

TOWN OF HAMILTON
BOARD OF SELECTMEN
MAY 23, 2011

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 23, 2011 with Jennifer Scuteri, William Bowler, Dave Carey and Jeff Stinson present. Town Manager Michael Lombardo, Police Chief Russell Stevens, Planning Coordinator Marcie Ricker, Planning Board members Peter Clark and Edwin Howard, Finance Committee chair John McWane, Finance Director Deborah Nippes-Mena and Town Moderator Bruce Ramsey also present.

Accept minutes (May 2, and May 9, 2011)

Board clerk David Carey entertained a motion to accept the Board of Selectmen regular session meeting minutes from May 2, and May 9, 2011. Jeff Stinson so moved. William Bowler seconded motion. VOTE: Unanimous for May 2, 4-0-1 for May 9 where Marc Johnson abstained since he did not attend.

Carey entertained a motion to accept the Board of Selectmen executive session minutes from May 9, 2011. Stinson so moved. Bowler seconded motion. VOTE: 4-0-1 for May 9 where Marc Johnson abstained since he did not attend.

Public Comment (3 minutes on topics not already on agenda)

Resident Betty Gray mentioned that Meals On Wheels needs drivers and anyone interested should call 978-468-2616 and ask for Kim. Discussion was on possibility of individuals sharing commitment to deliver meals weekly.

Chairman's report

Stinson mentioned that the HW Regional High School principal search committee has reviewed 25 resumes and is conducting interviews. Also, that an alumni fund has been started for the High School where donations could be made to the school. In addition, that there is legislation that would require towns to negotiate cable television contracts in 90 days rather than annually or biennially.

Carey noted that a joint meeting was held with Town officials, Gordon Conwell Theological Seminary, Gordon College, Pingree School, and HW Regional School District at Rotary to discuss their support of the public High School's new global competence program. There is interest in this from specialists at the private schools who focus globally and have similar programs.

Rotary volunteers along with Planning Coordinator Marcie Ricker, who is a landscape designer, did the landscaping in front of the Town Hall. Attention will now be focused on renovating first floor corridors at Town Hall.

Municipal Affordable Housing Trust has met and will meet again with representatives from trust organization in Wenham.

Bowler met with Town Manager Michael Lombardo relative to the landfill bond being voted at the May 26 Town Election and how it should be addressed moving forward. Also, discussed were topics for Selectmen's June retreat.

Jennifer Scuteri mentioned that joint Selectmen's meeting would be held tomorrow night with Wenham to address communicating with public regarding the HW Regional School Committee's mutual agreement with Superintendent of Schools Raleigh Buchanan to end his employment relationship with the school district. An operational audit meeting will be held on Wednesday.

Town Manager's report

Coordination with Land Use Boards

Lombardo met with Planning Board Chair Peter Clark and discussed issues relative to the Land Use Boards. There could be more coordination throughout the year including monthly meetings.

Needed revision of personnel policies (i.e., vacation time)

Lombardo is addressing vacation accruals since the Town is nearing year-end and related issue in terms of internal operations. Employees have been allowed to carry forward vacation time in the past and this practice contradicts the employment agreements and internal policies.

Now there is a dilemma where employees have vacation accrued so they have to decide whether or not it can be used. If so, a period of a couple of months would

be used to make sure employees use the time while ensuring Town departments are staffed. Department heads will oversee this process. Vacation time will not be an issue next year in terms of how it is used and budgeted for.

Lombardo will discuss proposed changes to the vacation policy with department heads in terms of executing vacation management in a different way. It would be presented to the Selectmen to be adopted.

In June the department heads will be reviewing draft personnel policies to understand operationally what is workable and where there would be challenges. The Board would adopt a formal draft; Lombardo suggested a workshop could be held beforehand.

Recreation Director search

Candidate interviews will be held this week.

Collective Bargaining

Three AFSCME contracts are open for negotiation at the end of the fiscal year on June 30. Lombardo will meet with union representation for the Town Hall administrative assistants union on Wednesday. He is trying to make the union contracts more consistent across the board by cleaning up language and addressing internal inequities.

Public Health meeting

Lombardo met with public health representatives in regard to changes to immunization and mass inoculation.

Ballot initiate on landfill bond

The Town website outlines information describing the ballot initiative.

Recreation department summer camp

Lombardo said all of the summer help is in place for the Patton Park camp.

Hamilton Police Chief Russell Stevens –update on Child Safety and incident at Patton Park

Police Chief Russell Stevens reviewed details about a suspicious incident at Patton Park that occurred at the end of April and he tried to put rumors to rest. The vehicle in question is a beige, four-door pickup. Resident was watching her child playing a game at baseball field. Her second child was playing with another child she did not know. She saw the children go to Weaver Pond and talk to a white, 40-year-old male in the identified vehicle so mother retrieved her child. Police don't have any details about the other child and don't have any reports of missing children. Stevens said incident could be innocent.

