

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

TOWN HALL—MEMORIAL ROOM

August 20, 2018

Selectmen Present: Scott Maddern, Allison Jenkins, Jeffrey Hubbard
and Chair Shawn Farrell (participating remotely
via conference call)

Selectmen Absent: William Olson

Interim Town Manager: Robin Crosbie

Vice Chair Scott Maddern called the Board of Selectmen (BOS) meeting to order at 7:02 p.m. with a quorum present. He announced Shawn Farrell was participating remotely via conference call due to geographical separation and that William Olson was absent. He noted the BOS would be meeting later in the evening with the Finance and Advisory Committee (FinCom) to discuss the warrant for Special Town Meeting. Approximately 16 people attended the meeting.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Board of Health has one open position. The Historic District Commission/Historical Commission has three open positions. The Open Space Committee has four 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.
- The Hamilton Police Department announces the commencement of the Citizens Police Academy. It will run from 6:30 p.m. to 9 p.m. for 10 consecutive Tuesdays beginning Sept. 18 and concluding Nov. 20.

Public Comment

Gretel Clark, 823 Bay Road, said while she was delighted the BOS heard the Open Space Committee's plea to become an independent committee, no one ever said to her the BOS would be creating another Open Space Committee when there already was one, which had

been given a three-year term just three months ago. She said she and the others had spent several years working as a committee and she was shocked by the behavior to create another committee. Mr. Maddern explained the BOS had created a full-fledged Open Space Committee at the last meeting. Prior to that, it was a subcommittee of the Conservation Commission (ConsCom). The BOS gave it full standing and defined the charge.

Dave Thompson, 103 Essex St., expressed disappointment that the BOS failed to negotiate a suitable P.I.L.O.T. (payment in lieu of taxes) agreement with Gordon-Conwell Theological Seminary. He said there is a better part of a million-dollar drag on Hamilton's citizens due to the approximately 45 students living on the campus who attend the Town's schools. He was disappointed the Town accepted the seminary's \$35K gift instead of negotiating a more suitable payment. He said he was also disappointed in Ms. Jenkins [for resigning from the Task Force.] He said the density for potential affordable housing at Gordon-Conwell is about 20-40 units and she had made a gross overstatement in saying 600 to 800 units. Ms. Jenkins responded that what the Gordon-Conwell group had wanted to negotiate was the most number of units that could be put on that land. She doesn't know how many that would be, but had guessed it was a large number, more than 20-40.

Mr. Maddern said this was a time to gather public comment that they will address at future meetings. He added there is a Gordon-Conwell Task Force run by the Town Manager. He listed some of the members and said they're looking to recruit others. The openings are posted on the website.

Ms. Jenkins responded to Ms. Clark's comment by saying she thought Ms. Clark had been 100% in agreement with the move to form the new committee. Ms. Crosbie added the new Committee was a stand-alone group reporting to the BOS and said they would be incorporating the existing membership, as well as opening it to others.

Selectmen/Town Manager Reports

Ms. Jenkins said she would report on research she had done concerning the Hamilton Affordable Housing Trust (HAHT) later in the evening.

Jeff Hubbard said the Veterans Affairs of Southern Essex District did not meet, but Karen Tyler was on this evening's agenda to give a report.

Mr. Farrell (participating remotely) said he did not have anything to report.

Mr. Maddern said the BOS met in Executive Session last Monday. The Town has been threatened with a lawsuit due to a potential property sale of about 60 acres on Chebacco Road. He said the land is owned by a realty company that didn't like the public trails located there, which have been in use for a long time and which the Town has a right to use. He said last week he was also served a verbal notice about 550 Highland St., which was the subject of the citizen's petition. He said the good news was that State Representative Brad Hill had organized a meeting with DCR [Department of Conservation and Recreation], the state agency that owns the property, and DCR will be reaching out to the Kaminskis

[residents of 550 Highland St.]. Rep Hill is going to refile current state legislation that makes curatorship properties tax-exempt; however, this has received objections. Mr. Maddern cited some history on the issue and said alternatives are being considered, including separating out residential properties from commercial properties and making the residential tax-free and the commercial taxable. He recommended the BOS meet with Topsfield's BOS to discuss the matter. Lastly, he thanked Ms. Crosbie for her work as Interim Town Manager and noted this is her last BOS meeting.

Ms. Crosbie called Hamilton a lively and engaged community and said she's enjoyed hearing from all points of view. She said the report she distributed gives a summary of the status of projects; most are complete or close to completion. The BOS is scheduled to meet with the Wenham Selectmen tomorrow evening to select a regional inspector. The Gordon-Conwell Seminary Task Force was revised and openings are posted. The HAHT voted Aug. 14 to request the BOS reopen the warrant for Special Town Meeting (STM) and place an article on it. She said the new Town Manager will be coming in for the next few Fridays to meet with her and the department heads prior to his start date of Sept. 4.

CONSENT AGENDA

- **Approve Minutes from the BOS meetings dated July 30 and Aug. 2.**
- **Appointment of William J. Burridge to The Hamilton Foundation.**
- **Reappoint Constance Cobb as Poll Worker until Aug. 1, 2019.**
- **Reappoint Walter Leszcynski as Registrar until March 31, 2021.**
- **The Friends of the Hamilton Wenham Public Library request permission to post a book sale banner on the Bay Road intersection with Asbury Street from Sept. 10 until Friday Sept. 21 advertising the semi-annual book sale that takes place Sept. 15 through the 20th.**

Decision:

Mr. Hubbard made a motion to approve the Consent Agenda. Ms. Jenkins seconded the motion. The BOS voted unanimously among those participating (4-0) to approve the Consent Agenda.

AGENDA

Veterans State Reports—Karen Tyler

Ms. Tyler had not arrived so the BOS postponed this agenda item.

Vote to approve the Letter of Support and the Host Community Agreement with Green Meadows Farm.

Mr. Maddern credited Ms. Crosbie for her work and complimented the Patton Family, in particular Bob Patton and his son Chris (who were not in attendance). He detailed information regarding Green Meadows Farm, located primarily in Hamilton and also in

Ipswich. State law allows between 1% and 3% in impact fees to be negotiated. Places without retail operations are usually at about 1%. Hamilton negotiated an impact fee of 1.5% of all gross revenues below \$6M and 1.75% of those \$6M and above. Topsfield's is 1.25%. Mr. Maddern said the point was to decide whether to execute the agreement.

Mr. Farrell pointed out there are several clauses that say the BOS can reopen and renegotiate the agreement at any time if they find some other impact (such as a water impact or smell).

Ms. Jenkins said she assumed the document had been extensively reviewed by Town Counsel. Ms. Crosbie assured it was. Mr. Hubbard inquired about the potential water impact. Ms. Jenkins said the Town needed to be sure it had sufficient capacity for water use by the farm. The operation is currently doing a study and would be need to pay for the replacement of water pipes or things of this nature if necessary.

Decision:

Ms. Jenkins made a motion the BOS execute the Host Community Agreement with Green Meadows Farm. Mr. Hubbard seconded the motion. The BOS voted unanimously among those participating (4-0) to execute the agreement.

Mr. Maddern mentioned that in the future the Town may want to consider adopting a bylaw regarding medical marijuana farms.

Statement and recommendation from the Board of Health on the Hamilton "Town Beach"

David Smith of the Board of Health (BOH) said he wanted to briefly present the background behind the recommendation that the BOS fund the placement of a porta potty during the season when residents use Chebacco Lake, the beach, and surrounding trails. The recommendation came following a complaint raised by Community Preservation Committee (CPC) and Historical District Commission member Ed Howard. Mr. Smith said in the past, the BOS had closed the beach and added "No Swimming" signs, although they seem to have had no effect. The dilemma is that if the BOS puts a porta potty there, it might seem to imply Town approval to use the beach.

Mr. Maddern said he recalled at one time a sign was placed there that read "Swim at Your Own Risk."

Ms. Jenkins noted there is a porta potty at the boat ramp, funded by the Chebacco Lake & Watershed Association. She said the Town insurance carrier had requested the sign saying "No Swimming" due to a death at the beach and had advised the Town not to promote the beach. She said the porta potty at the boat ramp is not that far away from the beach. Mr. Smith gave the cost estimates of providing a porta potty at the beach. He added that water testing would be triggered as a result. Total cost would be about \$250 per month.

