

HAMILTON COMMUNITY PRESERVATION COMMITTEE

MINUTES OF MEETING

TOWN HALL—MEMORIAL ROOM

October 11, 2018

Members Present: Chair Jay Butler, Ed Howard, Katherine Mittelbusher, Robert Preston, Neil Duggan, Allison Jenkins, and Janel Curry

Members Absent: Chris Currier, Mimi Fanning

Coordinator: Dorr Fox

Chair Jay Butler called the Community Preservation Committee (CPC) meeting to order at 7:13 p.m. with a quorum present.

He welcomed new Town Manager Joe Domelowicz, who said he's been with the Town for over a month now and looks forward to working with the CPC as he and Finance Director Marisa Batista look at future capital plans and budgeting.

Minutes

Robert Preston made a motion to approve the Sept. 13 meeting minutes. Janel Curry seconded the motion. The CPC voted unanimously among those present (7-0) to approve the minutes.

Committee Member Reports

Allison Jenkins reported the Board of Selectmen (BOS)'s big item is Special Town Meeting (STM) and working in a respectful manner. There won't be any babysitting service because the students who usually volunteer have conflicts; however, they will have use of an overflow room for parents bringing children. Mr. Butler asked if the script was finalized. Mr. Domelowicz said one of the motions required an option for hold that wasn't included in the script. He will resend it tomorrow morning.

Janel Curry said the Planning Board is focused on two motions: the Conservancy District bylaw revision and the Accessory Apartment bylaw. Ms. Jenkins commented that the deletion of the Conservancy District bylaw is being brought forth by the BOS.

Mr. Howard said the Historic District Commission/Historical Commission is well-organized with new members. They received their first application under the demolition delay bylaw. He said the Commission approved the use of asphalt shingles for the First Congregational Church,

cooperating with the Church in working within its budget to protect the structure. He proposed the concept of having a signboard kiosk for Town boards and the public to communicate with each other. Ms. Jenkins noted there's a new LED sign in Town currently publicizing Town Meeting, although Robert Preston noted the LED sign isn't a two-way dialogue. Mr. Howard said Essex has a kiosk that has a way of knitting the community together.

Discussion on Town Hall OPM/Design Services

Department of Public Works (DPW) Director Tim Olson discussed that the original article regarding the Town Hall OPM did not include design services. He asked the CPC if it would approve an amendment and then the amendment could be approved at STM. No additional funding would be involved; it would just enable them to use the funds they already have. Mr. Butler commented that when the article was originally voted on, it was the first time many of them had ever heard the term OPM (owner's project manager). Mr. Preston clarified it is Item 4 on the list of revised projects recommended by the CPC for approval at STM.

Decision:

Mr. Preston made a motion *to approve use of the funds appropriated for the restoration of Hamilton Town Hall pursuant to Article 2-7 of the Nov. 4, 2017 Town Meeting so that the funds may be used both for design services and for the OPM.* Ms. Curry seconded the motion. The CPC voted unanimously among those present (7-0) to approve the motion.

Senior Center Balustrade

This agenda item was taken out of turn to seek Mr. Olson's input. He said Council on Aging Director Mary Beth Lawton's opinion had been to return the funds to the CPC. [The CPC had discussed at a previous meeting that adding the balustrade back might involve putting a hole in the new roof, which they didn't want to compromise just for aesthetic reasons.] However, Mr. Olson said he didn't think the new balustrade would be as detrimental to the new roof as he had originally thought because the posts are there.

Ms. Jenkins said she was happy to pull the application. The grant was for about \$21K-\$25K, she said, and the work is just ornamental. She thought there were more pressing needs for the Town. Mr. Domelowicz suggested the CPC vote to take the money back for now and could move to approve it again in the future if it were still wanted.

Mr. Butler said his concern was he doesn't want the CPC to approve projects that aren't done. He recommended they put a motion to cancel the project on the agenda for a discussion/vote at the next meeting. They agreed.

Ms. Jenkins and Mr. Olson talked about the posts and discussed whether they should be chopped off if the project isn't going to be finished. They will discuss that at the next meeting.

In other matters, Mr. Olson said the Patton Homestead exterior work had begun—replacing clapboards, window sills, tree work, dormer work, etc. They are scraping and priming and looking to have it all done before winter.

The CPC thanked Mr. Olson and Mr. Domelowicz and they left the meeting.

Discussion with David Smith, Gordon-Conwell Theological Seminary Task Force

Mr. Smith, Task Force chair as well as Board of Health chair, explained that the Task Force was chartered by the Town Manager through the BOS to research and explore options for the Seminary to contribute to the wellbeing of the community and its residents. The scope will include identifying viability of physical, personnel, financial and educational Seminary assets that can address community needs and goals. He said he has reached out to the department heads and School Superintendent Dr. Michael Harvey School in working to accomplish the mission and was now seeking the CPC's input. Background is that the Seminary provides married student housing. Some of the couples have children who attend the Town's schools. They pay no taxes. The Seminary currently provides a P.I.L.O.T. (payment in lieu of taxes) of \$30K-\$40K, but the cost of providing services (including schooling the children) amounts to about \$1M. Mr. Smith said that working through Mr. Domelowicz, they are trying to have the Seminary form a Task Force that mirrors the Town's Task Force so they can sit down and look at what assets the Seminary has that can be of use to the Town.

Mr. Butler said 10 plus years ago when he was chair of the Recreation Committee, they had looked at Gordon-Conwell as a potential site for soccer fields, but the price quoted at the time (expected to be paid by the Town) was out of reach and the agreement about who would control the use of the fields wasn't acceptable. He suggested they could revisit the idea.

Ms. Curry asked if the number of children living there and being educated in Town was declining. Ms. Jenkins said no, it's remained fairly consistent.

Ms. Jenkins noted the housing there could be considered "affordable," but the State tends to want new construction going toward the "affordable" number. She said it would be difficult to get the State to incorporate those existing units. Mr. Preston said he found it strange the State was fussy about whether it was new or revitalized construction. Ms. Jenkins noted that housing for those age 55 plus with an age restriction also couldn't count toward the affordable number, although Dorr Fox said they do allow housing that's 62 plus to count. Mr. Smith thanked Ms. Jenkins for the work she's done to date. She noted the Task Force isn't subject to Open Meeting law. It reports to the Town Manager. Mr. Butler noted the types of projects the CPC can fund: historic, open space, and recreation. Mr. Smith said they were exploring whether the Seminary had tennis courts the Town might use.

Ms. Jenkins said a lot of colleges don't allow students to graduate unless their payments to the Town are all paid up (for example, excise bills on vehicles, parking fines, etc.). She said that

sometimes when students leave the country, the Towns send bill after bill that aren't paid. She suggested they try and close that loop.

Neil Duggan brought up a concern around optics if the Town in some way was "going after" low- and moderate-income families. Ms. Jenkins said adults for whom English is a second language that attend the Seminary as students must pass an English literacy test; however, their children attending Town schools do not. Also, she noted many colleges with graduate programs that allow married student housing do pay the full boat of the cost to the community and do realize the drain they are putting on the infrastructure. The Seminary agreed in the beginning it would carry that cost and then reneged. Mr. Smith agreed that there is a valid contractual agreement between the Town and Seminary that the Seminary is failing to live up to. However, the Town has failed to enforce the agreement.

Ms. Curry said Seminary students provide cheap labor (educated labor) to the Town, which should be a factor that's considered.

Review of Open Grants

- **Senior Center Balustrade:** Previously discussed this evening.
- **Patton Park Cannons:** Mr. Fox said they have a quote to restore the cannons for \$5,500. He was asked to look into an alternative quote, but the gentleman from the company recommended to him hadn't gotten back to him. Mr. Preston suggested that someone needed to explain to people at Town Meeting that this grant is just for the cannons; the wheels were already restored and just need to be put back on.
- **Historical Society Pictorial Collection:** They've had two meetings since starting back this fall and plan to finish up the project with the funds they have from the CPC. Mr. Butler asked when that would happen. Mr. Fox said he will go down and visit them to get an update.
- **Patton Estate Roof Replacement and Exterior Restoration:** Discussed previously.
- **Buker School Playground:** Mr. Fox said he and Mr. Butler went for a site visit. Mr. Butler signed off on the grant check being issued. They put up a sign at the playground saying it was funded by the CPC.
- **Habitat for Humanity Houses:** The houses were supposed to be completed this fall. Mr. Fox will call to get an update. Ms. Curry said she drives by and it looks like there's been progress. Ms. Jenkins asked if anyone knew if people are currently needed to provide the labor. If so, she said they can put the word out. Mr. Preston said there was a crew there on Sunday, which looked like Essex Tech students.
- **Brooks House Renovations:** Mr. Fox said he took a tour of Housing Authority buildings with the Hamilton Affordable Housing Trust (HAHT) last week. He was told they made a decision on the contractor this past Friday. They will work over the winter as it's an indoor project.
- **Town Hall OPM:** Previously discussed.

- **Knotweed Removal Program:** Going well. The CPC has had a number of invoices from them that it has been paying.
- **Affordable Housing:** Mr. Fox said a big change is that there's been a commitment of \$435K from the Canter Brook Estates developers, which will bring the \$1M ask being requested by the HAHT at STM down to \$600K.

Further Discussion:

Mr. Howard said some people berated him because they said the CPC had not responded to a letter from a reputable lawyer that raised questions about the HAHT and the CPC, who are required to account for all grants and projects. He said the CPC could be a party to a lawsuit. Specifically, a question was posed about how the HAHT will account for the \$300K grant it was awarded for Willow Street. He said he thought it would be good due diligence on the part of the CPC to recognize and discuss the letter. Mr. Preston and others confirmed that the letter, which was from Bill Shields, was sent to all of them with their packet of materials for the August CPC meeting.

Ms. Jenkins said the letter was addressed to the CPC, HAHT, Finance and Advisory Committee (FinCom), Town Manager, and BOS. She said every town has to have a records officer and in Hamilton, that person is the Town Manager. The letter is supposed to be responded to within 10 days. It was dated Aug. 31. However, Ms. Jenkins said the letter wasn't specifically asking for anything. There was one question contained, Katherine. Mittelbush noted, but it was rhetorical—something about whether the CPC wanted to participate in “these shenanigans.” Ms. Jenkins thought the best action was to ask the Town Manager if he wanted to respond.

Mr. Fox said he sent the letter to the Town Manager and to Town Counsel. His understanding from Ms. Brewer was that the \$300K for the Willow Street project needed to be expended by June 30, 2018. By signing the check, it became an expenditure, although the check hasn't been picked up by Harborlight Community Partners yet. Ms. Jenkins explained there is no intent to pick up the check because Harborlight doesn't have a signed Purchase & Sale (P&S) agreement yet and can't have the check until there is one. The check is currently in the safe.

Mr. Fox said the CPC put a condition on its first grant of \$250K that the money had to be expended by June 30, 2018. \$50K of that was expended on a study to see if there could be affordable housing at the Winthrop School site. Funds also went toward writing up the grant agreement for Willow Street. Mr. Fox discussed other particulars of the grants awarded to the HAHT and said if the projects didn't happen, the money would be coming back to the CPC. An extension agreement through Nov. 1 was signed by the Hamilton Development Corporation, owners of the Willow Street property. If a P&S isn't reached by then, the deal is off.

Mr. Howard said he thinks the well-written, high-powered letter is deserving of their attention. Mr. Duggen asked why Town Counsel had not weighed in. Mr. Fox explained that Ms. Brewer was away and Jennie Merrill wanted them to wait until she returned. Mr. Preston said everything would be moot as of Saturday's Town Meeting.

In the end it was decided that Ms. Jenkins will call Ms. Brewer to discuss the letter and see if the CPC should take any action as a group. She will get back to Mr. Fox on it so as not to violate Open Meeting law.

Mr. Howard said he attended the HAHT meeting Tuesday night and Canter Brook Estates was the third agenda item, but the meeting adjourned before it could be discussed. His opinion was that the Town shouldn't count on money from Canter Brook until it was in the bank. Ms. Jenkins said she could speak on that, but Mr. Butler said he didn't think the issue pertained to anything the CPC had before them. He led the discussion back to the review of the open grants.

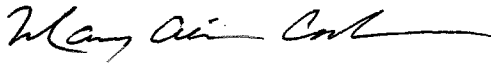
- **Master Plan Housing Element:** Discussed at the last meeting with Director of Planning & Inspections Patrick Reffett.

Other Business

Mr. Butler greeted Nick Tensen, FinCom liaison, who was in the audience, as was Laura MacPhail, 100 Ortins Rd.

Adjournment

Mr. Preston made a motion to adjourn the meeting at 8:30 p.m. Mr. Howard seconded the motion. The CPC voted unanimously among those present (7-0) to adjourn the meeting.



Mary Alice Cookson
Minutes Secretary



Attest

11/14/18
Date