

**TOWN OF HAMILTON
BOARD OF SELECTMEN
JANUARY 28, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, January 28, 2013 with David Neill, Marc Johnson, Jennifer Scuteri, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo, Recreation Director Sean Timmons and Finance Director Deborah Nippes-Mena also present.

Call to order

Chair David Neill called the meeting to order at 7:00 p.m.

Public Comment

None.

Town Manager's report

Town Manager Michael Lombardo reported on MMA conference noting leadership tips from keynote speaker and contacts he made with environmental engineers who could be good partners for the Town's future projects. Also, that the Town officials had opened contract negotiations with police union.

Chairman/Selectmen reports

Jeff Hubbard described how the Patton Park Pool Committee had met last week and discussed if there would be a financial commitment from Wenham relative to the April ATM deadline and that community is not near that schedule, so this could affect what type of pool is affordable.

He also mentioned that discussion included the scope of options and Committee understanding about potential need to narrow those down to reduce size of project. Also addressed by the Committee was the footprint of the pool and limitations of the site due to nearby pond and road.

Discussion ensued where Neill noted that the Committee would be meeting regularly and when it has project information to share it would present that to the Board of Selectmen. He added that the scope of work for the pool would not

be changed at this Board meeting. Scott Maddern, Old Cart Road, noted that Sean Timmons, HW Recreation Director had issued a survey monkey to receive feedback from the community about their interest in an aquatic facility in Town. In addition, Marc Johnson offered to email to Hubbard the scope of work for the Committee previously defined by the Selectmen for distribution to Committee members.

Consent Agenda

Neill read the details about the items in the Consent Agenda.

Accept Donations for Patton Park Playground

- General Donations \$2,350 representing 5 donors
 - Hamilton–Wenham Youth Lacrosse - \$150
 - Tanya S. Bos - \$700
 - Hamilton-Wenham Little League, Inc. - \$500
 - Hamilton-Wenham Youth Soccer - \$500

- Brick Campaign \$400 representing 4 donors
 - Ashley & Jeffrey Hopkins - \$100
 - Francine & Tory Weigand - \$100
 - Ronald & Laura Gauthier - \$100
 - Matthew Francis Tosh - \$100

Approval of Minutes – January 7, 2013 – Regular Session, January 7, 2013 – Executive Session, January 14, 2013 – Working Session and January 14, 2013 – Executive Session

Neill entertained a motion to accept the Consent Agenda as read. Hubbard so moved. Stinson seconded motion. VOTE: Unanimous.

H-W Joint Recreation Board presentation of Recreation Master Plan

Recreation Director Sean Timmons presented summary information on Recreation Master Plan developed by Gale that looked at recreational facilities including fields. Timmons described information about 10-year plan for programs and trails in the short and long term as well as field needs from soccer to recess use. He summarized that there are 21 usable fields at 12 facilities where 5,300 events occur annually. He noted that there are as many as 18 proper fields with some non-compliant fields that do not meet Little League dimensions. Also

mentioned were the problems at Donovan field and Patton Park including drainage, lack of ADA compliance and no spectator seating. Work has been done at Donovan field to improve traffic flow in parking area.

In addition, he described how the Patton Park pool is undersized, decking and fence need to be replaced, and bathhouse needs work as does the parking. Timmons added that the recreation survey was taken by 390 participants and the three most important items to residents were: pool, additional athletic fields and lighted fields. He mentioned that there is a lot of interest in getting a turf field at the HWRHS since that field is already lighted. Most of the fields in Town are used in April, May, September and October. He said a grass field is sustainable for 250 events per year and a turf field can sustain 700 uses annually. There is currently as much as a five field deficit in Town.

Timmons noted that there is intent to collaborate with ECTA to raise awareness about area trails and to enhance recreation programs. Other efforts being considered are reconfiguring the large baseball diamond so hitting would be away from the park, pool improvements including possibly a new pool, addition of spray pad, expanded deck and parking for an estimated cost of \$1.1 million. In addition to correcting dimensions of field at Pingree Park and creating two multipurpose fields at Patton estate as well as implementing non-conflicting use of baseball and soccer at Donovan field.

Also mentioned was Recreation Department is getting trail orientation and archery programs underway. Timmons said efforts are being done to grow programs and non-traditional funding sources are being investigated for projects (i.e., renting fields to outside groups if field improvements are made). He noted that there is a big demand for fields during the summer where they can be rented for \$150 an hour.

Discussion ensued about how fields at Cutler and Winthrop Schools are included in the matrix and that the field at Winthrop School is in the worst shape of all fields. Also addressed was if fields are developed at Patton estate, then some students would have to be bused there after school for sports events.