Ms. Crosbie asked if it might make sense to post a sign directing people using the beach to the porta potty at the boat ramp. BOS members and Mr. Smith agreed that would be a good solution to the problem of people relieving themselves in the lake and woods. Ms. Jenkins said she would be happy to ask Department of Public Works (DPW) Director Tim Olson to order and install the sign.

Mr. Howard gave the story of how and why he brought the complaint forward. He said his message and that of his friends from Essex is "stop contaminating our water supply!"

In light of insurance issues and use of taxpayer money, Mr. Farrell said he supported adding the directional signs. Mr. Maddern and Mr. Hubbard agreed it made sense. Ms. Jenkins said she will follow up with Mr. Olson.

Dave Lash, 73 Lake Shore Ave., of the Chebacco Lake Association, noted the porta potty is only there seasonally, so the directional sign should also be placed seasonally.

Mr. Maddern noted it was time for the joint BOS/FinCom meeting to begin. Ms. Crosbie suggested the BOS sign the Green Meadows Farm Host Community Agreement during the short break between the meetings.

JOINT HAMILTON BOARD OF SELECTMEN

AND FINANCE & ADVISORY COMMITTEE

MINUTES OF MEETING

August 20, 2018

Selectmen Present:	Scott Maddern, Allison Jenkins, Jeffrey Hubbard, and Chair Shawn Farrell (participating remotely via conference call)
Selectmen Absent:	William Olson
Finance & Advisory Committee Members Present:	Chair Phillips Stearns, David Wanger, Darcy Dale, and John Pruellage
Interim Town Manager:	Robin Crosbie
Other Town Staff Present:	Town Moderator Jeff Melick

Scott Maddern opened the joint meeting and called the Board of Selectmen (BOS) to order at 7:53 p.m.

Special Town Meeting Warrant Hearing

Mr. Maddern entertained a motion to reopen the warrant.

Decision:

Jeff Hubbard made a motion to reopen the warrant for Special Town Meeting (STM), Oct. 13 at 9 a.m. at Winthrop School. Allison Jenkins seconded the motion. The BOS voted unanimously among those participating (4-0) to reopen the warrant. A roll call vote was taken with "ayes" from Ms. Jenkins, Mr. Hubbard, Mr. Maddern, and Shawn Farrell.

Finance and Advisory Committee (FinCom) Chair Phil Stearns called the FinCom to order at 7:55 p.m.

Mr. Maddern said he and Mr. Stearns met last Thursday and discussed that the two boards are not expecting to vote on warrant articles this evening, just to review them and solicit input. He said Robin Crosbie had supplied descriptive information on the warrant itself so the public will better understand what each warrant article is about and its impact.

Ms. Crosbie noted she prepared a memo at the top of the warrant so they would know what the starting fund balances are. She went through the figures for Excess Levy Capacity; Free Cash; Stabilization Fund; Water Receipts Reserved; Patton Homestead; and Community Preservation funds. She said Town Counsel had left in some comments and she is letting the BOS arbitrate those.

Article 1-1: Town officials will be jumping into reports at Town Meeting. No Powerpoint presentations will be made.

Article 2-1: Ms. Crosbie reviewed the Fiscal Year '19 Budget Adjustments. Mr. Stearns had a question about whether these were new "asks." Ms. Crosbie said yes, they are based somewhat on the transfers made at the end of last fiscal year. Mr. Maddern asked if they should be taken out of free cash. Ms. Crosbie responded that was a policy discussion. The Selectmen had questions on some of the adjustments, including sanitation.

David Wanger asked Ms. Crosbie whether she thought the consolidation of inspectional services with Wenham would moderate costs or increase revenue. She said she thinks it will increase revenue, as well as address health and safety concerns (such as the risks when people do house projects without proper permits).

Mr. Wanger asked about citizen conduct relating to trash, composting, and recycling. Ms. Crosbie asked him to email his questions to her and she would respond to them.

Mr. Farrell noted he was mulling over whether the new water meter reading devices should come from free cash or the levy.

Jack Lawrence, 105 Rock Maple, commented after a discussion on the high cost of recycling that the Town had no discretion to say whether it supported recycling or not. Ms. Crosbie said it was a larger question for discussion.