Stevens then addressed what parents should do to educate and keep their children safe. Younger children should not be allowed to use laptops. To prevent the threat of sexual predators for older children, parents need to stay abreast of all activity on Facebook by implementing "friend" function in children's accounts.

Also, if a parent has any suspicion that a child is missing when the concern first arises call the police and provide information about where child was last seen. Stevens stressed the importance of not changing any computer information on the screen of a system a child may have been using when last seen to assist investigation. In addition, he strongly emphasized the need to teach children safety scenarios.

Marcie Ricker to discuss Canterbrook project, Cottage Zoning and Downtown Business Plans

Canterbrook Farm

Ricker noted that the Senior Housing by-law adopted in May 2008 expires five years later, maximum number of units is 50 per year, ultimate maximum is 100 units, residents have to be 55 or older and no one less than 18 years old can live in a unit.

She provided an update on proposed Canterbrook Farm senior housing project off of Highland and Asbury Streets in the groundwater protection district on nearly 14 acres. The proposed project includes 56% open space with 43 units, two are single, four are doubles, one is a triplex and three are quadraplex. One large building will have an indoor central hallway to access 18 one-story apartment-

style condominium units with two-bedrooms; it will also house a community center and pool.

In compliance with the density bonuses of the by-law, five units will be affordable (1,300 square feet or less, one bedroom and a den) that comply with Chapter 40B and have deed restrictions. Smart growth principals are written into the bylaw and will be implemented as the design has all building development on one side of parcel to allow for trails.

The Planning Board grants discretionary bonus units based on public benefit that is of high value. The stormwater management plans for the Canterbrook Farm project are above and beyond what Hamilton requires. This helps allay concerns from the Sharon and Bradford Road residents where there already is a high water table in their neighborhood. Also screening those neighbors from the development was worth extra bonus units by using evergreen and deciduous trees that are 12' high and 1 ½" caliper in size. In addition, a sidewalk is being constructed at developer expense along Asbury and part of Highland Streets.

The development would have a two-way roadway. Cluster housing is tilted toward Asbury Street side. There is wetland on site with 75' setback from units. Dense planting will be done. Ricker noted that streetscape is geared to a pedestrian-friendly neighborhood where cars are hidden behind buildings with doorways out front. There are also trails on the property.

Public hearings have been continued until May 24 at Old Hamilton library where review engineer will give a plan update. Planning Board Chair Peter Clark said there would be a comprehensive review and adjustments made other than style or layout (i.e., size of buffer trees). Board would waive width of public roads to be conducive with neighborhood size and still meet public safety requirements. Planning Board hopes to wrap up permitting process this summer.

Resident Duke Seaver asked if there is enough water in Town to supply two residents per 43 units. Lombardo said Hamilton has plenty of water and uses a fraction of its permitted value. The Town is working with the Department of Environmental Protection on restrictions related to water permitting process. Specifically that the safe yield number is not based on science. DEP has extended the Town's water withdrawal permits for two years. The Town has not been able to meet its summer cap despite the fact that 98% of water is put back into the watershed.

Cottage Zoning

A land use planner and developer from Concord have created an alternative development model for cottage zoning that would locate housing within walking distance of a train station. This form of planning has potential in Hamilton for parcels that are nearly 10 acres in size and would likely be divided into single-family house lots. Typically there are 20 units per acre.

The clustered zoning has 50% open space and a village concept with shared parks and gardens. Each project has net zero energy aligned with solar orientation. The cottages are 1,500 square feet and suitable for young professionals, empty nesters, or single mothers. The cottages usually have finished basements with one indoor garage space and an outdoor parking space. The layout has much more planning than Asbury Grove that was created as a campground.

Planning Board member Edwin Howard had visited the River Walk development in Concord with units that are self-sustaining with one-foot walls and efficient to heat. The market value price is \$595,000 to \$650,000 for a two- to three-bedroom unit. Out of the eight units spoken for there are two children. Communal cost pays for layered ownership of the land.

The Planning Board will hold hearings relative to cottage zoning model bylaws and to assess public interest. Ricker said housing trends advocate for Hamilton to take action on this now since in the next 10 to 15 years, 88% of households will have two people, most residents will want to live in walkable areas and maintain their housing values. The board hopes to discuss this at its meeting on either June 14 or 28 when the developer will attend. Clark said the developer believes Hamilton is a model community for a cottage zoning development.

Downtown Business Plans

Ricker investigated the possibility of conducting a farmer market's downtown this summer and was told by the local farmers this would present competition for the local farms.

She is helping establish a Hamilton Wenham Village Merchants group with downtown business owners in Hamilton and nearby in Wenham including developing a logo and events. The next group meeting is on June 8 from 5 to 7

p.m. at Timeless Interiors on Railroad Avenue for Hamilton and Wenham business owners and residents with related home businesses.

An event will be held in the fall on September 24 called Harvest in Village Marketplace and there is a website where members can be linked. Ricker has developed an application that will be posted on the Planning Board website and the cost to participate in the event is \$50 for a booth. A section of Railroad Avenue would be cordoned off but there would be access to the post office. The second event is a holiday walk/Christmas Fair on December 8. Ricker will ask Selectmen if meals tax revenue could be used for lighting and decorative greens (i.e., wreaths and roping).

Ricker thanked Rotary and Town employees who helped with the Town Hall landscape plantings. She reiterated that additional plants would be helpful and that residents could donate blue and white, peach or pink colored plants and drop them off at Town Hall.

Request to hang signs at Old Library –Friends of Arts

Emily Hayden of the Friends of Arts requested that a 2' by 8' banner for the Melody Miles fundraiser 5K and fun run be hung at the Old Library.

Jennifer Scuteri entertained a motion to allow the Friends of Arts to hang a banner at the Old Library from May 24 through May 28. Jeff Stinson so moved. William Bowler seconded motion. VOTE: Unanimous.

Summer concert banner request and one-day liquor license from Timothy Hopkins catering

The Board agreed to address summer concert series banner request and one-day liquor license request from Timothy Hopkins catering at an upcoming Board meeting since these items were not on the agenda for Selectmen vote.

Appoint Claudia Woods as an Alternate to the Planning Board

Scuteri entertained a motion to appoint Claudia Woods as an alternate to the Planning Board until June 30, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Recommend appointment of William Boesch to Finance and Advisory Committee

Scuteri entertained a motion to recommend appointment of William Boesch to the Finance and Advisory Committee until June 30, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Appoint Susan Lawrence to Hamilton Foundation

Scuteri entertained a motion to appoint Susan Lawrence to the board of the Hamilton Foundation until June 30, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

End of Fiscal Year Account Line Transfers (Deborah Nippes-Mena)

Finance Director Deborah Nippes-Mena described two requests going into police overtime account budget line. The account line transfers will bring this line item to the numbers reported in the ATM warrant.

The first is for \$11,600 from retirement account line to the police overtime and the second is \$16,000 coming from unemployment account line to police overtime totaling a request for \$27,600.

Nippes-Mena said this decreases the budget from the line items the funds are coming from and increases the budget line item it is going to for FY'11. These numbers are reflected in the May 14, 2011 ATM warrant for the projected actual.

Lombardo said the FY'11 budget model for covering paid-time-off was flawed because it was based on a 15-man department and this corrects that and it is corrected for the FY'12 budget.

Lombardo said Town manager's discretion to make these transfers is limited based on the voted appropriation. This could be considered and discussed on how the budgeted is voted that would increase the Town Manager's discretion. Nippes-Mena said since this is going from voted category Unclassified to Protection of People and Property it can only be done in the last 15 weeks of the fiscal year and needs Finance Committee and Selectmen votes, according to statute.

Scuteri entertained a motion to transfer the amount of \$11,600 from account line 15911-51-0070 retirement fund and to account line 15210-51-0030 police overtime. Marc Johnson so moved. Stinson seconded motion. VOTE: Unanimous.

Scuteri entertained a motion to transfer \$16,000 from account line 15913 unemployment to police overtime account 15210. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Town Meeting Debrief

Discussion about Board of Selectmen's role is to set ATM date and time. Consent agenda worked well. Town Moderator Bruce Ramsey suggested a by-law change could be done to streamline consent agenda process to no longer require a 2/3rds vote. Discussion on if any Town by-laws should be revamped and will be reviewed by Selectmen.

Scuteri discussed citizen responses that cited speakers as talking too long with the result that it can be difficult for parents to stay on a Saturday morning. Ramsey said the schedule could be reconsidered as it was a few years ago at ATM.

Also discussed was if Hamilton and Wenham could hold their ATMs on the same day. Need to discuss logistics with Wenham about school presentation being done in one day. Additionally, that Winthrop School was too small a venue to accommodate seating for all Town Meeting voters. The possibility of holding the Town Meeting earlier in the calendar year was also addressed.

Discussion on how counted vote was done starting at back of auditorium that did not work as well as counting from the front that has been done in the past and the importance of voters not moving around while the vote is counted.

Discussion on auditorium management to address access to seating and possibly allocating seats in the back for people coming and going to meeting.

