

TOWN OF HAMILTON
BOARD OF SELECTMEN
WORKING SESSION
APRIL 30, 2012

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 30, 2012 with Jennifer Scuteri, David Carey, Marc Johnson, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo and Finance Director Deborah Nippes-Mena also present.

Call to order

Chair Jennifer Scuteri called the meeting to order.

Patton Family Gift Advisory Committee update

Scuteri and Marc Johnson updated Board on recent Patton Family Gift Advisory Committee efforts to complete a report in time for Annual Town Meeting that contains a letter asking Hamilton voters for their vote to accept the gift at ATM on May 12. The report also includes a history of the Patton Family homestead and includes answers to frequently asked questions (FAQs).

In addition, there will be an Executive Summary and report will contain findings from three subcommittees that concentrated on recreation, homestead and development options for the site. Johnson is creating a timeline relative to these possibilities.

The Community Preservation Committee is voting on costs (i.e., recreation fields) and what can be addressed with Community Preservation Act funds at its upcoming Wednesday night meeting.

Johnson said the ideas would be divided into three tiers including low risk compatible with historic character of Patton homestead, to high risk relative to marketed use and where a large amount of capital is required. He noted that the Committee is deciding whether it would advocate a specific use for the site (i.e., recreation fields) at Town Meeting.

Discussion ensued about putting the complete report in PDF format on the Town's website and possibly distributing the FAQs in hard copy at ATM. Committee members are finalizing their contributions to the report.

Town Manager Michael Lombardo mentioned that the inspection is scheduled for next week. A survey of the Patton property would take four to six weeks to schedule and could cost \$5,000 to \$7,000. This cost could possibly be paid for with CPA money. A Title 5 inspection is complete and report should be delivered to the Town shortly. Lombardo is waiting for additional information for gift agreement before it is redrafted and finalized by next week.

Discussion ensued about scheduling a public meeting before Town Meeting to review the Patton Family Gift Advisory Committee_report at the Board of Selectmen meeting next week after the ATM warrant hearing.

Also discussed was preparation and need for Town Moderator review of all presentations on warrant articles at ATM including CPC, Patton gift, Pleasant Pond parcel #6, and possibly Essex Street sidewalk. Presentation information will have to be provided to the Assistant to Town Manager Chris Lindberg before Monday, May 7.

Town Counsel Services

Discussion ensued about the fact that Town Counsel Donna Brewer's appointment is up for renewal on June 30, 2012 and if there is interest in having Town go through Chapter 30B procurement and RFP processes for Town counsel services.

Lombardo explained that if this intention is done they would need to adjust the budget since retainer agreement for Town counsel services is \$30,000 to \$40,000 for retainer and up to \$120,000 total for legal services. He noted that last year comparable communities such as Ipswich spent \$80,000, Georgetown paid \$120,000 and Topsfield \$60,000.

He mentioned that during his tenure in Hamilton the relationship with Brewer has worked extremely well and costs are kept down since she bills almost all legal work under retainer agreement (\$20,000) except for purchasing land when another Casner and Edwards representative is used.

The Town is in the process of trying to track what services Brewer is providing pro bono (in 2009, \$30,000 to \$40,000, and in the last year \$15,000). The total bill in the last year for Town counsel services was \$35,000. This does not include labor counsel or litigation legal costs since that is not addressed under Town

counsel services. Lombardo has monitored and reduced the amount of time the Town has depended on Brewer for legal advice.

Lombardo thought it was unlikely that another firm such as Kopelman and Paige would be less expensive for Hamilton (i.e., \$60,000) since they would not have local knowledge and history or availability that Brewer has as a resident and from her long time experience in the Town counsel position.

Jeff Hubbard mentioned sentiment in community about Brewer's involvement in Marchand matter and that prior discussion was to keep her on board as Town counsel on a short-term basis. He reiterated lack of comfort level with existing Town counsel services in community.

Lombardo noted that in his two years working in Hamilton Brewer has been very effective and kept a low profile. Prior to his employment in Town he didn't believe the situation was any different for Town officials working with Brewer.

Carey and Johnson expressed support for Lombardo's decision as Town manager to want to continue to work with Brewer based on her competency, cost-effective method of doing business and her expert legal knowledge demonstrated when providing legal advice on zoning and bylaw decisions as well as the knowledge base available through Brewer's employer, Casner and Edwards.

Stinson and Scuteri were in favor of consideration of cost and relationship with existing Town counsel and interested in gathering facts to move forward including possibly with a RFP process for Town counsel services.

Discussion ensued about when Selectmen would release Urbelis report and executive session minutes related to Marchand lawsuit and that decision would be based on attorney client privilege and made by Selectmen in executive session. Any action taken on these matters would be done after ATM.

Town Meeting

Finance Director Deborah Nippes-Mena presented data she had researched on comparable communities regarding percentages of funds in free cash and stabilization funds for the municipalities, and excess and deficiency funds for their regional school districts, much of E&D for schools for FY11 has not been

published so FY10 information was used to draw reasonable parallels and benchmark overall ranges.

Mendon–Upton: 5% free cash with large percentage in stabilization, schools have large revenue and E&D shortfall, Manchester– Essex: Free cash and stabilization are even, 4.8% E&D, Nashoba: under 5% for free cash and E&D, big range on stabilization, Dunstable-Groton: money shifted into stabilization fund to underwrite cash, just under 3% E&D.

Nippes-Mena mentioned for Hamilton the free cash is slightly higher than 5% with Meals Tax revenue included, under 5% if this is removed, Stabilization Fund was 2.35% last year and this year is \$731,000 if Meals Tax is removed since it is not used to offset tax rate. Hamilton's Stabilization Fund is fully invested and not accessible.

Discussion ensued about Nippes-Mena and Lombardo advocating that \$300,000 in free cash be applied to reduce the tax rate at ATM while Finance Committee Chair John McWane is in favor of \$350,000. The Finance Director and Town Manager are considering the five-year capital costs that the Town is anticipating in concert with lagging property assessments, that cash underwrites revolving accounts and grant revenue and that Hamilton does not collect its total budget of \$24,963,988 until the close of April.

Also discussed was the importance of Hamilton maintaining 5% or higher of free cash for three years since bond rating agencies look at balance and use of free cash so this could help the Town get a good bonding rate when necessary.

Discussion ensued about importance of getting school expenditure under control or the Town would be hard pressed to maintain services especially when there is pressure to keep the tax rate level. Lombardo said there is currently no strategy for reducing services in Town. Hubbard expressed interest in hearing from McWane on his suggested \$350,000 in free cash to come back to the Town during next week's ATM warrant hearing.

Discussion ensued on importance of clear communication with Town Moderator regarding controlling length of presentations to 15 minutes maximum as well as three-minute responses at ATM. Scuteri offered to speak to Town Moderator Bruce Ramsey about his use of clock for this purpose at ATM. Also, that Powerpoint presentations should be submitted to Lindberg in a timely manner allowing for practice run before ATM.

Also discussed was the need for Town Hall staff to keep Hamilton's web site well organized and up-to-date especially during Town Meeting time when residents want to easily access school budget information. Town officials acknowledged that IT services for the Town need to be revamped and could include website maintenance since lean Town Hall staff is already striving to keep up with demanding workload.

Discussion on logistics for ATM including starting promptly and order of articles and action taken such as Community Preservation Act budget before accepting and funding Patton Family Gift.

Other business

Next BOS meeting is May 7, 2012.

Hubbard mentioned that there may be a Hunt parade as part of the downtown Fall Festival and planning meeting for the event is on Wednesday at 5 p.m.

Scuteri noted that the Board had received a letter from Sergeant Stephen Trepanier regarding Hamilton Police Relief recognizing Police Memorial Week by observing Sunday, May 20 as Police Memorial Sunday. There will be an observance that day at 9 a.m. at the Hamilton Police Memorial at the Hamilton Cemetery with guest speaker Pingree School Headmaster Timothy Johnson. Selectmen plan on attending.

Scuteri entertained a motion at 8:22 p.m. for Selectmen to go into Executive Session pursuant to M.G.L. c. 30A, Section 21 (a)(3) for the purpose of discussing strategy with respect to Collective Bargaining with AFSCME (Admin. Assist., DPW and ECO), as an open meeting may have a detrimental effect on the Town's bargaining position, not to return to regular session. Roll call vote: Hubbard, yes, Stinson, yes, Johnson, yes, Scuteri, yes, Carey, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk