

# HAMILTON BOARD OF SELECTMEN

## MINUTES OF MEETING

February 5, 2018

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

Town Manager: Michael Lombardo

Members Absent: None

Chair Bill Wilson called the Board of Selectmen (BOS) meeting to order at 7:03 p.m. Approximately 33 people attended.

### **ANNOUNCEMENTS**

- Hamilton Fire Dept. is having its fourth Citizens' Fire Academy starting March 21.
- Nomination papers for Hamilton boards are available at the Town Clerk's office through Feb. 22.
- The Open Space Committee has one opening.

### **Public Comment**

None

- Town Manager Michael Lombardo added the Recreation Department is accepting applications for summer jobs at the pool and camp.

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

Allison Jenkins reported the Planning Board is looking into regulating Airbnbs, but doesn't think they can. Development of the Cutler Rich property received favorable reviews. The Board looked at a nuisance (vacant and unsafe) building bylaw. They also considered a rewrite of the Town's master plan. She suggested the BOS and Planning Board meet to share approaches. Nomination papers for two School Committee openings must be returned by Feb. 26 at 5 p.m. The School Committee voted not to bring the Turf Field project forward for April Town Meeting, which is April 7. They reduced school user fees by 50% and added \$177K to the budget.

### **Citations Presented to Mary Maione**

Senator Bruce Tarr presented a Senate Citation and Governor Citation to Mary Maione, who served in the Army Nurse Corps during World War II and was never properly recognized for her service. Representative Brad Hill gave her a Citation from the Massachusetts House of Representatives. On behalf of the BOS, Mr. Wilson acknowledged and thanked her. Ms. Maione, who received several standing ovations, spoke about caring for servicemen at a military hospital in Virginia. With Ms. Maione's inspiration, Sen. Tarr said there's new Federal legislation and they're promoting new State legislation to recognize nurses and others who served.

### **Selectmen/Town Manager Reports (Continued)**

Shawn Farrell reported the Community Preservation Committee (CPC) will meet Thursday to discuss a funding application for Patton Homestead renovations. They'll also discuss signage to publicize CPC successes and a status update on grants they've awarded.

Jeff Hubbard reported the Hamilton Development Corporation invited National Grid to explore the process of burying downtown electrical wires (for aesthetic reasons). It is an expensive endeavor—too expensive (\$6 million for about a mile of doing this, which amounts to about \$1.2 million for Hamilton). It would be a lengthy project with several utilities involved; however, it's good information to have. The Town Hall Building Committee will meet Wednesday to discuss funding. Department of Public Works (DPW) Director Tim Olson wrote an RFQ for an OPM (Owner's Project Manager). The Eastern Essex District met Feb. 1, but Mr. Hubbard was unable to attend. No fee increases were discussed as far as he knows.

Scott Maddern said he hosted a meeting with some School Committee members and administrators about the Turf Field project. Some volunteers are trying to rally and would like School Committee support. Timing for the fields will be well beyond April Town Meeting, he said, and a huge communication effort will be required. The Board of Health had a well-attended hearing on the nuisance (vacant and unsafe) building bylaw. Imposing fines isn't necessarily a remedy, he said, but in towns adopting this type of bylaw, problem properties generally end up being sold. Later this evening he will give his recommendations regarding the Recreation Fields/Stabilization Fund and the School Committee's budget proposals. A recent article in *The Boston Globe* supports information the Town has that there will be a multistate decline in graduations—about 15% over the next 10 years. That is food for thought looking at the FY'19 budget and beyond. Another factor to consider is the aging population—25% of the Town's population is now over 60. He advocates paying attention to seniors between 60 and 69, who are a growing

percentage of the population. Lastly, he encouraged the other Selectmen to complete their individual reviews with Mr. Lombardo as soon as possible.

Mr. Wilson reported the Hamilton Affordable Housing Trust (HAHT) met Jan. 18 and discussed the field by the library as a potential housing site. They learned it is in Zone 2 and the septic system lacks enough leftover capacity to support additional use. They will look into whether on-site water treatment could solve this. The HAHT will also discuss their Town Meeting presentation, proposed 10% Down Program, and remaining balance, which is only about \$7K after their committed-to projects are funded. The Longmeadow Study Group will discuss the letter Mr. Wilson received today from the School Committee and prepare for Town Meeting. He commended the School Committee and Administration on its budget work. He noted they examined user fees across Cape Ann, found that Hamilton was out of line with other schools, and took action. Just to “turn the page” each year with level services costs \$1.177 million, he said. He provided other budget information to be discussed later in the meeting. By 2020, bonds for some debt will roll off the books, he said, and the Schools can replace that debt with other projects or realize the benefit.

