

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

October 10, 2017

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

Town Manager: Michael Lombardo

Members Absent: Allison Jenkins

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

Announcements:

- **Board and Committee Openings:** The Council on Aging has one open position. (*Later in the evening this was reported to have been filled). The Recycling Committee has one.
- The last day to register to vote is Oct. 25.
- On Oct. 28, from 10 a.m. to 2 p.m., the Hamilton Police Department will be partnering with the Drug Enforcement Administration (DEA) in a Drug Take Back Day. Anyone wishing to properly dispose of drugs can bring them to the Police Department for disposal.
- The Hamilton-Wenham Recreation Department will host their annual Pumpkinfest Oct. 28 at 12:30 p.m. at the Public Safety Building.
- Special Town Meeting will take place Nov. 4 at 9 a.m. at the Winthrop School.

Public Comment

None.

Selectmen/Town Manager Reports

Shawn Farrell reported that last Wednesday, the Conservation Commission had a continuation of a previous agenda that ran long (3 ½ hours). One was regarding Pingree School's notice of intent to install a new parking lot, new turf field and to do trail relocation and associated drainage work. John Doherty spoke in opposition and has appealed the Planning Board's decision. There is also a notice of intent from Hamilton Wenham Regional

High School regarding their turf field and that hearing was also continued. A site walk of the property was done to see where the conservation land is. There was a request for a second extension (Title 5) regarding a septic system at 318 Forest St., which was granted. The deadline to apply on the website for a Hamilton Wenham Cultural Council grant is Oct. 16.

Scott Maddern reported he had a long meeting with Michael Lombardo, who is reaching out more as asked and trying to get on the League of Women Voters' calendar. They talked about the Patton Homestead Executive Director position. They followed up regarding the idea of moving the Historical Society to the Patton site. Relative to the Homestead, they will be hearing from the Wenham Museum about their needs. There are some Massachusetts Cultural Council grants available that focus on military history, which are a good fit. Another big topic is the Longmeadow property. The School Committee met with the Hamilton Development Council (HDC) regarding potential needs at Longmeadow. It's a rare intersection of school needs and housing needs, and rare opportunity to come together.

Jeff Hubbard reported that the Council on Aging approved the candidate for the open position and he would like the vote put on the next BOS agenda. The Council started a program with Gordon College in which students and the seniors meet to learn from each other on a variety of topics every Wednesday from now through December. Veterans Affairs will hold "Vets for Vets" Oct. 14 from 8 a.m. to 3:30 p.m. at the North Shore Community College to talk about health care information, local veterans' networks, and financial and legal resources. They are also excited about an upcoming ceremony Oct. 20 at 4 p.m. at the Ipswich High School when they will honor approximately 50 Korean War veterans. The Finance Committee has a new proclamation to discuss. Mr. Wilson said they will discuss it this eve.

Mr. Wilson reported the Longmeadow Study Group met Oct. 2. At that meeting, he updated them on what transpired at the BOS meeting Sept. 25 when Rick Mitchell of the HDC addressed the Board in support of projects by Andrew DeFranza of Harborlight Community Partners, and at the Affordable Housing Trust meeting Sept. 20, in which the Trust voted to commit to two affordable housing projects totaling \$600K: Willow Street and another affordable housing project to be named. They had a long discussion on next steps for the Longmeadow Study Group, who felt it important to wait until the School Committee discussed its position regarding interest in the property. The Recreation Department determined it did not have a use for the site. The School Committee met Sept. 28 and Oct. 10. They don't have any needs for fields there, aside from perhaps some footage to adjust their track size, but they could perhaps use a portion of the property for facilities for the schools, perhaps an elementary school compound. They want to have some time to go through the process. The Schools' Finance Director Jeff Sands gave a timeline. The first step would be to file a statement of interest with the Massachusetts School Building Authority (MSBA) and then go before Town Meeting. The MSBA is not taking applications until

February 2018, and there is no guarantee they would even get accepted for the list. If they did, the next step would be a feasibility study for the parcel, which could range about \$1.5 million. They could perhaps get some reimbursement for that, up to 43%. Ultimately it could be a nine- or 10-year project at a cost of \$60 million dollars. The overall tone of the meeting was good, that they wanted to see how they could work in partnership with Mr. DeFranza to get that rare blend of housing and schooling. He read the motion that was passed at the meeting saying that the School District would like to carefully evaluate the potential future need of any amount of land available at Longmeadow to see how it might support their future infrastructure needs. The Affordable Housing Trust (AHT) meets next Wednesday. Mr. DeFranza is seeking support of the BOS as well as the AHT. Mr. Wilson encouraged the Board to listen to the tape of the School meeting in preparation to offer comment. In other matters, he had a call from *The Salem News* regarding the property at Bradley Palmer on the issue discussed at the last meeting. Also, West Newbury Selectmen Joe Anderson reached out and they discussed school apportionment and how Town managers function.

Mr. Farrell reported the Planning Board had a public hearing about moving a stone wall and cutting trees on a scenic road in the vicinity of 650 Asbury St., which the Planning Board approved. They had a public hearing and Department of Public Works Director Tim Olson talked about the parking lot on the property of the Patton Homestead. Despite the public opposition voiced, the Board approved the parking lot. A discussion on the Cottage Housing bylaw, in which the Board was split, was continued to the next meeting. Mr. Maddern noted there's been a draft written, but they've received no substantive comments. He asked what the comments were at the meeting. Mr. Farrell said that three members of the Board felt that the survey in which people expressed a desire for cottage housing was skewed and inaccurate and they seemed to view it in opposition to preserving open space.

Town Manager Mr. Lombardo said flu clinics will be held Nov. 1, 3-6 p.m., at the Hamilton Council on Aging and Nov. 8 at the Buker School, 4-7 p.m. They will also hold a clinic at the high school in mid-November. The Council on Aging received a check for \$1,700 from a pledge program at the Institution for Savings Bank. He will be sending out a press release and the Board will send a thank you. The Massachusetts Municipal Association (MMA) liked the Town's new website and asked Mr. Lombardo to find someone to serve on a panel this weekend because one of their speakers can't attend. He's going to ask Social Media Specialist Robert Gates. Regarding the UEL Contractors, they are close to negotiations based on the discussion at the Executive Session. He's in contact with Town engineers and the Department of Public Works (DPW). The solar project is on schedule and they are currently flagging wetlands. He's asked for a detailed schedule on all the projects. The next BOS meeting is Oct. 23, when he will be at his annual conference. He asked about moving the BOS meeting to Oct. 30. The Board decided to move the meeting, but if they don't get through the warrant articles for Town Meeting, they may need to meet both days (Oct. 23 and Oct. 30).

Report from Finance Director Marisa Batista

Ms. Batista is involved in the capital improvement plan and updating the Budget Forecast with FY17 actual numbers and also trying to get numbers from the School Department to see what their budget increase might be over the next few years. She's been reviewing financial policies with the Department of Local Services. They are running a bit behind schedule. She was told the Town should have a project manager contacting them in late October to provide a date of when they will work on the financial policies. They found out the Town needs a single audit because they spent more than \$750K in federal funding; this was for the Bridge Street Culvert. She's submitting everything the auditors have requested. Mr. Lombardo explained that a single audit is a more in-depth look at a single item to make sure that funds were extended properly. Mr. Hubbard asked if there were an ETA for the audit. She said the original expectation for the audit was by the end of October. She listed all the reports she has been working on and has submitted to the State. Another of her big projects was the quarterly report for the fourth quarter. The first quarter for FY 18 should be done soon. Mr. Hubbard asked if the 97% of the budget expended included the schools. She said yes. He wanted to know the figure if it did not include the schools. She said she would get back with the number.

Mr. Maddern complimented her on a great job and said the format is great and helpful. He said it is important for the BOS to pass this information along to the School Committee as soon as possible so the school leadership can think about what they're going to be doing. Ms. Batista said the forecast is complete except she is waiting for the School District to give her their debt service schedule so she can provide them with a more complete picture. The Schools have significant items in their capital improvement plan. (This, Mr. Wilson noted, doesn't yet take into account potential Longmeadow plans.) These numbers are very important piece of the budget forecast. She reached out to Mr. Sands and hopes to have something by the end of this week. Mr. Maddern explained that one of the reasons he wants to move the process along is there's an interdependence with the apportionment issue at the schools. They can't present a plan or have any practical discussion on it until they have the numbers.

