

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
DECEMBER 15, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, December 15, 2014 with Chair Scott Maddern, David Neill, Jennifer Scuteri present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, DPW Director Bill Redford and Hamilton Development Corporation member Rick Mitchell also present.

**Call to order**

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

**Public Comment**

DPW Director Bill Redford proposed adding a change to Town by-law in an ATM warrant article relative to requiring residents to get a permit for pumping groundwater from their properties into storm drains or sides of streets (not onto a public way or sidewalk) from November 15 to April 15. This was discussed further during agenda item.

**Town Manager's report**

Town Manager Michael Lombardo noted upcoming holiday luncheon at Town Hall.

**Chairman/Selectmen reports**

David Neill described the success of recent downtown village event. Jennifer Scuteri requested a hold on any minutes' approval (Nov. 17 and Dec. 1) until a change from her could be incorporated. She also noted the importance of presenting accurate facts relative to in 2010 the average home value was \$492,000 and in 2014 it was \$467,000 and kudos to the Town officials for a reduction in tax rate despite decrease in Hamilton's property values. In addition, she referred to the success of the recent High School history fair.

Maddern concurred about the history fair. He mentioned that the FinCom is working with HWRSD and Wenham on financial matters including excess funds policy. Also, that State Representative Brad Hill is going to chair a meeting with BOS chairs (including Wenham's Jack Wilhelm) and Town managers/administrators from

Hamilton, Manchester and Ipswich regarding potential participation in Hamilton's ECO. In addition, the Patton Park pool project proposal details are nearly complete with changes in size and shape for pool, bathhouse and service building to meet programming needs, CPC has been reviewing how the pool could be financed, and draft joint Recreation agreement is being modified to include pool.

#### **LOCAL LICENSING AUTHORITY**

**Weathervane Tavern** seeks permission from the Board of Selectmen, acting as Local Licensing Authority for the ABCC to remain open until 1 a.m. on New Year's. This is a one-time event.

Neill moved that the Selectmen approve the opening as the licensing authority for the Weathervane Tavern to remain open until 1 a.m. on New Year's. Scuteri seconded the motion. VOTE: Unanimous.

#### **LICENSE RENEWALS**

##### **Common Victualler License Renewal for 2015:**

- **Jumbo House** Vote to renew license

Neill moved that the Selectmen approve the common victualler license renewal for 2015 for the Jumbo House. Scuteri seconded the motion. VOTE: Unanimous.

#### **CONSENT AGENDA**

The Board held approval of November 17 and December 1, 2014 BOS meeting minutes until its next meeting.

- **H-W Green** seeks permission to place a sandwich board sign near the corner of Bay Road and Asbury Street promoting its annual **Christmas tree recycling event**, co-sponsored by Brick Ends Farm and Dodge Tree, from December 26 through January 10. The sign should not block the sight line at an intersection, or be placed near a crosswalk, or on a sidewalk.

Scuteri moved the Consent Agenda be approved as modified. Neill seconded the motion. VOTE: Unanimous.

## AGENDA

- Consideration of **Warrant articles** for the 2015 Annual Town Meeting and proposed by-law amendments to be forwarded to the **Planning Board** for the purpose of conducting public hearings

Redford revisited proposed by-law change relative to no discharging of groundwater on a public way or sidewalk as a safety consideration since no sanding or salting may be occurring at the same time which could cause a catastrophic accident due to icing. Also mentioned was need for enforcement authority relative to the by-law/permit, and how the by-law change would apply to residences and businesses.

Discussion ensued about unanimous vote by the Planning Board on December 2, 2014 about proposed changes to the zoning by-laws including to the senior housing by-law regarding dwellings and dwelling units, and majority vote for an amendment to create three-year Planning Board member terms instead of five-year. The Planning Board is considering a demolition delay by-law, senior housing by-law change regarding GPOD zoning, site plan review and what Town board oversees that function (this has been forwarded by BOS to the Planning Board for public hearings), and amendments to the cellphone communication towers/antennas by-law.

- **Hamilton Development Corporation** – update and discussion of potential amendments to Chapter 151 of 2012, the Special Act creating the HDC

The changes proposed by the HDC are not for the Special Act but for by-laws that the HDC sees could be improved for the Town. HDC member Rick Mitchell described request to include new language in the zoning by-law to incorporate mixed use development in the commercial district much as has been done in the Willow Street overlay district. He noted parking concern related to mixed use and suggested a working group be convened with police chief and neighbors relative to cars parking on Willow Street (this is legal on one side), and parking signage downtown.

