

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

June 4, 2018

Members Present: Shawn Farrell, William Olson, Scott Maddern, Jeffrey Hubbard, and Allison Jenkins (participating remotely via conference call)

Members Absent: None

Interim Town Manager: Robin Crosbie

Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:04 p.m. He announced Allison Jenkins was participating via conference call due to geographic restrictions. About 18 people attended the meeting.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Open Space Committee and Board of Health each have one open position. The Historic District Commission/Historical Commission has three open positions.
- The Patton Homestead will be hosting Wenham Museum's Military History Day on July 14—a family event that includes activities and a tour.
- The Pool opens June 9 at 11 a.m. Season memberships are still available by contacting the Recreation Department or by registering online.
- The water ban is still in effect until further notice due to work at the water plant.
- Town Counsel Donna Brewer was named one of the top women lawyers in Massachusetts by SuperLawyers®. She was one of only four women selected for expertise in the field of state, local and municipal law and was featured in *Boston Magazine's* April issue.

Public Comment

Tyson Goodridge, Wenham resident who lives at the corner of School and Buker Streets, said he wanted to make the BOS aware of his new venture: a print and online directory of Hamilton and Wenham businesses, which will include maps, photos, and historical background in addition to the listings. He said it will not have ads and a portion of the proceeds will go to a Hamilton-Wenham nonprofit.

Selectmen/Town Manager Reports

Jeff Hubbard extended congratulations to those high school seniors who graduated this past weekend. He thanked the American Legion for the flags downtown that were put up for Memorial Day. He will report on the meeting with Gordon-Conwell Theological Seminary about the P.I.L.O.T. (payment in lieu of taxes) later in the meeting.

Scott Maddern said he participated in the Memorial Day Parade, and thanked the American Legion, Police and Fire Departments, and Department of Public Works (DPW). The Finance Advisory Committee (FinCom) had a meeting last week. The new Chair is Phillips Stearns. One of the forthcoming topics is preparing for some "asks" of the School Committee. He attended a meeting last week regarding the Host Community Agreement for the proposed medical marijuana project with Interim Town Manager Ms. Crosbie, Chief Russell Stevens, and Director of Planning & Inspections Patrick Reffett. He also met with Energy Manager Victoria Masone and they are looking at methods for communicating with the public about the electrical aggregation program.

Allison Jenkins reported the textile recycling program also involves the pick-up of small appliances. She said the biggest complaint Wenham received was about items not being picked up. This was because people didn't get their bags out early enough. Responses to the RFQ (request for qualifications) for the OPM (owner's project manager) were received and the Town Hall Building Committee is screening candidates. The next BOS meeting will include the annual public hearing of the Community Preservation Committee (CPC).

Interim Town Manager Ms. Crosbie reported her hours will be Mon., Tues., and Thurs. from 9-2:30. This schedule will be adjusted to accommodate meetings. Designated citizen hours are Mon. 3-4 p.m. or Thurs. 11 a.m.-noon or by appointment. She had distributed a schedule of pending agenda items. Also, she's working on the Special Town Meeting schedule and a schedule for the budget hearings that will be distributed to the department directors.

Recycling Committee Report

Recycling Committee Chair Gretel Clark said she last appeared before the BOS in the fall to lobby for a return to every-other-week trash pickup. At that time she had been told to come back with hard data, which she now has. She was there with the regional coordinator for the Department of Environmental Protection (DEP) and Recycling Committee member Anne Gero, 180 Asbury St. Since the change to weekly trash pickup, the trash volume has increased by 17%. They now have six months of good data showing average monthly compost is down. The tipping fee for recyclables, which used to be zero, is now the same or higher than for solid waste. Recycling is piling up in yards with no place to go. China has closed its door. She had approached the Schools to get them interested in composting, but

was told the Schools didn't have the resources and there's no financial impact since they pay a fixed price for solid waste pickup.

One proposed solution is community education. The Committee wants to hang a banner alongside the tennis courts with the slogan: We all win when you use the bin. Ms. Clark said they will attempt to reach out to the 140 or so new residents who move to Town each year. (Later in the meeting, she was told it was 140 new households and corrected the statement.) She addressed "snowconing," the practice of piling more into the trash bin than actually fits. Trash should fit within a bin with the lid closed. She said DPW Director Tim Olson recently applied for a Recycling Dividend Program. Communities receive points that translate into community funds. She noted communities with a full pay-as-you-throw program have the least amount of solid waste. In 2016, Hamilton went to a partial pay-as-you-throw program. People bought blue bags if they had more trash to throw than what was allowed. Even with weekly pick-up, some residents need to purchase the bags. In 2013 more than 90% of Hamilton's residents were composting; now the rate is 37%-38%. She detailed other stats.

William Olson arrived to the meeting at 7:50 p.m.

Mr. Maddern urged the Recycling Committee to think of more mechanisms for educating the public. As he noted with the water ban, often messages don't get received. He suggested approaching the School Committee (since they've only approached the School Administration) to inquire about whether student organizations might be interested in starting a recycling/composting education program.

Ms. Clark discussed why the trash hauler Casella sometimes leaves stickers instead of taking residents' trash. For example, they can't take recyclables with plastic bags mixed in since the bags get caught in the machinery. Often the haulers are reluctant to enforce the trash rules because they'll receive complaints. The BOS discussed that the Town needs to support the haulers and help educate folks. Mr. Maddern asked about how the large item sticker program (charging \$15 for the hauling away large items) was going. Ms. Greco said they don't have figures yet. She had seen a decrease in revenue from blue bag sales. All members on the Recycling Committee are up for reappointment by the BOS. Their term ends at the end of the month.

Ms. Jenkins pointed out that while trash went up, recycling only went down 1.25%, so there wasn't much change in recycling. She wanted to know how Brick Ends charged per ton if they weren't weighing. Ms. Clark said it was an eyeball estimate.

Mr. Farrell brought up potential solutions of public outreach, education about composting, and return to biweekly pickup, although he said he didn't want to do the latter.

Richard Boroff, 40 Moynihan Rd., said judging from responses on Facebook, residents don't want to go back to biweekly pickup. He said the difference in cost between composting and regular trash is \$20 per ton, amounting to a difference of about \$2,880 per year, which, he said, is peanuts. He said the solution is getting everybody on board with proper pickup. If it costs an extra \$3,000 a year for the 20 tons, that's only \$1 per person a year.

Mr. [William] Olson said the issue wasn't just about the money but doing the right thing. He suggested the Town might hold a screening of "Wasted," a documentary about food waste.

Jack Lawrence, 105 Rock Maple Ave., said he thought a big issue was the schools not participating. But Ms. Jenkins said the Schools don't figure in to the Town's numbers. The Schools pay a flat rate to their own vendor. However, in the end, the Town is paying the Schools' costs, so it all comes out of the residents' pockets.

Mr. Farrell charged the Committee to return with data on the large item sticker program, to approach the School Committee, and to keep working on education. Ms. Clark said they'll be back in about six months with another report.

CONSENT AGENDA

- **Approve Minutes from the BOS meeting on April 17.**
- **Approve Minutes from the BOS meeting on May 2.**
- **Approve "A Reason to Ride" bike-a-thon on Sept. 9 to raise funds for cancer research at Beth Israel Deaconess Medical Center.**

Decision:

Mr. Hubbard made a motion to approve the Consent Agenda. Mr. Maddern seconded the motion. The BOS voted unanimously (5-0) in favor of approving the Consent Agenda.

Mr. Farrell noted that at the last meeting, Bill Shields had commented minutes are hard to find on the website. Mr. Farrell and Mr. Olson acknowledged they are tricky to locate, but they are there. They are working with Assistant to the Town Manager Anabela Batista to remedy that.

REAPPOINTMENTS

Initiate process to reappoint Town Board and Committee members whose terms are expiring

Mr. Farrell referred to the list of Reappointments in the packet. Tom Catalano of the Historic District Commission/Historical Commission is on the list, but he is going to be moving away, so they will need to fill his slot. The BOS continued the matter to the next

meeting. Ms. Jenkins said she thought HWCAM (Hamilton-Wenham Community Access and Media) wasn't on the reappointments list but should be. Mr. Maddern, who is the liaison, said he will look into it.

AGENDA

Electric Aggregation Discussion

Mr. Farrell explained the Town goes out for a reduced rate in electrical supply from a third party vendor to reduce the rate. Residents with other such suppliers can opt in to the program. The BOS was previously told a bid was coming soon, but found out today the market isn't ripe so it will happen in September. The broker had said it was too early for the implementation and marketing of the program to the residents. Mr. Maddern disagreed; he thought it better sooner than later. When mailers get sent out, he said people tend to not understand what they are and disregard them. He suggested the BOS follow up with Ms. Masone about doing a presentation at the Senior Center and have it broadcast on HWCAM. He said he was disappointed in the fits and starts relating to the program. Ms. Crosbie asked what the BOS wanted on the website. Mr. Maddern said the Town's statement needed an update and he would supply it.

Gordon-Conwell Theological Seminary—Discussion

Ms. Jenkins said when Bill Wilson was BOS Chair, Mr. Hubbard was tasked to go the Finance Advisory Committee (FinCom) and work with FinCom Chair David Wanger in coming up with how to approach Gordon-Conwell Theological Seminary regarding the P.I.L.O.T. (payment in lieu of taxes) issue. The BOS also asked Ms. Jenkins to be involved. Mr. Hubbard explained he, Mr. Wanger, and FinCom member John Pruellage thought they had a charge from the BOS and have worked on the issue for more than a year. In addition, some interested residents, including Mr. Shields, Dave Thompson, and Russ Tanzer, have joined in some of their pre-meetings to add their knowledge and expertise (not the meetings with the seminary officials). Mr. Hubbard said the two meetings with Gordon-Conwell have gone well, but they are a "conversation," a process where trust is built up and ideas are shared. The idea is to get to a proposed solution they can present to the BOS. They'll meet again in four to six weeks.

Mr. Maddern said he had attended the FinCom meeting Wednesday evening and they weren't aware of the BOS request of them. The FinCom can't participate on committees because they are their own committee and aren't authorized to do that on behalf of the Town, so the FinCom was confused about the charge. Mr. Maddern said he thought they either needed to give the FinCom the runway to do it or the BOS needed to create its own committee. Ms. Jenkins agreed FinCom had done a lot and the BOS needs to provide clarity

to move forward. Mr. Maddern suggested Mr. Hubbard come back to the BOS with a draft charge so the BOS can give them a stamp and they don't lose momentum.

Mr. Thompson, 103 Essex St., said what he's perceived is that Mr. Wanger is the right person to lead, but is feeling like he doesn't have the BOS behind him to empower him. If there's a question with respect to latitude for negotiations, it's inevitable they'll run into a wall. Gordon-Conwell may not have cash, but has things the Town may be able to use. He said the BOS should appoint Mr. Wanger and give him the latitude he needs to get the job done.

Mr. Hubbard said it made sense to put together the draft charge and come back to the next meeting to make sure they are all on the same page. They will discuss the charge with FinCom and include Ms. Jenkins, as well.

Planning Board member Peter Clark, 823 Bay Road, said Mr. Maddern and Mr. Farrell had come to the Planning Board about two meetings ago and said they need to have a solution to the cell tower issue, which has been going on for more than a year. During the public hearing they pointed to the tallest place in town where there is a steeple full of antennas that gets good reception. Varsity Wireless has an antenna that's too big to put in that steeple, but if Varsity could put it at Gordon-Conwell, it would give the Town terrific reception. However, Varsity is not going to cooperate and go to another location it doesn't have a lease for, but perhaps another provider could. Ms. Jenkins replied to Mr. Clark that Town-owned land is highly restrictive about putting up poles, wires, etc. Gordon-Conwell is fully aware of the cell issue, but they are not building a cell tower for reasons, most likely due to restrictions. Noting the discussion of a cell tower was getting afield of the agenda topic, Mr. Maddern brought it to a close, but said they could discuss it at a future meeting.

Jack Lawrence, 105 Rock Maple Ave., said it would be a shame to kill the momentum (on Gordon-Conwell) now. Mr. Farrell said they weren't going to kill the momentum, they were simply going to clarify the charge.

Whistleblower Policy—Final Reading

Ms. Jenkins explained the policy is to clarify the procedure for moving forward if someone has a complaint and the BOS now had a final version before them.

Decision:

Mr. Maddern made a motion that the BOS adopt the Whistleblower Policy. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to adopt the policy.

