

# HAMILTON BOARD OF SELECTMEN

## MINUTES OF MEETING

October 30, 2017

Members Present: Chair Bill Wilson, Shawn Farrell, Scott Maddern, Jeff Hubbard, Allison Jenkins

Town Manager: Michael Lombardo

Members Absent: None

Chairman Bill Wilson called the meeting to order at 7:03 p.m. There was a quorum. Approximately 26 members of the public attended.

### **Announcements:**

- **Board and Committee Openings:** The Council on Aging (COA) has one open position. The Recycling Committee has one.
- Hamilton Town Hall will have a Halloween Open House from 3:30-6 p.m. tomorrow.
- Fall Town Meeting will take place Nov. 4 at 9 a.m. at the Winthrop School.

### **Public Comment**

Gerard Fallon, 38 Goodhue St., who lives two miles from Longmeadow, said he had a few questions: If the Board of Selectmen (BOS) knew that Brian Stein, president of the Hamilton Development Corporation (HDC) and chair of the Town's Planning Board, is an architect and does all of Harborlight Community Partners' work? If they knew that Harborlight had supposedly found out about the Farnhams' property becoming available from a member of the Hamilton Affordable Housing Trust (HAHT)? How much tax revenue will be generated at Longmeadow? He said he read part of the plan put out in 2013 that says 30% of the households in Hamilton earn \$40K or less per year. His point is that wherever the Town decides to put affordable housing, it is "taking from people's homes" (property values). While citizens have been told there's no discernible impact to living next door to an affordable housing project, he said, that may be true when it's a senior housing project, but Harborlight has never done a 100% affordable housing development, rental-only, in a residential neighborhood. He said Mr. DeFranza's long-term plan is to build 200 units in five to 10 neighborhoods. He said he had questions about what appears to be a lack of ethics and finds it threatening and hostile that Mr. DeFranza says he'd like to stay at 40 units, but if the Town isn't agreeable to his proposal, he will build more units. Mr. Wilson thanked him for his comments and said Longmeadow is on tonight's agenda. He noted there's been a change in the HAHT membership and did not agree with the information as presented.

Elaine Swenson, 6 Linden St., said she wanted to give a letter to the BOS, which she is also sending to the HAHT and HDC. It is from the direct abutters to the Willow Street property requesting that Harborlight do a friendly 40B at Willow Street instead of a by-right project. The reason is that the abutters would like to see the building capped at two stories. Mr. Wilson accepted a copy of the letter.

### **Selectmen/Town Manager Reports**

Allison Jenkins reported the new sticker program for trash pick-up of large items goes into effect Nov. 15. She has heard a lot on social media about plans to cancel Halloween due to the recent windstorm, but checked with the Police Department and they have no plans to cancel. She was on a call earlier with the Massachusetts Emergency Management Association (MEMA). Those who do not have power will not have it for another 72 hours because MEMA is working on emergencies first, such as downed wires. She has been in conversation about the Town Clerk's office, which will be discussed this evening under the "Special Town Meeting (STM) Warrant" agenda item.

Shawn Farrell said the Conservation Commission will meet Thursday. They have a Title 5 septic and a garage construction/breezeway outside of a no-build zone to discuss, as well as a request from Patton Ridge residents to mow a portion of the property they had been instructed not to mow. The Open Space Committee, a subcommittee of the Conservation Committee, will also give an update at the meeting.

Scott Maddern reported he talked with the library director about extended use of the meeting room there, which is wired for Hamilton-Wenham Cam. Right now there is a hard stop at 10 p.m. and a \$50 fee for usage after 8 p.m. There is more follow-up to do. The Hamilton Historical Society is interested in moving from Town Hall to the Patton Homestead. They will explore that further. The Recreation Committee is sending a request to the School Committee about their plan for the turf field now in progress. The estimates for the project are large. They are looking at what private fundraising might amount to and trying to get on the School Committee agenda to discuss it. He followed up with the School Committee about apportionment (the split of money spent between Hamilton and Wenham for schools), and there is still no feedback about consolidation of the input that they have provided consistently for a couple of years now. He raised concern that if this issue is to be raised at the April Town Meeting, they need the information compiled by January or February at the latest so they can communicate it to the public.