Discussion ensued about expensive daily cost of parking in MBTA lot (\$4) and if Town could purchase the lot and not charge a parking fee. Also noted was if at the back end of the MBTA parking lot is Town-owned land that could be used for parking. Discussion addressed how commuters are parking in the Town lot at the corner of Railroad Avenue and Willow Street to avoid paying the \$4 daily fee.

Lombardo will charge police chief and public works director to spearhead effort to understand if there is a walking problem versus parking problem since there is parking available further down on Railroad Avenue. Also, that the two-hour parking signs in the downtown will be replaced. Meetings will be convened on the matter and include representatives from the downtown businesses.

Neill described his understanding that the main issue for business owners is for employees finding a place to park where neighbors are complaining about cars being parked legally in front of their houses for the day. Also mentioned was the parking spaces on the Town owned land on the other side of the railroad tracks which could be used for designated employee parking for Railroad Avenue. The importance of clarity on parking signage, timing and enforcement was emphasized.

Discussion reviewed the HDC mixed use concept in commercial district, water discharge, senior housing by-law change, and three-year term for Planning Board members. It was noted that the water discharge by-law proposal is a work in progress and does not require Planning Board hearings. Language will be brought back to the Selectmen for approval on the warrant. Discussion addressed how many residents have basements where water has to be pumped out and need to pipe or direct the water into catch basins or along the road. A consequence of water being pumped into the public way is potential for hazardous icing.

Discussion ensued about intent to allow mixed use in the commercial district with residential use on the second or third floor(s) of a property with commercial use on the first floor. Also addressed was how Town owned parking lot on Railroad Avenue does not abut the former McRae property and that proposal for parking on that site would not generate tax-based revenue for the Town. Perhaps limited additional public parking and mixed use development could be done at the site which is being addressed at the HDC's visioning sessions.

Maddern cited Marc Johnson's concern about proposed change in Planning Board member terms as an amendment to Town by-law rather than zoning by-law. The Selectmen need to have a more thorough debate and this would not require public hearings by the Planning Board.

Discussion addressed two by-law recommendations: two and three family dwellings added to senior housing by-law as part of semi-detached development, and mixed use development recommendation from the HDC. Scuteri moved that the Selectmen forward to the Planning Board the amendment to the senior housing by-law to include

two-unit buildings as well as the amendment to the general downtown zoning by-law to allow for mixed use development in the commercial district. Neill seconded the motion. VOTE: Unanimous.

- **Chapter 70 Funding** – consideration of a letter of support for changes to the foundation budget funding formula

Selectman Jeff Hubbard was going to draft a letter for the Board to review. This will be discussed at an upcoming Board meeting.

- Discussion of Increasing **Water Rates** and set Public Hearing

The Town had tax rate certified under condition from DOR that it will increase water rates to have sufficient funds to cover Hamilton's operating budget. The water enterprise fund cannot be in a deficit and has to be supported by fees. DEP has a new guidelines that include a seasonal rate structure when there is higher demand for water. Hamilton has not had a water rate increase since 2008. The Town has a flat service charge, and graduated rate where more water is used, a higher rate is charged. Citizens are conserving water in Town by using below 65 gallons per day capita.

The rates will be adjusted in two stages to mirror debt service and capital improvements. A hearing will be held in January and rates adjusted by end of June from \$25 a quarter service charge to \$56 a quarter or 124% increase per household bill for debt service (FY'15 from \$159,000 to \$620,000) so this is a proportionate share per household for water distribution system improvements. There is a spending increase in the operating budget (i.e., cost of health insurance and retirement has gone up), and usage rates will go up 20%. Following the public hearing the increased water rates will become effective immediately. Once the bonds are paid in 2035 the debt service expense will be taken off the water rate bill.

Discussion ensued about total revenue to budget, this year's budget is going up 13% and will go up more next year due to debt tied to service charge, and interest in Hamilton's water usage rate compared to other communities. Town officials will provide a memo to the Board that contains date for January public hearing.

- Town Manager Evaluation

Maddern summarized that all Board member input reflected that Lombardo was doing a good job with Town manager form of government. Significant accomplishments

consisted of well-organized in running Town, 3-year financial forecast done with FinCom, 5-year CIP, revised personnel policies, and union contracts resolved. An area for improvement included more communication from Town manager with townspeople about updates on operating entities (i.e., COA, Finance and Public Works - water rates, Recreation – pool, scheduling fields).

