

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

TOWN HALL—MEMORIAL ROOM

August 13, 2018

Selectmen Present: Shawn Farrell, Allison Jenkins, Scott Maddern, and William Olson

Selectmen Absent: Jeffrey Hubbard

Interim Town Manager: Robin Crosbie

Town Manager To-Be Joe Domelowicz

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

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.
- Absentee ballots are available in the Town Clerk's Office for the Sept. 4 State Primary Election.

Public Comment

None.

Selectmen/Town Manager Reports

Scott Maddern reported State Representative Brad Hill hosted a well-attended barbecue at the Senior Center last Friday. There were questions afterward about whether the cell tower was coming, what's ahead on affordable housing, and about having the facility open during storms because many seniors didn't have a place to go. The community has an outreach

program to check on folks, but they have to opt in. Rep. Hill secured State funding for a generator for the Senior Center. Mr. Maddern noted the seniors' voice on housing is strong and they will work with the Planning Board and Council on Aging (COA) to be represented in the Master Plan. Today he met regarding the Greenmeadows Farm Host Community Agreement. Regarding the Patton Homestead—they have a draft of a budget for a warrant and started a capital campaign. The Town has entered into an agreement with Executive Service Corps to help the Town with the Patton Homestead—uses, pricing, etc. The agreement with Patton Homestead Inc. to change the lease from Gordon-Conwell to Wenham Museum for the archives was completed.

Allison Jenkins reported that Wednesday is the last day to register to vote. The Town Hall Building Committee chose an OPM [owner's project manager]. She and William Olson are negotiating a contract with the new Town Manager. The Zoning Board of Appeals (ZBA) is bringing forth comprehensive permit rules for affordable housing. The Community Preservation Committee (CPC) voted to fund the removal of weed overgrowth in Weaver Pond in Patton Park, the basketball hoops there being replaced, and painting/restoration of the Patton Park cannons. It voted against granting \$200K for the Longmeadow Way affordable housing project.

Mr. Olson reported the Planning Board will be holding a public hearing for the Accessory Apartment bylaw change. They're working on an agreement with the homeowner of the building on Willow Street [elevator building]. Claudia Woods had to move out of Hamilton so they lost a good Planning Board member. Janel Curry was appointed Planning Board rep. to the CPC.

Interim Town Manager Robin Crosbie said the Town set up a meeting with DCR [Department of Conservation and Recreation] regarding the Kaminski tax issue. They hope to work out a resolution as opposed to proceeding through Land Court.

Mr. Farrell added one more announcement:

- The Hamilton Police Department announced the Citizens Police Academy will run from 6:30-9 p.m. for 10 consecutive Tuesdays, Sept. 18-Nov. 20, and will cover criminal law, patrol procedures, court procedures, and use of force. There is no charge to attend. Applicants must be 18 and older. It is limited to 20 applicants. Applications are available at the Hamilton Police Department. Deadline is Aug. 31. Preference will be given to Hamilton residents.

AGENDA

Discussion—Affordable Housing at Longmeadow with Hamilton Affordable Housing Trust (HAHT)

HAHT Chair Russ Tanzer said the HAHT and the Planning Board have been clear about wanting smaller [affordable housing] projects in Town. They've spent a lot of time trying to come up with smaller projects. Nothing has come to fruition, except Willow Street.

Marc Johnson discussed the history of the Willow Street project. The Trust was going to have to come up with an additional \$200K (for a total of \$800K) so Harborlight could do a 7-unit project there as opposed to the original proposal of \$300K for 20 units. [This is because the funding mechanism of using tax credits couldn't happen unless the project was paired with another project, such as Longmeadow.] The Trust had asked if there were a way to resurrect the original 20-unit proposed project at Willow Street (as opposed to the 7-unit project) and found the way to do this would be to lock in a project at Longmeadow Way.

Mr. Johnson devised a matrix for reducing the size of the Longmeadow project using a combination of land sales and Town money. The Trust had presented the Longmeadow project to the CPC Thursday, asking for a grant of \$200K [the same amount it would have previously needed for the 7-unit Willow Street project]. The CPC's response, he said, was that it has a finite amount of funds and other priorities. It was also concerned with the possibility of having to spend Town money on legal fees and have a project tied up in litigation. The CPC voted not to advance the \$200K, but did invite the Trust to come back in the spring.

The Trust was now looking to the Selectmen for direction on whether to move forward with its plan for a smaller project or step back and let Harborlight do (or not do) something there. For the \$200K requested of the CPC, the project would have been reduced from 100 to 89 units. For each additional \$25K, the project size would drop by one unit. Mr. Johnson said the CPC's issues hadn't been so much about the structure of the deal as about not wanting to commit the money.

