

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
DECEMBER 1, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, December 1, 2014 with Chair Scott Maddern, Marc Johnson, Jeff Hubbard, David Neill, Jennifer Scuteri present. Town Manager Michael Lombardo, Director of Assessors Tina Zelano, Board of Assessors: Chair Gelean Campbell, Steve Ozahowski, Peter Kane, Valuation Consultant Tom Hogan, Fire Chief Phil Stevens, COA Director Marybeth Lawton 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 Finance Director's position recruitment is underway with postings on municipal websites for Maine, Connecticut and Massachusetts with resumes due on December 22 and interviews to be scheduled in early January. C. P. Berry and the Town have submitted application to the Planning Board via Patrick Reffett, Director of Planning and Inspections, and this item will be on the Planning Board agenda on December 16.

**Chairman/Selectmen reports**

David Neill acknowledged dedicated group that participated in the Gabe's run. Jennifer Scuteri concurred about Gabe's run, congratulated American Legion for work done at the Post with CPA funds, and acknowledged that HWRHS Generals won Thanksgiving Day football game. Jeff Hubbard concurred with Scuteri and noted that Legion hall is available for rental. He mentioned that state committee is soliciting input about Chapter 70 funding and that HW School Committee is going to send a letter, he offered to draft a letter from the Board, and mentioned Hamilton merchants Christmas stroll from 5 to 8 p.m. on December 4.

Maddern noted leadership/budget kickoff meeting that occurred with Hamilton and Wenham FinComs along with HWRS D top administrators. Also, the HW Recreation Board received over \$20,000 donation for Patton Park activities, decided that Patton Park is best site for pool project and the board is on track for December with drawings, estimates and draft of the joint Recreation agreement. The pool volunteers are starting to help now that plans are in place to communicate to the public. He acknowledged public works for preparation the department did for Gabe's run.

## **PUBLIC HEARING**

In accordance with M.G.L. Chapter 40, Section 56, the Hamilton Board of Selectmen must vote on the following items as to the fiscal year 2015 tax rate:

- **The determination of a discount factor of up to 25% for all land identified as Open Space**
- **The determination of a Residential Exemption of up to 20%**
- **The determination of a Small Commercial Exemption of up to 10%**
- **The adoption of a Residential Factor for the purpose of determining the percentage tax burden to be borne by each class of property**

The Hamilton Board of Assessors will make a presentation.

BOA Chair Gelean Campbell introduced the Board of Assessors. Director of Assessors Tina Zelano described how the Open Space, Residential Exemption and Small Commercial Exemption have never been adopted in Hamilton. Also, the Selectmen vote on adoption of residential factor.

### Open Space discount

The Town does not have any land classified as Open Space under the current definition for discount and land already classified as Chapter Land is excluded. Discussion ensued about the Town's large parcels being broken up and future process for classifying any land as Open Space in Hamilton would have to be determined locally by the Board of Assessors, Town manager and Board of Selectmen (i.e., five acres or more that is open to the public). If this discount was implemented the Town would have a higher residential tax rate and lower Open Space tax rate so residential tax payers would subsidize the Open Space property owners. Bedford is the only community in the state that has implemented the Open Space discount.

Johnson moved to not adopt the Open Space discount. Scuteri seconded the motion. VOTE: Unanimous.

#### Residential Exemption

This exemption has been used by 14 communities in the state where there is expensive seasonal homes and large number of apartments or investor owned properties. The Assessors do not recommend adopting the residential exemption. Johnson moved to not adopt a Residential Exemption for residential properties for upcoming year. Neill seconded the motion. VOTE: Unanimous.

#### Small Commercial Exemption

Hamilton does not have enough commercial properties greater than \$1 million in value to shift the tax burden. If this exemption were adopted there would be a disproportionate shift in tax burden for commercial property taxpayers versus residential taxpayers. The Assessors do not recommend adopting small commercial exemption. Johnson moved to not adopt the Small Commercial Exemption. Neill seconded the motion. VOTE: Unanimous.

#### Residential Factor

Discussion was about disproportionate increase that would occur if tax burden were shifted to commercial/industrial properties and Assessors recommendation to stay with one tax rate. Scuteri moved to maintain a single tax rate for residential and commercial with a factor of 1. Johnson seconded the motion. Discussion reiterated that the Town has a small commercial tax base and interest in supporting those businesses by not shifting the tax burden. VOTE: Unanimous.

#### Tax Rate Summary

Discussion was on valuation being up (Hamilton's total value is \$1,365,496,653) and tax rate being down based on real estate sales from 2013. The median single family home is up 6.6% to \$423,600 and FY15 tax rate is \$17.09 down from FY14 tax rate of \$17.40. Tax bills will not go down as a result of reduced tax rate due to increase in valuation. Tom Hogan explained that revaluation year by the Town was audited by DOR to ensure values met the Commissioner of Revenues' definition of full and fair cash valuation and the values were certified. Vast majority of residential properties in Hamilton in the middle range of value showed significant appreciation while higher and lower end

valued properties were flat based on calendar year 2013 sales. For 2014 sales, the market is moving well, and valuations have been reset to prevailing conditions. There has been a 4.7% increase in total taxable valuation in a number of years but this is not across all properties. Discussion ensued about Wenham's valuation and same audit process as well as real estate properties moving better at the middle price range than low or high end. Steve Ozahowski acknowledged the quality work that Finance Director Deborah Nippes-Mena does for the Town.

## **LICENSE RENEWALS**

### **Liquor License Renewals:**

All Alcohol Licenses for 2015

- **15 Walnut; Black Cow; Weathervane Tavern; Myopia Hunt Club; and American Legion**

Package Store All Alcohol Licenses for 2015

- **Harrigan's of Hamilton; and Community Package Store**

Package Store Malt and Liquor Licenses for 2015

- **Hamilton Convenience Store; and Crosby's Marketplace**

### **Common Victualler License Renewals for 2015:**

- **15 Walnut; American Legion, Black Cow, Daniella's Pizza; Dunkin' Donuts; Crosby's, Hamilton Convenience Store; Hamilton House of Pizza; Myopia Hunt Club; Weathervane Tavern; Hamilton-Wenham Community House; and Green Meadows Farm**

### **Entertainment License Renewal for 2015**

- **American Legion for Jukebox; and 15 Walnut for live entertainment**

### **Amusement License Renewal for 2015**

- **American Legion for video games**

### **Class II License Renewals for 2015**

- **Hamilton Enterprises; A&M Motors**

Maddern read the items and entertained a motion to approve the license renewals for 2015. Scuteri so moved. Hubbard seconded the motion. VOTE: Unanimous. Some of the establishments did not have all of their paperwork submitted which will be addressed at the Board's next meeting.

## CONSENT AGENDA

- Vote to approve Bond Anticipation Notes **BANs** for new Quint Fire Truck and sign associated paperwork
- **HW Garden Club** seeks permission to use the Senior Center on Saturday, December 6 from 9 a.m. to 1 p.m. for a Decorative Delights for the Holidays fundraising sale and to display a sandwich board sign on the front lawn of the Center promoting the sale.
- Approve Minutes – October 20, 2014 – Regular Minutes, November 6, 2014 – Regular Session, November 17, 2014 – Regular Session.

Hubbard put a hold on October 20, 2014 and November 6, 2014 minutes. Discussion ensued about November 6, 2014 minutes being approved by Board last week and the November 17, 2014 minutes are not ready yet. Hubbard reiterated his hold on the October 20, 2014 minutes relative to changes from Scuteri. Discussion ensued about October 20, 2014 meeting and BOS approval of Hamilton Development Corporation 2014-2015 plan that had been approved by the HDC on October 15, 2014.

Scuteri read her change to the October 20, 2014 minutes: Discussion ensued with Jeff Hubbard's statement that the BOS could not accept the HDC's 2014-2015 annual plan as the HDC had not yet approved the plan. The HDC minutes and an email from the Chair of the HDC were then reviewed and it was determined that the HDC had approved their 2014-2015 annual plan on Wednesday, October 15.

Hubbard apologized to viewers and attendees for wasting their time on a mundane issue, asked for indulgence, and said he hoped to stop a pattern of behavior. Discussion was about if Hubbard was going to read excerpt from first draft of minutes and suggested change this should be addressed in regular agenda section of meeting. Maddern clarified procedure for resolving differences associated with minutes. Scuteri read again her change to section from October 20, 2014 minutes – Other Business: Discussion ensued with Jeff Hubbard's statement that the BOS could not accept the HDC's 2014-2015 annual plan as the HDC had not yet approved the plan. The HDC minutes and an email from the Chair of the HDC were then reviewed and it was determined that the HDC had approved their 2014-2015 annual plan on Wednesday, October 15. The HDC's approval was with no changes to the plan after the HDC's presentation to the Board on Tuesday, October 14 so the BOS accepted their plan.

Maddern entertained a motion to accept the Consent Agenda without the November 6, 2014 regular session minutes since the Board already approved them and November 17,

2014 regular session minutes since they were not ready yet. Discussion ensued with Hubbard opining that he could accept the change in the minutes but he said Scuteri's behavior was unprofessional, wasted employee time and taxpayer's money. Scuteri recalled what happened at the October 20, 2014 Selectmen's meeting where Hubbard had insisted that the HDC had not approved its plan and took time for Lombardo, Maddern, and Minutes Secretary Jane Dooley to review emails and/or minutes and it was learned that Hubbard had arrived late to the HDC meeting so he was not in attendance for the HDC vote and he insisted that HDC did not have a quorum for its vote. She reiterated that it was important that the HDC had met, voted on its plan and the Selectmen understood the HDC had voted on its plan. Hubbard opined that Scuteri was trying to prove he was wrong. Maddern mediated and summarized how Hubbard agreed with the latest version of the October 20, 2014 minutes and that they could be approved as part of the Consent Agenda, and he reiterated that the November 6, 2014 minutes were already approved and November 17, 2014 minutes were not ready yet.

Johnson moved to approve the Consent Agenda with the modification (to approve October 20, 2014 minutes and not November 6, 2014 minutes already approved, and November 17, 2014 minutes not ready yet). Neill seconded the motion. VOTE: 4-0-1 with Hubbard abstaining.

## **AGENDA**

### **Open the Warrant for Annual Town Meeting, scheduled for Saturday, April 11, 2015**

Johnson moved to open the Annual Town Meeting warrant. Scuteri seconded the warrant. Discussion addressed how opening the warrant now was necessary for scheduling public hearings associated with Citizens Petition. VOTE: Unanimous.

### **Discuss and forward Citizens Petition to hold public hearings re proposed by-law changes for inclusion in the Warrant for ATM**

Discussion was on Citizens Petition that has been properly submitted to the Selectmen so the Board has 14 days to submit the Citizens Petition paperwork to the Planning Board. The Planning Board conducts public hearings in 65 days given the timeframe (a two week posting period is required) on the proposed changes to the by-law and petition would appear as a warrant article at ATM.

Johnson moved to forward the Citizens Petition according to Mass. General Laws to the Planning Board for them to hold hearings in accordance with M.G.L. to prepare for the

Annual Town Meeting. Scuteri seconded the motion. Discussed ensued about petition to change the site plan review authority from the Zoning Board of Appeals to the Planning Board.

Lombardo concurred with the Citizens Petition that in many jurisdictions site plan review resides with Planning Board but noted that also in many municipalities special permits reside with Zoning Board of Appeals. He suggested the Town review all of its zoning by-laws since they are convoluted and contradictory. Also, that the roles and responsibilities of Planning Board and ZBA should be reviewed with the intent of dividing the responsibilities in an appropriate manner not just shifting one responsibility from one Town board to another without looking at all of the roles. He encouraged the Board of Selectmen to consider thinking about additional changes to the zoning by-laws that may be warranted now that the ATM warrant is open.

Maddern described meeting he had with Planning Board Chair Jeff Melick and ZBA Chair Bill Bowler where each board has opposing opinions about site plan review authority. He noted that the Planning Board is working on some other potential by-law changes (i.e., cell tower and senior exemptions). This discussion amongst Town board chairs acting as individuals also addressed if a holistic review of all by-laws should occur. They focused on what the Townspeople need to understand regarding what problem the Town is trying to solve and need to educate the public about what site plan review is. Also mentioned was that 85 people had been part of Master Plan committee. In addition, that the term to review and potentially change the Town's by-laws would require a lot of Town staff time and this would be a long process.

Johnson suggested if a holistic approach to review the Town by-laws is done it would be a multi-year process and perhaps the Town manager could budget for FY'16 for funding a consultant to assist process. Neill summarized how the public may not be aware of site plan review, how he had served on ZBA for eight years, and that a developer's project cannot be turned down, neighbors should be involved and the project tweaked within reason. Neill opined that he personally did not see any need for change in the site plan review authority. He suggested there is another driver why citizens are advocating for a change.

Hubbard opined that it might be helpful to have someone from the Planning Board attend a Selectmen's meeting to educate Board and public about site plan review process. Discussion ensued with Hubbard about his opinion regarding Planning Board members as elected and ZBA members as appointed relative to his statement and actual Government Study Committee actions pertaining to what Town officials should be

elected. He opined that Planning Board would like to have more input over site plan review until it goes to ZBA. Discussion ensued about Planning Board's role reviewing site plans, vote taken and recommendations given to ZBA that are considered during site plan review/approval process.

Hubbard suggested the petitioner come before the Board and said that there are people in Town who think differently about the citizens' petition. Scuteri clarified that Government Study Committee did not study or report whether or not the Planning Board should be elected. She stated that she did not like characterization that appointed board members were less important than elected officials. Scuteri recommended having ZBA attend a Selectmen's meeting to describe its role as part of educating public relative to vote about site plan review authority at ATM. Hubbard said when a board member is elected then that person is accountable to the public and opined difference is that ZBA is appointed by an elected body. He opined that the public fires elected officials that do not carry out their duties. Discussion ensued about how there have not been competitive races for Planning Board seats. Lombardo stated that the reality of what an elected position means is a false security and vast majority of Planning Board's across the U.S. are appointed and get the job done. Neill stated the importance of the Town needing to vote on the citizens' petition at ATM. VOTE: Unanimous.

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

The Selectmen will meet next on December 15, 2014.

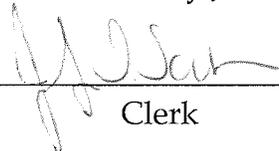
**Topics for next Selectmen's meeting**

Neill suggested the policy on Board reports should be considered since many times discussion ensues that should be a specific agenda item. Scuteri recommended schedule should be created to move forward to ATM on what topics the Board will address and meetings that Selectmen should attend. Maddern suggested the Board review the backlog of topics to prioritize which Selectmen need to address prior to ATM.

Johnson moved at 8:19 p.m. to adjourn. Neill seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:

  
Clerk