

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
JUNE 16, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, June 16, 2014 with Scott Maddern, Marc Johnson, Jeff Hubbard, David Neill and Jennifer Scuteri present. Town Manager Michael Lombardo, DPW Director Bill Redford, Town Counsel Donna Brewer, and Planning Board Chair Jeff Melick also present.

**Call to order**

Scott Maddern called the meeting to order at 7:01 p.m.

**Public Comment**

None.

**Town Manager's report**

Town Manager Michael Lombardo reported that the grinding of Linden Street will begin tomorrow at 7 a.m., it will take a week to mill followed by paving. In addition, street work will occur on side streets where water work was done. Also, he and Maddern met with the Hamilton Development Corporation to discuss renewal of their service agreement where HDC has a draft agreement for its consideration.

**Chairman/Selectmen reports**

Selectmen acknowledged the recent passing of long time Hamilton employee Paul Rigol, and how he was highly regarded for his contributions to the community. Also mentioned were events sponsored by the HW Community House. As well as that Lombardo and Marc Johnson had attended an Affordable Housing Trust meeting. In addition, the Town has received two grants for the Patton Homestead.

Maddern noted that a working sub-group of HW Joint Recreation Board is looking at alternatives for a turf field at the HWRHS. He mentioned investigation of cooperative opportunities with HWRSD relative to sharing facilities maintenance and technology services, and that Patton Park pool project continues to be supported by Community Preservation Committee. Also, that there is a pool project working sub-group comprised of Selectmen and Recreation Board members that will address cost, scope and which ATM to target as well as concept of public fundraising, and joint Recreation

agreement would be opened to capital. Maddern reported that his counterpart in Wenham Jack Wilhelm is committed to Wenham's active participation in pool project.

## CONSENT AGENDA

Maddern read items on Consent Agenda.

- Engine Company #1 of the Hamilton Fire Department seeks to hold its 27<sup>th</sup> **Annual Firefighter 5 Mile Road Race** using Town roads on Tuesday, July 22, 2014 at 6:30 p.m.
- One Day Liquor Licenses – **Green Meadows Farm** for events on Saturday, June 21, 2014 and Sunday, June 22, 2014
- **Approve Minutes** for CIP Working Session – May 13, 2014; for CIP Working Session – May 20, 2014; for BOS & Fin Com FY'13 Audit Review – May 27, 2014; Regular Session and Executive Session – June 2, 2014.

Maddern entertained a motion to accept the Consent Agenda as read. Johnson so moved. Scuteri seconded the motion. VOTE: Unanimous.

## AGENDA

**Jeffrey Melick, Planning Board Chairman will present an update from the Planning Board and offer topics for further or future discussions**

Maddern explained that new Planning Board Chair Jeffrey Melick had a business commitment and was unable to attend. Johnson had reviewed the BOS meeting minutes to compile and prioritize a list of topics for future discussions that BOS would like Planning Board to address including:

Higher priority

- Extend elements of Willow Street overlay to the rest of business district (i.e., housing, density)
- Create cottage housing by-law
- Revise accessory apartment by-law
- Re-vision Master Plan
- Revise OSFPD (cluster housing) by-law
- Create other types of housing

Lower priority

- Education of groundwater protection (i.e., HDC and sewerage)
- Extend downtown planning charrettes
- Revise great estate by-law that currently only allows commercial development for new construction versus residential

Discussion ensued about need in Town for more housing options especially for empty nesters, and that much of Planning Board's time will be spent working on special permits for Canterbrook and Patton Homestead properties. Also whether or not Town should hire a consultant to look at all by-laws including cell tower and zoning.

Jeff Hubbard suggested groundwater protection overlay issue should be resolved (i.e., 2 acres for septic) and defined for developers interested in developing in GPOD. In addition, that the HDC should partner with Planning Board. He opined about how the new Director of Planning position and Planning Board should work together relative to board's interest in remaining autonomous.

Maddern noted that most synergy is seen across Town organizations with downtown development (i.e., Willow Street overlay district and downtown charrettes). Discussion ensued about Town's Master Plan and whether or not it should be updated with Jennifer Scuteri identifying the League of Women Voters interest in creating connection and support for affordable housing in the Town's Master Plan. Johnson offered to draft a memo to Planning Board detailing BOS's list to be reviewed by Board and Lombardo.

### **Ipswich River stream flow and water emergency**

Lombardo explained that Town counsel had informed him that this item could be added to the agenda. The topic addresses when Ipswich River stream flow falls below a certain level and Town's requirement as mandated by DEP to declare a water emergency. Another item to be addressed at a future Selectmen's meeting is declaring excess property.

DPW Director Bill Redford summarized how the stream flow levels had fallen below 70 cfs so he asked for permission to complete voluntary measures to notify public about water emergency relative to the Town's water permit and registration.

Scuteri moved to authorize public works director to enact water restrictions upon notification by the DEP that appropriate conditions had been met warranting such

restrictions. Neill seconded the motion. Discussion ensued about how this water restriction is just for the season and it is unlikely the restriction would be lifted if stream flow is up for as long as a week. VOTE: Unanimous.

**Vote to reappoint Board and Committee members**

This action by the Board is strictly for reappointing members as part of annual process. The list for the Board vote reflected research done by Administrative Assistant Maureen Hickey who contacted individuals up for reappointment who have responded affirmatively about continuing to serve. The outstanding responses on the list were not voted on by Selectmen. Discussion ensued about role people are taking on Town boards and committees and importance of getting new people to serve so core group currently serving does not get burned out.

Upon a motion by Maddern, Johnson moved to approve reappointments. Neill seconded the motion. VOTE: Unanimous.

Planning Board Chair Jeff Melick arrived at the meeting at 7:55 p.m. He expressed interest in Selectmen and Planning Board working together to plan for the Town especially in the next year. He suggested the Town should evaluate if by-laws are working or not and if they should be changed to work better for Hamilton. Maddern updated Melick about how Johnson as Selectmen liaison to the Planning Board would be drafting memo based on the Board's previous discussion. Johnson said he would address the BOS list at Planning Board's next meeting on July 1. Scuteri noted Town's objective to provide affordable housing especially for empty nesters. Melick described how Planning Board would assess what it wants to accomplish in the next year and that could be discussed with Selectmen. He stressed importance of listening to boards and committees to reach the best ideas to move forward for Hamilton.

**Discussion of Purchase and Sale Agreement between the Town and CP Berry for 5 acres of the Patton Homestead property. If appropriate, vote to accept it.**

The purchase and sale agreement was sent to the Board for review last week. Johnson described how the P&S is in response to the RFP: \$1 million for selling the land and \$160,000 for affordable housing through the inclusionary housing fee. The P&S respects Planning Board as permitting authority for special permit. CP Berry will work collaboratively with the Planning Board to move forward with special permit and P&S process respects ATM vote to sell property. The P&S includes easement for driveway to allow access.

Hubbard spoke to Town's easement to the driveway and buyer being given easement to pump road. Discussion ensued about the wood road at the back of the Town's parcel on the Patton property and rights for access especially for public safety vehicles. Hubbard opined that the property is encumbered due to the easements relative to the future of the property. He also addressed timeline where buyer has until February 28, 2015 with an extension until November 30, 2015 to take action relative to how the property will be encumbered. Hubbard mentioned concern of Planning Board about protection of groundwater overlay district, and stated that P&S should ensure that the Town is not responsible financially or otherwise if there is a fight over the GOPD.

Town Counsel Donna Brewer explained that the buyer will have the opportunity to extend beyond February 28, 2015 to try and get special permit and will pay for that right where Hamilton will keep that money if the sale does not go through so there is a financial incentive. She noted that CP Berry stated in P&S negotiation that it wants to get the permits done as soon as possible. Brewer added that this important project is expected to take some time to get through the Town boards. The last extension for the buyer to buy the property is until November 30, 2015.

In response to concerns raised by Hubbard, Brewer stated that on the issue of appeals for the permit granted, the Town would be a nominal party since the party that would sue is the permit granting authority, the Planning Board. The developer would defend the permit it is given. Brewer stated that she would not recommend the Town take a more active role in spite of the fact that it is the seller of the property. She recommended the Town leave the Planning Board as the permitting authority granting the special permit to bear the financial expense. She opined that if an appeal were in land court the Town as a nominal party could expect to pay from \$5,000 to \$10,000. She noted that an active party would be facing a lot more money, but reiterated that the Town should not take more than a nominal role.

Brewer spoke to access on the wood road being for use of the Town's emergency vehicles and access on pump road was secondary and limited to developer for building. She did not think encumbrances would affect the Town's ability to locate fields or hold events on the main property. Discussion ensued with Hubbard about whether or not the encumbrances on the property (road easements) would decrease the value of the property to a potential buyer.

Discussion addressed how the buyer would pay \$1,000 every 30 days from February 28, 2015 until November 30, 2015 if the extension right specified in P&S was enacted. There is already \$100,000 in escrow and buyer is expecting to pay \$150,000 for engineers,

surveyors and architects. Discussion was on how the land is tied up for the Town now so this is why Hamilton increased the amount of the initial deposit from the buyer to 10% of the total purchase price.

Scuteri questioned who would sue to hold up the Town from earning new property tax revenue considering there are no abutters. Hubbard suggested that this could be anyone concerned about GOPD and the related by-law. Discussion addressed how the Planning Board had voted on the Canterbrook project unit number that implies greater than the 2-acre density that the GOPD involves. Scuteri stated that she was encouraged by the developer for the Patton Homestead property as he was purposeful as evidenced in the negotiated terms of P&S.

Maddern noted that Mrs. Patton is in favor of the sale at the property and multiple uses at the site as was ATM that voted for the sale. He thanked Town officials for their involvement in the P&S process, and stated that there had not been any discussion about changing P&S. He entertained a motion for the Town to enter into the purchase and sale agreement negotiated by Marc Johnson, Town Counsel Donna Brewer and Town Manager Michael Lombardo. Johnson moved that the Board of Selectmen accept and sign the purchase and sale agreement as negotiated and presented. Neill seconded the motion. Johnson stated that he was comfortable with GOPD resolution and that Town is in complete synchronization with the concerns that Hubbard articulated about protection of the groundwater and CP Berry has proposed an excellent engineered septic system solution. VOTE: 4-1 with Hubbard opposed.

### **Discuss BOS goal for ECO**

Discussion ensued about when Wenham's contract with Middleton ECC is up for renewal there could be a possibility of reengaging with Wenham at Hamilton's ECO through Town manager making a sales pitch. Lombardo reported that draft report from MRI is due now that identifies pros and cons developed through analysis of having a multi-town ECO effort with Hamilton, Ipswich and Manchester and this may help inform the Board's decision moving forward.

Neill, Johnson and Scuteri were not in favor of Hamilton joining the Middleton ECC because the level of service currently provided is not equivalent to Hamilton's ECO. These Board members agreed that efficiencies should be found within Hamilton's ECO, and that effort should continue to find partner(s) including Wenham to join ECO as well as give consideration to Hamilton going to another community for its ECO services based on financial numbers.

Hubbard opined that it was most important to engage with community relative to Town losing \$100,000 a year in reimbursement from the state operating the ECO independently, and that analysis should be done to understand cost for Hamilton to go to Middleton ECC or keep the Town's ECO going. He added that cost associated with services should be defined. Hubbard suggested that a more formalized ask/engaging sales pitch of neighboring communities to join ECO should be done. Also, that a timeline should be built to engage community on this matter since the Town is losing as much as \$250,000 annually operating the ECO alone, and the importance of educating the community about how much it is costing Hamilton on its property taxes by not going to Middleton based on core cost and services.

Lombardo noted that Essex and Wenham are the only two jurisdictions that are being served by Middleton ECC, and many unions are questioning if the Middleton project will be fully functioning. He reiterated importance of reviewing analysis report done with Ipswich and Manchester in assessing next steps.

Discussion reiterated need to understand advantages and tradeoffs if Hamilton goes with Middleton ECC, what BOS could do to assist with finding another community to partner with Hamilton ECO, and that the Selectmen should review input from study and revisit next steps and try to reach a decision by ATM. Also mentioned was importance of having the public safety chiefs weigh in on what services would be lost if the Town went to Middleton ECC and consequential public safety risks.

### **Set date for next Board of Selectmen meeting**

The next Board of Selectmen's meeting will be held on June 30.

### **NEW BUSINESS**

#### **Consideration of topics for discussion at future Selectmen's meetings**

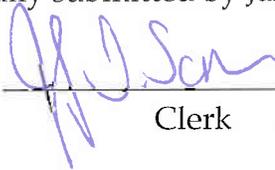
The Board will address policy for cemetery lots, and new goal for landfill (i.e., solar field) since the Town did not receive any bids in response to RFP for anaerobic digester.

**EXECUTIVE SESSION**

Maddern entertained a motion to enter into Executive Session at 9:04 p.m., pursuant to M.G.L. c.30A, sec. 21 (a)(2), for the purpose of a strategy session regarding current and future negotiations with AFSCME union and not to return to open session. Hubbard so moved. Johnson seconded the motion. Roll call vote: Johnson, yes, Hubbard, yes, Scuteri, yes, Neill, yes, Maddern, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:



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Clerk

**BOARD OF SELECTMEN**

**BOARD AND COMMITTEE REAPPOINTMENTS  
JUNE 16, 2014**

<b><u>BOARD/COMMITTEE</u></b>	<b><u>NAME</u></b>	<b><u>LENGTH OF TERM</u></b>	<b><u>TERM EXPIRES</u></b>
Assistant Harbormaster	Bob Blanchard	1 year	6/30/2015
Board of Health	Karen Zagorski	3	6/30/2017
Chebbaco Woods Land Management Committee	Susanna McLaughlin Virginia Cookson	3	6/30/2017
Community Preservation Committee	Jennifer Scuteri-BOS Keith Glidden-ConCom Clarence Trepanier-HHA	1 3	6/30/2015 6/30/2017
Conservation Commission	Keith Glidden George Tarr	3	6/30/2017
Constable	Robert Nyland Clarence N. Trepanier	1	6/30/2015
Council on Aging	Barbara Essensa Theresa M. Fanning Betty Gray Nancy Longval Linda Spong	1	6/30/2015
Federal Census Liaison	Jane Wetson, Town Clerk		8/1/2014
Fire Department	See separate sheet		
Hamilton Affordable Housing Trust	David Carey Brian Stein Peter Britton Marc Johnson Michael Lombardo	1 1 1 2 2	6/30/2015 6/30/2016
Hamilton Development Corp	William Gisness	3	6/30/2017

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The Hamilton Foundation	Heather Ford Maureen Hickey Susan Lawrence John McWane Robert Spingler Elizabeth Burns, Coordinator	1 year	6/30/2015
Hamilton Wenham Cultural Council	Sasha Nostrand 3 Vacancies	3	6/30/2017
Hamilton Wenham Recreation Board	Steve Ozahowski	3	6/30/2017
HWCAM	Bob (Warren) Gray	3	6/30/2017
Historic District Commission	Arthur Crosbie Edwin Howard Stefanie Serafini Elizabeth Wheaton 2 Vacancies	3	6/30/2017
Metro. Area Planning Council (MAPC)	1 Vacancy		
Office of Disability	2 Vacancies		
Parking Clerk	Jane Wetson, Town Clerk		8/1/2014
Assistant Parking Clerk	1 Vacancy		
Patton Advisory Committee	Jennifer Scuteri-BOS Marc Johnson-BOS Phil Tocci Georgina Keefe-Feldman John Cusolito John Rodenhizer Thomas Catalano Peter Clark Stacy Carpenter John McWane	1	6/30/2015

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Recycling Committee	Gretel Clark Fran Grace Alisa Greco Susanne Richey Jane Roundy	1 year	6/30/2015
Sealer of Weights & Measures	Robert Rose	1	6/30/2015
TIP Coordinator	William Redford	1	6/30/2015
Tree/Insect Coordinator	William Redford	1	6/30/2015
Veterans Graves Officer	Greg McKenna	1	6/30/2015
Water Use Restriction	William Redford	1	6/30/2015
Zoning Board of Appeals	Bill Bowler	3	6/30/2017