

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

April 3, 2017

Members Present: Shawn Farrell, Allison Jenkins, Jeff Hubbard, and Scott Maddern
(Chairman).

Town Manager: Michael Lombardo

This meeting was called to order at 7:01 pm.

Scott Maddern noted the passing of Paul Ricker.

Announcements

Scott Maddern described the current Board openings: Planning Board two Associate Members and one Community Preservation Committee (CPC) member at large. Volunteers were needed for the Town Hall Building Committee. The next Selectmen meeting would be Tuesday, April 18, 2017, the day after Patriot's Day. The Annual Town Election would be April 6, 2017 from 7:00 am until 8:00 pm at the Recreation Center Gymnasium. The Recreation Department had extended office hours in April to purchase pool memberships.

Public Comment

Selectmen/Town Manager Reports

Allison Jenkins thanked everyone for attending Town Meeting and thought there may be an opening on the Hamilton Development Corporation. Shawn Farrell recalled the Planning Board meeting on March 21, 2017 when the Board discussed Zoning By-law changes including the Willow Street Overlay District and the Estate Overlay District. The Special Permit Rules and Regulations were also discussed at the meeting. The Conservation Commission had met March 22, 2017 with a negative determination given for a porch and discussion concerning the tree cutting at the United States Airforce site on Sagamore Hill. Essex County Trail Association, who attended the meeting, was the first group to have mapped the trails on the North Shore. Rain barrels would be provided for sale for citizens. Mr. Farrell noted that every 1,000 sf roof would fill a 60 gallon barrel with a 1/10th of an inch of rain. The average roof would be 2,400 sf. A single barrel could save as much as 1,700 gallons of water in a summer season. Great American Rain Barrels would be ready for pickup May 20, 2017.

Scott Maddern announced that he had a general discussion with the School Committee regarding the apportionment, representation of School Committee members being from each town, and the number of acres dedicated to tax free school land. There were changes in student enrollment, which increased in Wenham and decreased in Hamilton. Currently there were seven members of the Committee with only one being from Hamilton. There were 85 acres of school land in

Hamilton and seven in Wenham. Mr. Maddern said the Annual Town Report was available and thanked Anabella Batista for her work on the project.

Michael Lombardo said the bi-weekly report was on-line as well as available at the meeting. The landfill capping project was mostly complete with certification from DEP pending approval. The Affordable Housing Trust had met prior to the Selectmen's meeting and noted the additional exploration of properties for affordable housing. Scott Maddern described the one-third of an acre behind the Winthrop School and how there would be a proposal to hold the back wooded portion of the property. Michael Lombardo noted the potential solar ray project at the landfill. Composting season was approaching and Mr. Lombardo noted that compost would be available on a first come, first serve basis, in limited quantities of one five gallon pails at a time.

Michael Lombardo announced the retirement of Greg Stevens, Highway Supervisor, with Peter Cobb being appointed as his replacement. Mr. Lombardo had provided waste versus composting comparisons to determine that waste was up 99 tons while recycling was down 25 tons. Composting was down 87 tons when compared to the previous year September to February. Mr. Lombardo noted the only change was weekly trash pickup. Jeff Hubbard recalled that residents had witnessed composting and recycling being dumped into the trash, to which Mr. Lombardo responded that the decline was there for months after the initial change in vendors. The Bridge St. culvert project was expected to be completely finished by the end of the month. Abutter issues would be addressed.

The Municipal Aggregation Program hearing before commissioners went well in February and the Town's partner, Good Energy would schedule a discussion, according to Michael Lombardo. Water permits were a challenge. Mr. Lombardo said he met with Commissioner, Sue Berg to discuss the issues with surface water systems. The Town applied for a grant to compile data to tell the Town's story more robustly and create a dashboard to look at the data in a more thorough manner to determine best management practices for better withdraws. The full report would be due in June.

According to Michael Lombardo, the regional dispatch was considering working with other towns (Manchester and Danvers) to determine the implications of connection and operating costs. Mr. Lombardo would share the information once the draft report was available. The \$250,000 shift was difficult to manage for Hamilton, once Wenham had pulled out of the dispatch agreement. The new webpage would be discussed the following day at a public input session. Mr. Lombardo noted that the Board needed to weigh in on whether public facilities, such as Patton Park, should be available for activities such as Family Promise' cardboard city. Mr. Lombardo noted his negotiations with the administrative assistant draft contract group. The Public Works bargaining unit negotiations were beginning. Bids were in for sidewalk replacement for downtown areas, including Hamilton Ave., Maple St., and Park St. The water distribution schedule would be up on line to alert residents as to the disruption of traffic.

