

**TOWN OF HAMILTON
BOARD OF SELECTMEN
MARCH 31, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, March 31, 2014 with Marc Johnson, Jeff Hubbard, Scott Maddern, David Neill and Jennifer Scuteri present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, Finance & Advisory Committee members – John McWane, Chair, Charles Chivakos, Jeff Stinson, Rick Sprenkle and Nancy Gerardi-Walsh, CPC Coordinator Chris Berry, Town Clerk Jane Wetson and Town Moderator Bruce Ramsey also present.

Call to order

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

Public Comment

Peter Gourdeau - youth lacrosse, Marty Cook - youth football, Jeremy Caulfield - flag football, Steve Ozahowski - youth soccer and Phil Tocci - Little League and girls' softball spoke to need for additional athletic fields in Town and expressed interest in a synthetic turf field in Town in light of fact that recreational facility is not working out at Patton Homestead. Peter Gourdeau noted that he was involved in the early meetings with Joanne Patton and the importance she had placed on the Patton Estate providing recreation fields and Gourdeau suggested that if the fields were not going to be at Patton then part of the housing proceeds should go toward a turf field.

Town Manager's report

Town Manager Michael Lombardo updated Board about conversation with Interim DPW Director Dave Hanlon and Planning Board Coordinator Kristine Cheetham relative to assessment by Weston & Sampson who had estimated that the Model T building would cost \$60,000 to \$70,000 to construct. Town officials are working towards reducing the cost of the project. Lombardo emphasized importance of aesthetics of building since proposed location is downtown. Also, that the project will be put back before the Zoning Board of Appeals as soon as possible. Discussion ensued about how the proposal for the building was to use a construction kit. Also, that the building would have electricity so it can be illuminated.

Chairman/Selectmen reports

Jennifer Scuteri acknowledged all of the preparation work being done for ATM and noted that Town Manager's Administrative Assistant Maureen Hickey had injured her shoulder. David Neill asked residents to be mindful about recycle materials such as cardboard and paper so these won't blow around and land in neighboring yards. Johnson summarized success of Ultimate Frisbee event that occurred recently hosted at Myopia Hunt Club polo field. Scott Maddern gave update on meeting with Recreation Board that included review of elements that could be eliminated from future Patton Park Pool project, also that First Congregational Church may offer Town use of gym and rooms for recreation programming and insurance is being investigated. In response to Jeff Hubbard who asked if another pool proposal would be brought forward for STM, Maddern explained that the meeting about pool was in regard to determining programming requirements. Lombardo noted that the pool would be discussed with the Board after ATM to determine operational issues and timing for moving forward.

CONSENT AGENDA

Johnson read items on Consent Agenda.

One Day Liquor License: Danvers Rotary Club for an event on Saturday, May 3, 2014.

Approve Minutes for Regular Session – March 17, 2014. Johnson put a hold on these minutes since he has comments.

Johnson entertained a motion to accept the Consent Agenda for one day liquor license. Hubbard so moved. David Neill seconded the motion. VOTE: Unanimous.

AGENDA

Patton Homestead Housing Development Project – Review, update or approve, as may be warranted.

Scuteri summarized terms of gift agreement that includes 27 acres and Patton Homestead where a certain portion of the property could be sold and 12 homes developed. Also, that Mrs. Patton was willing to amend the agreement to change the location of the portion of land to be sold on the site that would be most conducive for the housing development since it is dry and maintains the view shed from the

Homestead. This had been the proposed location for the playing fields. Work is in progress with ECGA for a river walk and the Boy Scouts have camped out at the site. Discussion ensued about how the Patton Advisory Committee and Town Manager Michael Lombardo were recommending that ATM vote by 2/3rds to accept of the two bids received (and for the Selectmen to move forward with the sale of the land), the bid from C. P. Berry as the developer for \$1 million and \$150,000 to be allocated to affordable housing offsite. Charing Cross also bid on the property for \$1.2 million for 12 standalone homes along with \$50,000 for recreation fields. Scuteri acknowledged Lombardo's financial analysis and mentioned that the C. P. Berry bid for 55 and older residents at the property would have less financial impact on the community and this development is intended to address the empty nester population, the Town's largest population (ages 55-70). Johnson and Scuteri noted that they had both abstained from vote taken by the Advisory Committee on the matter.

Lombardo explained that the financial analysis followed the cost to revenue ratio in the Town's Master Plan where a margin/cost model works the same with lack of children in senior housing. Johnson noted that there was \$100,000 difference in the two bids. Also, that the Committee had looked at fit for the community and quality of construction. The aesthetics of the C. P. Berry plan was less intrusive as to how the Patton Homestead would be used. The C. P. Berry plan has 12 units at \$675,000 and will yield \$148,000 annual revenue including excise tax. The sale of land will create an endowment with 25% for maintaining the Homestead and remainder goes to Hamilton.

Maddern commented that there were qualified bidders and higher revenue each year from C. P. Berry proposal was important as well as Committee's recommendation. Hubbard thanked Lombardo for fiscal impact overview and noted that over 55 was effective choice relative to education costs for Town. He expressed his concern about the property not being zoned for housing proposal relative to groundwater overlay protection district and he opined that there has been a contentious battle with property in same area.

Johnson mentioned how C. P. Berry is intending to use the Senior Housing or OSFPD zoning by-laws for this type of housing, and in fact this type of housing is expressly permitted to occur on this property or anywhere in Town. He added that Town Counsel Donna Brewer has educated the Planning Board on how the groundwater overlay protection district applies in balance with other by-laws. Johnson noted that there will be an engineered solution that protects the groundwater and that Planning Board will go through the special permit process.

Discussion ensued about if it could have been determined at the outset whether or not the groundwater would be protected relative to costs involved. This would have involved a lot of engineering for correct calculations at site and that during bid process pre-engineering does not occur and importance of Planning Board taking a position on an actual versus hypothetical project.

Hubbard opined about the brutal battle that owners of Canter Brook Equestrian Center have encountered in trying to develop their property and that there are other positions by residents in Town than Town Counsel's on the Patton Homestead plan. He inquired about a master plan for the property, what intent is for Homestead and cost of owning house for municipality and suggested this should be reassessed rather than selling off parts of parcel.

Neill concurred with focus on C. P. Berry proposal relative to it being financially advantageous to the Town. He expressed concern about market appropriateness of senior housing in the area and if it would work financially given similar developments in neighboring communities. Neill added that he understood the finances associated with senior housing proposal but noted that it is not family oriented.

Scuteri noted that the decision to sell the 4 acres had been recommended to the Board of Selectmen by the Patton Advisory Committee 6 months ago (in October of 2013) as a means to make the property fiscally sound and that the Board of Selectmen had adopted the recommendation and put out an RFP. C. P. Berry was thrilled that there was no senior housing in Hamilton since many residents 55 and older want to stay in Town. She added that the Committee was in favor of moving forward with the housing since the endowment will open up opportunities at the Homestead (i.e., event center, smaller weddings, Ben Patton's veteran-related activities, B&B). Also, the \$156,000 for an affordable housing unit could possibly be used to renovate apartment above the barn and for Title 5 infrastructure. In addition, there are cultural grants available (with a state match) that possibly could be used for feasibility study to understand if Homestead should be run as a non-profit.

Johnson reiterated doing the housing first gives the Town capital for endowment and for matching funds for grant and future improvements to Homestead to enable uses such as event center. Finance & Advisory Committee Chair John McWane opined that there would be support for the project but his Board had not weighed in on it and mentioned that the BOS would be authorized to sell the 4-plus acres for maximum of 12 units. He noted on the related ATM article the Fin Com recommended favorable action.

Discussion ensued about how purchase and sale would be negotiated if ATM approves the warrant article. Johnson explained that there would be a down payment and if the developer cannot get permission from the Planning Board it would not have to close on the property. He added that the more the project accommodates the Planning Board the faster it would move through the special permit process. Johnson said what is different with this project compared to Canter Brook is known size, layout and scope of lots and number of units being 12 using existing Town by-laws to deliver on site plan. Also, the developer has interest in being flexible to accommodate the Planning Board. It was noted that there would be no action taken on how to use the endowment until the sale of property closes.

Jack Lawrence, 105 Rock Maple, suggested that debate should be in context of overlay district due to substantial watershed issues, and inquired about how housing would be screened on property. Johnson responded that C. P. Berry's design is based on how the housing would be screened relative to beech trees on site. Lawrence spoke to declining HWRSD population relative to children at the Patton Homestead site and said that the Town has no plan for affordable housing. He also suggested that endowment money could be used to develop affordable housing downtown, and asked if zero energy housing would be implemented. Discussion ensued about whether or not \$675,000 was moderately priced housing.

Discussion was on how view shed and groundwater overlay would be protected and that affordable unit on the site and affordable housing plan for Hamilton would be overseen by Affordable Housing Trust.

Johnson entertained a motion. Maddern moved to accept the recommendation of the Patton Advisory Committee to go with selection of C. P. Berry proposal and to advance to ATM looking for approval for Town (BOS) to conduct the transaction. Scuteri seconded the motion. The BOS had voted previously 4-1 to recommend favorable action on disposition of Patton Homestead property. VOTE: 4-1 with Hubbard opposed.

WARRANT HEARING

Review, discuss and make recommendations for each article on the Annual Town Warrant with Moderator and Finance & Advisory Committee, as well as Individual Board and Committee members. Designate motion readers for Articles.

Town Moderator Bruce Ramsey summarized details about ATM to occur at 9 a.m. on Saturday, April 5.

Article 1-1: *Election of Officers* at Annual Town Election on Thursday, April 10.

Article 1-2: *Reports*, David Neill to make motion.

Article 1-3: *Consent Motion* includes: 2-1 Compensation/Classification Table, 2-5 Water Enterprise Retained Earnings, 2-7 Annual Financial Actions, 2-9 Annual Authorization of Revolving Funds, 2-11 OPEB Trust Fund, 3-1 Citizens' Petition Site Plan Review to Planning Board, 4-1 Conforming Amendments of Town By-laws. David Neill to make motion.

Article 2-1: *Compensation/Classification Table*, if does not pass under Consent Motion would be moved by John McWane. Lombardo explained that these numbers would not be adjusted further and include 2% COLA on settled union contracts, and collective bargaining up until June 30 with increases built into budget and adjusted at STM in fall.

Article 2-2: *General Town Departmental Appropriations*, budget amounts in Appendix B would be on website tomorrow. Discussion was on how budget amount for Essex Agricultural Technical School has gone down but it is higher than it was last year and projected debt went down. Ramsey spoke to if there was a hold on budget amounts. John McWane would make the motion.

Article 2-3: *General Town Capital Appropriations*, this separates out vehicles from Town operating budget items. John McWane will make the motion.

Article 2-4: *Water Enterprise Budget*, Scott Maddern will make the motion.

Article 2-5: *Water Enterprise Retained Earnings*, transfer of funds is for employee benefits, overhead and 50% of debt. Scott Maddern will make the motion.

Article 2-6: *Waste Reduction Enterprise Budget*, all receipts for barrels, hazardous waste day and sale of bags help pay for costs associated of removal of trash and recycling (these receipts go to this fund). Scott Maddern will make the motion.

Article 2-7: *Annual Financial Actions*, Scott Maddern will make the motion.

Article 2-8: *Community Preservation Budget*, Jennifer Scuteri will make motion since CPC Chair Tom Catalano cannot attend the meeting. Ramsey spoke to hold process for this article.

Article 2-9: *Annual Authorization of Revolving Funds*, John McWane will make the motion.

Article 2-10: *Hamilton Development Corporation*, Brian Stein will make the motion.

Article 2-11: *OPEB Trust Fund*, this is health insurance coverage for retirees. McWane noted that Fin Com is recommending an advisory committee be organized with Wenham to address \$3 million liability for Town and 2/3rds of liability for \$25 million for HWRSD. Rick Sprenkle will make the motion.

Article 2-12: *Disposition of Portion of Patton Homestead Property*, Jennifer Scuteri will make the motion after a short slide presentation. Discussion ensued about if percentage of proceeds would be set aside for recreation fields and consideration of 75% of sale proceeds going to Stabilization Fund versus General Fund so it would be set aside and has to be voted out of that fund. Discussion addressed whether or not a percentage of funds should be allocated for turf field and that private/corporate contributions could be used for that project. Scuteri specified that some CPA funds could not be used for fields and that a percentage of proceeds in Stabilization Fund could be used for turf field. McWane noted if the turf field were going to be located at HWRHS then Wenham could contribute its fair share.

Discussion ensued about how some of the funds could be used to offset the Town's cost for the \$30,000 a year that has been paid to date to maintain the Patton Homestead as well as the loss of revenue from the property until revenue is generated from housing. Also mentioned was that a 2/3rds vote is required for ATM to authorize the BOS to sell the land at the Patton Homestead and that another 2/3rds vote is required for ATM to take the funds out of the Stabilization Fund.

Hubbard so moved to put 75% of the proceeds into the Stabilization Fund. Scuteri seconded the motion. VOTE: Unanimous.

Article 2-13: *Reconstruction of Patton Park Pool*, Scott Maddern will make the motion to take no action since bids came back with project costs much higher than Town officials expected. He explained that the Recreation Board will go back and revisit scope of project relative to rebidding it in the future. There will be no holds relative to this in the CPC article.

Article 2-14: *Citizens' Petition Construction of Path along Essex Street*, Rudy Pizzano will make the motion to take no action. Discussion addressed how the funds for this project are in the capital budget so the petition is not needed.

Article 3-1: *Citizens' Petition Site Plan Review to Planning Board*, Rob McKean will make the motion to take no action. Discussion addressed how procedural actions were not conducted to move this change forward.

Article 4-1: *Conforming Amendments of Town By-laws*, Marc Johnson will make the motion relative to adoption of language in newer edition of Town Meeting Time.

Article 5-1: *HWRSD Agreement Amendment*, HW School Committee will recommend a Hamilton resident to make motion to reduce the number of HW School Committee members from 9 to 7.

Article 6-1: *Free Cash Application*, John McWane will make the motion to apply \$1.4 million of Free Cash to reduce the tax rate.

Set date for next Board of Selectmen meeting

The next BOS meeting will be on Saturday, April 5, 2014 at 8:30 a.m. to vote a recommendation on CPC budget projects and the next Fin Com meeting will be held on Tuesday, April 1 at 6:30 p.m.

Johnson entertained a motion at 9:00 p.m. to adjourn. Scuteri so moved. Neill seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:  _____
Clerk