

HAMILTON BOARD OF SELECTMEN

MEMORIAL ROOM

MINUTES OF MEETING

October 17, 2016

Members Present: Shawn Farrell, Allison Jenkins, Jeff Hubbard, Scott Maddern, and Bill Wilson  
Town Manager: Michael Lombardo  
Others Present: Donna Brewer (Town Counsel), Patrick Reffett (Director of Planning and Inspections), Jen Scuteri (Town Moderator), David Wanger (FinCom, Chair), Peter Britton (Affordable Housing Trust), Mary Beth Lawton (Council on Aging), Ed Howard (Planning Board), Ann Gero (Open Space Committee), and Bill Dery.

This meeting was called to order at 7:02 pm

**Announcements**

Early voting would begin October 24, 2016 at Town Hall and the Election Day polling place has been moved to the Recreation Center. Town Moderator, Jen Scuteri requested teller volunteer for Town Meeting.

**Public Comment**

Ed Howard (Rock Maple Road), questioned the regulation of roosters and noted that the Selectmen and Finance and Advisory Boards had both weighed in on it but recalled that the Right to Farm By-Law was current. Mr. Howard noted that the roosters were attached to dog regulations rather than the Right to Farm By-Law and that the Agricultural Commission had not weighed in on the subject.

Ann Gero read a letter from the Open Space Committee into the record. The Open Space Committee was expressing concern regarding the process for siting a large parking lot at the Patton Homestead. The letter explained that the Planning Board was conducting Site Plan Review for the proposal which had been submitted by Patrick Reffett under the direction of the Town Manager. Ms Gero said the 43 vehicle lot was in the open field which sloped down to the Ipswich River. According to the letter, the site was opposed by the Open Space Committee. The letter stated that the Planning Director had the legal right to be the applicant, but he did not have the support of the Planning Board. The letter continued that decisions should not be made by the Town Manager or the Town Planner via an incomplete application and that the parking plan should be considered after a vendor had been selected.

**Chairman/Selectmen Reports**

Jeff Hubbard deferred his report until the Warrant Hearing.

Shawn Farrell reviewed the Planning Board hearing which considered the Communication Tower, noting that Physicist, Dr. Hayes stated the Radio Frequency level would be .6 of 1% of the allowable limits set by the FCC at full capacity. The Planning Board may condition that RF levels be monitored if the tower reached full capacity. Zoning By-Law revisions, the Cottage By-Law and Patton Homestead parking lot were discussed at the Planning Board meeting. The CPC met without a quorum with no decisions made. The CPC was seeking an at-large member.

Bill Wilson described the Affordable Housing Trust meeting which discussed the Central Ave./Baker Ave. proposal and Phase III of the site location search which concerned six properties. The Longmeadow property owner's attorney stated in a letter received that they had no interest in a reduced scale development. Properties being considered included the Council on Aging Building, Gordon Conwell, Longmeadow, 13 Essex St., and Central Ave./Baker Ave. Mr. Wilson also said the School Committee had met to discuss the regional agreement. Email from the School Committee Chair said the agreement may look at households for the apportionment. Capital plans going forward would be on the next agenda as well as the audit.

Allison Jenkins announced that the Hamilton Foundation was drafting its annual appeal which would be sent out as an insert to the water bill. The Foundation helped about 150 residents.

Scott Maddern, Chairman, recalled that the Hamilton Wenham Garden Club took many awards at the Topsfield Fair and the Hamilton Wenham girls' cross country team broke a national record for most consecutive meets being involved since 2004. Mr. Maddern said he attended the COA meeting and talked about children participation at the Senior Center. October would be annual review month for the Town Manager. Mr. Maddern had been working on the Board of Selectmen orientation package and calendar.

Michael Lombardo, said there would be an inspection of the water storage reservoir with cameras to assess what repairs or maintenance needed to be done. The Water Treatment Plant Report outlined some larger projects to get the plant working effectively, such as air-wash systems, according to Mr. Lombardo. The Bridge St. culvert project was now open to one lane traffic and both lanes would be opened in two weeks. The position of Finance Director was discussed with an individual being called back next week for a second interview. There were six candidates for the DPW Director position. Mr. Lombardo reported that the Harborlight Agreement and Habitat for Humanity agreements had been signed.

