

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

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, August 22, 2016 with Chair Scott Maddern, Shawn Farrell, Bill Wilson, Allison Jenkins present. Town Manager Michael Lombardo, Town Counsel Donna Brewer, FinCom Chair David Wanger, Director of Planning and Inspections Patrick Reffett, Town Moderator Jennifer Scuteri also present.

Call to order

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

Public Comment

Carin Kale, League of Women Voters, described Citizen Engagement Initiative and on September 8 at 7 p.m. writer Eric Lieu and founder of Citizen University will speak at HWRHS, Ferrini Auditorium.

Anne Gero, Asbury Street, expressed concern about potential for the zoning at the Patton Homestead to be changed from residential to public service as well as if a parking lot will be installed at the property. In addition, if the Patton Homestead was going to be designated as an event center. Also, that a driveway was put in at the property and stonewall taken down which she opined is not allowed on a scenic road. Gero also mentioned that the Open Space Committee wants to weigh in on location and size of proposed parking lot.

Chairman/Selectmen reports

Allison Jenkins noted that the state had signed a Mass. municipal modernization bill which will change Town functions (i.e., reporting requirements) and goes into effect on November 7, 2016. Shawn Farrell reported on Planning Board addressing by-law changes, CPC eligible grant applications (i.e., Bucker playground, Hamilton horseshoe club). Bill Wilson spoke to recruitment of Wenham candidates for HW School Committee and need for more Hamilton representation on the Committee. Also, the AHT meeting where investigation is being done on Town owned property for any potential location for affordable housing. He mentioned ZBA meeting and site plan development changes associated with Institution for Savings. Maddern noted senior housing survey, Cutler property for sale behind Christ Church, opportunities at the

HDC's property and interest from Hamilton Historical Society in moving to a downtown location as well as investigation of Town owned land for affordable housing.

Town Manager's report

Town Manager Michael Lombardo reported that the Town will fine residents it identifies using sprinklers during the water ban. Also, that an open house will be held next week for the Patton Park pool and lifeguards are needed to potentially open the pool for a couple of weekends. In addition, the auditors had completed field work with audit completed in early fall. A settlement has been reached between parties (abutters and Institution for Savings), the project was remanded to the ZBA and project is expected to start soon. Paving work will begin in areas of Town (i.e., Porter Road) where water infrastructure work was done. Other items addressed included waste hauling/compost bids due on August 30, cell tower vendor is preparing application for public safety site although a different location is contemplated on the premises, and solar RFP is out with site walk done at the landfill.

Consent Agenda

Maddern read the following items:

- Approve minutes of the July 25 BOS meeting
- Approve the appointment of Jennifer Drummond to the Hamilton-Wenham Cultural Council

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

Agenda

- Pole Hearing – Cummings Street

Maddern opened the pole hearing for Cumming Street. James George of Mobility described how the utility wants to place a utility pole within the right of way with other Verizon utility poles to implement a hybrid telecommunications network in surrounding area with Route 1A as target. The utility would use either a 45' wooden pole or a galvanized steel pole. It is looking for approval from the Town as soon as possible. Abutter notices were sent out. George said the proposal is for a unique model

that is being done throughout the country. Mobility has clients already (i.e., Sprint). Discussion addressed potential clutter of poles in right of way. The proposed poles work wirelessly with transporter pole hub. George explained that a franchise agreement would be used with the Town.

Discussion ensued about how the pole should be located on the same side of the street as existing utility poles to minimize aesthetic effect. Lombardo suggested exploration should be done on similar agreements. He recommended the discussion be tabled until BOS meeting on Tuesday, September 6. George will provide a sample of franchise agreement. Mobility's business model is not to attach to existing vendors poles but consideration could be given to attaching to light poles. In response to Mark Carleo, 52 Cummings Avenue, the utility proposes locating a pole at intersection of Cummings Avenue and Willow Street. Discussion addressed with Peter Clark of the Planning Board how pole hearings are held with the BOS rather than planning. George noted company's procedure and permitting in right of way. Also, that it is only an option to have a light on the proposed utility pole.

- Pole Hearing – Meyer Road

This pole hearing was related to National Grid's proposed pole relocation to provide service to a Meyer Road property. Abutters were notified. Farrell moved to approve the relocation of pole to 18 Meyer Road. Wilson seconded the motion. VOTE: Unanimous.

- Draft Host Community Agreement – presentation and discussion with Patrick Reffett, Director of Planning and Inspections

The draft working agreement is being created to advance affordable housing in Town. Town officials including Town Counsel's firm have provided input. The agreement is created between the Town and a developer of affordable housing to try and achieve on an annual basis a safe harbor number. Hamilton is at 3% subsidized housing inventory of affordable units where quite a number remain to get the Town to 10%. The safe harbor number gives the Town some protection from large major developments coming to the community (i.e., 100 to 150 units) and preferential treatment from DHCD. Also recognized is the agreement cannot be exclusive. In regard to local preference the state allows 70% threshold to get a higher percentage the need for affordable housing has to be demonstrated. In addition, the affordable units should be perpetually affordable with deed restrictions.

Also mentioned was possibility of the Town working toward making Town owned property surplus to be used for affordable housing. As well as the possibility of affordable housing taking place at Gordon Conwell Theological Seminary. No agreements have been crafted to that effect. The units would become eligible for the Town's subsidized housing inventory as affordable units.

Ongoing communication between all parties working toward advancing affordable housing in Town is important. Also a public hearing needs to be before the BOS. The Town cannot commit funds or land in an agreement. Project permitting goes before the Zoning Board of Appeals, Conservation Commission, and Board of Health. These boards are acting independently based on individual criteria and they are not compelled to approve projects that meet ordinary requirements.

Details associated with affordable housing require a lot of paperwork, submittals, approvals, and thresholds with the state. This is the responsibility of the developer. Although Town official participation is important relative to timeliness and compliance with agreement.

In regard to maintenance associated with affordable housing this includes building upkeep, landscaping, parking provisions, and other physical maintenance. Ancillary provisions are for an activity room, community room, and open space as part of larger community (i.e., open space and meeting space).

Other items in the agreement are language on termination for either party or modification of text. Some conditions could include developer protracting project, maximization of local preference, high level facility maintenance, providing all paperwork. Also noted was the importance for the Town to demonstrate real progress in creating affordable housing regardless of what people are working in related state agencies. Any given project will go through its individual permitting and traffic study.

The Board commented on the draft noting that the effected parties with whom discussions on a project could occur would likely be narrowed down to abutters. Also mentioned was if specific properties in Town (i.e., GCTS) should be described generically. Another comment was to include process associated with the Planning Board guidelines. Other items were to define a schedule for communication, that property taxes or payment in lieu of taxes would be expected to be paid. That Town owned land could be used via a lease agreement. Also, that a good relationship is important between the Town and the developer once affordable housing is built.

In response to Jack Lawrence, 105 Rock Maple, discussion ensued about how the state gives more latitude relative to how much progress the Town is making with housing production plan and action toward creating affordable housing. Russ Tanzer, 100 Ortins Road, noted that the Town is years behind achieving safe harbor. Discussion addressed importance of the Town having a relationship with a quality developer and operator. The Planning Board has design guidelines that provide details on how developments can fit into the look of Hamilton.

- Town Hall Renovations – presentation and discussion with Patrick Reffett, Director of Planning and Inspections

Discussion addressed how CPC, BOS and FinCom were supportive of Town Hall renovation project moving forward last year. Exploration will be done on how much funding can be from CPA historic preservation and General Fund. The long term project requires planning with a multi-year approach. Some renovations have to occur upstairs in the building to support current work staff (reconfigure space with partitions so there is more private meeting and work space, access and egress).

Comparable projects (i.e., reconstruction of town halls in Weston and Reading) were reviewed. Estimated cost is \$6 million for renovation with addition on the back of the Town Hall building (i.e., provide for elevator and bathrooms on second floor, storage and infrastructure). Also to provide full capacity in the basement so each floor of the building can be used. The CPC had asked that design work and evaluation (\$550,000 -- \$430,000 from CPA and \$120,000 for addition) be separated from construction (\$5.5 million) and CPA funds would only be used for the building. A general obligation bond would be used for design and construction of addition.

Evaluation will define how the building was designed, materials, etc. The proposal is to start with \$50,000 for historic building property analyses (i.e., historically and culturally). Then evaluation of building (i.e., leakage, flooding in the basement, bathroom renovation, second floor is not accessible for those with mobility impairment). The intent is to prepare the building for future decades. There are issues with meeting and employee work space.