Mr. Wilson noted that Wenham received a grant to look at apportionment and wondered if Hamilton would partner with Wenham or study it independently. Michael Lombardo said he thought the schools might use those funds to add on to the study they are already doing. Mr. Maddern said Hamilton has lost more than 15% of its school enrollment in the last 10-15 years. The study of enrollment was part of a study of changing the apportionment formula. He said he personally wouldn't want to see more money spent on another study if they aren't going to take the results of the study and use that info. to make changes.

Jeff Hubbard reported the Finance Committee met last week and spent the bulk of the meeting talking about the warrant article concerning the Town Clerk salary. They are working hard to find a solution prior to Town Meeting. The next Finance Committee meeting is Nov. 1. He hopes the BOS will approve Stacey Berge for the Council of Aging (COA) position this evening. She has a lot of experience, he said.

Mr. Wilson reported working on a discussion, held every year and coming up the end of November, that goes over the four tax classifications. He met with those facilitating Town Meeting, including the Town Moderator Jeffrey Melick, about how it will flow. The Longmeadow Study Committee met Oct. 25 and approved three sets of minutes. The Study Committee had a roundtable discussion about the two important motions that have passed, which will be discussed later this evening. The HAHT met Oct. 18 and talked about whether Longmeadow could be considered the second location in the Trust's motion to fund the Willow Street affordable senior housing project plus another project. The School Committee met Oct. 19. They had a great audit report with no weaknesses (available on the Town website). Regarding Longmeadow, the School Committee said their schools are in great shape and don't see an immediate need for a new school or any need for fields there (in light of the tuft field project they're currently working on). However, they made a motion to study the property for potential future needs. Several Longmeadow abutters attended the meeting and it was a good discussion. They have another meeting tonight. There was an open meeting concern that there might not have been a quorum at the prior meeting (since a member attended via phone) so they re-voted the motion.

Mr. Lombardo reiterated Ms. Jenkins' report that trick-or-treating was not cancelled and will take place tomorrow from 5 to 8 p.m. He is meeting with Ameresco (renewable energy company) engineers to discuss the landfill project and he does anticipate it being filed under the SMART project. The Administrative Assistant to the Town Clerk position was posted and he has received 8-10 responses so far. They've reposted the Patton Homestead Director position and made it a full-time position. He is talking with a company that Wenham is working with that does curbside textile recycling, which would be at no cost to the Town. He reemphasized what Ms. Jenkins said, that power outages could continue for another two days. Forty-four percent of the Town currently has no power, according to Ms. Jenkins.

Mr. Wilson added that he followed up with Gretel Clark and the Recycling Committee and they reaching out to the Schools about composting and recycling programs.

#### **CONSENT AGENDA—**

- **Approve Minutes from the Board of Selectmen (BOS) meeting on Sept. 11, 2017.**
- **Approve Minutes from the Joint Meeting of the BOS and the Finance Advisory Committee on Sept. 12, 2017.**
- **Approve Minutes from the BOS meeting on Sept. 25, 2017.**

- **Friends of Cutler request permission to hang a 5'x10' banner for their Ski, Skate & Board Consignment Sale in front of the COA from Nov. 1-Nov. 8.**
- **Hamilton-Wenham Edfund requests permission to sell Christmas trees at Patton Park from Nov. 22 through Dec. 13.**
- **Appointment of Stacey Berge to the COA.**

Mr. Hubbard made a motion to approve the consent agenda. Mr. Farrell seconded the motion. The Board voted unanimously to approve the consent agenda (5-0).

Mr. Farrell made a comment that after last year's Edfund event, debris was left in the park months afterward. He wanted to note it so it doesn't reoccur.

**Reaffirm age limit for the Chapter 91 Exemption—discuss and vote to reaffirm or change the age limit currently set at 65.**

Ms. Jenkins explained this is an annual vote. Two years ago they changed the age from 70 to 65, which is the lowest they can go.

Mr. Hubbard made a motion to reaffirm the age limit for the Chapter 91 Exemption at 65. Mr. Farrell seconded the motion. The motion passed unanimously (5-0).

Mr. Farrell asked that this information be posted on the website.

**Special Town Meeting Warrant—Review and discuss warrant articles and vote final action on articles 2-8 and 3-4.**

**Discussion of Article 2-8—Capital Stabilization Fund**

At the last meeting, the BOS discussed the Warrant Article for a Capital Stabilization Fund was premature because financial policies are not yet in place. Mr. Wilson invited Finance Committee Chair David Wanger to join the discussion. Mr. Maddern and Mr. Farrell agreed taking no action at this time is appropriate. Mr. Wilson asked about progress on the financial policies. Mr. Lombardo said they are scheduling a meeting for mid-November with the Massachusetts Department of Revenue (DOR). He expects they will be done by January and have policy to present at Spring Town Meeting. Mr. Wilson said he also supports taking no action now.

Mr. Hubbard said he believes the Town Manager, Finance Director, and Finance Committee supported moving forward with it and with this amount. Since the Town is flush with excess funds, he said, it was an opportunity they could start now with the intent that the fund is for an emergency that may arise. He sees it as a form of transparency for the taxpayers, showing the intent to use their funds.

Mr. Lombardo said he is content to wait on it if there is disagreement over whether it's timely to do it now. Mr. Maddern said if they brought it to the Town Meeting in April, it wouldn't impact the books for this year. Ms. Jenkins said she believes the Finance Committee is in favor of it and believes it is the Finance Committee's role to do this work, but she understands the reason to waiting and there's no harm to wait. Mr. Wanger was in agreement there isn't an immediacy. He said the \$175K investment was just a signal to the community and wasn't a high enough amount to cover capital expenditures.

**Decision:**

Mr. Farrell made a motion to take a position of no action on Warrant Article 2-8 with the intent that they put it on the warrant for Spring Town Meeting. Mr. Maddern seconded the motion. The Board approved the motion unanimously (5-0).

**DISCUSSION OF TOWN CLERK POSITION**

Ms. Jenkins explained the proposed warrant article is about clarifying the Town Clerk has a full-time position requiring a certain number of hours. The issue is not about leave or how long to grant it. She gave background that the Town Clerk Andrea Carlson has been out on maternity leave. Ms. Jenkins has been working to clarify what will happen when Ms. Carlson returns. Ms. Jenkins explained that since the previous Town Clerk's retirement, there has been confusion on the amount of time needing to be worked to obtain a full salary. The Town Clerk is an elected position that reports only to the Town residents. The Town Manager cannot compel an elected official to work. The only way it can be enforced is if the Town votes on it. The agreement Ms. Jenkins had proposed to the Ms. Carlson is that she report her hours when she returns (as all other Town employees do), that she would not take any vacation for the remainder of the fiscal year, and that she would agree that the intention of the residents is that the Town Clerk is a 37½-hour position. An agreement was not reached, she said.

Jack Lawrence 105 Rock Maple Ave., commented that the Town Clerk is an elected position and the citizens can vote according to whether or not they think the Clerk is doing a good job since it is a three-year term. People shouldn't be finding the Clerk's office closed, he said.

Mr. Lombardo said there may be room to work this out and is reaching out to Ms. Carlson.

Mr. Fallon inquired about the Assistant Clerk's position. Ms. Jenkins responded that her last day was Oct 13. (She has left to take another job). The position has been posted. Currently the office is only staffed Tuesday and Thursday afternoons from 10 a.m. to 2 p.m. since that is when they can get coverage.

Mr. Wilson asked if there are responsibilities that the Town Clerk can do but the Assistant Clerk can't do. Mr. Lombardo responded yes. Mr. Wanger said he would support Mr.

Lombardo's actions and thinks the situation can be resolved. He asked them to be flexible. The Finance Committee has not yet voted on the article. They have a meeting Wednesday and he said they will be anxious to hear what transpires before then.

Ms. Jenkins said she watched a videotape of the last BOS meeting and they had discussed not taking a vote, but later in the meeting they voted to approve all financial articles and this one got swept in with the grouping. The intention was not to vote at that time but to look at the issue again.

Rick Mitchell, 26 Rock Maple Ave., said he agreed with Mr. Lawrence and appreciated the BOS taking the time to clearly define the issues. He urged the BOS to put it on the warrant, as voters should know what they are getting for what they are paying.

Mr. Wilson said that Mr. Lombardo is reaching out and it may not be an issue. He is OK with waiting to hear.

There was a discrepancy between what Mr. Wanger and Ms. Jenkins felt was agreed upon between the BOS and the Town Clerk. Mr. Wanger didn't think they were that far apart in reaching agreement.

**Decision:**

The BOS decided to schedule a joint BOS/Finance Committee meeting for Nov. 4 at 8:30 a.m., just prior to Town Meeting that begins at 9 a.m., to continue discussion on the matter.

**Discussion on article 3-4—Cottage Housing Bylaw**

Mr. Lombardo reported that Director of Planning and Inspections Patrick Reffett was not able to attend tonight's meeting. He passed out information that Mr. Reffett had put together, which defines the Cottage Housing Bylaw's purpose, locations, provisions, standards, etc. Mr. Wilson said the information had been out in the public for a long time and cottage housing was proposed based on a Town survey that was done a while ago. He invited Mr. Stein, Planning Board chair, to speak, saying he was especially concerned about controlled growth. He noted that cottage housing would have to be approved through a special permit process.

Mr. Stein explained the Town's thought of cottage housing dated back to its master plan from 2005. Currently Hamilton has large single-family homes on large lots. The Town has wanted to create different types of housing to meet the needs of residents, particularly of young people and seniors. The term "cluster housing" is how it was described, building a small community around a green space. The Planning Board tweaked what it felt would work for Hamilton a year and half ago and then put it on the back burner until this past summer when they took it up again. He explained the ins and outs of the bylaw and how it evolved. He gave zoning of where it could be located and other stats: 4.5 cottages are

allowed per acre; the size would have to be between 800 and 1,500 square feet. The max is two bedrooms. All will have porches that front open space. The parking and cars would be situated away. The smaller houses will cost less to maintain; they will be new construction and energy-efficient. The maximum size of the cottage housing development would be 18 units, with a maximum of 36 units allowed to be developed per year. Most would be a condominium-type development with grounds maintained through condo fees. Only about 7% of the lots in Town are even eligible for this, he said. The cost of land in Town makes it tough. In response to Mr. Wilson's question regarding price point, Mr. Stein answered that the costs would vary by developer. Mr. Lombardo said he visited the Concord River Walk and their lowest price point was \$800K. Many were over \$1 million. Planning boards can't dictate costs. Mr. Wilson inquired about the impact on Town services. He thought it good to limit it to one development at first and then see what happened. Mr. Lombardo said the Town would have plenty of water and if most of the homes were condo, they would be plowing their own roads, handling their own trash, etc.

Richard Boroff, 40 Moynihan Rd., said there were five different areas of cost to the Town, with the largest being school costs, and from what he has researched, the impact on Town services would be minimal. Regarding the area of public safety, he said he called the Police and Fire chiefs, who said the impact on public safety services would depend on the individuals who moved to Town rather than on the density of the housing or the numbers.

Bill Shields, 721 Bay Rd., asked who the "we" is when Mr. Stein was talking about how cottage housing evolved. The "we" was the Planning Board. The Planning Board's vote to approve the warrant article was 5-2, it was noted.

Mr. Maddern mentioned that the Town had voted in 2015 to create new bylaws and this is the first. He commented that Hamilton's school enrollment is down 15%. Hamilton is an aging community, he said, and seniors he's talked to have said there aren't places for people to downsize to, hence, there are more complaints about paying higher taxes, but not having kids in the schools anymore. Also, while people are worried about rapid development, he pointed out they only had one bidder for the Patton Ridge development, because the bylaws don't help developers do things. His opinion is that they've been through a thoughtful process for a long period of time and while the survey saw a top-ranked need for cottage housing, they received no comments regarding the draft; so, the idea that this is some rush push isn't true.

