

**TOWN OF HAMILTON
BOARD OF SELECTMEN
APRIL 27, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 27, 2015 with Scott Maddern, Marc Johnson, Jeff Hubbard, Shawn Farrell, Bill Wilson present. Town Manager Michael Lombardo, Community Preservation Committee Chair Tom Catalano, Town Moderator Jennifer Scuteri, Director of Planning and Inspections Patrick Reffett, DPW Director Bill Redford, COA Director Marybeth Lawton, Planning Board member Rick Mitchell also present.

Call to order

Scott Maddern called the meeting to order at 7:00 p.m. Community Preservation Committee Chair Tom Catalano noted that CPC is working on updating its plan for the next 10 years of CPA projects and a meeting is scheduled for May 21, 7 p.m. at the HW Public Library. Maddern noted donation of 1878 history of Essex County from Heitz family. He also welcomed newly elected officials to the Town positions including Selectmen Shawn Farrell and Bill Wilson.

Public Comment

None.

Chairman/Selectmen reports

Marc Johnson summarized recent Planning Board meeting addressing draft terms and conditions for Patton senior housing. Also, leaf pick-up is on May 9. Jeff Hubbard welcomed Farrell and Wilson to the Board. Wilson thanked voters for support and noted that he had done homework at Town Hall and is ready to get going in the position. Farrell concurred with Wilson and expressed interest in getting to know more residents. Maddern mentioned HW Joint Recreation Board's support for passed warrant articles on pool project and stabilization fund for recreation fields, and noted good turnout at spring Town Meeting and Town election.

Town Manager's report

Town Manager Michael Lombardo read announcement about hydrant flushing that will occur Monday through Thursday evenings from 9 a.m. until 1 a.m. from May 4-7, May

11-14, May 18-21. Also, compost is available behind in Town Hall in five-gallon increments for residents.

CONSENT AGENDA

- Accept gift of an **Easement** for a sidewalk to be constructed by Cumberland Farms at the Walnut Road/Bay Road intersection, as unanimously authorized by Town Meeting on April 11, 2015.
- **Appointments:** Patrick Reffett and Charles Brett – Fence Viewers for the Town, for terms expiring June 30, 2016.
- **Ratification** of Amendment of Purchase and Sale Agreement between the Town and C.P. Berry
- Permission sought by **H-W Garden Club** to hang a banner from the poles at the Hamilton Senior Center promoting its Annual Plant Sale, from May 24 through May 30, 2015, and on the day of the sale, Saturday, May 30, to display a sandwich board sign with balloons on the front lawn of the Senior Center, the site of the sale.
- Permission sought by the **Ipswich River Wildlife Sanctuary** in Topsfield to hang a banner at the Senior Center to promote its Summer Nature Day camp from June 1-7.
- Permission sought by the **Community Service of Hamilton-Wenham, Inc.** to hang a banner at the Senior Center promoting its Sundays in Patton Park concert series, running each Sunday from June 21 to August 9. The banner will be displayed from June 8 to August 9.
- **Hamilton Wenham Mothers' Club** seeks permission to use Town roads for its Annual Fast Chicks 5K Road Race on Saturday, May 2, 2015 at 8 a.m.
- **Community Service of Hamilton and Wenham, Inc.** seeks permission to use Town roads and Patton Park to host the Community House Two Town Summer Celebration on Saturday, June 27, 2015 1:00 p.m. to 10 p.m.
- **Hamilton Fire Dept. Relief Association** seeks permission to use Town roads for its 28th Annual Firefighter 5 Mile Road Race on Tuesday, July 21, 2015 at 6:30 p.m.
- **Approve Minutes:** March 30, 2015 – Regular Session; April 6, 2015 – Regular Session.

Hubbard put a hold on ratification of amendment of purchase and sale agreement between the Town and C.P. Berry.

Johnson moved to approve the Consent Agenda as amended. Wilson seconded the motion. VOTE: Unanimous.

Johnson moved to approve the ratification of the amendment of purchase and sale agreement between the Town and C.P. Berry. Hubbard seconded the motion. Discussion ensued about purchase and sale being date specific calling for actions occurring within a certain timeframe in conjunction with timing of Planning Board (i.e., C.P. Berry getting permits) but this permitting process has taken a lot longer than anticipated so developer should not be penalized for delay. The amendment extends dates including for closing. Discussion with the Board addressed if signing would occur at this meeting or subsequent Selectmen's meeting as well as how the amendment is not open ended it has a specific closing date.

Discussion was on Item H in amendment which was not in original document. A summary was given of language that addresses if state or court determines that proper Town action was not taken relative to sale or conveyance of the property to the buyer or to the development of the 12 senior units (basically the permitting process) or the imposition of the open space restriction then the seller will take corrective action to bring it back to Town Meeting to get the proper conveyance. The reason for this language is during the process there was a singular group that made a claim that the Town did not get Town Meeting approval for certain items. If an appeal occurs based on that claim or if anyone believes there is merit the Town can work with the developer to close on the property and go to Town Meeting to get proper authorization for that action. This will protect C.P. Berry from not having to defend an appeal. The matter of the property conveyance has been addressed at two different Town Meetings. If an appeal occurs and is successful the matter would have to be brought to Town Meeting. The original document had term about curing flaws but it did not address authorization because challenge to Town Meeting vote was not expected. The Selectmen decided to wait two weeks until the Board's next meeting to vote on this ratification of the amendment of purchase and sale agreement between the Town and C.P. Berry to allow Board members time to fully review amendment.

AGENDA

- **Election of Officers** – Board to vote for Chairman and Secretary positions

Johnson moved to nominate Scott Maddern as Chairman. Farrell seconded the motion.
VOTE: Unanimous.

Johnson nominate Shawn Farrell as Secretary. Hubbard seconded the motion. VOTE:
Unanimous.

- Review and consider adoption of revised **Building Use Policy** for the Senior Center

COA Director Marybeth Lawton described interest from community based groups such as the HW Garden Club, Boy Scouts and other civic organizations to use Senior Center since Hamilton lacks a community center. These groups could use the facility on off-business hours before 8:00 a.m. and after 4:30 p.m. and would not have use of the kitchen.

Hubbard so moved to adopt a revised Building Use Policy for the Senior Center. Johnson seconded the motion. Discussion was on how the Fire Department would still be using the facility for its shelter team meetings. Also addressed was how Lawton will speak to Bill Melville regarding if HWCAM capabilities could be implemented at the Senior Center, that standard insurance would be required for groups using the facility, that kitchen is certified by Board of Health and serve-safe food certification license for the Senior Center does not include outside groups, and that catering could possibly be used at the facility with a permit from Board of Health. In addition, no fee schedule has been developed for use of the facility by outside groups. VOTE: Unanimous.

- **Patton Non-Profit** – Review and adopt mission for the ad hoc committee and appoint committee members

Discussion ensued about non-profit mission to shift cost of running Homestead Town asset to non-profit. Phase I of the charge will focus on forming non-profit, sustainable Board of Directors, and partnerships with other non-profits. Phase II includes recruiting an executive director to operate/manage Patton Homestead for benefit of community so it will not be a financial burden to Town. Usage will include reasonable public access, holding periodic public events, incorporating public uses into how non-profit leases and uses the Homestead. Programs and services managed by the non-profit will honor Patton legacy of leadership and community service, may include a focus on veteran education, archive exhibits, etc. In addition, there is a financial table for the operating expenses with Town covering these in year one but it shifts quickly to non-profit as part of transition.

Hubbard opined about how there is need for improved communication with the community on the charge that includes analysis of the cost and benefit of the asset to the Town. He noted the benefit of a non-profit but not knowing related costs makes future decisions more difficult. Hubbard inquired about how much the Town has spent to date on the property and what is the expected cost to the Town for the property up to four years out including capital cost. Discussion addressed that it is costing the Town

about \$35,000 a year including for a caretaker and will cost significantly less in one to two years. Hubbard mentioned that this \$35,000 cost to maintain property covers how it is today and does not include painting house, new roof, work on barn.

Maddern spoke to the charge and operating and capital budgets for Homestead that will be submitted to the Town Manager for inclusion in the Town's fiscal budget. Expenses associated with insurance, cleaning supplies, routine maintenance, security, furniture will be transitioned from Town to non-profit in about a year. Also, \$250,000 of property sale proceeds will go to an endowment for the Homestead with an additional \$250,000 from total proceeds of sale being undesignated that could be used toward a grant to further analyze the operating cost for the property.

Wilson mentioned that the founding board could complete the financial table and get grant in place. For the capital he thought available funding could be used to identify operating costs. The Town has received a grant to evaluate capital structure of building relative to different uses. An inspection that has occurred to date noted that the Homestead was in great structural shape (i.e., walls and roof). The septic system would be addressed moving forward based on proposed uses. This grant could set the Town up for future grants from the Mass. Cultural Council that could be used to maintain the house.

Farrell expressed his concern about bringing the building up to code (i.e., ADA compliance). Discussion addressed how the Bevara study recommended a timeline for transitioning a founding board to a Board of Directors and that the timeframe could be pushed forward. Hubbard inquired about having a budget put together with real costs to understand current capital costs and once the non-profit is up and running in one year's time. Town Manager Michael Lombardo stated that this evaluation of cost numbers is being done now by staff with new facilities director. Also, that the founding board will review use ideas, cost of executive director, and potential for profit that would drive capital funding.

Discussion was on how initial incorporation cost for non-profit would be \$1,200 at most using Town Counsel to the extent possible. Hubbard noted that use of staff time for the project is an additional cost. The Town will continue to own the Homestead overseen by the Board of Directors. Maddern suggested that action be taken to facilitate public discussion about potential uses for the Homestead.

Carin Kale from the prospective Board of Incorporators for the non-profit mentioned how CPA funds could be used in the future for recreation, historic preservation, or purchase of open space including at the Patton Homestead. In addition, funding might

be available from the Essex National Heritage Commission. Discussion ensued about amount of benefit to Town to have a small Patton museum at the property. Kale noted how the gift of 27 acres had saved the Town a substantial amount of money and provided the opportunity to have input on how the land would be developed. Wilson concurred about benefit of gift but emphasized how deliverables from founding board should be identified (i.e., basic needs for infrastructure). Johnson noted that mission statement has Town Manager working with non-profit founding board to determine budgets. Lombardo and department heads will work on numbers based on issues. Also noted was how non-profit could meet with different groups to manage future partners for Homestead. Farrell stated that he was excited to move forward with non-profit.

Maddern entertained a motion to accept the charge for the Patton Non-Profit. Johnson moved to accept the charge for the non-profit. Wilson seconded the motion. Discussion was on non-profit developing its own business plan for mission and use of Patton Homestead property so it would be self-sustainable (can include community events) with charrettes and Town Manager/Board of Selectmen involvement. Rosemary Kennedy, Rust Street, inquired about expenses to date (i.e., \$35,000 annually to date), and two to three year consideration that non-profit would be independent when Bevara report stated five to seven years, and why Town does not know how much Homestead costs. Town officials responded that budgeted and actual carrying costs are between \$35-37,000 and that the plan under consideration at this meeting is for the non-profit to become self-sustainable over five years. VOTE: 4-1 with Hubbard opposed.

Maddern entertained a motion to appoint Captain Rich Barbato, Georgina Keefe-Feldman, Carin Kale, and John McWane to founding board for Patton Homestead non-profit. Wilson so moved. Johnson seconded the motion. VOTE: 4-0-1 with Hubbard abstaining. A fifth member is still needed for the incorporating board. Selectmen expressed support for credentials and enthusiasm of founding board members.

- **Annual Town Meeting** – debrief and discussion

Discussion ensued about greater than 600 people attending spring Town Meeting, significance of Town reports to inform voters, how technical details could be handled better for overflow room, the importance of increasing communication to public on topics as well as dialog at ATM on issues, and that former Town Moderator Bruce Ramsey did a good job managing the meeting. Newly elected Town Moderator Jennifer Scuteri noted the robust warrant for six hour ATM and suggested that size of fall Town Meeting warrant could be increased and timing for STM could be scheduled to occur closer to November with consideration for tax recap issues. Bob Gray, Bay Road, expressed disappointment that many Town Meeting voters left the meeting after the

Patton Park pool vote. Discussion addressed how some voters left after the turf vote since babysitting service expired at noon and the meeting continued past that time. Also noted was support for holding Town Meetings on Saturdays.

- **Town Manager Review (November '14 to April '15)** Discuss process

Discussion ensued on process for Town Manager's review that will include input from former Selectmen David Neill and Jennifer Scuteri, a consolidated review with all of the Selectmen's input will be given to Lombardo and public review will be done that is reflective of the Board. This process is done in a two to four week timeframe and mimics how review is done for HWRSD's Superintendent of Schools.

- **Town Manager Goals** – discuss process for the coming year

Discussion addressed small workshop Selectmen did last year to identify goals with milestones and resource implications, prioritization, and discretionary effort (i.e., how to accelerate Patton Homestead property sale, cell tower by-law). Discussion suggested having greater than five goals for the Town Manager to achieve (i.e., short term goals managed in six month increments with benchmarks, broad based objectives with multiple deliverables, and view to the future) and more public process about Town Manager goals (i.e., more communication) as well as making sure the goals identified are under the Town Manager's control that he can perform (i.e., implementing outcome of revised cell tower by-law). An outside facilitator is not used for these goal process workshops.

- **Set date of next Selectmen meeting**

The next Selectmen's meetings will be held on May 9 for workshop and May 11 for the next Board meeting.

NEW BUSINESS

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

Discussion ensued about importance of communication to public about Town government actions relative to implementing a quarterly Town newsletter and use of social media to keep residents informed, potential for a luncheon or breakfast associated with Town Meeting to build camaraderie amongst Townspeople, financial reviews to provide an update on where Town stands, analysis of what was learned from processes (i.e., three years for Patton Park pool project), need for a land acquisition

policy that could be used to achieve the Town's recreation, open space and Town government objectives associated with when Chapter 61A properties in Hamilton are for sale, a holistic view of all Town policies and online access to these policies, vision for the future of the Town that addresses potential changes relative to national trends including aging demographic, fewer school aged children, and housing challenges (i.e., affordable/moderate housing for single adults, young families and older families interested in downsizing), goals for Board and Town related to Master Plan and where Hamilton wants to go now and into the future intersecting housing and interest in open space.

Maddern entertained a motion for the Board to adjourn at 9:01 p.m. Hubbard so moved. Wilson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: Shawn Farrell
Clerk