

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

July 10, 2017

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

This meeting was called to order at 7:03 pm.

Announcements

Bill Wilson described the current Board openings: Planning Board two Associate Members, one Council on Aging Committee member and one MBTA representative position. The Council on Aging would be sponsoring a Preventative Dental Care Program on Wednesday, July 26, 2017 from 9:00 am until 5:00 pm at the Hamilton Public Safety Building. The cost was \$49.

Public Comment

A resident was disappointed that flags were not present for the 4th of July and suggested Town employees take over the job of installing the flags.

Selectmen/Town Manager's Report

Jeff Hubbard said the Finance Committee had met and would have input regarding year end budget transfers to be discussed later in the meeting.

Scott Maddern noted the correspondence he received regarding the cell tower behind Town Hall, which were mostly in favor of the project. Other positive comments were regarding the Two Town Fourth of July celebration. Mr. Maddern announced a historical walk and talk regarding Asbury Grove on July 19, 2017 at 10:00 am. Mr. Maddern said he attended a water filtration plant tour the previous Friday. The usage had not changed since the water restrictions were put in place due to watering lawns. It was apparent that the filtration system needed repairs. Mr. Maddern also noted the storage tank at the Gordon Conwell site, which was overdue for maintenance as well. Beverly, Danvers, Hamilton, Middleton, North Reading, Peabody, Reading, Salem, Topsfield, Wenham and Wilmington all drew water out of the Ipswich River so Mr. Maddern suggested investigating diversifying into the North Coastal Basin.

The Mass Municipal Association would meet the following Thursday for Selectmen to discover other Towns' solutions for Affordable Housing. Scott Maddern would share his conversation with the former COA Board member with Mr. Lombardo the following morning.

Allison Jenkins reported the Planning Board had been working on the Zoning By-law as well as an Approval Not Required request for Meyer Road while the Board of Health Chair was proposing a Nuisance By-law. The Patton Homestead stone wall would be considered regarding

the Scenic Road By-law. According to Ms. Jenkins, there was much discussion regarding the cell tower behind Town Hall and Public Safety Building as well as those for the MBTA. The Planning Board was also looking at the turf field proposal at Pingree School as well as the one at the high school.

Shawn Farrell recalled the Conservation Committee meeting when the Enforcement Order at Sagamore Hill for solar activity and tree removal was discussed. Town Counsel would determine if the tree cutting was under the jurisdiction of the Conservation Commission. Another Enforcement Order for Essex County Greenbelt at Sagamore Hill would be reviewed the following Wednesday. A Notice of Intent for the Myopia Hunt Club golf course was filed to remove invasive species from the three ponds. A Request for Determination for the MBTA for positive train control devices produced a negative determination at the previous meeting. Jim Hankin had reportedly discussed the By-law change that would allow simultaneous approval for projects rather than having the Conservation Commission needing to wait until all other approvals had been completed, in an effort to expedite the approval process. Mr. Farrell described the site walk, which included Myopia's golf ponds, the proposed parking area at Sagamore Hill, Black Earth Compost site, and the Air Force site at Sagamore Hill. The CPC would meet the following Thursday to talk about open projects. The wagon wheels were almost restored. Other open projects included the Legion, the Historic Society, the Patton project, the Winthrop School playground, the Pingree Park playground, the Hamilton Housing Authority roof replacement, and Habitat for Humanity. Mr. Farrell also announced that additional seating at the pool had arrived.

Bill Wilson said he went to the water treatment tour and agreed that it was important to diversify the Town's water sources after the filtration issue was fixed. There would be a Board of Selectmen Retreat on the July 12, 2017, at which time all Selectmen would come prepared with projects to discuss. Mr. Wilson said he was working with the Apportionment Committee. The Affordable Housing Trust would meet the following night to look at a template and process to implement affordable housing without pitting neighbors against neighbors. Mr. Wilson mentioned the joint project of 59 Willow St. and a portion of Longmeadow with 40 multi-bedroom affordable housing units.

Michael Lombardo said well exploration would be engaged this summer. Mr. Lombardo referred to the potential Nuisance By-law which might be a challenge due to enforcement potential and the Attorney General's response. Town Counsel would offer feedback to make the By-law workable before presenting it to the Selectmen. Chief Stevens and Leslie Whelan were working on marijuana business regulations. Gravel roads would be open and passable during the reclamation of roadways on the following day. Mr. Lombardo noted a Bridge St. resident was concerned about vegetation restricting flow at the Bridge St. culvert. Mr. Lombardo said he would talk with the League of Women Voters and Rotary to present topics of interest. The job description for the Patton Homestead had been received and Mr. Lombardo would have a draft for the Selectmen's review. Mr. Lombardo acknowledged the Police and Fire Departments for

their work during recent accidents in Hamilton. The year-end audit field work would occur in July with the audit being conducted in the end of August or beginning of September.

