TOWN OF HAMILTON
Board of Selectmen
AGENDA
Monday, July 25, 2016

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7:00 p.m.	Call to order - Memorial Room
	ANNOUNCEMENTS

7:02 p.m.	• List of Board Openings:
	• Absentee ballots for the Fall election are now available in the Town Clerk's Office
	• Construction of the Bridge Street Culvert has begun and will run through September. Traffic is reduced to one lane; please expect delays.
	  ○ Board of Health (1)
	  ○ Historic District Commission (1)

7:09 p.m.	Public Comment (3 minutes on topics not already on the agenda)
7:12 p.m.	Chairman / Selectmen reports Town Manager's Report - Patrick Reffett Update on Meeting with DHCD
	CONSENT AGENDA
	• Approve minutes of the June 27, regular session meeting
	AGENDA
7:25 p.m.	• Municipal Aggregation – Public Hearing • Citizen Petition Guidelines – discuss final draft and consider adoption • Animal Control Bylaw – consider amendments for STM • Town Manager Goals – ongoing discussion of draft goals
	NEW BUSINESS
8:55 p.m.	Consideration of topics for discussion at future Selectmen's meetings.

TOWN OF HAMILTON
BOARD OF SELECTMEN
JUNE 27, 2016

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, June 27, 2016 with Scott Maddern, Bill Wilson, Jeff Hubbard, Allison Jenkins present. Town Moderator Jennifer Scuteri, Town Counsel Donna Brewer, Town Manager Michael Lombardo, Director of Planning and Inspections Patrick Reffett, FinCom and Land Acquistion Committee members also present.

Call to order

Scott Maddern called the meeting to order at 7:00 p.m.

Public Comment

Discussion ensued with Betty Gray, Lee Park, about impartiality associated with the Town Moderator.

Chairman/Selectmen reports

Allison Jenkins reported on how Hamilton Foundation gave away two, $2,000 scholarships to graduating HWRHS seniors. Also, there is a new public records law coming into effect in January which will require training and policies at Town Hall.

Jeff Hubbard acknowledged David Wanger as new Finance and Advisory Committee Chair and thanked Rick Sprenkle for his years of service on that board. He also suggested a topic for a future BOS meeting was a unanimously approved and signed FinCom letter sent to HWRSD for qualitative analytics in budget process. Hubbard also recommended that the process of Town committees explaining positions on warrant articles should be resumed at Town Meeting. He noted the need to find a new Finance Director. In addition, that funds for turf field analysis will be available on July 1.

Bill Wilson mentioned that last day of school was June 24 and August 31 is the first day of school for next year. Also, at recent HW School Committee meeting the HWRSD attorney spoke about preparation for public records law, Open Meeting Law, and cautioned School officials about use of social media relative to stating opinions a practice which he recommended should be considered by Selectmen. In addition, 2017 proficiency testing will be done online. Also, there is a $400 million shortfall in state

revenue and collections which could impact FY'17 budget and local aid. There will be $73,000 or .2% variable on the HWRSD operating budget as part of managing expenses.

The Affordable Housing Trust approved the $250,000 grant agreement for Habitat for Humanity housing project. There will be a lifetime restriction on the affordable housing deed. Discussion was on interest in local preference (state mandated guidelines) as the Town tries to get more affordable housing in Hamilton for residents and employees. After the Habitat for Humanity grant, the AHT will have $240,000 left in its budget for the next fiscal year which could possibly be used in part for a legal consultant relative to affordable housing. In addition, a review will be done of Town owned property regarding any possibility for future affordable housing. A letter was received from Harborlight Community Partners about next steps with Hamilton regarding affordable housing. Early phases have to be shown to the state by the Town relative to affordable housing. Also noted was how the Town could speak to lenders about foreclosed properties as possible prospects for affordable housing.

Wilson noted that Zoning Board of Appeals Chairman Bill Bowler sent a letter asking the Planning Board to not endorse the Citizens' Petition on changing site plan review authority. Due to the comprehensive zoning by-law review that is occurring relative to such a decision. The letter was read at a Planning Board public hearing but that board voted unanimously to support the Citizens' Petition. The Board of Health is in desperate need of a board member.

Maddern mentioned in response to citizen comment the donated dugouts at Patton Park and Little League's donation to the Town as well as other uses at the park including tee ball, football practice and flag football. In addition, working group for zoning by-law change is trying to finalize Phase I, and the Town wide survey indicated interest in the Town working on a cottage housing by-law. Other items included the Town Moderator in conjunction with BOS is working on citizens' petition guidelines, he concurred about letter between BOS and FinCom, there is interest from both towns in discussion on HWRSD regional agreement beyond just apportionment, and Patton Homestead incorporators are trying to get parking lot going at the property so events can be held.

Also, Harborlight Community Partners was asked to follow Planning Board policy regarding moving forward with testing site at Longmeadow Way. Maddern described how the Town is working on affordable housing for Hamilton especially regarding reaching safe harbor status. A key element is to build a strong relationship with operator managing affordable housing and BOS will have an executive session

discussion on host community agreement. In addition, there is possibility for more affordable units on Railroad Avenue. The Council on Aging is doing a survey to seniors relative to senior housing needs.

Maddern provided update from Shawn Farrell who was not at the meeting. Specifically Planning Board took no action on future zoning by-laws since it is focusing on Phase I of zoning by-law rewrite. Also, Planning Board held a public hearing and unanimously supported citizens' petition and related Town Meeting warrant article to change site plan review authority from the ZBA to the Planning Board.

Discussion was on Harborlight Community Partners request and how Planning Board and AHT are working on policies for affordable housing that HCP could follow.

Town Manager's report

Town Manager Michael Lombardo reported that the employee insurance advisory committee formally became a Public Employee Committee. This enables the Committee to make formal decisions regarding insurance. Future discussions will be address 25% of savings resulting from transition to a new healthcare plan and how it will be distributed to employees. The date of implementation of the new plan has been pushed out from August to September 1, 2016.

He made a tentative offer of employment to the assistant to Town Manager finalist who has tentatively accepted but discussion continues. The Town Accountant/Finance Director recruitment is being discussed with Treasurer/Collector, Assistant Town Accountant and FinCom Chair. Changes to the job description are occurring and position should be posted soon. Police union contract collective bargaining continues moving toward reaching agreement.

Lombardo gave an update on solar RFP working with Department of Energy Resources to expedite process. The Patton Park pool buildings are nearly complete. The end date for the pool is end of July or early August. He also mentioned how a hearing will be held with the Board of Health on rooster complaint on Woodbury Street where there was a similar complaint on Cutler Road. Lombardo encouraged a future discussion relative to modifying animal control by-laws or implementing a rooster/turkey ban unless there is a controlled environment for raising foul. A rooster is not needed for residents interested in backyard eggs. In addition, if there is interest in a level spending budget a joint meeting with the FinCom should be scheduled soon and policy guidelines are needed for budget targets for next fiscal year.

Lombardo noted that a pump went down at water treatment plant and plant is running nearly non-stop so he asked residents to be especially conservative with water use while repair is underway.

Consent Agenda

Maddern read the following items:

- One Day Liquor License requested by Gourmet Delights Catering, Inc. for an event at 30 Railroad Avenue on Wednesday, June 29 from 4:00 pm to 10:00 pm

- Approve minutes of May 9, Regular Session, and May 23, joint meeting with the Finance and Advisory Committee

- Declare that mandatory water restriction is in accordance with DEP Regulations due to streamflow in Ipswich River

Wilson moved to approve the consent agenda. Hubbard seconded the motion. VOTE: Unanimous.

Agenda

- Warrant hearing for STM

Town Manager Jennifer Scuteri noted that the BOS sets the date for STM within confines of when citizens' petition signatures are submitted and Planning Board hearing is held so this is why the STM date was scheduled for July 5. Scuteri has been working with the primary petitioner (Robin Sears) in preparation for the STM. Sears has stated that she is confident that 75 people will attend to reach quorum. If a quorum count is challenged during Town Meeting and the number drops below 75 the STM has to be adjourned and cannot be rescheduled due to timing associated with citizens' petition. There are two warrant articles: one for a report from Planning Board about its position on the zoning amendment, and the other for the vote on the zoning amendment.

Town Counsel Donna Brewer noted that it became clear at the Planning Board meeting last week that no amendments are needed for the language to make it appropriate for the by-laws. Discussion ensued about the audio visual services and logistics that will be provided at the meeting due to lack of HWRHS staff availability on July 5. Also that sections in the auditorium could be closed off at the event to facilitate counting of vote.

