

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
MARCH 7, 2016**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, March 7, 2016 with Scott Maddern, Shawn Farrell, Jeff Hubbard, Bill Wilson, Marc Johnson present. Town Manager Michael Lombardo, Finance Director Brian Connolly, Finance Committee members Joe Hughes and David Wanger, HW School Committee members Deb Evans and Larry Swartz, Superintendent of Schools Michael Harvey 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 summarized how the HWRSD budget had been certified, and the HW School Committee had addressed protocol. Also, the FinCom met and reviewed warrant articles.

Shawn Farrell reported on site plan review on 248 Bay Road with bakery on first floor and two bedroom housing on second floor. Follow-up will be done on parking spaces and pedestrian walkways. A public hearing was held on zoning by-law change. The Recreation Board has a presentation scheduled on turf field project on March 24 at Senior Center. He is looking into redoing the rain barrel program.

Jeff Hubbard noted that the Veterans' Affairs board met and reviewed budget. Hamilton contributes \$40,000 annually towards this effort and he is seeking input from veterans about service received. He thanked Maureen Hickey who recently retired for her contribution to the Town.

Marc Johnson concurred about Hickey's contribution. He mentioned that Patton Homestead non-profit board is coordinating with Town manager regarding potential uses for 2016 and 2017. Also, that an upcoming candidates for Town boards meeting will be held at the Senior Center. The League of Women Voters candidates' night is

scheduled for March 23. He mentioned that Phase I of zoning by-law rewrite was going well.

Maddern reported on brainstorming that has occurred on proposals for regionalization. Also, that he would help integrate presentations that will occur at Town Meeting in conjunction with the Town moderator.

### Town Manager's Report

Town Manager Michael Lombardo summarized how facilities report paid for by Mass. Cultural Council is complete and it can be used as an evaluation tool to prioritize capital improvement needs for the Patton Homestead facility. He has met with Director of Planning and Inspections Patrick Reffett and DPW Director Bill Redford to put this in order for the BOS. An action plan will be put in place outlining uses for the facility this summer until an RFP can be issued by the non-profit organization.

The digitization of Town documents project where \$69,000 was appropriated by Town Meeting last year has languished due to complexities associated with working with existing vendor (i.e., template and journaling for electronic documents). The recommendation is to withdraw the \$69,000 and use existing funds to get project going. An RFP is being created and expected to go out to market in coming weeks.

Lombardo also acknowledged Hickey's contribution and wished her well in retirement. In addition, he thanked Town Clerk Andrea Carlson for her stellar effort associated with the primary election.

### Consent Agenda

Maddern read the following items:

- One Day Liquor License requested by **Beverly Bootstraps Community Services, Inc.** for an event at the Pingree School Friday April 8, 2016.
- Appointment: Gretel Clark as Town of Hamilton Representative to the Logan Airport Community Advisory Committee to term expiring 6/30/17.
- Approval minutes February 22, 2016 – Regular Session

Wilson moved to approve the Consent Agenda. Hubbard seconded the motion. VOTE: Unanimous.

Agenda

- Michael Harvey, Superintendent of Schools will provide a summary and overview of the HWRSD FY17 Budget

The Superintendent of Schools reported on HWRSD level services budget that reflects no new services or staffing. For FY'17, level service budget is \$823,421 or 2.8% increase due to salary costs. There was a 2.5% COLA and 4 FTE cuts. Other increased costs were seen in transportation, retirement, and out of district tuition. Some facility improvements being looked at include renovation of MRMS and HWRHS library, and libraries in elementary schools. Last year 28 staff members left so hiring was done at a lower cost. This will rehiring at a lower rate will apply to the six retirements expected this year.

Harvey explained that 2.5% COLA for salaries is going rate for peer districts to remain competitive with teacher salaries in area, and concessions from teachers' union regarding planning time. HWRSD is looking at a 4% increase in health insurance costs.

Discussion ensued about declining school enrollment in the last 10 years (17%) and a 1% drop is expected in the next 10 years. The elementary school enrollment is stable with 125 students per grade. The classes at the High School are higher so this should go down about 100 students in the next few years. Maddern spoke to how it is expensive for young families to move to Town and change in demographics in Hamilton. HW School Committee Larry Swartz explained that census data will be analyzed in the two supporting communities to understand when homes are turning over and families are moving in with young children. Hubbard mentioned that 23 houses costing below \$500,000 were sold last year. Swartz noted that home sales are going up as well as cost of houses.

Also reviewed was the profit and loss statement with FY'17 budget including \$135,000 increase in debt service beyond \$823,421 increase. State aid has been estimated as flat. Chapter 70 had a \$44,000 difference from what number was budgeted. Harvey noted that E&D was \$550 over the 3% threshold so this will be returned as revenue. Total expenditures subtracted from funding sources results in a net assessment to the towns of \$1,265,490 based on population and rolling three-year average. An increase in the school population has shifted to Wenham resulting in a 9.5% assessment increase to that community this year and next.

Harvey mentioned five-year capital plan working document (FY'17 to FY'21). Funding sources for FY'17 are included in the HWRSD budget. Beyond that time funding has not been defined. The capital items include: \$100,000 replace hot water system at the HWRHS, rekeying exterior of school buildings, scholarships for iPads, upgrade server room ventilation, and revisit presentation systems. In FY'19 the debt will be retired on the HWRHS/MRMS project. Grant funds are being analyzed. Design work was budgeted at \$50,000. The turf field is included with no funding amount attached since that has not been defined.

Discussion ensued about how plans are to not spend a lot of money to reconfigure items at the HWRSD. A recent grant for \$25,000 was accepted from the Ed Fund for mobile furniture. Also mentioned was "Most Likely to Succeed" documentary to be shown soon to the public and school faculty which depicts what is possible in the future for education. It was noted that as a result of the maintenance projects done at Winthrop School, a sprinkler system needs to be installed which could be done with remainder of bonding funds for boiler project by FY'18.

The annual average change in the HWRSD gross operating budget has averaged 1.11% annually in the last four years. The percentage change in per pupil expenditure is 4.4. In the last four years there has been a decrease of 91 students in the district and almost 15 FTE positions have been cut. It was noted that 125 children are enrolled for kindergarten annually. Larry Swartz mentioned that after Town Meeting the working group would revisit regional agreement apportionment.

Hubbard opined about actuals for FY'15 compared to budget looking at total expenditures for a three-year period and increase was 2% a year. Also, the total assessment of HWRSD and impact on the property tax in the same time period was 7%. Johnson acknowledged the transparency in the HWRSD budget process. Wilson noted effort done by school administration especially Jeff Sands. Farrell mentioned how tightly managed the E&D is now. Harvey stated that HWRSD is working with auditors regarding OPEB to determine right amount to put into a budget for FY'18.

- Vote to reopen ATM Warrant, delete Article 5-4 Management of the Patton Homestead, sign, and vote to close Warrant

Johnson moved to reopen the ATM warrant. Farrell seconded the motion. VOTE: Unanimous. Discussion was on how there is no urgency for Article 5-4 since the uses for the Patton Homestead have not been defined. The article can be moved to the fall Town Meeting. Johnson moved to delete Article 5-4. Wilson seconded the motion. VOTE:

Unanimous. Johnson moved to close the warrant. Hubbard seconded the motion.

VOTE: Unanimous.

- Review updates to Warrant, based on changes approved at February 22, 2016 Board of Selectmen meeting, vote position on articles and approve for posting and printing

Discussion ensued with FinCom members David Wanger and Joe Hughes on Articles 2-10, 2-11, 3-1, and 3-3, 4-1, although that Committee did not vote due to lack of a quorum.

**Article 2-10: OPEB Trust Fund.** The Town has budgeted \$75,000 for this unfunded liability for FY'17. Johnson moved for the Selectmen to recommend favorable action on Article 2-10: OPEB Trust Fund with expected request of \$75,000. The language in the article follows the statute and there will not be a separate standalone trust. Town officials will work on how to increase interest yield on the principal related to OPEB funds with intent to reach self-funding. Farrell seconded the motion. VOTE: Unanimous.

**Article 2-11: Patton Homestead Fund.** Discussion was on the remaining \$250,000 from the sale of Patton Ridge property and if it should be used for capital improvements at the Patton Homestead. Currently \$250,000 from the sale of the property has been slated for this purpose. If \$500,000 was set aside for this purpose there would potentially be an increased chance for a higher match from a Mass. Cultural Council grant. Johnson, Maddern, Farrell and Wilson expressed support for the article and reiterated that the money was from the property sale not taxpayer money (i.e., CPA funds).

Hubbard expressed opposition to transferring the money because he thought the community should have a conversation about the current and future carrying cost of the property relative to the benefit for the Town. He opined that the sale of the property is not helping the tax rate, there has been four fiscal years since the Town has owned the property, and it is a financial burden and the use is not defined.

Discussion ensued where Selectmen noted that the Patton Ridge property would be the third highest property taxpayer in Town, and in a few years the Homestead would be a sustainable cultural facility, that Town counsel has declared the property as not a financial burden, and that proceeds should be preserved for the property rather than flow to Free Cash. Hubbard opined about how the money could go to veteran or senior

housing, selling the Patton property, and how the expense of events described for a cultural facility should be known.

Johnson moved to recommend favorable action on Article 2-11: Patton Homestead Fund. Farrell seconded the motion. VOTE: 4-1 with Hubbard opposed.

**Article 3-1: Rewrite of Zoning By-law.** Discussion was on consultant cleaning up the zoning by-law to make it applicable to Mass. General Law as well as more readable and understandable. The second phase will address controversial issues (i.e., cottage by-law, site plan review) and funds are remaining (\$20,000 to \$25,000) from the \$50,000 allocated which could fund the second phase. The consultant has provided the Town with a lot of information. The Planning Board has yet to vote its position on this article.

Farrell moved to recommend favorable action on Article 3-1. Johnson seconded the motion. VOTE: 4-0-1, Hubbard abstained.

**Article 3-3: Citizens' Petition – Site Plan Review to Planning Board.** Discussion addressed whether or not political influence was appropriate related to these decisions which should be made within a legal framework and appointees to Zoning Board of Appeals would likely have legal credentials and expertise. Phase II of zoning by-law rewrite will address site plan review to the Planning Board comprehensively. Discussion was on how for 30 years Hamilton has had site plan review with ZBA where preponderance of communities in Commonwealth have site plan review with Planning Board. Also noted was that the zoning by-law consultant has said the ZBA would not be the appellate body for the Planning Board for site plan review since this doesn't work legally. Town officials will ask the consultant for a formal statement as to why the ZBA would not be the appeals entity for the Planning Board's site plan review.

Hubbard stated that there are some people in Town who feel that the current structure for the site plan review is centralized with a few people making decisions effecting community. Also, that the Planning Board has no authority with site plan review and ZBA does. Johnson objected to the implication that elected board members would make better site plan decisions than appointed members. He noted that there are plenty of examples of elected people who have not made good decisions.

Hubbard moved to recommend favorable action on Article 3-3. Hubbard said he had a hard time voting on whether or not to recommend favorable action on the warrant article, when he had already moved for favorable action, because of how important the roles are for elected and appointed officials. That the BOS has not heard from the

Planning Board on the article who are elected and know this and should be presenting to the BOS.

Wilson seconded the motion. It was noted that the Planning Board has agreed with the citizens' petition but did not take a formal vote. Hubbard opined that this makes his vote on the motion difficult and mentioned that there are people in Town upset with the current site plan review process. VOTE: 1-3-1 with Hubbard in favor, Johnson, Maddern and Farrell opposed and Wilson abstained. Since the motion was defeated, the BOS decided to push out its vote on its position on this article until a later date.

**Article 4-1: Amend Council on Aging By-law.** There is no cost associated with this article. It addresses increasing number of board members and allows flexibility.

Farrell moved to recommend favorable action on Article 4-1. Johnson seconded the motion. VOTE: Unanimous.

Discussion was on how the FinCom had voted to recommend favorable action on the Town budget including a half a FTE position for the Finance Department.

Johnson moved to recommend favorable action on the following articles: 2-1, 2-2, 2-4, 2-6, 2-8, 2-9, 5-2, 5-3, and 6-1. Farrell seconded the motion. VOTE: Unanimous.

Board members had put holds on Article 2-3, 2-5, 2-7, 3-2, and 5-1.

**Article 2-3: General Town Departmental Appropriations.** Hubbard opined that he was looking for actual spending and assessment toward the property tax. Information was reviewed on major expense categories and fluctuations from FY'14 going forward. Controllable costs were kept to below 2%. There are significant increases in health insurance and retirement costs.

Johnson moved to recommend favorable action on Article 2-3. Farrell seconded the motion. VOTE: 4-1 with Hubbard opposed.

**Article 2-5: Waste Reduction Enterprise Budget.** Discussion was on how this is classified as an enterprise fund and Town has been subsidizing from General Fund with \$300,000 a year since inception. It should be self-funding (i.e., sticker for large item disposal) or could be billed from tax structure similar to water or a full pay as you throw program could be implemented.

Farrell moved to recommend favorable action on Article 2-5. Johnson seconded the motion. VOTE: Unanimous.

**Article 2-7: Community Preservation Budget.** The CPC warrant article will include the Committee's votes on CPA projects to identify that there was not unanimity on all projects as the pool of CPA funds is becoming smaller. The BOS postponed its recommendation decision.

**Article 3-2: Amendment to Senior Housing Zoning By-law.** Discussion was on if Article 3-1 passes then this article is moot. If it does not pass, Article 3-2 addresses sunset clause in by-law. Johnson moved to recommend favorable action for Article 3-2. Farrell seconded the motion. VOTE: 4-1, Hubbard abstained.

**Article 5-1: Transfer Open Space to Conservation Commission.** Discussion addressed public access to canoe launch and small parking area by well house. Farrell moved to recommend favorable action on Article 5-1. Wilson seconded the motion. VOTE: Unanimous.

- Pleasant Pond – Discuss and review Town of Wenham proposal

After discussion amongst town officials in Hamilton and Wenham, the town of Wenham has sent an agreement to the Town where Hamilton would contribute to the care and custody of Pleasant Pond (including gatekeepers and lifeguards) that will be managed by Wenham. The cost for the Town will be based on a three-year rolling average in conjunction with parking passes sold (28%) of \$18,000 annual budget that has \$2,700 in revenue. Hamilton's portion would be from \$4,500 to \$5,500. In the last three years Hamilton residents purchased from 25 to 37 parking passes. About 110 parking passes are sold annually. Some funding had been given by Hamilton CPC in the past for clean-up near the pond. Discussion ensued about how the proposal was fair and proportionate. There are indemnification and out clauses in the agreement.

Maddern entertained a motion for the Town manager to enter into an agreement with Wenham regarding cost sharing of care and custody of Pleasant Pond. Hubbard so moved. Wilson seconded the motion. VOTE: Unanimous.

### **New Business**

Farrell mentioned that he is working on the community survey which will be reviewed by BOS. An online survey will be used and approximately \$200 will be spent to have

firm compile results. In addition, breakfast will be served prior to the spring Town Meeting. The next Selectmen's meeting will be held on March 21.

Maddern entertained a motion to enter into Executive Session, pursuant to M.G.L. Chapter 30A, Section 21(a)(2), to conduct a strategy session in preparation for collective bargaining with non-union personnel; M.G.L. Chapter 30A, Section 21 (3) to discuss strategy with respect to collective bargaining with AFSCME Council 93 AFL CIO, Administrative Staff, Unit A, Hamilton Firefighters Local 3250, and Hamilton Police Benevolent Association, Inc. unions; and Town Manager as an open meeting may have a detrimental effect on the bargaining position of the Town as I so declare and not to return to open session at 9:40 p.m. Farrell so moved. Johnson seconded the motion. Roll call vote: Johnson, yes, Hubbard had to exit the meeting, Wilson, yes, Farrell, yes, Maddern, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: Shawn Family  
Clerk