Consent Agenda

Approve Minutes of the June 5, 2017 Board of Selectmen meeting

Approve Minutes of the June 19, 2017 Board of Selectmen meeting

Approve Minutes of the June 30, 2017 Board of Selectmen meeting.

One Day Liquor License requested for Green Meadows Farm for a Farm Brunch on Sunday, July 16, 2017 from 11:00 am until 2:00 pm.

One Day Liquor License requested by Green Meadows Farm for a Farm to Table Dinner on Sunday, July 22, 2017 from 5:00 pm. to 9:00 pm.

One Day Liquor License requested by Green Meadows Farm for a rehearsal dinner for a wedding on Sunday, July 28, 2017 from 5:00 pm. to 11:00 pm.

Motion made to accept the Consent Agenda by Jeff Hubbard.

Shawn Farrell seconded.

Vote: Unanimous in favor.

Appointments

Motion made by Jeff Hubbard to re-appoint Greg McKenna as the Veterans Grave Officer and Charlotte Lidrbauch for the Hamilton Wenham Cultural Council

Seconded by Scott Maddern

Vote: Unanimous to approve.

Motion made by Scott Maddern to appoint Heather Ford to the Recycling Committee, Neil Duggan to the Community Preservation Committee, and Katherine Mittelbusher to the Community Preservation Committee.

Shawn Farrell spoke with both candidates and thought they would be great fits for the Committee. Neil Duggan was looking forward to contributing to the community. Scott Maddern thought Heather Ford was great and wanted to invite the Recycling Committee to speak with the Selectmen. Shawn Farrell noted the tonnage that had increased while recycling had decreased Michael Lombardo would provide the numbers on trash tonnage for a future meeting.

Seconded by Jeff Hubbard.

Vote: Unanimous in favor.

Agenda

Community Updates Longmeadow Study Committee

Bill Wilson reminded the Board about the Citizen's Petition to determine if there was a need for the Towns and School to purchase the site. Kerry Gertz (HWRSD), John Cusolito (HW Recreation), and John Serafini (citizen participant) would be on the Committee. Mr. Wilson was waiting to hear from Wenham. Mr. Wilson mentioned the letter of interest from Harborlight.

Community Updates HWRSD Regional Agreement.

A third party would look at the study funded by the two Towns and Schools. Wenham would discuss their scope of work and all three groups would agree with the communal scope of work. Mr. Wilson would try to get together with a Wenham Selectmen and the school representative to develop a charge. The enrollment study was easy, according to Mr. Wilson who found the other pieces to be more concerning, such as membership and acreage for school use. Scott Maddern who noted the potential 15% to 30% future decline in enrollment, would be the Town of Hamilton representative while Catherine Harrison would represent Wenham.

Jack Lawrence said it was a pivotal time for Hamilton with a low enrollment while Wenham was experiencing an increased enrollment. Mr. Lawrence referred to the potential of 200 plus units with 300 children in Hamilton from an Affordable Housing or Cottage Housing development. Mr. Lawrence said Ipswich paid \$2.4M for polo fields that children needed to be bussed to while Longmeadow was a tremendous opportunity for athletic fields. Mr. Lawrence hoped the Longmeadow study would get going and mentioned the letter of response to Andrew DeFranza's letter offering his concern about the Miller property being able to develop 140 units out back with 40 units being developed out front. Scott Maddern responded that the Towns have a Two Town Master Plan, with turf fields at the high school being in place, which did not call for more fields. There was real historical evidence that school enrollment had declined by 15%.

Bill Wilson said he had received many e-mails and letters and Mr. Shield's comments would be vetted through the Housing Trust. Mr. Wilson said the purchase would not be as cost prohibited if more entities were involved in the funding.

Year End Budget Transfers:

Marisa Batista recalled that she had sent budget transfers to the Board of Selectmen and Finance Committee on July 5, 2017. Both the Finance Committee and Board of Selectmen needed to approve all three transfers. The Finance Committee approved the first three transfers. The first transfer (\$2,111.66) was a movement of the budget from street light expenses to celebrations expense to cover a deficit. The second transfer (\$3,067.68) was a transfer from DPW facilities to DPW for miscellaneous expenditures. The third transfer (\$151) was a correction in overtime which was posted to elections but should have been posted to the Town Clerk. The fourth transfer (\$400,000) was a movement from surpluses to help with the water plant but the Finance Committee did not approve it as they felt the user charges should be used because it was a water issue, The Finance Committee requested that Ms. Batista determine the costs for the issuance of a bond and use the surplus as free cash. Ms. Batista said she didn't want to have issuance costs because surpluses existed. Bill Wilson said he struggled with the Finance Committee's decision as the same users that would pay for issuance costs would pay for the taxes, but if the Board knew there were budget surpluses, why wouldn't the Board adjust the line items and move the surplus to the other line items giving a true forecast of what would be spent versus a budget completed ten months ago.

