feet. Suggested donations (made via online or donation buckets at the event) would go to a scholarship fund. There would be two shows with cleaning done in between.

Ms. Dale asked if the audience would be required to wear masks. Ms. Clarke said yes. Mr. Farrell said he thought the event idea was great if they worked closely with the Health Department. However, he said if there were to be a spike in COVID cases, the Town would need to reserve the right to mutually cancel the event if necessary. Ms. Kennedy suggested using chalk circles to mark where people will sit rather than using boundaries that can be moved. The Community House will work with DPW Director Tim Olson and Recreation Director Sean Timmons to coordinate details.

Decision #2:

Ms. Kennedy made a motion that the BOS approve the request by Stage 284/Community House to hold a concert at Patton Park on Sept 12 with a rain date of Sept 13. Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Mr. Olson, Mr. Knudsen, Ms. Dale, Ms. Kennedy, and Mr. Farrell, (5-0) unanimous.

Mr. Farrell greeted Ms. Elmer who was now online.

Ms. Lull added that in place of the Community House’s Harvest Dinner would be an online event honoring hometown heroes and involving take-home food. She was looking for people to nominate residents as hometown heroes. The nomination period runs through July 19.

Verizon Cable License Renewal—Presentation by Bill August/Vote

Mr. Domelowicz noted Bill Melville, HWCAM Executive Director, was present online along with Mr. August. A memo outlining a June 18 conference call was included in the BOS packets.

Mr. August [of Epstein & August, LLP] summarized his extensive background in cable licensing and previous experience with Hamilton, as well as previous work with Mr. Melville. He gave an overview of the licensing process. It involves a public hearing to ascertain video-related needs, promulgate written reports of those needs, and enter into negotiations with Verizon.

Mr. Domelowicz said he had recently met with Mr. August, Mr. Melville, Wenham’s Attorney Bill Solomon, Wenham’s Town Administer Anthony Ansaldi, and he said the revenues are coming from settlement not tax revenue. Many details were discussed. Verizon now signs licenses for five years; it used to be 15. Mr. August discussed this and other changes by Verizon and the Federal Communications Commission (FCC).

Decision:

Ms. Dale made a motion that the BOS initiate the Verizon Cable License Renewal process

and approve the contract terms afforded by Mr. August to have him as the Town's representation in this matter. Ms. Kennedy seconded the motion.

Further Discussion:

Mr. Farrell had some questions on the negotiation process, which Mr. August detailed. He said the Town would lay out its priorities in terms of annual funding and equipment funding and then Verizon would send the Town a first draft.

Decision (Continued):

A roll call vote was taken with "ayes" from Mr. Olson, Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (5-0) unanimous.

Conservation Restriction for Canter Brook Farms—Review and Vote

Mr. Domelowicz said the normal course would be to let the proponent (Larry Smith) and his lawyer speak first. Melissa Ogden introduced herself as an attorney with Mann & Mann representing Canter Brook Capital, LLC, who had gone before the ConCom as part of the approval process for the Canter Brook Farms condominium project at Highland and Asbury Streets. After going through the process with the State, she said they were now there to ask for BOS approval of the ConCom acceptance of the Conservation Restriction.

Decision:

Ms. Dale made a motion that the BOS approve the Conservation Commission's acceptance of the Conservation Restriction for Canter Brook Farms. Mr. Olson seconded the motion.

Further Discussion:

ConCom Representative George Tarr said the Commission would like the public to be able to access and utilize the walking paths on the land. Mr. Smith said Canter Brook had granted that and was not opposed to it. Ms. Ogden said there are restrictions in place granting ConCom oversight over the wetlands, noting the condos are subject to an already approved landscape plan. Mr. Tarr and Ms. Kennedy explained they wanted language added to the restriction documents to clarify Canter Brook was allowing the public access to the trails and also to more clearly define the ConCom's oversight. Ms. Ogden said they were subject to the landscape plan and asked if the landscape plan had missed something. Mr. Tarr didn't have the document in front of him, but said there was no mention about providing public access and he wanted something added to state that ConCom had jurisdiction no matter what the restriction said. He said he was afraid if they accepted the restriction it could override any jurisdiction in the future. Ms. Ogden said it was a standard form she was presented with and had requested to have signed. She said the land would be valued as conservation property so anything Canter Brook does cannot go against that. Ms. Kennedy noted language to be added. She wanted to edit bullet #2 on page 3 to say "providing trails for residents within the Town of Hamilton for the purposes of..."

