

HAMILTON BOARD OF SELECTMEN &

~~HAMILTON COMMUNITY PRESERVATION COMMITTEE~~

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MINUTES OF ~~JOINT~~ MEETING

Teleconference

August 24, 2020

Selectmen Present:	Shawn Farrell, Darcy Dale, Rosemary Kennedy, and Jamie Knudsen
Selectmen Absent:	William Olson
Town Manager Present:	Joe Domelowicz
Other Staff Present:	Department of Public Works Director Tim Olson, Finance Director Marisa Batista

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

**Call to Order/Pledge of Allegiance**

Board of Selectmen (BOS) Chair Shawn Farrell called the meeting to order at 6:35 p.m. and took a roll call. All members except for William Olson were present. The Pledge of Allegiance was recited.

**Public Hearing**

**Liquor License Application for A&M Motors**

Per Town Manager Joe Domelowicz, the application was in the packets and was complete. The applicant, Anthony Barbiris, of A&M Motors/DBA A&M Convenience, was present online.

**Decision:**

Darcy Dale made a motion to open the online public hearing for the A&M Motors' Liquor License Application. Jamie Knudsen seconded the motion.

Mr. Farrell read a letter he received in opposition stating primarily that the business was in a residential neighborhood and that intersection was a dangerous one. In response to a question from Mr. Farrell, Mr. Domelowicz said the BOS would need a strong reason to refuse granting a license. Ms. Dale suggested they get input from Police Chief Russell Stevens.

Mr. Domelowicz said the Town had been awarded a grant to improve that intersection. A clarification was made: the license would be for beer and wine sales, not liquor. Mr. Farrell noted other businesses in Town that had been granted licenses. Mr. Knudsen inquired about the notification of the abutters, including Asbury Grove. Mr. Domelowicz said those who were required to be notified were notified, and a public posting in the newspaper covered the requirement of posting to the community.

In response to questions by Ms. Kennedy, Mr. Barbaris discussed the hours his agent will be working and provided some history of his ownership since 1995. He had leased the gas station to someone else for a time and had now taken it back and cleaned it up. He said selling beer and wine at the convenience store was an effort to make up for some lost revenue. He supplied his qualifications for the license. Mr. Farrell had no further discussion.

Ms. Dale said she wanted to ensure there wasn't any objection by Chief Stevens. Mr. Domelowicz asked Mr. Barbaris if he would agree to answer questions from the Police Chief; he said yes, absolutely. Mr. Domelowicz said the BOS could approve the license pending review by the Chief. However, Ms. Kennedy had a number of questions. Mr. Barbaris lives in Clearwater, FL; the law says the majority of the directors of the corporation need to reside in the Commonwealth. The agent who would be running the shop does live in Massachusetts, but is not a director. Ms. Kennedy was also concerned the store would be open about 106 hours a week, but the agent running it would only be there approximately 30 hours per week. Mr. Barbaris said he could withdraw his application and make the agent the sole director since she resides in Massachusetts. Mr. Farrell suggested Mr. Barbaris work with the Town Manager and Town Counsel to resolve the issue.

**Decision:**

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

**Decision:**

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

**Board and Committee Openings**

The Council on Aging, Hamilton Historic District Commission (HHDC) and Community Preservation Committee (CPC) each have openings.

**Selectmen/Town Manager Reports**

Mr. Knudsen said a Hamilton-Wenham Business Directory was mailed out and it was nice to see. The project, produced by Shop Local HW, was sponsored by the Hamilton Development Corporation.

Ms. Kennedy said the Town Hall Building Committee (THBC) had a review of the construction documents. She applauded THBC Chair Mike Twomey and the Committee on doing a wonderful job. She said the Town Clerk had agreed to hold the special ballot election regarding the Town Hall project on Dec. 3. She and Ms. Dale will be working to distribute information to the public.

Ms. Dale gave a follow-up on the Town Home Rule Petition she was looking to have wrapped up before the end of the year. The family living in the DCR [Department of Conservation and Recreation] property at 550 Highland St. is still receiving tax bills from the Town, which she said was disconcerting for them. The Board of Health (BOH) meeting was cancelled, but another will be held this week, and it will determine if and how the schools would open. The THBC is looking to tighten up details and nail down costs for the project. Ms. Dale said she had contacted Hamilton Foundation Director Heather Ford to inform her that she is at her service as BOS liaison.

Mr. Farrell gave no report.

Mr. Domleowicz reminded everyone early voting for the Primary (on Sept. 2) is currently taking place. The Capital Committee (CapCom) met last Tuesday to discuss capital purchases, previously delayed due to COVID, which may now go on the Special Town Meeting (STM) warrant. The COA will hold an outdoor event Sept. 2 at 10 a.m. He asked people to make reservations; boxed lunches will be served.

Mr. Farrell asked CapCom members present at the online meeting to inform the others on the Committee and support the THBC project in an outreach to the public.

### **Public Comment**

Board of Health (BOH) Chair David Smith gave an update. In June and July the amount of COVID-19 positives in Hamilton was in the range of 0-1 per week. For the last few days of July until the third week of August, the total was 8 positives. This increased Hamilton's total of positives from 37 to 45; it also moved Hamilton to the Department of Public Health (DPH) yellow status (scale: white/green/yellow/red). Mr. Smith attributed the increase to residents traveling out of state and in special living situations. So far Hamilton hasn't had a single case of COVID-19 in individuals under age 20, which is significant and has relevance to the impending start of school next month. DPH data shows a shift in the average age of positives from 58 to 38 years old.

The Hamilton BOH, Wenham BOH, and the School Committee will meet on Wednesday. A BOH public forum is set for Aug. 31. BOH public messaging was backed off for a bit, but is now ramping up again.

### **CONSENT AGENDA**

- Reappoint Constables—Richard Flynn and Clarence Trepanier

- Appointment of members to Zoning Board of Appeals (ZBA)—Eric Salines and Bruce Gingrich

Ms. Kennedy requested a hold on the ZBA appointments.

**Decision:**

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

Ms. Kennedy said she placed the hold because she did not have a copy of Mr. Gingrich’s resume and wanted the BOS to have the chance to talk with the candidates. Mr. Salines was present online. He introduced himself and was interviewed briefly about his previous zoning work and how he would handle any conflicts of interest that may arise.

**Decision:**

Ms. Kennedy made a motion to approve Eric Salines to the Hamilton ZBA. Ms. Dale seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Ms. Dale, and Mr. Farrell, (4-0) unanimous among those present.

Mr. Farrell asked Mr. Domelowicz to contact Mr. Gingrich and obtain the missing materials.

**AGENDA**

**Expanded Water Ban—Discussion and Vote**

Mr. Domelowicz displayed the handout that was in the packets. Because the discharge flow rate continues to stay below the rates deemed necessary to sustain a healthy watershed, a ban on all nonessential outdoor water use is recommended. This means water use not required 1) for health and safety reasons, 2) by regulation, 3) for the production of food and fiber, 4) for the maintenance of livestock, or 5) to meet the core functions of a business. Department of Public Works Director Tim Olson was present online for the discussion. Mr. Olson said when a lawn is loamed and seeded, it is healthier for the environment to water it to prevent erosion; however, it would be best to seed a lawn at a better time of the year.

Ms. Kennedy had questions about the wording of #5. She did not think it fair for landscapers to be able to water a lawn when she couldn’t do that as a citizen. She wanted to use the word “essential” rather than “core” and make the language more definitive. Mr. Domelowicz proposed that the BOS give him and Mr. [Tim] Olson authority to evaluate situations on a case-by-case basis. Mr. Farrell was in favor. Mr. Knudsen said he interpreted the new ban that residents cannot water the strip of land by the new sidewalks on Linden St. Mr. Farrell said they should take a vote this evening and work on a policy to make the bylaw more robust at a future meeting.

**Decision:**

Ms. Dale made a motion to approve the water ban with the caveat that the BOS look at the issue further and explain it more fully with policies to come. Mr. Knudsen seconded the motion. A roll call vote was taken with "ayes" from Mr. Knudsen, Ms. Kennedy, Ms. Dale, and Mr. Farrell, (4-0) unanimous among those present.

### **Discussion of Water Department's Needs for Special Town Meeting (STM)**

Mr. [Tim] Olson and Finance Director Marisa Batista were present online for the discussion. Mr. Olson updated the BOS on some of the Town's large water projects. He said \$1.6M was appropriated for water systems improvements at the 2019 Special Town Meeting. The \$1.6M covers the base bid, but there are two more roads the DPW would like to do totaling \$530K. He said if there is the ability to gain more money at this year's STM, they could add that work to the contract. He discussed the streets involved and dangerous intersection to fix. He said his other ask is in coordination with the pretreatment system at the water plant. A feasibility study on the pretreatment was done and of two options, the BOS had recommended the GAC Absorption System over the MIEX Ion Exchange Resin System as the preferred filtration system. He said the Town also looked at drilling a new Idlewood No. 2 well, but was unable to find one that wouldn't create another problem. He said they had decided to go forward with the pretreatment and then eventually turn the Idlewood No. 2 well back on. Bench testing was done and the Dewberry consultants put together an estimate. He would like to bring to Town Meeting an article for \$1M for the GAC pretreatment system in addition to what was previously funded. The pretreatment project is a priority over the other ask since it serves the whole Town while the other ask just serves a piece of the Town.

Ms. Batista discussed finances relating to the project and debt service already committed. Free cash has been used in the past to balance the budget but that isn't recommended to continue. With the increased infrastructure fee and increased water rates, the Town had expected to be able to balance the budget without the use of free cash, but that was prior to these new projects. Therefore, a discussion is needed on how the additional amount would be funded, perhaps by raising the infrastructure fee and/or rates again. No debt is rolling off the books until 2036, she said. Another option is to look at retained earnings to try to reduce the amount of borrowing or to use some Capital Stabilization funds. Ms. Dale asked what was in the Stabilization Fund. Ms. Batista said the way that was voted was that it was not to be used for the water project, but to fund future capital needs. There is approximately \$1.4M in the fund. The Water Enterprise fund is not covering its expenditures.

Ms. Kennedy asked for clarification about the financial hardship. Ms. Dale said she thought an integrated approach the best option. Ms. Batista discussed difficulties relating to the water ban in place and people being homebound due to what is happening in the world. Mr. Domelowicz said the CapCom and FinCom would be reviewing this issue and he just wanted to give them the information to date. He said they needed to be sure they didn't endanger the future stability of the Water Enterprise Fund.

Mr. Farrell and Mr. Olson discussed the HCL levels in the Town's water. Mr. Olson said the Town has been in constant contact with the Department of Environment Protection that is aware the Town is taking temporary measures to keep the numbers controlled and looking for a more permanent solution. Mr. Farrell stressed the need to figure out a better water source than the Ipswich River. Ms. Kennedy said they should work to first find out how welcome they would be into the North Coastal Basin. Mr. Domelowicz said he had had initial conversations with Beverly and Salem. Manchester would be OK with Hamilton tying into its water system, but would like Hamilton to run its plant, an expensive proposition. He is investigating MVP grants to help the Town with its pursuing of options.

CapCom member Dave Thompson commented there are both quantity and quality issues with the Town's water supply and they are putting band-aids on something that is broken. They are going to need more water as the Town grows. There is property within Hamilton within the North Coastal drainage basin. He said the Town should study the ability to capture that water by various mechanisms and strategically look at the problem to come up with a diversified water resource the Town can rely on for years to come. Mr. Olson agreed but said they need to treat the water they are delivering to residents now. Mr. Olson added that he lives in the North Coastal basin and his town also has a water ban currently. Looking at the Manchester option, he said it was something to think about, but it was a costly solution and Manchester requires a Level 4 operator that Hamilton doesn't have. Beverly/Salem is closer, half the distance of Chebacco's pipeline. Another option might be to split the Town's water system in two, with the two having different water sources.

Ms. Kennedy commented on the water symposium held last fall and the expense to taxpayers. She said she has heard people grumbling about the recent water rate increases. She asked about the reality of having a moratorium on building in Town since there isn't a realistic ability to expand given the limited water supply. Mr. Farrell said that there is so much protected open space in Town that the Town can only really build on about 7% of Town land. He doesn't think if they developed the additional 7% that it would be enough to swing the issue. Ms. Kennedy said she has the draft of the water survey that says the Town can accommodate a 3% growth, but by 2030, they will be at max. She said she thought part of the solution to the water problem was looking at the Town as a whole and how much can people afford and at what cost. Mr. Farrell said this is one of the questions that will be addressed in the Master Plan Ms. Dale said water was the limiting factor for housing production. Mr. Domelowicz agreed. He said other communities don't have the challenges that Hamilton has. The biggest challenges are cost of land and ability to develop water and septic for a site. Mr. Farrell said they were looking forward to hearing from the CapCom and FinCom. When the grant decisions will be made was also discussed, hopefully this fall.

### **Annual Appointment of Town Counsel—Discussion and Vote**

Mr. Domelowicz said FinCom had voted to maintain its agreement with KP Law, PC, FinCom member Christina Schenk Hargrove reviewed what FinCom had discussed. She said they are going to review the retainer every six months. Mr. Farrell said he thought the billing was a bit easier to track. Ms. Batista said they had worked with KP Law so they would know what is considered part of the retainer and what are additional litigation services.

**Decision:**

Ms. Kennedy made a motion to continue to engage KP Law, PC, as Town Counsel with periodic reviews as discussed every six months. Ms. Dale seconded the motion. A roll call vote was taken with "ayes" from Mr. Knudsen, Ms. Kennedy, Ms. Dale, and Mr. Farrell, (4-0) unanimous among those present.

**Vote Language for Bond Sale and Sign Documents**

The document for the bond sale was in the packets. Mr. Domelowicz shared it onscreen. The complete document was read aloud by BOS Clerk Mr. Knudsen and included the following language: .... *Voted: to approve the sale of \$1,667, 767 1.25 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated August 28, 2020, and payable August 27, 2021 to BNY Mellon Capital Markets, LLC at par and accrued interest, if any, plus a premium of \$12,492.91. ...*

**Decision:**

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

Ms. Batista commented that 1.25% was a really good rate. It is a short-term note for a year that can be renewed. The plan is that if the Town had other projects that need to be bonded, it could combine it with this BAN (Bond Anticipation Note). \$1.25M is for the water treatment plant and \$467,767 is for the Town Hall improvements. There was internal borrowing for the Town Hall improvements so when the Town receives the money, it will pay its General Fund back. Mr. Farrell asked if that would require a further vote from the BOS; she said no. The document needs to be signed by the Selectmen as soon as possible and will be in Mr. Domelowicz's office at Town Hall.

**Approve Designation as Special Municipal Employees for Boards**

Mr. Farrell discussed the history of this item initiated by Anna Siedzik. Some of the boards might already have the designation, but there are no votes on file so the BOS is covering all bases. The list of boards and committees to be designated as Special Municipal employees was in the packets. Ms. Kennedy and Mr. Knudsen noted misspellings in the document, which Mr. Domelowicz said he would fix.

**Decision:**

Ms. Kennedy made a motion to designate the boards and committees listed as Special Municipal Employees. Ms. Dale seconded the motion.

**Further Discussion:**

Ms. Dale asked if there were any unintended consequences. Mr. Domelowicz said no, it just offers more freedom to the board members to serve on multiple boards. Ms. Dale asked for

clarification on whether call firefighters are Special Municipal Employees by right. Mr. Domelowicz said yes.

**Decision (Continued):**

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

**Annual Town Meeting (ATM) Date: May 1, 2021—Discussion and Vote**

**Decision:**

Ms. Dale made a motion that the BOS vote the date for ATM as May 1, 2021. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Kennedy, Ms. Dale, and Mr. Farrell, (4-0) unanimous among those present.

Wenham will vote on the May 1 date tomorrow evening. Mr. Farrell asked Mr. Domelowicz to coordinate with Recreation Director Sean Timmons about stopping sports activities for that date after it is set.

**Cable License Public Hearing Date: 9/21 Proposed—Discussion and Vote**

Mr. Farrell said this was a discussion just to see if Sept. 21 will work for the BOS. It does work for the Wenham BOS.

**Decision:**

Ms. Dale made a motion that the BOS approve the Cable License Public Hearing date as Sept. 21, 2020. Ms. Kennedy seconded the motion. A roll call vote was taken with “ayes” from Mr. Knudsen, Ms. Dale, Ms. Kennedy, and Mr. Farrell, (4-0) unanimous among those present.

Mr. Farrell noted the BOS had gone off its meeting schedule, but it was agreed that the BOS will wait to get back to its regular schedule (first and third Monday of each month) after STM. Ms. Kennedy recommended starting the next meeting at 6 p.m. rather than 6:30.

**Schedule Town Manager Goal Setting and Next Review**

The BOS agreed the goals meeting should take place sometime in the next month at the Patton Homestead on a Saturday. Ms. Kennedy will check her work schedule and get back to Mr. Farrell. The others will notify him of their availability as well.

Ms. Dale was concerned about COVID precautions. Meeting on the back porch or in the stables was discussed. Ms. Dale will work that out with Mr. Domelowicz, who will bring a dry erase board, provide food, and engage HWCAM to broadcast the meeting. Mr. Farrell noted they will set the date for the next Town Manager review when they have the goals meeting.