Discussion was on how the warrant article needs a two-thirds vote which will be reviewed by the Attorney General. In response to FinCom Chair David Wanger, Boardman Lane, Scuteri noted that the FinCom Chair could report at STM on the FinCom's position on the zoning amendment warrant article. Also noted was if there is an appeal of a site plan approved by the Planning Board it would go to Land Court versus the ZBA. In addition, Planning Board would not have the authority to review and establish by-laws on zoning issues since the entire Town would be involved in that process. There is no completion date scheduled for Phase I of zoning by-law rewrite.

Town Counsel Donna Brewer stated that no zoning by-law amendment can go forward at Town Meeting without a public hearing by the Planning Board. This board has a unique role and the working group sessions do not take the place of the Planning Board action. When the working group is done, the Planning Board has to publish a public hearing notice in the newspaper, provide notices to abutting towns, and hold the public hearing.

In response to Wanger, Town officials stated that there is no site plan review currently being contemplated that has any controversial issues. Wanger questioned why this article was segregated out rather than being included in Phase II of the zoning by-law rewrite. He noted that Wenham has bifurcated site plan review jurisdiction pursuant to 2016 warrant action where its ZBA focuses on Dover projects relative to education, child care, religious institutions, and Planning Board has the remainder of the site plan review jurisdiction. It was not known if that was considered in Hamilton.

Robin Sears opined that the petitioners thought this was important to move this Town Meeting vote forward prior to the Phase II of the by-law changes because this is an incredibly important substantive change, it is unknown when Phase II will be done, and for a myriad of reasons it is important to have it changed as soon as possible for the planning of the Town. She provided background on two prior efforts to move this Town Meeting warrant article in response to citizens' petition. Sears acknowledged some resident concern about spending thousands of dollars to hold a summer STM. Wilson noted importance of responding to citizens' petition but questioned if there would be community representation at this time of year as well as there is no pending site plan reviews at the current time.

Maddern entertained a motion for the Board of Selectmen to recommend favorable action on site plan review change from the Zoning Board of Appeals to the Planning Board. Hubbard so moved. Wilson seconded the motion. Wilson reiterated his concern

about the date where matter could be addressed at a regularly scheduled Town Meeting to get full community representation although he supported the warrant article.

Maddern commented that an explanation of site plan review should be given at Town Meeting and suggested that due to backlog that the Planning Board is experiencing now that board may need to meet more frequently. Especially moving forward with Phase I of the zoning by-law rewrite which the Town voted to do, and to get going on Phase II (i.e., cottage housing by-law for lower priced housing alternatives). Wilson concurred that this warrant article brings more responsibility for the Planning Board that is also charged with affordable housing guidelines. Hubbard agreed and opined that he supported the citizens' petition warrant article. Discussion was with Duke Seaver, Essex Street, about how tenants in affordable housing can be regulated relative to subletting. VOTE: Unanimous. Copies of the STM warrant will be located at the Hamilton Senior Center and the Hamilton Wenham Public Library.

- Introduce draft Citizens Petition guidelines

This draft is mostly a guideline for the Town Moderator which will be finalized at a subsequent BOS meeting. Articles are placed on the warrant by the Selectmen, Community Preservation Committee and citizens' petition (to make legislative changes). Maddern and Scuteri have researched other town policies on citizens' petitions especially relative to positions that boards or committees would take regarding a petition. As well as details associated with timing (3 months ahead) to gather and submit signatures and whether or not a Special Town Meeting would be called or article taken up during a regularly scheduled Town Meeting.

Another consideration is access to Town counsel and legal resources. If citizens' petitioners need legal guidance they should find their own attorney. The Town can review language and provide guidance on structure. Hamilton could possibly consider offering office hours with Town counsel to a petitioner and those who may oppose a petition. Also noted was how a citizens' petition cannot be withdrawn unless all signatories agree. In addition, it is the petitioner's responsibility to get voters to Town Meeting to vote on article.

Jenkins suggested a visual work flow chart be added to the citizens' petition policy that defines business or calendar days and incorporates specifics on how a citizens' petition warrant article drives a separate Special Town Meeting or is integrated into an already scheduled Town Meeting.

The responsibilities defined for a petitioner include: meet with boards and committees as well as Town manager, draft factual summary with objective, get advice from Town counsel and Town moderator on petition and process, identify lead petitioner, attend hearings, work with Town moderator on presentation, and raise awareness with voters to get them to Town Meeting.

Sears commented on how the guidelines effectively outline the citizen petition process. Individual comments from Selectmen on the guidelines can be sent to the Town moderator and Town manager so guidelines can be finalized at a future BOS meeting. The guidelines will not be discussed at Town Meeting so voters can focus on the site plan review article. However, the guidelines will be available on the Town website and at Town clerk's office.

- Review Initial Land Acquisition Committee priorities

Chris Davis, 6 Partridge Berry Lane, of temporary Land Acquisition Committee, reported that the Committee has reviewed the Town's Land Acquisition policy and local plans (i.e., Master Plan, Open Space Plan, Recreation Plan, CPC criteria for land acquisition). The Committee defined criteria for checklist/scorecard for the Town's consideration when determining if it should acquire land that becomes available relative to priority list. The recommendation is that the criteria be scored 1 (low) to 5 (high) on the scorecard.

The criteria was divided into two categories for prioritization: initial evaluation of any property regardless of whether it is on the market and available for acquisition, and second criteria was defined related to when a decision is being made on a property.

The Committee is proposing the following general criteria: open space natural or scenic conservation value, wildlife habitat value, water supply potential and watershed protection, suitability for active recreation and playing fields, suitability for passive recreation such as trails, suitability for agriculture or forestry use, suitability for affordable housing, suitability for municipal buildings, proximity to conservation land, proximity to downtown transportation, and likelihood or threat of development.

Additional criteria to be applied at the time of potential acquisition decision: suitability for municipal use, consistency of needs of the Town based on current planning documents, feasibility of acquisition (i.e., cost, funding sources such as state money, owner cooperation or not).

This criteria has not been applied to any properties as yet whether chapter land or not in conservation restriction. Discussion was on how the land use boards and CPC as well as Conservation Commission would have interest in land acquisition and how CPA funds could possibly be used. Also noted was complexity associated with applying criteria to properties not currently up for sale. The Chapter land properties are more visible due to reduced taxes and Town's right of first refusal when they are on the market. This may not apply to properties with conservation restrictions.

Committee member Anne Gero suggested there could be a watch list for important properties that do not have chapter status. Wilson expressed concern about discussion of properties not on the market for sale and sensitivity to property owners ensuring that conversations occur early on. Lombardo noted this occurred with the former Mac's shoe Willow Street property. Davis acknowledged support Director of Planning and Inspections Patrick Reffett had given the Committee. Selectmen thanked the Committee for its work and noted that the checklist criteria would be given to land use boards, HCC and CPC relative to land acquisition policy.

- Municipal Aggregation – Accept Petition and Supporting Documents for Review

A BOS public hearing on the matter will be held on July 25.

Maddern read: Municipalities are authorized by Mass. General Law Chapter 164, Section 134A to aggregate electrical load of its residences and businesses. At a Town Meeting on April 2, 2016 the residents of Hamilton voted to authorize the Board of Selectmen to research, develop, and implement an aggregation program and enter into a contract with a competitive supplier of electricity. The objectives of the aggregation program are to a) lower the cost of electricity, b) gain lower term price stability, and c) offer more renewable energy options.

The Board of Selectmen has selected an aggregation consultant, Good Energy LP, to do the following: develop the aggregation program, formulate and implement public outreach and education program, guide the aggregation plan through a very strict and comprehensive review and approval process with the Department of Energy Resources (DOER), and the Department of Public Utilities (DPU), develop a Request for Proposals for a competitive electricity supplier, monitor and manage the aggregation program during the term of the competitive supplier contract, and develop and submit all required reports to the Board of Selectmen and DOER.

An important element of the process leading to the approval of the aggregation program of a municipality by the DPU is to allow for review of the municipal aggregation documents by its citizens. The municipal aggregation documents are available for review at our municipal offices and on our website.

In order to comply with the municipal obligation aggregation law, citizens will have the time period to submit written comments and an opportunity to offer oral comments at our public hearing. The two week period to submit written comments will be from June 29, 2016 to July 18, 2016. The public hearing to offer oral comments will be held at a meeting of the Board of Selectmen on July 25, 2016. This review by citizens must be completed before the municipal aggregation documents are submitted to DPU for the review and approval.

Maddern entertained a motion for the Board to accept the petition and supporting documents for review. Hubbard so moved. Jenkins seconded the motion. MAPC solicits electrical contractors for the municipality and selects the vendor. Discussion was about need to educate the public on the Town sponsored program and benefit to residents is discount on some aspects of electrical bill (i.e., $30 savings on average monthly bill). A fee is associated with program (taken from savings) to pay for operator to manage. Research done on municipalities in such a program identified that nearly all residents participate. VOTE: Unanimous.

- Discuss process to review Town policies, obtain other boards/committees policies

Discussion was on consolidating copies of all Town policies for ready access by interested parties. Outreach will occur to Town employees and boards and committees by the Selectmen liaisons on the matter. Jenkins will create an Excel spreadsheet to aggregate information.

- Discuss draft Town Manager goals

Discussion ensued about draft goals associated with Financial/operational controls, Communication – website and public interaction, employee survey, provide updates, Policies -- HR, financials, help Town moderator create policy for citizens petitions, Continuing projects – Patton Homestead, Patton Park pool, cooperating with Wenham, cell tower/mobile service, municipal aggregation program, Land Use Master Plan – properties for affordable housing, New projects – Town Hall, customer service, work environment, facility access for meeting space, by-law updates.

Discussion addressed how the goals could include standard business practice but milestones should be defined so goals are measurable, ranked and prioritized. Wilson suggested the employee survey could be done in the first quarter and results aggregated to assess direction and needs. Selectmen will review the up-to-date goals document and provide comments to Maddern.

- Approve Committee appointments

Joint Recreation Committee	
Reginald Megman	2 year term, July 1, 2016 to June 30, 2018
Brad Tilley	3 year term, July 1, 2016 to June 30, 2019
Affordable Housing Trust	
Peter Britton, Marc Johnson, Russ Tanzer	2 year terms, July 1, 2016 to June 30, 2018
Conservation Commission	
Bob Cronin, Virginia Cookson, Tom Myers	3 year terms, July 1, 2016 to June 30, 2019
Board of Health	
Susan Wilfahrt	3 year term, July 1, 2016 to June 30, 2019
Council on Aging	
Tom Hever, Stephen Walsh, Nancy Longval, Betty Gray, Martha Hale Farrell, Sherry Leonard	1 year terms, July 1, 2016 to June 30, 2017
Hamilton Development Corporation	
Brian Stein, Anthony Nickas	3 year term, July 1, 2016 to June 30, 2019
Tom Goodwin	2 year term, July 1, 2016 to June 30, 2018
Community Preservation Committee	
Shawn Farrell	1 year term, July 1, 2016 to June 30, 2017
Jay Butler	3 year term, July 1, 2016 to June 30, 2019
HWCAM	
Ann Minois	3 year term, July 1, 2016 to June 30, 2019

Historic District Commission	
Jack Hauck	3 year term, July 1, 2016 to June 30, 2019
Zoning Board of Appeals	
John Rodenhizer	3 year term, July 1, 2016 to June 30, 2019
Chebacco Woods Management Board	
Jack Haas	3 year terms, July 1, 2016 to June 30, 2019
Ralph Smith	
Hamilton Foundation	
Heather Ford, Maureen Hickey, John McWane, and Jane Wetson, coordinator	1 year terms, July 1, 2016 to June 30, 2017

Maddern entertained a motion to appoint these individuals to boards and committees. Hubbard so moved. Wilson seconded the motion. Discussion ensued about notifying appointed people via a written packet regarding getting sworn in at the Town clerk's office and to provide guidelines about responsibilities. VOTE: Unanimous.

New Business

- Consideration of topics for future Selectmen's meetings

Future topics include working on goals, citizens' petition policy, HR policy, financial policy, budget (i.e., level spend and level services), year-end close, non-essential services (i.e., Patton Homestead), HDC, alternative to recreation park program, list of policies from departments, BOS calendar associated with goals.

The next meetings are STM on July 5 and BOS meeting on July 11.

Maddern entertained a meeting to adjourn at 9:39 p.m. Wilson so moved. Hubbard seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____
Clerk