

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

Town Hall—Memorial Room

March 4, 2019

Selectmen Present: Chair Shawn Farrell, Scott Maddern, William Olson, Jeff Hubbard, and Allison Jenkins

Town Manager: Joe Domelowicz

Other Town Staff Present: Finance Director Marisa Batista

Shawn Farrell opened the Board of Selectmen (BOS) meeting at 7:08 p.m. immediately following the BOS Executive Session. Pledge of Allegiance was recited.

ANNOUNCEMENTS & BOARD OPENINGS

- **The Board of Health has one opening, the Town Hall Building Committee has two openings, and the Capital Committee has four openings.**

PUBLIC COMMENT

Allison Jenkins read the following statement and asked that it be entered into the record:

I come before you as a resident of the Town and am not representing the BOS in my statement. My hope is to be as transparent as possible and allow the voters to decide what has transpired. I am speaking to you this evening as Andrea Dello Russo has filed a complaint against me with the BOS, Town Manager and Town Counsel. As a member of the BOS, an elected official, I answer to the public. I must be willing to put my thoughts out into the public eye to face whatever may come. Some of the comments residents offer can be encouraging while others may be harsh to say the least. Not all of my ideas will be widely accepted. I know that, but I will present them nonetheless despite what criticism I may endure for doing so. I will research the topic and listen to feedback all in the hopes to benefit the Town. My goal as a BOS member was to bring facts to the residents, to represent them fairly and allow for equitable treatment of our employees. To be an effective member, you have to be willing to face criticism when trying to change long-standing traditions. I guess I could stand idly by and allow injustices to persist, but that is not what this role requires. I took an oath to act in the best interest of the Town and I serve in that capacity proudly. My recommendation for changing the Town Clerk's elected position to an appointed position has never been personal. It is very unfortunate that my efforts have been misconstrued by some. My only intention was to bring the Town Clerk's position to be more in line with similar positions. This is not the first time this matter has been discussed, but sadly, the Town was not proactive enough to make the change when our last Clerk retired. Had we done so, we could've avoided all this nonsense surrounding the matter of it being of a personal nature. I would like the Board, the members of the audience and residents who may be watching at home to know that my efforts are genuine. It is you, the taxpayer, to whom I am accountable and I take that role seriously. I asked that a warrant article be placed on this year's Annual Town Meeting to see if the voters would approve the changing of the Town Clerk's position to an appointed position when her term expires next year. In

doing so I asked my fellow board members and the members of the Finance Committee in open session to weigh the pros and cons of an elected vs. an appointed position. I had no agenda. I don't benefit from this personally. By bringing this forward I subjected myself to ridicule and accusations from those who are unaware of what has been transpiring. I believe my role as a Town official should be to present facts to the residents and then allow the residents to decide for themselves what they believe is in the best interest of the Town. A request to review the structure of our Town has taken on a whole new mission by our Town Clerk. She has publicly and brutally attacked me and my character. In doing so she fails to identify what I have done that has been humiliating, harassing or erroneous. She has threatened to contact attorneys if the dialogue surrounding her position continues. I had not shared with the community errors or anything that I had found with the Town Clerk. Mrs. Dello Russo chose to make this personal and accuse me of things I have not done. I now feel I must put all the facts before the residents. Mrs. Dello Russo's statements appear to be made only to confuse the real issue at hand. The Town Clerk is correct that the vast majority of my interactions with her have been in writing via email. I have chosen not to correspond with her via phone or in person because in the past she has deliberately misrepresented the interactions. Our emails are subject to public record and I did write "I present them here this evening." I had asked that copies of the emails be made public, but I guess they were chosen not to be copied and made public. From those emails you can decide if my interactions with Ms. Dello Russo have been professional. I consider the allegations made by her to be false, libelous and I am seeking an immediate retraction. I ask you to please read through the conversations of the emails, see the information presented by the Town Clerk and myself. In performing my role a number of issues were uncovered in the Clerk's office. I had chosen to deal with them administratively and internally. When the leaders in our community are bringing forward what they believe is honest information for residents to define the community's destiny but cower under the threat of litigation, we all lose. In closing, I will say I know of no other community that has an appointed clerk and has chosen to switch it to an elected position. The only person that is benefiting from this position being elected is the Clerk. I would be happy for anyone to contact me with any questions.

