

2017



# TOWN MANAGER REPORT

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**May 12, 2017**

**To: Hamilton Board of Selectmen**

**Fr: Michael Lombardo, Town Manager**

**Re: Town Manager Update**

## I. WATER MANAGEMENT ISSUES

Please find attached material from my meeting in Auburn with other municipal water suppliers and the Mass. Water Works Association.

The Ipswich Watershed, which is where Hamilton gets its water from, is in distress and increasingly watershed groups and the state DEP water division have sought to restrict and control (some would say "manage") how much water a community may withdraw regardless of location (the specific sub-basin) and other important factors such as how much of the extracted water is discharged back into the ground thus recharging the aquifer.

The Water Management Act (M.G.L. c. 21G) became effective in March 1986. The Act authorizes the Massachusetts Department of Environmental Protection (MassDEP) to regulate the quantity of water withdrawn from both surface and groundwater supplies. The purpose of these regulations (310 CMR 36.00) is to ensure adequate water supplies for current and future water needs. The Water Management Act (WMA) consists of a few key components, including a **registration program** and a **permit program**.

Large water users had the ability to register their existing water withdrawals based on their water use between 1981-1985. The registration program established the renewable right of previously existing water withdrawals over 100,000 gallons per day (gpd) on average, per river basin, between the years of 1981-1985. MassDEP issued registration statements to document these registrations. The last day to register was January 4, 1988. Water Suppliers had until 1988 to file for their registration and anything after that would be managed under the permit program.

The Town of Hamilton has a Registered Volume of 1.03 MGD (million gallons per day) – this is not the same as what we actually withdraw, which is 0.93 AGD (average gallons per day) but is important to preserve for future needs. Hamilton also was issued a water permit – the water permit includes certain conditions (i.e. water use restrictions, limitations on summer water consumption etc.)

Public Water suppliers that have a permit are regulated by DEP. Water suppliers operating under Registration only are, for the most part, are not regulated in terms of how much water they may withdraw other than their registration volume. And then there are Towns like Hamilton that have both a Registration and a Permit.

Everyone who was engaged in public water supply filed (or should have filed) a registration statement in 1987, and thus became a registrant, with grandfathered rights.

After that, DEP encouraged water suppliers to apply for permits too based on the assumption that future water needs would exceed their registered volumes. Hamilton was among the many that heeded and followed this advice. This explains why Hamilton has a permitted volume (above its registered volume) that has never been used.

In Hamilton's case, the Plateau Well was added to the system about 12 years ago. This well appears only on the Town's permit, and not its registration. It is also a primary source of water for Hamilton.

The suppliers that operate under a registration only are those that are withdrawing water volumes less than or (or, at least, not more than 100,000 GPD above) the volume that appeared in their original registration, and have no new wells beyond what they had in 1987.

The recent letters requesting to have our water registration renewed stem from the belief that MDEP has a legal obligation to renew for 10 years – The Fairhaven lawsuit and the Town of Hamilton's previous lawsuit grandfathered a Town's registered volumes and required DEP to enter into the formal rulemaking process if they wish to regulate registrations; they have declined to do so thus far. The renewal, therefore, is pro forma. Town's throughout the Greater Boston area are moving in similar fashion to renew registration statements. I will update you as this unfolds.

#### Legislation:

I ask your attention to the following legislation:

House 2137 - <https://malegislature.gov/Bills/190/H2137> (see the MWWA Fact Sheet attached) The Legislation was filed to prevent water Registrations from being conditioned. I will be contacting Brad Hill and Bruce Tarr seeing their support for this legislation. Please let me know if the Board would also like to formally respond, or you certainly may respond individually as you see fit.

#### Water Permits:

Hamilton's water permit (not registration) expired a few years ago and has been extended under the Permit Extension Act until June 30, 2018. Based on progress to date with permit renewals and conversations with various State personnel, we believed that DEP would extend permits once again.

Yesterday we received a request from Duane LeVangie from the MA DEP Water Division to schedule a meeting to discuss the process for water permit renewals. We are in the process of scheduling that meeting and I will update you regarding any status change concerning the water permit renewal process.

## Drought Status Lifted:

### MASSACHUSETTS EMERGENCY MANAGEMENT AGENCY SITUATIONAL AWARENESS STATEMENT May 11, 2017

The Massachusetts Emergency Management Agency (MEMA) is sharing the following media release from the Executive Office of Energy and Environmental Affairs (EOEEA) for your situational awareness. As a result of recent above-normal levels of precipitation, the Secretary of EOEEA has determined that water level indices are within normal ranges across the Commonwealth and that drought conditions no longer exist. The Secretary of EOEEA made this determination on the basis of recommendations to him from the Drought Management Task Force that is co-chaired by EOEEA and MEMA.

Nonetheless, public officials continue to urge the public to monitor indoor and outdoor water usage and adopt and practice water conservation measures.

## Water Bans:

In light of recent action by the courts to overturn citations issued to private well owners during a Water Ban, Town Counsel has developed the following statement to be read and adopted by the board when declaring a state of Water Supply Conservation:

The board has determined that there exists or impends a shortage of water such that conservation measures are appropriate to ensure that an adequate supply of water is available to all users, including fire-fighting operations and that water withdrawal volumes remain within permitted and registration limits. As a result, the Board hereby declares a State of Water Supply Conservation. The following restrictions, conditions, or requirements are hereby imposed on all users of the town water system and to users of private water sources that draw from the same water sources and will remain in effect until termination of the State of Water Supply Conservation by vote of the Board:

[the board then votes on which restrictions it wants to impose from the list in Chapter XXV, Section 6 A-H. Condition H is the prohibition of outdoor sprinkler use at all times. Other possibilities would permit outdoor water use, including sprinkler use, on certain days or hours.]"

Once the board makes the declaration, it must be published in the newspaper, posted on the Town website or otherwise sent to water users, and sent to DEP.

The bylaw does not require the declaration to expressly inform the public that a violation of the declaration could subject the miscreant to fines, but it wouldn't hurt to include that.

In addition to the preceding, I have asked the Finance Director and DPW Director to develop a draft change in policy for water rates when a state of Water Supply Conservation is declared. We discussed initial parameters this week, and once a draft is available for your consideration I would like to schedule this as an agenda item for your consideration.

### Solar Array Project:

After much anticipation we received a proposal from Amaresco to build a solar array at the landfill. We are scheduling a meeting to review the proposal to better understand the details and will schedule this for a board meeting very soon for you to review and discuss.

### Gordon College Public Employee Appreciation Day:

On Tuesday, I and several staff attended a breakfast to honor public employees; representatives from Wenham and Manchester were also recognized. This provided a great opportunity to meet and enjoy conversation with President Lindsay and his administration.

### Bridge Street Culvert:

The DPW Director provides a status update of the project under his departmental report. I am working with Town Counsel on adjustments to the contract (liquidated damages) based on the extended timeframe for project completion.

### First Manned Flight in New England:

Ray Whipple and the Historical Society have been working on signage to commemorate the first manned flight in New England. I've enclosed information regarding this historic event. Once a draft of the plaque is available, I will schedule this for the Board to discuss and approve placement of the signage on Town property at Chebacco Lake.

Location Agreement – As you know, a film company has been in town this week to film the new David Spade movie. I signed a one-day agreement with the company to use the parking area at 650 Asbury St to park vehicles while they are filming nearby; the Town will be compensated \$1500.

## Council-on-Aging

Key activities/projects for the Council on Aging: May, 2017

1. Call to action for our seniors aged 60 to 69 to develop a focus group to determine their needs and find out the kind of programming they would like to have outside of regular Senior Center hours. Outreach is working to develop a database for this group of over 1,100 seniors through phone and greeting card contact.
  - Since this project was started in February the COA has contacted approximately 34 seniors in this age group to determine their needs and requests. Five of this group have indicated they would be interested in being part of a focus group at the Senior Center.
2. On October 6<sup>th</sup>. the COA will be holding our first annual memory event that we are calling Shifting the Perspective: Memory, Aging and Your Brain. This will be for seniors dealing with memory issues as well as their family members and caretakers. We will be hosting a keynote speaker from the Alzheimer's community, sponsor games and events and vendors along with a free lunch for attendees through Senior Care.
  - Work has begun to reach out to vendors who will participate in this event.
  - Feature keynote speaker will be Judy Blackburn who is known for her work in helping seniors focus of the transition from their home to a facility for memory care.
  - The Council on Aging has this week partnered with The Atrium at Veronica Drive, as assisted living facility in Danvers, to provide a greater range of options for those attending the seminar.
3. Transportation issues for seniors and low-income residents came to the attention of COA Directors last week. Governor Charles Baker had proposed eliminating T-service on the weekends as well as doing away with "The Ride" throughout Massachusetts. His proposal to let the COA senior transportation services pick up this transportation service by allowing everyone, seniors and low-income residents, to use town-owned vans from 5 AM to 12 midnight. Over 45 COA's sent impact statements to the Massachusetts Councils on Aging as well as contacting our local legislators. A regional transportation meeting was held this past Monday in Boston where the decision to shelve the budget-cutting measure was made for a period of one year due to the impact statements received and a number of Directors who attended this meeting and let their feelings be known. While The Ride does not come into Hamilton proper, many of our seniors use this service jumping onto the bus in Wenham to go into Boston.
  1. Comments from Carolyn Villers, Mass Senior Action Council after the the March 27<sup>th</sup>, MBTA Board meeting.

"We are absolutely having an impact but not quite out of the woods yet. One of the FMCB board members made our motion to take the proposed cuts off the table but another board member amended the motion so that the final motion that passed really only took the proposal off the table for two weeks - Not that helpful. The

FMCB does not seem inclined to implement these cuts but must be under a lot of pressure since they have not seemed comfortable to take the proposal off the table. The task force (which Bill and I are both on) has been tasked with exploring alternative cost-savings but some of the options they are presenting are non-starters. We will need to keep the pressure on....

By the way - Stacey was a great representative today and I also met two other senior center directors (I think N. Reading and Melrose). I also gave the updated comments to the FMCB."

Carolyn

**Next Steps:** MBTA Board meeting will be on Monday April 10, at noon, for the public comment period. Location is Ten Park Plaza, MBTA Board Room

2. Update: April 18-After extensive review and discussion by the MBTA, it has been decided at this time that they are no longer recommending a solution to premium cuts that would rely on the Council on Aging. They will instead support the pilot programs that are currently running with Uber and Lyft.
3. Update: May 3<sup>rd</sup>, the following email was received in response to the transportation issue:

Dear Neighbor,

As the Massachusetts State Senate's Commonwealth Conversations 2017 tour comes to a close, we are left with the critical question of how to translate the energy of thousands of participants like you into action. The state Senate fanned out to every corner of the Commonwealth and motivated residents to come together and renew our sense of community. We heard about a range of issues from creating more affordable housing, to improving transportation, and your vision for the Commonwealth.

As a champion for responsive, accessible government, and the Commonwealth's most valuable asset –people like you – the Massachusetts State Senate serves as a strong, proactive force to develop and support policy that ensures Massachusetts remains a viable place to live, work and get a top quality education.

Thanks to your participation in our *MassMoves* workshops, we collected your input on a 21<sup>st</sup> century statewide vision for transportation; you will be sent a report from the BARR Foundation detailing the findings.

The Senate still needs your feedback to help us lead on issues you care passionately about. If you did not get a chance to attend or speak at one of our Town Halls, we invite you join us for our **Twitter Town Hall on Monday, May**



**8<sup>th</sup> from 12:00-1:00pm.** Tweet your questions to us using **#MaConvos** and follow **@MA\_Senate** to join the conversation, and give us your input on your vision for Massachusetts. Once we hear from you, we will send you a copy of our Commonwealth Conversations 2017 Report in June.

It has been such an honor to hear your stories, your dreams, and your hopes. The state Senate will always be grateful for the time and trust you placed in us to tour our great Commonwealth.

Sincerely,  
The Massachusetts State Senate

4. A wonderful group of young mothers' led by Martha Hale Farrell will be again providing Mother's Day Brunch to the senior women in Hamilton on Friday, May 12<sup>th</sup> at 11 AM. Please RSVP to Mary Beth Lawton at 978-468-5595. Seating is limited to 36.

