

**TOWN OF HAMILTON
BOARD OF SELECTMEN
OCTOBER 19, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, October 19, 2015 with Scott Maddern, Marc Johnson (via telephone), Shawn Farrell, Jeff Hubbard, Bill Wilson present. Town Manager Michael Lombardo, Town Counsel Donna Brewer, Finance Director Brian Connelly, Director of Planning and Inspections Patrick Reffett, CPC members: Chair Tom Catalano, Keith Glidden and Jay Butler, Patton Homestead Incorporators: John McWane, Carin Kale, Georgina Keefe-Feldman, Bill Burrige also present.

Call to order

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

Public Comment

None.

Chairman/Selectmen reports

Bill Wilson reported on BOH flu clinics as well as vaccinations planned at the HWRHS, FinCom meeting tomorrow, HWRSD turf meeting, MCAS results, Superintendent review, school calendar where first day next year will be before Labor Day (August 31), concern about needing to close schools multiple times in November and how the Town does not have any other place than Winthrop School to stage Town elections, communication of activities on HWRSD website.

Shawn Farrell spoke to joint Recreation Board meeting on turf field and joint meeting with BOS from both towns for presentation from Gale Associates (which is on HWRSD website), bids for pool project are expected soon, Planning Board and Zoning Board of Appeals have approved site plan for the pool project, Planning Board did site plan review on 545 Bay Road for Institute for Savings with letter to ZBA on lighting, screening, exit on Bridge Street, favorable site plan recommendation for Patton Park pool project with suggestion for more landscaping around pool, review for senior housing Special Permit application for Canterbrook estate, Planning Board decided the Town will not plow Bancroft Way to uphold conditions in original deed for private way, Planning Board will make a recommendation on Sagamore Hill proposal, CPC discussed funding CPA application for Sagamore Hill/ECGA project and the

Committee will put \$500,000 from its reserves toward the project by allocating \$190,000 from the Open Space and Recreation reserve and the balance of \$500,000 to come from unallocated reserve and that the Town/CPC bond the remaining amount \$1,258,000 on a 15 year bond debt service schedule with Town Meeting approval. CPC is also reviewing its project evaluation tool. The Sagamore Hill project is the CPC's first open space CR acquisition project. Farrell explained how rain barrels should be winterized for the cold season. He also encouraged residents to use Town website communication tools.

Jeff Hubbard described how the Fire Department's spaghetti dinner will be held at the Winthrop School. The Open Space sub-committee had sent a letter on September 2 to the BOS regarding the Sagamore Hill project which Hubbard alleged he did not get via email as well as other correspondence between Town Manager and other Board members. Hubbard expressed his disappointment that the letter from subcommittee had not been discussed by the Board, and opined that some Town boards believe they are not being heard by the Selectmen.

Maddern explained that meeting was held with Town Manager, Chris LaPointe of ECGA and Essex BOS Chair regarding Sagamore Hill project. The Board will provide Maddern with feedback for the Town Manager's review by November 11. The BOS will be appointing candidate for Hamilton Housing Authority to complete Bob Gray's term which expires in 2017. He mentioned legislative breakfast addressing new state money for opioids abuse prevention including screening in schools, lobbying for more credits for Town's solar array project, increasing healthcare costs and if there is any mechanism the state can use to help control, OPEB where Town needs to do more aggressive funding since there is no broader state support.

Town Manager's report

Town Manager Michael Lombardo spoke to event at senior center addressing healthy living, pool bids due October 29 and November 5, kick-off meeting with owner's agent on solar array project, two bids for cell tower construction where bidders were not FCC licensed so bid is being repositioned and put out again, Patton Riverwalk construction is underway, October 27 BOH will host viewing of film called "Genetic Roulette" on Roundup-ready GMO foods, safe commerce zone signs will be installed.

CONSENT AGENDA

- The DPW director seeks permission to hang the Special Town Meeting banner from posts on the Senior Center lawn from October 25 to November 8, 2015
- Appoint Linda Spong and Tom Hever to the Board of the Council on Aging to terms expiring June 30, 2018
- Approve Minutes: September 15, 2015 – BOS & Finance & Advisory Committee – Regular Session; October 5, 2015 – Regular Session

Maddern read items and entertained a motion to approve the Consent Agenda. Wilson so moved. Farrell seconded the motion. Discussion ensued about how hanging a banner across Bay Road was problematic due to state highway issue, and if a banner publicizing community events could be located on the southwest side of Bay Road on Town owned land across from Walnut Road. Roll call vote: Wilson, yes, Farrell, yes, Maddern, yes, Hubbard, yes, Marc Johnson, yes.

AGENDA

- Patton Board of Incorporators – Update from Carin Kale

Discussion was on BOS appointing 5-member Board of Incorporators to form a non-profit that would not be a financial burden to the Town by operating and managing Patton Homestead and 27 acres generously donated by Mrs. Patton, as well as the RFP and final report from consultant Bevara done with Patton Advisory Committee. The property is in the final stages of sale where 12 houses will be developed and bring in \$148,000 a year in property tax revenue.

The board is waiting for facilities evaluation of the Homestead (20 year capital needs assessment of the building and mechanical systems) to be done in conjunction with the Mass. Cultural Facilities Fund to understand what it will cost to get the building in compliance with current building laws and regulations. The board has filed articles of incorporation for Patton Homestead, Inc. with Secretary of State's office with the assistance of Town Counsel Donna Brewer so non-profit will be recognized as a corporation operating for educational and charitable purposes. Next steps are to apply for EIN number and 503(c) status so the non-profit can fund raise.

The mission of the Patton Homestead, Inc. non-profit is it supports, preserves, and manages the historic Patton Homestead (built in 1786) as a community asset and provides educational, recreational, and cultural opportunities. Communication has occurred with communities with similar historic buildings and like non-profit

organizations all part of forming potential partnerships (i.e., the HW Community House, Stevens Estate in North Andover, Willowdale Estate in Topsfield, etc.).

The board is considering costs and grants available as well as uses that bring in revenue, appreciate the Patton family archives, benefit the general community and provide availability for programs for community members, veterans and others consistent with the non-profit's mission. Parking needs and septic system requirements at the Patton Homestead are also being evaluated as well as ADA accessibility along with fire sprinkler requirements and sanitary codes for the kitchen.

The current maximum capacity of the house relative to fire safety is 50 people which is a concern because small events do not generate much revenue. A rental fee for a historical property that can accommodate 100 people could bring in as much as \$5,000 per event. It has been determined that parking on Asbury Street is not safe so a parking area will need to be constructed on site based on Homestead use. For tented events, porta-potties would currently be required. To maximize the non-profit's mission, renovation of the Homestead and possible expansion is being considered along with the facilities grant matching funds available from the state that could be used.

A document is being developed which will be provided to the BOS in the future and at Town Meeting in April that includes options aligned with cost of renovation, projected revenue, timeline, and ways to fund (i.e., state grants, CPA funding, fundraising) any necessary renovations working with an architect.

Hubbard opined that until the cost of renovation and improvements is understood it is hard to move forward with the Patton Homestead project. He also mentioned the annual operating costs of \$37,000 to keep the property as it is currently, and financial burden from this and lost property taxes. Discussion reiterated that \$150,000 would be the annual revenue for the property from the 12 houses' property taxes, the Bevara report summarized benefits for the Town including the open space, historical museum, and the financial burden is not position of Board of Selectmen and Town counsel. BOS thanked the incorporator board and noted that next steps relative to deliverables could alleviate concerns about potential financial burden. Also mentioned was need for a five year plan to identify costs and revenue potential including to receive state grant match with \$250,000 from sale of property and with CPA funds. Town Counsel Donna Brewer explained that there is no liability for board members associated with getting EIN.

Some of the uses being considered for the site is small wedding ceremonies (with potential reception following at the Community House), significant year birthday

parties, rehearsal dinners, and veteran specific events. Discussion addressed how incorporator meeting minutes are filed in Town clerk's office, and need to put information about non-profit on Town website.

- CPC Finances/Projects

Discussion was on sources of CPA funds in a 3-year model for 2016, 2017 and 2018 using estimates based on 2% surcharge. For 2016, \$1.7 million is projected for CPA funds with uses consisting of administrative expense of \$22,000, Donovan field bond payment, \$190,000 in open space reserve for Sagamore Hill project, historic preservation: \$38,045 for the Community House, Senior Center sign, historical pictures 2nd phase, \$9,980 for 3rd phase of picture preservation, \$65,000 for American Legion – windows and electrical work, community housing: \$13,000 Hamilton Housing Authority roof, unspecified reserve fund balance: \$310,000 for Sagamore Hill, totaling \$704,000 in projects. At the end of the fiscal year the fund balance for open space will be \$700, historic preservation will be \$16,000, and community housing \$149,000 and undesignated \$887,000 for \$1,054,000 which is projected amount for 2017 and 2018.

The first debt payment for Sagamore Hill that will occur in 2017 as estimated by bond counsel is \$110,000. This bonding process would be done with CPC coordinator and Finance director. In 2017 the expected 10% CPA category contribution requirement will go toward open space debt, with historic preservation, and community housing at \$49,000 each. Discussion with Board was on moving forward with Sagamore Hill project, and how CPC will be focus more on project uses and criteria qualification within the three CPA categories since CPA funding project requests have increased annually. Also mentioned was if the Town should consider raising the CPA surcharge to receive a greater state match to allow Hamilton more options in CPA projects (i.e., Town Hall renovation).

Hubbard opined about amount of bonding according to CPA website where a community can only bond against the local surcharge of its CPA revenue not the trust fund matching portion. He noted that the Town's annual revenue from current 2% surcharge is \$351,000 and if it was applied toward debt the Town could spend \$5 million for Town Hall renovation, turf field, Sagamore Hill CR grant, and Patton Homestead. If the Town went to a 3% surcharge it could afford to borrow \$7.2 million with annual CPA fund revenue of \$527,000.

Discussion was on how CPA funds are being used to pay cash for pool project, and how a small percentage of historic preservation CPA funds could be used for Town Hall renovation and that other than CPA funds would be sought for that renovation project.

It was reiterated that the CPC recommends projects to be funded with CPA funds that comply with CPA categories: open space and recreation, historic preservation, and community housing. The Sagamore Hill project is an example of a CPC project where the Committee votes on how the CPA funds will be used and voted on at Town Meeting. Also noted was the Town's financial chart illustrating how the Town is proposing to allocate CPA funds based on CPC recommended projects according to Act specified criteria and how it should be put on the Town's website.

- Sale of Land: Vote to approve and sign documents, including deed of sale of 5 acres at the Patton Homestead to CP Berry

Maddern moved for the Board to sell 4.41 acres more or less of the Patton Homestead, 650 Asbury Street, Hamilton for \$1 million or as more particularly described in the draft of the quick claim deed before us, a copy of which will be included in the minutes of this meeting and effectuate the sale with the majority of the Board to sign the deed and further the Board authorize Town Manager Michael Lombardo to sign all further documents to effectuate this sale. Johnson seconded the motion. Discussion was on \$156,000 going separately toward affordable housing as part of inclusionary housing by-law that requires a payment and is a condition of getting a Special Permit from the Planning Board. Also addressed was the easement for daylight access to the Ipswich River along the former wood road at the Patton Homestead property and the Town is working on separate parking area for this use unrelated to the Patton Homestead project. Maddern mentioned that \$156,000 will go to Affordable Housing Trust, \$250,000 to the Patton Homestead for improvements, \$500,000 in reserve fund for fields as voted at Town Meeting, and \$275,000 has not been designated and will be decided for use at Town Meeting. Roll call vote: Johnson, yes, Wilson, yes, Farrell, yes, Maddern, yes, and Hubbard, no. Lombardo thanked Alan Berry and his attorney for working with the Town on the project. Hubbard opined that he voted against selling the property since he believes the Patton Homestead has been a financial burden for the Town, he does not see this changing in the future, and this sets a precedent regarding GPOD by-law.

- Special Town Meeting Warrant for Saturday, November 7, 2015 at 9 a.m. at the Winthrop School – Discuss and vote position on Warrant articles

Article 2-1: *Prior Year Bills* for less than \$5,000. Hubbard moved for the BOS to recommend favorable action on Article 2-1. Farrell seconded the motion. Johnson left the meeting at 8:40 p.m. VOTE: Unanimous.

Article 2-2: *Pool Revolving Fund* for salaries, expenses, supplies, and funding from receipt of pool passes and programs. Farrell moved for the BOS to recommend favorable action on Article 2-2. Wilson seconded the motion. VOTE: Unanimous.

Article 2-3: *Community Preservation Committee Projects* - \$90,000 for projects approved by CPC: \$9,980 for picture preservation, \$65,000 for American Legion building update, \$13,000 for Hamilton Housing Authority roof. Wilson so moved. Farrell seconded the motion. VOTE: Unanimous.

Article 2-4: *Conservation Restriction on Sagamore Hill*. Discussion ensued with Chris LaPointe, ECGA, where 185 acres of conservation easements have been secured above and beyond the 340 acres in Hamilton and Essex for 525-acre conservation project in Ipswich, Hamilton and Essex. An application has been submitted for a state Landscape Partnership Grant for \$2 million. Also, DCR is willing to put \$250,000 towards the project. ECGA and TPL is a third of the way toward raising \$1.5 million in private fundraising for the project. Also addressed was how Town of Essex does not have a CPA application for open space funds for the Essex portion of ECGA's CR project and a token amount might be contributed by that community. Jay Butler and Keith Glidden from Hamilton's CPC expressed support for the open space project and mentioned due diligence done by CPC before voting unanimously for project. Gretel Clark, Open Space sub-committee and Peter Clark, Bay Road, concurred about significance of project.

Discussion was on assessed value of property of \$5 million versus \$800,000 plus value of Conservation Restriction, that Hamilton Town Meeting will vote on not to exceed \$1.75 million, the importance that Greenbelt versus the Town will maintain the property as part of CR, and that Hamilton can afford the project with its current 2% CPA surcharge. Carin Kale, Rock Maple Avenue, noted importance for Town to have a transparent fiscal/land use policy relative to the Town's high tax rate with Hamilton having one of the highest amount of properties exempt from paying taxes on total assessed values (i.e., due to Chapter 61 and tax exempt status) as compared to neighboring communities. There was mention that 2% of the Town's overall tax rate carries Chapter 61 properties that have lower assessed property tax values. Also addressed was how Town needs to have an open discussion in consideration of resident affordability regarding increasing CPA surcharge from 2% to 3%.

Farrell moved for the BOS to recommend favorable action on Article 2-4. Hubbard seconded the motion. VOTE: Unanimous.

Article 3-1: *Mixed Use Zoning By-law Amendment*. Wilson moved for the BOS to recommend favorable action on Article 3-1. Farrell seconded the motion. VOTE: 4-0-1

with Hubbard abstaining since he opined that he did not have enough information to make decision. Discussion ensued about the intent of the amendment was to foster vibrancy of Hamilton's downtown.

Article 4-1: Amendment to Noise By-law. Hubbard moved for the BOS to recommend favorable action on Article 4-1. Farrell seconded the motion. VOTE: Unanimous. It was noted that this by-law is not a mechanism for addressing roosters and animal control information is needed.

Wilson moved to close the November 7, 2015 Special Town Meeting warrant. Hubbard seconded the motion. VOTE: Unanimous.

- Set date of next Selectmen meeting

The next Selectmen's meeting will be on Monday, November 2.

NEW BUSINESS

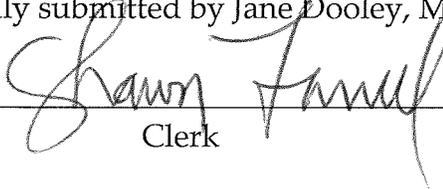
- Consideration of topics for discussion at future Selectmen's meetings

Discussion addressed investigation of joining community compact and funding that is available for the Town.

Maddern entertained a motion to adjourn at 9:30 p.m. Farrell so moved. Hubbard seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk