

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

TOWN HALL—MEMORIAL ROOM

September 24, 2018

Selectmen Present: Shawn Farrell, Scott Maddern, William Olson, and
Jeffrey Hubbard

Selectmen Absent: Allison Jenkins

Town Manager: Joe Domelowicz

Other Town Staff Present: Finance Director Marisa Batista

Chair Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:07 p.m. with a quorum present. Nine people attended the meeting.

ANNOUNCEMENTS

- **Board and Committee Openings:** The Board of Health has one open position. There are a few at-large openings for the Open Space Committee.
- The Patton Homestead Inc. nonprofit is looking to add individuals with extensive nonprofit fundraising, marketing, and legal experience. Please contact Scott Maddern if interested.
- An Electric Aggregation informational meeting will be held at the Council on Aging (COA) on Sept. 26 at 10:30 a.m.

Public Comment

Peter Britton, 466 Highland St., said this is the third time he's appeared to speak about 550 Highland St., and he left the motion passed at the last Town Meeting on the Selectmen's desks, which states: *the lease of 550 Highland St. under the terms of the State's Historic Curatorship Program is not a lease and occupation for other than public purposes and therefore should be exempt from property tax under Massachusetts General Law, Chapter 59, Section 2B.* He read the entire motion. He commended the Town Manager and said he understands the feeling of the Selectmen is to bring this confusing matter to conclusion. To assist the Town, he said he wanted to give a report on the status. He mentioned what's been happening at the legislative level. He said he felt like the citizen's petition was being largely ignored by the BOS and Town officials. He said the Town receives \$120K or more as

a payment in lieu of taxes from Hamilton's portion of the land at Bradley Palmer State Park. He said the Kaminski-Clarkes have been forced to pay a quarterly tax to make a declaration that the tax is illegal. The urgency [for resolving the issue] is that the appeal period expires Oct. 16.

Rosemary Kennedy expressed confusion about whether members of the former Open Space Committee were going to be assimilated into the new Open Space Committee. Mr. Farrell said his understanding is that previous members have to state their intention and apply for a position on the new Committee. They won't automatically be reappointed.

Selectmen/Town Manager Reports

William Olson reported on activities of the Planning Board. Regarding the Canter Brook Estates project, the developer will do a payment in lieu [of building affordable units on site]. The negotiated payment is \$435K. They will provide two payments—after the first 10 units are constructed and after the project is completed. The Planning Board voted unanimously in favor of the amendment to eliminate the Conservancy District Bylaw, basically an outdated version of the Wetlands Act that's not needed. Laura Walsh was chosen the new Planning Board Associate Member. He said the Hamilton Affordable Housing Trust (HAHT) discussed the \$1M ask to Special Town Meeting (STM) [for a proposed 40-unit project to be developed by Harborlight Community Partners at Longmeadow Way]. The Trust is going forward with the article and also seeing if they might make an amendment on STM floor [reducing the \$1M ask by the \$435K payment mentioned above]. Right now they are putting together the pros and cons of the project to present to the public.

Jeff Hubbard said the Gordon Conwell Theological Seminary Task Force has had a couple of meetings and elected David Smith as chair. He said Joe Domelowicz had a good meeting with the president of the Seminary and its CFO [Chief Financial Officer]. They are now gathering information to have meaningful discussions, looking at what can and can't be done on the 3/4 acre the Town owns at the top of the hill. One of the important things would be for them to allow the Town to put emergency antenna in the steeple. The hope is that the Seminary will pull together a committee similar to that of the Town for starting a dialogue.

Mr. Domelowicz added it was a productive first meeting and the president and CFO thought the previous committee [the group who worked on the issue prior to the appointment of the Task Force] had done a good job in working with them.

Mr. Maddern reported the financial advisors met with him, the Town Manager, Finance Director Marisa Batista, and the Finance and Advisory Committee (FinCom) concerning the Town's investment fund (totaling about \$3M). The investment portfolio is good; there were

no recommendations for changes. He distributed to the BOS the Fiscal Year 2018 annual report and the latest quarterly report update. He noted other budget reports prepared by Ms. Batista that are helping them to better understand what's being done quarter by quarter. He asked for help from the BOS and the public to get the point across to the School Committee and School Administration to fund OPEB [other post-employment benefits] and recommended they contact David Polito, Hamilton Wenham Regional School Committee chair, about this important matter. He said tonight the BOS will review Financial Policies. The Free Cash was certified. They have about \$500K or so above what is recommended by the Department of Revenue (DOR). The Patton Homestead is having a consultant advise them on competitive pricing, revenue opportunities, etc. Although the FinCom did not recommend favorable action on the HAHT warrant article to create affordable housing at Longmeadow, he asked the FinCom to advise Town Meeting about the implications pertaining to the potential school costs and other big impacts on the Town.

