

# HAMILTON BOARD OF SELECTMEN

## MINUTES OF MEETING

Teleconference

September 29, 2020

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

Town Manager: Joe Domelowicz

Other Town Staff Present: Director of Planning & Inspections Patrick Reffett and Director of Public Works Tim Olson

*\* 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. A roll call was taken with all members present at the start of the meeting except for William Olson who had informed Mr. Farrell he would be arriving late. The Pledge of Allegiance was recited.

### **Board and Committee Openings**

- Hamilton Historic District Commission (HHDC) openings
- Open Space and Recreation Committee opening

### **Selectmen/Town Manager (TM) Reports**

Rosemary Kennedy reported the Town Hall Building Committee (THBC) meeting was productive. She said the architect presented the case well. The meeting was continued regarding the ramp on the north side of the building.

Darcy Dale said the Capital Committee (CapCom) and Finance and Advisory Committee (FinCom) met and discussed capital spending to be proposed at Special Town Meeting (STM), the Town Hall building project in the context of the CapCom plan, and the process of updating CapCom's five-year plan.

Jamie Knudsen gave no report.

Mr. Farrell said the MOU (Memorandum of Understanding) between the HHDC and Everest [Infrastructure Partners] was in the final stages. If there isn't some type of understanding reached, the matter will go back to the FCC [Federal Communications Commission].

Town Manager Joe Domelowicz reported the Public Health Nurse and Council on Aging (COA) are collaborating on a drive-through flu clinic for the seniors and staff. More details will be provided on the website. Recreation Director Sean Timmons and the Board of Health (BOH) will give an update and provide guidance for celebrating Halloween safely. This guidance may change depending on COVID numbers.

### **Public Comment**

New Zoning Board of Appeals (ZBA) member David Perinchief introduced himself. Mr. Farrell said the BOS will hear from him later in the evening.

### **CONSENT AGENDA**

- Approve Minutes of Aug. 10 and Aug. 24 BOS meetings
- Approve EdFund Christmas Tree Sale at Patton Park

BOS Clerk Mr. Knudsen asked to hold the vote on the minutes.

### **Decision #1:**

Ms. Dale made a motion to approve the Consent Agenda excluding the held item. Mr. Knudsen seconded the motion. A roll call vote was taken with "ayes" from Mr. Farrell, Ms. Dale, Ms. Kennedy, and Mr. Knudsen, (4-0) unanimous among those present.

Mr. Knudsen noted an amendment was needed in the Aug. 24 minutes: a reference to a CPC hearing (which was part of a previous minutes template) needed to be deleted.

### **Decision #2:**

Mr. Knudsen made a motion to approve the minutes as amended. Ms. Dale seconded the motion. A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

### **AGENDA**

### **Decision:**

As entertained by Mr. Farrell, Ms. Dale made a motion to take the following agenda item out of order. Ms. Kennedy seconded the motion. A roll call vote was taken with "ayes" from Mr. Farrell, Ms. Dale, Ms. Kennedy, and Mr. Knudsen, (4-0) unanimous among those present.

## **Reopen STM Warrant for article for Solar PILOT and others**

### **Decision #1:**

Ms. Dale made motion to reopen the warrant. Ms. Kennedy seconded the motion.

### **Further Discussion:**

Mr. Domelowicz explained that a company wants to do a solar array on the roof of the Public Safety Building that includes a P.I.L.O.T. (payment in lieu of taxes) agreement that has to be approved at STM. Energy Manager Victoria Masone was present to answer questions on the project. Ms. Kennedy said she had questions, but at this point the BOS was just authorizing the Town to enter into negotiations.

Ms. Dale asked what would happen after 20 years—if the Town would have that bit of electricity for free. It was explained there would be a buy-out clause in the contract. If the Town doesn't choose the buy-out, the equipment would be removed from the roof. Mr. Farrell asked if there would be removal fee. Mr. Domelowicz said that would be negotiated. Ms. Dale asked if the Town did move to buy-out, if the electricity would then be free. Mr. Domelowicz said they would have to do a cost-benefit analysis. For now, they are seeking a letter of intent.

### **Decision#1 (Continued):**

A roll call vote was taken with “ayes” from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

### **Decision #2:**

Ms. Dale made a motion that the BOS add the article regarding solar on the roof of the Public Safety Building to the STM warrant. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

Ms. Masone said the Town received a grant for an interior LED lighting retrofit. The application also included a lighting project at the high school—in the gym and some of the hallways. The Town received \$112K in grants and will be receiving an additional \$24K in National Grid incentives. Mr. Farrell noted there had been an issue in the past with the retrofit for the street lights and commented they should ensure due diligence when making the switch.

## **Update on the Town Hall Building Project—Patrick Reffett and Mike Twomey**

There was a correction to this agenda item: Department of Public Works (DPW) Director Tim Olson was present instead of THBC Chair Mike Twomey. Director of Planning & Inspections Patrick Reffett was also present. Mr. Reffett acknowledged Ms. Dale and Ms. Kennedy for being fully engaged with the THBC and said the THBC was happy for their

participation. Mr. Reffett said the project has been fully designed and is cost-estimated at \$9.3M. It is out for bid.

Mr. [Tim] Olson said a hearing was held yesterday with the Mass Architectural Access Board that had asked for more information regarding an additional access/egress into Town Hall. The architects are looking into it. There will be another THBC meeting on Thursday.

Ms. Kennedy, who is working on an informational flyer to post, said she would like to sit down with Mr. [Tim] Olson on Tuesday of next week to make sure she has all the info. She invited Ms. Dale to join the meeting. Mr. Farrell noted they need to promote what is good about the plan and what is bad about the current situation at Town Hall, such as the basement issues. He said they have been applying a band-aid on the situation for a long time. Ms. Kennedy said those issues were highlighted at the joint meetings and will be included in the flyer. There is also a structural issue—the exterior of the building at the top is fanning away. Mr. Farrell said much of the money they are planning to invest has to do ADA-compliance and the sprinkler system.

Mr. Domelowicz said people recognize that the THBC has been doing the bulk of the work and that this is a Town-sponsored project. Mr. Farrell said he wanted to get the word out that the BOS is in favor of the project. Ms. Dale said if there was resistance and they needed to build a Town Hall elsewhere, the \$3M in Community Preservation Committee (CPC) grant money would not be available. Ms. Kennedy asked if anyone knew the last time there was an upgrade to the Town Hall. Ms. Dale said she doesn't remember anything being done but painting. Mr. Farrell said a few walls were moved and there were some changes made to the Town Clerk's and Town Manager's offices. He thought windows had been done also.

Mr. Farrell said the BOS would write a formal letter of endorsement. He asked Mr. Reffett to talk with the Planning Board about also writing a letter of endorsement. Mr. [Tim] Olson asked people to let him know if anything negative is being said about the project so he may address people's questions/concerns. He said the key was to get the facts out to the public. He suggested having the Town's social media blasts link to a website page about the project.

Mr. Reffett acknowledged Mr. Twomey's leadership and said the THBC is also helped constantly by THBC member/CPC Chair Jay Butler.

### **Amend COA Policy to Allow Alternate Members**

Mr. Domelowicz said this agenda item was brought forth by the COA Director Mary Beth Lawton. It is actually a bylaw not a policy so will require a Town Meeting vote. He said he sees it as a request for Annual Town Meeting (ATM). Ms. Kennedy said she would like to streamline the language a bit and send to Mr. Domelowicz to disseminate to the board. She said she thinks the more people involved with the COA the better. She advocated having the bylaw change go to the upcoming STM for a vote (instead of ATM).

**Decision:**

Ms. Kennedy made a motion to put the amendment to the COA Town bylaw on the STM warrant, which would involve giving the COA the availability of associate members. Ms. Dale seconded the motion.

**Further Discussion:**

Mr. Knudsen, who is the BOS liaison to the COA, said he is in favor, but would like to make another amendment: changing the quorum requirement to four.

**Decision (Continued):**

Ms. Dale seconded the amended motion. A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

Ms. Dale suggested the item be included in the STM Consent Motion as it is not controversial, but Mr. Farrell said it can't be included in the Consent Motion due to the fact that it requires a 2/3 majority vote.

**Appoint to ZBA (Zoning Board of Appeals) as Alternate Member**

Mr. Perichief had introduced himself earlier during the Public Comment section.

**Decision:**

Ms. Dale made a motion to appoint David Perichief to the ZBA. Ms. Kennedy seconded the motion

**Further Discussion:**

Ms. Kennedy asked Mr. Perichief why he was interested in the ZBA. He said he lives on Old Cart and if he expects to be there for the next 60 years, he wants to understand what's going on. He is Director of Veterans Services for the City of Beverly and is no stranger to regulations and city meetings.

**Decision (Continued):**

A roll call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

**Amend Committee Appointments Policy**

Ms. Kennedy said her edit request at the last meeting was not reflected in the new draft, which Mr. Knudsen had edited since the last discussion. According to the previous meeting minutes, the language that originally read: "following such consultation the Board shall select one or more candidates" should instead read: "following such consultation the BOS shall vote to select one or more candidates." The addition of the words "vote to" had not yet been made.

**Decision:**

Ms. Kennedy made a motion that the BOS approve the Amended Committee Appointments Policy with the inclusion of the edit she gave tonight (as discussed above). Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Ms. Dale, Ms. Kennedy, Mr. Knudsen, and Mr. Farrell, (4-0) unanimous among those present.

**Amend Street Acceptance Policy—First Reading**

Mr. Farrell said he wanted to wrap up this item ASAP. He asked the BOS to send their comments so this item can be included on the next agenda.

**Re-Open Special Town Meeting Warrant for Other Issue**

Bill Heney, an attorney and proponent of a recent Citizen’s Petition, explained the rationale and said he had a conversation with BOH Chair David Smith who was going to go back to the BOH to discuss the option to remand its vote at the Sept. 18 meeting to state that the BOH is not meant to be controlling, but to offer guidance for the Schools to use when making decisions to open or close the schools. Mr. Heney said he thought good progress was being made. He said the petition has the required signatures necessary to have the article added as a warrant article, but that it should become less important as they get input from the BOH on how its matrix affects school decisions.

