

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
JUNE 28, 2010**

The Board of Selectmen met at the Hamilton Town Hall at 7:00 p.m. on Monday, June 28, 2010 with William Bowler, David Carey, Marc Johnson and Jeff Stinson present. Town Manager Michael Lombardo and Recreation Director Melissa Roy also present.

**Public Hearing – Crosby’s Marketplace to ABCC transfer of stock, re: alcohol license**

Public hearing was noticed as required although abutters did not have to be notified. There will be a transfer of stock and Steve Bean will be the new manager of Hamilton Family Markets, Inc. d/b/a Crosby’s Marketplace in Hamilton.

William Bowler entertained a motion to approve the liquor license for beer and wine only for Hamilton Family Markets, Inc. d/b/a Crosby’s Marketplace and to approve the transfer of stock and change of manager with respect to that liquor license. Jeff Stinson so moved. Marc Johnson seconded the motion. VOTE: Unanimous.

**One-day liquor license – Myopia Hunt Club**

A family movie night will be held for members of Myopia Hunt Club on July 9 from 7 to 10 p.m. Alcohol will be sold at the polo field during this time. A TIPS-certified bartender will be on site. Fifty to 60 people are expected. The private event will end at 10:30 p.m.

Bowler entertained a motion to grant the one-day liquor license to Myopia Hunt Club for July 9, 2010 from 7 p.m. to 10 p.m. Johnson so moved. David Carey seconded the motion. VOTE: Unanimous.

**Donovan Fields – Approve submittal of grant applications to PARC/LAND programs**

Recreation Director Melissa Roy said the Town is interested in applying for a Land grant for \$108,000 and a PARC grant for \$265,950 from the state for the \$675,000 purchase of Donovan recreation fields. Many sports leagues in Town use the fields. The Donovan property has 39 acres of open space and 12.78 acres of field.

Hamilton qualifies for two state reimbursement grants (\$373,000) that would bring down the purchase price. Funds will also come from Community Preservation Act monies from the recreation allocation. Some private fundraising will also be done.

After the Town applies for the state grants, Hamilton will be notified as to whether or not it will be receiving the grant money about two weeks before Special Town Meeting in the fall in October, 90 days after the application submittal date on July 15.

There are restrictions in the grants as to the use of funds, the same restrictions associated with the use of CPA funds. The property has to be conservation restricted. The use of CPA funds would be for open space and recreation.

In response to an inquiry from Marc Johnson, Roy said the grant writer thinks it is highly unlikely that the Town would be allowed to locate solar panels on a portion of the Donovan field property. The conservation restriction would restrict this use.

The Conservation Commission has done a site walk on the property and approved submitting the grant applications.

Bowler entertained a motion to approve submittal of grant applications for the PARC and Land grants and authorize Town Manager Michael Lombardo to sign any documents relative thereto. Stinson so moved. Carey seconded the motion. VOTE: Unanimous.

**Accept resignation of Julie Nagazina-Einhorn from Hamilton Foundation board**

The Board accepted the resignation of Julie Nagazina-Einhorn from the Hamilton Foundation board. Maureen Hickey is interested in taking her place.

**Board and Committee Appointments**

Bowler entertained a motion to accept the slate of Board and Committee reappointments as read. Carey so moved. Stinson seconded the motion. VOTE: Unanimous.

NOTE: Please refer to updated list of Board and Committee Appointments attached to these meeting minutes. There are openings on some Town boards.

Selectmen will review its liaison list and discuss at next Board meeting.

**Wind Turbine Feasibility Study – Accept grant and authorize Town Manager**

The Town is interested in a state grant that would fully fund a wind turbine feasibility study at the landfill on Chebacco Road. There would be no commitment to build a wind turbine at the landfill despite study results.

A temporary tower located at the landfill would not be in the development site area discussed in the landfill RFP. Bids received by Hamilton in response to this RFP will be opened on Friday, July 2 at 9 a.m. at Town Hall.

Bowler entertained a motion to accept the wind turbine feasibility study grant and authorize the Town Manager to execute documents relative to it. Johnson so moved. Stinson seconded the motion. VOTE: Unanimous.

**Intermunicipal Agreement for Operational Audit**

Wenham will fund 32.68% of the operational audit costs up to \$90,000. Wenham will pay half of its cost upfront and the other half when the audit is delivered. If there is any overage in the amount Wenham pays in its apportioned share relative to the actual cost of the audit that will be returned to Wenham by Hamilton.

Bowler entertained a motion to approve the intermunicipal agreement relative to the operational audit for the regional school district and execute it. Johnson so moved. Stinson seconded the motion. VOTE: Unanimous.

**Discuss memo to Boards and Committees re: New Open Meeting Law**

In order to comply with the New Open Meeting Law, the Board of Selectmen's meeting agendas for Monday nights would have to be closed and posted by the Thursday before at 4 p.m. Town officials would like to institute this procedure now so the Town would be practiced by the time the new law is implemented later this year.

Town Counsel Donna Brewer has reviewed the document compiled by Town Clerk Jane Wetson and Assistant Town Administrator Christine Lindberg on the procedural requirements mandated by the new law and Brewer will review any additions.

**Litigation Update**

There was an attorneys' conference last week on the Officer Michael Marchand lawsuit. The judge made a ruling on the waiver of attorney client privilege. The attorneys are ready to schedule depositions for July and August. The discovery period will be

extended until October. Town Manager Michael Lombardo will follow up with counsel to get deposition dates scheduled.

**House Committee on Ways and Means – Economic Development Bill**

Proposal in the Legislature for building and special permits issued by a municipality where projects haven't been started or completed due to the poor economy, the term of the permits in effect could be extended for three years from January 1, 2008 to January 1, 2011 including those granted under Chapter 40A -- zoning act, Chapter 40 -- subdivision control law, and local permitting statutes.

Massachusetts Municipal Association asked local municipalities to oppose the proposal. Johnson reported that State Representative Brad Hill said the law has a provision where towns do not have to extend permits.

Bowler entertained a motion to request the Town Manager contact the Town's state representatives and strike Section 127 of the House Committee on Ways and Means Economic Development bill. Johnson so moved. Stinson seconded the motion. VOTE: Unanimous.

**Discuss dates for July and August Board of Selectmen meetings**

Bowler entertained a motion to approve for the months of July and August that the Board of Selectmen will meet every other week starting July 12 and 26, August 9 and 23. Johnson so moved. Stinson seconded the motion. VOTE: Unanimous.

**Minutes Approval**

The Board planned to approve meeting minutes but is waiting for input from Jennifer Scuteri who is on vacation. Selectmen will provide any comments on outstanding minutes to minutes secretary for incorporation before the Board's July 12 meeting.

**Other business**

Schedule retreat

Selectmen will participate in a conference call on Thursday with Lombardo and Wenham Town Administrator Jeff Chelgren to schedule the retreat.

Regional ECO

Wenham is interested in moving forward to join a regional ECO that Sheriff Cousins is trying to get underway in Middleton.

A letter is expected from Wenham to get the 18-month termination period started in the intermunicipal agreement for the joint ECO. Hamilton is the lead town in the intermunicipal agreement with Wenham and the Town runs the ECO located at the public safety building.

Wenham wants to change the agreement so the termination clause is reduced from 18 to 12 months and could include any other terms agreeable to both parties.

There could be residual consequences after the termination period ends for Hamilton. If Wenham did join the regional ECO, Hamilton could be caught short without the funding from Wenham to staff the local ECO since the Town could not fund it independently.

There has been no discussion on this in Hamilton. More investigation needs to be done especially since there is renewed energy for the regional ECO project from the sheriff's department.

Operational Audit RFP discussion

An Operational Audit RFP subcommittee meeting is scheduled for July 7 at 7 p.m.

Lombardo will speak to Scuteri about possible wording for the RFP for the operational audit to keep the process moving forward.

Bowler entertained a motion at 7:58 p.m. to adjourn. Stinson so moved. Johnson seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_  
Clerk