Mr. Farrell reported the Conservation Commission (ConsCom) has a Landfill site walk and compliance meeting set for Oct. 6 and 10 respectively. The DEP [Department of Environmental Protection] has reviewed the Notice of Intent (NOI) on the Canter Brook Estates project and had no comments, which is fairly typical for projects that are in the buffer zone only and not in the wetlands. The public hearing on that may close this Wednesday with construction perhaps in November. He mentioned other pending ConsCom agenda items: a NOI for Canter Brook and for construction at 33 Berrywood Lane outside of 50 feet of the wetlands. He said the gym floor at the Recreation Center was refurbished and looks great. The Pumpkin Fest will take place Saturday, Oct. 27.

Town Manager Mr. Domelowicz said the sharing of inspector's services (regionalization effort with Wenham) has begun. They had originally thought there might be some added costs in migrating Hamilton's data over to Wenham, but now they think they can handle it within the budget. Mr. Farrell noted some appointments need to be made that Mr. Domelowicz can handle. Mr. Domelowicz discussed hydrant flushing and the water discoloration that the residents might see. The flushing will happen for the next four weeks starting tonight. He has been meeting with local residents, unions, boards, and committees, as well as the school superintendent. He has an open door policy. They began making improvements to the Town employees' lunchroom. The Council on Aging (COA) collected and donated nonperishable food items to the Lawrence COA for victims of the gas accidents. Hamilton's Police Department sent a couple of officers there to help when it happened. Karen Tyler of the Veterans Services Department will come to the Oct. 9 BOS meeting. He and Ms. Batista will be reviewing the draft budget Interim Town Manager Robin Crosbie created and a report will be forthcoming.

CONSENT AGENDA

- **Approve Essex County Greenbelt to use the attached routes in Hamilton for their fourth annual road cycling event on Saturday, Sept. 29.**
- **Appointment Hamilton Conservation Committee member Geroge Tarr to the Open Space Committee.**
- **Three-year appointment to the Historic District Commission: Katherine Mittelbush—alternate member, Scott Clements, Kristen Rachel Weiss, and Margaret Meahl.**
- **Two-year appointment to the Planning Board: Laura Walsh—associate member.**
- **Cemetery buyback of Lots #628 and #469.**
- **Approve BOS Minutes from Aug. 13.**
- **Approve BOS Executive Session Minutes from Aug. 13.**

Decision:

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

Mr. Farrell commented the cemetery deeds are plots that were sold back to the Town. He also noted the concerns mentioned at the last meeting pertaining to Historic District Commission appointments were looked at and everything checked out.

AGENDA

Capital & Reserves Policies—First Reading

Financial Reserves Policy Discussion:

Mr. Farrell said Financial Reserves and Capital Planning have been hot-button topics for the Town. Ms. Batista had sought out and the Town received a Community Compact grant to facilitate having the Massachusetts Department of Revenue's Division of Local Services work with the Town to review its Financial Policies.

Ms. Batista highlighted the section on the Financial Reserves report that says the Town should retain overall general fund reserves of about 8 to 12%; right now the Town is at 14%. The Free Cash goal is to maintain an amount that is at least 5% of the annual budget; the Town is currently at 9%. The recommendation for the Stabilization Fund is to retain a minimum of 5%; the Town is at 2.6%. She noted the Town doesn't have a Capital Stabilization Fund. It was suggested that the Town establish one and maintain an amount equating to the total annual asset appreciation.

Mr. Domelowicz commented this fund could be used for capital projects that Community Preservation Committee (CPC) funds and other funds aren't appropriate for.

Mr. Maddern made an observation about how general business policies and governmental accounting policies differ.

Mr. Hubbard thought the spread of 8-12 percent under Reserves was fairly large. He asked the reason. Ms. Batista said it was just a range for best practices.

She reviewed a recommendation that the Town transfer a minimum of \$125K from Free Cash to work toward the goal of getting to the 5% minimum in the general Stabilization Fund. They would do this in \$125K increments each year until they reached the recommended amount. She discussed other budget transfers recommended in the report, as well.

Mr. Hubbard asked if there were excess money in Free Cash (over the 5%), if they could use it to reduce the tax rate (as the Town has done in the past). Ms. Batista said the advisors do not recommend doing that. Mr. Hubbard wondered if they should discuss that as a board to enable them to keep that flexibility if there is an unforeseen event. Mr. Maddern said the best way to keep the tax rate at its lowest is to control spending. Ms. Batista said if the Town wanted to use Free Cash to lower the tax rate, the policy would allow for that; however, there were better ways. For example, if they implemented the Capital Stabilization Fund, the money would come from there [instead of adding to the budget and subsequently the tax rate].

Decision:

Mr. Maddern made a motion that the BOS mark the Financial Reserves and Capital Planning policies as drafts and forward them to the FinCom for review and approval. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to approve the motion.

Capital Planning Policy Discussion:

Ms. Batista discussed that a capital improvement is a tangible asset or project in excess of \$25K. She said they also added language for budgeting purposes that, within departments, a capital improvement would be any asset representing 25% of a department's operating budget. She discussed capital financing and read a statement that the Town will strive to maintain 3% of the general fund operating budget net of debt on capital investment allocations. Right now that number is about \$895K, she said. Having this in place gives the Town a way for funding capital items.

Mr. Olson asked if the 10 items under Evaluation of Capital Projects were in order of priority. She said yes. He thought maybe they might want to specify that. He also had a question regarding whether there was a separate fund for repairs and maintenance of assets. She said no, that just falls under the annual budget and sometimes those costs are

covered by insurance. She discussed that if a capital project closes out, the BOS can vote to transfer the funds over to another account.

Mr. Domelowicz said, as a point of clarification, the policy says the Town Manager can prioritize capital requests, but he doesn't envision doing that in a bubble. He said he thinks large decisions like that should be made with a small group and he would most likely bring in someone from the FinCom.

Mr. Farrell thanked Ms. Batista for being crucial in getting the grant and putting the financial policies together. She said she thought it will make budgeting much easier.

Minutes Policy—Third Reading and Adoption

Mr. Farrell found a typo he pointed out regarding a date that should read 2017, not 2007. Also needed was a name change from "Recycle Committee" to "Waste Reduction Committee."

Mr. Domelowicz said he wanted to leave future Town Managers the ability to make adjustments to the liaison list on the policy's last page. He suggested adding a sentence saying staffing for the list is subject to change. Mr. Farrell said they could just add the word "recommended" so the title of the list would read: "Town of Hamilton Recommended Board/Committee Employee Liaison List." Mr. Domelowicz agreed. He said he reviewed the policy with the Town employees who are most affected by it, including the Town Clerk, who will take the lead on making sure it gets implemented and letting people know how to convert the files to be OCR (optical character recognition)-searchable, as required by law. They will do this going forward from the date of the policy's adoption, and if time and resources allow, they will go back and do it to documents that have been posted since the date the law was passed in 2016.

Mr. Maddern suggested an effective date sometime in November and said he thought it would be good for Mr. Farrell to send a letter to all the board and committee chairs to let them know the expectations.

Mr. Olson asked if they had done an audit of Minutes online to make sure they are in good shape. Mr. Farrell mentioned there was a computer issue having to do with how the browser calls up the Minutes and being able to find them. Mr. Domelowicz will follow up on it.

Decision:

Mr. Olson made a motion to accept the Minutes Policy with the amendments made tonight. Mr. Maddern seconded the motion. The BOS voted unanimously in favor among those present (4-0) to approve the motion.

Open Meeting Law Discussion with Town Counsel Donna Brewer

Ms. Brewer wasn't present yet. Mr. Farrell said he also would like Allison Jenkins to be part of the discussion, so the item was tabled to the next meeting.

Reserve Fund Transfer for Software to Support ISD (Inspectional Services Dept.)

Mr. Domelowicz said he, Director of Planning & Inspections Patrick Reffett, and Andrew Wood [Hamilton's Computer Manager] met with Wenham Town Administrator Peter Lombardi and Jackie Breshnaham [Wenham's Permitting Coordinator]. There's a need to transfer existing data over to the new platform and the software company doesn't provide that. Wenham paid about \$38K to have it done. Mr. Domelowicz had started a conversation with the software company about what it might cost Hamilton; however, Mr. Wood volunteered his services and identified some staff from the Board of Assessors who can do the work. They think they can handle it without any additional cost to the Town. Mr. Domelowicz asked the BOS to table the discussion until the next meeting, until he makes sure they are set. Mr. Maddern thanked him for being thorough and rallying the right resources. Mr. Domelowicz credited Mr. Wood.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- Figuring out who will be presenting what articles at Special Town Meeting. (Ms. Jenkins will not be present at STM) Mr. Farrell said he would invite Town Moderator Jeff Melick to the next meeting.
- Building on Article 97 land.
- Liability to the Town using power equipment and following Town policies.
- The Waste Reduction Committee has a flyer it wants to send out in the mail in November. Mr. Domelowicz will check on postage costs.
- Items from prior meetings.

Mr. Maddern said he recently got a rejected sticker on his recycling, which brought up a discussion about recycling and composting.

Adjournment/Enter into Executive Session

Mr. Farrell made a motion at 8:30 p.m. that the BOS convene in an Executive Session, not to return to open session, for the purpose of an update and strategy with respect to litigation pertaining to the DCR/550 Highland Street property and also strategy with respect to litigation in Chebacco Woods' use of private land for public trails. The BOS Chair determined that doing so in open session would have an adverse impact. Mr. Maddern

