

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

May 15, 2017

Members Present: Shawn Farrell, (Acting Chairman) Allison Jenkins, Jeff Hubbard, and Scott Maddern.
Town Manager: Michael Lombardo

This meeting was called to order at 7:02 pm.

Announcements

Shawn Farrell described the current Board openings: Planning Board two Associate Members, one Community Preservation Committee (CPC) at large member, and one Affordable Housing Trust member. One MBTA representative position.

Public Comment

Marc Johnson asked the Selectmen to schedule a time for the Patton Homestead non-profit to discuss what happened at their meeting.

Selectmen/Town Manager's Report

Jeff Hubbard reported that the FinCom had been looking for an intern to review fees, fines, and interest compared to other towns. David Wanger would continue as Chairman. Marisa Batista would hire an assistant and a vendor would help with financial policy with a grant being applied for to cover the cost of the vendor. The Hamilton Development Corporation and merchants along with The Hamilton Wenham Garden Club would set up flower baskets, which would hang from the telephone poles to bring cohesion to the downtown area. The Town Hall Committee meeting would be at the COA building.

Allison Jenkins recalled that Gordon College had sent a letter of recognition to all employees. An Affordable Housing bill was going through the legislative process. The Town was looking for committee members to study Longmeadow Way to see if the towns and school should acquire the property. Memorial Day would be celebrated on May 28, 2017 beginning at 8:00 with breakfast at the American Legion Hall and a parade starting at 8:30 am.

Shawn Farrell recalled that the Planning Board met to discuss an ANR for 46-48 Meyer Road, which was postponed. The Board also extended the Senior Housing Special Permit at Canter Brook, until January 2020. 15 Walnut Bistro was present to discuss the potential for outdoor seating and signage under the eaves of the shopping center. There was continued discussion of the Willow Street Overlay District (WSOD), Estate Overlay District (EOD) and Cottage Housing. Candidates, Cramer and Shephard would meet for potential positions of association member. The Board discussed regulations and fees for Air B&B use. The CPC meeting

discussed grants. The Hamilton and Wenham Selectmen and HWRSD met to discuss apportionment reviewing projected and historical data.

Marisa Batista gave an overview of the quarterly report. Ms. Batista compiled a list of the most frequently asked questions and tried to incorporate them into the report. The report included not only the General Fund, but other funds as well, including Affordable Trust, CPC, Patton Homestead and Enterprise Funds with information regarding the five year history.

The General Fund was compared third quarter FY16 to third quarter FY17. Marisa Batista said it was difficult to see monthly progress due to big bills having been paid in July (including retirement) so the percentage seemed high due to one-time payments. General Fund revenues included a breakdown of revenues including rental type of fees and joint programs. Ms. Batista said questions came up as to where the revenues such as lease payments received and joint payments were recorded. General Fund revenues from last year were at 69.47% and for FY17, they were at 68.34%, which Ms. Batista found comparable.

Marisa Batista was pursuing a grant to pay for a Department of Revenue grant for financial policies.

Michael Lombardo reported that the tour de cure, which was a 100K gravel ride for diabetes, would be Sunday May 21, 2017. The American Legion Post 194 would have an annual ride to support tourniquets for law enforcement officers. Gordon College had an appreciation day for police, fire and administration staff. The finance position was a part time assistant accountant position. Mr. Lombardo referred to the water registration, which included the total amount to withdraw from the aquifer. The withdraw amount was grandfathered as defended in the lawsuit. DEP should renew the amount for ten years. Water permits would be discussed with Wenham. Mr. Lombardo noted the Bridge St. culvert was largely complete. Certification of the landfill cap would allow for the solar project.

Chief Russ Stevens presented the high school intern, Steven Roland, who was presented with a citation for his clerical internship.

Consent Agenda

The American Diabetes Association North Shore Tour de Cure seeks permission to host their ride on Sunday, May 21, 2017.

The Leo Support Foundation requests permission to host their ride on July 1, 2017 to help purchase Tourniquets for the Rockport Police Department.

Approve Minutes from the April 3, 2017 Board of Selectmen meeting.

Approve Minutes from the April 3, 2017 Board of Selectmen meeting – Executive Session.

Motion made by Jeff Hubbard to approve the Consent Agenda.

Seconded Allison Jenkins.

Vote: Unanimous to approve.

Agenda

Water Abatement Applications. Tim Olson presented two of the 31 accounts with only seven accounts left to determine. The two abatements were requests due to a leaky toilet. Mr. Olson followed the abatement procedures to determine the abatement amount, splitting the difference with the owner between what they consumed versus what they usually used. Tim Olson voted in favor of both cases.

Motion made by Jeff Hubbard to approve the request for water abatements presented.

Seconded by Allison Jenkins.

Vote: Unanimous in favor

Town Counsel Review of the MA Tort Claims Act, Professional Liability Insurance and how they work together to protect individuals in their capacity as a board and committee member. Donna Brewer explained the history of M.G.L. Chapter 258. The government had exempted themselves from liability, but had now flipped so generally liability for municipalities was available unless it fell under torts or general civil wrongs. For individual municipal officials, they were not liable for any act of negligence for any scope of the official duties. Officials were defined as anyone acting on behalf of the Town so no one was liable for anything if they were acting for the Town. Intentional torts were excluded but officials were not liable for doing discretionary functions. A member of a board was no longer liable for coming up with the wrong decision unless there was bad faith or corruption. The Town would defend the lawsuit as in 227 Willow St.

In practice, according to Donna Brewer, it would mean that no one would worry about individual liability. The insurance the Town carried on every Town official would provide a defense and indemnity for any claim for anyone other than an intentional tort. The Town would pay the deductible and the individual would pay nothing. The insurance company would pay the whole bill for the settlement even when there were intentional torts. The Conflict of Interest law allowed for individual personal liability, so if someone violated the State Ethics Law, the fine would come out of the municipal official's pocket.

Donna Brewer summarized conflict of interest as having a financial interest, which would cause a recusal of self. Ms. Brewer said everyone needed to take the conflict of interest test every two years.

Family Promise – The Board reviewed a request to use Patton Park and take any other action related thereto. The project would help 29 homeless families, which were housed in churches on the North Shore. Cardboard Box City was an idea for youth who would sleep in a box so

families didn't need to sleep in a box. At 4:00 pm cardboard boxes would be brought in to build a city, but at 10:30 pm, lights would go out and the city would be gone in the morning. There would be live music at dinnertime and a police detail. There would be chaperones due to the pool and railroad tracks. The date would be determined based on baseball and football schedules.

Motion made by Allison Jenkins for Family Promise to hold an event at Patton Park with the date and time to be determined.

Jeff Hubbard seconded.

Vote: Unanimous to approve.

Thursday there would be a Joint Meeting with the Town of Wenham and the HWRSD. Shawn Farrell noted the 5, 10, 20 year impacts and discussed potential changes to the apportionment formula. The Longmeadow study committee would be formed. Scott Maddern had reportedly put together a draft charge of the apportionment committee to compile the entities into one document and form a committee to work on it. The topic would be tabled until the next meeting.

Board Retreat – discuss dates, agenda topics and goals.

Potential dates were considered as well as topics and goals to be considered.

Town Hall Hours – consider change in hours of operation.

Allison Jenkins recalled that years ago, the Town Hall was open for residents one night and closed early on Fridays. Ms. Jenkins asked the Board to consider doing the same thing.

Previously, the late night was Monday, but Michael Lombardo could decide the best schedule for employees. Mondays had holidays so Mr. Lombardo would come up with the best solution. Changes to the hours from 36.0 to 37.5 would require negotiations with unions. Mr. Lombardo was supportive of the change as long as the staff was supportive.

AFSCME – Administrative Unit – Ratify Contract

Michael Lombardo noted the contract expired on June 30, 2016 but was put off. Mr. Lombardo believed that this was a good contract with a 2% COLA with employees on the wage table. The policy on vacation was behind the curve. New employees did not have vacation or sick time for the first six months so changes were made to have two weeks available upon hire, but if an employee were to leave before the six month time, they would need to repay the money. Mr. Lombardo noted that the union agreed with the changes.

Motion that the board ratify the AFSCME contract made by Jeff Hubbard.

Allison Jenkins seconded.

Vote: unanimous to approve

Michael Lombardo noted that DPW and Police contracts would happen by the next meeting.

Allison Jenkins wanted to align the 2.5% COLA for school employees with the Town employees who were currently receiving a 2% COLA.

New Business

Allison wanted to discuss how the Board would move forward with affordable housing baskets. Shawn Farrell wanted Chebacco Road paving and complexities involved to be discussed. Patton Homestead request proposal would be discussed.


Motion to adjourn made by Jeff Hubbard

Seconded by Allison Jenkins.

Vote: Unanimous to adjourn at 8:22 pm.

Prepared by:

Marcie Ricker
Marcie Ricker

 6/19/12
Attest Date