Decision (Continued):

Ms. Kennedy made a motion that the BOS approve the Conservation Restriction granted by Canter Brook Capital, LLC, to the Town of Hamilton with the one language change she had noted and that it be subject to approval by Town Counsel. Ms. Dale seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

Ms. Ogden asked how they would obtain the signature pages. Mr. Domelowicz asked her to email him a clean copy with the edits and he would arrange for the signing. Having the documents notarized was also discussed.

Special Municipal Employee Designation—Discussion and Vote

Anna Siedzik, 227 Highland St., said when she was doing her School Committee member onboarding and ethics training, a question was raised about who her employer was, and she learned it was both towns. However, according to the State's ethics hotline, she learned her role was designated as a Special Municipal Employee by the Town of Wenham, but not by Hamilton.

When asked for comment, Town Counsel Tom McEnaney explained it was fairly common for unpaid board members to be designated Special Municipal Employees. He discussed Section 17 of State Ethics Law that allows Special Municipal Employees to appear before other boards and committees without violating conflict of interest law. For example, an attorney or engineer serving as a Town board member may be paid to represent other parties to the Town as part of their jobs. This enables them to participate in Town government without being prevented from making a living. Section 20 deals with having multiple contracts with the Town or working for a business that has a contract with the Town.

Mr. Farrell said it seems like a housekeeping item and the right thing to do to have Mr. Domelowicz and Mr. McEnaney look into what positions should be designated as Special Municipal Employees.

Decision:

Ms. Dale made a motion that the BOS designate the Hamilton Wenham Regional School District School Committee as Special Municipal Employees. Mr. Olson seconded the motion.

Further Discussion:

Ms. Siedzik said when she talked to the State ethics attorney, she was pointed to three specific Hamilton votes: in Oct. 1963, April 1987 and Sept. 2005. She said there may have been other votes, as well. Mr. McEnaney said they should begin by looking at what positions in Wenham had been designated Special Municipal Employees so they can coordinate with them. Ms. Siedzik had some dates for votes taken in Wenham, which had been provided to her by Wenham Town Clerk Dianne Bucco. Mr. McEnaney said they will need to confirm whether it is a complete list.

Decision (Continued):

A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

Mr. Olson and other BOS members thanked Ms. Siedzik for bringing the issue to their attention.

Flag Raising Policy—Review and Discussion

Mr. Farrell referenced the policy sent out in the packet. Mr. Domelowicz had borrowed language from another community in drafting it. Mr. Domelowicz said Hamilton had recently approved a request by residents to hang the unity flag in the month of June. However, by doing that, he was concerned they could create a situation of other groups wanting to hang their flags on the pole as a right to free speech. Ms. Kennedy asked what gave the BOS the right to decide who can put up a flag and who can't. She worried it would open a can of worms. Mr. Farrell suggested she read the policy through for discussion at a future meeting.

Decision:

Ms. Kennedy made a motion that the BOS put a moratorium on third-party flag raising until a policy is approved. Ms. Dale seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, Mr. Olson, and Mr. Farrell, (5-0) unanimous.

Mr. McEnaney left the online meeting.

Town Meeting Recap

Mr. Domelowicz noted Annual Town Meeting (ATM) is typically held the first Saturday in April, which falls this year on Holy Saturday. He wanted to know if the BOS wanted to discuss changing the date.

For Special Town Meeting (STM), he said there are concerns there could be a resurgence of COVID-19. Also, the Town Clerk's office will be tied up with elections. He cited Nov. 3 as a potential date, however, Ms. Dale later pointed out that is the Presidential election date. Nov. 7 was then discussed as a potential date (Oct. 31 was the other date, but it is Halloween). The idea is to keep it on the same day as Wenham's Town Meeting. Mr. Farrell pointed out that kids' sports would then just have to be canceled for one day rather than two. Holding STM in the high school gym with doors left open to create air flow was also discussed. Ms. Kennedy noted the auditorium was more comfortable.

The BOS discussed what number of automated vote counters to order. Mr. Olson suggested 500. Mr. Domelowicz said the cost is \$36 each. It was suggested that Wenham might split an order of 1,000 and the two towns can borrow from each other as needed. Mr. Domelowicz was asked to see if Wenham had an interest in that. Mr. Olson noted there was only one battery issue out of the 400 vote counters at ATM. Mr. Farrell asked Mr. Domelowicz to show some data from the Town Clerk regarding the average attendance and highest attendance for a Hamilton Town Meeting so they can better gauge how many are needed.

Other comments made about ATM: Mr. Olson said the audio visual set-up went well. Ms. Kennedy applauded the DPW on the tent. Mr. Domelowicz complimented the staff and residents for pitching in when a resident passed out and with other details. Mr. Farrell proposed that for next time, if board or committee members want to present opposing views from their boards, they should move to a microphone positioned away from the front