Discussion on length of presentations and that information provided by Town officials and others can be educational for Town Meeting voters to make decisions about warrant articles in preparation for votes. Importance of Town moderator managing speakers and audience to maintain decorum was mentioned.

Recommendations/Suggestions for Budget Process and Town Meeting

Scuteri said the policy should always drive the budget numbers. She suggested a policy hearing could be held in November to get citizen input about Town spending. The citizen survey that was conducted is a start in this direction. Discussion about collaboration with Finance Committee, Selectmen and school district with budget planning and that they should see the numbers early on in the process.

Lombardo Performance Review

The Town manager received his annual performance review from the Selectmen, each Board member met with him individually, for one year of service to the Town of Hamilton. Lombardo was rated on a scale of one to five equated to unacceptable to outstanding. A written document compiling the Board's evaluation will be submitted in compliance with the Open Meeting Law.

The Board members summarized their evaluations of the Town manager.

Stinson said Lombardo is a good direct communicator. However, he would like supporting materials for Board agenda supplied on Thursday nights, said Town manager was a strong decision maker although regional ECO decision was protracted, executed Mass. General Laws well, and was doing a good job with litigation. That Lombardo addressed existing problems quickly and should continue to sort these out to maintain stability in Town government. He thought Lombardo takes a leadership role challenging employees. Should continue financial management especially regarding Finance Committee and focus on the Master Plan. Relationship with Wenham going well and could improve. Stinson is supportive of bringing in a consultant to identify local government positions that could be eliminated, modified or added to run the Town more efficiently.

Bowler generally thought Lombardo was doing well but thought he should communicate with Board more about what is occurring in Town government. Thought Town manager provided excellent leadership with union contracts and financial management. Acknowledged the complexity of job, that he could be curt and is working on it and that there are challenges to change an existing culture especially restructuring of organization. Thought vision and future planning is important and should be addressed in Selectmen's retreats. That Lombardo is looking at ways to continue cooperation with Wenham.

Scuteri said Lombardo provided proper recommendations but wanted him to take a more active role. She thought he was too reactive at times but had come up to speed quickly on M.G.L.s. Also, the Board wanted more timely reports and to touch base with staff at Selectmen's meetings. Scuteri thought Lombardo provided leadership and executed collective bargaining well. That short-term budget process was done well but long budget term process, capital improvement and Chapter 90 analysis needs to be done. She thought school issues should not sidetrack Board that Lombardo could have stepped in to address operational audit issues sooner and that Selectmen should focus attention on areas identified during retreats. That Lombardo handled regional ECO issue well by researching information. She noted that the Town website needs to be a priority and is a platform to communicate more on water issues.

Carey thought Lombardo is high energy, aggressive, and intelligent, focuses on details but had struggled with transition from big city to small town management in his communication style although being strong was preferred. Carey thought departments should be reorganized to reduce number of direct reports and that union contract negotiations were handled well. He is concerned that Town government is running lean and services have to decline unless more funding is available. Would like to see Lombardo apply his city planning experience.

Johnson reiterated need to reorganize direct reporting structure, approved of change in mercurial attitude seen early on, and evaluated Lombardo on whether or not he came in with a zero increase budget. He thought next year should be an action year and time to institute good practices in a changed local government culture. Intergovernmental relationship with Wenham has been strong during year. He had no sense if Lombardo was mentoring employees relative to management restructuring.

Lombardo responded that annual staff evaluations need to happen aligned with concrete administrative rules and regulations. He thought staff reports could be done more easily if Board meetings were held every two weeks. Restructuring management team could identify areas for improvement. He noted it is tough to do city planning in a small organization, that feedback from community and more Selectmen retreats are important and that project deadlines should be defined. He thought department heads needed mentoring to help them understand responsibilities and obligations to address issues. He acknowledged that he is a direct communicator. Lombardo suggested that he and the Board should identify and agree to a list of project priorities for the next year.

Other business

Discussion about whether or not Selectmen should meet with Wenham tomorrow night to discuss the mutual agreement between HW Regional School Committee and Superintendent of Schools Raleigh Buchanan to end Dr. Buchanan's employment relationship with the school district. Three of five Board members thought meeting should occur relative to communication to the community on the matter in a meeting with a limited agenda.

Next Selectmen's meeting on June 6. A short meeting will be held this week to address banner and one-day liquor license votes not on tonight's agenda.

Executive Session

Scuteri entertained a motion to go into Executive Session pursuant to M.G.L. c. 39, Section 23B(3) for the purpose of Union and Non-Union Contract Negotiations and Litigation, not to return to regular session at 10:35 p.m. Stinson so moved. Bowler seconded motion. Roll call vote: Marc Johnson, yes, David Carey, yes, Jennifer Scuteri, yes, William Bowler, yes, Jeff Stinson, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____
Clerk