### **Consent Agenda**

Minutes of September 6, 2016

#### **Appointments**

Melanie D'Orio to the Hamilton Foundation

Giselle K. Perez to the Board of Health

David Bryan Smith to the Board of Health

Friends of Cutler requested permission to hang a banner 10' x 5' for Ski, Skate, Board, and Ride Consignment Event at the COA/Meeting House November 12 – 19th.

The DPW sought permission to sell two cemetery plots to Mary Gail O'Brien and Paul K. O'Brien

A one day Liquor License for Green Meadows Farm for an event at 284 Bay road on October 22, 2016 from 6:30 to 9:00 pm.

Motion to accept the Consent Agenda made by Bill Wilson  
Jeff Hubbard seconded  
Vote: Unanimous to approve items on the consent agenda

### Agenda

#### Warrant Hearing

Scott Maddern opened the Warrant Hearing for the Special Town Meeting of October 22, 2016. Michael Lombardo announced there would be a breakfast at 8 am in the high school cafeteria before Town Meeting. Jen Scuteri said Town Meeting would start at 9:00 am at the HW Regional High School and there were three articles that required a 2/3 approval vote. Only three tellers were available and there was a need for more as Ms Scuteri expected about 300 residents.

The Appendices online were not labeled and the ZBL could have been a searchable PDF version, according to Ms Scuteri. If both could be located on the Town Meeting tab of the town website, that would be helpful. Ms Scuteri requested that Scott Madden do a report on the Town but Peter Britton would report on the AHT first. There was no article on the Warrant for Affordable Housing. There would be no debate on the informational AHT report and no questions or answers during Town Meeting but if anyone had a question, members of the Trust would remain after Town Meeting to answer it.

2-1 Prior Year's Bills. Michael Lombardo said there were \$2,150 from past bills and Jen Scuteri stated that if one person opposed the article, it would need to be voted as it required a 9/10<sup>th</sup> vote. David Wanger said the FinCom voted to favorably recommend the article.

Motion made by Jeff Hubbard to recommend favorable action.

Bill Wilson seconded.

Vote unanimous to recommend favorable action.

2-2 Classification/Compensation Table. Michael Lombardo said the article was regarding the wage and classification table as a result of the study last year. David Wanger said the FinCom favorably recommended the article. Allison Jenkins wanted to see where it changed including increases and decreases in salaries, which Mr. Lombardo would provide.

Motion made by Shawn Farrell to recommend favorable action.

Seconded by Bill Wilson

Vote: Majority (4-1 with Allison Jenkins voting nay) to approve recommendation.

2-3 FY17 Budget Adjustments. Mr. Wanger said, after the review of the FY 16, the FinCom found more revenue than forecasted with fewer expenses and had asked about the current year's anticipated revenue and expenses. Based on the information provided by Michael Lombardo, the FinCom recommended \$175,000 be used to lower the tax rate from 17.24 per thousand which, if adopted would reduce the rate to approximately \$17.05 per thousand, after consideration of the current Warrant articles, for the third and fourth quarters of FY17. Mr. Wanger added that the use of free cash would further mitigate the tax rate. According to Mr. Wanger, the FinCom recommended favorable action on the article.

Motion made by Shawn Farrell to recommend favorable action.

Allison Jenkins seconded.

Bill Wilson wondered if it was an exchange for the increased cost of trash. Michael Lombardo said since he had to sign a long-term contract, the cost of trash should be part of the budget rather than solved by free cash in the long term. The transfer policy would be under 3% under Mass law for any one line item, according to Mr. Lombardo. Jeff Hubbard said the \$175,000 was a small piece of the one million dollar overage to the reserves. David Wanger said the FinCom was concerned about keeping a consistent tax rate and not just creating a temporary dip in it.

Vote: Unanimous to recommend favorable action.

2-4 Appropriation for Waste/Recycling/Composting Contract. Michael Lombardo reviewed the history of trash collection with Hiltz and described how the Town worked with Wenham to put a bid out for service. Cosella was the lowest bidder but was \$180,000 higher than Hiltz. According to David Wanger, the FinCom recommended favorable action. Bill Wilson said he was concerned about using free cash to fund a permanent expense.

Peter Britton (Highland St.) wanted to discuss one week versus two week trash pick up. Scott Maddern responded that the Board had received extensive input regarding recycling and compared the program to that of Wenham and noted that since the costs were identical, the Board decided to go with once a week.

Motion made by Bill Wilson for favorable action.

Seconded by Allison Jenkins

Vote: Unanimous to approve favorable action.

2-5 Community Preservation Fund Projects

\$45,000 for the Patton Homestead and \$250,000 for Town Hall. David Wanger said the FinCom recommended favorable action regarding Town Hall Renovations, but no action to spend the \$45,000 for the Patton Homestead with the expectation that money would come via the \$250,000 from Patton Homestead Fund. Shawn Farrell stated that the CPC recommended favorable action on both. The Patton Homestead required rehabilitation on dormers and the roof but the FinCom did not want to dip into funds available but use funds that could match with the Cultural Council funds. Scott Maddern agreed not to spend existing funds, but to utilize the Mass Cultural Council Grant which would be a match of 1:1. Jen Scuteri said that because this was a carryover issue from when she was Co-Chair of the Patton Committee, she would step aside as Town Moderator and appoint Town Counsel to present the article.

Motion made by Shawn Farrell to approve favorable action  
Seconded by Bill Wilson

In response to Bill Wilson's question regarding how the dormers differed from the priority list considered previously, Patrick Reffett responded that the hired consultant prioritized the most historic portion as higher elements. Mr. Wilson questioned if the cost was additional to the previously approved cost of \$3,500 to replace the cedar roof via the DPW. Michael Lombardo said the cedar roof was replaced and this was additional.

Jeff Hubbard was concerned that the CPA funds' future would be determined if Boston joined as of November 8 and the assets were up to \$500,000 with \$250,000 in funds and \$250,000 waiting to be designated to be taken out of CPA funds which were in competition for the Town Hall project. Shawn Farrell was concerned about the use of funds. The construction of Town Hall would be 4-6M in capital expenditures. Other potential projects included the turf field, water system, and water plant as capital expenditures. The CPA funds could cover the design but couldn't cover construction costs. Bill Wilson wanted to preserve the building but wanted to know which would be the source of funds. Michael Lombardo said it could qualify under historic preservation and other funds might be used for matching funds to handle the construction. Scott Maddern decided it should be a part of a Town Meeting decision and his opinion was to support it and bring it to Town Meeting.

Vote: Majority (4-1 with Jeff Hubbard voting nay) to recommend favorable action

Michael Lombardo added that the Town needed an OPM hired to find out how much space was needed for growth and it could be a General Fund request. David Wanger said the FinCom recommended favorable action from free cash. CPC was supportive of the Town Hall project.

2-6 Town Hall Renovations – Evaluation and Design

Motion made by Bill Wilson to recommend favorable action.  
Seconded by Shawn Farrell.

Shawn Farrell had a problem with the \$300,000 request and that several members of the CPC were concerned that the grant was for \$400,000 of the \$500,000 so the CPC talked about approving phase I and II with a \$250,000 request and had asked Patrick Reffett about the rest of the money for the second phase as they didn't see an immediate rush on the money. The CPC thought Mr. Reffett would be back for the remainder of the \$180,000 rather than taking it from free cash. Michael Lombardo stated that if the intent would be to do Town Hall renovations in the next five years, the Town would need the money because the CPC would not be able to fund 100% and it would not cover the construction. Mr. Lombardo said he always thought it would be a combination of General funds and CPC funds. Mr. Lombardo added that if the project cannot get to the bid document stage, the funding of the \$250,000 would be moot. The construction would take 5-10 years at a minimum.

Shawn Farrell said \$430,000 could be state matched rather than from General funds. Jeff Hubbard said that \$300,000 from the General fund was money that could be applied to the tax rate and thought it was the perfect project for the CPC funds. Michael Lombardo responded that CPC funds could not pay for the OPM. Mr. Farrell and Allison Jenkins were concerned about the structural analysis and if it would work. Patrick Reffett said the basement was not used but if the HVAC made it a more productive place, the Town could use that space. Ms. Jenkins responded that it had flooded twice in last two years.

Jen Scuteri said not all Town Hall renovations would qualify for CPC funding, only \$430,000. Jeff Hubbard said he was unwilling to use CPC funds even though it had been approved and the reason was because it was broken down into two steps so the only way was to use General fund money. Only \$330,000 of the \$550,000 was eligible according to Shawn Farrell for CPC funding. Mr. Hubbard stated that it was the taxpayers' money potentially and this was taking \$330,000 away from the taxpayers.

Mary Beth Lawton stated that 90.9% of those surveyed, who wanted to stay in their home, had one consistent answer that was that they wanted to maintain Town Hall. Peter Britton said he couldn't speak too strongly that this was a highest priority item because the Town needed meeting space. David Wanger added that the FinCom was unanimous in support.

Vote: Majority (4-1 Jeff Hubbard voting nay) to recommend favorable action.

2-7 Engineering Design Essex Street Pedestrian and Bike Path. Michael Lombardo said that Cammett Engineering's plans for the study cost \$40,000. David Wanger said the FinCom had not voted favorably to this article as there had already been an expenditure for this and this was \$40,000 for an additional ask. Mr. Wanger added that if the project were to go through, it would cost \$800,000 to \$1M, with an estimate for additional manpower of \$20,000 for seasonal employees with additional equipment for \$60,000 and other additional costs for the convenience/safety of pedestrians. Mr. Wanger did not believe bikers would use the pathway. Looking at Essex St. in isolation was unrealistic as there would be other asks from other

neighborhoods under the same rationale, according to Mr. Wanger who added that the Town was seeking level funding so the FinCom had recommended unfavorable action.

Motion for favorable action made by Shawn Farrell.  
Bill Wilson seconded.

In response to Bill Wilson's question as to how this stretch of land became a priority, Michael Lombardo recalled it was a citizens' petition and it was funded \$50,000 at Town Meeting to study. The next step would be to have an engineer finish the layout with six crossings. Scott Maddern remembered that petitioners withdrew their petition and funds went into the budget. Mr. Maddern said he lived near Essex St., used the area, and thought the project would create a safe and secure way to get to town. Mr. Maddern supported the rest of the design being done and considered funding the construction possibly in pieces. Shawn Farrell said the town wide survey indicated that Essex St. was a priority. Mr. Wilson was not clear about its use in winter and suggested it might not need the use of additional equipment or personnel. Other areas of equal concern would be Asbury and Highland St., Rockmaple and Cutler Roads, as well as Moulton and Gardner Streets. Mr. Wanger said there was a justifiable reason but there could be a town wide application.

Allison Jenkins wondered if the state would allow the path as it was a state roadway. Jeff Hubbard said that if it were to cost \$800,000 to 1M for construction, the Town needed to be upfront about the total cost before they asked for \$40,000 for the study.

Vote: Majority (4-1 Jeff Hubbard voting nay) to recommend favorable action.

3-1 Zoning By-law Amendment (Phase I) Patrick Reffett described the background of the ZBL changes. The FinCom recommended favorable action, according to David Wanger. Jen Scuteri noted several inconsistencies within the newly revised By-Law. Mr. Reffett said the document was cleaner and clearer and Phase II would shape how the community would be in the next 50 years.

Motion made by Shawn Farrell to recommend favorable action.  
Seconded by Bill Wilson.  
Vote to recommend favorable action: Unanimous

3-2 Zoning By-law Amendment - Cottage Housing Development Overlay District. Patrick Reffett offered a historic perspective of the proposal. David Wanger said the FinCom was holding on the topic. Mary Beth Lawton asked about site constraints and wanted to see renderings about what the neighborhoods would look like. Mr. Reffett responded that it would look like downtown. Ms Lawton was concerned that it could look like duplexes. Scott Maddern added that the HDC guidelines could apply.

Motion made by Shawn Farrell to recommend favorable action  
Seconded by Allison Jenkins.

Bill Wilson said he was uncomfortable as there was still an open public hearing on the article. Scott Maddern suggested the Board of Selectmen meet at 8:30 the morning of Town Meeting to vote on the topic. The Board of Selectmen would defer until Saturday morning

4-1 Regulation of Roosters. The FinCom would not recommend favorable action and suggested considering problems on a case by case basis rather than a ban, according to David Wanger. Bill Wilson said a vehicle was needed within the town to be used for neighbors to work it out rather than an Ordinance that governed one bad rooster. Shawn Farrell said there was a rooster problem in his neighborhood but he did not agree to outright ban them and would rather think about language in a broader sense of a general nuisance. Jeff Hubbard said he had received feedback that was consistent with Mr. Wilson's and Mr. Farrell's opinions that there was a need to have a vehicle to address one on one situations. Mr. Farrell said he would not be supporting it but wanted regulation rather than an outright ban.

Ed Howard described the Right to Farm By-Law which addressed arbitration within the agricultural board and the process for resolution so the situation wouldn't go to the Board of Selectmen. According to Donna Brewer, Town Counsel, the Right to Farm By-law would cover commercial activities but also didn't have any teeth in it because there was no enforcement mechanism in it.

Scott Maddern made motion that said no favorable action but suggested making a motion that would be addressed through fines. If fines would be imposed it needed to be in the By-Law.

Motion to take unfavorable action and vote to defer made by Jeff Hubbard.  
Seconded by Bill Wilson.  
Vote: Unanimous to take no action.

5-1 Sale of Town Land. This article authorized the Selectmen to sell the property on Baker and Central Avenue. David Wanger said the FinCom voted to recommend favorably.

Motion to recommend favorable action made by Shawn Farrell.  
Bill Wilson seconded  
Vote: Unanimous to approve favorable action.

5-2 Grant of Easement for Utility\_Purposes. Scott Maddern stated this was to provide a utility easement to the Allsopp property next to Town Hall. David Wanger said the FinCom recommended favorable action.

Motion made by Jeff Hubbard to recommend favorable action.



Allison Jenkins seconded.

Vote: Unanimous to approve favorable action.

6-1 Free Cash Application. David Wanger said the Town was allocating \$250,000 which when voted in tandem with Article 2-3 would result in a tax rate of \$16.90 in aggregation. Mr. Wanger thought it was a reasonable balance to create a consistent tax rate.

Motion made by Shawn Farrell to recommend favorable action.

Jeff Hubbard seconded.

Vote: Unanimous to approve favorable action.

Scott Maddern closed the Warrant Hearing.

Senior Housing Survey

Mary Beth Lawton presented the housing survey in which 91% of respondents wanted to stay in their homes and 1/3<sup>rd</sup> wanted cottage housing. The Executive Summary of the results was submitted to the Selectmen. A predominate number of respondents said taxes were too high. When asked if the respondents needed help financially to stay in your home, 90% said they needed no help. Ms Lawton said her sense was that the taxes were too high but at the same time no one was feeling a pinch paying those taxes. The Council on Aging was moving forward with the Rotary to have a volunteer bank for taking out garbage or raking leaves for those not physically able or didn't have money to pay. No one considered the affordable housing units in Lamson Hall. Currently there were 1843 seniors with 40 units for them to which Ms Lawton added, the Town was underserving its seniors.

Scott Maddern asked if there was a way to have the Housing Trust accept the survey as evidence that the Town was working toward providing affordable housing for the DHCD. Bill Wilson said providing affordable housing with senior housing being a part of it was the Town's mission. Scott Maddern said recent activity might influence control. Ms Lawton said the hardest goal for seniors was to age in place at home.

Consideration of Topics for Discussion at Future Selectmen's meetings

Bill Wilson said he was curious about the audit. Allison Jenkins said she wanted to review specific policy. Jeff Hubbard wanted to discuss how to apply the balance of the excess funds to trash and the tax rate and what would happen to it.

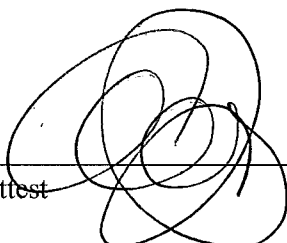
Bill Wilson made motion to adjourn.

Jeff Hubbard seconded.

Unanimous to adjourn at 10:10.

Prepared by:

\_\_\_\_\_  
Marcie Ricker

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Attest  Date