4. Posting to FB and May newsletter to follow
4. The Council on Aging is working with Gordon College to create a town-wide volunteer bank to help seniors in Hamilton. Many of our seniors need help from time to time to do chores around the house which they can no longer handle. The COA will also be reaching out to the Rotary for their assistance with this project.
  5. Meeting with Provost Janel Curry at Gordon College week of 5/22 after commencement to meet with Gordon personnel and to map out project
5. Several members of the community under the guidance of Martha Hale Farrell are forming a Friends group to support the efforts of the Hamilton Council on Aging. If you are interested in joining or volunteering your time to help make this group happen, please email her at: [halefarrell@gmail.com](mailto:halefarrell@gmail.com).
  6. FB posting was created and several women responded to Ms. Farrell's notice and indicated a desire to serve on the Board.
  7. COA Board will receive update from Ms. Farrell 5/3 re: progress forming this group
6. The Council on Aging would like to advance the ability of Hamilton to move forward as an Age Friendly Community. Scott Maddern had brought this to my attention unaware that I had attended this focus group during my annual conference for Directors. Studies show that in supportive and enabling living environments, older people are a resource for their families, communities and the local economy. Dr. Alice Bonner, Executive Secretary of Health and Human Services for the Commonwealth, who had attended our Go4Life Health Fair last year, spoke recently at a conference about the 8 pillars of what constitutes an age friendly community. An age friendly community is one that promotes a more thoughtful approach to the development of programs in a community that promote the health and well-being of our aging population. The eight components are:

Outdoor spaces and buildings, Transportation, Housing, Social Participation, Respect and Social Inclusion, Civic Participation and Employment, Communication and Information and Community Health Services.

It's my hope that a town-wide dialogue can begin with the Board of Selectmen to create this "master plan" for seniors residing in Hamilton. The process can begin with a presentation from MCOA how to create an age-friendly community and the process from assessing the needs, turning that information into actionable steps and developing metrics by which to evaluate the success of the initiative.

8. Met with Patricia Zaido, citizen volunteer in Salem, who is spear-heading effort to move Salem forward creating age-friendly community. Reviewed process and priorities and established timeline. Report to Town Manager to follow.
7. As the result of 18 months collaboration between the Council on Aging Director's on the North Shore, a guidelines for participation/scope of services document was created to address and update residents using the Senior Center to let them know who we are, what we do, what we don't do, eligibility to participate, and guidelines for participation with a code of personal conduct. This document was given to the Council on Aging Board at their last monthly meeting 4/5 to review and discuss for our May 3<sup>rd</sup>. meeting.
8. Flag Day ceremony Wednesday, June 14<sup>th</sup> at 10:30 AM. The COA recently purchased a US flag as well as a Massachusetts flag for display at the Senior Center. The American Legion will be participating in the dedication of our flags that day. It is also anticipated that Public Safety will also join in with us on this ceremony.
9. The COA is working to stage a talent show celebrating seniors who don't want to grow up in conjunction with the HWRL and the Wenham COA. Date to be determined.
10. The ACORD Food Pantry and the Hamilton Council on Aging will again be distributing free produce to our seniors starting the end of June. Distribution day and time will be Wednesdays at 11 AM. Produce will be available throughout the afternoon until it is gone. The COA will also be reaching out to other farms in the area to bring in surplus produce from their stands as well this summer.
11. "Feed the Hungry" boxes have been donated to the Senior Center and will be distributed in the next several weeks. Information will be posted to our Facebook page notifying residents that the boxes are available.

Plans are underway to create a low cost dental clinic this summer in collaboration with the Hamilton Board of Health. Details to follow.

## Finance Department

### **Ongoing and Pending Projects:**

Part-Time Position: Working on job description for part-time position at the Finance Department.

Financial Policies: Researching financial policies adopted by other communities and Division of Local Services Best Practices.

Miscellaneous: Continued to work on projects mentioned on last update.

## Fire Department

### **FIRE PREVENTION:**

**PUBLIC EDUCATION:** We participated in the Clerks Showcase of Local Officials at the Hamilton-Wenham Library on May 8 from 4-7 as part of Public Service Recognition Week and Municipal Clerks Week. We educated children and their parents on fire safety and met with various officials.

We educated a Kindergarten Class on what we do.

