

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

July 2, 2018

Members Present: Shawn Farrell, William Olson, Scott Maddern, Jeffrey Hubbard, and Allison Jenkins

Members Absent: None

Interim Town Manager: Robin Crosbie

Other Town Staff Present: Finance Director Marisa Batista; Chief of Police Russell Stevens

Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:06 p.m. Five people attended the meeting.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Open Space Committee, Board of Health, Finance Advisory Committee (FinCom), Community Preservation Committee each have one open position. The Patton Homestead Inc. non-profit is looking to add individuals with extensive nonprofit fundraising, marketing, and legal experience. Please contact Scott Maddern if interested.
- Ed Howard said the Historic District Commission/Historical Commission has three openings. So far they have four qualified applicants.
- Patton Homestead will be hosting Wenham Museum's Military History Day on July 14 from 10 a.m. to 3 p.m., a free event with reenactments, equipment displays, memorabilia, and a family archive tour.

Public Comment

Duke Seaver, 402 Essex St., asked if the BOS had given any thought to indicating how individuals voted on warrant articles. He said he thinks the information is important for people to know when it's time for reelection Mr. Farrell said they've added the counts of the votes, for and against, for each board, but haven't been listing individuals' names. Mr. Seaver asked the BOS to think about it, as he is considering a citizen's petition.

Selectmen/Town Manager Reports

Allison Jenkins said the Community Preservation Committee (CPC) will meet July 12 to elect officers and review new grant proposals. The CPC still needs a Planning Board liaison. They will be discussing increasing the Town's surcharge from 2% to 3%.

William Olson reported the Planning Board met last week. At that meeting, Mr. Farrell gave the most recent update on the cell tower case. The Board passed an Accessory Apartment bylaw that will go to a public hearing in August. It also approved the RFP [request for proposal] for the Master Plan. They were supposed to vote on an associate member, but delayed that because two Board members were absent. The Hamilton Affordable Housing Trust (HAHT) voted at its meeting last week to spend \$300K before the end of the month as a place-holder for a potential of 20 affordable senior housing units at 59 Willow Street (which is dependent on what happens at Longmeadow). Also on the table is a proposal for Harborlight Community Partners to do a phased project of 100 units or less at Longmeadow Way with the idea of buying down the scope of the project. Harborlight will report to the Trust on specifics at the next HAHT meeting.

Jeff Hubbard said the subcommittee for the Eastern Essex District's Veterans Affairs Committee is putting together goals for the Veterans Affairs Officer. He encouraged anyone with thoughts on that to reach out to him.

Mr. Maddern said Patton Ridge's condo association may be coming to the BOS to ask for trash pickup, which is not part of its current agreement. The architect has been at work at the Patton Homestead, working with Department of Public Works (DPW) Director Tim Olson and the Patton Board of Directors on the first phase, converting the Homestead from a private residence to a public building. They have just over \$500K and will likely have an additional "ask" at Town Meeting. One thing that's come up is that when the Town accepted the gift of the Homestead they should have created an operating budget for it, as Robin Crosbie had pointed out. They may be asking for a warrant article at Town Meeting. He said Ms. Crosbie is doing great. Volunteers and the DPW are clearing tress at the Homestead. There's work to be done with Wenham Museum to formalize its relationship with the Patton directors. Mr. Maddern is also working on the Host Community Agreement (HCA) with Green Meadows Farm, which is on track for an August completion.

Ms. Farrell mentioned the Community House Block Party was postponed and will be rescheduled.

Interim Town Manager Ms. Crosbie said good progress has been made on the Patton Homestead and the HCA (Host Community Agreement). She reminded the BOS they are going to need a warrant article at Special Town Meeting regarding the landfill lease. She's relying on people to give her input regarding things she isn't currently working on. She will meet July 9 with the Finance Advisory Committee (FinCom) to review the calendar on

budget hearings. If they adopt it, it can be updated annually. She has scheduled a Town Offices Clean-Up Day for Aug. 2. Town Hall will be closed to the public with the exception of the Town Clerk's office. They're currently cleaning up downstairs. She said a MOU (memorandum of understanding) with the Patton Homestead Inc. includes a job description for the director, among other things, and important to the success of that project is having an enthusiastic, organized, and passionate director.

CONSENT AGENDA

- **Approve Minutes from the BOS meetings on April 17, May 7, May 21, and May 29 (*May 2 was already approved.)**
- **Approve Executive Minutes from April 17, May 7, May 21, and June 4.**
- **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. Maddern made a motion to approve the Consent Agenda. Ms. Jenkins seconded the motion. The BOS voted unanimously (5-0) to approve the Consent Agenda.

At the next meeting the BOS will release the Executive Session minutes.

Green Meadows Host Community Agreement (HCA) Draft/Discussion on Policy for Revenues

Mr. Maddern had sent the BOS a two-page document outlining key items. Currently they are studying if there's an impact to the Town water. Other things that have come up are evolving laws and regulations relating to projects like this, which will most likely mean ongoing administrative costs and that the State could ask for more money at some future point. He said he'd like to work with the State Legislature to ensure that won't happen. A good portion (50%) of the revenue goes to the State already. The Town is limited by law to 3%, so he wants to protect that money and doesn't want new rules and regulations to become onerous. He is working on the dollar amounts having to do with the impacts of this project on the Town.

Mr. Farrell asked Robert Patton of Green Meadows some questions about his plans at the site. The farm stand currently there will remain as a check-in place. The greenhouse currently in the back will come down.

Chief of Police Russell Stevens arrived to the meeting. Mr. Farrell said Chief Stevens was there to discuss the idea of having a School Resource Officer (SRO) using Town revenue generated by the Green Meadows HCA. Ms. Crosbie said she wanted to ask that there be an amount of \$65K annually plus 2.5-3% to reflect annual increases.

Chief Stevens said the Regional School District has always been lacking a SRO, who serves as an advocate and problem solver for school youth. He discussed that the person is not a truant officer, rather someone comfortable with activities like reading with young children and interacting with their parents and counselors.

Ms. Jenkins said she would be in favor of the Town of Wenham sharing the cost with the same split they have for the schools. Mr. Maddern said they have previously asked for a SRO in the School District and it hasn't been funded. He would like Hamilton to go forward using the HCA revenue. Ms. Jenkins replied she isn't asking for the Schools to put it in their budget, rather she feels strongly it should be funded by both towns or it won't be fair to Hamilton residents.

Mr. Maddern replied that 100% of the cost coming from the HCA, there wouldn't be a burden on residents. Ms. Jenkins said in a way, Hamilton residents would be paying for it if it came from Town revenue. Mr. Maddern said they could structure it so the gross revenue generated would be a minimum annual amount to at least cover the cost of a SRO.

Mr. Farrell said he thought the need trumped politics in light of the opioid crisis and school shootings. He said they could approach Wenham and see if they were willing to chip in.

Ms. Jenkins asked if the Finance and Advisory Committee (FinCom) had been consulted on the topic. Mr. Maddern said it was a topic for them to discuss at the next joint meeting.

Mr. Hubbard said he agreed with Ms. Jenkins it wasn't fair to Hamilton residents.

Mr. Farrell said he thought they should leave it as part of the HCA, but also talk with Wenham and the School Committee.

Finance Director Marisa Batista said the Town could bill it the same way it does with recreation.

Ms. Jenkins said no other town has a revenue source tied to a salary for a position. She was not in favor. Mr. Hubbard said they should look further at the numbers. He was also not in favor.

Mr. Seaver asked what would happen in the summer. The Chief said the SRO would take vacation when the students did and cover for the vacations of other officers, which would help reduce overtime costs.

Decisions:

Ms. Jenkins made a motion that the BOS support the Police Officers' request for a School Resource Officer for the School District. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Ms. Jenkins made a second motion that the BOS fund the School Resource Officer 100% with revenue from the Green Meadows HCA. Mr. Olson seconded the motion. The BOS voted (3-2) to approve the motion.

Further Discussion:

Pertaining to impacts on the Town, Mr. Hubbard mentioned that Ms. Crosbie, Chief Stevens, Finance Director Ms. Batista, and others have already spent a good deal of time on the HCA, which should be factored in. Ms. Crosbie said that was a good point and the hope is that the agreement will come back to the BOS ready for approval on Aug. 6.

Approval of Year-End Transfers

Mr. Maddern said he thought they needed a financial policy on interdepartmental transfers.

Ms. Batista said there are two separate numbers for the year-end transfers. The transfer request dated June 13 had already been approved by FinCom; the other one hadn't been approved yet. She went through the transfers. One had to do with an increase in hauling of solid waste, another with street lighting. This is the first full-year the Town is paying the full amount to National Grid; previously they had been working off a credit.

Ms. Crosbie asked that adjustments be made in the next budget accordingly.

Mr. Farrell asked if the BOS wanted to vote on the two parts together or separately, and they decided to vote on them separately.

Decisions:

Mr. Olson made a motion the BOS approve the June 2018 budget transfer that had already been approved by FinCom. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Mr. Olson made a motion that the BOS approve the transfer yet to be approved by FinCom. Mr. Maddern seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Further Discussion:

Mr. Hubbard had asked if the second motion should be made pending FinCom approval. The consensus was no, the BOS was comfortable with its vote.

**Financial Policies (Disbursements, Revenue, Turnover, Travel Reimbursement)—
First Reading**

Ms. Batista noted FinCom already had a first reading of the three policies. Changes made to the draft were in red.

Ms. Jenkins questioned the practice of department heads being charged with reporting step increases for their employees. She thought this should just be the responsibility of the Treasurer/Collector. She also wanted it noted that the policy on travel reimbursement should supersede the policy that falls under the Personnel Policies. She also didn't like that the handling of a bounced check goes back to the department heads involved. She thought the Treasurer/Collector should notify the issuer of the bounced check and collect the \$25 fee. She said those fees haven't always been collected.

Mr. Olson questioned the policy that travel disbursement be forfeited if the employee didn't submit it within 30 days. Mr. Farrell suggested changing it to say if an employee doesn't submit it within 30 days, he/she must appeal it with the Town Manager.

Mr. Maddern inquired about the reimbursement rates used, which are based on standards for the cities one travels to. The per diem rate was \$40. He suggested making a different rate for breakfast, lunch, and dinner so someone doesn't buy a \$40 lunch.

Ms. Batista will incorporate the BOS input and return for another reading.

David Wanger, FinCom member and former chair, asked if they could take the #6 agenda item out of order. The BOS agreed.

Gordon-Conwell Theological Seminary Task Force Charge

Ms. Jenkins said Town Counsel had reviewed the bylaws and Ms. Jenkins' previous interpretation that FinCom members can't serve on other boards and committees was incorrect. They can. But they can only discuss Town expenditures, not receivables. They can't appropriate money, expend any money, or sell any town property.

Mr. Wanger explained that he and FinCom member Mr. Pruellage and the others were pursuing a goal. The result comes back to the BOS—a recommendation the BOS can dispose of if it wishes. He said the group claims no authority. They are a group of volunteers. However, a charge from the BOS would be helpful in bargaining and to show there is a political will to proceed. Mr. Wanger said he had seen Ms. Crosbie's charge and appreciated the ingenuity of her effort to facilitate it. However, he objected to it.

Mr. Olson asked if it were the six tasks on the charge he objected to. Mr. Wanger replied

that the task they are seeking to engage in is bargaining and he would ask them not to encumber the process by any itemization. He preferred Ms. Jenkins' language that provided a generic context. Mr. Olson reviewed the tasks and didn't see the problem—for example, seeking input from Town departments, establishing potential assets of the seminary, etc. Mr. Wanger responded that while they are well-intentioned, bargaining is a fluid topic. He said if they stray too much from Ms. Jenkins' generic version, he and Mr. Pruellage won't continue to participate.

It was noted Gordon-Conwell Seminary had just issued its \$35K P.I.L.O.T. [payment in lieu of taxes]. The BOS discussed non-cash contributions Gordon could potentially offer to the Town, such as land for affordable housing, cell service site, education, and use of fields and facilities. Mr. Wanger said they're trying to be as inventive as possible, but in a realistic sense.

Mr. Maddern said if the group knows something is coming up, such as affordable housing at the site, it ought to tell the BOS since the abutters want to know what's going on. Mr. Wanger said citizens also what to know what's happening with labor union contracts, but they aren't told until the end of the negotiations. He said while he is sensitive to the BOS's position, he can't deal that way in bargaining. He said they've already lost time by going back and forth concerning defining the charge. He said after privileged discussions, the group would come back to the BOS with full disclosure.

Ms. Jenkins said the authority they would be granting to Mr. Wanger would be similar to the BOS asking Mr. Maddern to negotiate the Community Host Agreement. FinCom is the group we put our trust in for all of our finances for the Town, she noted. Regarding the cell tower issue, she said the Town land at Gordon-Conwell is highly restrictive, but perhaps the Seminary might agree to put a cell tower elsewhere on its own land.

Because of open meeting laws and public records laws, the BOS, Ms. Crosbie and Mr. Wanger discussed how best to structure the group. If the charge comes from the BOS, then the reporting back to the BOS would need to be in open meeting and Mr. Wanger had asserted having negotiations in open meeting may be counter-productive to the group's efforts. Ms. Crosbie suggested she appoint a task force that report back to her. She thought also that they could pull in other departments, such as the Planning Board, as needed.