Consent Agenda

Approve minutes of February 6, February 10, February 21, and March 6, 2017.

One Day Liquor License requested by the Community House for an event at 284 Bay Road on April 5, 2017 from 7:00 pm to 9:00 pm.

One Day Liquor License requested by the Community House for an event at 284 Bay Road on April 22, 2017 from 6:00 pm. to 10:00 pm.

Motion to approve the Consent Agenda made by Jeff Hubbard.
Shawn Farrell seconded.

Michael Lombardo announced that one of the one day liquor license applicants had a liquor license and did not need approval as it was a private event. Allison Jenkins recalled that there was a need to extend the timeframe for delivery and clean up. The State advisory indicated that approvals should include the process of including a day ahead and a day after the event. Michael Lombardo said he would investigate the State advisory for the next liquor license approval. Ms. Jenkins suggested amending the April 5 and April 22, one day liquor licenses to include that the Board approve the liquor license from April 4 to April 6 and April 21 to 23, 2017.

Donna Brewer noted it was the April 5, 2017 request being pulled.

Ms. Jenkins made an amendment to modify the motion to strike the April 5, 2017 liquor license and issue the second liquor license to extend the date to include April 21 to the 23, 2017.

Second to the amendment made by Shawn Farrell.

Vote: Unanimous in favor to amend the motion.

Motion to approve the modified Consent Agenda made by Jeff Hubbard.

Seconded by Shawn Farrell.

Vote on the Modified Consent Agenda: Unanimous in favor.

Public Hearing. Turnbuckle LLC. Retail Liquor License.

Scott Maddern opened the public hearing. Lauren, Jim, and Mary Kroesser were present.

Lauren Kroesser was applying for a liquor license to sell craft beer and wine in combination with cheeses available in an effort to get afternoon and evening traffic to her yet to be opened bakery.

Tess Leary (Bay Road), recalled that when the original application for the bakery was filed, there was no mention of liquor on site. Ms. Leary noted other facilities that sold alcohol and stated that the Town didn't need another liquor store and that she was completely opposed to the proposal. Ms. Leary noted that the close proximity of the Winthrop School, which was determined to be outside the 500' distance required. Russ Tanzer (Ortins Road) said he was involved with the A&G Bakery in Salem and thought it would be a benefit to the Town. Kevin O'Leary (Bay Road) asked about the 500' rule, to which Donna Brewer responded that the regulation stated the measurement from the school or church to the premises that would sell alcohol, should be measured from the building of the church or school, to the premises in a

straight line. The measurement was 628'. Mr. O'Leary asked if it was a new license, which Scott Maddern responded yes. Mr. O'Leary asked if the Town needed another liquor license and if there were one, where should it be located. Allison Jenkins said the eligible number of licenses was determined by population. There were unused licenses and more were available. The Hungry Fox sold wine so, according to Donna Brewer, it was not a new license for wine, beer, and cordials. Ms. Jenkins thought it would be new for a full liquor license. If the applicant had met all the criteria, there may not be leeway for a rejection if it was within the Town's quota.

Ivria Fried (Attorney at Miyares and Harrington) said the Selectmen needed to make a finding that the issuance of the license served the public good, looking at traffic and how many other stores were within the vicinity. The Board was able to act in its discretion. Marc Johnson was concerned about six pack and neon signage. Lauren Kroesser said she would not advertise beer or wine on the outside of the building, but was just looking to compliment the uses proposed.

Scott Maddern said he had spoken with Ms. Kroesser that there may not be a decision at the public hearing. Mr. Maddern referred to the Town wide survey which favored bakeries and downtown businesses. Tess Leary said she was not opposed to a bakery, but the license was for a full retail package store. Jim Kroesser said the building was torn down because it couldn't be saved and the permit from the Planning Board was for site plan review for a permitted use. A member of the Planning Board had asked the applicant to serve beer and wine at the facility, according to Mr. Kroesser. Pat Johnson (Bay Road) asked if the applicant would be selling or serving alcohol, to which Ms. Kroesser responded that she would just be selling it. Scott Maddern recommended closing the public hearing with a decision made at the following meeting. Jeff Hubbard asked if a beer and wine license would be acceptable. Ms. Kroesser responded that several local distilleries were popping up and she might want to sell some of the local items. The beer and wine license would be acceptable, but she wanted to support local businesses. The hearing would be continued until April 18, 2017.