**INSPECTIONS:** The following inspections were done between April 26 and May 10:

- (9) Smoke Detector and Carbon Monoxide inspections
- (3) Reinspections due to failure
  - (1) Oil Tank Inspection
- (3) Dumpster Permits
- (2) Tent Permits
- (1) Occupancy Permit

### **ON GOING PROJECTS:**

- Sprinkler Compliance at Winthrop School
- Pyrotechnics at movie site on Howard Street.
- Upgrades and installation of Fire Alarms at Christ Church.
- Placement dispute of propane tank on Hamilton Ave.

### **FIRE DRILLS:**

We conducted fire drills on April 28 in conjunction with Gordon-Conwell Public Safety at the Library/Academic Center and Kerr Hall.

### **CAR SEATS:**

They did 4 car seat installations. We have 3 Firefighters that are certified to install car seats.

**CALLS FOR ASSISTANCE:** The Fire Department responded to 31 calls for assistance from April 13 to April 26. We responded to (13) fire call and (18) medical calls.

**TRAINING:** Fire personnel did pump training and drafted from Chebacco Lake at the monthly drill. We have quite a bit of pump training coming up in the next few weeks.

**PUBLIC SERVICE RECOGNITION WEEK:** The Fire Department received a citation for Recognition of Outstanding Public Service from Gordon College on May 9.

## Planning Department

### **Staffing levels:**

Planning – 1 FTE  
Building – 1 FTE; 4 PTE  
Health - 1 FTE; 3 PTE  
Con Com – 1 PTE  
CPC – 1 PTE  
Minutes – 2PTE

### **Dept Issues:**

Office space construction. Expected to be complete week of May 15.

### **Ongoing and Pending Projects:**

Affordable housing related matters and involvement ongoing;

Planning Board efforts to revise certain zoning bylaw elements is on-going (cottage housing, special permit process, Great Estates, Willow St Overlay District).

Shopping Center Owners / Management submitted request for abbreviated site plan review to convert office space to dance studio space.

15 Walnut Restauranteur present concept for outdoor seating to planning board informally. Will submit a request for site plan review (existing site plan would need to be amended).

Pursuing creation of a new zoning map – the existing one is highly illegible. It was part of Bobrowski's scope and he has a consultant/vendor who is preparing a proposal for same.

BOH Chair David Smith is proposing a Nuisance bylaw for the Town – I have reviewed as has HPD Chief Stevens – internal discussion on-going.

Patton Homestead involvement.

577 Bay Road Cell Tower application not yet submitted for public hearing.

Active construction of cell tower at 434 is occurring. An amendment to the special permit may be made to allow another receiver array.

Cell tower for MBTA Right of Way is being pursued at the federal level (FCC) to allow a tower to be constructed on State owned property which would improve T patron cell coverage, rider info, etc.

Athletic Field Improvement Project by Pingree School – expect a future Site Plan Review submission.

Greenbelt/ Essex County Land Trust to submit a Site Plan Review for a parking lot with associated additions soon.

ANR proposed for 46-48 Meyer Road – conversion of two lots to three to be at planning board for 5/2 meeting.

Discussing potential of regulating short term residential rentals internally and with planning board.

CPC annual meeting June 8, 2017 7pm at TH; grant applications for fall funding due 8/31/17.

Building Dept. files to be evaluated for scanning purposes mid-May.

## Police Department

### Staffing (Police):

- Full-time: Fully staffed at 13 officers.
- Part-time: We currently are operating with 7 reserve officers. At this time we are establishing dates and times for oral boards with the intent of hiring 3 additional reserve officers.

### Staffing (ECO):

- Full-time: Fully staffed at 4 dispatchers.
- Part-time: Staffed at 2 dispatchers

### Equipment Issues:

- None

### Union Issues:

- No Union grievances or complaints at this time.
- Current Police contract expires on June 30, 2019.
- We currently have a tentative contract agreement with the ECO union.

### Miscellaneous

- Still waiting for the results of the MRI ECO merger study with Danvers and Manchester by the Sea.

### Pending Projects:

- Carpet selection has been made to re-carpet the PSB Training Room. No date for installation has been set at this time.

### Upcoming Police Related Events:

- Hamilton Police/DEA Drug take back day was conducted on April 29<sup>th</sup> and was extremely successful.
- Several Spring Road Races scheduled throughout town.

## Public Works

Highway:

### **2017 Sidewalk Reconstruction Project**

Update: Work is progressing on schedule; the contractor has begun constructing new wheel chair ramps and asphalt sidewalks

### **National Grid Tree Work**

Planned along Route 1A, Bridge Street, Miles River Road, Essex Street, and Woodbury Rd.

Update: Work is scheduled for mid to late July 2017

### **Bridge Street Culvert**

Update: Paving has been completed on 5/11/2017, landscaping and completion of punch list to be completed within a few weeks

### **Street Sweeping and Line Painting**

Update: Street sweeping has been completed and the Line Painting is scheduled for the week for the week of May 15<sup>th</sup>.

### **Catch Basin Cleaning**

Update: Catch Basin cleaning has been completed and the State Mosquito Control Program has been notified to treat the basins

### **DPW Heavy Equipment Operator**

Update: Candidates have been picked for interviews that will start next week

Buildings:

### **Hamilton Town Hall**

Update: The Town Hall second floor new partitions and new individual workspaces are completed. DPW appreciates everyone's cooperation and patience.



## **Patton Homestead**

Update: DPW has evaluated the scope of work for the preservation of the Patton Homestead and has drafted a timeline to complete the work.

### Proposed Schedule

Dirt Parking Lot Construction Summer 2017, either hired contractor or in-house

By June 30<sup>th</sup>, 2017 – Apply for a building permit to include the roof replacement and dormer work. Applying for the permit will keep the CPC funding in place to then use for the construction of the roof and dormers in a larger scaled project later this year.

Draft RFQ for Designer Services for the Patton Homestead Preservation to include numerous updates, interior and exterior repairs, building system upgrades i.e. electrical, plumbing, security, fire etc.

RFQ will be ready for distribution in late June/ early July, followed by design with an estimated completion by early fall 2017.

Invitation for bids would be advertised in the fall 2017 and interior construction would commence winter 2017/2018 and exterior work would start in the spring of 2018.

### Cemetery:

Planting and growing season is well underway and the Cemetery Division has begun to make preparations for the Memorial Day weekend.

Update: Cemetery Division has constructed 15 new foundations for monuments

### Water Distribution:

#### **Water Main Replacement Project**

Update: Phase 3 of the Water Main Replacement Project is out to bid. Construction is scheduled to begin in late June/early July and will continue until the Spring of 2018.

#### **Water Billing Project**

Update: DPW has rectified 24 of the 31 accounts impacted.

### Water Treatment:

#### **Filter 1 Rehabilitation**

DPW has received a quote to make repairs to one of the WTP filters. Work would include removal of the filter media, repairs to the underdrain system, and replenishment of new media. Currently the plant is operating less efficiently affecting the color of the water due to the filters damage.

Updates: Procurement for this work is under review by Town Council. Repairs to the Filter 1 are planned for late June and should take two weeks to complete.

## **Recreation Department**

### **Veterans Memorial Pool**

Work is continuing at the pool to get us ready for this summer. All pool equipment has been ordered for the operation and the programming of the pool. Our Pool Director and Assistant Director have swim instruction lesson plan and we are confident that we will be offering a strong program for swim lessons. Deck furniture is being assembled by the DPW and we are awaiting the arrival of some lounge chairs that will be laid out on the deck. The cover is scheduled to come off this upcoming Monday, once that is complete staff will begin to get the lifeguard office and pool deck organized and cleaned for the start of the season.

### **Patton Playground**

The DPW was able to fix an issue with a pipe that was causing a flooding issue down at the park. Since the pipe was fixed the water level has dropped considerably, many thanks to the DPW. The playground will be inspected and we will be adding safety surfacing and sand to the areas that are in need in the coming weeks.

### **Website**

Our Department is excited for the launch of the new website and have been working to make sure all pertinent information is posted and ready to go for the unveil. Our own registration software website went through a change as well, this update will allow for easier access to program registration. The website can be viewed at [www.hwrecreation.com](http://www.hwrecreation.com)

### **Hamilton Wenham Regional School District Athletic Complex**

At a previous meeting the School Committee agreed to be the applicant for site plan review, which was necessary because the project lies on school land. We are now circling back with Gale with the hopes of filing for Site Plan review shortly. This review will be helpful as it will give everyone a clear indication of any constraints the project might have, specifically relating to conservation and also give an indication of how new athletic lighting will fit into the project.