Mr. Domelowicz commented that the petition did have the required 100 signatures, but by the time it was brought in to Town Hall, the warrant had been closed. However, he thought it made sense to put it on the warrant to give the citizens the opportunity to be heard on the subject. He said Boards of Health derive their authority from the State and the State gives them authority to set rules locally, so there is nothing a Town Meeting does that can limit that. Mr. Farrell noted the Town Meeting decision would be advisory only. Ms. Dale said she would be interested to have Mr. Smith’s input.

William Olson joined the Zoom meeting at 7:55 p.m.

Mr. Heney said Mr. Smith was the BOH Chair, but the BOH as a board would have to vote. It was his understanding that the BOH was asked to help the Schools with guidance, and its input wasn’t intended as a mandate. The Schools had pivoted from a hybrid model to remote learning on Sept. 3 and there were some unintended consequences. They want to clarify that the BOH matrix is to be used as guidance and is not binding on the superintendent.

Mr. Knudsen said as a matter of democratic principal, the item should go on the warrant. He said it was important people continue to dialogue and reach some understanding. Ms. Kennedy agreed and applauded Mr. Heney for reaching out and working to resolve the issue prior to Town Meeting. She said people on all sides of the issue are frustrated.

**Decision:**

Ms. Dale made a motion to include the Citizen's Petition that was just discussed on the STM warrant. Ms. Kennedy 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.

### **Discuss TM/BOS Goals**

Mr. Farrell said he sent out a laundry list of goals for both the Town Manager and the BOS. He asked how the BOS wanted to disseminate it. He said they should prioritize the have-to-do's from the secondary projects, perhaps listing the top 10. He said that at the next meeting, the BOS can discuss the format for the review. The Selectmen agreed to get their comments back to him. Ms. Kennedy and Ms. Dale both said they would like more time.

Topics discussed included:

- Revenue—there isn't a Committee that deals specifically with how to generate revenue, which includes grants.
- Schools—reopening the Regional Agreement
- Water
- Fields
- Communication
- Vision for the Town—Town goals in general
- Master Plan
- Shared services
- Outreach to the community and how to talk to all the boards and committees—Ms. Kennedy said she is frustrated with the silos and they need to find a way to have all the boards and committees respect the process when they have a Town survey or Master Plan in place.
- Marijuana sales as a potential revenue stream
- Film Board—designating someone from Town as a representative. Ms. Kennedy talked about past filming at Appleton Farm that had caused problems with cables and equipment as obstacles to people using that property. She said she thinks they need to make sure there are strict boundaries. Mr. Farrell said if the Town had a Film Board rep and a policy, it could be more regulated than by just a private agreement.
- Airbnb fees and structures

Mr. Domelowicz said once they have a Master Plan, it will be easier to get grant money. He said revenue was something the FinCom was focusing on. He added that revenue streams need to follow where the Townspeople want to go, such as how the Town sees itself in 20 to 25 years, to know how to strategize and make the right choices.

Ms. Kennedy asked some questions about the Master Plan, such as how long the process would be if it is approved at STM. Mr. Domelowicz replied it would take about 18 to 24 months. He expected it would cost about \$150K and said he would like to see a contract the first week of January.

**Town Manager Evaluation process**

Mr. Farrell said he will circulate the review form to the BOS within the next couple of days for review at the next meeting. He said Mr. Domelowicz’s evaluation is coming up in January and it would be good to have the evaluation form done soon rather than right before the evaluation.

**New Business—Consideration of Topics for Discussion at Future BOS Meetings**

Mr. Farrell said Ms. Kennedy had emailed the BOS about the topic of Halloween and how it will be handled this year. They will hear what the BOH has to say at the BOH meeting on Thursday. It looks like it will be a normal Halloween with social distancing. Mr. Knudsen noted the topic wasn’t on the BOH agenda.

Mr. Farrell started to make a motion to close the warrant for the Nov. 14 STM, but Mr. Domelowicz added there are two small bills (totaling under \$100) that need to be paid from the previous fiscal year and they need an article at Town Meeting and a Town Meeting vote to pay them.

**Decision #1:**

Ms. Kennedy made a motion to add payment of the prior year bills to the fall STM Warrant. 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.

**Decision #2:**

Mr. Knudsen made a motion to close the fall STM warrant. Mr. Olson 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.

**Adjournment**

Ms. Dale made a motion that the BOS adjourn the meeting at 8:25 p.m. Ms. Kennedy 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.

**Cemetery Deeds #1189, 1191, 1192, 1196, and 1197**

These deeds appeared on the agenda for BOS signatures, but were not discussed at the meeting.


Prepared by:

Mary Alice Cookson 12-8-2020  
Mary Alice Cookson Date



Minutes Secretary

Attest:

 / Dec. 8, 2020  
\_\_\_\_\_  
Jamie Knudsen                      Date  
Board of Selectmen Clerk