Scott Maddern noted the long history of transferring money from General Funds to Enterprise Funds such as the Waste Enterprise Fund. Marisa Batista reported that the Finance Committee said the water rates had been increased to build up a surplus for these needs. While the Finance Committee suggested doing a bond, Ms. Batista did not think they should do a bond for one item. Michael Lombardo said the short term debt was not worth the issuance costs. The Finance Committee was concerned that there would not be free cash to pay down the tax rate but Mr. Lombardo said the instructions for the Budget last year was to ramp down on the amount of money going back to free cash. The overages for the current year were from open employee positions and insurance savings.

Jeff Hubbard disagreed as it was more on the budget management side and wanted the money to go back to the taxpayer, leaving the cost to higher water users. Mr. Hubbard said the difference with the Water Enterprise Fund was that it had an income generating mechanism versus the Waste Enterprise Fund. Mr. Hubbard thought the solution was the fairest way to address the water problem was through the water fees.

Jeff Hubbard compared designating the \$400,000 to reduce the tax rate or using the \$400,000 as a water filtration system at Town Meeting and requested giving the money back to the tax payers to reduce the tax. Marisa Batista was concerned that in future years, funds would not exist from free cash to be given back to the Town. If the \$400,000 were added to previous amounts to reduce the tax rate, in coming years there would be a huge spike in the tax rate, according to Ms. Batista.

Jeff Hubbard responded that the Water Enterprise was completely different and should not be funded through the General Fund but rather through water use. According to Scott Maddern, the Waste Enterprise Budget had an income, but the Board succumbed to political pressure to keep the rates low and then subsidized it out of the General Fund. Mr. Maddern said water was not its own business and interplayed with other sections of the Budget.

Discussion ensued regarding water users paying for infrastructure. Scott Maddern argued that the \$10M bond for water did not pay for itself, but Jeff Hubbard said the Water Enterprise paid for the premium. According to Michael Lombardo, the \$60 fee per household went out equally to all residents to pay the premium. Bill Wilson questioned why more debt would be better than rebudgeting lines and was concerned about the mindset to drive higher free cash for Town Meeting to return it to the taxpayer. Mr. Maddern said financial policies would determine free cash. Allison Jenkins said she would be upset if the School asked for funds for a roof and spent it on books and didn't think it was transparent to the residents. Ms. Jenkins said water costs should be for water. Marisa Batista said most communities split the costs from the General Fund and the water bond 50/50.

Marisa Batista noted that according to MA law, the Town needed approval from both the Board of Selectmen and the Finance Committee. Ms. Batista said if the Town had a surplus, they could

use it to fund the water plant because they had a decent free cash number. In FY 18 \$650,000 free cash was applied and currently there was \$1.9M in free cash. Bill Wilson noted the cost for short term debt. Jeff Hubbard noted the tax rate that was referred to when people looked to buy homes in Hamilton. Allison Jenkins added that new residents didn't look at the water rates, only the tax rates. Scott Maddern responded that Hamilton was an expensive town to live in but residents got a lot. Bill Wilson said it was sound fiducial practice to use surplus and not create short term debt. Michael Lombardo said he would take a portion of the \$10M and direct the necessary funds to finish the project. The Finance Committee had given \$500,000 from their reserve and Mr. Lombardo would issue a short term debt until the Town acquired additional debt to roll into a larger long term bond even though there was not many big projects on the horizon.

Motion by Scott Maddern to approve the three year-end budget transfers already approved by the Finance Committee.

Seconded by Jeff Hubbard.

Vote: Unanimous in favor.

Motion to transfer money from the miscellaneous surpluses to Water Enterprise Fund made by Scott Maddern.

Seconded by Shawn Farrell.

Vote: Majority (3-2) in favor. Jeff Hubbard and Allison Jenkins voting nay.

Scott Maddern asked if the Finance committee would re-convene to reconsider the topic. Marisa Batista noted her concern with future tight budgets that did not generate free cash to be returned to the taxpayer.

Capital Improvement Plan – Draft 5 year CIP

Michael Lombardo said the Department Heads had submitted their projects for the next five years. Additional items would be requested in accordance to the Recreation Master Plan. General maintenance items, such as the roof on Town Hall, would be added. The process of determining the hierarchy and timing of projects would be considered either via a workshop with Department Heads. Scott Maddern wanted to meet before September to be able to provide guidance to the Hamilton Wenham Regional School District before they began their FY19 budgeting process. Mr. Lombardo referred to the Department Heads global wants versus the community's needs and ability to pay. Mr. Lombardo was looking to the Board of Selectmen to set community agenda. Bill Wilson noted the \$40M capital plan between School and Town.

Shawn Farrell referred to the fire department grant for air units, the trackless sidewalk plow and blower to replace the holder, and NPDES compliance. Michael Lombardo said the Stormwater Regulations implementation dates had been postponed, but the Town need an inventory of outfalls. The two years would be the funding for assessment and engineering. The Board discussed the COA elevator request, which was a nonstarter for Mr. Farrell. Scott Maddern disagreed with the \$.5M proposal for COA improvements. The water software was discussed as being antiquated.

Town Manager Goals/Review

Several months had passed since Michael Lombardo's last evaluation and much had changed over the summer. Mr. Lombardo requested a six month review and tasked one or more Selectmen to go over the evaluation tools and bring their thoughts back to the Board. Scott Maddern did not want to look back, but rather look forward and not reassess the past. Bill Wilson wanted to assign new goals. Allison Jenkins noted improvement.

Regional Dispatch – MRI Study for Forming Regional System with Manchester and Danvers.

The final report was not finalized yet but Michael Lombardo said Danvers was 100% committed and wanted to grow a regional system with capacity for at least two more after Manchester. Manchester was committed to looking at it.

Michael Lombardo said with all three town together, there was a savings of around \$195,000 to \$210,000. Scott Maddern wanted to know about the Essex Regional (Middleton) Dispatch Center and wanted to see evidence for the tradeoff for savings, which was a case to be made with the public. Mr. Lombardo said many towns wanted out of Essex Regional Dispatch. Mr. Maddern wanted to hear from Chief Russ Stevens. Shawn Farrell wanted to understand why Essex Regional Dispatch wasn't working and why Danvers would work. Money was one thing but having it in house had been a benefit to the Town, according to Mr. Farrell. A resident suggested that the topic should go to ballot. Bill Wilson said there would be public hearings.

Personnel Policies, Gift of Time, Small Necessities, and Town Hall Business Hours.

Michael Lombardo set a meeting schedule to include:

July 24, 2017 - first reading of Sections 1-3.

August 7, 2017 second reading and adoption of Sections 1-3, as well as first reading of Section 4.

August 21, 2017 second reading and adoption of Section 4 and first reading of section 5.

September 11, 2017 second reading and adoption of Section 5 and first reading of Sections 6-8.

September 24, 2017 second reading and adoption of Sections 6-8.

The Gift of Time Policy was considered good by Scott Maddern and Bill Wilson. Allison Jenkins said she approved of it if Labor Counsel had approved.

Motion to adopt the Gift of Time policy made by Shawn Farrell.

Seconded by Jeff Hubbard.

Vote: Unanimous in favor.

It was determined that the Small Necessities Policy was not a stand-alone policy but part of the Personnel Policy.

Michael Lombardo wanted more feedback to determine if lunch should be 60 or 45 minutes on the extended Wednesday. Mr. Lombardo would need to bargain the change with the union.

Allison Jenkins suggested that if there were a 45 minute lunch schedule, employees could stay until 7:00 on Wednesday night as 6:15 was not advantageous to residents. Employees could work until 12:15 on Friday afternoons to compensate for the time, according to Ms. Jenkins. Mr. Lombardo said Fridays were not a busy day. Ms. Jenkins added that many residents thought Town Hall was closed on Friday afternoon.

3.5.1. Allison Jenkins noted that the pay day should be changed to Fridays.

MBTA, Summer Construction, and Telecommunication Towers along Rail Lines.

During construction busing to Salem would occur. Michael Lombardo described the two 70' wifi towers being constructed in Hamilton. The Town of Andover was planning a meeting to build a coalition participating on whatever capacity was needed and to provide testimony on behalf of their town. While Bill Wilson did not agree with the siting of the towers, he did not feel it was the responsibility of the Selectmen. The MBTA did not need to go through permitting. Scott Maddern said he would talk to Brad Hill and Bruce Tarr to see if there was anything that could be done. Shawn Farrell would reach out to Andover. Mr. Wilson would reach out to Mass Municipal Association. Allison Jenkins referred to Andover's website noting the main driver was their Historic District/Andover Preservation District.

Motion to go into Executive Session, not to return to regular session for the purpose of discussing potential litigation against DEP under the Water Management Act because to do so in open session could have a detrimental effect on the Town's litigation position which I, as Chairman so declare and further invite Town Counsel and Special Counsel to attend, was read by Bill Wilson and made by Scott Maddern.at 9:25 pm.

Seconded by Jeff Hubbard.

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

Prepared by:

Marcie Ricker
Marcie Ricker

[Signature] 7/24/17
Attest Date