

**TOWN OF HAMILTON
BOARD OF SELECTMEN
JULY 29, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, July 29, 2013 with Marc Johnson, Jeff Hubbard, David Neill, Jennifer Scuteri, Scott Maddern present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, Finance & Advisory Committee Chair John McWane, Superintendent of Schools Michael Harvey, and HW School Committee Chair Roger Kuebel also present.

Call to order

Chair Marc Johnson called the meeting to order at 7:03 p.m.

Public Comment

Discussion ensued with William Dery, 256 Chebacco Road, about consideration of developing 12 homes at the Patton Homestead as a revenue generator for the Town which he opined would have limited risk and minimal investment. Selectmen informed Dery that the Town received feasibility study report on locating a bed and breakfast at the site which revealed that use would require a lot of capital to prepare the homestead and it is unlikely that an interested third party would want to make that investment. In addition, the Patton property advisory committee is planning on making a final recommendation on use for the property (i.e., recreation fields with input from Recreation Board).

Town Manager's report

Town Manager Michael Lombardo described how the Patton Park program is working on a food drive for Acord Food Pantry. The biggest donor will receive a pizza party from Acord. Also, that there is a joint Finance & Advisory Committee meeting with the Finance Committee in Wenham to discuss library staffing, budget process including wages for positions, joint agreements relative to updating and revising these since many have been amended so they could be incorporated into one current document, and HWRSD school issues as well at 6:30 p.m. on Wednesday night at the Buker School.

Chairman/Selectmen reports

Scott Maddern said he was trying to find his replacement on the FinCom and two candidates are currently being considered by the committee to be appointed by the Town moderator. Discussion ensued about whether or not candidates with prior knowledge of Town government were preferable. Also, that the Recreation Committee is doing a site walk at Patton Homestead to determine how the property would be used for both active and passive recreation.

Jeff Hubbard apologized to Board, Finance Director Deborah Nippes-Mena, Recreation Director Sean Timmons, Town Manager Michael Lombardo, Minutes Secretary Jane Dooley for his behavior at July 11 Selectmen's meeting. Marc Johnson noted that it was also not his best meeting and concurred with Hubbard that it was beneficial not to repeat.

Discussion ensued about how Ed Howard of the Planning Board, Bill Bowler of Zoning Board of Appeals and Kristine Cheetham, Planning Coordinator, are analyzing the Town's by-laws.

David Neill noted that he as an abutter received a mailing from the Hamilton Development Corporation regarding a meeting tomorrow night at the library from 6:30 p.m. to 8 p.m. on downtown development. He will report on the meeting to the Board.

Jennifer Scuteri spoke to the video that Ben Patton made recently with veterans at Patton Homestead and the associated publicity. She also reported that Community Preservation Committee is lining up fall projects to be addressed at fall Special Town Meeting including new Historic District signs and if signs installed at Patton Park could be funded through CPA.

CONSENT AGENDA

Johnson read the items on the consent agenda.

One Day Liquor Licenses -

- **Gourmet Delights Catering** for an event at the Community House on Friday, August 16, 2013 and for an event at the Community House on Sunday, August 18, 2013.

A Reason to Ride permission to use Town roads and display signs. Multi town route includes use of Essex Street entire length and Gardner St to Bay Road to Wenham town line. Route signage will be displayed. Fundraiser for cancer research for Beth Israel Hospital, Sunday morning, September 8, 2013.

Reappointments to Boards, Offices, and Committees

- Poll workers

Appointments: H-W Board of Library Trustees Gwen Davis Holt to fill out the elected term of Janice Pappas, who moved to Florida. The term expires April 10, 2014, Town Election Day.

Minutes June 24, 2013 – Regular and Executive Sessions; July 11, 2013 – Downtown Walk and Regular Session

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

AGENDA

HWRSD – Superintendent Mike Harvey will address the Board regarding 3 recent letters received by the Town re:

- Transfer from Excess and Deficiency Account to Capital Account
- Transfer from Excess and Deficiency Account to reduce assessments to the towns for FY'14
- Issuance of BANS

John McWane summarized that the HWRSD is issuing BANS for work done this summer for roofs at Cutler and Winthrop Schools and this is expected to be converted to bonds. He noted that HWRSD is returning to Hamilton and Wenham \$146,477 from the E&D fund excess from FY'12 and could be used to reduce tax rate in FY'14.

Also, the HW School Committee voted to take \$765,000 from excess E&D fund to cover deficiency in the HWRSD capital account relating to Cutler boiler that was intended to be bonded and costs were paid for from operating funds. Therefore, according to the HWRSD's auditor, the school department's capital account has

to be replenished. McWane noted had the HWRSD bonded this expense, \$765,000 would have gone to reduce the tax rate. He thanked the current school administration for straightening out this situation. He mentioned that when a transfer is made from excess E&D to operating, the towns have 45 days to call a Town Meeting to vote on it or time elapses and the transfer occurs. McWane said the Finance & Advisory Committee had voted to let this lapse.

HW School Committee Chair Roger Kuebel provided the Board with an explanatory handout and noted discussion that occurred with Wenham Selectmen. He mentioned that HWRSD had done the Cutler School HVAC system and wastewater facility at HW Middle/High School campus for \$765,000. Kuebel clarified that at the advice of senior partner at the school department's auditor this was paid from HWRSD bank account funds and the funds were to be taken from capital account but that account did not contain funds. He explained that the HWRSD general fund balance as of June 30th was \$3.2 million with encumbrances subtracted and money for FY'13 budget totaling \$1.8 million left with unreserved fund balance of \$1.4 million in general fund.

He added that the auditors advised to borrow in June 2012 \$750,000 to bring certified E& D to \$1.4 million. So the money paid for the capital projects left \$596,000 of E&D that was used to reduce the assessment to the towns. Kuebel said if borrowing had been done it would have impacted the tax rate in the future. He said the school department has worked through a lot of problems and is better organized. Discussion ensued about 3% being considered the right amount for E&D and work done with DOR to certify \$1.2 million with \$400,000 left over by December to help with towns' budget cycles.

Discussion addressed what could be done moving forward resulting from lessons learned and how critical it is to have the right people in the school administration and town financial positions with the right expertise.

McWane explained if the school committee votes to give money back to supporting communities, a Town Meeting vote is needed to reduce the school budget. So unless this number is known by Town Meeting it could not be used toward FY'15 tax rate. However, \$146,000 of E&D would be discussed at the fall STM.

He also clarified that if borrowing were used for the Cutler School boiler then the increase to the tax rate would no longer exist when the money is paid off compared to the HWRSD using capital project funds to pay for boiler making the

cost permanently part of municipalities' tax rate. McWane added that the vote the towns made to bond is the preference. He thanked Kuebel for the time he has devoted to turn around the situation with the school department.

Nippes-Mena clarified that a STM was not required to accept the reduction in school assessment. She said the Town has already appropriated a certain amount of money for school assessment at ATM and a legislative act is needed to reduce that amount. The STM would address lowering the amount raised and appropriated for the schools, a lesser amount is paid to the school department and remaining amount flows to Town's Free Cash at year end. In December the Town would set its tax rate reduced by \$146,000. Discussion addressed if the HWRSD has a further reduced assessment number it can provide that to Hamilton by the day of STM. Discussion acknowledged work done by Superintendent Harvey. The Board agreed not to bring issue of HWRSD's capital account forward by calling a STM in response to HWRSD's presentation.

Open Warrant for Fall Special Town Meeting

Johnson entertained a motion to open the Fall Special Town Meeting warrant. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Discussion ensued with Superintendent Harvey who described HWRSD capital projects being done this summer such as Buker School boiler replacement, and replacement of boiler and glass curtain at the Winthrop School. He noted that the school department is pushing to meet MSBA accelerated deadlines with intent to coincide with fall STM. The school department needs to get project manager and MSBA number assigned by the first week of October and have actual costs. As part of this process, the Town has to vote the projects forward to comply with MSBA.

Discussion addressed how November 4 or 12 are being considered for STM dates to be determined in conjunction with HWRSD and Wenham. Lombardo will provide Board with warrant article placeholders in the next couple of days that are under consideration. The Town has one month to finalize and close the warrant on September 23 and the reason not to set a STM date after November 12 is Hamilton wants to produce actual versus estimated tax bills. The ballot vote will occur two weeks after STM.

Conform Board of Selectmen **Organizational Structure** to By-laws and MGL c. 40, Section 21

Discussion ensued about how the by-laws do not include a vice chair position on the Board of Selectmen and the need to conform to the by-laws. The Board addressed how there had been a long standing tradition for vice chair to run Selectmen's meetings in the absence of chair and that this had occurred primarily in the past when the Board was constituted of three members and there was a rotation in positions served. Johnson noted how the previous concept of a vice chair needing experience running meetings before assuming the chair is moot in our current five member board structure with a town manager. He would prefer the chair to have the flexibility to designate any board member to run meetings in the chair's absence based on whoever was most appropriate for the pending topics. Johnson said he was not willing to advance this on a 3-2 Board vote so he suggested they move forward with the agenda.

Selectmen Liaisons – Review and report on other boards and committees

Discussion ensued about how Board liaisons contact the boards where they are serving as liaisons and report back to Selectmen. Lombardo offered to provide Board with list of chairs for boards and committees where Selectmen serve as liaisons. Discussion addressed need for Selectmen to review their liaison designations especially in light of fact that some require more commitment than others (i.e., attending school committee meetings) and that this could be discussed at a future Board retreat to determine and define consensus view of liaison roles.

Review and discuss **BOS goals** from November 2012 retreat

Johnson read list of 21 BOS goals. Discussion ensued about Personnel policy draft that is being done by Lombardo, Nippes-Mena and Hickey related to personnel management and benefits. Strategy will be put in place as well as workshops in the next couple of months. Discussion addressed need to consider benchmarks, correlation with labor agreements although union approval is not required, and updating to make policy current.

Also addressed by Town officials was consideration to hire a consultant to facilitate revamping Town zoning by-laws to meet Hamilton's present goals (i.e., nuisance and accessory apartment by-laws), and need to educate Town Meeting voters to move toward a single vote relative to how the Town wants to move

forward. In addition, that a community vision and strategic future plan done along with Hamilton Development Corporation would drive zoning by-laws and land use document master plan as well as strategy for Patton Park pool, ECO and recreation master plan. Lombardo agreed to comply with Johnson's request for him to map out the scope of this vision. The Board temporarily suspended this discussion.

Patton Homestead Discuss property access and hours of operation. Establish protocol.

Discussion ensued about public's interest in seeing Patton Homestead property and access to Ipswich River to launch canoes and kayaks. Lombardo noted that the road from Patton well is not ready for public traffic but boats could be carried to the launch site.

Also addressed was the need for an informational sign at pump house noting use of launch ramp from dawn to dusk (7 a.m. to end of daylight hours). Town officials noted that there are 8 to 10 parking spots at the site enabling public to walk the grounds for passive recreation but not the visit the homestead.

Discussion ensued about what information could be provided on a kiosk (i.e., history and photos for a walking tour) and that information on plan for property, parking and hours of operation should be contained on the Town's website. Lombardo offered to draft language for sign and determine what the cost would be with the caveat that there are limited to no budgeted funds for signage.

Selectmen's discussion returned to Board goals and addressed what Hamilton is going to do moving forward with ECO. Lombardo said Manchester is interested in discussing possibility of joining Hamilton's ECO and he offered to speak to Ipswich officials again on the matter. He noted that Wenham and Essex regional dispatch in Middleton would be done operating off a temporary tower. The Board concurred that Hamilton has to keep looking at the additional cost of operating ECO independently and the Town needs to keep its options open and identify cost savings without compromising public safety.

The Board also noted that the HWRSD is taking less energy than in the past due to current staff and school committee resolving issues but the public wants follow up to operational audit. In addition, relative to capital improvement plan, projects need to be vetted and prioritized and investigation will be done to understand if the auditors (through use of an intern) can help identify projects

based on community need. Discussion addressed the Boston Architectural College's two scenarios for Town Hall and lack of handicapped accessibility in the building. Tom Catalano and Bill Gisness as Town officials and architects could potentially assist. Also noted was importance of Hamilton taking action on Town's 60 year old water system.

Other topics discussed included anaerobic digester and need for consultant CDM Smith to move permitting forward, need for senior, empty nester and affordable housing development in Town and that cottage housing by-law could be ready for fall STM and need for all land use board meeting, as well as how a signed extension agreement is in place for buildings and grounds maintenance, follow up is needed for PILOT/SILOT efforts with Gordon Conwell Theological Seminary and Pingree School for Town use of fields, need to identify how BOS can support HDC, marketing Hamilton and trash/recycling program. Johnson suggested the Board should work toward a master list with top five goals.

Hubbard raised the issue of weed trimming and other items such as stripping outlined in downtown walk that need attention from public works department in the downtown. Lombardo said interim DPW Director Dave Hanlon has been prioritizing the work for his department including at Winthrop School and public works would take action in the downtown soon.

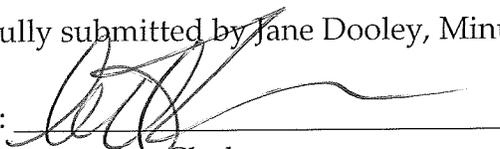
NEW BUSINESS

The Board set its next meeting dates as August 12 and 26.

Johnson entertained a motion at 9:45 p.m. to adjourn the meeting. Hubbard so moved. David Neill seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk