

**TOWN OF HAMILTON
BOARD OF SELECTMEN
FEBRUARY 22, 2016**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, February 22, 2016 with Shawn Farrell, Jeff Hubbard, Bill Wilson, Marc Johnson present. Town Manager Michael Lombardo, and Finance Director Brian Connolly also present.

Call to order

Acting Chair Shawn Farrell called the meeting to order at 7:00 p.m.

Public Comment

Kevin Kaminski, Highland Street, spoke to pending legislation that would make properties in the curator's program tax-exempt, and the CPC had written a letter of support. The BOS considered a future discussion on if the Board would draft a similar letter.

Peter Clark, Bay Road, inquired about process for seeking nomination papers for running for office. The dates for taking out nomination papers were January 1, 2016 and the signed papers were due on February 18, 2016.

Chairman/Selectmen reports

Jeff Hubbard noted that relative to Chebacco Woods Land Management, the town of Manchester which has been cited for poor water quality at Gravelly Pond is asking people using this woodland area to pick up after their horses and dogs. Also acknowledged was upcoming Board appointments to the HW Cultural Council, new barber at the former Winfrey's Fudge site on Railroad Avenue, and he thanked FinCom for many recent meetings.

Marc Johnson spoke to upcoming zoning revision meeting with the Planning Board. Also, that HDC has RFP online and deliverable dates related to redeveloping the Willow Street property that it owns. In addition, the Patton Homestead incorporators are working toward an operating plan and potentially considering a RFP for a manager for the Homestead. The Homestead facilities analysis report is available to the Board. The Affordable Housing Trust supports request on the Town Meeting warrant to move money from CPA to affordable housing trust budget. He concurred about the work being done by the FinCom as part of the budget process.

Public Hearing

The Board of Selectmen, acting as the Local Liquor Licensing Authority, will review a request for a transfer of a wine and malt package store license from Hamilton Family Markets d/b/a Crosby's Marketplace to Crosby's Market, Inc. and if appropriate vote and sign Alcohol Beverages Control Commission's Form 43 supporting this request. The license will remain at the Hamilton Shopping Center at 15 Walnut Street Hamilton, MA.

Farrell opened the meeting and read the legal notice.

Attorney George Atkins of Salem representing Hamilton Family Markets explained that the request for the transfer of a wine and malt package was due to merger of two entities of the family-owned operation, and he submitted an updated document to correct a typographical error.

Wilson moved to approve the transfer of the wine and malt package store license from Hamilton Family Markets d/b/a Crosby's Marketplace to Crosby's Market, Inc. Hubbard seconded the motion. VOTE: Unanimous.

Consent Agenda

Farrell read the following items:

- Appoint Kathryn Kranz and Ann Furey to the **Hamilton Wenham Cultural Council** to terms expiring June 30, 2018.
- Appoint Thomas Myers to the **Conservation Commission** to term expiring June 30, 2018.
- Approval minutes February 1, 2016 – Regular Session

Hubbard moved to approve the Consent Agenda. Wilson seconded the motion. VOTE: 4-0-1, Johnson abstained since he did not attend the February 1, 2016 meeting.

Agenda

- Semi-annual Department report – Brian Connolly, Finance Director

An update was on OPEB costs shown in audit report and impact on balances. Historically the Town has funded OPEB at \$25,000 a year, for FY'17 \$75,000 has been budgeted in an effort to work toward fully funding this \$5 million liability. Connolly is

good rate received last summer. A downside is National Grid's rates could go lower than a vendor's where a municipality holds a contract. Residents are automatically enrolled in the program but can opt-out at any time and go with another supplier.

Johnson moved to create a warrant article on the Municipal Energy Aggregation program. Wilson seconded the motion. VOTE: Unanimous.

- Discuss Town legal fees regarding the 545 Bay Road ZBA decision

Discussion was on \$1,700 paid to date on legal fees to do review and court filing. The Town's involvement is largely done and the bank will defend this in court. Hubbard opined that the Town should listen to citizens who signed the letter on the matter and noted that it was good Hamilton was not participating in the lawsuit. He expressed concern about a document that stated the permitted use on the site is the garden and greenhouse use and impact to abutters especially relative to property values if the use on the site changes. This document was binding on existing owner in response to the egregious use by the former owner.

