

**TOWN OF HAMILTON
BOARD OF SELECTMEN
MAY 13, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 13, 2013 with Marc Johnson, David Neill, Jennifer Scuteri, Jeff Hubbard and Scott Maddern present. Town Manager Michael Lombardo and Finance Director Deborah Nippes-Mena also present.

Call to order

Chair Marc Johnson called the meeting to order at 7:00 p.m.

Public Comment

None.

Town Manager's Report

Town Manager Michael Lombardo mentioned that sound amplification has been completed in the Memorial Room. Also, that one yard of compost per Hamilton or Wenham resident is available outside of the DPW yard behind Town Hall and it is not available to commercial landscapers. He described how the Patton Park improvement of new playground equipment installation begins tomorrow. Also, he noted his participation in Mass. Clean Energy meeting to create a regional committee. The purpose is to evaluate alternative energy plans and energy efficiencies working toward putting action plans in place. He asked Board for names of people who might want to serve on the committee in as many as seven meetings this summer.

Other items that Lombardo mentioned were that the annual legislative breakfast will be held tomorrow morning at the Wenham Council on Aging, and if field at Patton property could be cultivated this summer with a percentage of produce going to Acord food pantry.

Chairman/Selectmen reports

Jennifer Scuteri mentioned design for temporary sign for Patton homestead where Community Preservation Committee had authorized \$425 to construct and sign's relativity to Purple Heart trail. She offered to circulate sign design to

the Board and after receiving comments she'll discuss it with Joanne Patton. Discussion ensued about how the hope is that this site would eventually be used as a bed and breakfast. In addition, \$4,500 of CPA funds will be used for bed and breakfast feasibility study. Also, veterans and Council on Aging representatives will take a tour of Patton homestead on June 8 rather than May 25.

Jeff Hubbard spoke to the Discover Hamilton trail event on May 18, and noted that downtown merchant Don Costin had passed away. Scott Maddern mentioned draft letter from resident Bob Gray regarding Board not being in favor of consolidating housing authorities in the state. Selectmen agreed that the letter was fine. Marc Johnson said the Board is drafting a response letter to a letter received from Gray regarding the Pirie property.

CONSENT AGENDA

Johnson read the items for the Consent Agenda:

Display Banner:

Patton Park Playground Committee requests permission to replace existing banner in Patton Park with one thanking corporate sponsors to hang from fence.

Appointment:

Hamilton Historic District Commission – Jack Hauck, 3 year term

One Day Liquor Licenses:

Christopher's Table, LLC for an event at the Pingree School on Saturday, May 18, 2013

Heat Event Management LLC for an event at Green Meadows Farm on Saturday, May 25, 2013

Approval of Minutes: April 22, 2013 – Regular Session, April 26, 2013 – Retreat.

Johnson put a hold on April 26, 2013 minutes so he could review them. He entertained a motion for the Board of Selectmen to approve the Consent Agenda items excluding the minutes for the April 26, 2013 BOS retreat. Hubbard so moved. David Neill seconded the motion. VOTE: Unanimous.

PRESENTATION

Presentation by CDM Smith Corporation of the **Landfill Closure and Anaerobic Digester Projects**

CDM Smith Corporation representatives Bruce Haskell and Laura Bugay spoke to evaluating closure of landfill as well as to assessing feasibility and helping the Town to implement an anaerobic digester on or adjacent to the landfill property. The Town is looking to lease a portion of the property to a private firm to build an anaerobic digestion facility. Haskell explained that CDM Smith is trying to get final regulatory signoff to close Hamilton's landfill from DEP that was started in the 1970s.

He described how food waste collected at curbside in Town and at commercial operations such as hospitals would be processed in anaerobic digestion that generates methane and is burned to generate electricity. Haskell mentioned that there is a digestate product that no longer produces methane that can be composted.

He summarized that the intent for the Town to have an anaerobic digester facility at the landfill is so the Town would get paid a tipping fee for materials that come in, get paid for the electricity generated and reduce cost of getting rid of digestate material. The Town is pursuing this possibility since the state is looking at siting anaerobic digestion facilities using food waste separated organics from the waste stream that would be banned from food establishments by 2014.

Haskell mentioned the good access to a proposed anaerobic digester site at the former landfill property off of Route 128 in Hamilton. He summarized the benefits relative to expense of operation, availability of material and cost of disposing of digestate. This was in context of state procurement laws requiring competitive RFP for vendors to describe what they would do to create an anaerobic digester and the revenue expected and related expenses. All facilities would use proprietary technology from either Europe or Canada.

Haskell explained how the RFP is being created and funded through a grant from Mass Clean Energy. He said focus will be on finding out what vendors are offering and their qualifications as well as the benefits for the Town. RFPs will be evaluated based on benefit to the Town and procurement law. Specifics will include area at landfill that could be used, types of materials, financial capability

to implement digester, definition of responsibilities for Town and RFP respondents, as well as operational standards that address odors and noise.

Haskell described next steps including meeting with Town boards where he has already met with Board of Health especially since they would be involved in permitting of facility. Time has been built into the schedule for Board review and to finalize lease document and for proposed use of electricity generated as part of Green Communities Act and financial benefit to the Town as part of procurement process. Target timing for completing RFP is during the summer and issuing RFP in fall, awarding a contract and completing permitting process with vendor so construction could start on facility in 2015.

Haskell updated Board on status of landfill closure on 10 acres where 7 acres received a soil cap in 1980s. He noted that test pits were done to analyze landfill cap and area that remains uncapped would get an alternative soil cap. A cap proposal has been submitted to DEP and the Town received approval from the state agency. He added that the recapping of 3 to 4 acres would cost less than expected \$1.8 million.

Haskell described how the Town is investigating using original glacial soils that are available for free from Boston to cap the landfill. Discussion is underway and includes possibility of Town being paid to take the soil. If the soils are usable the DEP permitting documents would be approved by DEP in two months. The construction process would begin in the fall depending upon the availability of soils and be finished with DEP certification at the end of next year.

Discussion ensued about scheduling plan to complete capping landfill at end of next summer so that construction could begin for anaerobic digester. Lombardo said the Town is trying to dovetail DEP permitting for post-closure use when exiting capping so a vendor can execute RFP for anaerobic digester. Haskell explained how additional soils could be used to flatten off top mounded area at the landfill to see if it is viable for a solar field.

Discussion addressed how there are anaerobic digesters located across the country and technology has been used extensively for wastewater sludge. Food waste digesting is being used in Rutland, Mass. at a farm site. In response to Johnson who inquired about fatal flaw analysis and range of source volumes, Haskell said the RFP allows for scaling up of a modular facility.

Discussion was about how Hamilton is trying to be the first municipality on Chebacco Road with an anaerobic digester but the DEP permitting process for anaerobic digesters would not preclude Manchester from seeking the permitting as well. Currently, the closest proposal for an anaerobic digester to Hamilton is in Lexington. Haskell suggested that the key competitor for Hamilton will be farm operations with composting facilities.

In response to Neill who questioned where the source material would come from and the impact of delivery trucks to the site on area roads, Haskell said that has not been analyzed in great detail. Although a truck route has been defined from Route 128 and there is 200 feet of unpaved road from the Manchester town line to the site entrance. He said this has been discussed and would likely be addressed by a vendor. Neill described how the last time Hamilton tried to promote a development project in that area of Town, Manchester did not allow trucks to pass over the dirt road due to wetland impact. Haskell said that would be addressed in meetings with Town boards.

Edwin Howard, Meyer Lane, said he was in favor of the digester but thought it could not be located at the landfill since it is in the groundwater overlay protection district and this is not an allowed use. Johnson said this would be investigated.

Discussion ensued with Hubbard questioning if there were alternative plans in place for the landfill if the anaerobic digester does not come to fruition at the site. He suggested consideration be given to two gun clubs already using the site. Haskell mentioned that there are many post-closure uses for landfills allowed by DEP. He recommended best projects as those that go on top of the landfill cap rather than trying to build around soil layer. Johnson noted access to available land around the cells of the landfill cap was difficult and there are a lot of wetlands.

Discussion also addressed the importance of understanding the economics and risk involved by December 2013 in pursuing the possibility of the digester and that other development options at the site could be applied in summer 2014. Johnson noted that the previous action taken by the Town with an RFP for buildings at the site did not receive any response. He added that options for solar and wind for electricity generation at the site are still being considered. Haskell reiterated that the capping should be completed before post-closure uses get evaluated by DEP and ultimately permitted.

In response to Maddern who questioned six to seven months for RFP process, Haskell said this is driven by the state's procurement rules and to allow public process to occur. He added that solar projects have become programmatic but it takes several months to negotiate contracts and complete.

Discussion addressed revenue possibilities for Town at landfill under anaerobic digester scenario with tipping fees and selling electricity. Haskell explained that there is no state regulation but a fixed lease fee for a number of tons per year. Consideration for Hamilton is how lucrative this could be based on risk and reward. The digester vendor would define risk/reward within the lease agreement to meet his business model relative to what expense to charge the Town and make a profit. Also, there would be a long term power purchase agreement between the Town and the vendor.

Discussion ensued about within five years DEP would require all organics be taken out of the waste stream for residential and commercial users. Haskell explained how this takes time and state would regulate it.

Jack Hauck, Knowlton Street, asked about if a digester plant would use water and electricity. Haskell said there would be start-up time but the plant would become self sufficient regarding electricity. He reiterated that the operator would be responsible for operating the plant and this would be controlled with DEP permitting. Haskell and Lombardo said the Town would specify only standard organic materials be used at the site. Hamilton would not take hazardous substances at the site. However, consideration is being given to including filter medium from the Town's water plant but no toxic materials.

ACTION AGENDA

Hamilton Development Corporation – Brian Stein, Chairman requests Board of Selectmen authorize the terms of the 5 members and provide an overview of the HDC's first year:

- Anthony Nickas, 3 year term
- Brian Stein, 3 year term
- David Carey, 2 year term
- Rick Mitchell, 1 year term
- Bill Gisness, 1 year term

Lombardo explained that the Board has to follow statute and appoint the members based on staggered terms. He provided an update noting how the HDC is working on visioning process and economic development strategy, has discussed downtown and in few weeks will be ready to present to Board.

Johnson entertained a motion to appoint the individuals serving on the HDC for their respective terms. Maddern so moved. Scuteri seconded the motion. VOTE: Unanimous.

North Shore HOME Consortium 2012 Fund allocation to Hamilton is \$8,562. The Hamilton Affordable Housing Trust requests the Board to redirect allocation to a worthy project in Wenham. At this time, Hamilton has no project that meets the criteria of the appropriation.

Andrew DeFranza, Harborlight Community Partners, described how this is federal money and there is an allocation for the community where Hamilton does not have a project but Wenham does so the appropriation could be transferred to that municipality rather than not being used by Hamilton or Wenham.

Discussion ensued about how Affordable Housing Trust had analyzed the situation and agreed that Hamilton presently does not have any projects that meet the appropriation criteria. Also addressed was if the money was given to Wenham that community would also get another affordable unit in town, but this would be a good will effort by Hamilton. DeFranza suggested that in the future if there is a similar scenario where Wenham has the federal funding but no project perhaps the municipality would vote to allocate it for Hamilton's use if the Town has an appropriate project.

Johnson entertained a motion to allocate Hamilton's 2012 fund allocation of \$8,562 to project in Wenham as described earlier. Scuteri so moved. Hubbard seconded motion. VOTE: Unanimous.

Code of Conduct Policy – Vote to Adopt

Discussion ensued about necessary change in policy language stating administrative assistant to the Board of Selectmen should read the assistant to the Town manager. Hubbard commented on language about how Selectmen should not make statements or promises about how they are going to vote. The

Board defined that this does not prevent a Selectman from talking about issues with people.

Neill moved to adopt this Code of Conduct Policy. Johnson seconded the motion. VOTE: Unanimous.

DISCUSSION AGENDA

Pirie Property – ongoing consideration of exercising first right of refusal and preparation for public hearing on May 16 on the topic

Johnson described how the Pirie working group would walk through its presentation tomorrow night. He added that on May 16 at 7 p.m. there would be a formal public hearing at Winthrop Elementary School relative to the Town exercising its right of first refusal and the hearing will be videotaped.

Discussion ensued about the protocols for the public hearing and that Town officials would take a limited time to present factual information regarding the Town's analysis of ROFR. In addition, that there will be no dispute about information presented by speakers from the audience. The Board agreed that the objective of the hearing was to listen to as many people as possible.

Discussion addressed how questions presented at the hearing would be answered in real time if possible and that some could be deferred to individuals on the Pirie property working group. The Board agreed that the hearing would begin at 7 p.m., the presentation would last a half hour with remaining time until 9 p.m. used to listen to audience speakers and for Town officials to provide responses. Also noted was that Johnson has been responding to emails from residents on this matter. Lombardo said a Q&A would be added to the presentation that will be online.

Town Manager's Review – semi-annual

Former Selectman Jeff Stinson, Homestead Circle, provided the Board with his document of synthesized responses from Selectmen regarding the Town manager's semi-annual review. He summarized that there was nearly general consensus amongst Board members that Lombardo's most notable accomplishments were successful budget process in preparation for Town Meeting, control of tax rate, good relationship with HW School Committee, knowledge of laws and regulations, ability to multi-task and attention to detail.

Performance objectives for Lombardo for the year include: tight budgeting, making tough decisions as well as attention to detail. Areas where the Board would like to see Lombardo make changes is communicate better with the Selectmen and management of personnel. Also reiterated from Lombardo's contract negotiation is that the Town manager should seek personnel skills training.

Stinson summarized Board consensus view that more communication by Lombardo is needed with administrative matters. He added that overall Lombardo has met expectations. Stinson referred to specific sections in the evaluation. He spoke to assisting the Board with policy making role. Selectmen stated that Lombardo exceeded expectation in his knowledge of by-laws and state law. However, the Board said a change in the ambulance service contract for the Town should have been communicated to Selectmen by Lombardo earlier in the process. Stinson suggested weekly meetings between Board members and Lombardo to set expectation would be and have proven useful.

Also mentioned by Stinson was that two Board members said that Lombardo is ultimately responsible for action of staff. Another item was the need to fill the Town planner position that Lombardo is working on and need for overall organizational structure. The Board had expressed concern about the lack of a human resources specialist for personnel. In addition, some Selectmen had expressed concern about information sharing with staff and morale amongst Town employees.

Another topic addressed is that residents are giving a mixed review on Lombardo's performance and that the Selectmen can assist with this. Stinson said Lombardo welcomes concerns brought to him and is willing to listen and adjust. Lombardo received high marks from the Board regarding his management of Town's water system and sidewalk projects. Again Board members noted they would have preferred to be involved in consideration of new ambulance contract. Stinson noted that Lombardo is willing to respond to individual complaints from community members.

He added that in general the Board said Lombardo meets expectations, in some cases exceeded expectations and also needed improvement. Discussion ensued about how well Stinson had synthesized the information and there was agreement that the evaluation document used by the Board was good. Board members thought the document could be refined, overall it was a good review

package, and Selectmen acknowledged that the comments at end of sections were important.

Lombardo responded to the evaluation saying that the process went smoothly, worked well, and he thanked the Board for giving him guidance for moving forward. Scuteri initiated discussion about if there was a need for breakout meetings outside of Board's weekly meetings. Lombardo explained that he has to juggle a lot of projects and it is a challenge when navigating work load to find time for reach out but he could carve out that time as needed. He said it is time consuming to put information in writing to the Board. He suggested that he could communicate with Board chair and other members during regularly scheduled Thursday meetings at 7:30 a.m.

Lombardo noted that what has worked well in the past is when Stinson followed up with emails and meetings to discuss issues. Johnson suggested the Town manager report during BOS meetings should be more comprehensive. Lombardo described recent meeting with residents as more effective than email correspondence. Discussion ensued about whether or not it is important to get an employee to exceed expectations and if resulting evaluation proves valuable. Lombardo's evaluation results will be published online.

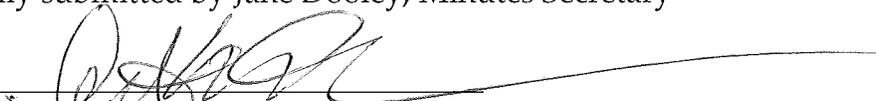
New Business

Discussion reiterated public hearing at Winthrop Elementary School on May 16 and May 23 warrant hearing. The Board decided not to hold a BOS meeting on May 20.

Johnson entertained a motion to adjourn the meeting at 9:02 p.m. Scuteri so moved. Hubbard seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk