

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
JUNE 10, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, June 10, 2013 with Marc Johnson, Jeff Hubbard, David Neill, Jennifer Scuteri, Scott Maddern present. Town Manager Michael Lombardo, Town Counsel Donna Brewer, Finance Director Deborah Nippes-Mena, Finance and Advisory Committee Chair John McWane, Town Moderator Bruce Ramsey also present.

**Call to order**

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

**Public Comment**

None.

**Town Manager's report**

Town Manager Michael Lombardo mentioned that he has a meeting with Senator Bruce Tarr and State Representative Brad Hill and representatives from Wenham and Essex to discuss Hamilton's home rule petition for water collection and intermunicipal agreements. He explained that the legislation allows the Town to enter into long term agreements for water with neighboring towns and allows Hamilton to put liens on property owners from other towns that are not paying their bills for water provided by Hamilton.

**Chairman/Selectmen reports**

Jennifer Scuteri updated Board on recent tour of Patton Homestead by Joanne Patton with American Legion, Council on Aging and Hamilton Historical Society where feedback was given for use of homestead (i.e., historical artifacts). Johnson said it is time to get public access to the property.

David Neill said he was inspired by the plantings around Town done by the HW Garden Club. Johnson and Scott Maddern mentioned League of Women Voters forum on the Pirie property and reminded residents of Special Town Meeting

tomorrow night at Winthrop School to vote on whether or not Hamilton should purchase the Pirie property.

### **CONSENT AGENDA**

Johnson read the items on the consent agenda.

**Change of Manager Request at Indigo Restaurant Corp. dba 15 Walnut.** Mark McDonough, president, is filing a Form 43 with the ABCC for Daniel Giddings to be cited on 15 Walnut's License 4860015 as manager. Motion to vote for approval and sign Form 43.

**One Day Liquor License – Lantern Hill Catering, LLC** for an event at Pingree School on July 6, 2013.

**Permission to hang banner: Sundays in Patton Park Concert Series,** sponsored by the H-W Community House from the poles dedicated for the purpose at the Senior Center from June 17-August 4, 2013.

**Appointment** to the Planning Board as an alternate **Jeffrey C Melick** for 3 year term, ending June 2016.

**Minutes** April 26, Retreat Minutes

Johnson entertained a motion to approve the Consent Agenda. Jeff Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

### **ACTION AGENDA**

**Vote to approve collective bargaining agreements:**

**Hamilton Police Benevolent Association**

**Hamilton Firefighters Local 3250**

Lombardo summarized details of police union contract agreement such as administrative changes, evaluations, 2% cola for police and that July 1 accruals for vacation was considered for new police hires but would be emphasized in next police union contract. He noted that no retirements in the police department are expected for the next three years.

Johnson entertained a motion to approve the collective bargaining agreement between the Town of Hamilton and Hamilton Police Benevolent Association from July 1, 2013 until June 30, 2106. Hubbard so moved. Scuteri seconded motion. VOTE: 4-0-1 with Neill recusing himself since his son is a police officer in Hamilton.

Lombardo gave background on fire union contract negotiation mentioning that wages had been brought up to a reasonable rate and 2% cola would be given moving forward.

Johnson entertained a motion to approve the collective bargaining agreement between the Town of Hamilton and Hamilton Firefighters Local 3250 effective July 1, 2013 until June 30, 2016. Hubbard seconded the motion. VOTE: Unanimous.

Fire union representatives and Town officials acknowledged the approval of contract.

**Vote to approve Ground Maintenance Agreement with the Town of Wenham and the HWRSD**

**Vote to approve Building Maintenance Agreement with the Town of Wenham and HWRSD**

Lombardo explained that these are renewals or extension agreements with Wenham and HWRSD for building and grounds maintenance. An evergreen clause was included in case discussion of public works merger goes on for a number of years. He mentioned in grounds maintenance agreement that language would be modified about municipalities assisting HWRSD regarding CORI checks, this would also apply to building maintenance agreement, and language regarding municipalities overseeing custodial staff would be removed.

Discussion ensued about logistics of working amongst the three entities and that the ground maintenance is working well while building maintenance is getting underway this summer. Lombardo described how there is a facilities subcommittee that discusses projects.

Scuteri moved to approve the grounds maintenance agreement among the Town of Hamilton, Town of Wenham, and HW Regional School District for the period

July 1, 2013 to June 30, 2016 with an evergreen clause as amended. Hubbard seconded the motion. VOTE: Unanimous.

Maddern moved to approve the Building Maintenance agreement as amended among the Town of Hamilton, Town of Wenham and HW Regional School District from July 1, 2013 to June 30, 2016 with an evergreen clause. Scuteri seconded the motion. VOTE: Unanimous.

### WARRANT HEARING

**Bruce Ramsey, Town Moderator, will review with Board Special Town Meeting warrant set for Tuesday, June 11, 2013 at 7:30 p.m. at Winthrop School**

Town Moderator Bruce Ramsey read language for the one warrant article for Special Town Meeting. Marc Johnson will make the motion at the meeting. Ramsey noted that Community Preservation Committee would vote at 6 p.m. tomorrow night about whether or not to approve the use of \$500,000 in Community Preservation Act funds to be applied to the Town's purchase of Pirie property if STM votes to do so.

Ramsey outlined how the funding would work for the \$4 million purchase price with \$3,480,200 from bonding, \$500,000 from CPA funds, \$138,000 from Free Cash, \$19,800 from cemetery lot sales for a total of \$4,138,000 of which most is debt with \$4 million for purchase of land and incremental costs, CPA funds for closing and legal costs, \$138,000 from Free Cash with \$48,000 earmarked for loss of tax revenue when Town takes title to the property, \$90,000 for interest, operating and borrowing costs, and \$19,800 put towards purchase.

Town Counsel Donna Brewer clarified that updated amount from Free Cash to be transferred to offset tax revenue is \$153,000 and motion will say that \$19,800 from sale of lots and graves would be for cemetery purposes.

Hubbard questioned why the Board was not voting on use of CPA funds, funds from sale of cemetery lots, and Free Cash and suggested there should be discussion. Johnson noted that it was no secret that Town officials had been talking about using CPA funds regarding the potential purchase of the Pirie property and he said the CPC has voted to put CPA funds toward the purchase. Hubbard said the proposal to use \$500,000 of CPA funds and not borrow the entire \$3.9 million was news to him and he restated his interest in discussion.

FinCom Chair John McWane mentioned his committee's meeting earlier this evening where the committee had reviewed allocation of funds relative to the costs associated with the Pirie property purchase by the Town. He noted that the FinCom had voted to recommend favorable action on the STM warrant article and associated concepts for borrowing.

Finance Director Deborah Nippes-Mena noted that the CPC vote would determine whether to borrow or spend money outright. She explained that money borrowed under CPC would be tax-exempt bonds to purchase the property. The BANS from Town are not tax-exempt. She mentioned that bond counsel is aware that the Town would issue an RFP to sell the Pirie property that Hamilton had purchased to a developer. She added that a premium is paid by the institution that underwrites the BAN.

Discussion ensued about how it would be less expensive for the Town if it borrowed some through CPC for tax-exempt bonds due to a lower interest rate. Also mentioned was that money had been set aside from Free Cash to pay for electricity, mowing of meadows and insurance (i.e., maintenance costs similar to what it takes to maintain Patton property) while the Town goes through RFP. Johnson summarized that when the Board voted favorably to go forward to STM to a Town Meeting vote on Pirie property purchase this included the \$3.4 million cost. David Neill said Town Meeting approves the use of CPA funds and whether or not to purchase the Pirie property. Brewer concurred with Neill.

Brewer noted that the Board had never voted on a motion before, and that Town Meeting warrant articles never include the exact sum of money or sources of funding. She explained that articles are deliberately left broad to provide flexibility at Town Meeting to look at various funding sources and to give the FinCom and Town manager time to figure out the best place for funding to be sourced.

Maddern noted that the CPC had been discussing this funding for awhile and it has been discussed by the Pirie working group. Hubbard said again his belief that this decision by CPC was rushed. Discussion reiterated how CPC would be making a decision on warrant article regarding CPA funds tomorrow.

Ramsey outlined logistics for STM tomorrow night at Winthrop Elementary School and mentioned building size constraints with an expected large crowd. He explained how speakers would come to a microphone at the front of one aisle and be limited to 3 minutes to speak. Also, he recommended voters self-select

one side of the hall or the other based on their pro or con position relative to the Pirie property purchase.

Ramsey said Selectmen would be given 25 minutes for a presentation. In addition, voters would be encouraged to ask questions but responses would not occur unless they are directed to the Town manager or members of the committee. He explained that to ensure a clear, accurate count of two-thirds vote on main motion there would be a special ballot vote at STM. Voters would receive ballots from tellers and present their voter cards received at STM check-in to cast their yes or no written ballot votes that would be input to voting machines.

