

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

September 25, 2017

Members Present: Shawn Farrell, Scott Maddern, Bill Wilson

Town Manager: Michael Lombardo

Members Absent: Allison Jenkins, Jeff Hubbard

Chairman Bill Wilson called the meeting to order at 7:01 p.m. He noted two members are absent, but there was still a quorum.

ANNOUNCEMENTS

Board and Committee Openings

The Council on Aging has two open positions. The Recycling Committee has one. Voter registration will take place Oct. 25. Town Meeting will be held Nov. 4 at 9 a.m.

Public Comment

Peter Britton, 466 Highland St., addressed the Board saying he was a concerned citizen appearing on behalf of Kevin and Maureen Kaminsky, conservators who live and provide maintenance at the Dodge House, located in Bradley Palmer State Park. He noted that a building inspector in the Town's employ has a similar position to Mr. Kaminsky and doesn't pay taxes to the town in which he resides. Mr. Britton said it's his understanding that the Town is fully empowered to return the Dodge House property to its original state as a nontaxable property, but recently there's been action by the Town's treasurer and collector under a firm that deals with tax matters to try to enforce an action against the Kaminskys. He said he thinks the action being contemplated is improper and possibly illegal. He wanted the Board to consider the matter.

Mr. Kaminsky addressed the Board about the same issue. He specified that the Dodge House was a gift to the State, located in the State Park, and he's fulfilling the State agency's mandated position providing a public purpose. He said he's withstood the indignity of the action and asked that the property be returned to its zero value, as it is non-depreciating and State-owned. Mr. Wilson said he has received some emails regarding the issue and the Board would circle back to it.

Mike Jodoin, 24 Beech Street Ext., addressed the Board regarding water bubbling up from the ground in front of his home, which is from a leak in the water main. Department of Public Works (DPW) workers took a walk along the gravel road and deemed the street was a driveway and the homeowners were personally responsible for the repair. Mr. Jodoin provided some history of the road, specifying it is a road not a driveway. He said the water main was installed by the Town about 50 years ago and it is the Town's responsibility to fix it. Michael Lombardo said he and DPW Director Tim Olson were looking into the matter.

Denise Bisailon, 37 Beech Street Ext., said water is leaking onto her property. She's been there more than 30 years and has served on the School Committee and been active with the Town. She and other residents on the road had an understanding that the road was not a driveway according to deeds they've looked at. Until just recently, the street was plowed by the Town, but a new regime came in and deemed it a private road. Now she and the neighbors have to petition for plowing and will continue to do so. She asked the Board to be sympathetic to their situation, saying they are all in this community together and it has run havoc to be kept captive when one can't be plowed out. Mr. Wilson told her to follow up on the issue tomorrow.

Selectmen/Town Manager Reports

Scott Maddern reported on the Recreation Commission. He and Mark Shaw, Town facilities technician, gave a tour of the Patton Homestead to the Wenham Museum directors, who were impressed by the potential there, and he looks forward to further discussion with them. He listened in on the discussion of cottage housing and complimented Hamilton Development Corporation (HDC) Chair Brian Stein along with Mr. Olson. Funding was given for Phase 1 and Phase 2 bylaws, indicating cottage housing was a top priority, but they received very few comments on the drafts. He met with Chief Russell Stevens regarding fire regionalization and went over concerns. Wenham's Fire Chief Robert Blanchard is retiring for medical reasons. He discussed the possibility of the Historical Society moving from the basement of Town Hall to the Patton Homestead. Because of a shift in student enrollment at the schools, more of the school bill has been going toward Wenham and there's been discussion by Wenham members of the School Committee about changing the formula. Gene Lee, Vice Chair of the School Committee, is drafting something and has gathered comments.

Shawn Farrell reported that the Conservation Commission met Sept. 12 and had a request for determination for a septic system, which was given a negative determination. The Patton Ridge homeowners came before the Commission requesting to be able to mow some of the open space there; they had previously been requested not to mow it. The matter will be discussed at the next meeting. There is a notice of intent from Pingree School for a new parking lot, trail relocation, and drainage. There is also a notice of intent from the regional high school for installing the new turf field and associated drainage and landscaping. The

Community Preservation Commission (CPC) met Sept. 14. (He wasn't able to attend). The CPC approved funding applications for knotweed removal, Housing Authority renovations, and an OPM (Owner's Project Manager) for Town Hall restoration. The CPC also reviewed its appendix for Town Meeting and talked about the status of open grants. A member of the Wenham CPC came to talk about the Winthrop School playground. They were supposed to have poured a foam mat material, but ended up using the money for additional equipment and putting down bark chips. This means kids with mobility problems will have trouble accessing the playground. The CPC had given funds for the project and want to find out what happened. It will be discussed at the next meeting.

Mr. Wilson reported he attended the Ham/Wen Cam board meeting. They talked in depth about the five locations and building infrastructure and expressed how hard it is to schedule meetings. They discussed how to utilize some of the under-utilized buildings, for meetings. For example, the library's closing at 8 p.m. creates a challenge. Mr. Maddern, who was a liaison to the Library Trustees and chaired the joint library committee for 10 years, said the point was to have meeting access there when the Town needed it. Mr. Lombardo said they are installing new locks on Town Hall so boards and committees can access it for evening meetings. They can probably use the same system at the rec center. The idea is to better utilize what they have. Also, there is an open position for someone to videotape the meetings. The Longmeadow Study Group met Sept. 13. At the first meeting they discussed a solicitation of potential uses that was sent to schools and Recreation Committee. The schools have an interest in the property. The Rec department reviewed a plan made back in 2012 and found that most of the needs on that list had been met. The schools might want the site for a new school, or perhaps, elementary school compound, and then the existing buildings would come back to the Town. Mr. Wilson drafted a list of questions for the school district. He quickly got a call back from the Superintendent who said it's difficult to answer the questions. They would have to do a statement of interest, submit it to the MSBA, who has funded \$4 million in projects over the last 4 years, and go through all the channels. They will put it on the next School Committee agenda. The Affordable Housing Trust (AFT) met Sept. 20 and discussed Harborlight Community Partner's request for funding for 59 Willow Street, which the Trust supports for 20 senior units. They added Longmeadow to the agenda to talk about both projects together. The Trust doesn't want the projects linked, but did agree to fund Willow Street plus another affordable housing project at another location. They want to make sure the Longmeadow study runs its course and also stay in touch with the schools. They committed \$600K to get potentially 60 units with a sunset clause for two years.

Town Manager Mr. Lombardo said that he has two viable candidates for a director at Patton Homestead. The RFQ will then go out for an architect. Regarding municipal aggregation, they've answered the State's questions and are awaiting the state's final approval. The landfill permits are being developed and filed with the Department of Environmental Protection (DEP). He is hoping that will nudge the DEP along; these aren't

high-priority projects for the DEP and they're understaffed, he said. Regarding the cell tower behind Town Hall, he received an email that a suit was filed in Federal Court today. He is setting up a conference call with special counsel and will update the Board when he hears something. Regarding the water treatment plant, the Town took possession of the filtration media. Mr. Olson is close to having the RFQ for the project complete and ready to be posted on the calendar.

SEAN TIMMONS, DIRECTOR OF RECREATION—REPORT ON POOL

Recreation Director Sean Timmons recognized Danielle Kiely, the Administrative Assistant in the Recreation office who doubled as Pool Director. He gave a Power Point presentation with statistics. The pool was open June 10—Aug. 27 and provided 11-12 hours of operation most days. They were able to provide the community jobs; of the 27 staff members, 20 were Hamilton residents. Revenues were \$88,629.10 and expenses were 88,327.95, showing a balance of \$301.15, which means the endeavor essentially broke even. However, many of those expenses were one-time, start-up costs. They struggled the last week in August to staff the pool and will tell the staff next year they will be working through Labor Day. He doesn't expect they will raise membership prices. He went over the figures on memberships sold and drop-ins. The swim team did well. They hosted the All Star Meet and finished third. They've been asked to do concessions next year, as well programming and special events. They are looking at offering a caregiver pass for families for use by their non-resident babysitters. This year pre-teens who could pass the swim test could be at the pool without a caregiver. But the State is now saying a person has to be 16. This is a big issue and he's going to write to the State. He's hoping they might omit that from new regulations. One nice thing about the pool was that many kids came there on their bikes while their parents were at work.

QUESTIONS/DISCUSSION

Peak hours at the pool were between 2 to 5:30 p.m.

In response to a question from Mr. Maddern, Mr. Timmons said non-resident memberships may be considered in the future. Some Town pools do sell a limited number of non-resident family memberships at a cost that could be triple the rate and it's offered through a lottery.

The Board thanked him for his great work.

CONSENT AGENDA—

- **Approve Minutes from the Board of Selectmen meeting on August 21, 2017.**
- **Approve Board of Selectmen meeting schedule for Jan. - June 2018.**

Mr. Maddern made a motion to approve the consent agenda. Mr. Farrell seconded the motion. The Board voted unanimously to approve the consent agenda (3-0).

MYOPIA HUNT CUB'S CHANGE OF MANAGER APPLICATION

Mr. Lombardo explained that when an establishment that serves liquor has a change in managers, they need to complete paperwork and get Board of Selectmen approval.

Mr. Farrell made a motion to approve the change in manager. Mr. Maddern seconded the motion. The Board voted unanimously to approve the change in manager (3-0).

WILLOW STREET—HARBORLIGHT'S PROJECT WITH THE HDC

Rick Mitchell of the HDC Board of Directors said he and Mr. Stein were there because they aren't seeing enough forward momentum on this project. They've extended the decision to the end of October, pending funding by the AHT and information from the Longmeadow Study committee. As it stands now, the AHT voted to fund \$300K for Willow Street and \$300K for a property to be named later. This is all well and good, he said, but they are still at an impasse because Harborlight's proposal is tied to the proposal at Longmeadow. The Longmeadow Study group was asked to make some recommendation by the end of October, so the HDC can know where they stand because they can't sit on the property forever. The schools are interested, but that could be a 12- to 18-month process. The HDC can't wait that long. They've broached to the Longmeadow Study Committee and the School Committee that maybe a four or five-acre parcel can be pulled out of Longmeadow and they can move forward on that. If they can't get a decision soon, the project is going to fall apart. Mr. Mitchell is seeking the Selectmen's help to exert some concern about what's going on regarding the timelines for the various entities.

Mr. Wilson said the challenge is that there's a citizens' petition that calls for a readout by April Town Meeting.

Mr. Maddern pointed out that Harborlight was the only responder to the RFP. If it falls apart, they could be taking on a developer to do a market-rate project. Rental housing is also needed in the town. It was discussed that neighbors currently favor an affordable senior housing project rather than affordable family housing at Willow Street.

Speaking for Harborlight Community Partners, Andrew DeFranza said the recent AHT funding decision was helpful, but Harborlight is definitely looking for a sense of commitment to the second site. They need something actionable and binding on the second site.

Mr. Lombardo asked: Isn't it just a business decision to move forward on the front part of the property and commit to holding the rear part as a gesture to the Town. Harborlight had said they were prepared to endure a lawsuit so why not move ahead.

Mr. Wilson asked if Mr. DeFranza could take the motion that was passed last week to the State and apply for funding to start the Willow Street project. Mr. DeFranza answered that he could, but he'd have to have both projects permitted and ready to go so as to access the financial resources needed.

Mr. Wilson asked if Harborlight will consider other Town properties. Mr. DeFranza's response was that any site will have technical problems. They aren't partial to Longmeadow; what they are partial to is time. They've been around the block, he said.

A discussion ensued that all the groups are compelled to act and that some members of the boards felt rushed until it was explained to them how long this process has been going on. Alternative scenarios to this one would involve the property having a far greater number of units than the 40 being proposed at Longmeadow. The Board discussed Mr. Mitchell's recommendation that they amplify the HDC's request to the Longmeadow Study group to reach a decision in October.

Mr. Maddern proposed holding a joint meeting with the AHT and inviting the School Committee.

Mr. Lombardo mentioned the MSBA process and how long that could take and said that ultimately Harborlight should see about moving forward on the front piece of the property and then the schools can see after that.

Mr. Mitchell defended having the October deadline because Harborlight needs to have this clarified so they can move ahead or move on. Mr. Wilson said they will have that discussion with the schools and recap everything, but he thinks this would be a lot cleaner if they had until April because that is what the citizens had set. The struggle will be whether they want to hang on and do an in-depth study for an 18-month period.

SECOND READING OF PERSONNEL POLICIES SECTION 7 AND FIRST READING OF SECTION 8

Mr. Farrell made a motion to approve Section 7. Mr. Maddern seconded the motion. The motion passed (3-0).

The first reading of Section 8 was tabled until the next meeting so that the Board members who were absent this evening would have an opportunity to participate in the discussion.

TOWN MANAGER GOALS AND OBJECTIVE

Mr. Wilson said they'd had a review with Mr. Lombardo around areas for improving communications, which are being addressed. They are going to implement using the app Trello to help track projects and identify what they want Mr. Lombardo to focus on. It was suggested they use Trello in a workshop-like setting or peer review. They need to move forward and adopt something to start measuring against.

Mr. Maddern said the first two pages he previously provided to the review can now be deleted.

Mr. Maddern made a motion that the Board adopt the Town Manager Goals and Objectives as proposed. Mr. Farrell seconded the motion. The Board voted unanimously (3-0) to adopt them.

REVIEW WARRANT ARTICLES AND CLOSE WARRANT

Mr. Lombardo made a recommendation to close the warrant tonight, but said they can go through specific articles individually as needed. A couple of the articles discussed, as explained by Donna Brewer who was present at the meeting, are the result of the Municipal Modernization Act. For example, once a year the Treasurer collector would send delinquent taxpayer lists to the boards so they could delay licenses until paid up. The proposal is for that list to be sent monthly. Other articles discussed concerned keeping the marijuana bylaw (prohibiting its sale in Town) on the warrant; a Capital Stabilization fund that would allow money to be moved into a fund for capital projects with a Town Meeting vote; and a proclamation that the Town doesn't tolerate bigotry.

Mr. Lombardo said he's been working on a presentation on the water system and could do a 3- to 5-minute report at Town meeting, which the Board members agreed would be good.

Mr. Wilson suggested taking a straw poll to get a readout on the October vs. April deadline for the Willow Street/Longmeadow decision. Mr. Lombardo advocated doing that on the website since there isn't a good mechanism for doing that at the meeting.

Mr. Maddern recommended having Superintendent of Schools Dr. Michael Harvey give an update. Mr. Lombardo said he would reach out to him.

Mr. Maddern made a motion to close the warrant for Special Town Meeting. Mr. Farrell seconded the motion. The Board voted in favor of closing the warrant (3-0).

NEW BUSINESS

Mr. Maddern expressed interest in moving ahead on the Financial Policies at a future meeting.

ADJOURNMENT/ENTERED EXECUTIVE SESSION

Mr. Maddern made a motion to adjourn the regular meeting at 9:29 p.m. to enter into Executive Session to discuss potential litigation with UEL Contractors regarding delay in completion of the Bridge Street Culvert project. Mr. Farrell seconded the motion. The Board voted unanimously (3-0) to adjourn the regular meeting and enter into executive session and not to return.

Mr. Wilson read the legal notice:

"I will entertain a motion to go into executive session for the purpose of discussing strategy with respect to potential litigation with UEL Contractors regarding its delay in completing the Bridge Street Culvert projection because I declare that having such discussion in open session would have a detrimental effect on the Town's litigation position and to allow Town Counsel Donna Brewer to participate in the discussion with the Board not to return to open session after the conclusion of the executive session."

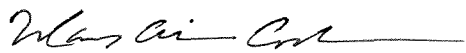
A roll call vote was taken and the motion passed unanimously (3-0) with "ayes" from Mr. Maddern, Mr. Farrell and Mr. Wilson.

SIGNATURES

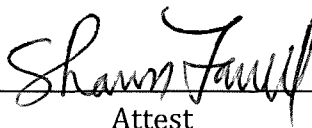
Sign Cemetery Deed #1156

Sign Minutes from the Board of Selectmen meeting on Aug. 21, 2017.

Prepared by:



Mary Alice Cookson



Attest

11/6/17
Date