Green Meadows Farm—Odor Control

Mr. Maddern said neighbors to the proposed medical marijuana operation had presented a list of impacts and odor was a concern. He credited Robert Patton, Green Meadows CEO, with paying some real attention to this issue. Mr. Patton agreed it was a real issue not to be minimalized and outlined steps he has taken to address the concern. He said Green Meadows' path was committing to using a sealed system and discussed the latest technology they are exploring and will likely use, which he said is "good business." He discussed sealed systems and how that was a bit of a misnomer because there is a small amount of outside air exchange. He discussed ways for dealing with that using the best products and efficiencies. Mr. Patton said the Town's HCA (Host Community Agreement) would be the local oversight, so if he falls short in some way, residents have recourse to say correct this or you're in trouble.

Paul Granpre, 12 Patton Ridge, said he was pleased to hear about the sealed system and visited a facility in Georgetown that has this system. He said there was some detectable odor outside, but it was not overwhelming. He said they've asked the Patton family to do everything possible on odor control. Another issue is lighting, and he asked for downward security lights. He added he'd like the BOS to consider a regulation only allowing indoor marijuana facilities.

Craig Walker, 7 Patton Ridge, said he was pleased regarding the sealed system and mitigating 99% of the smell. He asked Mr. Patton if he had considered indemnification, not only to offer a guarantee for the neighbor's sake but also to protect his investment, as well as the Town's investment in the Patton Homestead. Mr. Patton said he'd have to bring in experts to answer that question since he doesn't know enough about indemnification.

Mr. Olson said he knows about bio-tech from his day job. He said lighting can be measured, but odor is harder to measure. He said often a developer is required to hire an expert to do a study, such as a traffic study. He suggested the Town might ask for a design study of the odor issue to ensure the engineers are doing what's best and moving in the right direction.

Approval of professional profile for Town Manager search and authorization for Bernie Lynch from Community Paradigm Associates, LLC, to advertise the Town Manager's position

Chief Russell Stevens had helped Mr. Lynch put together the position profile in the packet and had made edits to it based on their input. The BOS complimented him on doing a great job.

Decision:

Mr. Maddern made a motion that the BOS approve the Town Manager position profile and authorize Community Paradigm Associates, LLC to advertise the Town Manager position. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Discuss salary for new Town Manager

The current Town Manager salary is \$142,881, which increases to \$145,783 effective July 1. Mr. Lynch had suggested offering \$140K plus or minus depending on qualifications of the applicant. Mr. Farrell said he thinks it's sound. Mr. Olson asked if they were requiring Hamilton residency. The BOS discussed that residency in Town should be encouraged, but was not required.

Ms. Crosbie said as part of the package, the Town might provide an incentive, such as paying for moving expenses. Mr. Farrell suggested they leave the language as is and do that in the negotiations.

Decision:

Mr. Maddern made a motion that the BOS authorize Community Paradigm Associates, LLC, to solicit candidates with a salary amount of \$140K plus or minus based on qualifications and also authorize Mr. Lynch to advertise the pay for the prospective Town Manager. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

NEW BUSINESS

Consideration of topics for discussion at future BOS meetings

Among the topics brought up by the Selectmen:

- Citizen's Petitions/Warrant Article follow-up.
- Report on the second opinion regarding the property at 550 Highland Ave.
- Gordon-Conwell charge and appointments.
- Discuss how to make Fall Town Meeting more efficient.
- Ms. Crosbie's list of agenda items (previously handed out). She is creating a schedule of deadlines leading up to Town Meeting and one for the budget hearings that she said they can look at hardening.
- Reappointments.
- Releasing Executive Session minutes pertaining to Former Town Manager Michael Lombardo's contract.
- Potential bylaw change to allow some businesses to be open 24 hours in Hamilton, for example, the gas station.
- Meeting Minutes Policy across all boards and committees.

Adjournment/Entered into Executive Session

Mr. Farrell read the legal notice:

"I will entertain a motion to convene in Executive Session, not to return to Open Session, for the purpose of discussing strategy for litigation pending in Federal Court against the Town by Varsity Wireless, as holding the discussion in open session might have a detrimental effect on the litigating position of the Town and I do so declare, and to allow the Interim Town Manager and the Director of Planning and Development to participate in the discussion."

Mr. Maddern made the motion to enter Executive Session at 9:48 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the regular meeting and enter into Executive Session. A roll call vote was taken with "ayes" from Mr. Hubbard, Mr. Maddern, Mr. Olson, Ms. Jenkins, and Mr. Farrell.

Prepared by:

Mary Alice Cookson / 7-13-18
Mary Alice Cookson Date
Minutes Secretary

Attest:

William Olson / 8/13/18
William Olson Date
Board of Selectmen Clerk