

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall—Memorial Room

January 22, 2019

Selectmen Present: Chair Shawn Farrell, William Olson, Jeff Hubbard,  
and Allison Jenkins

Selectmen Absent: Scott Maddern

Town Manager: Joe Domelowicz

Other Town Staff Present: Director of Planning & Inspections Patrick  
Reffett, Director of Public Works Tim Olson,  
and Director of Finance Marissa Batista.

Shawn Farrell opened the regular portion of the Board of Selectmen (BOS) meeting at 7:42 p.m. immediately following the BOS Executive Session with Town Counsel.

**ANNOUNCEMENTS & BOARD OPENINGS**

- The Board of Health has one opening, the Town Hall Building Committee has two, and the Open Space Committee has a few.
- The Planning Board is working on the housing component of the Town's Master Plan and holding public forums Feb. 5, 7-9 p.m. at the Library and March 20, 7-9 p.m. at the High School.

**PUBLIC COMMENT**

Duke Seaver, 402 Essex St., wanted to bring to the BOS's attention that Methuen has stopped recycling in condo units. He thinks the idea might be catching on due to the high cost of recycling. Mr. Farrell said other towns are doing this also.

**Selectmen/Town Manager/Department Reports**

Allison Jenkins passed on giving a report because her items are on tonight's agenda.

William Olson thanked the law enforcement agencies who returned Olivia Ambrose (who grew up in Hamilton/Wenham and was missing) to her family. He reported: Jan Dempsey will retire as Library Director; the Hamilton Affordable Housing Trust (HAHT) will hold its next meeting Jan. 31 at 6 p.m.; and the HAHT is putting together a warrant article to revise its membership and quorum count.

Jeff Hubbard said the Gordon-Conwell Theological Seminary Task Force is waiting for the Seminary's working group to be formed and to meet.

Mr. Farrell said Scott Maddern wanted him to relay Patton Homestead Inc. will be coming to a BOS meeting in Feb. with usage and pricing recommendations. Mr. Farrell reported the Recreation Department will meet Jan. 28 and talk about the Turf Field and winter programming; the Conservation Committee (ConsCom) will meet tomorrow and probably close its public hearing on the dredging of Weaver Pond to remove invasive species and also discuss the Memorandum of Understanding on open space management at Patton Ridge; and the BOS and Finance and Advisory Committee (FinCom) will meet for a budget review this Saturday at 8 a.m.

Joe Domelowicz reported on Ms. Dempsey's retirement. He thanked Finance Director Marisa Batista, Assistant Accountant Dyan Katz, and the FinCom for their work on the budget. He said development at Canter Brook has begun. The Hamilton and Wenham Boards of Health met regarding joint adoption of rules and bylaws. One consideration is to assess fines for violating smoking and vaping bylaws on school property. He interviewed two finalists for the Patton Homestead director position. He hopes to have the person in place the beginning of Feb. The rest of his update on Town Manager Goals will be posted on the website in addition to his report.

### **Town Hall Renovations Update—Public Works Director Tim Olson**

Department of Public Works (DPW) Director Tim Olson said the Town Hall Building Committee met Jan. 16. He updated the BOS on work being done by the architectural firm Lerner Ladds Bartels regarding design concepts. The idea is to use the building footprint as much as possible, but there might also be additions. One important matter is figuring out what to do with the upstairs, whether to keep the area under the dome as office space or return it to a public meeting room or theater. He is seeking the BOS's and community's opinion. If the second floor area becomes meeting space, they would need to find other space for the offices.

Mr. Farrell asked Mr. [Tim] Olson if the cost was about \$300 per square foot. He said it was closer to \$450 per square foot. Mr. Farrell asked when they would get the structural analysis. It was completed and the structure is in good shape.

Mr. [William] Olson asked if the architects would be presenting options A, B, C, etc., and getting those out to the public. Mr. [Tim] Olson replied yes and said they'd be giving options plus cost estimates. He's not sure if they will be ready to present to Town Meeting in April. Mr. Domelowicz elaborated that even if the OPM and designer have their work done by then, the Town may need more time to get ready for sharing the plan with the public in a meaningful way. He doesn't want to go to Town Meeting until they're ready. They may need to ask for an amount at Annual Town Meeting to stay on track and continue with development and then present the whole plan at Special Town Meeting.

Mr. Hubbard said the architect was asking the Building Committee to come back with its recommendation for the best use of the space. Mr. [Tim] Olson asked whether the public was aware of what's happening with Town Hall. Mr. Farrell said he thought the community was aware, but not necessarily of the project's size and cost. Mr. [Tim] Olson and the BOS talked about using the second floor as a BOS meeting room and community space. Another idea was having the BOS meeting room in the basement. Mr. Domelowicz thought the basement should be used for storage.

Ms. Jenkins asked how the room upstairs compared in size with the current meeting room. Mr. [Tim] Olson said it was three times bigger. Ms. Jenkins said there were six offices upstairs in the main room. She thought they could relocate them to the first floor where the current meeting room is. She commented that the dome isn't good for heat, sound, etc., and thought that if the public wanted to keep the dome, the space under it should be meeting space. In her personal opinion she didn't think they had a need for a stage or another theater in Town. She thought there was a need for a conference room. Mr. Domelowicz noted they could design things so the rest of the building could be closed off when nightly meetings are held. Mr. [William] Olson said he didn't think there was enough parking to accommodate a theater. They all agreed keeping the stage wasn't necessary. Ms. Jenkins said she didn't think any full-time employees should be located in the basement for health and morale reasons. Mr. Domelowicz agreed.

Mr. Farrell talked about perhaps having a "concierge" on the first floor where residents can pay bills and do everything at one counter. Mr. Domelowicz said that was possible but would have to be decided up front so the designers could plan around it. He said he has told the architects not to just look at how employees are doing their jobs today but at how they may be doing them over the next 25-100 years.

Ms. Jenkins asked Mr. [Tim] Olson if there was a plan to move the gas tanks. He said yes.

The next Building Committee meeting is Jan. 30 at 5 p.m.

Ms. Jenkins suggested they take a straw poll about the second floor.

**Decision:**

Ms. Jenkins made a motion that the BOS use the second floor as meeting space.

**Further Discussion:**

Mr. [William] Olson clarified the space could be flexible, such as two or three meeting spaces and a conference room. They were specifically discussing the space under the dome not including the stage area.

**Decision (cont'd):**

Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to accept the motion.

**Water Abatement, 484 Bay Rd.**

The BOS took this agenda item out of turn to discuss it with Mr. [Tim] Olson. He explained the abatement being requested is for an old account dating back to his start with the Town. The resident was in a deficit on her water bills and had only recently paid them off. The deal made was that after she was current with the bills, he would submit them for an abatement.

Ms. Jenkins said legally she doesn't think the BOS can do this. The bill is from 2012 and it's 2019. She said it should have flowed to a lien and didn't think they should discuss it in open session. Mr. Farrell asked her if she would she agree to it pending legal review. She said she had too many issues with it. Mr. Domelowicz provided details on the amount. The original bill was for \$1009.95. The abatement amount is for \$449.80.

**Decision:**

Mr. Olson made a motion to approve the abatement pending further legal review. Mr. Hubbard seconded the motion. The BOS voted 3-1. Ms. Jenkins was opposed.

Mr. Domelowicz will provide an answer about whether the bill is allowed to be abated legally and find out what the original problem was with the bill.

**Plowing of Private Ways Policy Discussion**

Mr. [Tim] Olson said there are 12 private roads the Town currently plows. They do conform to the current bylaw; the residents have to sign a petition. Most of the 12 do have deed restrictions stating the residents are responsible for plowing and maintaining the road. He and Mr. Domelowicz are looking into whether all the private roads meet the criteria for plowing and are in good condition to do so. They also discussed whether they need to look into starting a process with the Planning Board to lift the restrictions.

Mr. Domelowicz said he and Mr. [Tim] Olson decided to plow the same roads plowed last year. He suggested they may want to hold a joint meeting with the Planning Board to review the policy on this. He doesn't want to make decisions road by road. Mr. Farrell said the BOS is facing a similar situation regarding trash pickup in certain developments that were originally set up not to have trash pickup by the Town and now residents are asking for it.

Ms. Jenkins said she thinks they need to go by what was set by the developer from the beginning.

Director of Planning and Inspections Patrick Reffett said he has yet to see a Planning Board directive say that although the Planning Board excluded the activating (plowing, trash pickup) at the time of development it can be negated by the BOS. He said the Planning Board has discussed this at length and reiterated they still hold fast to the restrictions, for it is the developers who have said they want to build smaller roads and have less impact on the Town. Mr. [William] Olson inquired if most of the 12 roads are old. Mr. [Tim] Olson responded no, they are relatively new.

Mr. Domelowicz said he still thinks they should have a conversation with the Planning Board on how they want to proceed in whether or not to allow restrictions moving forward.

