

HAMILTON BOARD OF SELECTMEN
MINUTES OF MEETING & JOINT PUBLIC HEARING with
THE COMMUNITY PRESERVATION COMMITTEE
Town Hall Memorial Room, 577 Bay Road

July 1, 2019

Selectmen Present: Chair Jeffrey Hubbard, Shawn Farrell, William Olson, Darcy Dale, and Rosemary Kennedy

CPC Members Present: Chair Jay Butler, Robert Preston, Ed Howard, and Janel Curry, Sherry Leonard, and Shawn Farrell

CPC Members Absent: Katherine Mittelbusher, Chris Currier and Neil Duggan

Town Manager: Joe Domelowicz

Jeff Hubbard called the meeting to order at 7 p.m. The Pledge of Allegiance was recited.

Darcy Dale read the notice of the Joint Public Hearing for the Board of Selectmen (BOS) and Community Preservation Committee (CPC), held for the purpose of obtaining community input regarding future spending of Community Preservation Act (CPA) funds. Before beginning the hearing, Mr. Hubbard asked if they could take the Consent Agenda out of order to accommodate those present.

CONSENT AGENDA

- **Approve Minutes from the BOS Regular Meeting on June 3**
- **Approve Minutes from the BOS Executive Session on June 3**
- **Approve Administrative Staff Union Collective Bargaining Agreement**
- **Approve Police Union Collective Bargaining Agreement**
- **Approve Fire Union Collective Bargaining Agreement**
- **Approve Proposal for Eagle Scout Project at Senior Center**
- **Appoint Jack Hawk to the HW CAM Committee for three-year term**
- **Approve End of Year Financial Transfers**

Decision:

Shawn Farrell made a motion to approve the Consent Agenda excluding the June 3 Executive Session minutes (which William Olson had asked to put a hold on). Ms. Dale seconded the motion.

Further Discussion:

Rosemary Kennedy had some questions for Eagle Scout Trent Blatz about the proposed patio project at the Council on Aging (COA) building. He filled in details on the size, location, and said he was working with a local landscaper and would fundraise most likely through Go Fund Me. Town Manager Joe Domelowicz told him the Town will promote it on social media. The project is expected to cost \$2,000-\$3,000 without taking into account discounts being offered. Mr. Farrell asked about procedures it will need to go through. Mr. Domelowicz said it would just need permitting.

Decision (Continued):

The BOS voted unanimously (5-0) to approve the Consent Agenda with the one exclusion.

COA Director Mary Beth Lawton thanked the BOS and said they were excited to see the project they'd be working on for almost two years come to fruition.

Joint Public Hearing of the BOS and CPC

CPC Chair Jay Butler gave a PowerPoint presentation. [*It can be found on the Town website's CPC page by clicking on the button at the bottom entitled "CPA in Hamilton" and then by scrolling down to "2019 Public Hearing Presentation."*] He listed details of the program to which 175 out of 351 communities participate that allows the communities to receive a State match that comes from fees charged at the State registries. The match has been decreasing each year as more communities join the program. Right now the match is only at about 19% and that is only because of lobbying to get the State to transfer surplus funds over; otherwise it would have been only 11.57%. If proposed legislation goes through, they expect the match will be in the 30% to 40% range in the future. Nevertheless, funds are dwindling.

Mr. Butler had crunched some numbers regarding what would happen if Hamilton increased its 2% surcharge to 3%. (Wenham has a 3% surcharge). If Hamilton did this, it would be eligible for a second and third round of funding. The way it works is that all towns are eligible for the first round. The second round is based on financial need. [Hamilton is ranked 7 on the affluence scale (with 10 being most affluent); Wenham is #4. He tried to find out how this ranking was determined but was unsuccessful.] A third round is available for those with a surcharge of 3%. Mr. Butler put together a chart of the percentages other communities are charging and calculated how much more money Hamilton would be able to offer in grants for projects by raising the surcharge to 3% (overall it would amount to an additional \$300K), as well as what the overall property tax annual increase would be divided by the number of residents (amounting to approximately \$66 more for an average-size home). The first \$100K value on a property is exempt. Also there are full exemptions available.

Mr. Butler explained bonding can only be done against the amount of the surcharge collected (not on the State match). The only bond the CPC currently has is for Sagamore Hill, approximately \$112K annually. Mr. Butler listed the categories of the projects covered by the CPC: Open Space/Recreation, Community Housing, and Historic Preservation. Then he ranked who had received the most funds from among all the organizations that have received grant money over the years. Sagamore Hill was at the top. He also went over all the anticipated grant projects on the current list and said the CPC is looking for information about additional grant proposals that may be forthcoming. Currently the CPC only has \$300K in funds to offer, and it will receive an additional \$400K in November, so at the time of Town Meeting, about \$700K will be available.

Deadline for eligibility applications for grants is July 3. The CPC will be reviewing the eligibility applications on July 11 at which time they expect to receive one from the Town Hall Building Committee as well as one from the Hamilton Affordable Housing Trust (HAHT). The vote on whether to fund the projects happens at the funding hearing that takes place after the eligibility hearing. If projects dwarf the reserves, Mr. Butler said they will need to say something to the applicants. In the meantime, he said he'd like the new Capital Committee (CapCom) to explore the idea of perhaps increasing the surcharge from 2% to 3%.

Ed Howard commented that when the Town looks at its return on investment, increasing the surcharge is well worthy of consideration. He said he's changed his mind from his original position. He also brought up his wish to see more sledding hills in Town and some investment in the Town's beach at Chebacco Lake, for example, by providing an additional porta-toilet there.

Mr. Olson asked if there are things associated with the Town Hall project that the CPC won't be able to fund. Mr. Butler replied yes, and that they do have the ability to divide the costs out in terms of what can be covered and what can't be covered. Mr. Olson brought up that the BOS was going to be offering its opinion (straw poll) later about whether or not the Building Committee should keep the historic staircase.

Robert Preston discussed that the CPC is more concerned with the envelope of the building. He referred to the Town Hall project done in Natick and said it was worth looking at on Natick's website. He thought that if Hamilton altered the outside of Town Hall, it couldn't come from CPC money, but Mr. Butler disagreed and said an addition can be covered if its purpose is for the historic preservation of the staircase.

Mr. Olson asked if any towns vote year by year on what surcharge percentage to charge. Mr. Butler said he knew some had voted it up or down but no town has ever opted to revoke its membership in the CPA [Community Preservation Coalition].

Ms. Dale asked what the process would be for voting to increase the surcharge. The response was that it would require a citizen's petition and going to the polls as it would be a ballot question.

Duke Seaver, 402 Essex St., asked if that would be a simple majority and was told yes.

Mr. Butler said they try to have the majority of the CPC members present for voting on the grants. Technically, if they have five members of their nine-member committee show up, only three people are needed to pass it, but they don't do that.

The BOS thanked Mr. Butler for his presentation.

Adjournment of the Public Hearing

Ms. Dale made a motion to adjourn the public hearing. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to close the hearing.

CPC members with the exception of Mr. Butler left the meeting. Mr. Hubbard resumed the regular BOS meeting.

ANNOUNCEMENTS & BOARD OPENINGS

- **Board Opening:** There is one open position for the Board of Health.

Public comment

None

Selectmen/Town Manager Reports

Shawn Farrell said his main committee, the CPC, and Mr. Butler had done a great job. He announced on behalf of the H-W Recreation Board that the pool will be open on July 4.

Ms. Dale reported she attended the first Capital Committee (CapCom) meeting. Heather Ford was voted Chair; Jack Lawrence, Vice Chair; and Dave Thompson, Secretary. They divvied up liaison assignments; Ms. Ford will be liaison to the BOS. Ms. Dale said she also attended the Open Meeting Law training in Wenham, as well as the Town Hall Building Committee's most recent meeting. She pointed out that the Finance and Advisory Committee (FinCom) endorsed Option B, which preserves the grand staircase. She attended the recent retirement party. She also met with Mr. Domelowicz and Phil Stearns, Chair of the FinCom, who wanted to vet the agreement with the new Town Counsel before it's signed.

Mr. Olson said the Town Hall Building Committee was going to have a walk-around to look at the historic features of the building to determine what should be preserved and what can be removed without negative impact. He said the BOS would be taking a straw poll tonight regarding whether to endorse Option A or B.

Ms. Kennedy reported she attended the Affordable Housing Trust meeting in which there was a presentation by Habitat for Humanity to develop seven to nine units at 434 and 436

Asbury St. The total ask was about \$640K, and the AMI would be 40% to 60%. They need to make sure there's no issue with the cell tower located there. She said the Senior Swim started last Sunday. It is being held from 10 to 11 a.m. She also attended the Open Meeting Law presentation at the Library and said the facilitators did a great job.

Mr. Hubbard said he didn't attend the Town Hall Building Committee meeting because he was at the retirement celebration at the Patton Homestead. He said it was a nice turnout.

Mr. Domelowicz gave his Town Manager report, which will be posted on the website. Peggy McLaughlin is the new Treasurer/Collector. The Director of Assessors position went to John Speidel. There will be an opening on the Board of Assessors. This Friday, July 5, Town Hall will be closed to the public. They have had to close the Town Clerk's office for some days, but if the interim candidate is appointed tonight and the administrative assistant position is filled, that will change. He congratulated Kristine Ellis who was hired as full-time fire fighter.

