

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
JANUARY 6, 2014**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, January 6, 2014 with David Neill, Jeff Hubbard, Marc Johnson, Scott Maddern and Jennifer Scuteri present. Town Manager Michael Lombardo and Finance Director Deborah Nippes-Mena also present.

**Call to order**

Marc Johnson called the meeting to order at 7:00 p.m.

**Public Comment**

None.

**Town Manager's report**

Town Manager Michael Lombardo commended DPW for clearing roads during recent storm, and public safety department for successful toy drive with Children's Hospital. He provided an update on landfill noting that the vendor is getting a performance bond and contracts are expected to be signed soon with capping project starting soon. An alternate entrance will be created at landfill to enable gun clubs to continue their activities.

He mentioned that budget calendars had been provided with many scheduled meetings including a joint FinCom meeting on Monday night, January 13 on broad overview of budget request.

In addition, the Town received one bid from Weston and Sampson for \$138,000 and one bid for ECO from a New Hampshire firm. Lombardo is meeting with his counterparts in Ipswich and Manchester to ensure they are on board with investigating joint participation in ECO. The RFP for the pool was put on the central register and mailed to firms that design and build pools. It was noted that if Weston and Sampson is awarded the technical drawing and engineering work it would not build the pool for Hamilton.

Discussion ensued about the nearly \$200,000 in overall costs for pool for preliminary design, technical drawings and assistance with construction bid

process. The Community Preservation Committee approved \$150,000 of Community Preservation Act funds for the project where there is \$90,000 left and Town budget will be analyzed and FinCom reserve fund transfer considered to fund an additional \$48,000. The intent is to have bid documents back before ATM so there would be a firm number to build the pool provided at ATM.

Chairman/Selectmen reports

David Neill mentioned Christmas tree bonfire, Jeff Hubbard thanked residents who regularly attend Town meetings for their interest, Scott Maddern noted that there are upcoming joint Recreation Board and joint Community Preservation Committee meetings with Wenham to address pool proposal and mentioned that alternatives for the project would be evaluated if Wenham opts out of financial participation, and Johnson suggested that the hope is to get closer to agreement on a pool project with Wenham.

**CONSENT AGENDA**

Johnson read the items on the Consent Agenda.

**Approve Minutes** – October 7, 2013 Regular Session with Memo by Finance Director dated January 5, 2014; December 16, 2013 Regular Session

**Gift Acceptance Agreement** to Donald M Keyser Park & Playground Trust to support the renovation and construction of a new aquatic facility:  
Patton Park Pool  
Jennifer T and Jeffery T Scuteri - \$100

Neill announced that he would abstain from voting on the approval of the October 7, 2013 Board of Selectmen minutes since he did not attend that meeting. He agreed to participate in any discussion about a memo from the Finance Director dated January 5, 2014 related to the October 7, 2013 Regular Session.

Johnson entertained a motion to pull the October 7, 2013 Regular Session with Memo by Finance Director dated January 5, 2014 out of the Consent Agenda. Neill so moved. Hubbard seconded the motion. VOTE: Unanimous.

Johnson entertained a motion to accept the Consent Agenda consisting of **Approve Minutes** – December 16, 2013 Regular Session and **Gift Acceptance**

**Agreement** to Donald M Keyser Park & Playground Trust to support the renovation and construction of a new aquatic facility: Patton Park Pool Jennifer T and Jeffery T Scuteri - \$100. Maddern so moved. Hubbard seconded the motion. VOTE: Unanimous.

Johnson entertained a motion to approve the October 7, 2013 Regular Session with Memo by Finance Director dated January 5, 2014. Jennifer Scuteri so moved. Maddern seconded the motion.

Discussion ensued where Hubbard expressed his opinion about being dismayed that the memo was received by Board members tonight and resulting lack of opportunity to review as well as his interest in compiling his documentation about whether or not insurance was available (for \$800 at the Town's expense) to allow hounds from Myopia Hunt Club to participate in a parade in downtown Hamilton last year during the Fall Festival.

Discussion addressed how the memo and supporting documentation had been provided to the Board early this afternoon and that the meeting minutes had been available to the Selectmen for a few months and comments were made and incorporated. Johnson noted that he believed the minutes to be an accurate representation of the meeting and stated as did Lombardo that the Board would not debate the Finance Director's memo. Discussion ensued about the Board's interest in not having further conversation on the matter. Johnson suggested Hubbard could write a counter memo although Hubbard said that was not a good use of his time.

Finance Director Deborah Nippes-Mena spoke to the memo as follows: The reason I am requesting the amendment to the minutes, is due to the simple fact that the minutes are a permanent record. The minutes accurately reflect a statement made by a Selectman. The minutes do not provide the entire picture of the event and/or timeframes. As a result, it stands as a solo statement that could put my professional performance in question. The memo provides a summary of all the actions and decisions surrounding the Fall Festival parade. A permanent record should reflect all the information with integrity. My memo with all of its attachments completely details the outline from the original and first Fall Festival that started in September 2012. At that time and subsequent to that there was no discussion about this becoming an annual or permanent event and/or it becoming a Town sponsored event. Presently we have 20 community sponsored events for which we budget and take care of. The Fall Festival was not one of them at any point in time. We can add any event as a sponsored event and we do

look at them at every budget season. They range from the Christmas Tree Bonfire to Community Education Days such as Citizen Academy that many of our residents love to attend, this (Fall Festival) is not one of them. The entire circumstances around the parade was who was to provide insurance for hounds. I have direct quotes both from the Club and members sponsoring the event that they have never intended to have the hounds participate because they are not even insured by their own carrier. As a result I want the information to accurately reflect everything that did occur because I work very hard and very dedicatedly and thoroughly for the Town and my personal integrity.

Discussion ensued initiated by Hubbard's interest in responding and Johnson stated that this was the Finance Director's professional response to direct accusations from an individual Selectman and that the Board would not revise Nippes-Mena's statement. Hubbard said there is miscommunication about who is insuring the hounds.

The Board voted on the motion to approve the October 7, 2013 Regular Session with Memo by Finance Director dated January 5, 2014. VOTE: 3-1-1 with Hubbard opposed and Neill abstaining. Johnson reiterated that Hubbard could draft his points on the matter.

## **AGENDA**

### **Patton Homestead – Sale of Land RFP – Discussion only**

Lombardo summarized Patton Homestead – sale of land RFP – relative to site description and background, language regarding moderately priced housing, need to move where housing can be constructed on the site, and how vendors/developers would look at what could be constructed under the Town's by-laws. He noted that amendments had been sent to Mrs. Patton's attorney.

Discussion ensued about how there would be a mandatory pre-bid conference and site walk and how Town could partner as a co-applicant. Also addressed was that the RFP would be a weekly agenda item for Selectmen's meetings and that information should be included in the RFP regarding historical significance of site and homestead as well as river access and future board walk. Also mentioned was if possibility of recreation field at the area would be included as part of RFP and that intent is to complete RFP in next couple of weeks.

Discussion was about need for conversation with Mrs. Patton about price point for proposed 12 houses to be built at the site as well as what portion of the property the gift agreement allows to be sold and that it may be useful to have this accurately clarified by Town Counsel Donna Brewer at a Board meeting. It was noted that how the land that could be sold would be used would depend upon type of development (i.e., senior housing or OSFPD).

Hubbard opined about his viewpoint that Town should consider selling entire Patton property rather than a section in consideration of property tax revenue from a portion of the land. Discussion ensued about gift agreement specifying that sale of four to five acres would be used to maintain homestead. Also noted was that the Town has to make a concerted effort for a number of years to use the property under the gift agreement and it would take a major event for the Town to reach the threshold of selling the entire property. If this provision of the gift agreement were implemented then the Patton family would have right of first refusal and if the property did not go back to the family half of the funds from a sale would go to charity.

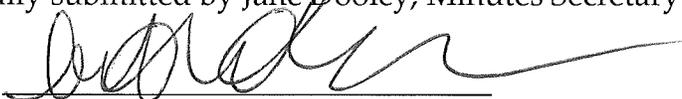
Other items addressed by the Board as raised by residents including Duke Seaver, Essex Street, Peter Britton, Highland Street, and Bob Gray, Bay Road, were that no lights would be installed if an athletic field were built on the Patton Homestead property, that engineering for proposed Patton Park pool would be modular to find a balance for taxpayers regarding what pool is built, that Town could be an co-applicant for Patton Homestead property development and that if OSFPD by-law were applied at the site that 50% or more of the property would be permanently restricted open space. The RFP for the property will be an ongoing discussion for the Board until it is finalized and vendors provide bids.

**Set date for next Board of Selectmen meeting**

The next Board meeting dates are January 13 with the Fin Com, the 14th for a joint meeting with Wenham Selectmen and HWRSD, and Tuesday, the 21st.

Johnson entertained a motion at 8:30 p.m. to adjourn the meeting. Scuteri so moved. Maddern seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:   
Clerk