Selectmen/Town Manager Reports

Jeff Hubbard had nothing new to report. Same with Scott Maddern, except he mentioned the article summaries they had all drafted. Ms. Jenkins thanked the Department of Public Works (DPW) for the great storm cleanup. William Olson reported the Hamilton Affordable Housing Trust (HAHT) meets tomorrow. Mr. Farrell said the Recreation Department's spring/summer programming started today.

Town Manager Joe Domelowicz reported the Chapter 90 allocations from MassDOT (roads and sidewalks) have been approved and they expect a little more than \$242K for the coming fiscal year. The new Open Space and Recreation Committee is planning to meet next week with the MAPC [Metropolitan Area Planning Council], which is providing technical assistance to ensure completion of the Town's Open Space and Recreation Plan. He began negotiations with two of the three unions with contracts up and is scheduled to exchange initial proposals with the third union this week. Progress is being made at 86 Meyer Rd. The owners provided an update to Director of Planning & Inspections Patrick Reffett and indicated they will seek a rough inspection from the Building Inspector. He thanked the DPW for the storm cleanup. Two pieces of equipment were down and there was heavy snow so it took a bit longer than normal. He thinks the tree trimming done was helpful.

Mr. Farrell noted the League of Women Voters of Hamilton will present its fourth annual Civics Bee (trivia competition) on March 14 at 7 p.m. at Miles River Middle School.

AGENDA

2019 Annual Town Meeting Warrant review, article discussion, summary discussion, and possible vote in support of the following articles:

The BOS had divvied up the articles and written summaries. Mr. Olson started with the ones he had written.

Planning Board Articles:

- **Update to Inclusionary Zoning bylaw** – Three changes are being made: one referring to the definition of AMI, one increasing the payment in lieu for affordable units, and one amending the bylaw to concur with State regulations regarding age restrictions within affordable housing. Mr. Olson said he thought they'd changed the age restriction from 55+ to 62+ for units within senior housing projects, but Town Counsel Donna Brewer said she thought she understood from Mr. Reffett that the State wouldn't allow any age restriction at all. These articles are still in review with pending public hearings scheduled.
- **Update to Cell Tower bylaw to include Small Cell Tower Language, etc.**
- **Update to Signage bylaw**

The following is the order of the rest of the agenda; however, Mr. Farrell suggested they start at the beginning of the Warrant and run through it. (*Recording this list here so the details will be included in the record.)

Update to Road Acceptance Bylaw (Policy)

- FY'20 General Budget
- FY'20 Capital Plan Expenditures
- Community Preservation Committee Articles:
 - o Debt Service for Donovan Field acquisition—\$41,200
 - o Debt Service to Sagamore Hill Conservation Project acquisition—\$112,300
 - o Administrative Expenses (CPA Coordinator, CPA Dues, etc.)—\$23,500
 - o Renovations to The Community House—\$197Km
 - o Town Hall OPM and Design Work—\$150K
- Patton Homestead Operational Budget
- OPEB Irrevocable Trust
- Appointment of Town Clerk
- Hamilton Affordable Housing Trust Update:
 - o Remove requirement of Town Manager as board member
 - o Change quorum of board from 4 to 3 members
- School Budget Capital Expenses
- School Budget Operating Expenses
- Discussion of any other warrant articles not known at time of agenda setting

Mr. Domelowicz asked that they start with those requiring input from Finance Director Marisa Batista.

Warrant Article 2-1—Prior Year Bills

Ms. Batista explained the Town received a bill just a few weeks ago that's almost a year old in the amount of \$5,750 for leaf pickup from trash hauler Casella. The bill's extreme lateness was due to an accounting error by Casella. Mr. Domelowicz had asked Ms. Brewer to look at the contract to see if there is legal footing to contest it since it was so late. Mr. Maddern suggested they vote on it now anyway.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-1. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

Warrant Article 2-2—Compensation/Classification Table

Ms. Batista said the table had just a few updates, including the addition of the Patton Director. It was based on a 2% COLA (cost-of-living adjustment). Any contract not settled was noted. Ms. Jenkins made a suggestion that anything that goes beyond the 2% that is within an employee contract be called out, for example, stipends, clothing allowance, etc. Ms. Batista said anytime a contract goes up for negotiation there's a chance something may change. She does have estimates based on what's she's seen in the prior contracts. Ms. Jenkins said she wanted to see the final table before they voted. Mr. Farrell agreed.

Warrant Article 2-3—Capital Expenditures

Ms. Batista detailed the expenditures totaling \$308,003. She explained the different funding sources for each. Ms. Olson had a question regarding the funding for Town Hall restoration. Mr. Domelowicz responded by explaining what would come from CPA [Community Preservation Act] funds and what would be the ask from the Town. Mr. Hubbard brought up the Chapter 90 allocations and noted there's a big need for new sidewalks downtown. Mr. Maddern had drafted the summary, which was a bit long but overall the BOS was happy with it. Mr. Hubbard brought up that he didn't want to see the tax rate increased due to the reconstitution of the Patton Park concession stands and bathrooms, and he wondered if the Revolving Fund could be used. Ms. Brewer said it couldn't be done according to the Town's bylaw. The Revolving Fund is to support rec programs. Ms. Jenkins said it could fall under CPA funds under the recreation category. Mr. Domelowicz discussed the status of Free Cash and possibility for using that as a funding source, although he clarified he wasn't advocating it. Ms. Jenkins suggested the bathrooms at the pool could be used as an alternative measure, but Mr. Farrell noted the pitfalls of that. Ms. Jenkins suggested the park's bathrooms be relocated and discussed security needed due to a high incidence of vandalism. Ms. Brewer said the BOS didn't need to decide on the source of the funding at this meeting.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-3. Mr. Olson seconded the motion. The BOS voted (4-1) to recommend favorable action. *Mr. Hubbard was opposed. He was in favor of the concession stand and bathroom project but not in favor of the funding source.

Warrant Article 2-4—General Town Departmental Appropriations

Ms. Batista discussed changes (increases and decreases) made to the budget since their last meeting and went over the comparison report from FY'19 to FY'20. This year the Town unexpectedly needed a new email server when the one it has went out of business. Other

changes concerned the Community Host Agreement's addition of a School Resource Officer (SRO). Ms. Jenkins noted she thought in the future the BOS should review the two towns' agreement for Inspectional Services. Other increases made were in Veterans Services and in the Library category (due to two one-time payouts for two retirees); a reduction in Town Hall building funds (due to \$150K coming from the Community Preservation Committee); and health insurance costs. [As a side note, Ms. Jenkins said they should also look at whether all the retirees are participating in plans offered by the government for their health insurance.] Transfers were made into the OPEB (Other Post- Employment Benefits) trust fund and into the Capital Stabilization Fund and General Stabilization Fund. The total budget was about \$33.2M, which included the Schools' budget. Ms. Jenkins wanted to hold off on voting until all the numbers were final and written into the document. The BOS agreed to wait on the vote.

Warrant Article 2-5—School District Capital Expenditures

Mr. Maddern noted they had wanted the Schools to provide a capital item list, but they had not. He suggested they take out of the School District budget the Hamilton share of the debt service, thereby reducing that budget by more than 66%. Ms. Jenkins agreed but thought that might be "overstepping." Mr. Hubbard thought that might confuse things. Ms. Jenkins said ideally, in the future maybe the Schools could also provide Compensation/Classification Table as the Town does. Mr. Maddern said rather than muddy the waters too much right now they should just highlight the fact that the Schools don't yet have a capital plan. The BOS discussed the idea of putting "\$0" under the expected request for School District Capital Expenditures to make the point and bring it to everyone's attention.