Discussion ensued about how there could be additional funding asks from HWRSD and AHT. Evaluation of scope of work for the Town Hall needs to be defined regardless of when the renovation occurs. Town officials acknowledged that some repairs need to be done now, and that analysis would be completed to point that an RFP could be issued. Capital planning would occur with the FinCom. Discussion addressed using CPA

funding for Town buildings and that design services would have to be adopted and for a \$5 million project an OPM would have to be bid for first before renovation project. Conversation needs to occur with FinCom about funding mechanisms.

Peter Britton, Highland Street and CPC member, noted that CPA funds should be used for historical preservation rather than administrative function. A joint meeting with BOS and CPC could occur to discuss proposals for million dollar projects. If CPC does not fund then a decision has to be made on whether to move project forward for a general ask for funding at Town Meeting. Discussion ensued with David Wanger, Boardman Lane and FinCom Chair, about how intermediate efforts have occurred (i.e., temporary ramp outside of building which has been used for 15 years, rotting boards are being attended to).

Farrell moved to support the proposal from Town Manager and Director of Planning and Inspections to the CPC for this first phase of design/analysis of Town Hall. Wilson seconded the motion. Discussion was on how steps should occur following state requirements and process. Duke Seaver, Essex Street, suggested stable at Patton Homestead could be converted for office space. VOTE: Unanimous.

- Patton Homestead RFP – Review and discuss draft RFP

Discussion ensued with Town Counsel Donna Brewer about how the RFP will not be answerable by one party (i.e., pre-select the non-profit). It will be a public/private partnership. The RFP has the broadest discretionary construction for chosen entity to lease and manage the property. If the property were to be leased the Town would have to declare it to be surplus property. Discussion addressed if private functions would be held at the property, does the Town or the non-profit share in the revenue or there could be a PILOT agreement. This could take some of the costs to maintain the property off of the tax rolls. It was noted that Hamilton citizens need to get benefit of self-supporting property to comply with gift agreement.

If the property were leased control would be given up as compared to when the property is managed. In a lease scenario, decisions are needed as to who hires contractors and how public funds can be provided to a lessee. The RFP is written so proposals will only come from non-profits. Part of the Patton Homestead will continue to be used for archives. Discussion ensued on if not enough non-profit bids are received then consideration could be given to selling the property. Also if for profit approach were considered then benefits for the Town could be part of the proposal. In addition, that bidders would be required to have insurance that MIIA recommends (i.e., worker's

comp). Discussion with Marc Johnson, Patton Drive, was about how insurance does not contemplate the building not being a Town building.

Resident Anne Gero opined about proposed change of use from residential to public service. Also noted was the discussion that has occurred for a gravel parking lot at the property and use of Homestead has not been defined. The parking lot would enable the property to be used for functions. The Wenham Museum history day at the Homestead was possible since Mrs. Patton allowed parking on her property. Discussion ensued with Sharon Road resident about future of Homestead non-profit if another non-profit is selected in bid process.

- Discussion on Town-wide survey and Town policies review were postponed to a future BOS meeting
- Set Date for Special Town Meeting – Saturday, October 8, 2016

Town officials discussed the benefits of different venues and holding a Special Town Meeting in November to allow time for items for the meeting to be ready for discussion and process.

- Joint Meeting with Finance & Advisory Committee – discuss dates and availability

The Board discussed September 24 for a joint meeting. A representative from HW School Committee will be invited.

New Business

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

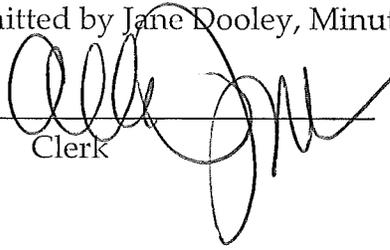
Topics for future meetings: Mass. municipal modernization bill, CPC capital asks, Town survey and policies, STM date, pole hearing.

Executive Session

Maddern entertained a motion to enter in Executive Session at 9:53 p.m. pursuant to M.G.L. c. 30A, sec. 21(a)(2) for the purpose of discussing contract negotiations with the Police Chief, not to return to open session. Jenkins so moved. Wilson seconded the motion. Roll call vote: Jenkins, aye, Farrell, aye, Wilson, aye, Maddern, aye.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____



Clerk