

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

July 16, 2018

Members Present: Shawn Farrell, Jeffrey Hubbard, and Allison Jenkins

Members Absent: Scott Maddern and William Olson

Interim Town Manager: Robin Crosbie

Town Staff Present: Finance Director Marisa Batista; Police and Fire Chiefs Russ and Phil Stevens

Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:04 p.m. with a three-member quorum.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Open Space Committee, Board of Health, and Community Preservation Committee each have one open position. The Historic District Commission/Historical Commission has three open positions.
- The Patton Homestead Inc. nonprofit is looking to add individuals with extensive nonprofit fundraising, marketing, and legal experience. Please contact Scott Maddern if interested.
- Town Hall will be closed all day on Aug. 2 for cleanup and records management. The Clerk's office will be open for early voting for the State Primary.
- There will be an informal meeting about electrical aggregation and how it works at the Council on Aging (COA) on Sept. 26.
- A meeting has been scheduled for July 30 to review the three finalists selected by the Screening Committee for the Town Manager position. Mr. Farrell read a letter from Bernie Lynch, principal at Community Paradigm Associates LLC, and gave further details.

Public Comment

Bill Shields, 721 Bay Road, said he filed a memorandum with the BOS and with Town Counsel on the three citizen's petitions approved at Town Meeting. He said one month ago

the BOS announced decisions regarding the three citizen's petitions based on legal advice from Town Counsel Donna Brewer. He detailed what was said by the BOS then about each of the petitions. He challenged that Ms. Brewer had conflicts of interest on the cell tower litigation and questioned why she had remained silent on the legality of the petitions prior to and during Town Meeting. He said the BOS was violating the will of Town Meeting and questioned actions taken in the Varsity Wireless case, ending with the filing of the Agreement for Judgment. He called it an admission of guilt and said the will of the people was to fight the case in court not settle. He said Ms. Brewer had said the three members of the Planning Board were not acting in the interests of the Town, but in their own private interests. He disputed that. He said the Town should not be hiding behind the "flawed opinion of a conflicted Town Counsel" and questioned the BOS putting the matter in her hands and that of Director of Planning & Inspections Patrick Reffett. He urged the BOS to rethink its actions and said the best course was to conduct an impartial and fair investigation. He said if it did not, the only recourse would be through the Attorney General and the courts.

Keith Rice, 128 Haverhill Road in Topsfield, said he represented Steel Workers Local 12012 and worked at National Grid on the gas side. He said he and 1200 of his co-workers were locked out after contract negotiations broke down. He wanted the BOS to consider a moratorium on any non-emergency work in the Town until the lockout is resolved. His contention was he and his coworkers did the best work rather than the contractors National Grid was bringing in who might not be inspecting things to verify proper procedures are followed. He distributed handouts.

Allison Jenkins said she wanted to make a personal statement, which was her opinion not that of the BOS. She said she was acting in the best interest of the Town and upon the legal advice she was receiving and felt Mr. Shields' statements were not factual.

Finance Director Marisa Batista said she wanted to state for the record she did get a second legal opinion and it concurred with the legal opinion offered by Ms. Brewer. Mr. Farrell echoed her statement.

CONSENT AGENDA

- **Approve Asbury Grove Duathlon on July 28.**
- **Reappointment of Town Poll Workers as detailed on attached list.**
- **Appointment of Daniel Hamm as an Associate Member to the Planning Board.**
- **Reappoint Darcy Dale to Finance and Advisory Committee (FinCom).**
- **Approve Minutes from the BOS regular meeting June 4.**
- **Release Executive Session Minutes of April 17, May 7, May 21, and June 4.**
- **Accept Gordon-Conwell Seminary's \$35K gift.**

Ms. Jenkins asked that the BOS remove Darcy Dale's reappointment from the consent agenda due to a procedural issue.

Decision:

Ms. Jenkins made a motion to approve the consent agenda (as amended above). Jeff Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the consent agenda.

Further Discussion:

Ms. Jenkins explained the reason she withheld the reappointment of Ms. Dale from the consent agenda was because the BOS doesn't make the appointment. It nominates two members of the FinCom to the Town Moderator and the Town Moderator makes the appointment, which he has already done.

Decision:

Ms. Jenkins made a motion the BOS nominate Ms. Dale to be appointed by the Town Moderator to the Finance and Advisory Committee. Jeff Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

Approval of Year-End Transfers

Ms. Batista presented two year-end transfers: one to the Celebrations Account to cover Memorial Day celebrations in the amount of \$953.31 and one to Town Counsel Legal to cover litigation services invoices in the amount of \$20K.

Decision:

Ms. Jenkins made a motion the BOS approve the year-end transfers as presented. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

Selectmen/Town Manager Reports

Mr. Hubbard reported there will be both a quarterly Veteran's Affairs meeting and a Town Hall Building Committee meeting on Thursday.

Ms. Jenkins reported the Community Preservation Committee (CPC) will meet next week regarding project eligibility. The Zoning Board of Appeals (ZBA) will meet Wednesday on three special permits. On Thursday, the Town Hall Building Committee will review two OPMs for the Town Hall renovation project.

Mr. Farrell reported in Scott Maddern's absence the Green Meadows Farm Host Community Agreement (HCA) is on track for the Aug. 20 meeting. They are looking at the water usage

(impact on the Town) now. He reminded them of many meetings that will be coming up in preparation for Special Town Meeting (STM). He said a brief explanatory paragraph will be included in the mailed warrant. He thanked all the Town groups that provide support for Concerts in the Park and the Department of Public Works (DPW) for the rehabbed gazebo. They had a bid to repair the Patton Homestead exterior. No capital warrant is needed at STM. There was a budget request for a director of maintenance, utilities, etc. The Patton Homestead is reviewing a Memorandum of Understanding (MOU) to help guide interactions to convert the private resident to a public building. Military Day went well. He provided some details and credited individuals involved.

Town Manager Robin Crosbie said she scheduled the transfer of the lease from GCTS [Gordon-Conwell Theological Seminary] to Wenham Museum for Aug. 6. She updated the job description for a Patton Homestead director. They are getting ready to bring the HCA to a close. At the next meeting will be an Open Space Committee and Waste Reduction Committee charge. Also, they will be reviewing some administrative policies.

Discuss of Solar Array Revenue Structure—Jennie Merrill and Vicki Masone

Ms. Merrill said she and Ms. Masone are working to come to an agreement with Ameresco sooner than later. They structured the lease and PPA based on a lease Ms. Merrill had worked out previously with another town, so it has been vetted. The only thing left to discuss is how taxes will be dealt with. Ameresco's preferred approach is a Payment in Lieu of Taxes (P.I.L.O.T.). The Town will need to figure out the assessment. Ms. Crosbie asked if that was just the land lease. Ms. Merrill said it was the lease payment plus the price of electricity plus the taxes combined. She went over the preferred charging structure by Ameresco. Mr. Farrell asked what was best practice and if most other towns did a P.I.L.O.T. She said yes, and it requires Town Meeting approval. Ms. Jenkins asked about revenue. The third agreement the Town needs to sign is a license agreement.

Ms. Crosbie asked what authorization was needed by the BOS. Ms. Merrill asked for approval to execute the site control agreement, the lease, and the Power Purchase Agreement (PPA) after they have fully negotiated the terms, which would include input from the Board of Assessors. That way they won't have to wait for another BOS meeting to obtain approval.

Decisions:

Ms. Jenkins made a motion the BOS authorize Town Counsel Ms. Merrill and Energy Manager Ms. Masone to outline the details of this program and authorize the Town Manager to sign the necessary documents to move forward as she sees fit. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

Ms. Jenkins made a motion to execute the site control agreement for the property at 500 Chebacco Road. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

The BOS signed the relevant documents.

Fire Chief Succession—Discussion

Police Chief Russ Stevens said Fire Chief Phil Stevens would be retiring Dec. 31. They have two options: to conduct a nationwide search or to approve someone in-house to take the position. His choice, as well as that of Chief Phil Stevens, is Fire Captain Ray Brunet, who has been with the department for 30 years. He has good relations with the staff, knows call fire, knows payroll, the equipment, etc. He has good administrative skills and fire-fighting skills. The two chiefs thought it would be good also for staff morale to hire from within and would also open up Capt. Brunet's current role for someone to step into. They proposed hiring Capt. Brunet as Acting Fire Chief from Jan. 1 to July 1, 2019. That way they could do a six-month trial to evaluate if it was a good fit for both Capt. Brunet and the Town. If not, they would conduct a search. Ms. Crosbie said they would need to work out the specifics of hiring him.

Decision:

Ms. Jenkins made a motion that the BOS appoint Capt. Brunet as Acting Fire Chief from Jan. 1 to July 1, 2019 with the details of pay, benefits, etc., to be authorized by the Town Manager. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

Further Discussion:

The BOS discussed sending a press release about this to the local newspapers and posting it to the Town website.

Ms. Jenkins asked if they could take the Chapter 90 Funds discussion (listed under New Business on the agenda) out of order so as to involve the two chiefs in the discussion.

Chapter 90 Funds—Discussion

Ms. Jenkins said for years, the Town has been trying to have Chebacco Road paved. The road from addresses 338 through 358 is a dirt road. It also continues to be unpaved from the gun club to the landfill. She spoke to Department of Public Works (DPW) Director Tim Olson about this. Since they have Chapter 90 funds available, they could pave just the section from 338 through 358 so the residents can always get to their homes and have their mail delivered.

Chief Phil Stevens said he supported it. Chief Russ Stevens had a question about the property line. Ms. Jenkins said Mr. (Tim) Olson thought where the road is isn't actually where it should be and they could bump it over when they worked on it.

Ms. Crosbie said she would put it on the agenda for Aug. 20, as Mr. (Tim) Olson was coming to that meeting.

Minutes Policy—First Reading

Ms. Jenkins said what's missing pertaining to Minutes is the responsibilities piece. How minutes and agendas are handled is determined by law. What she is trying to do by having a policy is to direct people to the law and say who is responsible for what tasks. She consulted Town Counsel on this. She also came up with a list of Town employees who could handle minutes and agenda tasks for the various boards. According to the law, minutes must be online and searchable. That falls to the Town Clerk, but the Town Clerk can't adhere to that if she doesn't know who is responsible for each board's minutes. Also, people post things with the same name, which isn't good for search purposes. Ms. Jenkins is working on a standard naming convention. She noted another thing currently lacking is a standard minutes format.

This was considered a first reading because it changed dramatically from Ms. Jenkins' first draft. The second reading will be Aug. 6. Ms. Crosbie suggested adding an effective date and line saying it was adopted by the BOS. It will be included with the policies.

Discussion of Change in Bylaw to Allow 24-Hour Businesses

The fueling station behind Town Hall needs an upgrade costing approximately \$250K. In addition, the Town pays an annual software cost to run the fueling program of about \$3,500 per year. They also have insurance costs and overtime costs for running the pumps and inspections. Her thought was to allow gas stations in Hamilton to be open 24 hours. Cumberland Farms wants to be open and is wired for running a generator so could always have power. She spoke with the Police and Fire chiefs to make sure the gas station can meet the needs for fueling all the Town's equipment. She would like to figure out all the actual costs and see if the residents of the Town would support the move. She said the reporting they get from their fuel station now is antiquated and you can't do reporting off of it. The reports they could get from a carding system at the gas stations would be much better. The Police and Fire chiefs don't want the vehicles fueled outside of the Town. Ms. Crosbie asked if this would include the convenience store component of the stations being open 24 hours. Ms. Jenkins said she thought so. If the BOS was in favor, she would have Town Counsel write the warrant article.

