

**TOWN OF HAMILTON
BOARD OF SELECTMEN
OCTOBER 5, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, October 5, 2015 with Scott Maddern, Marc Johnson, Shawn Farrell present. Town Manager Michael Lombardo, Town Moderator Jennifer Scuteri, Police Chief Russell Stevens and CPC Chair Tom Catalano also present.

Call to order

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

Public Comment

None.

Chairman/Selectmen reports

Marc Johnson spoke to Affordable Housing Trust and approved funding for three aluminum ramps at the Hamilton affordable housing Railroad Avenue buildings. Also, the HDC held presentation for League of Women Voters communicating what the Corporation is doing (i.e., design guidelines).

Shawn Farrell reported on the accessibility ramps at the Hamilton Housing Authority, the HW Recreation Board meeting about turf field and upcoming multiple board meeting as well as pool project, Planning Board site plan review of Institute for Savings, Canterbrook project, Sagamore Hill site walk, Town snow removal on Bancroft Way (private way), CPC meeting on Thursday in preparation for STM, MMA conference in Wrentham.

Maddern described how complaints had been resolved about trails and open space, early trash pickup at Cutler School, that Patton Homestead incorporators have approved its mission and will attend an upcoming BOS meeting, Town Manager six month review period will be addressed, Bob Gray resigned from the Hamilton Housing Authority in November, and Mimi Fanning is resigning from COA in November, and LWV meeting that addressed mixed use by-law adding residential uses above commercial spaces downtown, and he attended MMA, upcoming Gale Associates report/presentation on turf field, and "we are in it together" data compilation.

Town Manager's report

Town Manager Michael Lombardo spoke to \$3,950 sustainable materials grant, landfill is substantially done with final loaming and seeding to be completed, 5% utility cap for solar array and \$34,000 grant received for owner's agent, parking lot largely done at Weaver Pond with partial striping and grading planned, COA meeting on Nov. 4 to review Town Meeting warrant, LED street light program nearly complete with evaluation to be done where lamps could possibly be turned off (50 to 100) which could be used for failure replacement, budget calendar should be online tomorrow outlining budget cycle and Town Meetings, three year plan will be completed by next meeting, ICMA conference with focus on local government and providing tools for citizen engagement as well as open data, overhauling Town website, finalization of grading easements with C. P. Berry and upcoming closing for \$1,156,000 on October 19 to approve formal deed. The developer is interested in installing the road and foundations this fall.

CONSENT AGENDA

- Permission sought by the Friends of Cutler School to hang banner from the poles at Senior Center promoting their annual Ski, Skate, Board and Ride Swap from November 8 to November 21, 2015.
- Approve Minutes: August 22, 2015 – BOS & Finance & Advisory Committee – Regular Session; August 24, 2015 – Regular Session; September 21, 2015 – Regular Session.

Maddern read items and entertained a motion to approve the Consent Agenda. Johnson so moved. Farrell seconded the motion. VOTE: Unanimous.

AGENDA

- Town Meeting Policies & Procedures – Jennifer Scuteri, Moderator

Town Moderator Jennifer Scuteri described how the fall Town Meeting will be held at Winthrop School on November 7 with 300 chairs rented. Scuteri has developed policies on visual aids and handouts which she will provide to Maureen Hickey, Assistant to the Town Manager, to load onto the Town's website. Specifics are included about content for Town Meeting Powerpoint presentations that will be provided to Town administration a few days in advance of the meeting. Also, in response to the COA recommendations the slides should be concise.

In regard to the handouts at the suggestion of Town counsel, a policy would be adopted that describes handouts that can be left on tables at entrance to Town Meeting. The policy specifies that handouts will deal directly with subject matter of a Town Meeting warrant article and indicate what part of the handout is factual and identify what is an opinion, so this is clear to a Town Meeting voter. The name and address would be identified of a registered voter or two registered voters if handout is from an organization. A draft of handout would have to be supplied to the Town Moderator 24 hours before Town Meeting to review for content and ensure there is factual support. The policies will be put on the Town's website.

There was also mention about reports given at Town Meeting and that they should not advocate for projects, debate and advocacy should be done with an article. The warrant hearing is scheduled for November 2, which could be run by BOS and FinCom, where there should be public discussion of articles so Town Meeting voters are more informed for Town Meeting. Scuteri will be holding Town Moderator hours on Wednesdays at her new office at 300 Main Street. Discussion ensued about if food or drink should be served at Town Meeting at Winthrop School.

- Noise By-law – Review and discuss revised draft of by-law, update and take any appropriate action thereto.

Discussion ensued with Police Chief Russell Stevens about language changes in noise by-law that he has been working on with Town counsel. The distance of 150' from source of noise is proposed since existing by-law has no distance specified. Also mentioned was that the by-law does not address everyday noise but excessive noise. The intent is to revise enforcement process from summons to court to educating public and proposing a ticket/fine so the by-law is enforceable without having the sole recourse be to take an individual causing the noise to court. This would apply to trash hauler picking up school trash at 4 a.m. or a resident operating a chainsaw at 5 a.m. disturbing neighborhood. The current time in the by-law is 7 a.m. to 9 p.m. when loud outside noise is allowed. Also noted was that dogs barking and roosters crowing falls under the animal officer's control.

Chief Stevens reiterated concept of education first with verbal warning before enforcement occurs. Discussion addressed how if a generator is used when there is a power outage this is an emergency situation where the noise would be allowed at all hours. Discussion ensued about support for the by-law change to move to civil versus criminal action and if there would be any effect of 150' distance relative to noise regarding local organizations having parties later than 9 p.m. or athletic events where

most at Patton Park finish by 9 p.m. Also addressed was how an amendment in by-law would transfer responsibility of hearing officer from police chief to Town manager. The intent is for a positive change with the existing by-law to define reasonable noise. The chief will receive more written comments as well as continue to implement best practices on the matter from other towns and review changes to by-law with Town counsel and Town manager.

STM Draft Warrant – Review current draft Warrant

Discussion ensued about draft STM warrant where Article 1-1 Reports is standard for Town Meeting. Article 1-2 for Consent Motion will come off if there are not enough items for this motion. In addition, Article 2-1 Compensation/Classification Table (Appendix A) will be addressed at spring Town Meeting. Also for Article 2-2 General Fund Appropriation Transfer this will likely come off since no transfers are expected. Likewise for Article 2-3 Amendments to Annual Appropriations. For Article 2-4 Prior Year Bills there is a utility bill for \$269.97.

Article 2-5 Community Preservation Committee Budget (Appendix B) is for CPC projects addressed at STM. Discussion ensued with Tom Catalano, CPC Chair, about how there will be a separate Article 2-6 Conservation Restriction on Sagamore Hill. Catalano mentioned that CPC will be discussing at its upcoming meeting the funding mechanism for Sagamore Hill open space acquisition done in conjunction with ECGA. The CPC will review the Town moderator's policies and procedures as part of creating presentation/handouts for STM. Lombardo noted that he would be working with Town counsel on the language associated with the CPC articles which will be shared with Catalano.

Also for Article 2-6 Town officials will be working on formal language for Conservation Restriction for Sagamore Hill which will be dependent upon if the funding of this article is approved at Town Meeting. Discussion ensued with ECGA's Chris LaPointe about the funding mechanism and CR for Sagamore Hill where he questioned if the article for Sagamore Hill was for the funding mechanism and CR. Lombardo explained in anticipation of approval of the CPC article (2-5) for funding then Town Meeting would approve CR and authorize ability to sign. LaPointe opined that approving the funding article authorizes the Town to acquire CR. Lombardo explained that the CPC article is for funding to assist ECGA to acquire the property, and the Town is not purchasing but holding the CR. LaPointe opined that Greenbelt is not requesting a grant/CR for a project the Town is being asked to acquire a real property interest/investment in CR. Lombardo stated that CPC can move the article to Town Meeting if it meets statute.

Clarification is needed from Town counsel on whether the Town can convey funding to ECGA so it can acquire property as open space, and if CR is related or separate. The CPC is looking for direction from Town counsel on the matter relative to the Town contributing less than the full value of the property and acquiring a real property interest and CR. It was noted that the BOS will determine its position on all STM warrant articles at its October 19 meeting.

Article 3-1 Mixed Use Zoning By-law Amendment is being proposed by the HDC. Article 4-1 Amendment to Noise By-law will have proposed modification to language. It was reiterated that there are no financial actions anticipated for STM. Discussion ensued about what action could be taken to encourage voter attendance at STM. Also mentioned was potential for draft citizens' petition for a warrant article to ban roosters which would be an amendment to the animal control by-law.

- Set date of next Selectmen meeting

The next Selectmen's meeting will be on Monday, October 19.

NEW BUSINESS

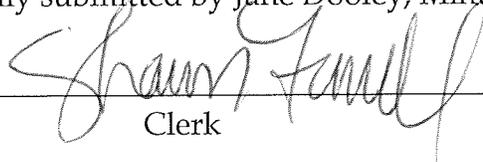
- Consideration of topics for discussion at future Selectmen's meetings

Discussion addressed how Patton Homestead non-profit incorporators will attend BOS meeting on October 19 and HDC will attend BOS meeting on November 9. Discussion was on complaints from neighbors about roosters and how Lombardo will send draft language on citizens' petition on the matter to the Board. Also mentioned was how Farrell will research details regarding if small breakfast could be served prior to STM. The Board acknowledged contribution that Mimi Fanning has made to Town.

Maddern entertained a motion to adjourn at 8:19 p.m. Farrell so moved. Johnson seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk

