

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
DECEMBER 29, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, December 29, 2014 with Chair Scott Maddern, Jeff Hubbard, David Neill, Jennifer Scuteri present. DPW Director Bill Redford and Planning and Inspections Director Patrick Reffett also present.

**Call to order**

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

**Public Comment**

None.

**Town Manager's report**

DPW Director Bill Redford explained that water main replacement is ongoing weather permitting. The Town has experienced a number of water main breaks due to insufficient gate valves when system was initially installed, service locations not accurately documented, and poor condition of old water mains being replaced. He apologized for discolored water and temporary shutoff of water and expressed appreciation for residents' patience and graciousness. Ledge was encountered in the Porter and Cunningham neighborhoods that has slowed down installation process. Two new DPW employees, Patrick Hagen and Russell Stewart, are scheduled to start working for Hamilton on Monday, January 5 replacing Ivan Muse and Jamie Ricker. Interviews have begun for fulltime Facilities Technician and slot should be filled in early February. The Town is transitioning to a new time and payroll system in the next few weeks.

**Chairman/Selectmen reports**

Jeff Hubbard mentioned dedication of new quint fire truck. He reiterated his comment at the December 1 Selectmen's meeting about his attendance at a Planning Board meeting where an individual introduced herself as being hired by and legally representing BOS in its application for the Patton property. Hubbard opined that this was concerning since he and the public were unaware of the hire, purpose and budget for special counsel as well as who this counsel was representing. He further opined

about Board's Code of Conduct stating that he is not getting correspondence about this special counsel while some Selectmen are and he would like to receive any future correspondence.

David Neill wished everyone a happy and prosperous New Year and stated his commitment to make this a better year than the previous one. Jennifer Scuteri concurred about New Year wishes and fire truck dedication.

Maddern clarified that there was no inappropriate Code of Conduct violation by any members of the Board of Selectmen, that information shared is relevant and accessible to all Selectmen. Since the Town is a co-applicant on the Patton special permit it could have created a conflict for Town Counsel to work with both Planning Board and the Town so each party has legal representation (especially relative to protection associated with AG filing) in this large real estate transaction (with potential for \$1 million in revenue from property sale and \$140,000 annual real estate tax income).

Maddern mentioned that fire truck dedication was in honor of Bob McRae, deceased Hamilton resident and former Fire Chief. He also noted the success of Town's holiday luncheon. In addition, that a turf field volunteer working group had a meeting with HWRSD personnel and HW Recreation Director to analyze design concepts (i.e., main field and track as well as multi-purpose field, tennis courts and storage) and possibility of renewable turf in a phased-in program. Money has been approved by Hamilton and Wenham from Recreation Department to fund analysis. Also, the HW Joint Recreation Board has agreed on final scope of the Patton Park proposed pool project with size of pool reduced by 30%, bathhouse by 60%, service building by 30%. The submission to the CPCs in Hamilton and Wenham will occur in the first week of January. In late January there will be public sessions on the project. He commended Recreation Director Sean Timmons and Finance Director Deborah Nippes-Mena for their work on project.

## **CONSENT AGENDA**

- **Approve Minutes** – December 1, 2014 – Regular Session

Neill moved to approve minutes of December 1, 2014 Regular Session. Scuteri seconded the motion. VOTE: Unanimous.

## AGENDA

- Bill Redford, Deputy Tree Warden will report to the Board on removal of trees at 59 Willow Street (HDC property) and on the bench program for downtown Hamilton

Redford described how HDC as owner of 59 Willow Street would like to remove a series of pine trees that are on the property line to abutter David Cutter's property on Railroad Avenue. There has been some ambiguity where the HDC lot could be considered public property and trees covered under provisions of Town by-law Chapter 24, Section 11. Twelve mature, tall pine trees were flagged and Redford met with HDC at site to make a recommendation. The trees only have branches at the top with over 15' of exposed trunk so they do not offer screening. One of the 12 trees is dead and the remaining trees have limited useful healthy lifespan left (less than 10 years) based on assessment by two different arborists.

A surveyor had determined that the most southerly tree may not be on the HDC property. Redford visited the site with a surveyor and determined that this tree is in fact on the former McRae property. There is no record of these tree plantings as part of any conditions of approval by the Planning Board or Zoning Board of Appeals for the McRae or Cutter lots during development. The abutting property owner (Cutter) is concerned that the overhanging limbs and dropping needles will harm new roof just replaced on his building, and he is considering trimming any limbs that protrude over his lot line. Redford explained that if this trimming occurs it would potentially unbalance the trees in question.

Redford said based on abutter's plans, HDC's desire to remove the trees, and future liability, he recommended as Deputy Tree Warden that the Selectmen acting as Town's Tree Warden approve the HDC's request for permission to remove the trees in case Chapter 24 does not apply. The HDC would have the stumps removed as well as the trees. There is a small undercarriage already growing in the area (i.e., bushes).

Discussion ensued about how the matter has been discussed at the HDC meetings where some abutters attended and expressed concern about long term plans for the property which is unknown by the HDC at this time. Any development on the site would go through the process of site plan review or special permit. Hubbard concurred that the trees should come down and asked about cost of removal. Redford described how price given to HDC to remove the trees was considered a good deal. Hubbard also suggested that a larger reach out to neighbors than the HDC meetings should occur to

give them the opportunity to weigh in on the proposed removal. Redford reiterated that David Cutter as the direct abutter was in favor of tree removal. The lot line where trees are located is the furthest from residential area.

Neill moved that the Selectmen acting as Town's Tree Warden approve the removal of the trees at 59 Willow Street property line (as related to the HDC's request for permission to remove the trees). Scuteri seconded the motion. VOTE: Unanimous.

Discussion ensued about having Redford as Deputy Tree Warden analyze old maple trees at HW Library to determine if it is time to remove them. There are new maple trees that are 20' to 30' tall which were planted when the library was built. Hubbard suggested at a future Selectmen's meeting discussion could identify streets where many trees have been removed in Town without new trees planted.

Redford explained how intent had been to have two benches installed downtown by the fall. The Town received \$6,500 from HDC in July to place as many as three benches and rubbish receptacles downtown, and pay for a year's worth of rubbish collection. A bench vendor was prepared to install the benches but installation was postponed due to lack of information on safest required thickness of concrete pad. A \$50,000 grant for downtown improvement from the state is no longer available which impacts potential interest by vendors in Town's project RFP. Redford has determined what concrete pad would be required for the benches and intent is to have them installed by Memorial Day after going through RFP process.

Hubbard opined about how other communities install benches without pads on a variety of substrate. Redford expressed concern about the Town's liability if the benches were not installed properly enough to be stable. Discussion addressed cost if residents were considering donating funds for additional benches at \$3,000 per bench (i.e., \$1,000 for metallic bench, \$600 to \$800 for metallic waste receptacle with cover, less than \$1,000 for concrete pad). Selectmen expressed interest in having benches installed correctly as they were in Patton Park so there would be little future maintenance required for public works.

- Consideration of an article for the ATM warrant re GPOD District Zoning Map Change Request by Planning Board to be consistent with MA DEP Zone II Well Head Protection Area, as a result of the Patton Well decommission. The Board will further decide to refer it back to the Planning Board for the public hearing process.

Patrick Reffett described how the Planning Board had approved the proposed warrant article relative to GPOD and what Mass. DEP now considers the GPOD to be. A letter from DEP and map illustrate the location of the district consistent with what the former Zone II district was. The Planning Board is proposing a zoning map modification consistent with new proposed GPOD and with what DEP is telling the Town to use for GPOD.

Maddern reported on request from Marc Johnson that Reffett ensure that the GPOD map is accurate, and that Johnson is fine with the zoning change as liaison to the Planning Board. Discussion ensued about how the line around the decommissioned Patton well was pulled back due to DEP's remapping based on updated on G.I.S. system mapping so the new map will be more accurate. There are 1,000 acres less within the overall GPOD district that is not confined to Hamilton but goes into Wenham. The intent is to have the Town's GPOD map agree with DEP's map.

Maddern entertained a motion to refer the zoning map change request back to the Planning Board with Board of Selectmen support. Scuteri so moved. Neill seconded the motion to refer to the Planning Board for consideration of an article for the ATM warrant regarding GPOD zoning map change request by the Planning Board to make it consistent with the Mass. DEP Zone II Well Head Protection Area as a result of the Patton Well decommissioning. VOTE: Unanimous.

- Discuss Payment in Lieu of Taxes program

Maddern thanked GCTS for its financial gift to the Town. He suggested follow-up with the Seminary since the gift was slightly lower than last year, although the gift is anticipated but not expected, because the Town is doing budget planning for FY'16. Discussion ensued about P.I.L.O.T. relative to Pingree School and possible meeting with that organization as well as GCTS.

Hubbard opined that the Town should have a conversation with Pingree School about exploring P.I.L.O.T. program (i.e., its new athletic facility), and that athletic field at GCTS never got beyond discussion stage with GCTS school officials. He spoke to financial impact of GCTS on the community with as many as 63 students in the HWRSD up from 43 since the organization does not pay taxes and gift does not come close to the educational cost incurred by Hamilton. Hubbard suggested that the tough discussion about finding a solution to the financial burden should be addressed with GCTS.

Neill described how GCTS had suggested in a previous conversation with Town officials the possibility of playing field and potential to construct housing on some of its land. He brought up idea that had been discussed by Seminary in the past of GCTS seminarian children potentially attending local Christian schools rather than HWRSD. Hubbard spoke to previous conversations about GCTS seminarian children attending HWRSD if families were renting houses in Town since property taxes would be paid to Hamilton.

Also, GCTS has a single water meter and pays the maximum for water rates and potential impact of Town's proposal to raise water rates. Hubbard opined how water rates for GCTS should be fair. Discussion addressed borderline possibility of developing GCTS land along Bridge Street due to the terrain and it could be prohibitively expensive.

Scuteri mentioned history of groups in Town including League of Women Voters addressing the issue of cost of educating GCTS seminarian children in the HWRSD and the conflicting mission between the Town paying for seminarian children education and whether or not GCTS is interested or has ability to pay for this service as a separate issue from educating seminarians. She reiterated that the financial burden has increased with higher number of seminarians' children being educated in HWRSD.

Scuteri expressed her disappointment in lack of conversation from GCTS about reducing this year's gift to the Town. She is supportive of Reffett meeting with GCTS about potential development of a part of GCTS property which contains 130 acres of upland. Scuteri mentioned that the proposed athletic field lease was not practical, that a conversation should occur relative to need for GCTS gift to continue for Hamilton, declining population at HWRSD where Mandarin is being taught at the Miles River Middle School, and need to address some of the community's resentment of organization. She suggested possibility of one of the GCTS student housing buildings becoming an apartment building for the Town where rent is collected, or public works could do some of the landscaping at the GCTS property at a profit margin.

Maddern suggested the Town reengage with GCTS to understand the Seminary's position regarding the reduction in the gift amount. Hubbard noted that he and Neill were planning to meet with GCTS at this time of year. Discussion reiterated property tax issues relative to HWRSD declining enrollment, financial burden of GCTS seminarian children in HWRSD, and how much money HWRSD gets from school choice tuition (i.e., \$5,000 or \$8,000) a year at the HWRHS. Neill mentioned that GCTS gets \$30,000 income from cell tower in its chapel steeple that was previously used for

gift to the Town. Maddern offered to speak to Town Manager Michael Lombardo and HW School Committee Chair Bill Wilson relative to quid pro quo possibilities with the Seminary and potential impact relative to changes in HWRSD enrollment (especially related to communicating to the public about what is occurring with GCTS).

Discussion addressed how the most important aspect of this issue is to determine next steps for the Town relative to GCTS rather than which officials (i.e., Patrick Reffett is likely) would meet with Seminary officials.

- Discuss Town Manager contract renewal

Discussion ensued about how the Town Manager has performed well with good reviews from the Board of Selectmen, Lombardo has led Town through transition from Town administrator to Town manager form of government, that new professional personnel and practices are in place including financial and capital planning, and operational excellence has improved. However, Lombardo nearly was recruited by Danvers. His contract is up for renewal in a year and Maddern suggested the Board discuss the possibility of renewing Lombardo's contract early and potentially extending it longer to demonstrate how Lombardo is valued by the Town.

Hubbard opined how Board's review and community support of Town Manager is not unanimous. Also, two new Selectmen will be elected in four months so he did not see any reason a sitting Board would tie the hands of a future Board for a year and a half. He opined that Board members could show appreciation of Town Manager in other ways than getting involved with the contract. Hubbard strongly disagreed with renegotiating or extending Lombardo's contract.

Neill spoke to how a Board of Selectmen can do what it wants rather than being encumbered by action from a prior Board, interpretation by public relative to extending the Town Manager's contract, and concern about losing Lombardo to hiring by another municipality. He commented on how Lombardo has grown in the position and adjusted to Hamilton (i.e., solution for plowing of private ways). He opined that the Board should speak to Lombardo and give serious consideration to Maddern's proposal about Lombardo's contract.

Maddern described how he did not have a definite timeframe to act on his suggestion, he had reflected as Chair on time it took to get an appropriate review process and goals in place for the Town Manager relative to active employment market evidenced by Danvers recruitment and changes in leadership in Wenham. Maddern suggested that

extending Lombardo's contract term could mitigate risk and protect interest for Hamilton. Neill said he would be amenable to this possibility if a future Board would be responsible for addressing contract negotiation beyond length of term.

Scuteri concurred with Maddern's initiative. As a participant in the process of bringing on a Town Manager she noted that 7 of the 8 Selectmen Lombardo has served have given him a consistently good review for bringing Hamilton forward with Town manager form of government. Also, that the Town manager is subjected to a political and public process and Lombardo has continued to grow in the position and address issues brought to his attention.

Maddern reported that Marc Johnson was supportive of initiative for reasons already stated by the Board and was in favor of moving forward. Maddern expressed interest in conferring with Town Counsel Donna Brewer on the matter. Neill suggested the Board discuss this initiative with Johnson and Lombardo.

- Set date of next Selectmen meeting

The Board will meet next on January 12 and January 26 (water rate hearing date).

**NEW BUSINESS**

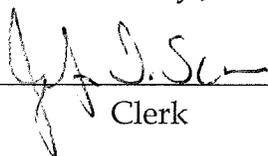
**Consideration of topics for discussion at future Selectmen's meetings**

Selectmen will address Town's policy when it takes down a tree and whether or not a new tree will be planted as well as Board goals and involvement in budget process.

Scuteri moved at 8:39 p.m. to adjourn. Hubbard seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_

  
Clerk