Town Manager Mr. Lombardo said he and the Town Clerk are close to making an offer for the administrative assistant position. He had conference calls with Ameresco (renewable energy co.) about solar at the landfill. They anticipate breaking ground this summer and being up and running by fall. They renegotiated the lease, which is up \$10K a year. Over the life of the contract, it is \$200K up from the initial proposal. He held a training pertaining to discrimination and sexual harassment issues and will schedule follow-up for those who couldn't attend. He had a meeting with an insurance broker that believes the Town can save about 15% on premiums without changing its health care plan—encouraging news for the FY'19 budget.

Upcoming meetings:

- Hamilton and Wenham Selectmen, Hamilton and Wenham Finance Committees (FinComs), and the School Committee on Feb. 7 at 7 p.m. at the Buker School.
- Hamilton and Wenham FinComs on Feb. 8 at 6:30 p.m. at Town Hall.
- Joint Hamilton BOS and FinCom on Feb. 13 at 6:30 p.m. at Town Hall.

Mr. Wilson said all Selectmen should have their individual reviews with Mr. Lombardo completed by next meeting, Feb. 20.

### **Report from Mary Beth Lawton—Council on Aging (COA) Director**

Ms. Lawton introduced COA Chair Sherry Leonard. The COA will meet this Wednesday at 8:30 p.m. She reported Board of Health Chair David Smith discussed the nuisance (vacant and unsafe) building bylaw with them and asked for comments. The COA received a check for \$1,000 for participating in a program to collect and recycle button cell batteries, thanks

in large part to Cheryl Glovsky, who works for Mass Eye and Ear and sent in bags of batteries. Will and Nick Glovsky were present at tonight's meeting and were recognized for helping Ms. Lawton create "Generals for Generations," a high school club (part of the School's Honor Society), in which students complete chores and run errands for seniors after school every Wednesday from 1:30-2:30 p.m.

Ms. Lawton distributed a new draft of the Town's Senior Citizen Property Tax Work-Off Abatement program application. (Citizens work and lend their skills to the Town instead of paying taxes.) The maximum abatement that can be earned was changed from \$750 to \$1,500. She wants to eliminate the qualification that to be eligible, an applicant has to be a homeowner for a minimum of five years. After discussing the issue with Director of the Assessors Tina Zelano and doing some research (other towns don't have the 5-year stipulation), Ms. Lawton would like to bring it to Town Meeting. Also added to the draft is a requirement that homeowners be up to date on their property taxes to participate.

Ms. Lawton discussed Governor Charlie Baker's "Dementia-Friendly Massachusetts" and explained it is a commitment by the State's executive branch that says Alzheimer's and dementia are issues that need communities' attention and support. The COA has been engaged in looking at the components that make for an age-friendly and dementia-friendly community. She would like to have a call to action and bring in stakeholders to learn about and understand these issues and hopes for a mid-spring meeting. She would also like to have the BOS hear from nonprofits currently doing this. She'd like to find out how many in Town are suffering with Alzheimer's and to get the issue out of the home and into the community.

**Discussion:**

Ms. Jenkins said she'd like to know the change in totals from last year to this year. (Ms. Lawson had passed out a COA report on participation in activities from July 1, 2016 through June 30, 2017.) Ms. Lawton said she will provide that. Also, Ms. Jenkins said she thinks the abatement draft just needs a BOS vote and doesn't progress to Town meeting. She'd like to have it on a future BOS agenda. Mr. Hubbard wondered why current Town employees aren't eligible to participate in the abatement program. He doesn't think it's a conflict of interest and would like to review that, as well.

**Snow Day at the Patton Homestead**

Carin Kale introduced Leandra DeFeo of Bevara, who is helping Patton Homestead Inc. plan its "Snow Day" for Feb. 10 (weather permitting). Ms. DeFeo gave details about the planned family event that will bring people to see the property and take part in outdoor activities like cross-country skiing and roasting marshmallows.

## **CONSENT AGENDA**

\* This was moved to later in the meeting when the BOS will discuss Mr. Lombardo's contract.

### **Demolition Delay Bylaw**

Tom Catalano, Hamilton Historic District Commission chair, gave an overview of the Demolition Delay bylaw. He explained it provides a 12-month delay, a "window of opportunity" for outcomes preferable to demolitions of properties not within the Town's Historic District. The bylaw would be triggered by the age of the building, specifically structures built prior to 1940. Dorr Fox said this applies to less than 1,000 Town properties. Mr. Catalano pointed out that many other towns have adopted a demolition delay bylaw. The Commission doesn't think it will be much of an administrative burden on the Town.

### **Discussion:**

Ms. Jenkins noted the total time from the date of filing an application could take up to 142 days. Mr. Catalano said they will change the language so it is 365 days total. Ms. Jenkins said she's sensitive to homeowners and that is a long time to wait. Mr. Catalano said they have already redlined the language based on Legal Counsel Donna Brewer's comments, which are based on Planning Board's comments, and are now awaiting a next round of comments. This isn't just about structures, it's about their social and historical value, he said. Mr. Maddern noted the bylaw gives the Historic District Commission a lot of power and wanted to see checks and balances. Ms. Jenkins said another concern is taking up the time of the Building Inspector.

Duke Seaver, 402 Essex St., asked if the Town would be exempt from the bylaw when it developed properties such as Mac's Shoe Repair shop.

Mr. Wilson said it would be useful to create a registry of structures before 1940. Mr. Fox said they do have such a list and could post it on the website. Mr. Catalano said most of the time when someone acquires an older structure it's to preserve it, not tear it down. The Historic District Commission sets a percentage of things that may be changed about a structure; it isn't terribly restrictive, he said.

Bill Shields, 721 Bay Road, asked what the public interest was in establishing a delay on 1,000 structures and why the Town would want that. Mr. Catalano answered it was a straightforward historic preservation tool, generally recognized as a town planning tool. Mr. Shields pointed out that the Town has a Historic District, but this bylaw is for the entire Town. He suggested holding a public hearing with the Planning Board.

Mr. Maddern said when a debriefing was done at Special Town Meeting, not many people were aware of what's behind this bylaw. He suggested putting it out on social media. Mr. Farrell agreed. Mr. Catalano suggested offering case studies.

### **Hamilton-Wenham Regional School District—FY2019 Budget**

The BOS discussed that it would like the approval of the School budget to be put forth in two parts at Town Meeting. Part one would be to vote on a level-services budget; part two would be to vote on projects and their costs that the School puts forward over and above level-services. Just to fund the existing contracts and programs amounts to \$1.177 million a year. About 61% of Hamilton's budget is for Schools. Mr. Lombardo drafted a letter meant to just start the discussion and wanted BOS input. Mr. Maddern noted the BOS met multiple times with FinCom and both agree there should be no more than a 2-3% increase across the board for the two towns and the Schools. That is not what's happening, he said. A level-services budget in the case of the Schools is about a 3.56% increase. It should be funded, he said, but anything over that should be in a separate warrant article presented to the Town for vote. Right now education costs \$17,500 per student. (Mr. Wilson said he'd like to see metrics supporting that.)

The BOS discussed apportionment. Ms. Jenkins noted there are four seasonal students being counted for the full year. Also there are 45 Hamilton students living on the campus of the tax-exempt Gordon-Conwell Theological Seminary. She said they should be counted as school-choice students.

The BOS discussed the effects of writing letters and decided making a motion sent a stronger message.

### **Decision:**

Mr. Maddern made a motion that the BOS request FinCom to recommend an amount of the School budget that reflects a level-services budget and anything over that will be voted on as a separate warrant item. [*Alternative Language:* Mr. Maddern made a motion to recommend a warrant article to separate the portion of the School budget that reflects a level-services budget from anything over and above that and make them two separate warrant articles requiring separate votes.] Ms. Jenkins seconded the motion. The BOS voted unanimously (5-0) in favor of this motion.

### **Further Discussion:**

Mr. Maddern added that a new capital expense item, that's part of a new debt expense, would need to be in a separate warrant article. The School has \$750K of debt expenses, which shouldn't get repurposed as it's paid off, he said. The BOS will send information on their motion to FinCom and discuss it at the upcoming joint meeting.

Ms. Jenkins had a question about the proposed new sprinkler system that's in the budget. Every single classroom leads to the outside, she said, so why is it needed? Ms. Lombardo responded that the sprinklers are necessary to bring the building up to code. Mr. Wilson said the reason there isn't a sprinkler system now is because they put an escape door in every single classroom, which is superior to a sprinkler system. There is an appellate procedure to the law and the Town was supposed to have appealed to the State to be exempted from the sprinklers. It's his understanding that didn't happen. He recommended the Town vote the sprinkler project down and allow the appellate process to take place.

### **Payment-in-Lieu-of-Taxes (P.I.L.O.T.)—Goal and Process**

The BOS discussed the Gordon-Conwell Theological Seminary situation. Mr. Hubbard said he thinks the Seminary/College should know the burden placed on the Town, especially the Town's educating 45 children who reside on campus. He said the college doesn't have a lot of money so going there for money causes consternation. The BOS needs to raise the issue with a goal in mind. He offered to go and speak with the college administration, outlining the problem for them and asking what can be done to resolve the issue since the Town had expectations of a much larger donation from them. Mr. Wilson said he was fine with Mr. Lombardo and Mr. Hubbard going.

Mr. Wilson inquired about documents pertaining to the history. Mr. Lombardo said he had emailed them to everyone.

Ms. Jenkins said Boston asks tax-exempt entities to give 25% of what they'd give if they were taxed normally. She noted how other colleges handle this. She'd like to see if the Town can pass a bylaw that changes the dynamics, for example, a bylaw that anyone living on campus must be a registered student at the school. Mr. Lombardo said he thought fair housing laws would prohibit this.

Phillips Stearns, a FinCom member attending the meeting, said FinCom is happy to be involved. The Seminary has income-producing operations not related to the religious aspects of the school on campus, such as a day care center. Mr. Lombardo will ask Ms. Brewer to attend a FinCom meeting to articulate the law.

Dave Thompson, 103 Essex Street, who lives across the street from the Seminary said they are great neighbors, but he's become involved in issues related to the affordable housing in Town and it upsets him the Town is being abused in this way. He said he thinks someone has to explain to the seminary what the impact is. If that doesn't work, the BOS should authorize the aggressive pursuit of an investigation to see what activities are legal and tax-exempt and what are not. Pertaining to the rental units on campus, he said he's heard you don't have to be a student at the school to live there. He said it's wrong that our residents are contributing money to educate foreign students who are here and then go home.

Ms. Wilson agreed facts are needed. Instead of going with hat in hand, the FinCom and BOS need a plan. They have land; we need land. The Selectmen discussed potential opportunity for creating affording housing there.

Mr. Maddern added he'd like Ms. Jenkins to work with the FinCom on this task because she knows the key facts. Mr. Lombardo said the Town already sent a letter of inquiry about the commercial activities happening on the campus and received a partial response. He will forward it and make sure the issue is put on FinCom's agenda.

### **Recreation Fields/Stabilization Fund**

Mr. Madden said he hosted a meeting about the Turf Field project to discuss fundraising. He said it seems like the project is years away. Meanwhile, the Town has a reserve fund of \$500K and he wonders why they can't put that money into the field on Sagamore Street and add lights and turf there. The money, a gift from Joanne Patton, was designated for field development. He suggests they ask the Recreation Board, who has said that the turf field is a priority, if they should be going to explore another plan to address the issue of Town fields being overused. Maybe that would signal the School Committee to get going on this, he said, but he doesn't want to undercut the School Committee if they do have a plan. Mr. Farrell volunteered to join in and said there has been some interest in a working group, but it isn't officially chartered by the School Committee. Mr. Farrell said much is up in the air now that the School Committee has taken the Turf Field project off the warrant for April Town Meeting.

### **Town Manager Contract Renewal**

Mr. Farrell said the BOS needed to act on the current contract (which auto-renewed), to amend it and sign it. He recommended they enter negotiations and discuss how to do it. Instrumental to that is working on Mr. Lombardo's review. Mr. Lombardo said his preference would be to have an Executive Session with all of them and come to decisions.

Mr. Wilson noted they need to decide on whether to release the minutes of the Executive Session regarding Mr. Lombardo's contract. Mr. Maddern said he saw no reason why the BOS couldn't release the Executive Session minutes and then complete the contract negotiation process with Mr. Lombardo. Ms. Jenkins was in total disagreement. She said it was illogical to release them until the contract is negotiated. The other Selectmen didn't see the urgency to release them, although they didn't find anything that would jeopardize anything if they did discuss them.

## **CONSENT AGENDA**



- **Approve and Release Executive Session Minutes of the Dec. 18, 2017 Meeting.**

**Decision:**

Ms. Jenkins made a motion that the BOS not release the minutes of the Dec. 18, 2017 BOS Executive Session until they have a finalized signed contract with Mr. Lombardo. Mr. Hubbard seconded the motion. The BOS voted in favor of not releasing the minutes (4-1). Mr. Maddern was opposed.

**New Business—Consideration of Topics for Discussion at Future BOS Meetings**

Ms. Jenkins would like to have a discussion about the Town Clerk position and whether it should be appointed vs. elected. She would also like to discuss: a whistleblower policy; data clean-up for Town databases so they correlate with one another; membership of the Hamilton-Wenham camp; how the Town manages policies.

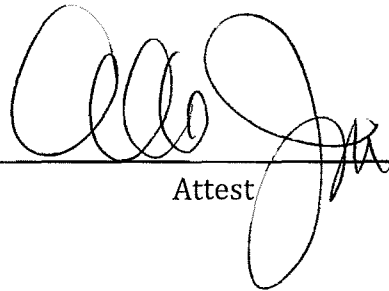
Mr. Farrell asked if the Town policies had been distributed. Mr. Lombardo said Administrative Assistant Anabela Batista is currently formulating that list.

**Adjournment**

Mr. Maddern made a motion to adjourn the meeting at 10:28 p.m. Mr. Farrell seconded the motion. The Board voted unanimously (5-0) to adjourn the meeting.

Prepared by:

Mary Alice Cookson

 3/21/18

Attest

Date