

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall—Memorial Room

December 3, 2018

Selectmen Present:

Chair Shawn Farrell, Scott Maddern,
William Olson, Jeff Hubbard, and Allison Jenkins

Town Manager:

Joe Domelowicz

Other Town Staff Present:

Director of Planning & Inspections Patrick
Reffett; members of the Board of Assessors and
Director Tina Zelano

Chair Shawn Farrell called the Board of Selectmen (BOS) meeting to order at 7:03 p.m. with a quorum present. The meeting began with the Pledge of Allegiance (something new). Jeff Hubbard had not yet arrived.

ANNOUNCEMENTS & BOARD OPENINGS

- Mr. Farrell announced the Open Space Committee has openings. Those interested should contact himself or Town Manager Joe Domelowicz or go on the website.
- The Hamilton Development Corporation (HDC) is sponsoring a special meeting on Downtown Hamilton Improvements on Wed., Dec. 12, 6-8 p.m. at the Hamilton-Wenham Library, 14 Union St., and is encouraging all to attend.

Public Comment

None.

Classification Hearing

Chair Gelean Campbell introduced the Board of Assessors (BOA), including Peter Kane, Steven Ozahowski, Thomas Hogan, and Director Tina Zelano. Ms. Zelano read the four options affecting the Fiscal 2019 Tax Rate, which are voted on each year as State-mandated, as well as the BOA's recommendations.

1. Determination of a discount factor of up to 25% for all Land identified as Open Space. *Since Hamilton does not have land identified as Open Space, the BOA does not*

recommend a discount. Open Space is land maintained in an open/natural condition that significantly contributes to the benefit and enjoyment of the public. The discount reduces taxes on open space parcels and shifts the burden onto other residential properties.

Decision:

Scott Maddern made a motion that the BOS vote *not* to have a discount factor for land identified as Open Space. William Olson seconded the motion. The BOS voted unanimously among those present (*4-0) *not* to have a discount factor. [*Mr. Hubbard was not yet present.]

2. Determination of a Residential Exemption of up to 35%. *Two types of communities that adopt this exemption are resort communities with expensive seasonal homes or communities with a large number of apartment buildings or investor-owned properties. The exemption provides a measure of tax relief to owner-occupied residences by shifting the tax burden to non-domiciled residential property owners. The BOS does not recommend a residential exemption for Hamilton.*

Decision:

Allison Jenkins made a motion that the BOS vote *not* to recommend a Residential Exemption. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) *not* to recommend a Residential Exemption.

3. Determination of a Small Commercial Exemption of up to 10%. *A commercial exemption is not recommended by the BOS because Hamilton doesn't have enough commercial or industrial properties greater than \$1M in value to shift the tax burden to.*

Decision:

Mr. Olson made a motion that the BOS vote *not* to recommend a Commercial Exemption. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) *not* to recommend a Commercial Exemption.

4. The adoption of a Residential Factor for the purpose of determining the percentage of the tax burden to be borne by each class of property. *The BOA recommends a vote for a Single Tax Rate for all property classes because Hamilton only has 4% Commercial and Industrial properties so there is little benefit to shift the burden. Hamilton has always had one tax rate and always used a factor of one.*

Decision:

Mr. Olson made a motion the BOS vote to adopt a Single Tax Rate for all property classes. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) to adopt a Single Tax Rate.

Mr. Farrell asked what the typical threshold was where one would end up switching to a Residential Factor. Ms. Zelano said rule of thumb was about 11%. She reviewed the Fiscal Year (FY) 2019 Tax Rate Summary. The total valuation of the Town is \$1,669,716,936, up 5% from last year. The FY'19 Tax Levy is \$27,516,935, an increase of 7.5% from last year. The Average Single Family home is \$600,400, up 6% from last year. The Average Commercial building is \$958,900, up approximately 5.7% from last year. The FY'19 tax rate is estimated at \$16.48. Mr. Farrell asked if she saw foresaw a future shift in the four options voted on. She said probably not. The BOS thanked her and the Assessors and they left the meeting.

Hamilton Foundation Report—Heather Ford

Ms. Ford was there with two board members and Coordinator Jane Wetson. She said the Foundation, formed in 2005, doesn't take any taxes. In the past year, they provided short-term relief for about 24 families. They want to broaden their stable of auxiliary members, who may or may not be called on to serve, in areas of financial and legal services, counseling, social services, construction, and other specialties. This year the Foundation updated its bylaws. The main way of advertising services and soliciting donations is a water bill insert. A month ago, with the help of Town Counsel Donna Brewer, the Foundation received IRS nonprofit status. They had a Letter to the Editor in the paper a couple of weeks ago and were on Patch. All donations help Hamilton residents. Special donations are solicited for publishing a brochure. Because people aren't writing checks anymore, the Foundation would like to set up a way for donors to make electronic payments. They meet infrequently, whenever they have enough cases to look at. They post all their meetings. Their goal is to raise \$15K in 2019. Mr. Farrell asked Mr. Domelowicz to have Bobby Gates post something for them on the website.

LICENSE

Common Victualler License 2019—Mark's Pizza and Seafood

Decision:

Mr. Olson made a motion to approve the Common Victualler License for Mark's Pizza and Seafood. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) to approve the license.

Mark's Pizza, located on Asbury Street, opens tomorrow. The owner was present at the meeting. Sample pizzas were left at the BOS meeting and later distributed to the Hamilton Police Department. The license is for the end of 2018 as well as 2019.

Selectmen/Town Manager Reports

Ms. Jenkins reported the Zoning Board of Appeals will not meet in December due to the holidays. She has been busy looking at Town data.

Mr. Olson said the Hamilton Affordable Housing Trust (HAHT) will meet Dec. 10. The Planning Board is represented tonight and will be talking about the Master Plan, potential upcoming bylaws, and priorities for the next Town Meeting. A presentation was given last week on the pros and cons of having a medical marijuana bylaw. The Town currently only has a recreational marijuana bylaw.

Mr. Maddern expressed condolences to the family of former Police Lieutenant Robert Nyland, whom he said everybody loved. Last week the Patton Homestead Inc. identified liaisons between the Homestead and the Town. He discussed the latest move by the owners of the property at the corner of Chebacco Road and Essex Street, a realty company claiming the public trails are on their property; they have put up concrete barriers and posted signs. Mr. Maddern said he was happy to escort people through the trail. While the Town has been threatened with a lawsuit, he said, the public has a right to use the trails. Volunteers are needed for Wreaths Across America to lay wreaths on veterans' graves at the Hamilton cemetery on Dec. 15. \$6K from the Cemetery Perpetual Care Fund was used for a portion of the wreaths.

Mr. Farrell noted threatened litigation concerning 86 Meyer Road. The neighborhood isn't happy with the progress of a house on that street. The Police Department is collecting unwrapped toys for its Stuff a Cruiser event on Dec. 15 in front of the Public Safety Building. He encouraged the public to tune in or show up to the meeting between Hamilton and Wenham's Finance and Advisory Committees (FinComs), the two Boards of Selectmen, and the School Committee. He noted the school budget is a weighty portion of the tax rate.

Mr. Domelowicz gave more details about Wreaths Across America. The Town covered the cost of 400 wreaths (out of about 750). Corporate and private donations covered the rest. There will be a short ceremony at noon on Dec. 15; they are asking participants/volunteers to come shortly before that and lay wreaths on graves. The Patton Homestead director position had 9 applicants. The Patton Homestead, Inc. board is conducting the first round of interviews. They hope to make an offer mid-month. Many different Town groups are interested in signage on Bay Road to inform Town residents. The temporary LED sign is getting a lot of use. They'd like to have a sign that fits within the character of the Town. He'd be happy to work with the various entities to help to unify those efforts so there is just

one request to the Zoning Board of Appeals (ZBA). He asked if the Selectmen would like to be included in this effort. Mr. Olson volunteered.

CONSENT AGENDA

- **Approve Minutes from the BOS meeting of Nov. 5 and Nov. 10.**
- **Cemetery buyback of Lot #637**

Decision:

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

*Mr. Hubbard was not yet present at the meeting.

LICENSE RENEWALS

Common Victualler License Renewals for 2019

- 15 Walnut, American Legion, Black Cow, Dunkin' Donuts, Crosby's Marketplace, Cumberland Farms, Inc., Hamilton Convenience Store, Hamilton House of Pizza, Myopia Hunt Club, Weathervane Tavern, Hamilton-Wenham Community House, and Café Shishco—Vote

Decision:

Mr. Olson made a motion to approve the Common Victualler License Renewals for the establishments named above. Mr. Maddern seconded the motion. The BOS voted unanimously among those present (*4-0) to approve the license renewals.

Note: Prior to the vote, Daniella's Pizza and Green Meadows Farm were struck from the list above. Ms. Jenkins inquired about Meadowbrook Farm, which sells food. Mr. Domelowicz will investigate it for the next agenda.

Entertainment License Renewals for 2019

- 15 Walnut, American Legion

Decision:

Mr. Maddern made a motion to approve the Entertainment License Renewals for 15 Walnut and the American Legion. Mr. Olson seconded the motion. The BOS voted unanimously among those present (*4-0) to approve the two entertainment license renewals.

Class II License Renewals for 2019

- Hamilton Enterprises, A&M Motors, and KJ Motors, LLC—Vote

Decision:

Ms. Jenkins made a motion to approve the Class II Licenses Renewals for the three establishments named above. Mr. Maddern seconded the motion. The BOS voted unanimously (*4-0) among those present to approve the license renewals.

AGENDA

Recognition of Chief Phil Stevens for 37 years of service to the Town of Hamilton

Mr. Farrell thanked Chief Stevens, commenting he has made a difference not just in the lives of those in the Fire Department, but in residents' lives. Mr. Olson spoke about the friendly and approachable fire department. Mr. Farrell presented Chief Stevens with a certificate from the BOS. Mr. Maddern reminded everyone about the retirement celebration to be held Jan. 10 at Danversport Yacht Club at 5:30 p.m.

Bylaws, Warrant Articles, for Annual Town Meeting and Housing Section of the Master Plan—Discussion with Planning Board Chair Brian Stein

Mr. Stein said the Planning Board was in the process of updating the housing portion of the Master Plan and has hired Jennifer Goldson. It's a large undertaking that involves demographic research and was last done in 2004. A fair amount of what was suggested back then in updating the bylaws has been done. The process involves a number of focus groups, soliciting roughly 30-40 people, followed by a meeting in January with consultants and Town staff. They will hold two public forums: Feb. 6 and March 20 at the Library.

Mr. Domelowicz noted they are already underway with the Open Space and Recreation plan. He has reached out to the MAPC [Metropolitan Area Planning Council], which offers technical assistance. The Housing Production Plan (done in 2009 and refreshed in 2013 or 2014) is also expiring and the Planning Department would like to have that done in conjunction with the housing element of the Master Plan. Mr. Maddern asked what the BOS can do to help. Mr. Stein mentioned advertising the meetings, having an article in *The Chronicle* and *Salem News*, and posting something on the website. Mr. Domelowicz mentioned an idea he's seen in other towns whereby the Town Moderator reaches out to all the boards and committees and asks them to reach out to everyone they know. Mr. Maddern suggested all boards and committees utilize liaisons with other boards as a way of expanding Town communications. He made a recommendation that Planning Board members attend other Town board meetings to update them on future meeting times and garner support for the master planning process. Mr. Stein mentioned a survey will be out

the end of the month. Mr. Maddern requested that responses/data already collected in the previous survey be used.

Mr. Domelowicz asked what bylaws would be coming forward. Mr. Stein said there will be a modification to the inclusionary housing bylaw and how they calculate the payment in lieu of creating affordable housing, currently way below value. Another will be a new bylaw to address micro cells/poles. These poles are like “boosters” to existing towers with a relatively small footprint; they can’t function on their own. A number of proposals have been made. Mr. Reffett noted one that’s been proposed near Cumberland Farms (for Sprint). Mr. Maddern said with 5G, a great many of these poles are going to be needed and he wondered why there’s only been a request for one. Mr. Reffett said that will be addressed in the meeting tomorrow evening. Also, he said there might be some tinkering regarding pole placement. Another big issue in Town, he said, is signage, which will come before the ZBA, particularly signage at the shopping center. Mr. Maddern asked regarding Mr. Stein’s role with the HDC, if there were bylaws coming that could be helpful to the business community. Mr. Stein didn’t think so specifically. Mr. Olson mentioned some may be coming as a result of the Master Plan. He noted the previous efforts on cottage housing and the great estate bylaws that didn’t pass.

Mr. Farrell told Mr. Stein the BOS is putting together a timeline and working to get a hard and fast stop on submitting warrant articles. Mr. Maddern mentioned another change will be in the Finance and Advisory Committee (FinCom)’s increased role. A mailed summary of FinCom’s advice and recommendations on new bylaws has been proposed.

Ms. Jenkins noted to Mr. Reffett that acceptance of streets is in the Town bylaws—in the regular Town bylaws—which will need to be cleaned up. Mr. Reffett said they are looking at that and have been reviewing what’s required in other communities for turning private roads into public roads.

*Mr. Hubbard arrived to the meeting at 8:09 p.m.

Review Town Manager’s Goals

Mr. Farrell recapped the BOS meeting held Nov. 10 regarding Town Manager goals. Mr. Domelowicz listed the Goals and Projects for the coming year. Following the acceptance of minutes this evening, they will be listed on the website. They include:

1. Ensure Self-Sufficiency of the Patton Homestead – Operational and Capital Plans
2. Capital Stabilization Fund & Financial Policies
3. Well Exploration / Manchester/ Chebacco Road
4. Ensure Development of Feasible Options for Town Hall Renovations
5. Master Plan Inclusive of Housing and Affordable Housing

Along with these, he will be looking at smaller goals, including:

- Working with Gordon Conwell
- Personnel Policies
- Following through on litigation the Town is facing
- Open Space and Rec plans
- Citizen's petitions in preparation for Town Meeting
- National Grid poles
- Downtown improvements with the HDC

Mr. Farrell went through the following list of Critical Functions of the Town Manager with Mr. Domelowicz and they discussed where they are with each. He noted Mr. Domelowicz jumped in quickly and was doing a great job.

1. Communications and Outreach
2. Budget Preparation and Presentation
3. Cooperation and Collaboration with Boards and Committees
4. Day-to-day Operations and Management
5. Best Efforts on Smaller Goals

Mr. Hubbard asked how Mr. Domelowicz felt about the goals. Mr. Domelowicz said it was a good set of things to be working on and fair to be assessed on. He aims for continual improvement in day-to-day operations and interacting with the public. He said the Town had very good department heads. Mr. Olson suggested as part of Mr. Domelowicz's weekly report that he give an update on each of the five critical functions. Mr. Farrell asked for a six-month update to the BOS on all the projects and the general state of the union, which would take place in April before Town Meeting.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- Patton Ridge group to talk about trash hauling and pickup
- Update with Mr. Reffett on the Vacant and Dilapidated Building bylaw and dialogue with residents about the 86 Meyer Rd. issue.
- Report from Department of Public Works (DPW) Director Tim Olson on snow plowing and a pitch for more snow plow drivers.
- Having Superintendent Michael Harvey address the board. (Mr. Domelowicz noted Dr. Harvey cannot make it Dec. 17 but will invite him to come in January.)
- Acceptance of Streets bylaw
- Power outages
- Pole Policy—first reading.
- Composting (saving the Town \$70K per year)

- Informal Town communications and collecting of residents' emails.
- Formalizing a way to demonstrate what the BOS does well and what it could do better. [Mr. Farrell made a note to alert residents at the beginning of meetings about standing up and offering comments—for those who aren't aware of the procedure—due to an incident that occurred last meeting.]
- BOS meeting space for the BOS
- Building on Town land
- Update of Personnel Policies.
- Changes regarding the scheduling of fees.
- Posting audio recordings to the website.
- Honeycomb's Virtual License

Adjournment/Entered Executive Session with Town Counsel

- 1) Regarding threatened and pending litigation involving 550 Highland Ave.
- 2) Regarding pending Varsity Wireless litigation over cell tower.

At 8:35, Mr. Farrell requested a motion that the BOS vote to convene in Executive Session stating the purpose of the Executive Session and identifying all subjects to be discussed that may be revealed without compromising the purpose(s) for which the Executive Session was called [stated above] because discussing strategy with respect to litigation in an open meeting may have a detrimental effect on the litigation of the board.

Mr. Olson made the motion to enter into Executive Session. Mr. Hubbard seconded the motion. The BOS voted unanimously (5-0) to adjourn the meeting and enter into Executive Session and not to return to open meeting. A roll call vote was taken with "ayes" from Mr. Hubbard, Mr. Maddern, Mr. Farrell, Mr. Olson, and Ms. Jenkins.

Prepared by:

Mary Alice Cookson 1/7/19
 Mary Alice Cookson Date
 Minutes Secretary

Attest: Will De 1/7/19

William Olson
Board of Selectmen Clerk

Date