

**TOWN OF HAMILTON
BOARD OF SELECTMEN
JUNE 30, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, June 30, 2014 with Scott Maddern, Marc Johnson, Jeff Hubbard, David Neill and Jennifer Scuteri present. Town Manager Michael Lombardo and DPW Director Bill Redford also present.

Call to order

Scott Maddern called the meeting to order at 7:00 p.m.

Public Comment

None.

Town Manager's report

Town Manager Michael Lombardo reported that streets where water projects were done the grinding has been completed and paving will begin on Linden and Maple Streets as well as some of the side streets. In addition, there was an alarm at the water treatment plant last week as the result of flushing of system and filtering and this has been rectified so any discolored water should be cleared. If residents have discolored water they should let the cold water tap run to clear.

Chairman/Selectmen reports

Marc Johnson suggested that the Town's water supply report should be interpreted to understand if there are any concerns or any change in results that could become concerns. Jeff Hubbard spoke to how Hamilton Development Corporation is working on installing trash barrels and benches downtown. Logistics about trash pickup, how to effectively screw benches into concrete sidewalks, and funding from HDC are being completed on this proposal. David Neill noted success of Sunday in Patton Park concerts and acknowledged how new playground enhances the experience. Jennifer Scuteri described actions being taken by steering committee to replace deceased Veterans Agent Terry Hart that could include using outside help to move the process forward and she noted that veteran services are still being provided. She also mentioned Patton Advisory Committee and state grant, as well as HDC's consultant presentation of wastewater treatment report for downtown. Maddern acknowledged

John McWane's long time participation in the Town on the HW School Committee and the Hamilton Finance Committee as he wraps up his term on that board. Maddern spoke to Fin Com using three-year financial forecast that could provide policy guidance, that State Representative Brad Hill will present state budget information at July Board meeting, that HW School Committee has not garnered a passing vote to support turf field study, there is support from Wenham volunteer group for a Patton Park pool project, Wenham's Jack Wilhelm is following up on ECO closeout and other two town topics, and state wants to meet with two towns and HWRSD about follow up on Collins Center grant.

CONSENT AGENDA

Maddern read items on Consent Agenda.

- DPW Director William Redford requests BOS permission to declare fire proof cabinets surplus property
- One Day Liquor License – **Green Meadows Farm** for events on Thursday, July 24, 2014; Monday, August 21, 2014 and Saturday, September 20, 2014
- **Approve Minutes** – June 16, 2014 Regular Session and Executive Session.

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

AGENDA

Discussion of draft Personnel Policies

Lombardo summarized that the Board had been given the last section of draft Personnel Policies for review. The Town's management team will be meeting to discuss the policies and Town officials have been consulting with labor counsel on the draft. In response to Hubbard, Lombardo explained that staff would not be opining on these policies but department heads would be weighing in. Discussion ensued about how department heads could provide feedback at an upcoming Board meeting (i.e., July 28) when the Personnel Policies are addressed relative to Hubbard's concern for employee interest in work and holiday hours.

Progress update on Town Manager review process

Maddern reminded Board members to complete review form and meet with Lombardo personally to review comments. Maddern will consolidate the comments and summarize for Board when review is conducted at an upcoming Selectmen's meeting.

Discuss joint meeting with the Hamilton Development Corporation

Discussion addressed topics that could be raised at joint meeting with Hamilton Development Corporation. This included how there could be three zones in Town for a wastewater treatment site and leach field similar to what is currently used at the HWRHS property. The scope of such a project could extend beyond the commercial area into a residential area of Town.

Hubbard described how this is an economic driven project for the HDC. The Corporation is evaluating financial numbers to understand if there would be good returns with improved commercial property values as well as more residential areas. He also inquired about if there would be a possibility of tying into sewerage systems currently used in Ipswich and Topsfield.

Johnson explained that the ability of uses (i.e., expansion of Jolie Tea or the former Mike's Auto site) could potentially benefit from a wastewater treatment site more than just for economics. Also, a wastewater system is maintained better than residential systems although it would be expensive. Hubbard suggested if Jolie Tea or the former Mike's Auto did not have septic issues there would have been positive financial impact for those properties relative to expansion or sale.

Scuteri summarized how a wastewater treatment system would benefit the downtown but she reiterated that it would be expensive. Also, that we had learned from the HDC wastewater consultant that while the Town's by-law for two acre zoning in groundwater overlay district was intended to limit development and thus protect our groundwater, large homes are actually more demanding on wastewater than cluster housing would be. Neill opined that he could see wastewater treatment system fitting in for Town and this could extend beyond downtown properties.

Lombardo addressed how Hamilton needs to consider and define vision for the downtown and the whole Town working with HDC and by getting community input as it researches what it wants to do moving forward on costly projects such as a wastewater treatment system. Hubbard opined that the bench project underway for the downtown has been a good trial run for a more complex project. Discussion was on Town's interest in supporting HDC and how Lombardo represents Hamilton with HDC

and that the Town has signed a 1-year agreement with Corporation. Maddern suggested that there is a need to understand market opportunity as well as the overall scope of a wastewater treatment system for the downtown. In addition, that conversation needs to address if Town by-laws may require changes, and that other Hamilton boards and committees would be involved with HDC. Discussion addressed importance of conducting these public meetings with HDC in locations and at times when there is cable television coverage available.

Progress update on Capital Improvement Program

Discussion ensued about how capital improvement projects will be entered into CIP plan spreadsheet by Lombardo and Finance Director Deborah Nippes-Mena and then ranking will be done with input from Board and department heads. A graph of these results will be created by end of next week to identify differences between community perspective and Town operational perspective as part of defining a CIP plan.

Discussion addressed how future meetings between Finance Committee and Selectmen are recommended once a working document is in place for CIP to understand Hamilton's operational needs and the Town's financial constraints. Also mentioned was the importance of developing policy for addressing capital projects rather than having the Town take projects on individually.

Discussion was on Hamilton developing a CIP plan for the Town that would be introduced to the HWRSD to foster conversation about coordination with that entity's CIP plan. Hubbard and Maddern both suggested the importance of working with the school district and Wenham as part of CIP process.

Vote on BOS appointments and to reappoint Board and Committee members

Maddern entertained a motion to reappoint Peter Britton to the Community Preservation Committee for a three-year term expiring on June 30, 2017. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Johnson summarized how there is a Planning Board associate position (typically called alternate) as defined by Town's by-law for a joint appointment by Planning Board and Selectmen. He added that Mass. General Law specific to Planning Boards defines a consolidated vote when there is a vacancy with regular Planning Board members until the next Town election and this is not the case with an alternate position. In addition, Hamilton's zoning by-laws, not M.G.L., is where the position of associate Planning

Board members is defined and it articulates that they only vote on special permits. It is a joint appointment and historically each board has held separate votes on the associate member applicants.

Matt Tobyne, who applied in mid-January and was appointed as an associate by the Selectmen in early June, was on the Planning Board agenda to have been appointed as associate Planning Board member in February but that action did not occur. In mid-April, Rosemary Kennedy and Bill Olson (as well as Chris Lapointe) also expressed interest in serving as associate Planning Board members, however, Olson and Lapointe did not submit applications until June.

Discussion addressed how there could be as many as seven elected Planning Board members and two associates. Johnson reiterated that the Tobyne appointment needs a vote by both the Selectmen and the Planning Board. He added that Kennedy has received a plurality of favorable votes by the Planning Board to serve as an associate member and at the time of the Planning Board vote neither Olson nor Lapointe had yet submitted their applications. For the Town to move forward with appointments for the two associate positions on the Planning Board, concurring votes would have to occur for associate candidates by the Selectmen, who have approved Tobyne, and a second candidate through a vote by Selectmen and Planning Board.

Johnson, who has extensive experience serving on the Town's Planning Board, has spoken to all of the interested candidates to sense the depth, knowledge and passion for the Planning Board topics. He summarized issues that were addressed with the candidates such as familiarity with Town's by-laws as well as by-laws from other towns, adjudicating and legal experience, knowledge of construction work, if they had read and had opinions on Master Plan including direction of Hamilton's demographics and need for housing, CPA, groundwater overlay district and whether or not it is an issue, if they were smart and intelligent (which they all were), how passionate they were about the downtown, and if they would they work collaboratively on a board.

Johnson said he also considered Tobyne since he was already voted on favorably by the Selectmen. Hubbard expressed interest in consideration for all four candidates. Neill addressed how there are two different candidates that the Planning Board and Selectmen have voted for as associate Planning Board members. The Planning Board would have to vote favorably to appoint Tobyne as an associate as the Selectmen would have to vote favorably for Kennedy as an associate if the two boards decide to move forward with the existing appointments. Discussion ensued about lag in filing of paperwork by Olson and Lapointe for the associate positions.

Lombardo stated to move forward when there are four candidates the Board should vet them to make the appointments. Scuteri suggested the two best candidates of the four should be appointed to the important Planning Board positions since that board has a lot of activity in front of it requiring important decisions. This includes the special permit for the Patton Homestead property which will occur by July 15, 2014. An associate who serves a two-year term only votes on a special permit if the full slate of Planning Board members is not available at a meeting when a vote is taken and the Planning Board chair determines which associate will vote. Johnson noted a Planning Board member can only miss one meeting and review that meeting transcript to vote at subsequent Planning Board meetings.

Lombardo suggested for the Town's next Town Meeting consideration should be given to how the Town handles such a situation in the future. Board members acknowledged the positive dilemma of four candidates for two positions. Hubbard opined about his support for Kennedy as the Planning Board appointee.

Johnson summarized how Kennedy is a lawyer and nurse, has some experience with trusts related to public land, and service with committee for public counsel services. He added that Kennedy is passionate and articulate about process and following rules and the candidate had said she could be objective on issues.

Johnson gave an overview of Olson's experience as a commercial architect doing project management in his architectural firm that does design and building construction. Olson is familiar with being before boards related to issuing of special permits, and he is familiar with by-laws since has designed to them. Johnson mentioned that Olson was more passionate about the downtown and direction that Hamilton is going. He was concerned about affordable housing and expressed interest in the community being aware of the demographic shift that is occurring. Johnson had the shortest conversation with Olson but it was clear that Olson was very knowledgeable about the issues that an associate member would address and about the larger issues facing Hamilton.

Johnson noted that Tobbyne is the youngest of the group and was educated at Endicott College and Boston College. He stated that Tobbyne's work experience is on target for a Planning Board member since Tobbyne's firm builds affordable housing of various types. Johnson was impressed with Tobbyne's knowledge of Hamilton's and the state's by-laws, as well as knowledge of construction and management practices. Also, his passion for affordable housing, and planning and direction for Hamilton to make it attractive for younger families.

Johnson gave an overview of Chris Lapointe as the last candidate to seek an associate seat on the Planning Board. Lapointe is a senior project manager for the Trust for Public Lands where he has worked since 2003, he has a University of Vermont background in environmental and natural resources, he has been a director of the Hamilton Wenham Open Land Trust since 2006, and is founder and treasurer of Hamilton Wenham community garden. Lapointe is enthusiastic about the downtown, housing issues and special permits. Johnson offered to circulate his resume to the Board.

Discussion ensued with Scuteri about how Tobyne was appointed by the Board to the Affordable Housing Trust as well as the alternate to the Planning Board. Scuteri noted that Kennedy had interned for 7 months for a land trust and in that time, appeared to be involved in land conveyances and charitable trusts. Maddern summarized that the Selectmen have already acted on Tobyne as associate/alternate for the Planning Board. Hubbard suggested the other candidate, Kennedy, be considered in the same light as Tobyne since she was approved by the Planning Board.

Neill inquired about the Planning Board's vote of Kennedy and questioned the process the Board was undertaking to reach a vote on this alternate. He suggested that the Board could reaffirm the Planning Board's vote for Kennedy and its own vote on Tobyne.

Hubbard moved that the Hamilton Board of Selectmen approve Rosemary Kennedy as the Planning Board associate for a term of two years. Neill seconded the motion. Hubbard reiterated how the Planning Board had appointed Kennedy on June 3, she has been attending meetings and her resume speaks for itself. He acknowledged the other candidates interested in the position. Johnson stated his appreciation for individuals attending meetings but stated his belief that attending meetings was not enough to be qualified for the position. Scuteri concurred with Neill's statement about the process, stated it was flawed and not clear to both the applicants and the respective boards as to how it all worked and recommended that in the end, the responsibility of the BOS is to select the best candidates for the position. Maddern said he spoke to Kennedy about Selectmen's role to find the best candidates for a position. VOTE: 2-3 with Hubbard and Neill in favor, and Johnson, Scuteri and Maddern opposed.

Maddern entertained a motion for the Board to vote on the other individuals. Neill said and Hubbard concurred that he wanted time to learn more about Olson and Lapointe. Discussion ensued about Planning Board Chair Jeff Melick asking for notification of the

Selectmen's vote for the alternate positions. Also mentioned was preference to resolve associate appointments to not hold up C. P. Berry in the special permit process.

Johnson moved for the Board to consider appointing Chris Lapointe as an associate member for the two year term. He stated that Lapointe is highly qualified for the special permit portfolio of associate member and his depth of open space preservation makes him clearly the strongest candidate. Scuteri seconded the motion. She expressed support for Lapointe as well from knowing him personally.

Neill stated that he trusted his colleagues' opinion about Lapointe as a candidate but he asked to abstain from vote since he already voted in favor of Kennedy. Hubbard opined about how he thought the associate appointment vote works with a consolidation of number of votes from Selectmen and Planning Board to appoint an associate. He suggested consideration be given to delaying associate appointment process due to difference of opinion on matter within the community. Lombardo clarified the process stating that the two boards vote independently it is not a summation of votes from the two boards for the candidate appointment. If the two boards vote for the same candidate the appointment is made. If the two boards vote for different candidates, then the boards consider another candidate or one board is asked to reconsider its associate appointment vote.

Johnson reiterated that there is one process under state law with a specific statute for Planning Board replacements and different statute under the Town's zoning by-law for an associate member. Maddern stated that the Board's role is to provide the best candidates for boards and committees. He also noted Johnson's extensive history with the Planning Board and acknowledged Lapointe's qualifications for the position. Maddern asked for the vote on the motion. VOTE: 3-0-2 with Maddern, Johnson and Scuteri in favor and Hubbard and Neill abstaining. Maddern acknowledged success of Board process to reach this vote.

Set date for next Board of Selectmen meeting

The next Board of Selectmen's meetings will be held on July 14 and July 28.

NEW BUSINESS

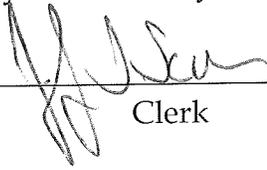
Consideration of topics for discussion at future Selectmen's meetings

The list of topics includes primer on how to read water report, status update on Patton Park pool project, and if trees on Town owned land lost due to downtown water system

work could be replaced by Hamilton. Maddern entertained a motion to adjourn at 8:51 p.m. Hubbard so moved. Neill seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:



Clerk