Ms. Jenkins said she agrees with the Planning Board that they should uphold the restrictions except in one situation: In the case of Patton Ridge, the Planning Board specifically said the residents wouldn't have trash pickup unless the BOS determined they should have it. The case was left open, she noted, and now the residents are knocking on their door. She added some of the biggest complaints the Town gets about plowing are from residents on private roads, as these tend to be narrow and to have dead ends making them more difficult to plow. Mr. Farrell added the private roads cause more wear and tear on the equipment. He said he thinks they need to have a broader discussion.

Robert Warrenberg, 3 Smithwood Terrace, said every year residents of his road ask for plowing and it isn't done. Alexandria Moffett, 2 Smithwood Terrace, said she moved there in 2014 and was the last resident to move in on that road. It was discussed whether there were four or five houses on that road. [The policy is to plow roads with four or more houses]. Mr. [Tim] Olson responded there is a roadway maintenance agreement that states that residents on this road are responsible for the plowing. Mr. Warnberg said it would be good to know what they should do if they wanted to pursue having the road being plowed by the Town. Mr. Domelowicz referred him to the Town bylaw. He said he isn't recommending any plowing changes for this year because he doesn't want to make policy decisions that way. Mr. Farrell instructed Mr. Warnberg to contact them in the summer

regarding the following winter. Ms. Jenkins gave him some instructions and advised him to start the process now.

Mr. [Tim] Olson was thanked by the BOS for his report and left the meeting.

Mr. Seaver asked if all of this (determining if a road is private) is part of getting a building permit. They responded it is part of the Planning Board's permitting process when the property is developed.

**Update on Enforcement of Vacant and Dilapidated Buildings Bylaw with Respect to 86 Meyer Rd.—Patrick Reffett**

Director of Planning and Inspections Mr. Reffett said pursuant to their last discussion, he, Mr. [William] Olson, Kevin O'Connor, and Mr. Domelowicz met at the site and had a discussion with the home's co-owner Sami Harbawi. The Town will continue to push for date requirements for completions on the site. The owners have hired a professional construction manager who sees no reason why it should take any longer than the end of June to complete the project. There are no building code or health code violations.

Mr. Domelowicz said he spoke to Town Counsel Donna Brewer who said the BOS has the right to hold an advertised public hearing and find a building to be dangerous if they fail on their obligations under the bylaw. They have asked the homeowner to provide several things, including a general contractor license and holder, a schedule of timelines for items to take place. They have until Jan. 28 to provide. If they don't, he will direct the Building Inspector to begin accessing fines.

Mr. [William] Olson said he thought July 1 was a reasonable deadline. He thought the neighbors would be OK removing the fines if there was a certificate of occupancy by July 1. He inquired if there was a written punch list yet from the Building Inspector, and he encouraged the builder to track everything in writing. He believes there needs to be daily activity.

Mr. Farrell discussed next steps. If things aren't done by the agreed-upon dates, they can then take legal action. Mr. Hubbard said he thought the BOS was going to start the fines and isn't comfortable talking about writing off fines at this point. Mr. [William] Olson responded the BOS can't fine; that's done by the Building Inspector.

Tim Ford, 80 Meyer Rd., said as a home builder, he wouldn't allow them to go into starting the interior finishes without completing the roof. The process being used isn't what any builder would follow. He thought there could be lawsuits if things aren't done correctly. He said the roof and windows aren't flashed and someone should have eyes on this.

The BOS thanked Mr. Reffett for his report and he left the meeting.

**Census Data Update—Andrea Dello Russo and Allison Jenkins**

Mr. Farrell said Ms. Jenkins and Town Clerk Ms. Dello Russo are working to improve the Town's census data. Ms. Jenkins said she also thinks they need a better understanding of the data that exists so they can ask the Town Clerk for the right report. Also it's important that the data be accurate since it impacts things like affordable housing. She said she's been in touch with the State and U.S. Census Bureau. She has found flaws within the data. She noted former Town Manager Michael Lombardo said he would not participate in the LUCA [Local Update of Census Addresses] program because he had insufficient staff. The deadline, which was in 2018, has now passed. She cited examples of data being skewed, for example, by Gordon-Conwell students being included (most college students live in poverty) as well as seasonal residents at Asbury Grove being factored in. However, she said it is possible to delineate certain parcels that can be separated out, so they can see the demographics without those being factored in. She said she spoke with Tim Reardon at MAPC [Metropolitan Area Planning Council]. Mr. Domelowicz has also been in touch with him. As far as the Town's annual census, she said they should be counting dwellings not heads of households. She asked the State to give her some reports. Ms. Dello Russo said she can give them to her. Ms. Dello Russo said there are some addresses she knows do exist (as she drives by them) but they aren't in the report.

Ms. Jenkins now has a list of the addresses at Asbury Grove that are seasonal as opposed to year-round. Ms. Dello Russo said she doesn't have that info. That is one example of data needing to be cleaned up. Also, all of the housing downtown is listed as one parcel since there is only one property owner. That needs to be fixed, as well. Some people have apartments that aren't valid dwellings that have additional addresses when they shouldn't. For example, an address such as "25R" that should really just be counted as "25." Ms. Jenkins said sometimes the BOS asks Ms. Dello Russo for data and they don't get the right report. For example, if they want to know how many registered voters they have, they ask for a report that doesn't really give that. Mr. Farrell suggested a meeting between Ms. Jenkins, Ms. Dello Russo, and Director of Assessors Tina Zelano. Mr. Domelowicz wondered if they might hire a data specialist or intern. Ms. Jenkins said she is cross-referencing data manually and is pretty efficient in comparing the data sets.

Mr. Hubbard said it is important to get the numbers right for the purposes of the affordable housing (40B) count. Mr. Farrell said he thought it would be great to be able to separate out Gordon-Conwell and Asbury Grove from the data. Ms. Jenkins will continue to work on it.

**CONSENT AGENDA**

- **Approve Minutes from the BOS meeting Dec. 17, 2018.**

**Decision:**

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

**Green Meadow Farms Operations Update—Bob Patton**

Green Meadows CEO Bob Patton gave an update on his operation. The Host Community Agreement was negotiated with Hamilton last summer. They are getting ready to present the plan for their Greenhouse to the Planning Board. Fuss & O'Neill is the builder. They've hired Nexus Greenhouses, who will be integral in providing many of their systems. He made the point that this is an agricultural building and farm operation. They have hired a director of cultivation, a botany scientist specializing in organics, who is moving here from Denver. They are looking at odor control. They are leaving the stone wall that's there. There will be a screening of trees, but the building will be visible from the road. They will integrate it with the rural setting. He also wants to work with the Patton Homestead. He said they are now poised to begin the public hearings. He encouraged the BOS to bring him their questions. He also mentioned advance payments for the SRO [School Resource Officer].

Mr. [William] Olson asked when they would break ground. Mr. Patton said it could be as quickly as this spring.

Mr. Seaver asked Mr. Patton if they would be using Town water. He said yes, adding they are going to treat and reuse roof water.

Mr. Domelowicz asked where he was in the process with the State and Mr. Patton provided details. There are requirements for security, for example.

Mr. Patton and Mr. Domelowicz discussed that State law requires Green Meadows to sell a certain amount of product to themselves and there is some discount in doing that, but they don't want to shortchange Hamilton on its percentage [of the profits]. They are working that out. Mr. Domelowicz shared a draft of the agreement and asked the BOS to comment back to him.

**Fiscal Year 2020 Budget Proposal**

Mr. Domelowicz said they will review the document now briefly and discuss it at length on Saturday. The Town is forecasting revenue of \$33,096,377. Total Town Expenses are \$13,715,742. FY'20 School Expenses are \$19,380,635. Total Budget is \$33,096, 377. Water Enterprise Budget is \$1,887,547. The Projected Tax Rate is \$16.93 per thousand. On a home



worth \$600K in Hamilton, the annual tax bill would be roughly \$10,160. Ms. Jenkins noted the rate had gone up from \$16.48 per in FY'19 to \$16.93. It was \$16.22 in FY'18.

Mr. Domelowicz said the basis of the budget proposal is level service on the Town side except for the one additional employee in the DPW and roughly 34% of a human resources function. Those are the things they had budgeted as priorities. The biggest increases are in things beyond their control, such as health insurance and unemployment. They also built in additional funding for negotiating the union contracts that are up this year.

Mr. Farrell acknowledged the good job done by Finance Director Marissa Batista. He said she didn't get the Department of Revenue (DOR) formatting in time to use this year, but they will see it next year. Mr. Domelowicz said it takes a good six months to convert from one budget document to another.

Mr. Domelowicz said they adjusted the budget by 2% today based on State aid.

Mr. Hubbard said it was a big jump in the tax rate, which is concerning. Ms. Batista said it was up 2.5%. He asked how much the need for the additional DPW worker had to do with the Patton Homestead. Mr. Domelowicz said it had nothing to do with that. Mr. [Tim] Olson currently has no backup [deputy director], he said, and needs someone to take some of the day to day burden off of him so the Town will be in a better place efficiency-wise.

Ms. Batista talked the implementation of the financial policies that included contributions to Capital Stabilization Fund and General Stabilization Fund. Those were basically just moving those amounts from free cash; they aren't being funded through the tax rate.

Ms. Jenkins asked if the DPW had a work order system. Ms. Batista said Mr. [Tim] Olson has a system in place and most things go through him.

Ms. Jenkins suggested showing tax payers how much of the \$16.93 went to which functions, for example, the schools. Mr. Farrell and Ms. Batista said they did that breakdown last year and would do it again. Mr. Domelowicz asked Ms. Batista if they could have that figure for Saturday's discussion. He said he attended the MMA [Massachusetts Municipal Association] conference this weekend and many people said Hamilton was lucky to have Ms. Batista as finance director. Ms. Jenkins commented it's important to recognize employees who go above and beyond for their work.

The BOS thanked Ms. Batista and she left the meeting.

### **Annual Water Rate Discussion, Future Water Rate Forecast and Vote**

Mr. Domelowicz said Ms. Batista made a recommendation for maintaining the current water rate this year, which will be the fifth year of the promise they made when they set the rate. They are projecting it will most likely go up next year.

Ms. Batista said they need to use what one could call "free cash in water" to balance the budget. They did it last year, as well. This year the amount of reserves being used was about \$166K. She said if they are starting to use reserves to balance the budget, they know they aren't going to be able to keep the water rate the same.

Mr. Domelowicz talked a bit about the catch-22 in that if they have a water ban in effect, people don't use as much water and therefore, they don't get that revenue on the water.

Ms. Jenkins posed an idea about charging each apartment a meter cost. For example, Patton Ridge has only one water meter for 12 units. Mr. Olson said this wouldn't amount to that much revenue. However, Ms. Jenkins noted charging a quarterly infrastructure fee to the number of units rather than the number of meters could be done in the interest of fairness.

Mr. Domelowicz mentioned he chose to invite Mr. [Tim] Olson to the budget meeting. He isn't planning to have any other department heads there aside from Ms. Batista.

**Open Warrant for April 6 Annual Town Meeting and discuss pending and possible warrant items, including Capital Stabilization Fund, OPEB accounting and housekeeping, Planning Board articles, Road Acceptance Policy, HWRSD [Hamilton Wenham Regional School District] Budget items, etc.**

**Decision:**

Mr. Hubbard made a motion to open the warrant. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to open the warrant.

They discussed the following potential warrant articles:

- Planning Board accessory apartment bylaw
- Air BNB policy and whether to accept Governor Baker's new bill.
- Amendment to the joint agreement for the Pool and the Recreation Department. The Pool charges for use but the Rec Program uses the pool with the people not needing to pay for the pool. They have been moving money over to balance the books but thought it better to formalize that. They asked Ms. Brewer to draft language and need to look at what agreements would have to be modified.
- Moving OPEB [Other Post-Employment Benefits] funds from a trust into an irrevocable trust, as the State would like.
- Modifications to the Telecommunications bylaw regarding microcell systems.

- Amending the signage bylaw to address temporary yard signs, regulating how long they can be up, etc.
- Modification of the Inclusionary Housing bylaw to be more consistent with the State.
- Modifying the formula used for calculating a developer's payment in lieu of building affordable units.
- Street Acceptance policy.
- Capital Stabilization Fund Policy. Someone noted Mr. Maddern found there is a bylaw they could amend and there was a Capital Fund Committee.
- Mr. Farrell said they discussed separating out capital improvements from the budget of the schools, as they did last year.
- Citizen's petitions—nobody had heard about any yet.

### **Second Reading Complete Streets Policy**

Mr. Domelowicz said he needed the format from Ms. Jenkins. She will send it to him.

### **Decision:**

Ms. Jenkins made a motion to accept the Complete Streets Policy pending formatting. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (4-0) to accept the policy.

Mr. Farrell said the policy makes the Town eligible for funding and it is good practice to have it.

Mr. Domelowicz shared a letter giving the BOS a pat on the back from the Governor's office for completing best practices in the Community Compact program. Ms. Jenkins recommended sharing it on the web.

## **NEW BUSINESS**

### **Consideration of Topics for Discussion at Future BOS Meetings**

- Update on sign and Special Permit with the Zoning Board of Appeals by Mr. Olson.

Mr. [William] Olson said the retirement party for Fire Chief Phil Stevens was well-attended and showed the strength and caring of the community.

### **Adjournment**

Mr. Hubbard made a motion to adjourn the meeting at 10:22 p.m. Mr. Olson seconded the motion. The BOS voted unanimously among those present (4-0) to adjourn the meeting.

Prepared by:

Mary Alice Cook, 2/25/19  
Mary Alice Cookson Date  
Minutes Secretary

Attest:

William Olson, 2/25/19  
William Olson Date  
Board of Selectmen Clerk