

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
MAY 11, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 11, 2015 with Scott Maddern, Marc Johnson, Jeff Hubbard, Shawn Farrell, Bill Wilson 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.

**Chairman/Selectmen reports**

Jeff Hubbard encouraged residents to patronize downtown businesses. Bill Wilson attended Veteran Services meeting and recommended audit to manage finances and surplus funds and he mentioned that a new director is needed. Shawn Farrell had fielded calls about water rates and is interested in piloting a rain barrel program. Maddern noted that Town Manager reviews from Selectmen are due May 15 which he will aggregate for BOS joint review, he fielded complaints about opening of baseball diamond at Patton Park, maintenance of fence that has fallen down at public safety building, and amount of water rate increase.

**Town Manager's report**

Town Manager Michael Lombardo said annual service will occur at the Hamilton Police Memorial in the Hamilton cemetery on May 17 at 9 a.m., hydrant flushing takes place for the next two weeks so to prevent dirty water from getting into household systems residents should refrain from using water from 9 p.m. until 1 a.m., a mailer was sent out explaining the water rate increase which he apologized should have gone out with the water bills and moving forward the water bills will be itemized including number of gallons used and should be ready for next quarterly billing cycle.

**CONSENT AGENDA**

- Sign **Form 43** for Change in Hours for Lawrence R. Chase Corp. dba **Harrigan's of Hamilton** to adopt all alcohol sales on Sundays starting at 10 a.m. as allowed under M.G.L. c. 138s.15.
- **Appointments:** William Olson as Planning Board Alternate.
- **Approve Minutes:** April 27, 2015 – Regular Session; March 13, 2015 – Regular Session.

Maddern entertained a motion to approve the Consent Agenda with ratification taken out as separate topic for discussion. Marc Johnson so moved. Hubbard seconded the motion. VOTE: Unanimous.

- **Ratification** of Amendment of Purchase and Sale Agreement between the Town and C.P. Berry – Sign.

Discussion ensued about change in amendment that states definition of two family units that was corrected in by-law at Town Meeting but this does not retroactively affect the C.P. Berry project. The developer revised the project to fit within the by-law prior to Town Meeting action which was silent on two-family so the housing project proposal is for nine single family and one three-family.

Maddern entertained a motion to accept the Ratification of Amendment of Purchase and Sale Agreement between the Town and C.P. Berry. Wilson so moved. Johnson seconded the motion.

Discussion ensued with Hubbard who said he would have to abstain since he wanted to understand reasons for changes. The Selectmen had been given copies of the amendment to review on April 27. Johnson went through the amendment to clarify the changes which consisted of extension of date Ms. Patton would sign to May 1, 2015 (waiver to invoke rights of first refusal on land for sale), closing date was extended from December 15, 2015 to April 30, 2016 (24-month period allows time to vet a possible appeal process), contingency for permits where three paragraphs were removed since due diligence period has passed but it is recognized that approval has not been received from Planning Board, removal of two-family from description of project, changes in escrow because Town Counsel changed law firms, and language to address if someone other than the Town appeals the granting of the Special Permit the Town will help defend the sale of land.

Hubbard opined that if the Town were in the position of helping to defend the sale of land it would be at exposure to cost if there were a 10-citizen group interested in putting forward a lawsuit related to GPOD. Maddern stated that defending the land sale would be to the Town's advantage since it is a co-applicant on the project with C.P. Berry. Lombardo explained if a party with no interest in the transaction filed a lawsuit the Town would defend it and file an appeal. Johnson concurred that there is a possible cost consequence and Town Manager has provided an opinion about the Town helping defend the sale of the land. The last change is a corrective action if an appeal goes to a state court and it determines that Town Meeting did not properly approve the sale of the land the Town would have the option to go back to Town Meeting for approval.

Hubbard inquired again about why the Town would put itself in the position of having to defend the application against 10 citizens who have a problem with the project. Johnson said the Selectmen represent all of the citizens in Town, Maddern said there is a pending check for the sale of the land to come to the Town of over \$1 million with \$150,000 of annual revenue related to housing development and that the Town should protect this based on Town Meeting approval. Farrell mentioned that he had reviewed original document and corrections and was fine with the amendment. Wilson concurred with Farrell about reviewing original and amended document and he understood changes. He questioned if any financial parameters should be put in place regarding legal defense costs (i.e., resources and time) the Town could possibly incur. Lombardo noted that this case would be handled in Land Court with facts vetted at not large sums of money. Maddern referred to legal expenses budgeted under General Town Government which could not be exceeded without BOS and FinCom review. Discussion ensued about how the Town could defend at its discretion and C.P. Berry is interested in Town being prepared to defend this with them. Wilson said he was okay with the amendment.

VOTE: 4-0-1 with Hubbard abstaining.

Rosemary Kennedy, Rust Street, opined that should there be a 10-person environmental suit it would be in Superior Court versus Land Court, and that it was one-sided for Town to take on financial responsibility for defending the suit and she questioned where in amendment document is C.P. Berry's stake in any potential lawsuit. Wilson noted that this information was included in the sentence in the amendment about hardship.

## **AGENDA**

- **Declare the Aerial Ladder Fire Truck surplus Town property**

Hubbard moved that the Board declare the Aerial Ladder Fire Truck to be surplus Town property and authorize the Town Manager to dispose of the truck either by bids or by auction. Johnson seconded the motion. Discussion ensued about how the Town bought a new Quint Fire Truck so the Town does not need two ladder trucks so it is declaring the old asset surplus and there is some inherent value and a minimum bid specification will be used. VOTE: Unanimous.

- **Discuss new Water Rates**

Discussion reiterated that mailer about water rates should have gone out with water bills, why there was an increase in rates and what residents can do to conserve water. Farrell spoke to water conservation programs in Ipswich and Amesbury where an olive oil distributor is interested in repurposing barrels for rain barrels (i.e., 100 square feet of roof with one inch of rain would fill a 60 gallon rain barrel that could be used to water garden, wash car, flush toilets). A pilot program price for a rain barrel could be \$69 to \$79 versus \$200 to \$250. The vendor would manage the money transactions and deliver product to Hamilton. Farrell is compiling a list of water saving tips (i.e., aerators on faucets) that will be posted on the Town's website to help people conserve water and save money to manage their budgets.

Discussion addressed retired residents on fixed income and cost for Town to maintain water infrastructure. Also, that the water rates had previously been so low that the state notified the Town that the water enterprise was not going to be balanced and rates had to be increased. In addition, that the service charge associated with bringing water from Town's distribution system to resident homes will pay for the maintenance of infrastructure. Also noted was alternative financing considered to pay for infrastructure and interest in keeping the increase in water rates flat with a modest operating reserve (\$50,000 to \$75,000) to ensure taxpayers were only paying for the increase when it was needed and that another increase would not have to occur for five years. DPW Director Bill Redford mentioned that water enterprise operations or capital was not subsidized through the General Fund other than early split of bonding for water treatment plant so the Town is following the state's direction that this practice does not occur now.

- **Assign Board Liaisons**

Discussion was on Board liaisons as primary point of contact with other boards for Selectmen. Hubbard opined that he was disappointed with his assignments stating that many were important but that many of the organizations ran themselves and he considered the liaison role as an opportunity to add value especially relative to respect

for differing viewpoints on Hamilton committees and boards. He suggested he could have added value with the HW Joint Recreation Board to help move the turf field project forward, and Town could reflect on Patton Park pool project experience (\$250,000 and 3 years to get approval). Maddern and Wilson noted that Hubbard has important constituencies to serve as liaison including as Veteran Service board member.

- **Discuss goals workshop**

Maddern summarized brainstorming workshop where goals were identified and ranked by Selectmen. The meeting clarified needs and ideas for the Board and to define Town Manager's goals. Key topics were:

1. Financial management including revenue such as solar, Patton housing, FY'17 planning for 3 year plan and 5 year capital plan including HWRSD;
2. Communication with outreach to community through newsletter, social media, website, BOS coffees, breakfast before Town Meeting, department head reports, meet and greets with board and committees;
3. Prior year's goals – Zoning by-law update, making development process more friendly, lower priced housing (cottage, community style, senior, apartments for young workers and families);
4. Longer term vision (10 year) beyond three year financial planning recognizing changes in Town, analysis of what could happen, use of benchmarking, and interaction with other boards and committees;
5. Future projects – Town Hall renovations, turf field, downtown septic and parking;
6. Relationship with Wenham and HWRSD – shared education, library, recreation department.

Wilson reported that the workshop was well facilitated and noted importance of defining an overarching mission statement for BOS, Town and Town Manager. Farrell concurred with Wilson about the goal setting process and noted that ranking was similar across BOS which is encouraging for moving forward for the Town. Johnson agreed about effectiveness of meeting and remarked that details would have to be created to implement next steps for goals. Hubbard was of the same mind about the

workshop and mentioned how the process would be beneficial for the community to see relative to identifying goals and narrowing down effort. Maddern noted importance of goal setting for BOS and trickle-down effect for Town Manager and Town department goals.

BOS will email bullet point milestones to Maddern and Lombardo in the next week to define details about when the goals (tied to fiscal year) could be accomplished. A written document containing this information will be circulated. Selectmen will look at dates from perspective of Town Manager and BOS. Discussion addressed benchmarking against other North Shore towns and neighboring communities using metrics such as department budgets and comparison with schools that are like size and have similar performance, water bill, tax rate, revenue, and per employee cost. Also mentioned was how the Board will work on 10 year vision/mission.

- **Set date of next Selectmen meeting**

The next Selectmen's meeting will be held on May 18 to sign water BANs. Also, the Hamilton Development Corporation is holding an all land use board meeting on June 22 at the HW Library which the BOS will attend.

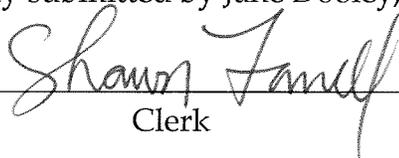
**NEW BUSINESS**

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

For the next six months BOS meetings will be scheduled on first and third Monday beginning with June 1 and 15; members can participate remotely. Also mentioned was how Hamilton has maintained its AAA bond rating. Board/committee members and residents were encouraged to attend Wenham open house, 3:30 p.m. on May 18 for the new Town Administrator Peter Lombardi. Maddern entertained a motion for the Board to adjourn at 8:25 p.m. Farrell so moved. Wilson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:

  
Clerk