Article 2-2: Fire Chief Phil Stevens said in light of concerns about cancer in fire fighters, the department was looking for an appropriation for a washer/extractor to take care of contaminants, as well as specialized hoods so each of the fire staff will have two hoods to trade off.

Hamilton Affordable Housing Trust (HAHT) Chair Russ Tanzer asked whether the amount of hot water they had was adequate. Chief Stevens said yes. The water goes into a tight tank. They don't want contaminants in the septic system.

Article 2-3: This is the article DPW Director Tim Olson asked that the warrant be reopened for. It is a bill for filling one of the Town generators. The bill was left over from 2018 because the company was in the process of changing its billing software and didn't submit the bill timely. Mr. Wanger pointed out the warrant didn't indicate where the transfer was to come from. Ms. Crosbie recommended it come from free cash.

Article 2-4: CPC Coordinator Dorr Fox said three projects were approved by the CPC: the removal of invasive species in Weaver Pond; the rehabilitation of the Patton Park's basketball courts; and the restoration of the cannons.

Ms. Crosbie noted Town Counsel had made a comment that these should be in an appendix in case the CPC wanted to add anything. Ms. Crosbie said she preferred they be included in the warrant. Mr. Hubbard and Ms. Jenkins agreed. Ms. Jenkins said nothing was going to be changing for this warrant.

Mr. Lawrence said he thought Cassidy Brothers was pricey [for the cannons' restoration] and said he will give Mr. Fox another vendor's name.

Article 2-5: Ms. Crosbie said for now, they need a certain sum of money for maintaining Patton Homestead. Fuel and electricity costs alone are about \$10K; insurance is about \$7K. As income is generated, that will change, she said. Mr. Hubbard asked if the allocation included the director salary. She said it included six months for the director.

The Selectmen and BOS discussed specific Homestead costs. Ms. Crosbie said she will send the budget to them and they can discuss specifics with Finance Director Marisa Batista

Ms. Maddern said the citizen's petition regarding this was about transparency in how the funds are spent. The Town accepted the gift, but didn't put an operating fund in place.

Carin Kale, president of the Patton Homestead Board of Directors, said as was stated in the report her board presented to the Selectmen last March, they can't bring in much revenue until the Homestead is renovated. Also, they need a director. They will be working with the Wenham Museum and revenue will come from events. Also, Green Meadows Farm would be contributing regularly, as well as some phenomenal donors. She said they are kicking off a fundraising campaign called Preserving History. Honoring Veterans. Welcoming Community.

Mr. Stearns asked if Ms. Kale had a business plan. She said they are working on it. He said the Town needs to see if they are meeting their goals and what the Town is expected to pay every month.

Mr. Wanger said the Homestead is an undertaking with emotional appeal, but when talking about taxpayer money, they must be objective. He said he understood there was an application for a \$250K grant that was denied. A letter was sent out to inquire, but they hadn't received an answer yet. He asked for a copy of the grant and that they keep the FinCom informed.

Ms. Kale said the grant was competitive and the amount of funding available is going down. She noted the Homestead is a start-up while Wenham Museum is well-established and was also not awarded a grant. She said it goes back to needing a director.

Susan Lawrence, 105 Rock Maple, wanted to know what the revenue was from the Wenham Museum for the lease, as well as what the salary was for the director. Ms. Crosbie gave her a rough estimate. Ms. Lawrence asked if they would have the actual figure for Town Meeting. Ms. Crosbie answered yes.

Ms. Wanger said he thought the warrant article as written seemed skewed to the positive. Mr. Maddern said they would review the language.

Article 2-6: Ms. Crosbie said she is recommending the BOS add an article from the HAHT to raise a sum of money to negotiate an agreement with Harborlight Community Partners that would bring the number of affordable housing units at Longmeadow Way into accord with direction from the BOS.

Mr. Johnson of the HAHT gave specifics—to keep the project size to between 40 and 50 units and the average cost per unit to about \$30K. He said the CPC had closed the door on funding this project for this Town Meeting, but the HAHT came up with a plan that met the objectives of the BOS. The “ask” for Longmeadow is \$1M (added to the \$300K they already have) for 40 units. With the \$1.6M (the \$1M ask plus \$300K for Willow Street and \$300K for Longmeadow) they would get 20 units at Willow Street and 40 units at Longmeadow. The houses on the Miller property could be sold in the future (at \$350K per house). If they could not be sold for that amount, the Town might allow for more density to keep the project at a reasonable cost per unit. Harborlight does intend to file a PEL (project eligibility letter), he said.

Ms. Jenkins said she did some research and found the majority of Harborlight’s projects have been for seniors. Hamilton was the only town where they were looking to build a large project with family housing. She noted some reasons why the CPC turned down the project, including a concern some grant money might be used for legal costs if the abutters sued.

Mr. Johnson said by moving the timing to after the permitting was done, they would avoid that happening. The money would be released once the Purchase & Sale (P&S) agreement was signed.

Mr. Fox said Harborlight would give the \$600K [that was awarded by the HAHT] to the Hamilton Development Corporation (HDC). The HDC has a requirement of 60 days from June 27. Because of that, he has put together an extension agreement to be signed by the HDC this Wednesday. Ms. Jenkins said the real estate parcel has been tied up for more than a year, which she didn’t think acceptable.

Rick Mitchell of the HDC, noted Harborlight was the only RFP [request for proposal] respondent. The deal came with contingencies and it is what they have in front of them.

Mr. Wanger inquired about the “ask.” Mr. Johnson said the new ask is \$1M. Mr. Wanger asked if there would be a further ask in connection with Willow Street. Mr. Johnson said no. The Trust already approved and appropriated \$300K for Willow Street and \$300K toward Longmeadow.

Mr. Wanger asked about specific terms of the deal. Mr. Fox answered that Town Counsel interpreted that the property has to be closed on in order for the check to be issued. The check was written, but has an expiration date of June 30, 2019.

Many more details were discussed. Mr. Farrell noted there is a lot for and against the project, but the BOS had charged the Trust with moving it forward and it's up to the citizens to decide. Mr. Tanzer said the HAHT would be meeting Sept. 5 to discuss.

Mr. Maddern asked whether the BOS was going to give the Trust the chance to make their pitch. Ms. Jenkins said she was fine adding it to the warrant and moving it forward to STM, but that does not give the residents a lot of time to decide. Mr. Stearns asked whether it would give the Town enough time to be educated and prepared to vote.

Decision:

Mr. Farrell made a motion to add Warrant Article 2-6 to the warrant. Ms. Jenkins seconded the motion. The BOS voted (3-1) to approve the motion. Mr. Hubbard was opposed.

Article 3-1: Mr. Mitchell of the Planning Board explained the Accessory Apartment Bylaw allows for some accessory apartments in Town where it's feasible in terms of parking, septic, space, etc., to provide homeowners with additional income if they met the requirements. The Zoning Board of Appeals (ZBA) is the special permit authority.

Darcy Dale asked why they needed the bylaw if they already have a mechanism in place using special permitting.

Mr. Mitchell said this is an update to the previous bylaw that required renewal every three years, which seemed burdensome. This would allow homeowners to rent the units for as long as they owned the building.

Article 3-2: Ms. Jenkins gave some background on the Conservancy District bylaw. She had found the 1965 report that said the passage of it was for water-related [conservation] purposes. The bylaw was determined some years ago to be illegal and not enforceable. The BOS brought an article to Annual Town Meeting in April asking that the bylaw be deleted. The Open Space Committee, previously a subcommittee of the ConsCom, had said they would tackle the issue, but hadn't. Ms. Jenkins and Ms. Crosbie noted the bylaw could be corrected by having an Open Space Plan in place.

Article 4-1: This is a housekeeping measure to remove references to the Personnel Board, which had been dissolved.

Article 4-2: There are two versions of this article, Ms. Jenkins explained. One version is that if the bylaw passes for gas stations to be open 24/7 and then residents don't like that, the BOS can change it back without it having to go back to Town Meeting. She said the reason for the article was because the Town's fuel tank is reaching its life expectancy and there was a \$250K expense to upgrade the fueling station. Town vehicles could be fueled at

gas stations in Town if they were open 24 hours and had a generator in case of power outages. Mr. Stearns asked about stores selling alcohol. Ms. Jenkins said if the gas station was open 24/7, the convenience store there would likely be open, as well; however they can ask Town Counsel if the Town could stop liquor sales at 11 p.m.