Legislative Update – Update and Discussion with Representative Brad Hill and Senator Bruce Tarr.

Brad Hill distributed information while Bruce Tarr announced there were 5,700 to 5,800 bills before the legislature. The legislative session was for two years. One task would be to pass a State Budget and the Ways and Means Committee had been holding hearings across the state. Revenue streams for transportation and healthcare were in question as it relied upon the Federal Budget. The State constitution required a balanced budget by July 1, 2017. The State's revenue was uncertain and under benchmarks. Unemployment levels were lower than national levels but there was less revenue. States all over the country were trying to figure out the unemployment and lower revenue dichotomy. State revenue would be \$200M below benchmark after final numbers from March were received, leaving the State with an \$800M gap to close between what would be spent and received. Removing non-discretionary spending, left the legislature with \$600M of discretionary spending. Local aid and Chapter 70 were priorities. The Governor fully supported those items as well as the special education circuit breaker which was important for

local school departments. Regional School transportation should be fully refundable but it had not been accomplished in recent memory. Special education and regional school transportation were focused upon because it didn't run through Chapter 70, which in Senator Tarr's opinion, needed to be reformed. The minimum per pupil aid was to increase to \$20 as requested by the Governor. Senator Tarr wanted to see \$50 per pupil. Regarding Chapter 90 road and bridge money, the Governor filed the bill for \$200M, which was passed and would be in the House and Senate. The bill should be passed by next week, giving \$244,000 to Hamilton.

Brad Hill noted the concerns with health care costs, which continued to rise. There was a \$600M deficit going into FY18 with MassHealth accounts. Discretionary funds could be sent to cover that one item. Local aid would not be increased in terms of Chapter 70 funding, but transportation might increase. Many amendments would include increasing transportation funding. The PILOT program was level funded by the Governor. MMA spoke loudly that it should be level funded because it was grossly underfunded. Representative Hill met with superintendents of schools to discuss special education costs and transportation and hoped to amend the law to ensure that those costs were reimbursable to the school districts. There was a 19 to 20% ratio of children in special education which was a local and state wide concern. Representative Hill said he received a letter from Hamilton through MCC for the Patton Homestead and congratulated the members of the group. Representative Hill said he would bring the \$300,000 grant to renovate the property forward.

Allison Jenkins asked if the legislative representatives had any control over the \$200,000 for the self contained breathing apparatus grant. Brad Hill said he would reach out to the grant committee. Shawn Farrell talked about bank foreclosures and if the Town could get a right of first refusal for affordable housing. Fred Mills had reportedly contacted Representative Hill, who had filed a bill, which was waiting to go to hearing. Bruce Tarr suggested contact with MMA for their support. Jeff Hubbard asked about CPA matching funds. Representative Hill said it had been reduced to 20 to 30% and a bill had been filed to have action taken in the fall to secure increased funding.

Scott Maddern thanked Brad Hill and Bruce Tarr for Patton support. Mr. Maddern mentioned the increase of 8.5% in healthcare costs. Senator Tarr referred to the price variation commission, which looked at differences in costs between providers with the report emerging currently. Senator Tarr thought it may help. Mr. Maddern thanked both gentlemen for their participation in the Civics Bee.

Affordable Housing was discussed. Bruce Tarr said 40B allowed a Town to control its own destiny, which was what Hamilton had been doing as a way to avoid an unwanted 40B. Senator Tarr said there was a way to change the dynamic. Brad Hill asked the Town to write a list of the Town's wants and needs. Michael Lombardo complimented the elected officials for their efforts as well as the efforts of their staff.

Agenda

Annual Town Meeting Debrief

Jen Scuteri, Town Moderator was present. According to Ms. Scuteri, the facilities had better sound but being on the floor did not allow for good peripheral vision. Residents liked the Annual Report. Printing of the slides was a good idea, but having two slides per page would be easier to read. Opening Reports could not advocate for anything that would be discussed later in the meeting. Revenue should be discussed as well as expenses. Mid-year actuals should be available. Michael Lombardo suggested having another table up front as there were many people. A Warrant Book might present the budget with more charts and graphs.

