

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
APRIL 25, 2016**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 25, 2016 with Scott Maddern, Shawn Farrell, Jeff Hubbard, Allison Jenkins present. Town Manager Michael Lombardo, Town Counsel Donna Brewer, Fire Chief Phil Stevens, Police Chief Russell Stevens also present.

**Call to order**

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

**Public Comment**

None.

**Chairman/Selectmen reports**

Shawn Farrell gave an update on Planning Board relative to ANR for Harris Avenue, and the zoning by-law revision, Recreation Board on park improvements, memorial pool, Pingree Park update, Conservation Commission's enforcement orders, and grant award on the Sagamore Hill project with the last of the funding expected soon. He encouraged residents to complete the Town wide survey. Allison Jenkins noted that May 7 is leaf pick-up, and Chebacco Woods is open the last Wednesday of each month to drop off brush. Maddern spoke to Patton Homestead with three re-appointments due for the incorporators, parking lot plans are moving forward, renovation and potential uses, as well as facility use policy for how to use the property when the building is closed. Also, that meetings are occurring on Longmeadow Way proposed housing project.

**Town Manager's report**

Town Manager Michael Lombardo apologized for difficulty that occurred with the Town's and HWRSD phone system during the day which has been corrected.

Department head report: Fire Chief Phil Stevens

Fire Chief Phil Stevens noted that Fire Department runs are down this year. The Department responded to 23 minor fires and there were no chimney fires this year. Last year the department did 428 fire calls, and 437 emergency medical calls. The fire calls and mutual aid are down. The EMS coordinator has worked to get employees trained who are now licensed to carry Narcan, butanol and EPI pens. Two firefighters have become licensed paramedics and the department now has six paramedics and 12 EMTs. There have been very few calls at Gordon Conwell Theological Seminary.

Fire prevention programs are done, using some grant funding, relative to checks on smoke and CO<sub>2</sub> detectors. A portion of the fire academy has involved senior population. The emergency management shelter team did a drill in the fall with 30 high school students participating in day shelter. Programs are also done with the elementary school children, scout and pre-school groups, and senior citizens.

Stevens noted that the biggest problem for the Fire Department is shortage of manpower with call firefighters since their time is committed with their day or night jobs. The Fire Department has not experienced any flooding problems this year. Open burning season is nearly concluded since it is getting dry outside, there is low humidity and high winds. The Department just celebrated its 101<sup>st</sup> anniversary. No ice rescue drill was done this year due to winter weather. Another challenge is how the department handles electric cars, solar panels, and wind power when needing to shut down power in this era of green energy. The Department also does equine, and hazardous materials training. Town officials acknowledged the passing of firefighters from the department.

Discussion with the Board was about uptick in EMS calls this year associated with breathing and drug problems. The Fire Department has 4 full time employees and the fire station is manned Monday through Friday from 7 a.m. to 5 p.m. and weekends 10 a.m. to 5 p.m. There are 27 call personnel who are used primarily after 5 p.m. An officer is always in charge.

Also noted was that a new engine was placed in one of the department's trucks. The Town is pursuing a grant to replace Jaws of Life equipment with state of the art technology. Selectmen encouraged residents to participate in the fire academy. Also mentioned was the rise in the use of opioids with overdoses occurring with 20 year olds and early 30 year olds, and that residents should be aware of signs of drug use especially considering that heroin is now available in pill form. The public safety organizations in Town have conducted lock down drills at the schools.

### Consent Agenda

Maddern read the following items:

- Approve minutes **March 7, 2016** – Regular and Executive Sessions; **March 21, 2016** Regular and Executive Session; and **March 30, 2016** Executive Session.

Farrell moved to approve the minutes from those dates. Hubbard seconded the motion.  
VOTE: Unanimous.

The Board will approve request to hang a banner at the senior center/PSB sign board at its next meeting.

### Agenda

- Consider resident request for an Application for relief from Town of Hamilton Noise Bylaw

Discussion ensued between the Board and resident Steve Gamble, 49 Appleton Avenue, relative to his application for relief from the Town's noise bylaw since he would like to have a band play until 10 p.m. at his house on Saturday, July 16. Town Counsel Donna Brewer explained how the Selectmen can grant relief from the bylaw. She cited the recommendation from the AG when the bylaw was approved that the Town could ask the applicant the reason for the source of noise. The bylaw does not currently allow abutter notification but this could be adopted by the Board as a standard. Mr. Gamble had notified his neighbors of his upcoming event.

Police Chief Russell Stevens described how a resident having a function related to a child graduating from high school would be a reason to request relief. He stated that Mr. Gamble's request was reasonable and commended the resident for notifying his neighbors. Stevens did not object to the event. He noted that if the event goes later than 10 p.m. and the police department is called it could close down the event. Brewer responded to inquiry from Jenkins about the noise bylaw that has a time limit where noise is allowed from 7 a.m. until 9 p.m. The exemption for Mr. Gamble is from 9 p.m. to 10 p.m. Subsection D of the bylaw applies to noise that occurs outside of the time limit and does not specify a public versus private event.

Hubbard thanked the resident for applying for bylaw relief and suggested that the Board did not need to approve parties so clarity on the noise bylaw relief process could be described on the Town's website. Chief Stevens stated that the Town had

occasionally received calls from neighbors where the police department would knock on a resident's door regarding music being too loud.

Brewer spoke to how the Board could consider adopting a policy where the Selectmen would delegate to the police chief or Town manager the authority to grant relief from the noise bylaw for certain limited categories. For example, weddings on Saturday nights in the summer that go to 10:00 p.m. The Town has always had a limit on noise after 9 p.m. The bylaw gives the police chief more flexibility to deal with any noise issues outside of the bylaw's time limit in a more communicative way. Previously the police department was left with a criminal disposition to resolve issues. More flexibility could be built into a policy. Farrell concurred that the best system for granting relief from the noise bylaw could be determined (i.e., BOS consent agenda item) and he was fine with Mr. Gamble's request.

Maddern entertained a motion to approve the exemption between 9:00 p.m. and 10:00 p.m. on July 16, 2016 for Steven Gamble, 49 Appleton Avenue. Hubbard so moved. Jenkins seconded the motion. VOTE: Unanimous.

- Consider approval of a Disclosure by Special Municipal Employee of Financial Interest in a Municipal Contract as Required by G.L. c. 268A, Section 20(d) by Selectmen Jenkins

Brewer explained how Jenkins as a Town employee could participate in the Board's discussions representing herself as a Selectman not a Town employee. She summarized how Jenkins as a full time Town employee is restricted under aspects of the Conflict of Interest law separately from the other BOS members. Sections 1 and 20 of the law give the Board members including Jenkins an exemption as special municipal employees. However, Jenkins cannot participate as a Selectman in any matters related to the DPW whether it affects her compensation and benefits or not.

A second exemption is available to Jenkins uniquely because she is a full time employee. Section 20(d) as approved by the Board applies to Jenkins as a Special Municipal employee as a Selectman and a regular municipal employee as the administrative assistant to the DPW, where Jenkins discloses the extent of her financial interest in her administrative assistant position to the Board and the Selectmen notwithstanding will sign the exemption permitting Jenkins to participate as a Selectman in matters involving the DPW that do not affect her compensation and benefit. Jenkins will still not be able to participate as a Selectmen with anything having to do with her compensation (i.e., union or DPW budget that affects her compensation and benefits).

The Section 20(d) exemption gives Jenkins the right to participate as a Selectman in DPW matters that do not affect her compensation and benefits. If Jenkins is approved by the Board under Section 20(d) she will get the Selectman's stipend along with her salary.

Jenkins can speak to Brewer or the State Ethics Commission (an attorney is available to answer questions) if there are any concerns or issues related to Board communication or future Selectmen's discussion. Maddern noted that Jenkins is responsible for self-policing in this area, and she could not participate in the Town manager's review or review of DPW director since this could affect Jenkin's compensation and benefits.

Maddern entertained a motion to approve the Section 20(d) Exemption for Allison Jenkins. Hubbard so moved. Farrell seconded the motion. VOTE: Unanimous.