Another topic addressed was how currently the grass field at HWRHS has use controlled to 100 games a year and that a turf field would allow up to four times more use and that this is the best location for a turf field since the track is located nearby (it is slated for repair) at the site. Also mentioned was that the field at Patton Park is used more now that flag football is being played there. A turf field

at the high school would afford the opportunity for some of the grass fields in Town to rest and repair.

In response to Neill, Timmons reiterated that residents' first athletic priority as seen from the survey was the pool. He said the Recreation Master Plan is designed to empower the Town to follow through on the residents' priorities. Discussion ensued about how a priority list of capital requirements for the pool would be developed using community input, pool project assessment would be done by pool committee and once options are determined, Lombardo would determine the cost. Timmons suggested that if there was a better pool facility in Town, there would be substantial growth in the number of users. Also addressed was that CPA funds could be used for the pool not a turf field. Jennifer Scuteri noted that once costs are determined for the turf field, discussion can ensue about whether it should be paid for through the tax base or private funding.

Discussion ensued about how Recreation Committee and Patton Park Pool Committee will prioritize projects based on Recreation Master Plan and citizen input to determine timing and funding relative to Town Meeting schedule. Town officials acknowledged that there may be a requirement for Recreation Committee to meet more than once a month prior to ATM in April.

Discussion of 2013 ATM warrant articles

Town officials discussed the following 2013 ATM warrant articles:

1. Renew senior tax break – Special Act Chapter 91. This tax break is up for renewal and has one sunset clause. Draft language will be available soon.
2. Renew senior housing zoning by-law – With a sunset clause, Planning Board is considering changes although not extensive revisions due to the upcoming ATM schedule. This article requires a two-thirds vote.
3. Home rule petition to ask Wenham and Essex to lien water customers of Hamilton Water Department (Provincetown has already done this) – Discussion ensued about how this would remedy a collection issue for Hamilton and that Finance Director Deborah Nippes-Mena would address with Town's counsel. She explained that demand letters have already been used where some customers have received multiple mailings and that there is direct piping to Wenham and Essex residents external to Hamilton's boundaries, one customer is in arrears over \$1,000. It was

noted that water connections to Ipswich are only used in mutual aid situations. Lombardo said the Town needs the ability to enforce.

4. Accept G.L. c. 59, Section 57D (notify Assessors of change of address) – This relates to billing and collection so Town would know where to send a bill to property owner who is not living in Hamilton.
5. Amend Dog By-law, Chapter XVIII, to conform to Senate Bill 2192, effective 10/31/12, amending G.L. c. 140, Section 136A-174E (Ch. 193 of the Acts of 2012), on animal control officer, dog licensing, procedures for Selectmen hearing, etc. At a minimum, requires change so license fee for spayed and neutered dog is less than for fertile dog. More information on this article will be provided to the Town manager by Town clerk and police chief.

6. Debt ballot question: Form of Proposition 2 ½ Debt Exclusion Ballot Question

Shall the Town of Hamilton be allowed to exempt from the limitations of proposition two and one-half, so-called, the Town's allocable share of the amounts required to pay the principal of and interest on the bonds to be issued by the Essex North Shore Agricultural and Technical School District for the costs of designing, constructing, originally equipping and furnishing a new District High School?

This would allow the Town to exclude from the levy limit, \$40,000 annually for the next 20 to 30 years, new debt that would be a minimum of \$40,000 and goes up based on enrollment and student allocation costs.

7. Add by-law to obligate abutting landowners to shovel sidewalks. G.L. c. 85, Section 5, and accept provisions of G.L. c. 85, Section 6 to assess abutting landowners for Town cost. Include amount of fine. Also, G.L. c.40U, Section 5, which provides for greater fine but requires certain specificity in by-law. Discussion ensued about whether there was interest in requiring residents to shovel sidewalks and associated liability since the Town does not have the ability to clean 2.5 miles of sidewalks. Town officials agreed to address nuisance by-laws during a working session Selectmen's meeting after ATM.
8. Howard St. easement – this relates to culvert placement.
9. Grant easement for septic system on Town owned land to owner of Mike's Auto – HDC is looking at septic situation downtown but not at the Mike's Auto site. There is a proposal to put a monitoring well at the back corner of the property. Discussion ensued about parking behind Mike's Auto on

Town-owned land where there are 10 spots, Lombardo offered to work on signage and there was agreement on need for future discussion.

FY 2013 Financial Articles:

- 1) FY2013 – Transfer from the Overlay Surplus -- \$1,267.21 to the Fiscal 2009 Overlay for Allowances and Abatements
- 2) FY2013 – Transfer from the Overlay Surplus to Short-Term Interest for \$17,974.
- 3) FY2013 – Transfer from Insurance Reimbursement Fund \$26,571 to the General Fund and increase the Finance Reserve Fund by the same amount. This is insurance reimbursement for replaced police cruiser to FinCom reserve.
- 4) FY2013 – Prior Year bill payment for Chebacco Land Swap
- 5) FY2013 – Transfer from Free Cash from \$82,000 to Hamilton Development Corporation.
- 6) FY2013 – Transfer the surplus from Article 2-13 2007/5 Economic Development Studies the amount of \$26,296 to Hamilton Development Corporation. Residual money from charrette that was from sale of Town-owned land to Community Package Store.
- 7) FY2013 – Close the Unemployment Fund and Transfer to General Fund \$142.78.

Discussion ensued about Hamilton Development Corporation being in the establishment phase and that some suggestions for the HDC to undertake would be a marketing website for Hamilton, and possibility of additional trees in the downtown on Bay Road. Lombardo mentioned that actions are in the works to defray the costs of capping the landfill Also, when CDM & Smith has RFP for anaerobic digester for the landfill a presentation will be done at the Board of Health at end of February and could be included in presentation to Town at ATM.

FY 2014 Financial Articles:

- 1) Compensation Table
- 2) General Fund Budget
- 3) Water Enterprise Budget
- 4) Waste Enterprise Budget
- 5) North Shore Regional School District Budget
- 6) Annual Transfers

- 7) Annual Authorization of Revolving Funds
- 8) OPEB Funding
- 9) HDC Funding
- 10) CPA Budget
- 11) Free Cash Application for Tax Rate

Town officials noted that plans for capital projects funding would be done at STM in the fall. Discussion ensued about Chebacco land swap and several thousand of dollars of legal costs the Town incurred (i.e., Town counsel drawing up deeds) that should be reimbursed and how a resident involved is going before a judge this week to demonstrate commitment to resolving filing. In response to Marc Johnson, Lombardo said moving forward when the Town encounters similar circumstances there would be a written agreement.

Board of Selectmen code of conduct policy

Discussion ensued about sample Board of Selectmen code of conduct policy from Sudbury and Board agreed to review it once the Town manager puts the information into a Word document so the Selectmen can make changes.

New Business

Town officials considered discussion topics for future Selectmen's meetings including Board of Selectmen code of conduct, Town Hall reorganization report presented by the Town manager, consideration of outsourcing maintenance at Patton Park in light of Paul Rigol's retirement and John Tomasz's resignation as an area for saving money, continuation of discussion about draft letters for P.I.L.O.T. from Jeff Stinson including Gordon Conwell Theological Seminary, memo from Town manager about nuisance by-laws and range of what is doable along with existing policies that meet state legal requirements, that HDC could attend future Selectmen's meeting once it has a fifth member on board, and any ideas that come out of land use board meeting on Wednesday. The Selectmen's next regular meeting is on February 4, 2013.

Executive Session

Neill explained that the Board would be going into Executive Session to discuss contract renewal with the Town manager. He answered questions he had received from the public about these Executive Session meetings with Lombardo by describing them as collective bargaining and noted that the Board had

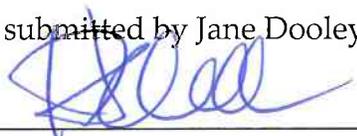
caucused for a period during the previous Executive Session about details of the contract with Lombardo out of the room working in his office.

Neill referred to the evaluation of the Town manager that was done previously by the Board. He also explained as part of the Town manager's contract renewal, a letter has to be sent to Lombardo six months before the end of his existing contract about the Board's intention to negotiate another contract with him toward renewal. Neill said the Board took that vote in Executive Session and minutes for Monday, November 5, 2012 were voted to be released in that meeting once they were approved. Town officials noted that the approved Executive Session minutes would be put on the Town's website tomorrow. Neill noted that Lombardo had sent a response letter to the Board agreeing to negotiate a new contract with the Selectmen. Lombardo mentioned that the two parties are negotiating the contract's terms and conditions as an employment agreement between the Town manager and the Town.

Neill entertained a motion at 9:15 p.m. to go into Executive Session pursuant to M.G.L. c.30A, Section 21a(2) for the purpose of negotiating a contract with the Town Manager, as an open meeting may have a detrimental effect on Town's negotiation position. Stinson so moved. Johnson seconded motion. Roll call vote: Hubbard, yes, Stinson, yes, Neill, yes, Johnson, yes, Scuteri, yes.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____



Clerk