William Olson added some details on the project, saying the goal was to get the size into the 40-unit range. For that, the Town would need to come up with an additional \$1.225M. HAHT Coordinator Dorr Fox elaborated, saying it is typical for other towns to spend as much as \$100K per unit; this project ranges about \$30K per unit.

Mr. Olson said there were two gaps in the project. One was money. The other one was Harborlight negotiating with the Trust. There were unanswered questions. The Trust doesn't know what will happen with the property if it doesn't act. Mr. Olson had emailed Mr. DeFranza 11 questions and just recently received his answers.

Mr. Tanzer said he wanted everyone to take note the Town was into the two Habitat for Humanity houses for \$310K.

Ms. Jenkins inquired about what AMI [area median income] the project is based on. Mr. Olson responded 60% AMI; 10% of the units would have to be for the homeless as required by the State. Ms. Jenkins, the BOS rep to the CPC, discussed her reasons for voting no on the \$200K funding. She said the CPC hadn't been presented with any type of design, number of units, etc., or been told what the AMI would be. There was also uncertainty about what was going to happen with the other parcels. The CPC didn't want its funds used for legal fees. Also, CPC funds are limited and there are other large projects before it. According to her talks with residents, the project was too big. She said it was implied at the meeting that because the BOS had an agreement with Harborlight, the BOS were in agreement with the AMIs. She said that was incorrect. The BOS has never defined the AMI it is looking for.

Mr. Johnson said 25% of Hamilton's households make under \$50K, so they automatically qualify for the 60% of AMI. Many residents are housing-strained, he said. Ms. Jenkins questioned the census data used. She said some of it tracks income for those 16 years old and above, which could skew the data. Mr. Johnson said the data tracks household income, not individuals. He brought them back to the question: Does the BOS want to work with the Trust on trying to come up with improving the existing term sheet and come up with some way of working with Harborlight on Longmeadow, even if they don't have CPC funding?

Mr. Farrell asked Ms. Jenkins if the CPC had had a concrete project presented on Thursday, would it have voted differently. She said no, she didn't think so.

Mr. Farrell said he was concerned about Hamilton residents being given local preference.

The BOS discussed the funding required for both projects is \$1.8M. Mr. Olson said they are asking for \$1.2M. [The Trust already has \$600K in grant money set aside for the projects.] Ms. Jenkins said she would like it stated that funds can only be used for construction costs rather than upfront costs, such as legal fees or building permit fees. She thought they should hold the money until they actually get the units. Mr. Johnson noted Town Counsel Donna Brewer has said they should follow the rules regarding CPC spending.

Mr. Farrell asked about the goal of the HAHT meeting tomorrow night. The response was: to understand the ramifications of the BOS decision tonight. Mr. Olson thought the goal was to have Andrew DeFranza discuss the project, but HAHT and CPC Coordinator Dorr Fox said Mr. DeFranza was not coming to meetings and was hoping the Trust would make its decisions without him being present.

Mr. Tanzer noted the Trust isn't aware of the details of the agreement between Harborlight and Longmeadow property owner Curt Miller. Mr. Olson said that would be released when

Mr. DeFranza was ready to submit the paperwork with the State. Ms. Jenkins said she believes he is overpaying.

Jack Lawrence, 105 Rock Maple Ave., said if this project goes ahead on Miller's property, the Farnham property next to it isn't going to be worth anything and thus, anything can go there. Also he thought Mr. DeFranza could potentially make a deal regarding the Farnham parcel and put more units there. (Mr. Olson noted Mr. DeFranza is willing to sign an agreement that he won't do this.) Mr. Lawrence expressed his opinion there are other Town properties that would make ideal sites for affordable and workforce housing. He said he hoped everyone had read Rosemary Kennedy's letter to the editor.

Mr. Olson noted Harborlight can do projects without involving the Town and the Trust was trying to stay ahead of that. He said Harborlight was the only project that had come before the Trust.

Planning Board member Rick Mitchell, 36 Rock Maple Ave., asked if the BOS supported continuing a negotiation with Harborlight on a project that fits parameters they can agree to. This is about taking control of our future, he said.

Kate Walker, 82 Ortins Road, said she agreed with Mr. Mitchell on advocating for control, but said the project was not smart growth, as 100 units on that parcel of land devastates one neighborhood. Mr. Olson asked what the number was that the neighbors wouldn't litigate against. Ms. Walker said asking that was turning it around and blaming the abutters.

Carol Schrock, 79 Ortins Road, cited a story about a couple who moved in to the neighborhood not long ago and spent money renovating their property and were never told there might be a large housing project next to them, which means a reputable realtor failed to tell them.

Mr. Farrell said he would rather have influence to get the number of units down, as opposed to stepping back and having the project be 160 units. Mr. Olson said he thought over 40 units was too big. The question was: Was 48 too big? he asked. Ms. Jenkins said her sense is that even at 48 units, the abutters will sue.

Nick Carter, 11 Ortins Road, said he purchased his property a little over a year and a half ago and has two young children. He said they bought on a cul-de-sac for his family's safety and for the quality of the school. He wonders how the numbers are going to affect the quality of the education. He was also concerned his road could become a secondary access road. Mr. Olson noted Mr. DeFranza had site control and had agreed not to make Ortins Road an access road and was willing to put that into the grant agreement.

Mr. Johnson discussed what had been done to determine if there were a municipal use for the land on the part of the Schools.

Patricio Khuriyeh, 69 Ortins Road, said the commitment he and his wife made when they moved to Town with their young kids is completely changed, causing him and his wife stress. He said he can't find any complete plan or get any details. He said he can't see that Harborlight is willing to take any risk. He doesn't see how from a business perspective they can raise capital when they don't know what they'd be agreeing to. There is no study or analysis of the impact. Mr. Olson said Mr. DeFranza would be providing all of that.

Ms. Walker asked what the point of the Host Community Agreement with Harborlight was. She thought it was so the Town wouldn't be held hostage by a developer. She said the term sheet doesn't provide any mitigating reimbursements to the Town. She said there wasn't anything in the term sheet for the Town. She said they needed to step up as a Town to make a good deal with Mr. DeFranza. Mr. Kanzer clarified the host community agreement is not between Harborlight and the Trust, but between Harborlight and the BOS.

Mr. Johnson raised a technical point that local preference is negotiated by the ZBA.

Mr. Mitchell said the basic question was whether or not to enter into the negotiation with Harborlight to buy down the project to its smallest size. He said it was about control. Otherwise, a developer can show up with a plan for a large project and go to the ZBA and get Title 5 approval and the project gets done. He said if the residents take control they get out from under that threat. He wanted to hear from Mr. Maddern. Mr. Khuriyeh commented control ought not to involve paying money to have control. Mr. Mitchell argued they did need money to control the size and the type of project. Mr. Lawrence said they need to understand they have no control. Even if they spend the money now, in a few years, they will again have no control, he said.

Mr. Maddern said he liked hearing reasons why young people come to the Town, such as for the schools. He said there aren't alternatives for seniors who want to stay in Town. The key question for him is whether a friendly 40B is out the window at this point. He said he wasn't sure it totally is, but he thought a friendly 40B is better than a not-friendly one. He said abutters have said the BOS should stay out of it. Every neighborhood has threatened litigation. Harborlight is searching for a kumbaya—wanting everyone to be happy. He said there's a chance at Willow Street, but it's the only thing he's heard any support for. He said no matter what people think of the Trust, they are following the laws of the State and he appreciates the members doing it. 400 units and up is too big, they've all said, but the Town can't continue to buy down the sizes of affordable housing projects at \$100K per unit. His opinion was the best voice on it was Town Meeting, to say whether the Town was willing to put money behind it or not. He said he thought it was too late to take this to Special Town Meeting because all the questions won't have been answered. He thinks the Trust should work toward presenting it at Annual Town Meeting in the spring with a recommendation that the Town make the plan smaller, keeping the cost at \$30K per unit.

Mr. Olson agreed with Mr. Maddern it should be a Town Meeting decision, but questioned what Harborlight's timing was. Mr. Farrell also agreed putting it to vote at Town Meeting was best. Ms. Jenkins said they are missing a Selectman tonight and it's a big decision. She questioned where they came up with \$20K per unit. Mr. Tanzer said the number came from Mr. DeFranza. It was the number per dollar (or per unit). Mr. Maddern said he wished Jeff Hubbard were there, but thought they could still vote.

The BOS discussed that it hadn't given any input to the CPC prior to its vote.

Ms. Walker brought up the Gordon-Conwell Theological Seminary, which is the next agenda item, as a solution that costs nothing. She asked why the BOS wasn't more supportive of that. Mr. Maddern said it was the next topic relating to the task force and a charge. He doesn't know if there is anything moving ahead there.

Decision:

Mr. Maddern made a motion that the BOS direct the HAHT to continue with a proposal to the Annual Town Meeting to work with Harborlight and come up with a recommendation to make the size within some targeted range and toward the low end of the cost range of \$30K or so. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to approve the motion.

Discussion—GCTS [Gordon-Conwell Theological Seminary] Task Force

Ms. Crosbie recapped this was a group appointed by the BOS so they were obliged to follow open meeting laws. She had suggested that the Town Manager form a task force, which would allow the group to work in ones and twos and meet with the Seminary. She had submitted a proposed task force charge and gathered comments. The question is whether they have members that want to serve on it.

Mr. Farrell noted Ms. Jenkins had resigned from the GCTS Task Force. Ms. Jenkins commented about her decision and gave some history on the group. She said she had supported that the group report to the Town Manager rather than to the BOS. But she said the Task Force seemed to be haggling over words and members couldn't come to terms. She said the small working group had urged that the Task Force support having the largest number of affordable housing units at Gordon-Conwell. She was not in favor of that and said she didn't see Town support for that. The only remaining member of the group is now Mr. Hubbard.

Ms. Crosbie said that there was a lack of communication. Nobody had talked to the HAHT or the Planning Board to involve them. She said she thought they needed to look more broadly at the charge.

Mr. Maddern suggested they get it changed, as Ms. Crosbie had suggested, post it on the website, and pursue membership as they would any other position. They talked about potential membership for the group, including the Finance and Advisory Committee (FinCom) and School Committee. Ms. Jenkins questioned having a rep. from the Schools, whose mission was to provide the best education to the Town. Mr. Maddern agreed with Ms. Jenkins, saying the School Committee members represented the whole district and it imputed confusion since this is a Hamilton issue. Mr. Farrell said the liaison to the School Committee (Mr. Hubbard) could work with them and solicit their input.

Ms. Crosbie said the Task Force will expire June 30, 2019 unless extended by the Town Manager.

Mr. Mitchell wanted to know what the role and responsibility of the Task Force was. Ms. Crosbie said it was to come up with areas of mutuality and make a report to the Town Manager, which the Town Manager would then share with the BOS. Mr. Mitchell said in the past they had negotiated agreements with Gordon-Conwell, only to have them not fulfilled. He wanted to know what would be different this time. He thought having a broader-based group of citizens involved would help Gordon see the issue differently. Ms. Crosbie said aside from land, she didn't know what other resources Gordon had.

Richard Boroff, 40 Moynihan Road, a former School Committee member, said he thought it extremely important to have a School Committee member on the Task Force, citing a past incident in which an agreement was made with Gordon-Conwell that the school superintendent later said was illegal. Ms. Jenkins and Mr. Boroff disagreed about the details of what had transpired.

Mr. Seaver, 402 Essex Street, said the BOS should publish the agreement the Town has with Gordon-Conwell to date. Mr. Farrell said the agreement they have is more of a promise than an agreement. Currently the Seminary sends the Town \$35K per year, but they're not obligated.

The BOS did not take any vote on the Task Force; it was just a discussion.

MOA [Memorandum of Agreement] with Patton Homestead, Inc.

Mr. Maddern said Patton Homestead Inc. was an independent nonprofit organization and had been working on the operating budget, etc. The MOA clarifies the role of the organization within the Town. Ms. Crosbie said the second paragraph was taken verbatim from a previous mission statement of the Homestead.

Ms. Jenkins asked what defined the Homestead and whether it included the outlying grounds. Currently there isn't any access to the river because it is overgrown. Mr. Maddern said it was the whole site, including all the way to the river.

Carin Kale of the Patton Homestead Board of Directors thanked Ms. Crosbie and Mr. Maddern. She said the Homestead was at an exciting time. The Town is going to be hiring a director to manage the operations and events at the Homestead. She said she thought the agreement was tremendously helpful.

Decision:

Mr. Maddern made a motion that the BOS authorize the BOS chair to execute the MOA between the Town of Hamilton and Patton Homestead, Inc. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to approve the motion.

Ms. Jenkins and Ms. Crosbie discussed that there should be a file of all the MOAs. Ms. Crosbie said that was a longer-term project and advocated it be done electronically. She will post this MOA on the website.

Open Space Committee Charge.

Mr. Farrell said currently the Committee is a subcommittee of the Conservation Commission (ConsCom). It wants to be a bit more independent and asked to be made an independent committee. Mr. Farrell said he spoke with the ConsCom and they were OK about dissolving the subcommittee. Ms. Crosbie had drafted a committee membership and its purposes. She had given examples from the handbook of suggested members, including a ConsCom member, Planning Board member, etc. Mr. Farrell added a Land Acquisition Committee member. He said a handful of years ago, they started an ad-hoc board that would form when the Town found out about land available for acquisition.

Ms. Crosbie said, as a side point, that the Town needs a master list of all the boards and committees and who is on them.

Mr. Olson inquired about who the membership should be. The BOS suggested a ConsCom member, a Planning Board member, a recreation director, and two citizens—bringing the total to five.

Chair Gretel Clark provided some history and said the Committee's purpose was to update the Open Space and Rec Plan. She said the previous Town Manager had tasked ConsCom Coordinator Jim Hankin to do it. She said the document wasn't friendly to Open Space. A group revised it and it sat for about a year. There was a need for people who had the time to follow through on it. She said now the Open Space Committee is struggling because they don't have the background they need. She said they needed to draw the committee from

people who have experience in this area and she suggested a couple of members. She said she was delighted to see the BOS giving the Committee its own standing. She said all the revisions were done except for the follow-up five-year plan.

Mr. Maddern thanked Ms. Clark for what she's done. He recommended five members: someone from the Town, such as Mr. Hankin or Director of Planning & Inspections Patrick Reffett. Ms. Crosbie suggested seven members, saying that taking on the Open Space Plan is a big effort. Ms. Clark noted Wenham hired a professional when it worked on its Open Space Plan. Ms. Jenkins suggested reaching out to the citizens and seeing who responds rather than specifying people to participate.

Decision:

Mr. Olson made a motion the BOS revise the Open Space Committee charge dated Aug. 13 to include five to seven members and leave it open for the membership, all to be appointed by the BOS. Ms. Jenkins seconded the motion. The BOS voted unanimously in favor among those present (4-0) to approve the motion.

Recycling Committee—Change in Title and Charge—Second Reading & Adoption

Change in Travel Reimbursement in the Personnel Policy—Second Reading & Adoption

Ms. Jenkins asked to make a motion that the BOS approve all three second readings of the policies for this evening's agenda. Mr. Maddern wanted it limited to the two listed above.

Decision:

Ms. Jenkins made a motion the BOS approve the change in title and charge for the Recycling Committee and the change in the Travel Reimbursement section of the Personnel Policy. Mr. Maddern seconded the motion. The BOS voted unanimously in favor among those present (4-0) to approve the motion.

Minutes Policy—Second Reading & Adoption

Mr. Maddern said he liked the idea of aligning Town employee support with boards and committees, but he would like to hear from the Town Manager about whether they could staff it.

Ms. Jenkins said the Town isn't compliant in public records law today, as it is building a website of stagnant documents instead of searchable documents. She was in favor of instituting and then implementing a policy on it. She said they are overusing employees' resources due to trouble in finding documents.

Ms. Crosbie said there should be a search mechanism imbedded in the website. Ms. Jenkins said it has to be imbedded into the document you bring to the website. That is why the Town bought the copiers to do it. It is not new to the employees, she said. The Town Clerk's office isn't staffed to do it. Ms. Crosbie said the Town should have a public records officer. The former Town Manager was the public records officer.

Ms. Jenkins recommended gathering feedback and postponing the discussion until they can have participation with the new Town Manager.

Ms. Crosbie said the Town also needs a policy about remote participation on boards. She will get a copy of Ipswich's policy as a reference.

Ms. Jenkins asked Town Counsel Donna Brewer if she had any feedback as to having searchable items on its website. Ms. Brewer said she agreed it needed to be done, but they have to figure out how and by whom.

Mr. Maddern suggested they give the staff the heads up that this policy is coming and start implementing it sooner than later.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- Warrant hearing (Aug. 20).
- Joint meeting with Benham about hiring the inspector for the regional inspection services (Aug. 21).
- Joint meeting with Com (Aug. 20) for its fourth quarter year-end review. Ms. Crosbie corrected that this would happen in the fall when Finance Director Marisa Batista gets back from being away.
- Host Community Agreement with Greenmeadows Farm.
- Businesses potentially being open 24 hours.
- The Conservancy District—using the same article used at Annual Town Meeting.

Adjournment/Entered into Executive Session

Mr. Maddern made a motion that the BOS enter into Executive Session at 9:38 p.m., not to return to open session, for the purpose of Town Manager negotiations and discussing strategy with respect to litigation over Chebacco Woods' use of private land for public trails. The BOS chair has determined that doing so in open session would have an adverse impact. Ms. Jenkins seconded the motion. A roll call vote was taken with "ayes" from Ms. Jenkins, Mr. Olson, Mr. Farrell, and Mr. Maddern.

Prepared by:

Mary Alice Cookson / 9/24/18
Mary Alice Cookson Date
Minutes Secretary

Attest:

William Olson / 9/24/18
William Olson Date
Board of Selectmen Clerk