Mr. Farrell said two-thirds of the respondents to the survey replied they were in favor of cottage housing, which prompted the Planning Board to get moving on the idea. Mr. Wilson said he felt there was a need for diversity in housing and his hope is that the cottages wouldn't be cost-prohibitive for seniors and young couples. There was a discussion of changing the 800- to 1500-square-foot requirement to 1,500 square feet.

Mr. Lawrence said that at least 200 units of affordable housing are going to be built, and if cottage housing takes off, it is only going to aggravate that. Developers want to make money and cottage housing will not be in the affordable range for most residents, so the

Town will then need to add affordable housing on top of the cottage housing. The homes at Patton Ridge range from \$800K to \$1 million, he said. Families are not going to want just two bedrooms, so the cottage housing that's being built would most likely go to seniors.

Mr. Mitchell said a good way to think about the discussion is that, while upsetting some, it has also educated people about 40B. There's heightened awareness and concern about growth. The Town is some 200 units below the required 10% for affordable housing that it needs. He talked about some of the history of various projects and said he hopes people who oppose cottage housing will come forward with facts not just their fears.

Ms. Jenkins said she hasn't yet decided on the bylaw, but she commended the Planning Board for their work. She said the actual final version of the bylaw was just posted this week, so residents aren't being given sufficient time to read, review and come up with questions. She would prefer the vote happen at April Town Meeting.

Bob Curry, 513 Bay Road, said all his kids went to school in Town and he has enjoyed the Town's semi-rural nature. Housing clusters popping up all over is not the intent, but people who cherish the semi-rural nature are threatened by the prospect of that and will probably vote against it.

Mr. Wanger said that the Finance Committee did review this warrant article and voted to recommend it favorably.

Mr. Boroff wanted people to run the numbers regarding tax revenue to the Town for taking a piece of property and dividing it up.

Mr. Wilson said he would like to see the BOS take a position. He said to keep the clusters from growing too fast, they would need to rely on the Planning Board and special permit process. Mr. Lombardo said the cottage housing option provides a proposition for a diversified product. He said they haven't seen an explosion of housing develop in Hamilton; land costs are prohibitive.

Mr. Hubbard said the assumption that the Town doesn't have a diverse housing stock is wrong. It does. He looked up online and saw that 78 houses just sold with 24 of them at less than \$400K. Of those 78 houses, only 8 sold for a \$1 million or more. He said cottage housing would not amount to much property tax revenue being generated. What came through from the survey, he said, is how much people value and appreciate open space. He said the Town spent \$2.5 million buying open space after the survey.

**Decision:**

Mr. Maddern made a motion to recommend favorable action on Warrant Article 3-4. Mr. Farrell seconded the motion. The motion passed (3-2) with Mr. Hubbard and Ms. Jenkins opposing it.



## PROCLAMATION

Mr. Wilson read the proclamation that is proposed to be read at Town Meeting:

*“Be it resolved and proclaimed that the Town of Hamilton condemns and rejects bigotry, and supports the promotion of understanding and acceptance of individual differences for the welfare and betterment of the community. This resolution shall be made part of the public record.”*

Mr. Farrell made a motion to endorse the proclamation and read it at Town Meeting. Ms. Jenkins seconded the motion. The Board voted unanimously in favor of the motion (5-0).

Town Moderator Melick asked about logistics and wanted a list to help identify those who were intending to speak outside of those reading the motions.

## **Longmeadow Study Committee—status update on LSC; review discuss, and vote as may be needed on any project or proposal related thereto.**

Harborlight currently has site control of Longmeadow and can hold it for the schools, who have expressed an interest. The Schools don't need an elementary school compound now, but may later. They would be looking at a substantial investment and would need to run through a timeline of studies before they committed to the project. The Schools made a motion to explore the issue collaboratively with Harborlight. Since that meeting, the HAHT met and passed a motion to support Harborlight, as well. Mr. Wilson read the two motions. The challenge presented is: Does the Town have time to give to the Schools so that the Schools may go through the process of deciding if they want the property? While the BOS does not have control of the property, Harborlight does. If Harborlight relinquishes control now, the Town is in a different situation with other developers coming forward and perhaps wanting to build far more units there.

Mr. Wilson said the Longmeadow Study Group will hold a joint meeting Nov. 9 with the Schools. He asked the BOS if they wanted to make a recommendation and look at next steps either tonight or after that meeting. The Schools' motion that passed was somewhat vague, saying the issue will be a priority for them to look at in 2018.

Mr. Maddern said he watched the School Committee meeting and noted they had struggled with wording the motion. He said the project has to be driven by the Schools and the Study Committee might have to push the Schools to finish it up. The fact that the Schools are talking about long-term planning is the best thing to come out of this, he said.

Ms. Jenkins said the Town of Wenham took a position that they have no need of the land. She would like the BOS to take a vote about whether the Town of Hamilton has a need for it.

If not, she would like to turn the matter over to the Schools. The Schools appear to view themselves as a small player when they aren't. They are the quarterback, she said.

Mr. Wilson posed the question to Andrew DeFranza about whether he believes Harborlight has reached a point where they feel they've given enough time to the Town to study this. Mr. DeFranza replied that the first big public meeting on the matter was 20 months ago. Mr. Mitchell noted that Harborlight has agreed to maintain site control for another 18- to 24 months to give the Schools time to see whether they have the need or ability to develop that site, or some portion of that site. He agreed with Ms. Jenkins that this decision (which could potentially take 10 years and cost \$80 million) was the Schools'.

The BOS discussed details with Mr. DeFranza about Harborlight's position. Mr. DeFranza said that if Harborlight did not get the approval of the BOS, they were going to walk away.

Mr. Shields said he thought the Recreation Committee might have a need for more playing fields. He said there is a need for fields all over Town. Mr. Wilson responded that the Recreation Committee said their needs are met. Ms. Jenkins reiterated that the only entity with a need for the land are the Schools. Mr. Hubbard agreed that the BOS should take a vote as Ms. Jenkins suggested.

Mr. Lawrence said the Board had no basis on which to vote and it was a sad commentary that they had never looked at linking the Willow Street project to other sites, such as the field next to the library or the landfill site. All those opportunities were dismissed, he said, adding that the Longmeadow proposal is flawed due to traffic and other issues there.

Mr. Maddern said a major message to send to the Schools is to please go faster with their long-term site planning. The Longmeadow Study Committee needs a more direct answer from the School Committee, he said.

### **Decision:**

Ms. Jenkins made a motion to take a vote about whether the Town has any need of the Longmeadow property for municipality use. Mr. Hubbard seconded the motion. The Board unanimously voted *opposed* to purchasing the site at Longmeadow Way for the Town's needs aside from the Schools' needs (0-5).

They additionally recognized that Mr. Wilson was doing a great job working with all the parties involved.

## SECOND READING OF SECTION 8 OF THE PERSONNEL POLICIES

### NEW BUSINESS

These two agenda items were skipped.

**Adjournment/Entered into Executive Session**

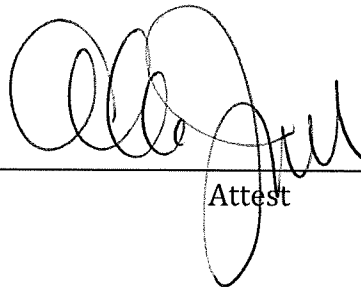
Mr. Wilson made a motion to go into Executive Session. He read the notice

*"I will entertain a motion to go into Executive Session and not to return to open session to discuss strategy with respect to litigation, namely Varsity Wireless Investors, LLC v. Town of Hamilton, et al., U.S. District Court Case 1:17-cv-11826 (D. Mass.), where an open meeting may have detrimental effect on the litigating position of the Town."*

Mr. Hubbard seconded the motion. The Board voted unanimously (5-0) to adjourn the regular meeting at 10:22 p.m. and enter into executive session and not to return. A roll call vote was taken with "ayes" from Mr. Maddern, Mr. Farrell, Mr. Hubbard, Ms. Jenkins, and Mr. Wilson.

Prepared by:

Mary Alice Cookson



Attest

11/27/17  
Date