

**TOWN OF HAMILTON
BOARD OF SELECTMEN
SEPTEMBER 24, 2012**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, September 24, 2012 with David Neill, Jennifer Scuteri, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo, DPW Director John Tomasz and Special Counsel Ray Miyares also present.

Call to order

Chair David Neill called the meeting to order.

Public Comment

Bob Gray, Bay Road, mentioned list of questions he had emailed to Board of Selectmen and Town Manager Michael Lombardo asking Town officials for updates on items such as capping and development of the landfill site and plans for building at Patton homestead.

Lombardo said he would respond to the email as soon as possible but that research was needed to sufficiently answer some of the questions. Gray suggested that the answers could be discussed in an open meeting and that this would be a good public relations effort providing information to the public in a transparent way. Jennifer Scuteri concurred with concept of ongoing questions and answers to provide information to residents about what is going on in Town. Neill mentioned that the Town officials were committed to working through Gray's list.

Town Manager's report

Lombardo said in the next day or two he would provide an update on performance to date of Hamilton's solid waste and recycling program since the new process was implemented in April. Information will be presented on an annualized basis and will be compared and contrasted with Wenham's similar program. He explained that having a joint contract with Wenham for trash hauling saves \$30,000 a year. Also discussed was that blue solid waste disposal bags are not biodegradable but are burned in incinerator that generates electricity.

He also explained that paperwork for a grant was submitted to the state months ago for the development of an RFP for anaerobic digester so Town can test the market to see if there are vendors interested in partnering with Hamilton. Also, solar vendors have expressed interest in the site as well and this would be a companion project at the landfill. Lombardo noted that the RFP has to be in place first before action is taken with potential vendors and he expects to hear results of grant application soon.

Discussion ensued about continuing to paint Town vehicles blue-green color at \$100 charge per vehicle for uniformity and safety especially so trucks will be visible when snowplowing.

Chairman/Selectmen reports

Neill expressed appreciation for fall festival held by downtown merchants and hunt parade that occurred this past weekend. Jeff Hubbard thanked DPW Director John Tomasz for the assistance from his department regarding trees being planted on Railroad Avenue, Legion for flags installed around Town and Don Robinson, merchant organization chair, Nicholas White of Myopia Hunt Club and Police Chief Russell Stevens for their assistance with festival. He noted that hounds did not participate in parade due to insurance liability related to having dogs off leash especially in light of recent incident where child was bitten at Patton Park. Hubbard mentioned that there were not enough participants to conduct apple pie baking contest.

Discussion ensued reiterating that Town officials will address citizen question and answers provided on Gray's list as well as possible funding for American flags that Legion has previously provided for Town to use on holidays or during events where some are in need of replacement.

CONSENT AGENDA

Neill read the following items for adoption of the Consent Agenda:

Approval of Minutes:

- September 10, 2012 Regular Session
- September 17, 2012 Regular Session

One Day Liquor Licenses:

Friends of the Boston Mounted Park Rangers for an event at the Myopia Polo Field 435 Bay Road on September 30, 2012

Gourmet Delights Catering, Inc. for an event at the Community House on October 7, 2012; for an event at the Community House on October 13, 2012; and for an event at the Community House on November 3, 2012

Accept Donations

Patton Park Playground – General Donations

- Samuel & Rebecca Vaill -- \$2,500
- Wendy Wheeler -- \$25
- Timothy R. Collins -- \$2,800
- New England Biolabs, Inc. -- \$2,500

Patton Park Playground – Brick Campaign

- Stephen & Amy Kolano -- \$100
- Edward & Amy Kurja -- \$200
- David & Jennifer Flynn -- \$100
- Ian Dent & Lisa Boudreau -- \$200
- The Jorgensens -- \$300
- Alice & Michael Michel -- \$700
- Robert & Willa Worsfold -- \$100
- Jennifer & James McGuire -- \$100
- Tucker K. Bixby -- \$100
- Stefanie & George Needham -- \$300
- Christine Milligan -- \$100
- John & Cheryl Walsh -- \$100
- Elizabeth Smith & Samuel Rosenthal -- \$100
- Alice & Jeremy Distefano -- \$100
- Fraley Wright -- \$100
- Anonymous

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

John Tomasz, Director DPW and Special Counsel, Ray Miyares, will further update the Board and discuss the Patton Well abandonment

DPW Director John Tomasz addressed issues from previous discussion with Selectmen and explained that Hamilton would need a 10,000 mile run down Chebacco Road to connect to Manchester's water treatment plant at a cost of \$1.7 million. This option was considered if the Town was to abandon the Patton Well and seek other sources of water; dollar amount cited by Tomasz would not include the cost of buying water.

Hamilton has connections to purchase water from Wenham, Essex and Ipswich. Town officials noted that once Hamilton invested in connection to Manchester this would provide a permanent supply of filtered water. Tomasz mentioned that if Hamilton does seek an additional source of water it would not look in the Ipswich River watershed, which makes the Manchester option attractive.

In addition, Tomasz noted that if the Town were going to treat the water coming out of the Patton Well that is high in manganese, iron and sodium, it would cost from \$250,000 to \$500,000. Tomasz added that it is not unusual for municipalities to abandon wells; it has been done in Bellingham and Holliston. He said the cost to install a new well is \$45,000 (if it were done at the water plant site in Hamilton) and he said to abandon the Patton Well by disconnecting and capping it would cost the Town \$5,000.

Special Counsel Ray Miyares clarified that the Patton Well would be decommissioned rather than abandoned where the water from the well would no longer be used, and Hamilton's registered volume with the state would not change since it does not matter from which well the water is drawn (i.e., Caisson, Idlewood and School).

