

## HAMILTON BOARD OF SELECTMEN

### MINUTES OF MEETING

January 9, 2017

Members Present: Shawn Farrell, Allison Jenkins, Jeff Hubbard, Scott Maddern, and Bill Wilson.  
Town Manager: Russ Stevens (Acting Chair)

This meeting was called to order at 7:05 pm

#### **Announcements**

Scott Maddern described the current Board openings: Planning Board Associate Member, Finance and Advisory Commission Member, one CPC member at large member, and one Essex Agricultural and Technical High School member. Burning permits were available at the Public Safety building, as of January 15 through May 1, 2017 for \$50 or if a resident was over 65, the fee would be \$10. Nomination papers were now available for positions open this spring. .

#### **Public Comment**

None

#### **Chairman/Selectmen Reports**

Jeff Hubbard announced that the FinCom had been busy getting up to speed with the new Finance Director and would hopefully appoint Darcy Dale to the Finance Committee later during the same meeting.

Bill Wilson reported that the HWRSD and the Affordable Housing Trust (AHT) had both met on January 5, 2017. The HWRSD Superintendent adopted the FY18 Budget with level services. There was an increase in the gross operating budget of 3.4% or just over \$1M. The Budget included a 2.5% cola increase as well as increased costs for out of district placements. The assessment showed an increase of \$339,000 with a 1.3% increase to the Town, while the apportionment showed a .5% decrease or \$90,000. Wenham would experience an increase of 4.9% or \$430,000. There was a working group to go through potential changes for apportionment. The next big date for the school was a public hearing on the January 10, 2017 at the Bessie Buker School. The School also has nomination papers for the seven person board with four open seats.

Bill Wilson noted that the AHT had a meeting with 60 to 70 people attending. Mr. Wilson thought the attendance was due to open communication with neighbors through the notification process. The Trust had discussed 7 Kinsman Lane, which was under review. Citizens commented on the site and described issues with visibility and traffic. Mr. Wilson said it would be helpful to include where the properties were located and how far into the process each site was, listed on the website. The Trust discussed 560 Bay Road and felt it was a lot in that area but

voted as a full board to not advance that parcel at this point because it was in the Historic District and there was already a new bank being constructed across the street. The area would be saturated especially if Kinsman Lane was under consideration.

Bill Wilson recalled that Brian Stein (Hamilton Development Corporation) had done a RFP for Mac's Shoe Repair on Willow St. and was collaborating to determine if affordable housing could be constructed in that area. Andrew DeFranza had reportedly attended the meeting and talked about Harborlight and their goals as well as how they wanted to move forward with the Town. Properties at 13 Essex St., Longmeadow Way, and Gordon Conwell were mentioned and Mr. DeFranza said he had conducted preliminary discussions with Gordon Conwell. The AHT would meet on January 29, 2017 and would continue discussions about the COA and Public Safety Building.

Jeff Hubbard said he understood why affordable housing discussions were a positive thing because people were engaged, but now the Town had five neighborhoods that had engaged or about to engage attorneys to fight what they felt was about to affect their homes. It concerned Mr. Hubbard to make a list like this if one was an abutter who believed the value of their property would suffer. Mr. Hubbard thought it was time to take a step back and see if the whole bucket concept worked and wondered if there was a better approach that would not have as many people in town as upset as they were.

Shawn Farrell recalled that the Planning Board had met on January 3, 2017 when they continued discussion about 227 Willow St. regarding the owner's compliance with the Special Permit. The construction on the property was found to be within the time constraints set. The main issue was the elevator shaft which stood at 57' while the permit for the height specified 41'. The plan approved by the Planning Board was different from the plan that was submitted to the Building Department. The Planning Board was currently doing fact finding to determine the Town's and the applicant's legal rights. There would be a site visit on January 14<sup>th</sup> at 9 am and a new Special Permit public hearing would be on February 7<sup>th</sup>. The Planning Board also discussed Cottage Housing and Phase II of the By-law.

The Community Preservation Committee would be meeting the following Thursday to discuss funding applications for proposals such as, 270 Asbury St. (Habitat for Humanity), the Pingree Park playground, Buker school, horseshoe courts, Hamilton Historic District sign, and Lamson Crossing (Hamilton Housing Authority), according to Shawn Farrell. The CPC would also be talking about postcards to advertise surcharge exemptions for certain age and income residents. Mr. Farrell said the meeting would be reviewing grants and discussing the Patton Park cannon wagon wheels and the American legion windows as well as needing an update on leftover money not utilized by the American Legion. Mr. Farrell noted the CPC member vacancy. The Conservation Commission conducted a site walk at Central Ave. to discuss the Conservation Restriction as well as the Patton property.

Allison Jenkins thanked the Hamilton Wenham Garden Club for their Bay Road Christmas boxes.

Scott Maddern announced that he had received a letter from the Patton Homestead Board of Directors that they would not respond to the RFP but did indicate what they would do if there was no response to the RFP in February before the RFP was due. Mr. Maddern had facilitated a meeting with Jeff Hubbard, Michael Lombardo, and David Wanger regarding the FinCom's concern about the FY16 Budget and not having enough visibility for FY17 and access for FY18. According to Mr. Maddern, this week, the FinCom would get a copy of the FY17 Budget in munis format and get orientation to the different town departments. Mr. Maddern believed that the Finance role had a different understanding of different departments so there was a one on one liaison with each department to gain historical perspective as to what was going on. The first half of FY17 review should be forthcoming soon.

The Board discussed the Town Manager review process and Scott Maddern inquired as to when each Selectmen would be finished with their one on one meetings with Michael Lombardo as he hoped to consolidate the information. Allison Jenkins said there had been no discussion on how the Board would move forward with the process as other towns had an open meeting review, to which Mr. Maddern responded that the process, which he thought was worthwhile, was one that he had learned about while attending Selectmen School. Ms. Jenkins did not agree with the process and wanted to discuss it as she did not recall when the Board discussed the process, but was rather told that they must follow the process without making the decision together. Ms. Jenkins stated she was uncomfortable with a Town Manager one on one as the Town Manager wanted to bring her up on legal charges. Ms. Jenkins believed that individual decisions were being made rather than the Board discussing topics and coming to a determination together.

Scott Maddern said it was a little awkward because the Board had followed the process for many years and Allison Jenkins responded that this had not always been the process. Mr. Maddern said it was the process since the Town Manager had come about and he thought it was good for each individual to have a discussion with the Town Manager. The process had been this way for the two terms of Mr. Maddern's being a Selectmen. Mr. Maddern referred to the upcoming agenda item regarding Roles and Responsibilities. Allison Jenkins responded that she and Mr. Maddern had a difference of opinion and Ms. Jenkins would like to see more input as to how it was done. Ms. Jenkins stated that they were not individuals, they were a Board. Michael Lombardo's assistant told Ms. Jenkins that she could not meet with Mr. Lombardo and another Selectmen.

Scott Maddern announced that the Planning Board Chairman had resigned the previous Friday. The Chair had talked to Town Counsel and Ethics Commission regarding a Conflict of Interest as he wanted to get involved with affordable housing at the COA building and Public Safety building. Mr. Maddern said he met with the Town of Manchester-by-the-Sea who had turned a \$60,000 revenue source into an \$80,000 revenue source which included a change to mixed use

with new construction increasing the value. Mr. Maddern noted the Smart Growth emphasis and questioned what the Town of Hamilton could do to have development be downtown. Privately developed concepts for the COA and Public Safety building had been proposed and had scared neighbors. Mr. Maddern hoped the State folks would come back to the Town, which was a struggle as they were gun-shy after the last meeting they attended. Mr. Maddern did not want them approving a hostile 40B so the Town needed their help in education. Andrew DeFranza reportedly asked what the next steps would be for the Host Agreements, which would be formed with any independent parcel.

Russ Stevens reported on the culvert project at Bridge St., which should have been completed in October, but the coffer damns had let go, so the contractor needed to bring divers back to set them back up. Michael Lombardo had met with the engineer and asked for a revised schedule to include the completion date. Allison Jenkins asked about the budget on the project.

### **Consent Agenda**

Minutes December 19, 2016.

Recommend Darcy Dale to the Finance Committee.

Motion made by Shawn Farrell to approve the Consent Agenda.

Seconded by Bill Wilson.

Scott Maddern explained that the Selectmen made recommendation to the Town Moderator for the appointment. In response to Allison Jenkins' question as to how the Selectmen came to the decision to recommend Ms. Dale, Scott Maddern responded that it was the recommendation of the Finance Committee.

Vote: Unanimous to approve.

### **Agenda**

Hamilton Development Corporation Update

Brian Stein said one of the first things accomplished in 2016 was to offer a RFP for a mixed use development with commercial use on the first floor and residential use on the upper floors.

Several people came to the meeting but there were no formal responses, which Mr. Stein thought was due to some concerns about water and drainage as well as permitting with the Town. The HDC had the property surveyed. The HDC had discussions with a contractor, Norbloom who talked about their ideas, analysis on rents, number of units, and what would make this project work. This past Fall, the HDC had discussions with Peter Britton and Andrew DeFranza to determine if Willow St. might be an affordable housing site. Four units already existed at Firehouse Place and this piece might get some projects downtown by possibly combining this site with another site. Reportedly Mr. DeFranza needed 35 units to go on the site. This site would allow for about 20 units given the parameters of the building, septic, and stormwater. The HDC would do test pits soon.

The HDC worked with Jeff Hubbard to fund the downtown lights on trees for \$2,000. Brian Stein announced that Dave Carey had retired from the Corporation and Tom Goodwin joined.

There was a new tenant at 63 Willow St., Andrew Gregory who was an artist. Mr. Gregory was planning on having art classes and art work downtown. The HDC would keep pursuing affordable housing with Harborlight and the AHT, but would continue with a possible private development by conducting a market study to determine which one would be best. Mr. Stein said the HDC would look into possible grants through Mass-works and discuss wastewater downtown.

Brian Stein said the first RFP was mixed use or commercial only for the one acre site downtown. Mr. Stein said the property could be sold or offered for a long term lease. The market study would give the HDC a financial sense of what would make sense such as how many bedrooms or how much commercial or residential space would be marketable. The property was not front row but behind Railroad Ave. Mr. Stein referred to the Corporation's discussion with Norbloom who indicated the property potential was reasonable.

Bill Wilson asked if the septic was the biggest limitation to which Brian Stein responded yes. Mr. Stein added that there were limitations to offering septic to other parcels downtown as the septic could barely serve the proposed property. \$65,000 was the annual revenue from the Meals Tax and that the Corporation was solvent with more funds than needed to cover taxes and mortgages as the properties were rented. The HDC wanted to give back to the Merchants Group with things like lights.

Scott Maddern encouraged the Open Space Committee intern to talk to the HDC regarding signage for train passengers. Along with biking and hiking maps, Bill Wilson suggested a visitor's page as electronic access for those getting off the train. Shawn Farrell suggested a Charrette for village branding. Sidewalks were considered a mess and it was suggested that the HDC work with the Town to improve them as well as create standards for storefronts. Brian Stein responded that branding needed to be the whole town, not just the village downtown. Branding would include trails, the Homestead, Sagamore Hill, and the pool. A citizen contest to develop a brand would be beneficial rather than a microcosm from Town boards.

Jeff Hubbard discussed seven years of revenue at \$65,000 a year, or \$460,000 in taxes and wondered if it was the best use of money moving forward, especially in May when the mortgage expired. Textured sidewalks coordinated with 300 Main, Wenham would be a piece of it. Brian Stein said a great use of the money was to purchase the property to make sure it did not become an industrial use. The mortgage would become a conventional mortgage with a higher payment, not a balloon payment. Scott Maddern referred to long term planning and the use of the Meals Tax being something that should be continued. Mr. Stein agreed and said once something happened on the Willow St. property, the money could be reinvested.

### **Town Hall Building Committee**

Scott Maddern read the distributed draft document regarding the policy for the Committee. Membership which would include committee volunteers, from CPC, Historical District

Commission, FinCom, COA, Board of Selectmen, Town Manager, and someone who worked at Town Hall. Bill Wilson thought the charge was fine but recommended two individuals (an architect and project manager) from Town Meeting be contacted. Jeff Hubbard questioned who would be chair as some residents might want to have a leadership role. Allison Jenkins suggested putting it on the agenda next week to approve. Shawn Farrell added that once finalized, it should be publicized in the Chronicle and on the website.

### **Turf Fields**

Gale Associates would present the Turf Field Report on the January 17, 2017. Scott Maddern shared the Rec Board's feedback and noted that most of Hamilton's needs were for more playing fields and lights to reduce the impact on the Town's parks. There was \$500,000 reserved for playing fields from the sale of the Patton Estate. Mr. Maddern thought it would be great to have the turf fields at the high school due to parking. The \$6M options were too much money given other Town needs. It was HWRSD property and the Board of Selectmen would not be taking the lead.

Shawn Farrell noted the \$6M cost for the total package, and wondered which parts were the most important. There was a new turf product that helped with injuries. Private donations could be collected with signage and sponsors, but the strict policy of the HWRSD might need to be amended.

Bill Wilson said there was a need to identify the project owner and thought the schools felt they were the project owner. Mr. Wilson said the Board of Selectmen also needed to identify their goals and that the \$6M was well beyond the scope of what they should be involved in. The reserve of \$500,000 was town funding to alleviate Patton Park. According to Mr. Wilson the School Budget for FY18 Budget was absent capital plan expenditures and phases of the project should be a part of the capital plan. Mr. Wilson thought the football field, lights and stands should be the limit. Shawn Farrell noted that the money was dedicated for fields, not just turf fields and asked if Wenham would contribute their match. Mr. Farrell suggested giving \$300,000 and keeping \$200,000 for acquisition of other fields.

Allison Jenkins said she was leery about moving forward and wanted Town Counsel to review design services provided by Gale Associates that had not followed procurement laws for a project worth millions of dollars. Ms. Jenkins needed to know if the Town was compliant on the contract existing with Gale Associates. Ms. Jenkins said there were rules about hiring design services and she did not think there had been a competitive bid. The Procurement Law's purpose was to allow for competitive and open markets with certain disclosures and a certain process. According to Ms. Jenkins, engineering services could be exempt, but the Town didn't hire just an engineer, they hired an entire agency to do work outside of engineering. Ms. Jenkins recalled that she had asked the Town Manager to look at it upon three occasions and he had not responded.

### **Goals Roles and Responsibilities**

Scott Maddern talked about the Town Manager's role with the Board of Selectmen in a one on one meeting with the FinCom members. A facilitated workshop with MMA might help go through these things. Bill Wilson referred to the school committee who had a facilitator come in and describe everyone's roles and the gray area in between and thought it would be helpful. The Board agreed with Mr. Maddern who wanted to find a facilitator to look at the current goals and write up accomplishments. According to Mr. Maddern, to obtain the powerful and impactful review, they would discuss the aggregation and drop the extremes. Allison Jenkins suggested a ten bullet point survey which would include a meets or exceeds expectations which would indicate how many members voted for each point. It was noted that the FinCom had brought an issue to the Board that they wanted addressed by the Board, and Ms. Jenkins heard that two members resolved the issue with FinCom but the issue should have been discussed and resolved with the entire Board to meet a common goal not just a couple of members. Bill Wilson responded that it was the FinCom liaison and the Board of Selectmen Chair. Ms. Jenkins said she never knew about the issue or what the resolution was. Shawn Farrell was happy the issue had been resolved. Jeff Hubbard said he was comfortable for the time being with the resolution and could have given a more detailed liaison report.

### **New Business**

New Business topics included adding things to the Selectmen's agenda, which could be voted upon before including them. The Board agreed to put the topic on a future agenda.

On the next viable agenda, the Board would discuss their policy for accepting new policy. Shawn Farrell added that it should not just be the making of a policy, but who would be responsible for it, perhaps filing policies with the Town Clerk as a simple way to recall them at a later date.

Bill Wilson suggested having not only Department Heads, but a representative from Boards and Committees report to the Selectmen to allow the Board of Selectmen to understand where they were and how they got there. Mr. Wilson would also like to have the employees take a survey.

Motion to go into executive session and not to return made by Bill Wilson

Seconded by Shawn Farrell

Roll call vote: Allison Jenkin, yay, Shawn Farrell, yay, Scott Maddern, yay, Bill Wilson, yay and Jeff Hubbard, yay.

Adjournment to Executive Session at 9:04 pm.

Prepared by:

Marcie Ricker  
Marcie Ricker

[Signature]  
Attest

1/23/17  
Date