Neill stated that Lombardo has met expectations in a difficult position and that he can be trusted to do the right thing for the Town. Scuteri provided feedback on how longer range projects have created trust by residents (i.e., fire truck on CIP, and need to increase water rates). She spoke to job's challenge due to resistance by small group in Town to change, that communication to public should include stabilization of and drop in tax rate, work done to find best way to communicate to public, and good professional team.

Lombardo described how there is support from appropriate staff working across Town government for Hamilton residents. He suggested focus be on goals and include more awareness of data and early dialog for planning and visioning looking toward future. Discussion was on whether or not the Board should consider an annual versus bi-annual review process for the Town manager relative to acknowledging what work is getting done and can be done.

- Update on Town Manager Goals

Lombardo provided an update on his goals:

Patton Homestead housing development

An application was submitted to the Planning Board by C.P. Berry regarding proposed development of 12 units on the Patton property, and there have been pre-application conferences. A filing with the AG's office delayed project but AG has reported complaints in this filing are not moving forward due to lack of merit. A formal application from C.P. Berry will be submitted to the Planning Board tomorrow night for 12 moderately priced houses at the Patton Homestead. Scuteri summarized her concern about AG filing from small group in Town including a Selectman and Planning Board members that had incorrect facts/allegations and that the group has hired two attorneys. Scuteri has drafted a letter to the Board about her impressions of the filing. Lombardo said this complaint is far ranging and has involved Town counsel and disputed his authority to hire a planning director, interpretation of GPOD, Board of Selectmen's authority to sell portions of Patton Homestead property and make

decisions relative to the development. He added that as a result of the AG's involvement, C.P. Berry is free to submit the application.

Replacement for pool jointly funded with Wenham

The project is on track with work being done with Recreation Director Sean Timmons, pool working group, and vendor to do preliminary design and cost estimates for public hearings beginning January and completing before ATM in April.

Create more operational efficiency in Town

Hiring a Planning Director and analyzing operations is key to finding efficiencies in land use, inspectional services and site plan reviews as well as vetting applications. Patrick Reffett is well regarded by staff. Organizational efficiencies are being analyzed for support staff and department heads with a utilization study underway to reallocate or move staff around to better serve public and internal functions. Reffett and Redford are working toward process to renovate Town Hall where conceptual design and space utilization will be put to blueprints and cost estimating. The concept is a one-stop shop where cross-trained staff can serve anyone who comes to Town Hall in a central location.

Combine services with Wenham

Efforts are being refined in public works particularly facilities. A full time facilities employee is being recruited now and position will be filled shortly to work with Wenham and HWRSD for team approach similar to what was done with grounds maintenance. Also being considered is one central fueling depot for efficiencies for both towns. This process has slowed down in part since Wenham is currently recruiting for a town administrator.

Increase cellphone coverage

Lombardo and Reffett have met with vendors relative to why they have had a difficult time locating cellphone towers in Hamilton. A small number of changes to the existing cellphone tower by-law are being proposed to make it functional. Discussion will occur with Town counsel and Planning Board and hopefully a proposal will go to Town Meeting. In addition, analysis is being done to identify if public works yard and public safety building sites would be critical to locate towers for coverage. A determination

will be made about whether or not changes in the by-law would be required before any towers could be sited in Town as well as if height of towers could be less than 110' high.

- Backlog of discussion topics and prioritization for future deliberation

Discussion ensued about how Town could create affordable workforce housing (i.e., \$500,000 homes) relative to land cost for developers. Community Projects Coordinator Rachel Meketon is working with Affordable Housing Trust and they could consider addressing workforce housing. Also mentioned was Chapter 61A and other large parcels in Town that are going to be for sale and need for Hamilton to have a policy for prioritizing them (i.e. possibly done with Reffett) relative to consideration of acquiring them to preserve open space.

- HWRSD master plan and future of school facilities

Discussion ensued about Lombardo's work with Superintendent of Schools to address importance of decreasing enrollment, long term impact on community and the three old elementary schools (i.e., wholesale renovation or new school campus) and changing dynamic identified in housing production plan. The schools are losing 1% enrollment a year which is alarming so effort is focused on what to do productively with Wenham and about implications for future. Also, that there is no senior housing in Town so residents do not downsize and demographic is getting older.

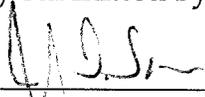
- Set date of next Selectmen meeting

The Board will meet next on December 29.

Neill moved at 8:49 p.m. to adjourn. Scuteri seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:

  
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Clerk