

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

March 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 21 people attended.

**ANNOUNCEMENTS**

- **Board and Committee Openings:** The Conservation Commission (ConsCom) has one open position.

**Public Comment**

Bill Shields, 721 Bay Road, said he had reminders/comments: Two months ago he and Dave Thompson, 103 Essex St., presented ideas about the P.I.L.O.T. (payment in lieu of taxes) issue with Gordon-Conwell Theological Seminary, such as potential trades of land for affordable housing. Since then nothing's happened, there's been no mention in the minutes. The seminary sectioned off 15 acres of land and is in discussions now to develop affordable housing, yet it's not on the BOS agenda. Secondly, the BOS hasn't responded to a Feb. 5 letter from 11 citizens asking that Hamilton Affordable Housing Trust (HAHT) board member Marc Johnson recuse himself due to conflict of interest. Mr. Johnson said he will not and the decision is with the BOS. One month later, the issue has not been on the BOS agenda. Mr. Wilson said the matter was reviewed by Legal Counsel Donna Brewer and there will be a response tomorrow.

Edwin Howard, 10 Meyer Lane, said it was distracting to have something on the screen while people were speaking. The slide was removed.

Mr. Thompson said he hasn't been able to get BOS meeting minutes. The most recent ones online are from Nov. 2017. Ms. Jenkins noted minutes since that date have been approved, but are not yet posted on the website. Mr. Wilson replied they would be reconciling that by approving a series of minutes this evening to be posted shortly. Mr. Thompson, who lives

across from the Gordon-Conwell seminary, said he feels the P.I.L.O.T. situation is “like rubbing salt in the wound” and would like to see the Town move forward with a program that’s meaningful.

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

Allison Jenkins reminded everyone April 7 is the date for Town Meeting and the Election will be April 12. The Planning Board has had a number of hearings on the Nuisance bylaw and Demolition Delay bylaw.

Shawn Farrell said the Community Preservation Committee (CPC) will meet Thursday. They are putting together a handbook for new CPC members, something he’s been talking about for a few years for all Town boards to have. By State law, the CPC has to hold a public hearing to talk about CPC projects. They are preparing for the hearing, as well as Town Meeting. The ConsCom made a negative determination that enabled the Town to explore water well testing on a 21-acre property owned by Tom Ford to help address water issues and find alternative sources to the Ipswich River basin. The ConsCom established a subcommittee called the Land Management Committee to discuss management of certain parcels, which Mr. Farrell detailed. The Open Space Committee has made, or will make, a presentation on light pollution. He listed the recipients of the Cultural Council grants, which amounted to about \$10K.

Scott Maddern reported the Patton Homestead’s Snow Day event, a beautiful warm non-snow day, went well with many families taking part. He contrasted that with the recent storm and thanked Town personnel for their hard work and response. There is still an open question from the Recreation Committee to the School Committee regarding creating a working group for the Turf Field project that needs an answer. The BOS and Finance Advisory Committee (FinCom) participated in a joint meeting with the Wenham Selectmen, Wenham FinCom, and School Committee. So far no changes have been made to the proposed School budget.

Jeff Hubbard reported FinCom met last week while he was away and there are two meetings coming up, one, a joint meeting with the BOS Monday night. He and some FinCom members will meet with the Gordon-Conwell’s president the second or third week of March regarding the P.I.L.O.T. issue. Eastern Essex Veterans Affairs had its budget meeting. He voted not to support the budget because it gave a 3% increase to employees that isn’t consistent with Hamilton’s 2%. However, the vets’ budget, with an overall 6% increase, was approved. He encouraged veterans to give him feedback about the services they’re receiving. He will speak at the Council on Aging (COA)’s upcoming coffee time.

Bill Wilson reported the Hamilton Affordable Housing Trust (HAHT) met last Wednesday; the major topic was the Longmeadow Way project’s pros and cons. The HAHT voted to

approve the project and have Legal Counsel draft the grant agreement with conditions. (They don't want the grant money spent on legal costs of an appeal.) They will meet again March 8. The big concern is what will happen if the Schools decide they can't use the second parcel of the Longmeadow property and it goes out to a private developer, or if the Harborlight Community Partners project falls through and there is big development on both parcels. Other items discussed were the Library field as a potential affordable housing site. Mr. Thompson worked with the Town health agent and clarified what may be done there in light of septic and other issues. His analysis is that 15 two-bedroom senior housing units or seven family housing units, or some hybrid, could be built. The deed, which currently restricts the use to recreational, would need to be changed. The HAHT also touched on the Gordon-Conwell P.I.L.O.T. issue. The Longmeadow Study Group met March 12 and reviewed a letter from the School Committee, which they will include in their final report for Town Meeting. The Study Group did express a concern they didn't feel the Schools had worked closely with them.