Discussion was about 1,000 being the legal capacity limit at Winthrop School with overflow into gymnasium and library, the meeting being televised, and where to park. Also discussed was whether or not there could be a presentation from opponents to the Town purchasing the Pirie property. Ramsey said there would be a spirited discussion and he would treat everyone's interest in the best interest of the Town. Town Clerk Jane Wetson, Brewer and Nippes-Mena left the meeting at 8:05 p.m.

## **DISCUSSION AGENDA**

**Patton Homestead Committee** to discuss with Board status of and clarification of future roles and responsibilities

Scuteri outlined how the Town has had the Patton property for nine months and when the gift was received a two-year timeframe was allotted to do something with it to make it self-sustainable. Currently the Town is paying \$35,000 a year to maintain the property. She added that people are being brought to the homestead and ideas for the site are being brought to Town officials including from the Boy Scouts, American Legion and Council on Aging.

Also, the Town is completing a feasibility study for a bed and breakfast at the homestead site that could be profitable for Hamilton. Discussion ensued about opportunity for 12 modestly priced housing units (i.e., \$400,000) that could be included as part of acceptance of the gift but they could infringe upon the view. The housing could generate \$90,000 to \$106,000 in property taxes a year for the Town with 25% going back to pay for the \$35,000 to maintain the homestead and property. She noted if the Town decided to sell the property after not realizing a

way to sustain it; the Patton family has the right of first refusal. Neill suggested there could be resort economics and housing is a viable option for the Town.

Johnson said the spirit of the gift agreement with the Town was not as a money making option but for Hamilton to enjoy and use the property. Lombardo said before the property came before the Patton property advisory committee he had met with Mrs. Patton and her staff for a year before the gift was received by the Town to understand acceptable uses for the property so it could sustain itself. As part of that housing was explored and 12 units was a comfortable number. He added that once the committee discussed the property it was decided that housing was not a compatible use with the house use (i.e., bed & breakfast, event center, restaurant, hospice).

Lombardo suggested that once an acceptable use is identified then an RFP would be issued. He noted that action would be taken to address recreation master plan relative to fields and river access.

Discussion reiterated that the gift was received by the Town Meeting with the understanding that the property was not going to be a large revenue generator for Hamilton. Also, that the DEP had approved abandoning the Patton well. Hubbard suggested the well should be shutdown at the last possible minute. Lombardo reiterated that the Town is going through the process of shutting down the well and the water is not potable.

Discussion also addressed how after the Town receives the findings from the feasibility study; a flexible, preliminary RFP for the property will be drafted and is expected during the summer. Hubbard said now that the well issue is resolved, a more specific charge for the committee should be defined and reach out to the community is needed relative to the Town continuing to have burden or no burden from the property. Johnson said consultant's report would suggest if a B&B would net enough revenue for the Town and the RFP would provide information on whether the property would remain a burden to the community.

Lombardo noted that the committee has served its purpose and that the Selectmen should vet the process. He recommended abandoning the Patton homestead committee. Scuteri and Neill concurred. Johnson said this could be a voting item rather than a discussion item on a future Selectmen's meeting agenda.

**Code of Conduct** discussion of recently adopted protocol

Hubbard requested that this discussion be tabled and addressed at the next Selectmen's meeting.

**Downtown Walk** discussion of potential dates and routes

Discussion ensued about how there would be a posted meeting on June 27 at 5 p.m. to walk downtown and identify what inexpensive improvements the Town could do including adding sidewalks, straightening out crooked signs, etc. Johnson suggested that Dave Hanlon, interim public works director, could attend. Hubbard recommended that Donald Roberts, Jeanne Whitman from HW Garden Club, and Brian Stein from Hamilton Development Corporation attend. Neill questioned if residents in other Hamilton neighborhoods would then request that the Board walk in their area (i.e., Essex Street).

**NEW BUSINESS**

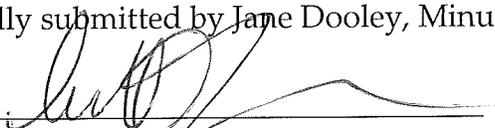
**Consideration of topics for discussion at future Selectmen's meetings**

The next Board meeting will be held on June 24.

Johnson entertained a motion to adjourn the meeting at 8:36 p.m. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:

  
Clerk