Mr. Hubbard said it would be good for the town to spread the business among the three gas stations. All three accept the payment card of the State.

Mr. Farrell said he would like to have Chief Phil Stevens and Mr. (Tim) Olson come in to talk about access. The pumps are at an angle and he wondered about plow trucks, etc., getting in and out. Ms. Crosbie said she would put it on the agenda for Aug. 6.

Potential Town Meeting Articles—Discussion

Ms. Crosbie passed out her list of articles. She said the warrant itself includes several financial articles that need addressing. She discussed several budgets that were underfunded for normal operating expenses. She has talked with the FinCom Chair and Vice Chair about the budget. For the Patton Homestead, she's putting together a budget with Ms. Batista and has been working with Mr. Maddern. There is insufficient operating revenue there. The inspections budget will have to be amended. The Pool budget was insufficient and it was understaffed this summer. Ms. Crosbie said they needed to staff the pool as if they were going to have a warm summer. For the inspection consolidation, there is software that goes with it and they got funding for it, but need to appropriate a percentage of inspection fees to support it. Ms. Brewer is working on the Personnel Bylaw.

Regarding the Conservancy District—Ms. Jenkins said the Open Space Committee Chair Gretel Clark had moved to bring back a new legal Conservancy District Bylaw in the fall. Ms. Crosbie said they have only until Aug. 6 to get the new bylaw in or it will go on the warrant as a deletion. Mr. Farrell asked Ms. Crosbie to talk with Mr. Reffett about it. She said she had spoken with him and he was going to investigate it.

Ms. Crosbie said the CPC will have some articles on the warrant. Regarding the Affordable Housing Trust (HAHT)—Ms. Jenkins explained the HAHT had approved the Willow Street project be more units than previously discussed (20 senior units instead of only 7 family units). The Longmeadow project has not yet been determined. CPC's bigger concern, she said, is that it only receives so much money and the Town Hall renovation may be coming forward at the same time as the Meadowbrook Farm project, each at about \$2M. They can't afford to fund both (through bonding) and would have to decide which to move forward. They will be looking for citizens' input.

Ms. Crosbie said the HAHT is working with Harborlight Community Partners on a complicated arrangement in which the Town would have the option to buy down the number of units. \$200K would bring the project down from 100 units to 89 units. Each 25K buys it down another unit. The plan also buys the Town time to think about other development there. The group "Yes in My Back Yard" is in favor while a number of the abutters have said they will fight it in court.

The CPC needs a rep. from the Planning Board to serve on its board. Mr. Farrell asked Ms. Crosbie to discuss that with Mr. Reffett.

Ms. Jenkins added that while they are looking at the Patton Homestead, they hadn't nailed down the responsibility for the grounds leading down to the river beyond the area that's mowed. That needs discussion. Ms. Crosbie said she can find out what it would cost to go down to the water. Right now the DPW is short-staffed. A director at the Homestead will be hired in December.

The BOS had a redlined version of the Accessory Apartments Bylaw. Most of the redlines were from Ms. Brewer. There is still work to do on it.

Mr. Farrell asked Ms. Crosbie's about how the packet of materials for Town Meeting were handled in Ipswich, as he'd heard they did a good job with it. Ms. Crosbie said she prepared the warrant and included a brief summary with each article stating its purpose, and the vote required. She said the Ipswich's Finance Committee did a deeper analysis about how each article would affect the tax rate and sent out the booklet. She noted Town Meeting was done like the production of a play in terms of ordering things with light content interspersed among heavier content.

Mr. Farrell noted the BOS had been talking about the idea of picking articles randomly out of a hat so people will stay for the whole meeting. Ms. Crosbie suggested having some of the more contentious issues spread out, in the beginning, middle, and end. She said Ms. Brewer was using the format that was used last time. Mr. Hubbard said he thought there should be thoughtfulness to the order instead of randomization. Ms. Jenkins said some residents had complained things were placed in a certain order on the warrant to sway votes, which wasn't true; but she said if they maneuvered it, it might look that way. Ms. Crosbie said too many zoning articles all at once can be exhausting. Mr. Farrell asked her to put the discussion on the agenda and invite the Town Moderator.

Ms. Jenkins asked Ms. Crosbie her opinion on listing individual votes of each board member on a particular article. Ms. Crosbie said she has never seen that done. The only authority they have is as a board, not as individuals.

Refer Zoning Articles to the Planning Board

Decision:

Mr. Hubbard made a motion they refer zoning articles to the Planning Board. Ms. Jenkins seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

Review/Edit/Approve FY'19 Calendar

Ms. Crosbie was thanked by the BOS for her work on the calendar. She stressed it was a working document.

Ms. Jenkins said there used to always be a banner at Town Meeting that read: Democracy is not a spectator sport. Ms. Crosbie said they were looking for it, but hadn't found it. Also they were looking for one that read: Town Meeting is on x date. They found one that read: Monday at 7:30 p.m., but the meetings are on Saturdays. They aren't sure what to do.

Mr. Farrell said he and Mr. (Tim) Olson and Chief Russ Stevens have been talking about getting a LED signboard that they can move around and use for Town business and public safety issues, such as road closures. They wouldn't have to worry about bylaws pertaining to signs since it would be a temporary thing. They might also look at sandwich boards. Now that they've switched to the Rec Center for voting, he thought they could use additional signage. He is also working on sandwich boards and a mailer regarding the water ban.

Ms. Crosbie had a question about babysitting offered at STM. Mr. Farrell said the National Honor Society at the high school offered babysitting for Hamilton and Wenham's town meetings. Mr. Farrell said they generally reach out and the school gets the volunteers. Ms. Crosbie said it should be discussed with the Town Moderator, who controls the site.

Decision:

Mr. Hubbard made a motion that the BOS approve the Fiscal Year '19 calendar. Ms. Jenkins seconded the motion. The BOS voted unanimously among those present (3-0) to approve the motion.

NEW BUSINESS

Consideration of topics for discussion at future BOS meetings

Among the topics brought up by the Selectmen were:

- Chapter 90 funds—discussion, set for Aug. 20.
- Ms. Jenkins said she had new information she would like to share for transparency sake about Gordon-Conwell Theological Seminary's portion of the land for a cell tower.
- The BOS will meet July 30 to interview candidates for the Town Manager position.
- Ms. Jenkins said they needed a discussion on the Patton Park dugouts. She is not opposed to having them, but BOS permission is needed to build on Town land. Mr. Farrell asked if this was just a housekeeping issue. Ms. Jenkins said yes, but they needed to make it clear what the proper procedures were. Ms. Crosbie added they

needed an agreement about who would maintain the dugouts. Mr. Hubbard added that all the buildings should match or coordinate in terms of paint color and be handled in some centralized way. This was said to be an issue for the new Town Manager.

Ms. Jenkins said she wanted to go on record to say Ms. Crosbie was doing an incredible job. When she leaves she will be handing over a great number of policies and list of tasks completed. Ms. Jenkins said when they approved updates to the Personnel Policies, she didn't think implementation was addressed. She would like the board to revisit the Personnel Policies and discuss the training to be offered to employees on the policies.

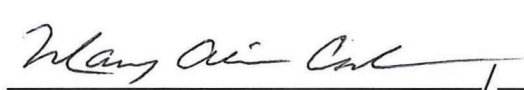
Mr. Farrell said Ms. Crosbie had laid out agendas through the end of December. The calendar can get loaded into the agendas, as well. Everything that is put into the agenda can get checked off as it's completed with that information delivered to the public.

Adjournment


Ms. Jenkins made a motion to adjourn the meeting at 9:24 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (3-0) to adjourn.

Sign Cemetery Deed #1165

Prepared by:

 9/19/18
Mary Alice Cookson Date
Minutes Secretary

Attest:

 9/10/18
William Olson Date
Board of Selectmen Clerk