Decision:

Ms. Olson made a motion to recommend favorable action on Warrant Article 2-5 with the amount of zero (\$0) as the expected request. Mr. Maddern seconded the motion. The BOS voted 4-0-1 to recommend favorable action with the amount of \$0. *Ms. Jenkins abstained. [She had commented she didn't want to vote until there was final language.]

Warrant Article 2-6—Water Enterprise Budget

Ms. Batista said the total was \$1, 844,184. She detailed changes made to the budget. Mr. Hubbard noted water usage was down due to the water ban and Mr. Olson made an observation that water efficiency was actually making the water more expensive. Ms. Jenkins noted a typo: "personal" charges should be "personnel" charges. The BOS discussed changing water meters so there is one per unit. A big issue now, according to Ms. Jenkins, is replacing fire hydrants, which are reaching their life expectancy. It was noted by the BOS that continuing to use retained earnings in the Water Enterprise Fund to balance the budget will eventually result in running out of funds. They discussed the fact that next year, the Town will most likely need to raise water rates, which have been kept the same for five years. Ms. Jenkins suggested something be written into the summary to suggest the Town will need to start that dialogue. She wanted to hold off on voting until they had the figures, but Mr. Maddern pointed out that FinCom will be meeting and could use the BOS's guidance. BOS members discussed that the BOS should also have FinCom's guidance. Ms.

Jenkins said she thought the BOS derelict to vote on things without the dollar amounts being written in. The BOS added \$1, 844,184 as the expected request and decided to state in the summary that using retained earnings to balance the budget was not sustainable.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-6. Mr. Olson seconded the motion. The BOS voted (4-0-1) to recommend favorable action. *Ms. Jenkins abstained.

Ms. Jenkins noted that the BOS had just voted on the article as stated, but that the article had the error “personal” (as opposed to “personnel”). Mr. Maddern amended the motion to include the edit “of three letters” from “personal” to “personnel.”

Warrant Article 2-7—Annual Financial Actions

Mr. Farrell noted this article concerns making three transfers within the budget and was a normal annual occurrence. Ms. Batista detailed the three transfers and provided how the calculations were made. For example, certain direct and indirect expenses come out of the Water Enterprise Fund. The expected request is \$419,630.

Decision:

Mr. Hubbard made a motion that the BOS recommend favorable action on Warrant Article 2-7. Mr. Maddern seconded the motion. The BOS voted (4-0-1) to recommend favorable action. *Ms. Jenkins abstained.

Warrant Article 2-8—Community Preservation Budget

Ms. Jenkins had written a summary of CPC projects being awarded grants and had asked Coordinator Dorr Fox to fill in the amounts. She said the CPC wants to meet with the Wenham CPC because they often fund the same projects. Mr. Farrell noted a typo (“FY’9” instead of “FY’19”). Mr. Farrell read off the projects and listed the categories, and amounts: Donovan Field, Sagamore Hill, OPM for Town Hall restoration, The Community House renovation, Community Housing reserve, and administrative expenses. Mr. Olson inquired on some detail regarding The Community House. Mr. Farrell explained it is frequently funded by the CPC and had been asked to put together a capital plan. The Community House’s ask from Hamilton was \$197K. Mr. Farrell wanted the summary to include when debt will roll off the books for Donovan Field and Sagamore Hill. Mr. Hubbard was concerned about spending money on The Community House vs. the Town Hall and Turf Field. Ms. Jenkins said unfortunately The Community House, which is a wonderful addition to the community, and Town Hall are competing for the same funds. Ms. Batista said these two projects would exhaust CPC funds. Mr. Farrell brought up that the CPC process is to hold an eligibility hearing and a funding hearing and if a project met the qualifications it went on to Town Meeting for a vote. Therefore, it is Town Meeting making the prioritization. The BOS decided to vote on all items under the CPC individually. Ms. Brewer confirmed the BOS could format the vote any way it wanted to. Ms. Jenkins recommended Mr. Farrell speak with CPC Chair Jay Butler and discuss the issue with the FinCom, as well,

and then they discuss the warrant article at the next meeting. Mr. Olson asked if it were written somewhere in the Warrant what vote was required for each of the articles, for example, if they needed a simple majority. Ms. Brewer requested they not put it in the warrant as it gets too confusing, although it is noted on Town floor.

Warrant Article 2-9—Annual Budget for Revolving Funds

Ms. Brewer said all the BOS needed to be voted on now was the budget cap. Everything else was covered by the bylaw. Ms. Batista said the caps can be increased during the year with FinCom's approval. She supplied the amounts for each of the revolving funds.

Decision:

Mr. Olson made a motion that the BOS recommend favorable action on Warrant Article 2-9. Mr. Maddern seconded the motion. The BOS voted 4-0-1 to recommend favorable action. *Ms. Jenkins abstained.

Warrant Article 2-10—Hamilton Development Corporation

Ms. Batista said the expected request was increased from \$65K to \$74,880. In the past the ask was based on what meals tax money was budgeted not on what was received. Ms. Batista said she went back to the original language of the bylaw and it doesn't say it should be based on a budgeted amount but on the actual amount. She based the \$74,880 figure on what was received last year.

Decision:

Mr. Olson made a motion that the BOS recommend favorable action on Warrant Article 2-10. Mr. Maddern seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

Warrant Article 2-11—OPEB Trust Fund

Ms. Batista noted the expected request for Warrant Article 2-11 is \$125K, as recommended by the FinCom.

Warrant Article 5-1 Establish OPEB Trust

Warrant Article 5-1 creates an irrevocable trust for OPEB (other post-employment benefits). Mr. Farrell explained changing the trust to an irrevocable trust was done so OPEB funds couldn't be withdrawn and used for other things. Ms. Brewer said if this is approved at Town Meeting, a Trust agreement will be drawn up that would explain all details, such as control of the money. Mr. Olson asked what vote was needed; Ms. Brewer said a simple majority. Ms. Jenkins confirmed with Ms. Brewer that the language was final.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Articles 2-11 and 5-1. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action on both articles.

Warrant Article 2-12—Patton Homestead Operational Budget

Ms. Batista explained that this budget doesn't include capital expenses. She detailed the amounts and direct and indirect costs. The expected request from the General Fund is \$86,343. Mr. Domelowicz said the Patton Homestead is working on presenting a business plan as soon as possible. Mr. Hubbard noted this adds to the Town's tax rate.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-12. Mr. Olson seconded the motion. The BOS voted (3-1-1) to recommend favorable action. *Mr. Hubbard was opposed. *Ms. Jenkins abstained.

BOS members noted that pages of the Warrant were missing in their packets. There was a brief pause while copies of the missing pages were being made.

Warrant Article 2-13—Stabilization Fund

Ms. Batista said the expected request was \$322,654K and this was done in accordance with the financial policies adopted. The money into the Stabilization is being transferred from Free Cash so it is just being moved to another bucket and won't affect the tax rate.

Warrant Article 2-14 —Capital Stabilization Fund

The expected request was \$579, 122, which is also coming from Free Cash. Both summaries are going to be rewritten to reflect where the money is coming from.

Decision: Mr. Olson made a motion that the BOS recommend favorable action on Warrant Articles 2-13 and 2-14. Mr. Maddern seconded the motion. The BOS voted 4-0-1 to recommend favorable action on both articles. *Ms. Jenkins abstained.

Warrant 2-15—Grant Appropriations

Ms. Batista said this was basically a cleanup to close out funds with no activity. Mr. Olson asked if it were one specific grant or a combo of grants. She said it was one specific grant—the E911 [Enhanced 911 grant program] used by the Police Department. Mr. Maddern suggested including that in the summary. The expected request is \$4,396.94.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-15. Mr. Olson seconded the motion. The BOS voted 4-0-1 to recommend favorable action. *Ms. Jenkins abstained.

Warrant Article 2-16—Personnel Service and Union Contracts

Mr. Farrell noted a typo: "Personnel" above had been incorrectly written as "Personal." Ms. Batista explained the article is for funding items union-related or that might be contained in union negotiations. The expected request of \$87,415 was just a potential number, not an actual, and could be carried forward to the next year if not used. Mr. Olson noted its effect on the tax rate.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-16. Mr. Olson seconded the motion. The BOS voted 4-0-1 to recommend favorable action. *Ms. Jenkins abstained.

Warrant Article 2-17—Debt—Water Distribution System

Mr. Farrell noted this article amends action taken at the Annual Town Meeting in 2015. Mr. Domelowicz said there was bonding done at the time and this would make that money usable for other water purposes. Ms. Batista explained when the vote was taken there was specific language stating the money would be used for Phase 1 of the project. But now Phase 1 is done and DPW Director Tim Olson would like to authorize that the debt service be used for the facility itself not just the distribution piece. Mr. Farrell noted they could cross off “Fiscal Impact” as there isn’t any.

Decision:

Mr. Olson made a motion that the BOS recommend favorable action on Warrant Article 2-17. Ms. Maddern seconded the motion. The BOS voted 4-0-1 to recommend favorable action. *Ms. Jenkins abstained.

Warrant Article 2-18—Debt—Water Treatment Plant

Mr. Domelowicz said there was a lot of work done at the treatment plant and when they went to reactivate the wells they found organics in the well source that will require a pretreatment system to preserve water quality. The BOS agreed the work needed to be done but wanted more information as other water sources and solutions were also being investigated, such as tying in to Manchester. The BOS decided to table the discussion until next meeting.

Article 2-19—Debt—Chebacco Road Paving Project

The expected request is \$1.2M-\$1.3M, according to Mr. Domelowicz. The idea is to leave a shoulder to add in a water main if needed. Mr. Maddern noted the neighbors on Chebacco Road are in favor of paving. The road condition is so bad oftentimes postal deliveries aren’t made. Mr. Olson asked if Mr. Domelowicz had discussed the water main with Manchester. He said yes, and that Manchester would be interested in having Hamilton operate its water treatment plant, but there isn’t anyone currently on Town staff qualified to do that. If the water main is added, the project would be closer to \$1.7M.

Decision:

Mr. Maddern made a motion that the BOS recommend favorable action on Warrant Article 2-19. Mr. Olson seconded the motion. The BOS voted (4-1) to recommend favorable action. *Mr. Hubbard was opposed.

Article 2-20—Debt—Town Hall Improvements

The expected request is \$550K (\$700K minus the \$150K from the CPC). Mr. Olson inquired about public outreach and noted the importance of getting the word out.

Decision:

Mr. Hubbard made a motion to recommend favorable action on Warrant Article 2-20. Mr. Maddern seconded the motion. The BOS voted unanimously (5-0) to recommend favorable action.

Warrant Article 6-1—Free Cash Application

Mr. Farrell said he and Mr. Domelowicz had discussed taking this article off the Warrant since they were trying to get away from the practice of using Free Cash to reduce the tax rate. Mr. Hubbard asked how much money would be available in Free Cash while keeping within the Town's financial policies. Ms. Batista answered about \$1.8M. The account is at about 5.6% and the policy states it should be at least 5%. Mr. Hubbard would like to apply some of that over to the tax rate as he said it is taxpayer money already collected. Taking out the .6% (amount over the 5%) would only amount to about \$110K, which wouldn't help the taxpayers much. Also, Ms. Batista said the policy is "at least 5%. The BOS didn't take a vote at this time.

Warrant Article 3-1—Sign Bylaw

Mr. Olson explained the article adds language to the Sign Bylaw, particularly concerning temporary yard signs. Ms. Brewer said he didn't have the latest version. She stressed that sign bylaws can't be content-based. The bylaw states that only a certain number of signs, permanent or temporary, can be put up per lot. For elections there is a maximum amount of signs that can be placed on properties for a certain amount of time. The BOS asked about why this was being brought forth. Mr. Olson said currently people have to go to the trouble of getting permits for putting signs in their yards—some are doing it, some aren't. There isn't any revenue associated and the practice seems cumbersome. The bylaw as they have it isn't enforceable. Mr. Maddern noted there are currently eight people running for School Committee so having a limit on the amount of signs might not cover it if people wanted to put up eight signs. Ms. Jenkins asked about real estate signs. Ms. Brewer said they are trying to set a bylaw that makes sense and is enforceable in a nondiscriminatory manner. She cited cases concerning political signs that have occurred in other towns. Mr. Farrell asked if fines were associated with the bylaw; she said yes. All zoning bylaw changes need to be advertised in the paper and these have been, she said. The BOS postponed voting pending the public hearing.

Warrant Article 3-2—Inclusionary Housing Bylaw

Mr. Olson explained this article seeks to do three things: add the definition of AMI (area median income), change the fee in lieu of building affordable housing from 2 times AMI to 3 times AMI (so that increases the fee by \$81,100), and make the bylaw conform to current DHCD [Department of Housing and Community Development] guidance concerning age-

restricted housing. Ms. Brewer is going to look at the issue of the age restriction with Mr. Reffett and see whether it should be 55+ or 62+ or no age restriction. Ms. Jenkins' thought the Town should look to build age 62+ housing if it is legal to do so and would count toward the Town's 40B sheet. Mr. Olson said he thought developers would generally choose to provide the payment in lieu of because it is less expensive than building the units. Mr. Domelowicz asked if the Planning Board might change the article prior to Town Meeting. Ms. Brewer said they wouldn't change the article, they would change the appendix. The BOS postponed voting pending the public hearing.

Warrant Article 3-3—Wireless Facilities Bylaw

Mr. Olson explained that the article would create a new bylaw for the small cellular communications equipment to regulate and define the permitting process as this new technology is different than that of regular cell towers. The idea is to minimize the possible adverse visual effects. Ms. Brewer gave information on the FCC ruling that has imposed on communities very short time frames in which to review applications as well as limits on the amount they can charge (\$100 per small wireless facility). It also changed how communities can impose aesthetic standards and said they have to do so by April 15. If a Town doesn't have aesthetic standards in place by then it can't impose them. She said very few communities have the standards, and the Town is going to need to be proactive and create them by April 15 and get the bylaw in place. Mr. Maddern discussed some history on cell towers in Town. The question is how to impose standards without stopping the progress of technology. BOS members noted the bylaw deals with poles not towers. Ms. Brewer explained the equipment are boxy antennas that sit on top of existing poles or buildings. They don't have wires between them as they are wireless. Mr. Olson said there is a power line, though, that runs to the power source. Ms. Jenkins said the recent applicant wanted to put a pole across the street instead of having it located with the other existing poles on the other side of the street. [That applicant has since withdrawn the application.] Mr. Olson said the bylaw would give the Planning Board a bit of "teeth" regarding pole placement. Ms. Brewer said they will need to look at what other communities are doing and draw up objective standards. The BOS decided to wait to vote pending the public hearing.

Warrant Article 4-1—Affordable Housing Trust Bylaw

The language is still being worked out, but Mr. Farrell suggested the BOS take a straw poll. The result was that the BOS voted unanimously (5-0) in favor of the bylaw, which requires all members of the HAHT to be Hamilton residents, lowers the quorum from 4 to 3, and includes the Town Manager as a non-voting member.

Warrant Article 4-2—Acceptance of Streets Bylaw

Mr. Farrell explained more data needs to be gathered and issues need to be worked out, such as trash pickup and plowing for accepted roads, and it had been recommended to hold off until Fall Town Meeting. Mr. Domelowicz asked if road acceptances have to be approved at Town Meeting. Ms. Brewer said yes. Ms. Jenkins was concerned with leaving the Town exposed by not acting now and proposed that maybe they could vote on a piece of the

bylaw. Mr. Domelowicz said he didn't think there was too much of a concern if they waited since there aren't any roads currently going through the process.

Decision:

Mr. Hubbard made a motion that the BOS postpone action on Warrant Article 4-2 until Fall Town Meeting and remove it from the Warrant. Mr. Maddern seconded the motion The BOS voted unanimously in favor (5-0) of the motion.

Citizen's Petitions

Nobody had heard of any being brought forward.

Appointment of Town Clerk

Ms. Jenkins said she had asked for the study she had forwarded to the BOS to be included in the packets. The BOS acknowledged they had received the study but it wasn't included in their packets. Ms. Jenkins said to make it part of the record it needed to be included and said she wanted her request respected as other BOS members bring things to the agenda that are included in the packet. She said the study cited was unbiased and had good information. Mr. Olson agreed it was a great process outlined in the study and thought they should go through the process, but said he isn't prepared to put it on the warrant until the BOS had time to discuss it. Mr. Farrell said the conversation had to be more than just the BOS discussing it as it was a change to the government structure. Mr. Hubbard noted the issue had been discussed before and asked if they should ask Town Meeting to approve a study. Mr. Olson, who is a recently new BOS member, said it was a new issue for him. Mr. Maddern asked if they should agree to form a study committee. Ms. Jenkins said no, they should bring the pros and cons to the voters because if they don't do it now things will stay the status quo for another four years. Mr. Farrell said he didn't think the public would have enough information prior to Town Meeting. Mr. Maddern commented the issue required a long runway and their due diligence. Mr. Farrell said people might also have opinions about the Planning Board and Zoning Board being elected vs. appointed. Mr. Olson said they shouldn't rush this and gave the example of what had happened with the cottage housing bylaw. Mr. Jenkins said the BOS had a history of not moving things forward. As an example, she mentioned that an article about the Town's fuel tanks (which are reaching their life expectancy) hadn't been brought forward.

Decision:

Ms. Jenkins made a motion that the BOS recommend changing the Town's Clerk's position from that of an elected position to an appointed position. [She said this was similar to what was done to the Treasurer/Collector's position a number of years ago for almost identical reasons and wanted to put it to the residents for a vote.] Mr. Hubbard seconded the motion. The BOS voted 2-2-1. *Ms. Jenkins and Mr. Hubbard voted yes; Mr. Farrell and Mr. Maddern voted no; and Mr. Olson abstained.

Ms. Brewer said a majority vote was needed to pass the motion and it did not get a majority vote. Mr. Farrell asked if Ms. Jenkins wanted to make another motion. She said she didn't

feel the need. She made a motion to adjourn the meeting, which she said had been going on for nearly four hours. Mr. Farrell said the next item (discussing articles to be included in the Consent Agenda) would only take five minutes. Ms. Jenkins said FinCom hadn't yet voted on the articles and the BOS was making a recommendation on how to combine them. She left the meeting.

Articles to Include in the Consent Agenda

The BOS discussed that they would include the following Warrant Articles in the Consent Agenda: 2-1; 2-7; 2-9; 2-11; 5-1; and 2-10. Ms. Brewer said typically the Town Moderator had something to do with which items went on the Consent Agenda and would have something to say on it. Mr. Farrell said this was only the BOS's recommendation.

Warrant Article 1-1—Election of Officers

Warrant Article 1-2—Reports

Warrant Article 1-3—Article for Consent Motion

These weren't discussed.

NEW BUSINESS


Not discussed.


Adjournment

Mr. Olson made a motion to adjourn the meeting at 10:49 p.m. Mr. Hubbard seconded the motion. The BOS voted unanimously among those present (*4-0) to adjourn the meeting.

*Ms. Jenkins had left.

Prepared by:


_____, 4/9/19
Mary Alice Cookson Date
Minutes Secretary

Attest:

_____, 4/9/19
William Olson Date
Board of Selectmen Clerk