

## HAMILTON BOARD OF SELECTMEN

### MINUTES OF MEETING

November 21, 2016

Members Present: Shawn Farrell, Allison Jenkins, Jeff Hubbard, Scott Maddern, and Bill Wilson  
Town Manager: Russ Stevens (Acting Town Manager)

This meeting was called to order at 7:00 pm

#### **Announcements**

Mr. Maddern described the current Board openings: Planning Board Associate Member, Finance and Advisory Commission Member, School Committee Member and one CPC member at large member.

#### **Public Comment**

Rosemary Kennedy (61 Rust St.) said she had sent a letter to Hamilton Building Inspector, Charlie Brett regarding 227 Willow St. According to Ms Kennedy, the Planning Board Chair said he had received many calls regarding the project. Ms Kennedy read the letter questioning the existence of an extension for the permit, departmental approval stamp, the discovery that the plans on file were different from the Planning Board approved plans, and the approved building height of 41' with a 6' variance, when they building featured a 58' height. Ms Kennedy said she had not received a response. Ms Kennedy submitted a copy of the letter to the Selectmen.

#### **Chairman/Selectmen Reports**

Allison Jenkins said she had attended the Veteran's breakfast and hoped more residents would attend in the future. Ms Jenkins also attended a seminar in Boston regarding upcoming MA General Law changes. Shawn Farrell reported that the Planning Board had reviewed the communication tower proposal at 434 Asbury St. and a preliminary vote of approval for the concept of the plan had occurred with conditions to be determined. Mr. Farrell said the Planning Board also reviewed 650 Asbury St. and described the parking lot with a preliminary plan having been approved by the Planning Board. Mr. Farrell noted that the Planning Board had discussed the lighting of the pathway to the buildings. The Planning Board discussion also included Phase II of the Zoning By-Law changes.

Bill Wilson said the School Committee had met on the 17<sup>th</sup> and appointed a Wenham member. Mr. Wilson noted there were seven applicants for the Hamilton position. The School calendar and enrollment were discussed. Mr. Wilson said the AHT had met on the 9<sup>th</sup> to discussed four potential properties.

Jeff Hubbard reported that the FinCom had met with the School Committee. The FY18 budget season had begun.

Scott Maddern said he had attended the Patton Homestead meeting and that the Wenham Museum had pivoted from their current focus of dolls and trains to military history. Heather Ford would speak about the Hamilton Foundation to those who needed money for electricity, oil, gas and groceries.

Russ Stevens announced that the pool had been closed and in the spring, landscaping would occur. Sean Timmons would start to hire for pool positions in December. Pool programs, and operating schedules would be solidified in February. The bleachers in Patton Park, purchased through CPA funds, were complete. Estimates for the Patton Park gazebo repairs were \$25,000. The wheels to the military cannons at Patton Park were found in several pieces. The Bridge St. culvert binder would be installed next week and the project would be finished in mid-December. Mr. Stevens said the cell towers behind Town Hall and the Public Safety Building were being worked on with the permitting process happening in early 2017. Elections were moved to the Recreation Center and everyone agreed it was a positive experience. Six police academy students would graduate over the weekend. On Saturday December 17<sup>th</sup>, the toy drive would occur with unwrapped gifts being donated to the Children's Hospital and Hamilton Foundation.

### **Consent Agenda**

Approve Minutes

October 17, 2016 Selectmen's Meeting

October 26, 2016 Joint Meeting with the FinCom

November 7, 2016 Selectmen's Meeting

Appointment of Emily Hayden to the Hamilton Wenham Cultural Council

EdFund requested permission to hang one sign from the Patton Park Tennis Court fences between November 21, 2016 and December 18, 2016.

One Day Liquor License requested by Fresh Food Catering for an event at the Community House on December 3, 2016 from 7:00 pm to 10:00 pm.

Motion made by Jeff Hubbard to approve the Consent Agenda

Seconded by Bill Wilson

Vote: Unanimous to approve the Consent Agenda

### **Agenda**

Affordable Housing Trust. Process and Recommendations for Longmeadow Way, 13 Essex St., and Gordon Conwell.

Peter Britton was present and read the Affordable Housing Trust (AHT) motion to propose Longmeadow, 13 Essex St. and Gordon Conwell. Mr. Britton reviewed the State mandate and noted Hamilton was at 3% with a need for more than 200 affordable units. Mr. Britton

congratulated the Selectman for making the Town pioneers in reaching affordable housing needs by creating a Host Community Agreement, which embraced the idea of having an experienced developer in partnership with Hamilton. Mr. Britton added that the Town was lucky to have Harborlight, in Beverly which provided senior and family affordable housing.

Andrew DeFranza introduced himself and Harborlight. Mr. DeFranza said Harborlight had developed affordable housing in nine different communities, including the Firehouse place in Hamilton. 1.5 years ago Harborlight looked at Longmeadow and obtained site control of 20 acres next to the high school. There had been a vigorous town process to ask Harborlight not to file a Project Eligibility Letter (PEL) while the Town looked for other properties. Jeff Hubbard asked what type of financial contribution Harborlight would look for. Mr DeFranza responded land, CPA funds, Housing Trust Funds, and Home Funds, allocated by the Board of Selectmen as was done as Firehouse Place.

Peter Britton stated that the Planning Board had approved all three sites that were submitted in the AHT report as approvable. The AHT voted unanimously to recommend support. Mr. Britton thought having a collaboration was a sensible way to go. Mr. Britton was hoping the Selectmen would turn the basket of choices over to the Andrew DeFranza so he could talk to neighbors in terms of impacts and conservation issues as Harborlight wanted the public to become involved and stay involved.

Scott Maddern asked about bringing in MA Housing and Community Development to inform them as to what progress the Town had made, including the Host Agreement and the basket of choices as being impactful at the state level. Allison Jenkins said the DHCD demographics were off due to Gordon Conwell and wondered how the Town could have the demographics corrected.

Jonathan Poor (30 Woodbury St.) was concerned about 13 Essex St. Mr. Poor displayed an aerial map of the property showing frontage, right of way, and the watershed. Mr. Poor said the area was an isolated location not near services, sidewalks, transportation or within walking distance to downtown. According to Mr. Poor, there was a large wetland with significant habitat identified including documented endangered species including blue spotted salamander, creating a 1,000 buffer which would disallow the entire property. The architecturally historic home had an Olmstead garden. Residents questioned the AHT criteria of visibility as once the trees were removed, the hilltop would be visible. The only criteria that seemed to fit nicely was that it was a larger than usual property. In response to Scott Maddern's question as to how tall the existing building was, Mr. Poor recalled it was three stories high but was nestled in evergreens.

Dave Thompson (103 Essex St.) was concerned about the visibility from his house and wanted a copy of the criteria sheet and report from the AHT to the Selectmen. Sandy McGrath (25 Essex St.) noted the goals to protect open space by preserving large tracts of land to protect water resources. Mr. McGrath said he and his neighbors would love to be collaborative as they acknowledged the importance of 40B, but unfortunately it was in conflict of where they lived.

Rudy Pizzano (Essex St.) said he grew up in, lived in, and work for affordable housing but wanted to acknowledge that if the Town took an Olmstead property and paved over it, the Town would be the laughing stock of all of eastern Massachusetts. Mr. Pizzano noted the two lawsuits with Harborlight, which were not friendly. Mr. Pizzano said he thought Harborlight had done wonderful work small scale, but was currently way out of their league. Mr. Pizzano suggested that Harborlight scale back and do something to be successful because no affordable housing would be generated due to legal appeals.

Mary Cookson (89 Essex St.) and Lucinda Hines (15 Essex St.) spoke against the proposal due to the lack of communication and services that would need to be provided to the residents.

Cami Gotheson (Woodbury St.) wondered what happened to the COA property and why it was taken out of the basket. Peter Britton responded that the consultant was hired and had not finished issuing his report.

Brad Haley (80 Bridge St.) said he had similar concerns regarding Gordon Conwell and wanted to have the Board reconsider the COA site. Bill Wilson said the COA site made sense to him even though it was not in the basket and noted that the Town owned the land.

Peter Britton said the Patton property was controlled by gift agreement. Marc Johnson said the AHT did not feel comfortable spending town money on feasibility studies for private properties. One abutter explained he didn't want to be a pioneer with the Host Community Agreement and encouraged the Selectmen to slow down and look at a whole list of the entire town.

Scott Maddern concluded by saying every neighborhood felt this way, including Cutler and Longmeadow who all had the same concerns. The Town was worried about not being able to protect themselves from a hostile 40B like the Junction. Jeff Hubbard responded that three neighborhood groups were now spending time and resources on the issues. Mr. Hubbard asked for a new production plan with perhaps 24 units per year, which would distance the Town from large developments which were not consistent with the Town character, or meeting the community needs, but allowing for the AHT goals per year, rather than going for the big 100 unit project.

Patton Homestead. Town Meeting approved spending on the project/update including parking lot, maintenance of and access to the Ipswich River, and overlook deck RFP for property management and lease.

Russ Stevens reviewed the site and announced that the DPW had taken down brush and the "no trespassing sign." Greenbelt owned the deck and would clean it up. According to Mr. Stevens, the parking lot was approved with lighting along the path. Scott Maddern wanted to give a clear message about what was accessible so the Open Space Committee could post information

regarding access at the Patton Homestead and added that Sagamore could also be done. Donna Brewer mentioned the Conscom had purview over the property.

Scott Maddern reported that Michael Lombardo had indicated that legally, the Town needed to put out a RFP but the Non-profit didn't want to bid on it, but had recently discover that the Wenham Museum was the same form of management. The RFP went out the day of the meeting with a response deadline of March 1, 2017 at 2 pm.

Scott Maddern and Jeff Hubbard debated what would happen if there was no response on March 1. Shawn Farrell offered that applicants might come back with revisions to the RFP. Mr. Hubbard asked if there was specific money that had been dedicated to the parking lot, which would cost \$100,000. Scott Maddern said he recalled an itemized list. The Patton Homestead Board of Director's non-profit wanted parking for events last summer according to Mr. Maddern.

Town Manager review process, roles and responsibilities, Board of Selectmen code of conduct, conflict of interest and ethics.

According to Scott Maddern, the Town Manager, Michael Lombardo had asked to exclude Allison Jenkins from Mr. Lombardo's review process due to a legal issue between Mr. Lombardo and Ms Jenkins. Mr. Maddern said he sought advice from the MA Advisory Board who suggested that he talk to the State Ethics Commission. The MA Advisory Board said the decision should be a vote among Selectmen. Mr. Maddern said tonight's decision would define Allison Jenkin's participation of Mr. Lombardo's review.

Scott Maddern said it was a huge thing to say a Selectman could not participate in the review process but it was the request of Town Manager. Allison Jenkins said she didn't think it was up to the Town Manager to ask for an investigation of any board member because there was already a forum for it. Ms Jenkins continued that accusing a Selectmen of unethical behavior and asking another Selectmen to determine if there was an issue was unacceptable as there was a mechanism set up to go through the appropriate process. Ms Jenkins continued that she was an elected official and her role was to review the Town Manager. Mr. Jenkins stated that residents voted that this was one of her roles knowing she was an employee of the Town. Ms Jenkins recalled that when first elected to the Town, during her first meetings with the Town Manager and Chair, the Town Manager had asked her not to vote on anything she had knowledge of and now the Town Manager had questioned her ethics and made malicious attacks.

Allison Jenkins said she had voted as a Selectmen knowing she was an employee and once elected, she filed a disclosure form with Town Clerk. Ms Jenkins explained that her grievance with the Town was when she left employment, the Town Manager chose to negotiate accrued vacation time. The grievance had since been brought to a ten member board who found it had merit and decided it should go onto arbitration, according to Ms Jenkins. Ms Jenkins recalled that she had spoken to the Ethics Commission who said there was no conflict because she had disclosed her pay. Furthermore, Ms Jenkins had withdrawn her grievance, not because it was not

warranted or there was no merit, but she wanted a clear action of the Selectmen. Ms Jenkins said she filed a 23B stating the events of what happened and declared she could review the Town Manager fairly.

Allison Jenkins said she was most upset that the Selectmen were not following the laws or prescribed process towards a Selectmen and taking a vote on something they didn't have a right to. Scott Maddern stated that having a relationship with the Town Manager was critical. Ms Jenkins said according to the Massachusetts' Selectmen's Association, it was not up to one Selectman to investigate another, noting that Scott Maddern had contacted the State Ethics Commission regarding her filing.

Allison Jenkins said she could still move forward with her grievance but she had dropped it so it would not waste any more time or resources of the Town. Scott Maddern said there was nothing to decide.

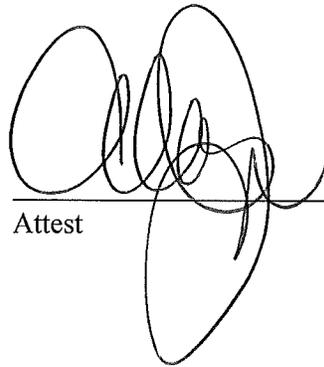
Topics for Future Selectmen Meetings

Notification of abutters for affordable housing projects was one topic. Allison Jenkins asked if the COA building could be equipped with HWCam.org but others thought once the Town Manager's assistant's furniture was relocated, the Memorial Room would be able to accommodate more visitors.

Shawn Farrell made motion to adjourn.  
Seconded by Jeff Hubbard.  
Unanimous to adjourn at 10:34.

Prepared by:

\_\_\_\_\_  
Marcie Ricker

  
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Attest

12/5/14  
\_\_\_\_\_  
Date