- Discussion and prioritize Phase II Zoning Bylaw revisions

In April 2015, the Town approved \$50,000 to rewrite zoning bylaw and this rewrite is being addressed in two phases. A first phase has been conducted to clean up structural details and charts to make the bylaw more readable which should be completed in a couple of weeks. A number of items will be reviewed by the zoning bylaw revisions working group. Patrick Reffett, Director of Planning and Inspections, will attend an upcoming Selectmen's meeting to discuss the matter.

- Consideration of waiving the 120 day notice for purchase of the Sagamore Hill property

As part of the procurement process, including the fact that some funding for the project is coming from DCR, there is a 120 day notice period and a request has been made to waive the notice to expedite the purchase of the Sagamore Hill property. Nearly all of the funding has been raised for the project and ECGA wants to move forward to closing.

Discussion ensued about discrepancy between Hamilton's commitment of \$1.75 million and Essex's potential commitment of \$100,000 for similar size portions of the Sagamore Hill property. The price of the property is based on real estate value where Essex portion is landlocked and the Hamilton piece has frontage. Essex still needs to vote at its upcoming town meeting to allocate CPA funds for its share to fund the project. Town officials concurred that there was no parity in commitment from the two communities and acknowledged that the structure of the deal is based upon the

generosity of the communities and what they are willing to support. The Hamilton Town Meeting voted to fund a not to exceed number and if greater funds than the asking price are raised this could potentially reduce the Town's contribution to the project.

When Hamilton's CPC initially discussed the project the anticipated contribution from Essex was from \$30,000 to \$50,000. The Essex parcel was thought to be assessed at \$300,000.

Farrell moved to waive the 120-day notice for purchase of the Sagamore Hill property. Hubbard seconded the motion. In response to Hubbard, Brewer explained that this notification relates to DCR and acquisition of a conservation restriction by the state. She noted that this is a formality and does not have anything to do with the Town's conservation restriction related to the project. The agreement with ECGA has been finalized with the Town. VOTE: Unanimous.

- Discuss dates for annual goals workshop

The Board scheduled an annual goals workshop at 9:00 a.m. on Saturday, May 14. Farrell recommended revisiting results of goals workshop from last year to review status of accomplishments.

- Discuss dates for joint FinCom meeting re: 3-year forecast

The Board will research dates to schedule a joint meeting with the FinCom. Hubbard suggested that budget to budget information could be discussed at the meeting.

## **New Business**

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

Hubbard mentioned topics for discussion including how distribution of Town wide survey is solely through email, more defined policy for Affordable Housing Trust relative to number of affordable units the Trust pursues (i.e. 1 to 4 versus 100 unit project), economic impact of Patton Homestead currently and in the future, and how to delegate responsibilities associated with the noise bylaw implementation.

Maddern asked Board members to respond to him with their interest in liaison roles. Also noted was that an all boards meeting would be scheduled relative to Longmeadow

Way project. Other future discussion topics presented included: the Town manager review for the period through the end of April, any policies that should be created including human resources, finance, and citizens' petition as well as next steps associated with Phase II of the zoning bylaw revision.

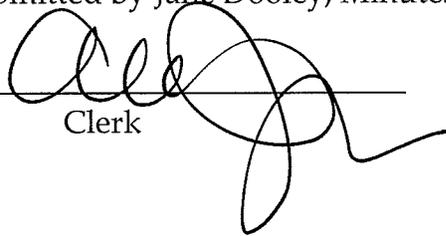
Lombardo noted that board and committee reappointments have to occur by June 30<sup>th</sup> and he suggested communication be done with existing volunteers to understand their interest in continuing to serve before reappointments occur.

The Board's next meeting is on May 9, 2016.

Maddern entertained a motion at 8:25 p.m. to enter into Executive Session, pursuant to M.G.L. c.30A, sec. 21(a)(2), to discuss negotiations with the AFSCME – ADMINISTRATIVE STAFF UNIT as an open meeting may have a detrimental effect on the bargaining position of the Town as I so declare. Farrell so moved. Hubbard seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

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



Clerk