Town Manager Michael Lombardo said he's scheduling a meeting for next steps with Ameresco (renewable energy co.) regarding solar panels at the landfill. The engineers are concerned about placement of the marsh rafts and about the shotgun range located there. The water treatment plant had its software and alarm controls updated; it's now complete and operational. Town Hall's cupola is damaged; a roofing service is addressing that. The rose garden trellis at Patton Homestead was knocked down in the storm. It's being addressed, as well as some damage at the Public Safety building.

### **Pole Hearing**

This agenda item was cancelled for tonight and will be rescheduled.

### **CONSENT AGENDA**

- **Approve Minutes from the BOS meeting on Jan. 8, 2018.**
- **Approve Minutes from the Joint BOS/FinCom meeting on Jan. 20, 2018.**
- **Approve Minutes from the BOS meeting Feb. 5, 2018.**
- **The YuKanRun requests permission to have their third annual Fast Half Marathon May 12, 2018.**
- **The Friends of the Hamilton-Wenham Public Library request permission to post a 10' x 3' banner from March 5 through March 23.**

### **Decision:**

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

### **Spencer & Vogt—Patton Homestead Architects Discuss Preliminary Renovations**

Lynn Spencer, lead architect on the Patton Homestead project, gave her presentation. Her firm Spencer & Vogt, which specializes in historic buildings, was engaged for \$75K to look comprehensively at the building and landscape. She pointed out the design challenges. A big one is getting visitors from the upper and lower parking lots to the house. The lower lot is 17 feet lower than the house and the upper lot is too steep. They need to make major modifications and want to locate some parking close to the house. She's been working closely with Mr. Lombardo and Department of Public Works Director Tim Olson since December. They've made progress, but there's a lot to cover, including getting reliable cost estimates. She showed maps detailing various areas of the house and outlining work to be done. Due to the contained budget, they are doing everything in phases. Phase 1A costs \$1.4 million. Work includes making the house handicapped-accessible, providing accessible parking, replacing the septic, which is currently for residential use and will need to be changed for public assembly, creating a prep kitchen, adding public restrooms, sprinkler system, fire detection, new A/C and heating, and doing exterior work. Phase 1 goals are to preserve the exterior envelope, bring public areas up to code, and have accessible parking close to the main entrance. The other phases and plans were also discussed. There could be some residential on the second floor. There is nothing proposed for the third floor except perhaps storage.

### **Discussion:**

Mr. Maddern, liaison to the Patton Homestead group, gave some background and talked about the many ways the house and land could be used and how the Town might benefit. / Funding was discussed—private donations and potential State funding. / Mr. Wilson mentioned incorporating space for audio visual equipment as part of the design work since the site could be a potential Town meeting space. / Mr. Hubbard clarified: Phase 1A is \$1.4 million and Phase 1B is 600K, which totals \$2 million. He asked if there had been a pro forma done to look at things like the occupancy rate and how the money will come in. Carin Kale, president of the Patton Homestead's Board of Directors, responded that they have generated that and will supply it. Mr. Hubbard asked if a loan would be involved; she said no, they are looking to have a collaborative fundraising campaign with the Wenham Museum. She doesn't think a couple of million will be hard to get. She mentioned a new State stream of money from the Department of Housing and Economic Development. There is also the National Endowment of Humanities. It's a matter of writing the grants and continuing to do that, she said. / Mr. Hubbard asked about an OPM (Owner's Project Manager). Ms. Jenkins said Mr. Olson bid it correctly for design services and followed the procurement. / A question about potential use of the barn was raised by some BOS members. Ms. Kale said they looked into it, but there would be problems with fencing in, smell, etc. They discussed other means for obtaining a revenue stream, for example, weddings and other events. / Mr. Farrell inquired about next steps. Ms. Kale said in June they should hear back from the Cultural Facilities Fund. They want to work on the exterior and integrate the parking so they can start using the grounds. Bid documents should go out

in early summer for a half million dollar project. Ms. Spencer said they would be meeting with the Building Inspector and Fire Chief, and doing a pressure test for the water main. The object is to get something done that people can see by fall.

### **Planning Board Update/Master Plan (Brian Stein and Patrick Reffett)**

Planning Board Chair Brian Stein gave an update. Public hearings will be held tomorrow night on the Demolition Delay bylaw and looking at the removal of the Conservancy District from the bylaws. They've talked with Board of Health Chair David Smith about vacant and blighted buildings in Town and met with him regarding that bylaw. The CPC approved their request for a \$30K grant to focus on the housing element of the Master Plan, which was last updated in 2004-05. They're looking at current subdivision requirements. For example, oftentimes smaller road widths are called for than what are required. Almost a year ago Planning Board member Rick Mitchell undertook rewriting special permit requirements to strengthen them and make sure there are no deviations from what the Planning Board approves. They're looking at the process for getting accessory apartment units and also at how to regulate Airbnb's. They will work with the Zoning Board of Appeals on the signage bylaw, which needs a bit of work. They're looking at parking regulations for the business district, as well as a ground water protection overlay district bylaw. He gave an update on the three or four court cases pending. One was a cease and dismiss order on work at 227 Willow Street, which was dismissed as the work is already done. He cannot comment on what was discussed in Executive Session until those minutes are released. Director of Planning & Inspections Patrick Reffett said the judge hadn't reacted yet regarding the Varsity Wireless lawsuit. He added that on Wednesday of this past week, the Board of Health voted unanimously to support the Blighted and Vacant buildings bylaw. They'd like to have the support of the BOS to allow it to go forward.

### **Discussion:**

Ms. Jenkins said she sympathizes with neighbors regarding concerns about Airbnb's, but doesn't think the Town can't regulate that. Mr. Reffett said they can look at related issues, such as whether there is enough parking and septic systems being adequate. Regarding the Demolition Bylaw, Ms. Jenkins said she's still concerned about the long timeline. Mr. Stein said they are pushing to make the 45-day decision-making process shorter. Most of the cases will go through quickly and won't go to public hearing. Ms. Jenkins said people are asking who is calling for this bylaw and where the need is. She said they need a balance between saving a property and a person's right to sell their property and move forward quickly. Mr. Stein noted many Massachusetts communities have a demolition delay bylaw. He explained the purpose and process, and said it isn't about preserving all the older homes, just certain special ones.

Mr. Maddern said he's gotten many complaints about cell coverage in Town and asked if the Planning Board had taken a position on the citizen's petition about providing money for

legal assistance for the Planning Board members opposing the cell tower. Mr. Stein said they hadn't. / Mr. Farrell asked about plans to update the entire Master Plan. Mr. Stein said they will, but are focusing only on the housing element for now. / Mr. Farrell said the Town has supported a rewrite of Phase 1 of the bylaws and there is money left over from that. Mr. Reffett said he is negotiating with Attorney Mark Bobrowski cost-estimating how to get the most mileage for the remaining money. / Mr. Wilson brought up the Willow Street cease and desist case. Mr. Stein said there are still options on the table and room to work with the owner and neighbors. / Mr. Reffett said the BOS suggested checking with the State about grants for updating the Master Plan. He said he reached out, but hasn't received a response. / Mr. Farrell asked about the lighting issue at Willow Street and if there was anything they can do. Mr. Reffett said, as Mr. Farrell also suggested, they would encourage "being a good neighbor" by dimming lights to make it "reasonable and appropriate."

**Discuss Creation of a Department of Public Safety and Consideration of Any Necessary Actions to Accomplish Same**

Mr. Lombardo said he's focusing on making the flow of government easier by having centers of decision-making and control with the management team. With Fire Chief Phil Stevens' retirement, they have discussed creating a Department of Public Safety with Police Chief Russell Stevens as the Director with the new fire chief reporting to him. They have to unwind some things to do that with regard to the Strong Chief law for the Fire Department so as not to create a management problem. (With the current structure in place the new Fire Chief would not necessarily have to listen to the Police Chief.) / Ms. Brewer detailed the two Strong Chief laws and how they differ. (The Fire Chief is currently stronger than the Police Chief.) She outlined different courses of action the Town could take to change that. For example, they could ask for a Special Act from the State Legislature to revoke the Strong Chief law, or there is a statute that allows the Town to adopt a Commissioner of Public Safety (same as Director of Public Safety), and that person would automatically become Fire Chief and Police Chief, so then the Town would appoint a Deputy Fire Chief. It would require two votes to do—one at Town meeting and the other a ballot vote, which could be done at any time of the year or at next year's Town Meeting. Or they could have a Special Town Meeting on the same day as April Town Meeting. / Mr. Maddern noted Chief Phil Stevens retires at the end of the year. He would like to know they can continue with Chief Russ Stevens in the role as they've defined. Ms. Jenkins said they need to clarify if they are hiring a new Fire Chief or Fire Deputy. They could tell candidates that although they would be hired under the existing structure, it would be changing.

Mr. Howard said defining who FEMA would work with in the case of an emergency should be part of the consideration. Mr. Lombardo explained the National Incident Management System (NIMS) and said they follow protocol.

Chief Russ Stevens said he wouldn't want to do away with the Fire Chief position. Ms. Brewer noted the Deputy Fire Chief would have all the duties they outlined.

**Decision:**

Mr. Maddern made a motion to require the appointment by the BOS for a Commissioner of Public Safety to be a warrant article for the April 2019 Town Meeting. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) in favor of the motion.

Ms. Jenkins asked that something be put on the website to start a discussion on the matter.

**Bylaw Change to Chapter XXIII Section 7, as It Pertains to Solicitor's Permits**

Chief Russ Stevens detailed the application process for solicitor's permits, which includes a background check and lamination of a card. It takes about an hour. Only \$5 is charged for the permit, which is good for one year. Other towns charge significantly more. He wanted to have Ms. Brewer look at the bylaw and adjust the fee to a minimum of \$25 to cover the cost of materials and staff time.

**Discussion:**

The issue has to go to Town Meeting because the current solicitor's permit rate is in the bylaw. Ms. Brewer recommended changing it to give the authority to set the fee to the Town Manager, so they wouldn't have to keep taking the matter back to Town Meeting. Mr. Farrell clarified the Town isn't fingerprinting individuals as other towns do. He wanted to let the public know that permits for going door to door are required, with the exception of religious groups and charitable organizations. Mr. Maddern suggested charging a higher permit fee due to the amount of staff time involved.

**Whistleblower Policy—Review and Discuss**

Mr. Lombardo said a local policy could better prescribe protections and a local process for whistleblowers. Mr. Maddern said he wasn't a fan of using websites for this and would like to have people address issues face to face. Ms. Jenkins agreed, but said having the option to fill out a confidential form was important. Mr. Lombardo is going to make sure the BOS has the most current draft of the policy that Ms. Brewer had edited and put it on the next BOS agenda for a further redline.

**Change in Polling Location**

The Town Clerk wasn't able to appear about this warrant article due to illness. Ms. Jenkins had a concern about getting the word out about the change, especially for new residents. Chief Russ Stevens discussed what was provided last year in terms of portable lighting and parking signage, and said they didn't have any problems. The only thing they have to work

out is whether or not to close the Library and where to provide a break room for the workers.

**Decision:**

Mr. Farrell made the following motion: *"I move that the Hamilton BOS approve a change in polling location to be permanently relocated to the Hamilton-Wenham Recreation Gymnasium at 16 Union St., Hamilton, MA."* Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to permanently relocate the polling location.

**2018 Annual Town Meeting Warrant Review**

**School Budget—**

Mr. Lombardo said the warrant was scheduled to close March 19. Mr. Maddern wanted clarification on Articles 2-3 and 2-4 and how they are split. Article 2-3 includes up to the 2.5% increase and Article 2-4 (capital expenditures) is what's over that. They discussed that the figures had changed on the versions they were looking at and there were two Article 2-5s. Ms. Jenkins noted on the Schools' sprinkler system, the figure should be \$860K not \$1 million. Ms. Brewer said she thought they had asked for \$1 million.

**Sprinkler System for Winthrop School—**

Regarding the sprinkler issue (discussed last meeting), Ms. Jenkins recapped she thought the need for the sprinklers had been determined by a valuation that wasn't appropriately assessed and if it were, they would not have hit the threshold that triggered needing the sprinklers. If the sprinklers are needed for children's safety, she's 100% for them, but if it was just a numbers issue, she wasn't. [Classrooms have egress to the outside.] Ms. Brewer said assessors are supposed to value properties every three years to their full and fair market value, but oftentimes because of the way markets work, the assessed values end up being a lot lower. That's within the realm of the assessors. She doesn't know if it would be OK to hire someone to appraise the property or if you had to stick with the value provided. / Mr. Maddern wondered if it's just a math formula, what would happen if they just don't vote for the sprinklers. Mr. Lombardo said the Fire Marshall could shut the school down. Mr. Maddern questioned, in view of declining enrollment, why they would put all that money into the building when they don't know its future. / Ms. Jenkins thought the matter came down to the BOS asking Ms. Brewer to investigate and have an answer for Town Meeting. Chief Russ Stevens said the School had a right to appeal the need for the sprinklers. He will discuss it at his management meeting tomorrow. Ms. Brewer reminded the BOS that the School has the authority over those buildings, although the BOS could disapprove the borrowing.

**School Capital Plans/Safety Issues—**



Ms. Jenkins noted Wenham did not vote in favor of the proposed \$2.6 million capital plan. Mr. Maddern said if the Town is to invest in capital (improvements), it will also need to provide training for using them. / Members discussed protocol for school safety. Ms. Jenkins mentioned ALICE training as a model. Chief Russ Stevens said passionately he didn't care what model the Schools used, just that they did something. He doesn't think the Town is doing enough to inform and train the students, parents, and school personnel, although he's comfortable with the police response. He has appeared before the Schools on this issue numerous times. Mr. Maddern said they have a decision about whether to approve a capital plan for security, but they are hearing from the police chief it isn't sufficient. Mr. Farrell mentioned a potential need for a School Resource Officer. Chief Russ Stevens had questions about the security system and what was being asked for because the numbers for camera equipment seem low to him.

### **Next Steps—**

Mr. Wilson suggested inviting the FinCom to the March 19 meeting to discuss financial issues, including the School budget. When asked if the BOS could put conditions on the Schools' indebtedness, Ms. Brewer said all the BOS can do is decide whether to approve the borrowing. Mr. Wilson asked if they could require the Schools to meet with Chief Russ Stevens to discuss safety equipment. Ms. Brewer said no, it was up to the Schools how they spent their money. / Ms. Jenkins said the Schools' have indicated that the BOS can't ask questions about what the Town would be losing if they don't approve the amounts asked for. Mr. Maddern said other school systems are making changes to address declining enrollment. Ms. Jenkins said the Schools consider this a bare bones budget. Mr. Wilson said he'd like to look at the root of all the metrics for running the school, for example, what's the total cost, what's the cost per pupil, etc., and how other communities handle those metrics. / Ms. Jenkins said the warrant goes to print March 12, and they are behind schedule. The BOS needs to vote on the articles and give FinCom sufficient time to vote. Mr. Wilson said he wouldn't want to work ahead of the FinCom; he'd like to vote with them or after them. / Finance Director Marisa Batista is out for the rest of this week. The numbers are needed prior to the vote. They discussed making the March 19 meeting a joint meeting with FinCom. / Mr. Maddern recommended going through the articles and deciding on the ones they can agree upon and having the BOS send them to him for the joint BOS/Fin Com meeting March 12. (Mr. Wilson won't be able to attend, but will watch the tape.) At that time they will go through items they feel are non-contested. Ms. Brewer is going to do another draft and look at the renumbering.

### **Citizen's Petitions**

#### **Article 4 5-1—Appropriation for Legal Fees**

Ms. Brewer said she had commented on this in an open meeting with FinCom. Bill Shields, the proponent of the citizen's petition, was present. She's also been invited by FinCom to

discuss other citizen's petitions, one of which just came in today. Mr. Shields wanted not only to have money appropriated for the three members, but also reimbursement for what they've paid. She said the BOS has the sole authority to provide legal counsel. The action of the entire Planning Board is what is of legal interest to the Court, not individual opinions of individual members. She doesn't think the Town can authorize to reimburse a private citizen for legal costs already spent. Also, she does not think the Finance Director would approve payments for someone with whom the Town did not have a contract. Ms. Brewer said Mr. Shields thought about \$5K had already been spent, but he had to come up with a number. Further confusing the issue is that the money was spent in two fiscal years.

#### **Article 4 5-2—Retention of Counsel for Planning Board and Report to Town**

Ms. Brewer thought this article was most likely a result of her comment on the previous article. It involves the Town Meeting trying to require the Town to engage counsel, but she said per Town bylaw, the BOS is the only entity that can do that.

#### **Article 4 5-3—Taxation of DCR Property**

Ms. Brewer said she would be discussing this at the next FinCom meeting. She gave some history on the petition started by Lynnette Fallon, 38 Goodhue St. The Board of Assessors decided the lease of the house in Bradley Palmer State Park, owned by the Commonwealth and occupied by the Kaminski-Clarke family, 550 Highland St., did not qualify for tax exemption because it only extends tax exemptions for properties used for a public purpose leased by a non-tax exempt entity (A private family is not usually tax-exempt.). When the family was taxed, they filed for an abatement (for 2015). There are specific procedural hoops they need to go through and one is that they have to have all their taxes paid on time. They had not so weren't eligible to appeal the abatement. They tried to get special legislation to deem their property tax-exempt. When that failed they took a position not to pay the tax, and were put on the treasurer/collector list. Ms. Fallon asserts the family's significant improvement of the property qualifies as a public purpose. Ms. Brewer explained Town Meeting can't tell the Board of Assessors what properties are tax-exempt. The family can try and prove their case to the Assessors, but so far haven't been able to. Even if this passes at Town Meeting, it will have no legal effect. Mr. Wilson asked Ms. Brewer if that opinion was communicated to Ms. Fallon. She said it was.

#### **Article 4 5-4—Town Manager Salary in FY'18**

Ms. Brewer did not know who is taking ownership of bringing this petition forward. Mr. Shield's signature is on it, as well as some abutters to affordable housing. Mr. Lombardo has obtained legal counsel regarding this and has consulted Town Counsel, as well. Town Meeting voted a certain amount for his salary, which was within the FY'18 budget. He doesn't believe it can go back and modify that mid-contract. If the motion passes and they reduce his salary for 2019, then Mr. Lombardo would go back to the bargaining table and if either party can't reach a settlement, they can declare an impasse and terminate him. If the Town were to hire a Town Manager at a higher wage, it should be prepared for legal action

from him, he said. Ms. Brewer said employment contracts are always subject to Town Meeting; however, this one is looking to have an impact retroactively for FY'18.

**Article 4 5-5—Zoning Bylaw Amendment—Table of Use Regulations**

Ms. Brewer noted this amendment would only affect the business district. As a practical matter, she doesn't think there's enough time for it to be on the agenda for Town Meeting because certain steps have to take place first, which she outlined.

**Decision:**

Mr. Maddern made a motion to refer this zoning regulation to the Planning Board. Mr. Farrell seconded the motion. (\*See "Decision Continued" below for the vote.)

**Further Discussion:**

Rosemary Kennedy, 61 Russ St., posed the question: How did we go from approving that one apartment be allowed over a commercial space to unlimited multi-unit housing in the business district? She said it was passed without due process and it was never on the warrant in the 2016 Special Town Meeting. She said there was no opportunity for citizens to know what they were voting for. It was presented at the Town Meeting by an errata sheet. Now there is proposed development that involves 20 units over a commercial space, which is a substantive change to the parties involved and should have been discussed in detail, she said.

**Decision Continued:**

The BOS voted unanimously (5-0) to approve the motion to refer the zoning regulation to the Planning Board.

Mr. Wilson noted that the discussion of citizen's petitions will continue to their March 12 and March 19 meetings. / Mr. Farrell brought up that if the fields were dry enough opening day of spring sports will again conflict with the date of Town Meeting. Also, he wanted someone to find out if the National Honor Society at the high school would again be offering babysitting service.

**Town Manager Review**

Mr. Farrell described the completion of Mr. Lombardo's review. Each of the Selectmen met with Mr. Lombardo individually. Mr. Farrell said Mr. Lombardo is coming off of a "needs improvement overall" from his last review. The goals were: 1) To improve communications—he has made great strides. He needs to work on making sure minutes and handouts are available so the public sees the same thing the BOS sees for the purpose of having more informed citizens. 2) Project-based reporting—he has met expectations with regular meetings and biweekly reports. He could make more use of the online project manager reports. 3) Addressing needs-improvement areas—he has addressed many of

these areas and would do well to keep working on them overall so he can exceed expectations for his next review. He has improved in the areas that needed improvement, Mr. Farrell said, and the BOS recommends Mr. Lombardo provide them with his review of goals and how to achieve them.

**Discussion:**

Mr. Lombardo thanked the BOS for the evaluation and the time and energy that went into it. He would like to have the BOS take a look at the tools they use to do these evaluations; he isn't convinced the structure is working. Mr. Wilson said this was mentioned by others, as well. Mr. Farrell said both sides voiced that the format might not be ideal, but it's worked. What they want to do moving forward is not wait till its review time to talk about the tool.

Ms. Jenkins expressed frustration and said she's never seen a review covering only three items, and it isn't in the best interest of the citizens. She thinks reviews usually look at the overall job function and how that's met and then at goals. She doesn't think the review reflects her concerns or the FinCom's perspective about what happened over the last year. She said she asked to meet with Mr. Lombardo a number of times and he asked "to what purpose?" She doesn't agree with the review as presented. If one manages to meet goals, but doesn't perform the overall function as set forth by the Legislature, that doesn't work, she said.

Mr. Lombardo noted some challenges they've had in the past year, but said good things have happened, including the Town maintaining its AAA bond rating. / Mr. Maddern said he learned along the way that few of them read Mr. Lombardo's biweekly reports. He thinks that is a mechanism where they could have given him feedback. He thought Mr. Lombardo should have told them what he needed if he wanted some other form for review. The bottom line is that there's been a big improvement, for example, with Fin Com in the budget process and the same with the Patton Homestead Board of Directors.

Mr. Hubbard said he supports what Ms. Jenkins said and feels like the format only addressed goals. As the liaison to the FinCom, he said there continued to be problems in that regard and they should not confuse that things might have gotten better with Ms. Batista involved. / Ms. Jenkins noted some Town Manager duties weren't performed and said she had a list. She asked how many towns have a citizen's petition regarding the Town Manager. Mr. Wilson said he didn't think it was an overall indication of sentiment in the community, just of certain citizens, for example, abutters to affordable housing. Mr. Hubbard disagreed. He said the petition didn't come from just the abutters and it seemed like this was the only tool they thought they had to discuss the matter. / Mr. Wilson asked that Mr. Lombardo take the lead and find examples of how other towns handle reviews. He said Ms. Jenkins should provide examples as to the accuracy of the review. Mr. Maddern said they created goals they liked and agreed that was what they were to follow. If there

were problems any one of them should have come forward. Mr. Hubbard said the Town Manager expressed concern there needed to be another format and that's what he was responding to.

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

Mr. Wilson said they've outlined a roadmap between now and Town Meeting. Mr. Maddern noted that was warrant-centric. / Mr. Wilson said there will be further discussion on the Town Manager's review and process. / Mr. Maddern asked about having an update from the Town Hall Building Committee. / They discussed things that need to happen at Town Meeting regarding written and spoken material.

**Adjournment/Entered into Executive Session**

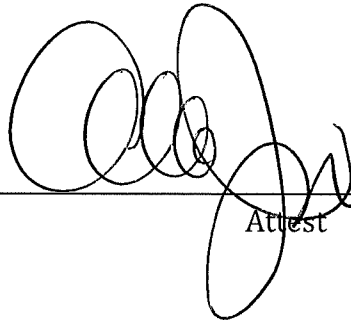
Mr. Wilson read the legal notice:

*"I will now entertain a motion to go into Executive Session for the purpose of conducting contract negotiations with the Town Manager, Michael Lombardo, with Michael in attendance to participate in the negotiations, not to convene in open session at the conclusion of the Executive Session."*

Mr. Maddern made the motion to enter Executive Session at 11:15 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the regular meeting, enter into Executive Session and not to return to open session. A roll call vote was taken with "ayes" from Mr. Hubbard, Mr. Maddern, Mr. Jenkins, Mr. Farrell, and Mr. Wilson.

Prepared by:

Mary Alice Cookson



Attest

Date