Mr. Wilson asked if it might be helpful to consolidate the budget information for the Town and the Schools. Ms. Batista agreed that would be helpful. She noted that the Town information isn't as detailed as the Schools' info. When asked, Ms. Batista described the team as a work in progress. They are playing a little catch-up on some things. She was happy to get the reports submitted timely to the State and the free cash certification done way ahead of Special Town Meeting so they can plan ahead for the funding of warrant articles.

CONSENT AGENDA—

- **Department of Public Works seeks permission to sell one cemetery plot to Linda Roberts, a former Hamilton resident.**

Mr. Hubbard made a motion to approve the consent agenda. Mr. Farrell seconded the motion. The Board voted unanimously to approve the consent agenda (4-0).

Recycling Committee—Update from Gretel Clark and Discussion of the Committee's Charge

Ms. Clark explained that the Recycling Committee evolved as a result of a call she received from Peter Britton regarding the Town's trajectory in terms of organics. She noted that other communities have a full- or part-time professional to oversee the trash program and keep track of the tasks the DPW director would not have time for. She and the Committee are managing what other towns call their waste reduction committee to oversee the trash program. She wants to help the Town handle the costs of waste. Her other point is the environmental concern and looking to minimize what goes into an incinerator and maximize what goes back to the earth or gets reused or recycled. Then there is the task of keeping residents informed about these issues, especially reaching new residents. Many don't know they even have a composting program. She expressed dismay that the hazardous waste program was taking place the same time as Special Town Meeting—but she was later informed by Mr. Lombardo this is not the case. [The Hazardous Waste Drop-Off is Oct.28 and Town Meeting is Nov. 4.] She has been to a number of regional meetings regarding waste reduction. Hamilton receives \$11K-\$12K in grant money to educate the public on this topic.

The Recycling Committee has started looking at numbers, which Ms. Clark shared with the BOS. The tonnage of solid waste per month has increased by 17.28% in just a year's time. Recycling is up by about 1% from before the change in the program (from bi-weekly to weekly). They found that if they are going to do a proper job, they need to weigh the organics that are coming from the Town. They are going to start putting scales on trucks. They are hoping that the perceived 30% drop in organics that they think they're seeing isn't as bad as that. These figures aren't easy to read because they are averaged out over 12 months, she said. Regardless, the staggering number was the more than 17% increase in solid waste.

Peter Clark noted that nationwide there is a recommendation that trash pickup be every two weeks. Mr. Farrell said he was one of the people who didn't support the every week pick up. Mr. Maddern inquired about the figures and attempted to clarify which were precise numbers and which were estimates. He noted that the overall tonnage has increased so the Town's costs are going up. The money they get back via organics, they don't have a handle on. Ms. Clark said this is correct. She said her numbers are precise for trash and recyclables, which are weighed. Organics are estimated based on averages.

Ms. Clark noted that 121 towns have a full pay-as-you-go program. If people have to pay for their solid waste pick-up they think more seriously about recycling and composting, she said. There has been a 25% decrease in revenue for blue bag sales. She was asked about the revenue from the sticker program for large items, which was supposed to have been started this summer. She thought it was something like \$4K or \$5K. Mr. Lombardo will get that information and will also include the increase in tonnage.

Mr. Wilson asked Ms. Clark for ideas about how to change people's behavior. She said the Committee will rewrite a pamphlet with current information to bring the community up to date. They are looking at including the brochure about trash in a Welcome Kit for new residents. Mr. Maddern suggested distributing it with a new resident's first water bill. Ms. Clark said some of the families who were using the 35-gallon green bin have stopped using it as a result of the weekly pick-up. She contacted the schools about starting education programs and has been turned down. She said that if the BOS would give her a show of support, the schools would be more receptive.

The schools used to have an organics program with their trash pick-up provider but that has stopped. It was speculated that perhaps this has something to do with the current 30% drop. The organics number at the school was included in the town figures, but numbers on the schools' trash tonnage are not included. Mr. Maddern said there were too many variables and he didn't know how to judge it. She responded that the Town has hard data on everything except the organics tonnage, which they need more time to study. However, knowing the trash rate is up 17% should be enough to spur action.

The question about how much of the change is attributed to the schools was discussed further. Ms. Clark pointed out that only two of the schools previously had an organics program and now do not. She said it is hard to get the schools' attention on this issue for a variety of reasons. Mr. Maddern suggesting taking some share of the \$11K they have in grant money to the School Committee and to start communicating with them and the parents. Mr. Wilson said he will reach out to Superintendent Dr. Michael Harvey and Mr. Sands and bring the matter to their attention. Mr. Wilson said he would like to see the schools do this education, just because it is the right thing. Mr. Farrell suggested adding the Recycling Committee and its information to the Town website.

David Wanger, Finance Committee chair, said the Committee is interested in working on the project and asked for more information about the large item sticker program—specifically whether large items have been defined for public dissemination and if the current trash pick-up provider knows what it should and shouldn't take. Mr. Lombardo will look into that and provide information regarding the roll-out of the program.

Pavement Management Plan—Review/Summary of Report from the BETA Group

DPW Director Tim Olson introduced Conrad Leger of the BETA Group, an engineering firm with offices in Norwood, who gave a presentation on the firm's evaluation of Hamilton's roadways—their condition and rating and a cost benefit analysis of maintenance. The key to pavement management is doing the right repair at the right time, he explained, showing the different maintenance techniques used for different degrees of deterioration. Each segment of roadway is evaluated and put into a category according to its condition, the repair work required and associated cost. Mr. Lombardo asked how segments are defined. Mr. Leger responded: typically from intersection to intersection, unless it is a long road and then it is 2,000 feet.

Hamilton's Road Surface Rating (RSR) on a scale of 1-100 was 75.4. (The average rating is in the mid-70s so it's just slightly above average.) Mr. Leger showed slides of some Hamilton roads and their ratings. The cost for curb-to-curb improvements to get the rating of Hamilton's backlog up can be covered through Chapter 90. RSR forecasting and inspections are generally done every 5 years. Then the BETA Group looks at a forecast that says if you spend x amount (for example, the Chapter 90 figure), what will that do to your roadway over time. Mr. Leger and Mr. Olson are looking at proposing what road maintenance Hamilton should schedule to do as part of the capital plan.

Mr. Wilson asked what they were spending over the last three years. Mr. Olson mentioned the Goodhue Street project was around \$180K. They don't have many road repairs going on currently. He said they receive just under \$250 per year from Chapter 90. Mr. Maddern noted the water line project is being done with Chapter 90 funds. Mr. Leger advocated regular assessment and maintenance to protect roadways so they don't deteriorate to the point that they require major work. Mr. Olson said the Pavement Management report will be available as soon as they complete the capital plan.

Discussion and Consideration of David Smith's Request

There is a matter going before the Town's Board of Health Oct. 18 regarding a property on Elliot Street and Mr. Smith, who is on the Board of Health, is also an abutter. Per conflict of interest protocol, he is asking if he can participate in the discussions but not vote on the matter.

Mr. Hubbard made a motion to allow Mr. Smith to participate in the discussions on Oct. 18 and any subsequent meetings regarding the property, but not to vote on the matter. Mr. Maddern seconded the motion. The Board voted unanimously to approve the motion (4-0).

Town Clerk—Discuss Implications of Town Clerk's Decision to Extend her Absence and Consideration of Opening the Warrant to Special Town Meeting

Mr. Lombardo said he is concerned about the amount of time off an elected official should be able to take. He has discussed this with Allison Jenkins, who is not present tonight, but wanted to look at Town personnel policies and whether the Town can restructure the position. Legal Counsel Donna Brewer said the position can be restructured with a 2/3 vote at Town Meeting. She commented that Town Meeting sets the salary and benefits of the Town Clerk. They don't want to change the amount, just the structure. BOS members discussed opening the warrant and putting in a placeholder then closing the warrant.

Mr. Maddern clarified the Town Clerk's salary and that she was elected to a three-year term. She has been out for 12 weeks on maternity leave so far and won't be back full-time until December. They did not budget for the amount of coverage needed and the office is dark if there is no one to cover. Mr. Wilson asked if the situation had been discussed with her; the answer was no. Mr. Wanger thought that would be prudent. Mr. Lombardo said the Assistant to the Town Clerk just resigned to accept a position in another town, which makes the issue even more pressing. In the end, it was decided to reopen the warrant, add the article as a placeholder, and close the warrant.

Mr. Maddern made a motion that the Board reopen the warrant and add the warrant article (*with the language supplied after the meeting):

To see if the Town will amend the General Government department of the Town operating budget for FY'18 so as to adjust the compensation plan for the Town Clerk or take any action thereon or relative thereto.

Mr. Farrell seconded the motion. The Board voted unanimously to open the warrant and add the article (4-0).

Mr. Maddern made a motion to close the Special Town Meeting warrant. Mr. Hubbard seconded the motion. The Board voted unanimously to close the warrant (4-0).

Warrant Hearing—Selectmen Vote Position on Warrant Articles

They discussed how to approach the task. Mr. Maddern suggested putting articles they need to talk about off to the side. Mr. Lombardo suggested they go down the list.

Regarding **warrant article 2-8** under Financial Actions, Mr. Maddern had a question about the amount and why that amount was chosen for the Capital Stabilization Fund. Mr. Wanger explained that the article was in concert with Article 6-1 to give some free cash to mitigate the tax rate. The amount was an eventual compromise among the Finance Committee members. Mr. Lombardo said the Town has certified free cash of over \$3 million and some of those funds can be applied to the capital stabilization fund. The figure they arrived at—\$175K—is not much but is a reasonable first step. Mr. Wanger said the concept

discussed at the joint Finance/BOS meeting was to set money aside in increments to fund capital expenditures.

Mr. Wilson inquired about how the Capital Stabilization Fund would work and was told that Town Meeting would vote on and approve funds going into and out of the account. Mr. Maddern said that while he liked the idea, he did not believe the Town needed another reserve fund at this point. Mr. Wilson said he would be more of a proponent if it were for a special project, like Town Hall renovations. Mr. Wanger explained the original thinking behind the fund. Mr. Maddern said he thought it good to do, but financial policies need to be in place before setting up the fund. Mr. Farrell agreed they need to work on policy for free cash application. Mr. Hubbard said that the budget should be tighter so they aren't swashbuckling around with cash that they've taken out of the pockets of the taxpayers and are holding onto.

Mr. Lombardo asked where the idea originated. Ms. Batista said it was a conversation that she may have started. She had mentioned at a Finance Committee meeting that some communities use such a fund as savings program for big projects, such as a new firetruck. She said that if the BOS is not ready to put money into the Capital Stabilization Fund, perhaps they should not create the fund. In the end the Board decided to leave the article out.

Mr. Maddern made a motion to recommend favorable action on **warrant articles 2-1 through 2-9 with the exception of article 2-8**. Mr. Farrell seconded that motion. The Board voted unanimously to approve the motion (4-0).

Mr. Wilson said he was unsure about **warrant article 3-4** under Planning/Zoning Actions, which concerned the Cottage Housing Overlay District. Three members of the Planning Board said they don't believe the results of the Town survey conducted (saying that people wanted cottage housing) and felt it was in opposition to the townspeople's priority to preserve open space. Mr. Lombardo stressed that no zoning ordinance was going to jeopardize open space. If someone wanted to take an estate and subdivide it and build houses on it, they would need a special permit by the Planning Board. He did not see a downside to article 3-4. Mr. Wilson was also supportive of it.

Mr. Maddern said cottage housing has been discussed for years and yet with the cottage housing bylaw, no substantive changes have been made to it. If cottage housing is a top-priority, why no comment? Mr. Hubbard said he does not think people distinguish between what is "open space" and what are private estates. The public views it all as "open space." Mr. Maddern said he thinks it is their job to educate people on what open space is.

The BOS decided to take warrant article 3-4 out for now pending how the Planning Board votes on it. This is what the Finance Committee did, according to Mr. Wanger.

Mr. Farrell made a motion that the Board recommend favorable action on **warrant articles 3-1, 3-2 and 3-3**. Mr. Maddern seconded it. **Discussion:** Mr. Hubbard said that he would not consent regarding article 3-1 concerning banning the marijuana industry in Town. He believes is no different than having liquor stores and the Town should benefit from the tax. Mr. Farrell amended his motion and moved that the Board recommend favorable action on **warrant articles 3-2 and 3-3**. Mr. Maddern seconded the motion. The Board voted unanimously in favor of the motion (4-0).

Mr. Maddern made a motion that the Board recommend favorable action on **warrant article 3-1**. Mr. Wilson seconded the motion. The Board voted in favor of the motion (3-1) with Mr. Hubbard voting against it.

Mr. Farrell made a motion that the Board recommend favorable action on **warrant articles 4-1 and 4-2**. Mr. Hubbard seconded the motion. The Board voted unanimously in support of the motion (4-0).

Mr. Maddern made a motion that the Board recommend favorable action on **warrant article 5-1**. Mr. Farrell seconded the motion. The Board voted unanimously in support of the motion (4-0).

Regarding **warrant article 6-1**, which is the application of \$175K of free cash to offset this year's tax rate, there was discussion about how the Finance Committee arrived at the figure, which was a compromise after vigorous debate (approved by a 3-2 vote). Mr. Wanger gave the history and reasoning associated with the decision, along with a cautionary note that citizens should not be led to believe that free cash will routinely be used to offset the tax rate. Some citizens will see the infusion of free cash as a small amount of money while others will view it as significant relief. However, it will be offset by the increase in house value. Nick Tensen of the Finance Committee explained further what had transpired within the Committee. The BOS then had a long discussion regarding reserve funds. The auditors normally advise that between 5% and 10% be kept in reserves, according Ms. Batista. Mr. Wilson said it would be good to have a financial policy on this issue.

Mr. Hubbard made a motion that the Board recommend favorable action on **warrant article 6-1**. Mr. Farrell seconded the motion. The Board voted unanimously in support of the motion (4-0).

Proclamation

Mr. Wanger read his proposed proclamation:

“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. Wilson commented that he liked it. Mr. Lombardo recommended putting it on the agenda for the next meeting to approve the proclamation and sign it so that it can be read at Town Meeting. Mr. Wanger said he had discussed the idea of having a high school student read it at Town Meeting and has reached out to Dr. Harvey about that.

Personnel Policies—First Reading of Section 8

Mr. Lombardo asked the BOS members to send their comments to him so he can incorporate them for a vote at the next meeting.

Mr. Wanger and Mr. Tensen left the meeting. On their way out, Mr. Tensen asked Mr. Wilson to let him know who among the BOS will be addressing which article at Town Meeting. Mr. Wilson will send that information to him after it is set.

New Business

Mr. Maddern suggested at the next meeting, they discuss the following:

- Numbers associated with the trash program (increase in trash and decrease in organics) and when they might see the large item sticker program.
- The employee survey.
- The Longmeadow Study Group.

Adjournment/Entered into Executive Session

Mr. Wilson made a motion to go into Executive Session at approximately 10:15 p.m. He read the legal notice:

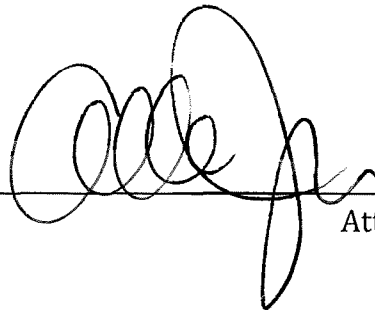
“I will entertain a motion to go into Executive Session to discuss strategy with respect to litigation, namely Varsity Wireless Investors, LLC v. Town of Hamilton, et al., U.S. District Court Case 1:17-cv-11826 (D. Mass.), where an open meeting may have detrimental effect on the litigating position of the Town.”

Mr. Maddern seconded the motion. The Board voted unanimously (4-0) to adjourn the regular meeting and enter into executive session and not to return. A roll call vote was taken with “ayes” from Mr. Maddern, Mr. Farrell, Mr. Hubbard, and Mr. Wilson.

Prepared by:

M.A. Cookson

Mary Alice Cookson

A large, stylized handwritten signature in black ink, consisting of several loops and a long vertical stroke extending downwards.

Attest

11/6/17

Date