Mr. Wanger said the group's last meeting with Gordon-Conwell was May 31. The Seminary had requested a six-week hiatus. He said he had wanted it put on record that the BOS was supportive, so he could take that to Gordon. Ms. Jenkins said if the charge came from the BOS they'd be back to struggling with open meeting law. She said the group needed to work with the Town Manager.

Mr. Olson proposed that the charge incorporate three sentences from Ms. Crosbie's draft and a task force be assigned for the wellbeing of the residents and instructed to report back to the Town Manager periodically and ultimately provide recommendations for consideration.

Decision:

Mr. Maddern made a motion that the BOS replace some language in the current charge with the first three sentences from Ms. Crosbie's charge, and authorize Ms. Jenkins and Ms. Crosbie to work to finalize the charge. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Further Discussion:

Mr. Wanger said he would appreciate the ability to read the fully integrated document. Ms. Jenkins said yes, he would be part of the feedback for the end result. She said she felt there was some sensitivity there in that the group thought they were on a committee "deputized" by the BOS. But due to open meeting and public records law, they need to state that anyone who's on this task force has to work within the boundaries of town government. She said it was a great group working for the best of the Town and they will solidify their input. She thanked Dave Thompson, who was also present, for his work with the group, as well.

Mr. Wanger said that is important as to whether or not they participate. From his viewpoint it is more than input; it's approval. He did not instigate this project. He responded to a request that he participate and enlisted Mr. Pruellage who had done research on P.I.L.O.T. issues.

Mr. Hubbard said he was on the same page.

Ms. Jenkins thanked Dave Thompson, who was present at the meeting, and has also been working on the Gordon-Conwell P.I.L.O.T. issue.

Vote to Accept Chapter 166, Section 32A (Electrical Inspector may work in Town)

The Town of Wenham had asked the BOS to adopt this measure that allows the Electrical Inspector to perform contract work in Town provided he doesn't inspect his own work.

Mr. Farrell asked if Town Counsel had reviewed it. The answer was no.

Decision:

Ms. Jenkins made a motion to adopt Chapter 166, Section 32A. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to approve the motion.

Further Discussion:

Ms. Jenkins said years ago, up until 2012, she had been compiling a list of all the laws the Town had adopted and asked Ms. Crosbie if she could help find it. She said she would check with the Town Clerk. Ms. Jenkins asked if she would make a note to include that in the duties of the new Town Manager. Ms. Crosbie said she has a spreadsheet of tasks she's been working on and will send that to Ms. Jenkins, as well.

Open Special Town Meeting Warrant

Decision:

Mr. Maddern made a motion to open the Special Town Meeting warrant. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to open the warrant.

Open Meeting Law and Compliance Policy

Ms. Jenkins said she would like to do a first reading next time. This is a first step for standardizing Minutes and instituting some training. She had put together a summary of Open Meeting laws all boards and committees must comply with. She highlighted some she was concerned about, such as when Executive Session minutes are released. She said some boards are posting minutes that read more like agendas. Also she thought it might be helpful if there is a Town employee designated as a liaison to each board who was responsible for posting minutes. Assistant to the Town Manager Anabela Batista posts them for the BOS, but for other boards, the procedure is not as clear-cut. She made a chart of all the Town boards with suggestions of employee liaisons.

Mr. Farrell concurred. He asked if she had incorporated Ms. Brewer's input. She said she had.

Mr. Maddern said it would be good to provide a training on the Open Meeting Laws for new members of Town boards and committees. Also discussed was making minutes and agendas easier to search and access.

NEW BUSINESS

Consideration of topics for discussion at future BOS meetings

Among the topics brought up by the Selectmen were:

- Bylaw recommendation that marijuana growing needs to always be done in enclosed facilities.
- Opening some Hamilton businesses 24 hours.
- Bylaw for the Conservancy District
- Calendar for budget hearings.

- Approve appointment of Associate Member of the Planning Board.
- Clickers and potential Town Meeting improvements.

Mr. Seaver wanted to know if his request would be on the agenda for discussion. Mr. Farrell said they would discuss it when they reviewed warrant articles, which are due Aug. 6.

Adjournment

Mr. Hubbard made a motion to adjourn the meeting at 10:15 p.m. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to adjourn.

Sign Cemetery Deed #1164

Ms. Jenkins make a motion that Cemetery Deed #1164 can proceed as necessary until the BOS signs it. Mr. Hubbard seconded the motion. The motion passed unanimously (5-0).

Prepared by:

Mary Alice Cookson, 8/13/18
Mary Alice Cookson Date
Minutes Secretary

Attest:

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