Ms. Dale noted the language in the article pertaining to restaurants' hours was confusing and needed work.

Article 5-1: This article is to approve the solar power purchase agreement. Ms. Crosbie said Town Counsel didn't think they needed the article, but had said to leave it in. Mr. Stearns asked for an estimate of revenue and tax implications. He thought it would be good to add them to the summary. Ms. Crosbie will get that information.

Article 5-2: This article pertains to granting an easement to National Grid for the solar array installation and maintenance. Ms. Crosbie said she doesn't think an easement is needed, but the BOS is leaving the article in the warrant for now.

Article 6-1: This article is about using free cash to reduce the tax rate. However, the BOS and FinCom discussed that this article wouldn't be needed if they had a financial policy on free cash in place. Mr. Maddern noted the BOS hadn't done a first reading of the financial policies yet. He suggested leaving the article in for now. Mr. Stearns agreed. They can always vote to take no action on it.

Mr. Wanger said in terms of general fund reserves, DOR [Department of Revenue] has recommended between 8% to 12%; Hamilton is at 10%.

Ms. Crosbie said she isn't certain how the Town wanted to fund its capital plan, but as they look at free cash it might be a mechanism.

Decision:

Ms. Jenkins made a motion to close the warrant for STM. Mr. Hubbard seconded the motion. The BOS voted unanimously among those participating (4-0) to close the warrant.

Citizen Request for Reporting Individual BOS Votes on Articles

Duke Seaver, 402 Essex St., said he would like the warrant to include individual names of elected officials and how each had voted on the articles. He said this is done at the State level before every election. Sometimes a lot of time passes between when the issues are discussed and when the warrant comes out and it is hard to remember how the officials had voted, he said.

Mr. Maddern and Mr. Hubbard supported the idea. Ms. Jenkins said it might be cumbersome administratively and said the votes are public anyway. She said she thought the board vote was what was important. Mr. Farrell did not feel strongly one way or the other.

Decision:

Ms. Jenkins made a motion that the BOS add to the warrant all elected officials' individual votes on warrant articles, excluding the School Committee members. Mr. Hubbard seconded the motion. The BOS voted (3-1) to accept the motion. Ms. Jenkins was opposed.

Further Discussion:

Mr. Maddern noted while the School Committee are elected officials, it is a regional committee and this decision should apply solely to Hamilton boards. Mr. Seaver said he didn't mind if the School Committee's individual votes weren't recorded.

Jeff Melick left the meeting.

Fiscal Year 2020 School Budget—Discussion

Mr. Maddern said this discussion was for the purpose of providing input to the School Committee early in the budgeting process and identifying topics.

Mr. Stearns read through a running list of topics he's been keeping, which included: OPEB [Other Post-Employment Benefits], a School Resource Officer, FY'20 budget run rate, organics recycling, three to five year operating budget, encouraging the School Committee to look one year out, the idea of potentially adding a capital stabilization fund to the school budget, an update on the teachers' contracts, the facilities master plan, items in the \$2.6M bond issue that was defeated by Hamilton and never voted on by Wenham and looking at some of the priorities within that bond, update on the Special Needs initiative, and shared services with Wenham for grounds and potentially IT [information technology]. He said Mr. Wanger had added a topic that would be difficult: asking the Schools to tell them what they would have to cut if the BOS and FinCom were to request a level services budget.

Mr. Farrell said he spoke with Wenham Town Administrator Peter Lombardi about the teachers' contract and they will have a dialogue on that.

Ms. Jenkins brought up the idea of adding a potential warrant article about the funding of OPEB. Mr. Wanger agreed there could be a way to put a mechanism in place. Ms. Crosbie said other towns have used an approach that when they renegotiated health benefits, half the savings went to the employees and the other half went to the Town.

Mr. Maddern was concerned about what the Schools would want for their budget increase (in light of last year) and was in favor of giving guidance on that. He was also concerned about the funding of OPEB and giving a message that as debt rolls off the books, it can't just be reissued for other things.

Ms. Crosbie suggested that instead of providing a list of topics to the Schools, the BOS pick three of its top priorities and ask the Schools to pick their priorities and then to meet on those topics.

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