Allison Jenkin thanked Jen Scuteri for her service. Michael Lombardo said Ms. Scuteri did a fantastic job.

Patton Homestead Inc. Presentation/Proposal and Discussion

As a non-profit, the group was no longer a part of Town government. As there were no respondents to the RFP, the group asked to present their proposal. John McWane, Marc Johnson, Carin Kale, Bill Burrige, and Maureen Hickey were the Board of Directors. Marc Johnson stated the Manager would create a dynamic center that responded to the market. The Board of Directors were looking for a commitment from the Board of Selectmen before they could get the property self-sustaining. A Patton Homestead Committee would need to be created as it didn't fit within any Department. The Patton Director would report to the Planning Director.

Marc Johnson said there was a need for a parking lot for the uses presented. The non-profit had been outside the parking lot approval process. There were safety and ADA improvements required for public access. The proposal was designed without the \$330,000 grant. The Board looked at a three year budget with renovation being complete this year and uses beginning in 2018. The 19 hour per week Program Director would start in January and be funded from the Patton Budget rather than through the Town. A mild fundraising campaign was planned. Uses were historic and educational according to Scott Maddern.

Carin Kale said one of the first things explored was the Stevens Estate. A staff person managed the Town owned property. Having expenses directly related to the revenues would keep the Budget simple.

Doug Trees (Bay Road) thought the committee did a tremendous job putting the information together but his concern was strongly in favor of affordable housing on public properties and Town Hall office use. According to Mr. Trees, the building was a residential use under the State Building Code but having 70 people on site would make the building an Assembly 3 use, meaning the building would need a new occupancy permit meeting the State requirements. There were no structural problems with a residential use with only 40lbs per sf but Assembly 3 use

required 100lbs per sf. Mr. Trees thought it was premature to project renovation costs until the study was done, to which Marc Johnson responded that it had not been vetted.

Another issue for Doug Trees was that the parking lot down the hill was a 13% slope, while the Planning Board's requirement for a minor street was a maximum of 10%. Mr. Trees recalled that the Affordable Housing Trust had a plan to put 40 parking spots in amongst the barns, right next to the homestead with handicapped access and by removing the addition wing, 56 parking spaces could be constructed. Mr. Trees had the plan, which he distributed.

Scott Maddern asked about future partnerships with community groups. Carin Kale said people were coming forward to use the property. The Community House and Wenham Museum would be partners. The WWII museum in Natick suggested part of the property be used for Vietnam veterans. Marc Johnson said part of the benefit would be the flexibility to work with partners. The Open Space Committee was a partner as using the outside was a benefit.

Allison Jenkins wanted to move forward to have the Town figure out if it was viable. Maureen Hickey said there was a need for one ADA bathroom. It was determined that all interested committees should be involved in determining where the parking lot should be constructed. Doug Trees suggested using the funds available to have a professional design the parking lot and determine the weight load of the flooring. Ms. Jenkins and Scott Maddern agreed that the Board should agree then give direction to the engineer.

Jeff Hubbard said the homestead cost \$600,000, in the last few years. The \$1M gift would take \$1M to renovate to use in the future. Marc Johnson and Scott Maddern disagreed. Two different Town Meetings voted for the project. Mr. Hubbard suggested taking a level headed approach and consider selling versus having an event center and allow the community the chance to analyze the choices. Mr. Hubbard did not think it made sense to have a community like Hamilton run a 100 person event center.

Kristin Noone, Executive Director of the Wenham Museum, encouraged the Selectmen to look at the property as more than just an event center. It was a historic and educational resource. Ms. Noone said history day went from 40 visitors to over 300 when the event was held at the Homestead. Ms. Noone said the Wenham Museum was planning a capital campaign and may have an interest in purchasing the Homestead at some point in the future.

Doug Trees said the Patton Homestead was the house and one acre clearly defined in the agreement. If the property was to be used for 25 units of affordable housing or purchase of small lots for affordable housing, it would create money returning to the Town.

Bill Dery (Chebacco Rd.) asked the Selectmen to not follow the procedures followed in the past with other structures and suggested hiring engineers or architects to do a study and find out what it would cost.

At the next meeting, the Board would talk about the formation of the committee, the parking lot, the renovation budget, and what was in front of them to make sure it was safe for 50 people, according to Scott Maddern.

Cape Build Presentation – Rob Brennan

Rob Brennan, a host community agreement partner was present. Mr. Brennan explained State promoted workforce housing, including cottage style housing. Cottage housing fostered a sense of community with 900 sf footprints with up to 3 bedrooms. In addition to Community of the Year, there were 66 awards given to Mr. Brennan. Mr. Brennan presented slides of the workforce housing project in Hyannis, which could dovetail with a friendly 40B with higher income level residents living in 1,200 sf two bedroom apartments. The Town of Dennis adopted a Cottage Zoning By-law and Mr. Brennan built a development there. A pocket neighborhood, Concord Riverwalk used the same architect. There was a more efficient use of land by allowing higher densities but allowing for open space with neighbor connections.

The Workforce Housing initiative rolled out last July with a \$100M fund to promote workforce housing. The fund contributed up to \$100,000 per unit to support the lower land costs to move the projects forward for median income projects. Eligible projects may not be solely for elderly. A two person household at 80% could make \$62,500 or up to \$94,200 for 120% with corresponding rents of \$1,570 to \$2,355 for a two bedroom unit. The higher income created a different quality project broadening the spectrum of affordable housing. The funding cycle was faster than low income tax credits, being only six months for project approval compared to tax credit project which take longer. A mix of larger and smaller single family lots could be combined within a workforce housing project.

Doug Trees questioned if the Town could apply the workforce housing for affordable requirements. Bill Dery questioned the definition of cottage housing to which Rob Brennan said individual Towns would define that as part of their By-laws and that it had to do with the scale of the home such as a 900 sf 1.5 story home. Scott Maddern said the top request for the Planning Board was to create a Cottage Housing By-law. Peter Britton said the \$400,000 given to the Affordable Housing Trust could be used to supplement a land acquisition for developments such as that of Mr. Brennan's. Ian Cookson (Essex St.) said market rate rentals made sense for Hamilton and asked what the minimum size would be. Mr. Brennan responded that it needed to make sense for the site, developer, and the Town and the range Cape Build preferred was the 40 to 60 unit range.

Town Hall Building Committee – Discussion Possible Changes to the Committee Charge.

Scott Maddern said there were not many volunteers for the Committee and that there might need to be a review of the charge. Shawn Farrell thought the reason it was changed to members who were not on committees was to open it up to the public and didn't think the charge needed to be changed. Resumes would be reviewed at the next meeting.

Special Municipal Employee – Consider Town Manager’s Request to Designate the Recreation Administrative Assistant as such.

Michael Lombardo asked to have the employee position designated as a special municipal employee position. In years past, the current employee had worked at the summer park program, pool, and currently the recreation center. The employee needed to change designation to do those jobs at the same time. Shawn Farrell had spoken with Sean Timmons and thought it was a good idea. Peter Lombardi and the Joint Recreation Committee were supportive, according to Michael Lombardo. The employee was also a certified pool operator as well.

According to Allison Jenkins, MassGov said all paid jobs needed to be publicly advertised and the employee could hold two positions as long as the employee didn’t hold the positions in the same department. Donna Brewer had opined that the employee could do so if designated as a special municipal employee. Section 20 needed an exemption according to Shawn Farrell.

Motion to approve the Recreation Administrative Assistant as a special municipal employee on the condition of a favorable opinion of Town Counsel was made by Shawn Farrell.

Seconded by Jeff Hubbard.

Vote: Unanimous in favor.

Town Manager Evaluation.

Scott Maddern had provided everyone with a summary. Mr. Maddern read the summary as follows:

“Overall there is a big change from the past evaluation with as many areas needing improvement as meeting expectations. You know your job and now at full staff, you have the bandwidth to correct some of our constructive remarks in this review - all should be completed with collaboration and frequent communications to the Selectmen and the public. Overall, I recommend you focus on two major areas: 1) improving your communications, more as well as being more open with our community, boards and committees; and, 2) regular project-based updates and reporting (i.e., Patton Homestead – operations, parking, accessibility, signage, grants).

We had many positive results. Town Meeting passed the FY18 budget – a record low increase of .3%. We had another excellent audit report for FY16 and hoping for more of the same for FY17. We also have the best bond rating possible and by all measures our town is financially sound and we spend less in all departments except for schools than our neighboring towns. After consistent increases in our tax rates for many years through FY12, we have stabilized tax rates even though they are high. We have selected a vendor to help revise the town’s website so that you can find information more easily and engage the community virtually with new concepts and projects. We inked Host Community Agreements with developers of affordable housing. We have two new and highly qualified senior staff appointments. The pool open house was very well attended and is set to open this summer. You did a superb job of maintaining our trash hauling services despite the vendor abruptly stopping pickups with almost no advanced notification. The change of voting

location to the Rec Center and push for early voting were very successful to help people last fall for one of the largest expected turnouts in recent memory.

On the other hand, important items need improvement: consistent bi-weekly reporting to the BoS; quarterly financial reporting; ownership and updating of the 3-year financial forecast; new financial policies; updating the personnel policies; employee survey; and, improved relationships with the FinCom and Patton BoD and forthcoming Town Hall Building Committee. You have the knowledge to do your job so I'm confident you can improve your review to meeting expectations."

Shawn Farrell thought the budget issue was positive but communication was missing while acknowledging the lack of a Finance Director. Jeff Hubbard was looking forward to improving communication with the Finance Committee and wanted to be able to obtain to-date actuals monthly or quarterly. Mr. Farrell added that with MUNIS tracking of projects, it could be more visible for others.

Shawn Farrell noted that community communication was something that Michael Lombardo had struggled with in the past and Mr. Farrell hoped for a more consistent outreach including presenting a big picture with some items being discovered with a more focused perspective. Supplying good news would help public perception. Using the Administrative Assistant for the communication goal would be helpful, according to Mr. Farrell. Mr. Farrell praised the employees that Mr. Lombardo had hired.

Michael Lombardo said there was a lot to go through during Town Meeting week and that he had only received the summary that morning. Mr. Lombardo wanted to respond in writing. Bi-weekly reporting was consistent until June when the Finance Director and then Department of Public Works positions were vacant. Mr. Lombardo noted his own health problems at the end of the year. Mr. Lombardo said he would work hard to improve on that aspect of his position.

Jeff Hubbard recalled talking about taking responsibility for having employees being out and noted there would be times when a position would be vacant. Michael Lombardo responded that there was a consultant hired to assist with the job search. The candidate pool was extremely thin so there was an opportunity to either repost the position or appoint someone that was not as skilled as would be liked. Mr. Lombardo took ownership that recruitments took a long time but he didn't have control as to who applied for the positions. Scott Maddern said the Board was available to help with priorities instead of not getting reports, which compounded the lack of communication. As information came in, Mr. Lombardo said he did funnel information to the Board.

Shawn Farrell said he didn't meet with Michael Lombardo as often as he might and every time he did meet with Mr. Lombardo, his questions were answered so perhaps a more frequent meeting would help with communication. Mr. Lombardo said he could be called anytime, but

hesitated calling members of the Board while they were at work. Scott Maddern wanted to have a structured time to call.

Executive Session – Strategy Session in Preparation for Negotiations with Nonunion Personnel.

Shawn Farrell moved that the Board convene in Executive Session for the purpose of conducting a strategy session in preparation for negotiations with non-union personnel, i.e., the police chief, with the Town Manager in attendance to participate in the discussion, and to convene in open session after the conclusion of the executive session.

Seconded by Allison Jenkins.

Vote: Allison Jenkins aye, Shawn Farrell aye, Scott Maddern aye, and Jeff Hubbard aye.

Michael Lombardo noted that the Board may go back to open session to consider issues or adjourn. Executive Session began at 10:21.

Regular Session resumed at 10:42.

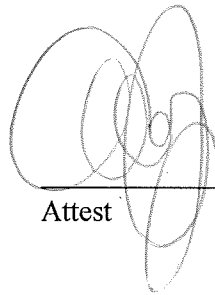
Motion to adjourn made by Jeff Hubbard.

Seconded by Shawn Farrell.

Vote: Unanimous to adjourn at 10:42.

Prepared by:

Marcie Ricker
Marcie Ricker


Attest

5/1/17
Date