

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

November 27, 2017

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

Town Manager: Michael Lombardo

Members Absent: None

Chairman Bill Wilson called the meeting to order at 7:06 p.m. There was a quorum. Fourteen members of the public attended.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Council on Aging has one open position. The Recycling Committee has one.

Public Comment

Julia Maycock, 62 Willow St., presented a letter to the Board of Selectmen (BOS) expressing the wishes of 59 Willow Street neighbors that the senior affordable housing project be kept small as possible. They would like it to be "friendly 40B," 20-unit, and two stories (rather than three) with a small retail space for the expansion of the Accord Food Pantry. Mr. Wilson confirmed with her that the group is primarily concerned about height of the building. He accepted a copy of the letter (which was also presented at the last meeting). It is addressed to Harborlight Community Partners.

Selectmen/Town Manager Reports

Allison Jenkins reported she received an email and residents had reached out to her via Facebook regarding a textile recycling program that the Town of Wenham is doing. With this program, residents can put out plastic bags filled with clothing and other textiles for curb pick-up. The Town of Hamilton is exploring the program, but nothing's been decided. She said she learned the Planning Board had received a letter in 2015 about the legality of Town bylaws. An attorney had been asked at that time to review them and found a few

things deemed not legal. Ms. Jenkins has not seen the document and said she didn't know it existed until now but thinks the BOS and Planning Board need to address the concerns raised in the letter. She also noted the three Planning Board members who voted no on the cell tower and who have hired their own attorney have filed a substantial public records request, which will take much time/effort. Mr. Lombardo said he is responding to the request, including looking at the cost of producing the documentation.

Shawn Farrell reported the Community Preservation Committee (CPC) reviewed the outcome of Town Meeting and status of projects funded by CPC grants. The CPC designated the chair and vice chair to sign for Town invoices from now on. They are working on publicizing CPC projects via signage, such as bronze plaques funded as part of the grants. A survey conducted a while ago found many members of the public don't know what the CPC does. Mr. Wilson said the signs should read: "Funded by the Citizens of Hamilton" rather than "by the CPC." Mr. Farrell will look into the wording. The Patton Park wagon wheels are complete and will be shipped back soon and put on the cannons. In the spring the cannons will be painted to match the wheels. The Habitat for Humanity houses are coming along. Mr. Farrell spent a day helping with construction. They are seeking volunteers. The Hamilton-Wenham Cultural Council gave out approximately \$10K; they had \$15K-16K in requests. A letter will go out to those who didn't get grants and they'll have 30 days to appeal. Acceptance letters will be sent in January. The Conservation Commission had two Title 5-compliant septic systems; both were approved. The Open Space Committee, a subcommittee of the Conservation Committee, gave a presentation on its open space and recreation plan. They will look at next steps and there will be public hearings as they get closer to Spring Town Meeting.

Jeff Hubbard said the Finance Committee met last week, but he wasn't able to attend. Several members attended an event sponsored by the MIIA (Massachusetts Interlocal Insurance Association) for finance committees and reviewed what they'd learned. He wanted to give a shout-out to the Hamilton Development Corporation (HDC) who put up wreaths for the holidays using funds received from the meals tax. He also wanted to promote the Hamilton Edfund Christmas Tree Sale as a good way to give back to the community. Mr. Wilson added he's trying to schedule a joint meeting of the Finance Committees of the two towns and the School Committee. Mr. Lombardo said it had been tentatively set for Dec. 7 at 6:30 p.m. at the Buker School.

Scottt Maddern, liaison to the Library, said he spoke to the head of the Library Trustees about the BOS's request to start using the meeting rooms there. The Library will not deviate from its policy, which is that the BOS can request use of the space 30 days in advance, there is a \$50 fee, and the meeting participants need to depart by 10 p.m. Mr. Maddern explained how and why the Library should accommodate the BOS, but they won't change their minds.

Mr. Wilson said the library is a good venue for joint meetings since it is wired for Hamilton-Wenham Cam. The Buker School may also be used. However, Mr. Lombardo noted Hamilton BOS meetings have to be held in Hamilton. Ms. Jenkins asked if they could pull the Hamilton-Wenham Cam system out of the Library and move it into the Hamilton Council on Aging, where the BOS can hold meetings without being charged. Mr. Maddern agreed that might be practical to evaluate. He said one of the School Committee members went to the last Recreation Committee meeting regarding a question of bonding the turf field. The Rec Committee had reached out to the Schools about what the scope of the project would be, what type of fundraising might be expected, etc. The feedback was that the School Committee will reconsider all those questions and form a working group to get community outreach going. There is no news on the regional school agreement. They had prior joint meetings, but there's no traction, he said. The BOS had provided its topics to discuss, but received no input from the Schools. He has a growing concern that they need to have something constructive in place for Town meeting in April, which doesn't seem feasible at this point.

Mr. Wilson reported he's been working with David Wanger to schedule a joint meeting with the Finance Committee. It's difficult to fit a joint meeting into a regularly scheduled BOS meeting, but he has committed it to the Dec. 4 agenda. The BOS will also discuss and vote on tax classifications at that meeting. He said the Schools will send a rep in early December to meet with the Longmeadow Study Group to see if the Study Group "can assist the Schools in how to prioritize the Longmeadow issue in 2018." The Affordable Housing Trust, at its Nov. 15 meeting, reviewed a first draft of its grant agreement with Harborlight Community Partners for the 59 Willow Street. The grant agreements for Willow Street and Longmeadow were separated, and the Trust focused on just Willow Street and redlined the agreement. They did also talk about Longmeadow and concerns from the public were raised. Citizens brought up looking at the property behind the Library for affordable housing. The Trust reviewed the deed and found restrictions on use; nevertheless, they are exploring the idea. The Trust had a preliminary discussion on a 10% Down Funding Program that would offer a subsidy for home buyers looking at homes in the \$350-\$425K range. In exchange the homeowners would agree to a deed restriction on the properties to keep them in the affordable range and satisfy 40B requirements. The Trust is looking to see if the CPC can help fund the program. The Schools held an Executive Session regarding Superintendent Dr. Mike Harvey's contract. They also went over Spring MCAS scores and reviewed enrollment and class size. More should be coming regarding the budgeting process.

Town Manager Michael Lombardo had a conference call with Ameresco (renewable energy company) to let them know the Town's feelings toward their initial proposal, basically asking them to go back to the drawing board. He expects to hear back from them soon. He received a letter from Heather Ford regarding a parcel in the Beck Pond area of Chebacco Lake to study as a possible well site and will follow up on that. The sponsors of the textile

recycling program Wenham is doing (previously discussed by Ms. Jenkins) provided a Powerpoint presentation, which he forwarded to the BOS and will be on a future agenda. They will see how Wenham does with the program and perhaps get it up and running after the first of the year. He will have a conference call this week with Special Council to discuss the Varsity Wireless litigation regarding the cell tower and the Town's motion to strike. They have not heard from the Judge yet. He contacted Tom Catalano with the Northshore Nordic Association and asked if they'd consider tying the Patton Homestead into the network of groomed cross-country ski trails out of Patton Park. Mr. Lombardo is helping the Patton Homestead with two grant applications: a \$225K capital grant that allows them to do additional work there and a \$17K planning grant to offset the cost of the design work. He had a visit from the owner of 17 Bay Road, the T.M. Landscaping building. Their building permit is coming to a close and they need site work to remove large planters and put in a sidewalk. Mr. Lombardo is working with the Building Inspector because the Town has granite curbing it can make available that's been taken from other areas in Town. Mr. Maddern commented that at the Zoning Board meeting there was talk about the trailer that seems permanently parked there and he would like to add a request that the owner remove the trailer. Mr. Wilson said he also received a call about a dumpster in the back of the building that seems to stick out and is potentially dangerous. Mr. Lombardo's final note is that he spoke with Jim Kroesser and received approval from the State for catch basin work to be done.

Report from Tim Olson—Department of Public Works (DPW) Director

Mr. Olson said the DPW implemented a new GIS (geographic information system) that includes Work Order Suite. The administrative assistants have been successful using it to receive requests and issue work orders. The last leaf collection date is Dec. 9. The Town needs more snowplow drivers; it is about 6-8 trucks short. Ads have been placed in *The Salem News* and on social media. The DPW is opening catch basins to stay on top of inspections and cleaning. They've nearly completed the Patton Homestead parking lot. They are awaiting the removal of two trees to finish the parking lot off of Asbury Street. They've been winterizing the pool, getting buildings ready for winter, checking generators, and working with the Police Department on a new evidence room and some tile flooring there. They are addressing a problem with heat loss from the Fire Department's bay doors. They have a contract now with the Spencer Boyd Group for the Patton Homestead and will be meeting with the Patton, Inc., members to formalize the to-do list. The water main is nearly complete. They've been good about giving residents notice. They are finishing up some trench paving. They are inspecting hydrants and finding those needing repair. Well exploration is being done on the Ford Property in the northwest corner of Beck's Pond. The water treatment plant is being discussed with Filtronics and Dewberry Companies, Inc., engineers. They hope to bid the project out in early January and get it underway in early to mid-February. They want to first make repairs to two filters (out of the four) to start producing more water than they currently have without disruption. They are still cleaning

up after October storm. The bulky sticker program will launch Dec. 1. Stickers are \$15 for bulk items put at curbside. He has a new brochure about the program.

Further discussion:

Ms. Jenkins commented that Town Hall isn't handicapped accessible and those coming to buy stickers will need to go upstairs. Mr. Lombardo said a staff member can come down to meet someone if necessary. Ms. Jenkins also clarified that a person can only be issued one sticker per week. Mr. Wilson asked when the water supply treatment plant will be back to full operation. Mr. Olson said the goal is by early May. Mr. Wilson asked about shared services with the Schools. Mr. Olson said there are shared agreements at the Library as well. Mr. Olson noted the gazebo project was bid out and the bid came back at \$33K; the budget was \$25K. They can bid it out again in the spring. Mr. Farrell suggested it would be good to have the project completed by prom time. The BOS thanked Mr. Olson for his report and hard work.

Heather Ford—The Hamilton Foundation

Ms. Ford introduced her co-workers Maureen Hickey and Jane Wetson and provided information about The Hamilton Foundation. It was founded in 2005. It receives no tax dollars. It's funded through the generosity of the citizens. The Foundation responds to requests for helping residents with food, rent, heat, and utilities. EBSCO printed the Foundation's brochure free of charge. Requests for services are confidential. Volunteers also donate professional time, such as legal services. Each family unit is allowed assistance once per year. Donations can be made in care of the Hamilton Foundation at Town Hall. Mr. Farrell suggested the Town put a blurb out on social media. The Foundation receives approximately 25-30 requests per year and works closely with the Accord Food Pantry. Mr. Hubbard asked what the fundraising goal was. She responded \$12K to \$15K.

CONSENT AGENDA

- **Approve Minutes from the Board of Selectmen (BOS) meeting on Oct. 30, 2017.**
- **Approve Minutes from the BOS Executive Session on Oct. 30, 2017.**
- **Approve Minutes from joint Board of Selectmen & Finance Committee meeting on Nov. 4, 2017.**

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

AGENDA

Water Bond Anticipation Notes—Vote

Mr. Wilson read the motion to approve the sale of \$1.5 million, 2.25% General Obligation Bond Anticipation Notes of the Town dated Dec. 1, 2017, and payable Nov. 30, 2018, to Oppenheimer & Co., Inc., at par and accrued interest plus a premium of \$14,528. (Further votes detailed in the document.)

This is short-term financing to cover funding needs and cash flow, Mr. Wilson explained.

Mr. Maddern made a motion to approve the Water Bond Anticipation Notes. Mr. Farrell seconded the motion. The Board voted unanimously (5-0) to approve the motion.

Draft Nuisance Bylaw—Review and Discuss a Draft Nuisance Bylaw—David Smith, Chair of the Board of Health

Board of Health Chair David Smith expressed appreciation to Mr. Lombardo, Legal Counsel Donna Brewer, and Director of Planning and Inspections Patrick Reffett for their help drawing up the bylaw. “Nuisances” are meant in the bylaw to be a hazard or blight that adversely affects property values or quality of life. A blight is described in the document as “any condition that unreasonably impairs the value.” The action will need approval at Town Meeting and then by the Attorney General’s Office to pass. Mr. Smith explained that the effort began almost a year ago when Mr. Smith and other abutters to a “problem property” wrote to the BOS for assistance. A state sanitary code exists, but that focuses more on issues a tenant might face with a landlord. This bylaw addresses complaints by community members.

The BOS discussed who would be doing the enforcement/negotiations with the property owners. Mr. Smith responded it would be the Building Inspector. However, he only works 17 hours per week, so Mr. Lombardo can also contract with someone to handle incidents as they arise. Mr. Lombardo stressed the point of the bylaw was to get resolution not generate fines.

Mr. Maddern said the comments he’s received from the public say the daily accumulation of fines would be a good thing to solve problems. He said his personal concern is that “blight” is subjective, and neighbors could perhaps use the bylaw against a neighbor they didn’t like. Ms. Brewer said the language “unreasonably impairs” implies an objective not subjective standard and the Town would look at something that is a public nuisance not just a disagreement with a neighbor.

Mr. Wilson recommended reaching out to other communities to see if their bylaws have helped. Mr. Lombardo said he has that as an action item. Mr. Wilson was concerned that these incidents would end up going to public hearings, but Mr. Maddern stressed that the bylaw had a process for working things out so they wouldn't get to that point.

Duke Seaver, 402 Essex St., asked if there would be someone who could stop the fines from accruing while property owners address the problems. He was told yes, the owner would be given a date to complete the order and if completed by that date would not incur additional fines.

In view of the fact that not many people attend Board of Health hearings, Mr. Maddern suggested making this a calendared item and doing some social media blasts to drive comments back. The next step, according to Mr. Smith, is to schedule a Board of Health public hearing on the matter in January. Mr. Lombardo will coordinate that.

Longmeadow Study Committee—Review, discussion and vote of recommendation

Mr. Wilson reminded the BOS that Marc Johnson of the HAHT had come to the last meeting and urged them to take a position on Longmeadow. The "ask" from the Board, he said, is to understand that the Schools have agreed to look at the property and to identify how the BOS can assure the schools that they have the time they need to evaluate the issue. Mr. Wilson said Harborlight Community Partners prepared a Memorandum of Understanding (MOU). He asked Andrew DeFranza to give a quick overview of the MOU.

Bill Shields, 721 Bay Road, said he had a point of order—there was nothing on the agenda about discussing a MOU. Nobody is present from the Longmeadow Study Committee (aside from Mr. Wilson), he said, and therefore the MOU shouldn't be discussed. Mr. Wilson said the BOS was not going to vote, just review it prior to its review by the Schools. Mr. Shields stressed he was concerned the BOS would be usurping the School Committee and the others working on this issue. If the Schools are interested, he said, they would be taking action.

Mr. Wilson said there are two paths: for the BOS to comment on the issue or leave it in the Schools' hands. He said the Schools said they wanted to work collaboratively and the action in the MOU buys the Schools more time. He said it is his responsibility to work with all the parties and doesn't think it's unreasonable for the BOS to offer an opinion.

Rick Mitchell of Hamilton Development Corporation (HDC) thanked Mr. Wilson and the BOS and said all parties to this have agreed in principle on the elements of moving forward with an affordable housing project at Willow Street and Longmeadow. It's well within the

Board's prerogative to be talking about this. He thinks it's a great discussion and would love to hear from them.

Jack Lawrence, 105 Rock Maple, said it's important Mr. DeFranza have a second site to consider, but for some reason, when Longmeadow hits the wall, no real work has been done on other sites. He felt the remarks were rather dismissive of the library field and nobody is talking about the Patton Homestead or the COA site in any realistic way. He is deeply convinced Longmeadow is flawed in its potential.

Mr. Wilson said they have looked at all the properties mentioned. Mr. DeFranza gave a summary of where the project stands from his perspective. In response to questions about the parameters of Harborlight's site control, he said, they asked their attorney to draft the MOU to clarify the parameters and demonstrate they are willing to give the Schools time to decide and to be definitive about that. Harborlight has site control for another 18 months at no cost. After that, they have another 24 months of site control, but there's cost associated with that. Any vote taken will be contingent on the Schools deciding to #1) take all of the land; #2) take part of the land; #3) take none of the land. He said a letter (referring to a letter not the MOU) was sent to the School Committee, but he hasn't discussed it with them directly.

Mr. Wilson asked Mr. Shields: Harborlight is open to giving all of the property back to the Schools subject to a decision by April Town Meeting, why wouldn't we take that opportunity? Mr. Shields replied that Longmeadow is undevelopable—it has a restriction on use. At the end of the day, it will get appealed and the appeal will be successful, he said. A restriction on use of land survives a 40B. His comments were countered with a discussion that the appeal risk is on the part of Harborlight.

Kate Walker, 82 Ortins Road, asked what is in the letter Mr. DeFranza sent to the Schools. Mr. Wilson read a letter he had, but Mr. Shields said that wasn't the letter she was referring to. Mr. DeFranza agreed it wasn't the letter.

Mr. Farrell asked Mr. DeFranza: If the Schools say "no thanks," then Harborlight will commit to developing 40 units at Longmeadow. But sooner or later, Harborlight won't control the balance of the property and another developer can come in and put x amount of housing there. While Harborlight has control, it is palatable, but what happens later? he asked. Mr. DeFranza said Harborlight would only develop 40 units—unless the Town asked for more, which could be 60 or up to about 108 units if desired. Mr. Wilson commented that if the Schools did not have a need for the property and Harborlight relinquished its control, the Town could be looking unfavorably at a number far greater than 108.

Mr. Farrell said he would be comfortable with making a recommendation on Longmeadow tonight.

Further discussion on whether or not to take a vote:

Mr. Jenkins said her feeling is the same as what she expressed at the last meeting—that this decision rests with the Schools. She said she personally she believes that the Town of Hamilton supplies the school system with 10 times the amount of land that Wenham does tax-free and she isn't in favor of taking on more tax-free land. Mr. Hubbard said he is struggling with the role the Town is playing with a relationship between a developer and a private property owner. Mr. Wilson said it was more about supporting the Schools while they look at the property and come to a decision on it. The BOS has a responsibility to have conversations about Town-owned land and support the HAHT that has committed to it.

Ms. Jenkins said what everyone's trying to do is noble for affordable housing, but she doesn't want the Board searching for property. She supports responding to friendly or unfriendly developers who come to the Town, like other towns. Mr. Farrell asked Mr. DeFranza if he knew what other towns were doing and at what point Selectmen get involved—whether it comes after a PEL (project eligibility letter) is filed. Mr. DeFranza said it depends on the politics of the area. They formally let the Selectmen know when they file the PEL as they are required to submit to the Town leadership. But, if they're trying to do that earlier in a friendly fashion, they do it earlier.

Mr. Mitchell said from his perspective of doing this for 15 years, starting from the first discussion, he thinks the BOS should take a position on the process. He doesn't think the BOS should get a pass. Mr. Lawrence said he agreed (for once) with Mr. Mitchell.

Mr. Seaver asked whether the BOS preferred to spend multi-millions on a turf field or spend that money on a field to protect the land. He suggested just buying that land and solving the whole problem with the same money. Mr. Jenkins said that would be adding to non-taxable properties. She clearly stated she didn't agree with the MOU.

Ms. Walker said it's great to give the Schools the opportunity, but with that comes a big risk that if you support any development at Longmeadow, you end up with more than 100 units there.

Mr. Maddern said it has been frustrating getting the School Committee to do its part. The Town has no interest in the property; the Rec Board has twice said it can't use it. Other members of the BOS vented frustration with getting input from the Schools. Mr. Wilson led a discussion about drafting and voting on a motion that would add the BOS's voice to a show of support for Longmeadow. Mr. Farrell read the HAHT motion voted on Oct. 18. He suggested voting on that and making it contingent to final approval and negotiation by the

School Committee. The School Committee motion to study Longmeadow could also “be baked in.”

Mr. Wilson proposed a motion that the BOS support the HAHT motion and School Committee motion subject to the School’s use for all, part or non of the property. Mr. Shields objected, saying the BOS had no clue what they were going to do and that the answers to their questions are through the PEL process. He said that the Town told the BOS to do something else. If Mr. DeFranza can’t dispose of the rest of the land, the Town would be putting its name “on the starting building block.”

Jack Lawrence said at some point the Town is going to have to consider another site. He said they are going to have to do the due diligence they’re not doing now. Mr. Wilson said he thought the HAHT was doing a great job.

Mr. Mitchell said the Town will be getting affordable housing one way or another. Mr. DeFranza is granting the Schools 18 months to study using all or part of that land or none of it. If the Town decides to go through with 20-40 units on the front of the property it buys the Town four years of safe harbor. This is about taking control of the future, he said.

Mr. Maddern said attendees at April Town Meeting will want to see a report from the Longmeadow Study Committee. That report to date would be comprised of the motions by the School Committee, the Recreation Board, the HAHT, and the BOS. That work needs to be done now or it will not be ready for Town meeting. Mr. Wilson said the citizens had petitioned to see about schools benefitting from the use of the property, which is how the Longmeadow Study Committee began.

Mr. Wilson said he will go back to the Schools and try to get a meeting and/or some final report from the Longmeadow Study Group.

Mr. Seaver asked the BOS to vote “no action.” At the end of the very long circular discussion, they agreed as a group not to act. They also agreed that they would not take a vote on it this evening.

Personnel Policies—Section 8 Final Reading

The BOS has been issuing red lines on the policies. Ms. Jenkins said she wanted to add to the section on sexual harassment that elected officials must comply with the policy as well as employees. She also specified that policy 8.1.3 regarding drugs and alcohol needs to apply to all employees, not just those with specific licenses. Mr. Lombardo will make the changes and send the document out to the BOS.

Mr. Maddern made a motion that the BOS approve Section 8 of the Personnel Policies with the changes suggested this evening. Mr. Farrell seconded the motion. The motion was approved unanimously (5-0).

Contract Renewal—Discuss process for negotiating a new contract with the Town Manager

Mr. Wilson recommended that Mr. Farrell and Ms. Jenkins be given the job of negotiating with the Town Manager concerning his contract. The other BOS members agreed.

New Business—Consideration of Topic for Discussion at Future Board of Selectmen Meetings

The BOS and Finance Committee previously determined they should meet four times a year, but that has been challenge to fit into regularly scheduled meetings. Mr. Wilson wondered if there was a way to have the discussions in smaller chunks. He also recommended it be televised. Mr. Maddern recommended setting a time limit for discussion during the regular meetings. For example, set an hour and a half and see what they can cover in that time.

Mr. Maddern said he would like the HR Survey as a future agenda item. He asked about meeting with the School Committee. He is concerned about the three-year financial forecast and not yet having the School's input.

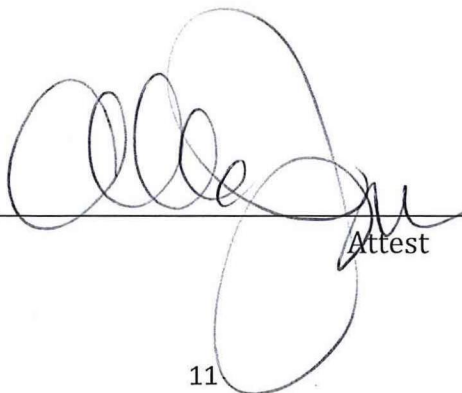
Ms. Jenkins requested scheduling a meeting with the Planning Board regarding the 2015 letter she previously mentioned.

Adjournment

Mr. Maddern made a motion to adjourn the meeting at p.m. Mr. Wilson seconded the motion. The Board voted unanimously (5-0) to adjourn the meeting at approximately 10:40 p.m.

Prepared by:

Mary Alice Cookson



Attest

12/8/18

Date