He updated the Board about his conversation with the director at DEP that oversees water, Glenn Avenge, who agrees with his conclusion about water withdrawal, and Hamilton's registration of 920,000 gallons per day determined in the 1980s, if the Patton Well were decommissioned. Miyares added that when the Town's water permit comes up for renewal in 2013, DEP would be inclined not to allow Hamilton the additional volume it never uses. Tomasz explained that the Town typically uses two-thirds of its registered volume in a year where last year the Town used 606,000 gallons.

Miyares explained if the Town were to permit a new well, DEP would not allow Hamilton to exceed its registered volume with special conditions (i.e., no more than 10% unaccounted for water and 65 gallons per person per day of use). He added if DEP does give the Town a new water withdrawal permit, it has agreed to remove the summer cap that was the source of the Town's litigation years ago since it was never able to comply with it.

Miyares also discussed the water ban the Town is under during the summer months since the Ipswich River is strained supplying water to all of the communities that it serves. River water flow is measured throughout the summer and it is more efficient to keep ban on for season rather than off and on.

He reiterated that going forward in 2015 when Hamilton gets a 20-year water withdrawal permit with fewer conditions it would not include any greater volume since Hamilton is only using two-thirds of the 920,000 gallons a day of its water registration. It was also noted that the water flow of the Ipswich River would continue to be monitored and water ban kept in place.

Discussion ensued about if Hamilton were to increase its housing stock by as many as 900 houses above the current 2,400 households there would still be enough water within the water withdrawal permit. Also noted by Town officials is that bleeder valves are being fixed in the Town's water supply lines to address lost water.

Discussion ensued about how abandonment of Patton Well would reduce size of Zone 2 water overlay district allowing development of playing fields at Patton property and public access to Ipswich River. Miyares suggested a hydrogeologist would have to be hired by Hamilton to identify new water overlay zone. Also, that decommissioning of well would not include filling it with concrete and that it could be used for playing field irrigation or as resident Duke Seaver, Essex Street, suggested possible use by Fire Department.

In response to Bruce Wadleigh, Blueberry Lane, Town officials reiterated that the Patton Well costs Hamilton \$2,000 a year to keep online and it has not been used for nine years so it is not important to the Town's public water supply due to the poor quality of the water. Tomasz recommended the Town prioritize its assets that it doesn't use to understand where it could save money. Lombardo noted that the Town could not move forward with the playing fields proposed for the Patton property until decision on whether or not to abandon the Patton Well is resolved and that DEP has to agree with the abandonment decision.

Hubbard mentioned how Town had only preliminarily reviewed Recreation Master Plan, possible consideration of investing in Astroturf field at High School, and possibility of using private funding to improve existing recreational facilities including Patton and Pingree parks. He said he thought abandoning Patton Well was giving away Town's access to water. Scuteri mentioned that abandoning the well was an efficient use of money, and that Town would have to rely on private funding versus CPA funds for Astroturf field at High School.

Discussion ensued about how it is highly unlikely that Town would revisit positioning well in location of Patton Well since it needs clean, potable water. Tomasz reiterated that DEP has to agree to the Patton Well abandonment before this process can move forward. Selectmen agreed to wait until Marc Johnson was in attendance next week to make a Board decision about whether or not to abandon the Patton Well. Neill noted that the Recreation Master Plan spoke well of the importance of playing fields in Town, Hubbard emphasized revamping of existing fields, and Lombardo noted the public access to the Ipswich River and partnership to Essex County Greenbelt Association land.

ZBA Decision re: Mike's Auto and Class II License

Neill mentioned the September 19th Zoning Board of Appeals decision to issue a Special Permit approving sale of used cars in downtown area in front of Mike's Auto on Bay Road, this is an extension of a non-conforming use.

Discussion ensued regarding Class II licenses and that sale of used cars is allowed in Hamilton in the business district in a sales showroom. There is an appeal period (i.e., six weeks) for the Special Permit decision. Neill was not in favor of one Board appealing another Town board's decision. The Selectmen need to decide if ZBA decision is accurate with Town's 1954 bylaw.

Discussion was about the need to revamp the bylaw so it is clear about what constitutes a sales showroom and used car sale lots in Hamilton's downtown. Lombardo recommended Town officials craft a letter to Patch online news service and Mike's Auto property owner to clarify that the ZBA decision is not final and that the Class II license does not allow him to sell used automobiles on that site. Selectmen have not revoked the Class II license for Mike's Auto but the recent situation has come before the Board.

Town officials agreed that the land use boards (i.e., Planning Board) should revisit and rewrite some of the Town's bylaws for the future and that Town

Meeting would make the final decision. Bob Gray noted that Mike's Auto is already selling used cars on his lot.

Schedule Next Meeting – October 1

Discussion ensued about Board conducting a retreat on November 17 where focus would be on two major issues for a four-hour meeting held on Saturday morning at 9 a.m. and that the meeting could be televised. Lombardo agreed to develop an agenda for the retreat that he will email to Board and report on at the next Selectmen's meeting. The Board's next regular Selectmen's meeting will be held on October 1.

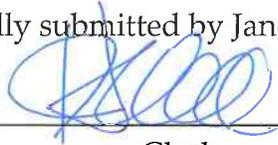
Other business

Discussion ensued about a proposed building for Engine No. 1 that would be addressed in the near future at an upcoming Selectmen's meeting. Lombardo noted that the Public Works Department would oversee this project.

Neill entertained a motion for the Board to adjourn at 8:31 p.m. Hubbard so moved. Stinson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____


10/15/12

Clerk