Discussion addressed ZBA decisions and broader vision for the Town and what is appropriate under the law. Farrell said it would be a bad precedent for the BOS to take any action relative to the ZBA decision when action will occur in land court. Johnson noted how input was given by residents and Planning Board to ZBA and some comments were taken. Also noted was that the owner of the garden center had no success trying to sell the property to someone interested in a similar use. Hubbard asked if a future discussion could address actions taken by ZBA (i.e., T&M Landscaping, Cumberland Farms). Wilson stated that the due process seemed to be the clear approach in land court.

Dan Sears, 14 Bridge Street, spoke to a continual effort by Town counsel who commented today on matter. Lombardo noted that Town counsel is not doing additional research and Town is not before the court defending the lawsuit. Robin Sears, 14 Bridge Street, noted that there are large legal fees for residents in the lawsuit with the bank where 300 citizens have disagreed with the ZBA decision.

- Identify additional regional cost savings items, per meeting with FinCom

Discussion ensued about the Board's conversation with the FinCom regarding tying a blue bag around large items as a way to collect a fee for the disposal and control solid waste tonnage. Also in meetings between FinComs from Hamilton and Wenham it was

Discussion was on placeholder for the \$250,000 transfer from general receipts (funds were from Patton Ridge development) and into the Stabilization Fund for care and maintenance of the Homestead. Johnson expressed interest in not using the funds to offset the tax rate but rather set it aside for the Homestead. He mentioned that the use for the property does need to be defined. It was noted that if the funding were in the Stabilization Fund a 2/3rds Town Meeting vote would be required to use the funds or the money could be assigned to the Patton gift fund.

Hubbard opined that since no purpose has been defined for the Homestead, and conversation that has occurred about \$1 million needed for property improvements to have the property be ready for public use. He suggested that community input should be sought to understand what the Town wants to do including a residential dwelling. Hubbard opined about gift agreement and if the property were sold, half of the proceeds would go to the Town. He noted the positive intent of the gift but reiterated astronomical carrying and proposed renovation costs. Wilson was in favor of retaining the proceeds from the land sale for the Homestead.

Discussion addressed how if \$500,000 were set aside this could be matched by a Mass. Cultural Council grant all part of making the property self-sustainable. Johnson moved to put a placeholder on the warrant transferring the \$250,000 from the proceeds of the sale to C.P. Berry to the Patton Homestead Fund making the total \$500,000. Wilson seconded the motion. VOTE: 3-1 with Hubbard opposed.

It was noted that from the sale of the Patton land: \$156,000 went to affordable housing, \$500,000 was set aside for field renovation (this would require a 2/3rds vote at Town Meeting), and \$250,000 went to the Patton Homestead for capital needs (a majority Town Meeting vote would be needed).

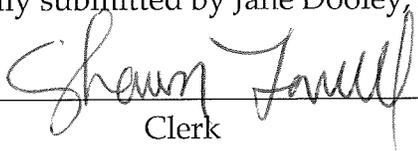
Discussion ensued on placeholder on warrant on a Citizens' Petition requesting to amend the Zoning By-laws by transferring the responsibility for Site Plan Review from the ZBA to the Planning Board. Discussion addressed how the Planning Board had voted unanimously to support the petition and Selectmen noted that they did not have to vote its recommendation on the warrant articles tonight. Also mentioned was that discussion on where site plan review should reside would be part of Phase II of the zoning by-law revision. Also discussed was how any site plan review board has to conform to the Town's by-laws. In addition, that many municipalities in the Commonwealth have site plan review with the Planning Board but that does not make Hamilton's ZBA having authority for site plan review wrong. Johnson stated that there is no supremacy with an elected versus appointed board and in many cases appointed

New Business

Consideration of topics for discussion at future Board of Selectmen meetings
Discussion was on how the consultant involved with the zoning by-law rewrite had suggested that fees for a bed and breakfast should not be embedded in zoning.

Farrell entertained a motion to adjourn at 10:00 p.m. Hubbard so moved. Wilson seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: 
Clerk