Mr. Farrell added that Military Service Day will be held July 13.

REAPPOINTMENTS

- Reappoint Town Board and Committee members whose terms were expiring, per attached list.

Mr. Domelowicz noted Ms. Kennedy had made one change: Mary Lea Lester, newly appointed member of the Conservation Commission (ConCom) needed to be added to the list. Mr. Olson asked what they were doing about the "no's" and "question marks" and was told they are not approving those today.

Decision:

Mr. Olson made a motion that they reappoint the yes's on the attached list. Ms. Dale seconded the motion. The BOS voted unanimously (5-0) to make the reappointments.

AGENDA

Appointment of Part-Time Interim Town Clerk, Sharon George—Vote

The BOS had been given a copy of Ms. George's resume. She will work an average of 20 hours a week and will stay until the election next April. Mr. Domelowicz and Mr. Hubbard said they met with her and were impressed with her experience and knowledge.

Decision:

Ms. Dale made a motion to appoint Part-Time Interim Town Clerk Sharon George. Mr. Farrell seconded the motion. The BOS voted unanimously (5-0) to make the appointment.

Mr. Farrell suggested Ms. George give a report to the BOS after she has been in the position for a while and at the end of her time with the Town.

Quarterly Report with Marisa Batista—Discussion

Due to a scheduling conflict, Mr. Hubbard said this agenda item was being postponed to a future meeting.

Review Special Town Meeting Calendar—Discussion

Mr. Domelowicz said the FinCom had made a couple of minor amendments to the calendar. He said Ms. Batista had noted the calendar was cutting it close for being able to certify the free cash in advance of Town Meeting. He pointed out the goal is to make decisions earlier to ensure everyone has an opportunity to weigh in.

Open Special Town Meeting Warrant—Vote

Mr. Farrell made a motion that the BOS open the Special Town Meeting warrant for Oct. 19, 2019. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to open the warrant.

Mr. Domelowicz said he had an email from Ms. Batista listing several financial items for the warrant: one concerning 550 Highland St., one through the CPC for the next phase of the Town Hall Building Committee project, one for updating the Town's Wetlands Protection/Conservation Bylaw. Ms. Kennedy said she is planning to have some members of the ConCom work on it with her.

Ms. Olson asked about the potential article re: the Town Clerk position [whether to change it from elected to appointed] as he was absent last meeting. Mr. Domelowicz said they'd voted it down (3-1). Mr. Olson said he wanted to let the townspeople speak on that. Ms. Dale said if someone wants to bring forth a citizen's petition they can.

Ms. Kennedy had a question about the resiliency plan the Town has received a grant for. She was wondering how the Town might go about finding money for planting trees downtown, perhaps a warrant article. She discussed her idea of having a public/private venture whereby a citizen who wants a tree can pay for it, and the DPW could plant it and maintain it. Mr. Domelowicz clarified she meant on Town land in front of people's houses near the street. Ms. Dale asked if CPC funds might be available. Mr. Domelowicz said CPC funding for the Open Space category is currently tapped out due to Sagamore Hill. Ms. Kennedy said Beverly had a program for trees and they might reach out to see how the city is doing it. Mr. Domelowicz said the new trees along Rantoul Street in Beverly are likely due to requirements met by developers. Mr. Farrell asked if the idea had to do with replacing trees that are cut down because of disease. He said he liked the idea, but the BOS was supposed to focus on policy. He said he'd like to see a policy whereby when they remove a tree they do their best to replace it. The Town doesn't have an arborist; the duty falls within the Department of Public Works (DPW). Mr. Domelowicz said he can work on a policy that might be partnered with a special ask at Town Meeting. Mr. Olson noted Cambridge had lost 20% of its canopy over the last 10 years and had a developer-

motivated policy that for every tree one takes down, two to three trees need to be planted in its place.

The BOS discussed that the Planning Board did not have any proposed warrant articles at this time.

Approval of Agreement for Town Counsel Services—Vote

Mr. Domelowicz said he was looking for confirmation to sign off on a letter of engagement with KP Law, although he won't sign it until the FinCom has had a chance to review it and respond. The two lawyers who would be working with the Town are Thomas McEnaney and Katherine Laughman, with help from Managing Partner Lauren Goldberg as needed. Mr. McEnaney and Ms. Goldberg were present to answer questions.

Decision:

Mr. Farrell made a motion to approve Town Counsel services based on the review of the final letter of engagement. Ms. Kennedy seconded the motion.

Further Discussion:

Ms. Dale asked the duration of the contract. She wanted it to be explicit as far as termination process and periodic review, especially on costs through non-retainer services as there is danger for the Town if they don't have that. Ms. Goldberg identified what would be within the retainer, such as services that included attending Town Meeting, and assisting in drafting and reviewing warrant articles. Outside the retainer would be such things as litigation work, large building projects, and advice on items typically paid for by a developer. She said KP Law proposes a six-month review to ensure the Town is happy with the value. At that point they can divide the amount by the billable hours and see where they stand. She said their goal is an arrangement that works for both the law firm and Town. Ms. Dale asked when the contract will be ready. Mr. Domelowicz said the final version of the letter of engagement was forwarded to them today. He noted pending cases that will stay with outside counsel. Ms. Dale said she would like FinCom to give it a full review. Mr. Domelowicz said he wouldn't sign until they did.

CPC Chair Mr. Butler asked if the firm had experience with CPC issues and the adjudication of eligibility for CPA funding. She said yes. They deal with community preservation issues all the time, as well as land-use issues. They have 45 attorneys.

Decision (Continued):

The BOS voted unanimously (5-0) to accept the agreement with KP Law pending FinCom's review of the final letter of engagement.

Ethics Compliance Log—Discussion

The BOS was given a copy of the Ethics Compliance Log. Mr. Domelowicz will send it to the new Town Clerk. They want to make sure they get anyone who is delinquent on taking the ethics training onboard. They are in pretty good shape and will keep pushing, he said.

Endorse Option A or B for Town Hall Design Proposal—Vote

Mr. Hubbard explained the Town Hall Building Committee had asked the BOS to endorse Option A or Option B tonight. Option A would remove the staircase and allow that square footage to be used for office space. An elevator would go in its place. Option B would preserve the staircase and allow for an addition of an elevator and stairway to be added to the back of the building. The back door would then become the major entrance to the building. Both options would enable them to remove the ramp at the side entrance and restore the side entrance to its historic appearance.

Chair Mr. Twomey noted it would be easier to expand out the back and they would seek a waiver for keeping the staircase if they chose Option B. [The stairway is not up to code, which is why they would need the waiver.] Mr. Olson noted the building on the outside won't change if they go with Option A. He said he thought that if they kept the "monument to the staircase" it wouldn't get as much use as the elevator added to the back would.

Mr. Farrell said the staircase is off to the side and not really a grand staircase in the sense that you enter and it opens to the ceiling. He is leaning toward removing it.

Ms. Kennedy said she is a preservationist but believes it is time to say goodbye to the stairway. That way they can use that space and retain everything within the four walls of the building. One thing concerning her is that there have been flooding issues in the basement, and the architects couldn't guarantee there wouldn't be water issues if they built something in the back. She noted Option B would cost about \$750K more than Option A, and she didn't think that was a reasonable use of taxpayer money. Ms. Dale pointed out, though, that CPC funds would help cover that cost if they chose Option A and kept the stairway.

Mr. Olson said the biggest risk is new construction and there is more risk when you go outside the building's shell.

Mr. Farrell said they could run into a problem if the Historic District Commission (HDC) didn't want them changing the envelope of the building. Mr. Butler said when they approached the HDC about adding an addition to the outside, they didn't see a problem. He said a walk-through of the building with them is planned for next week. Both the HDC and FinCom had voted for Option B. He said the architect was authorized to bring the design drawings of Option B up to the level of Option A.

Decision:

Mr. Farrell made a motion that the BOS endorse Option A and remove the staircase. Mr. Kennedy seconded the motion. The BOS voted (4-1) in favor of the motion. Ms. Dale was opposed.

Mr. Farrell said he thinks it would be easier for people to digest the price if that number were broken down. Big costs are the bathrooms, making the building ADA-compliant, and

adding the sprinkler system. The price also includes relocation of the employees, software to implement the paperless initiative, and other soft costs. Paying prevailing wage is required by the State. The actual construction cost is about \$6.3M; the \$8.5M total figure includes the soft costs.

Special Meeting to Discuss Hamilton Water—Vote to Set Date

The BOS set the meeting date for July 29 at 6:30 p.m. at the library and discussed who they would invite.

Decision:

Mr. Farrell made a motion that the BOS hold the special meeting to discuss water issues. Mr. Olson seconded the motion. The BOS voted unanimously (5-0) to accept the motion.

NEW BUSINESS

Consideration of Topics for Discussion at Future BOS Meetings

- Extension of the charge for the Gordon-Conwell Theological Seminary Task Force
- Joint meeting with Wenham. A list of topics will be supplied to Wenham in advance.
- Potential meeting with the School Board.
- Meet and greet with Wenham's new Town Administrator.

Adjournment

Ms. Dale made a motion to adjourn the meeting at 9:10 p.m. Ms. Kennedy seconded the motion. The BOS voted unanimously (5-0) to adjourn the meeting.

Prepared by:

Mary Alice Cookson
Minutes Secretary

Date

Attest:

Darcy Dale

Darcy Dale
Board of Selectmen Clerk

Date