

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
JULY 11, 2016**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, July 11, 2016 with Scott Maddern, Shawn Farrell, Bill Wilson, Jeff Hubbard, Allison Jenkins present. Town Moderator Jennifer Scuteri, Town Manager Michael Lombardo, COA Director Marybeth Lawton, Town Counsel Donna Brewer, Special Counsel Tom Harrington also present.

**Call to order**

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

**Public Comment**

Jack Hauck, Knowlton Street, acknowledged Hamilton Police Department and safety of Town in light of recent events in Dallas.

**Chairman/Selectmen reports**

Allison Jenkins had been on a vacation and none of her liaison boards had met.

Jeff Hubbard reported on HDC working with downtown merchants relative to funding from Corporation.

Bill Wilson mentioned that HW School Committee is off for month. He noted \$500,000 greens community grant that the HWRSD, and two towns received which would be applied via RFP for HVAC system for Middle School and High School. In addition, he recommended that the Affordable Housing Trust meet more frequently. The Zoning Board of Appeals will be addressing site plan review to construct two dugouts at Patton Park. The Board of Health has had a vacancy on its board for a year and a half. This board voted on changes to tobacco sales and regulations to limit sales of tobacco products to 21 years and older including flavored tobacco starting on October 1, 2016.

**Update from State Representative Brad Hill and COA Director Marybeth Lawton**

It was noted that a meeting will occur with Hill, Maddern, Director of Planning and Inspections Patrick Reffett and state housing personnel.

The update focused on legislation for tax relief for senior citizens and how limits for 41C program are lower than senior circuit breaker program. Ipswich is going to submit a Home Rule petition to expand limits for seniors. COA Director Marybeth Lawton noted that seniors in Hamilton are allowed to earn up to \$1,000 off of taxes. A Home Rule petition could shift the guidelines and amount to \$1,500 for seniors that qualify for the program (income and home assessment) more in line with state's circuit breaker tax relief. The Town has 19 seniors in its tax relief program and Hamilton could put as many as 27 seniors to work.

The Town's work-off program for senior tax relief (Chapter 91 law that Hamilton accepted) does not apply to many residents (i.e., up to \$3,000 in tax relief) due to how it is capped. Exploration will be done to see if the program just discussed is beneficial to Hamilton and if \$75,000 budgeted annually could be used differently to benefit seniors.

#### Chairman/Selectmen reports, continued

Shawn Farrell reported that Community Preservation Committee will be meeting in August and CPC survey results are likely to be ready at that time. The Conservation Commission is addressing 1 Surrey Lane enforcement order. Also noted was the Town Meeting vote to shift site plan review authority from the Zoning Board of Appeals to the Planning Board.

Scott Maddern spoke to how he asked liaison boards for copies of policies, Patton Park pool construction is going well, COA is doing senior housing survey, meeting with state housing authority relative to affordable housing (i.e., Longmeadow Way project – letter was received from Harborlight Community Partners relative to moving forward with first two phases), and follow-up will be done on if public hearings are scheduled with Planning Board on Chapter 40B project. Also, that work will be done between Planning Board and AHT.

#### Town Manager's report

Town Manager Michael Lombardo reported that Bridge Street culvert project will be starting and involve one lane of traffic flow. A sub-contractor has asked the Town to exercise the payment bond since it is disputing payment by the general contractor. Town counsel sent a demand letter to the general contractor asking them to explain or provide information to the contrary. The pool buildings are nearly complete, and pool apron will be poured soon. The pool project is expected to be completed in three weeks.

However, there remains a shortage of pool lifeguards (the Town has 6). The hourly rate for lifeguards will be investigated. Pool memberships might be launched now.

The assistant to the Town manager Annabel Batista will start working for Hamilton on Monday, July 18, 2016. Also, the Town has received three responses to the Town Accountant/Finance Director position. In addition, boards and committees have forwarded policies to the Town manager. He will follow up with the Director of Planning and Inspections on status from cell tower vendor. No reverse 911 calls were used for water ban and Bridge Street closing. Research will done to ensure that signage on these topics has been posted.

### Consent Agenda

Maddern read the following items:

- One Day Liquor License requested by Fresh Foods LLC (for profit company) for an event at 284 Bay Road on Thursday, July 21, 2016 from 6:00 pm to 9:00 pm
- Approve minutes of June 6, regular session minutes

Hubbard moved to approve the consent agenda. Wilson seconded the motion. VOTE: Unanimous.

### Agenda

- Discuss outcome of Special Town Meeting, Fall Town Meeting warrant items

Discussion ensued about decision not to mail warrant to residents, and work done with resident Robin Sears regarding the citizens' petition for the one STM warrant article. Town officials thought the Special Town Meeting was well attended with informed voters where a good debate occurred. Discussion addressed pros and cons of using the High School gym versus Ferrini auditorium including acoustics, lighting and comfort of chairs, and if Town Meetings should continue to be held on Saturdays or week nights (a by-law change would be required). The Town moderator prefers the gym for Town Meeting.

Doug McGarrah, 49 Bay Road, spoke to issue that brought residents to Town Meeting including Town's land use planning decisions. He is no longer serving as counsel for appellate on Hamilton Gardens' development decision. He read and offered a

suggested letter to the Institution for Savings from the BOS about resolution to the dispute. Maddern replied that the letter would need legal review.

Hubbard suggested that there should be a consistent practice on mailing out Town Meeting warrant. He opined that the Selectmen should get together more often with the land use boards since residents attending STM were concerned about land use decisions occurring in Town.

Discussion ensued about need for the Town to redo the Master Plan. Also mentioned was warrant items for the fall Town Meeting including acceptance of Phase I of the zoning by-law revision by the Planning Board. In addition, a cottage housing by-law could be addressed as part of this phase. The working group for the zoning by-law revision is creating a priority list for Phase II. Another warrant article could be CPA spending for affordable housing. Also, if there will be a petition for ballot question related to increasing CPA surcharge from 2% to 3%. Discussion addressed how location should be identified and scheduling done for the fall Town Meeting in October or November.

- Finalize Citizens' Petition Guidelines with Town Moderator

Discussion addressed the guidelines, and information about Town Moderator not taking a position on why a citizens' group would call a Town Meeting off of the fall or spring schedule. Also, when there are zoning changes, the Planning Board will give a report at Town Meeting. Discussion was on process for filing a citizens' petition with the Town Clerk who would distribute to appropriate parties. Town counsel would not provide legal advice to the general public but could be accessed through the Town manager, Town moderator, and Selectmen chair to review citizens' petition process. Hubbard opined that at some point Town counsel needs to weigh in on a citizens' petition. Other Selectmen thought the aforementioned Town officials could channel response from Town counsel on a citizens' petition. A Town email will be created for the Town moderator.

Discussion addressed how the submission of a citizens' petition triggers a 45-day window for a Town Meeting to be called. Jenkins suggested the onus should be on the citizen putting the petition forward and Town clerk could procedurally give the policy to the petitioner. Specific questions from a petitioner could be responded to by the Town manager and Town moderator. Discussion ensued about how a petitioner could read the policy/packet containing contact information and petition forms before seeking signatures. Russ Tanzer, 100 Ortins Road, concurred about how the citizens' petition

process should be laid out in laymen's terms and timelines. Jenkins is creating a spreadsheet outlining timeline for a citizens' petition. There was unanimity amongst Board members that citizens should have no direct access to Town counsel in the citizens' petition process. The BOS will take a formal vote on the policy at an upcoming Selectmen's meeting.

- Finalize Town Manager goals.

A policy goal had been added and the BOS is acting on some of the policies. The Board will review an online copy of the Town manager's goals.

- Discuss key updates for Personnel Policy

Discussion ensued about areas that need consideration including vacation accrual, hours of operation and current hours (8:00 a.m. to 4:30 p.m. Monday through Friday) and if closing early on Fridays should be revisited. Also noted was that the benefit structure is not employee friendly (i.e., vacation cannot be accrued for the first six months). The Personnel Policy will be emailed to the Board for review.

Discussion addressed how a subcommittee should work on the updates to the policy that would involve a group of Selectmen. Jenkins offered to serve on a subcommittee and suggested employee comments should be included. Wilson stated that he had done this work with HWRSD, and recommended an employee survey could be done and data aggregated as well as how a focus group could be used after a draft is ready for review. Town Counsel Donna Brewer noted that she could share drafts of personnel policies from other towns.

Maddern parceled out sections of the Personnel Policy for Board members to review. Lombardo will ask labor counsel for copies of personnel policies from peer groups. The Board is working toward a September deadline to complete updates.

- Determine 3-year forecast review meeting with FinCom

The Board discussed how Saturday, August 27, 2016 could be a possible date for 3-year forecast review meeting with FinCom.

### New Business

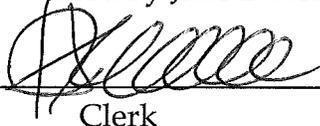
- Consideration of topics for future Selectmen's meetings

Future topics include policy for mailing warrants, senior tax exemption, public hearing on municipal aggregation, Town manager goals, Town wide survey results, citizen petition process flow and packet on process details which can be on Town website.

Maddern entertained a motion to enter into executive session at 8:50 p.m. not to return to open session to consider with legal counsel whether and under what conditions the exchange, lease or transfer of Town owned real property as part of a host community agreement for affordable housing because the discussion in open session could have a detrimental effect on the Town's negotiating position and I so declare. Farrell so moved. Hubbard seconded the motion. Roll call vote: Wilson, yes, Farrell, yes, Maddern, yes, Hubbard, yes, Jenkins, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_



Clerk