

**TOWN OF HAMILTON
BOARD OF SELECTMEN
OCTOBER 15, 2012**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, October 15, 2012 with David Neill, Marc Johnson, Jennifer Scuteri and Jeff Stinson present. Town Manager Michael Lombardo, DPW Director John Tomasz, Council on Aging Director Mary Beth Lawton and Police Chief Russell Stevens also present.

Call to order

Chair David Neill called the meeting to order.

Public Comment

Ed Howard, 10 Meyer Lane, mentioned that Tom Catalano knew of a \$5,000 device that could possibly address curing mold in Town Hall and suggested that Town officials consult with Catalano. Neill said there would be follow up.

Town Manager's report

Town Manager Michael Lombardo notified Selectmen of upcoming SeniorCare breakfast. Also, that the delegates from Pakistan are arriving tomorrow afternoon and there would be a dinner and reception. The delegates will be attending meetings in both towns and school district for the next ten days to understand how services are delivered and programs are managed as well as to communicate how the same actions are done in Pakistan.

In addition, he reminded the Board that the Comcast contract is up for renewal and process will involve multiple hearings. Any requests the Town makes of the cable company would have to be justified (i.e., sound quality). He mentioned that he thought Special Town Meeting went efficiently this past weekend.

Chairman/Selectmen reports

Marc Johnson noted that there was a lot of cooperation amongst municipal and school officials before and during STM. Jennifer Scuteri agreed saying that the School Committee had communicated well with the voters prior to STM, which frees up a percentage of Selectmen's time addressing school issues.

Discussion ensued about whether or not the Selectmen should conduct working sessions to address goals and objectives or if this could be done at the Board's retreat on November 17. Also mentioned by Board was need to appoint committee to use Community Preservation Act funds approved at STM to study improvements to swimming pool at Patton Park, that there are action items required for Affordable Housing Trust and that land use boards would be considering revamping Town's zoning by-laws.

CONSENT AGENDA

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

Approval of Minutes:

- October 9, 2012 Regular Session; October 9, 2012 Executive Session

Permission to Erect Sign:

- Pumpkinfest banner on Meeting House posts Oct. 16 – Oct. 21
- LWV Vote Democracy is not a Spectator Sport banner on tennis court fence Nov. 1 – Nov. 7

Neill entertained a motion to accept the Consent Agenda items as read. Jeff Stinson so moved. Scuteri seconded motion. VOTE: Unanimous with the exception of Jeff Hubbard recusing himself from the vote for the regular and executive session minutes approval since he did not attend the October 9, 2012 Selectmen's meeting.

Patton Well

DPW Director John Tomasz provided background on why the Town is interested in seeking approval from the Department of Environmental Protection to abandon the Patton well. The last time the Town used the well was in 2004 and Hamilton only runs the well to test the water and check that it is clean of bacteria. He noted that only pedestrians could walk within a 400-foot radius of the well when it is active, no vehicles or active recreation including equestrians are allowed, and this radius encompasses a percentage of the Patton property.

He said there is consideration to build playing fields at the Patton property. If the Town keeps the Patton well active this would impact that development and he reiterated that Hamilton has not used the well, and the other wells in Town provide plenty of drinking water capacity.

He explained the process for seeking permission from DEP to abandon the well and if the state agency thinks public safety would be at risk it would not allow the abandonment. He reiterated if the Town does not abandon the well, it is restricted on what it can do on the Patton property. He recommends the Town ask DEP to abandon the well and depending upon the state agency's decision the Town can move forward to develop the Patton property or keep the well active. In response to Neill, he agreed that the Town would probably not be considering abandoning the well if it had not accepted the Patton property gift and had the potential to develop that site.

Tomasz described how if the Town had a catastrophic event it would not depend upon Patton well it would look to use the School Street well, and to Essex, Wenham and Ipswich for water. Lombardo mentioned that if the Town were seeking clean, potable water it would not look to the Patton well. It could be used to put out fire.

Lombardo concurred with Tomasz' explanations as to why it is highly unlikely that the Town would use Patton well for drinking water but a well head could be put on it for irrigation of fields on Patton estate. If the Town abandons the well rather than decommissions it, it would still be available for some function. Johnson noted that the Patton property already has wells on it for irrigation.

Discussion ensued about difference between abandoning and decommissioning. To decommission a well, it is filled in, capped and water can no longer be drawn. If the well is abandoned, water could be drawn but it would not be connected to public drinking water supply. In response to Hubbard, Town officials said there is a possibility that DEP could order Hamilton to decommission rather than abandon the well but this was considered unlikely.

Also discussed was whether or not well could be contaminated and impact on the Ipswich River. Lombardo said that the well is safeguarded and the 400-foot radius is to protect the surrounding groundwater. Johnson said if cars were parked in the area then they could possibly be a likely contaminant. He thought the risk wasn't related to the well.

Duke Seaver, Essex Street, suggested the water at the well should still be available as part of the abandonment in case of fire at the site. Lombardo said before the Town can consider post-closure usage, Hamilton has to get approval from DEP for abandonment. Neill emphasized that the Patton well had not been used for nearly 10 years and if the well is abandoned then it could be used for

another water source with purpose other than drinking water. He suggested there should be a balance between using the 25 acres of the Patton property and well usage other than drinking water supply.

Scuteri reiterated facts from Tomasz that with the Town's current registered volume of water from the state, Hamilton could add another 900 homes. Also, that the water ban in the summer has nothing to do with the registration it is based on flow in the Ipswich River.

Ed Howard, 10 Meyer Lane, referred to his experience building and maintaining gravel packed wells and disagreed that contamination of the well would not get into the aquifer. He said Town could not avoid the contamination process unless the well is decommissioned. He referred to technical questions and answers submitted to Town officials related to the matter and expressed his opinion about not giving up the well as an asset of the Town.

Discussion ensued about impact of retaining the Patton well on the development of Patton property and how it would significantly alter the development of the land since no earth moving, cars or roads could be done at the site. Lombardo described how the Patton well is a non-performing asset and that drawing water in vicinity of Ipswich River is a continuing problem.

In response to Stinson, Lombardo said it was too abrupt to decommission the Patton well and that if it is removed from the public water supply resolution has to be reached on a proposed change in use (i.e., irrigation).

Johnson mentioned that the well site on the left hand side of the Patton property is a good location for an access road that would not change the viewscape of the site. He added that Special Counsel Ray Miyares had previously answered many of the technical questions raised by Howard.

Scuteri described how more than playing fields there would be access to the river and use of homestead at the site where parking would be required. She noted that Tomasz had previously mentioned that two towns in the Commonwealth had abandoned wells in the last six months. The cost to abandon a well would be about \$5,000. The cost of decommissioning wasn't known since it had not been considered.

Hubbard expressed uncertainty about abandoning the asset until the master plan for the property was in place. Discussion ensued about if the Town decides to

abandon the well, the permitting process with the state would take three months or more. This would give the Town time to investigate what to do with the Patton property once it knows that abandoning the well is an option. Lombardo said he, Tomasz and Miyares had looked at this carefully before making the recommendation to request DEP approval to abandon the well. Bruce Wadleigh, Blueberry Lane, suggested the Town decide what it is going to do with the property then determine what would be done with the water.

Discussion ensued about how the well is an impediment to access and development of the land. Johnson said it is not an efficient use of money to design fields in the back of the property until DEP gives permission to the Town to abandon the well and the Town decides what to do with the site.

Lombardo said the Town has to decide direction for the property if it goes through process with DEP for abandonment. Scuteri suggested that the energy for viable projects at the site has been stalled until the future state of the Patton well is resolved. Also mentioned was it would cost \$500,000 to make the water in the Patton well drinkable.

Neill entertained a motion to authorize the Town Manager in conjunction with the Director of the Department of Public Works to take all necessary steps to abandon the Patton well. Discussion addressed that it would cost \$45,000 to install a new well, not including cost of connection to the Town's water treatment plant. Johnson so moved. Scuteri seconded motion. VOTE: 4-1-0 with Hubbard opposed.

Council on Aging Request to Dedicate "The Meeting House" as the Hamilton Senior Center

Neill referred to letter from Theresa "Mimi" Fanning requesting a permanent senior center for the Town's elderly residents. Council On Aging Director Marybeth Lawton is a shared director supporting seniors in both Hamilton and Wenham, described information from the Reinhardt Associates study of The Meeting House building and how it could be adapted for reuse from a former library. She mentioned the improvements made to the facility including windows, boiler, HVAC, roof, gutters, downspouts, and lights. Work will be done to address handicapped access and airflow through the building.

Discussion ensued about how the building will still be used for meetings (i.e., Hamilton Affordable Housing Trust), and training facility for police and fire

departments as well as for flu clinics and emergency shelter/ storage. Lombardo said he and the Selectmen would oversee the facility with the dedication of the building allowing the seniors to book as many programs as they need to at the site. Town elections will continue to be held at the Winthrop School building.

Lawton mentioned that she would be writing a policy and procedures manual that addresses adaptive uses for the facility. She added if the kitchen at the site were redone there would be consideration for that being a revenue source, which will be discussed with Selectmen.

Neill entertained a motion to designate what was formerly known as "The Meeting House" as the Hamilton Senior Center. Hubbard so moved. Stinson seconded the motion. VOTE: Unanimous.

"School Zone" project with Chief Russell Stevens

Police Chief Russell Stevens updated the Board about status of proposed school zone signage for 775 Bay Road at the Hamilton Wenham Regional High School and Miles River Middle School. He noted that after three years of work with the state the school zone would have signs posted on Route 1A that flash 20 mph from 7:40 a.m. until 3:30 p.m. and after that time the speed on the road would be 30 mph. He said the reason for the school zone is that there are more students driving, and more automobile and pedestrian traffic, so hopefully drivers will slow down in vicinity of Middle and High School campus within designated school zone.

Mike's Auto Class II License

Mike and his representatives, including his attorney, discussed with Selectmen his Class II license and recently granted Special Permit from the Zoning Board of Appeals allowing Mike to sell used cars in front of his property on Bay Road.

Hubbard questioned right of way by 300 Main Street in Wenham and discussed with Mike his use of the easement in area to unload used cars for sale and if there is a way to ensure they don't block egress to 300 Main Street.

Neill then described the ZBA's purview to issue special permits related to zoning, its interpretation of the zoning by-law that is different than it has been historically in the business district downtown and the Selectmen's authority to grant Class II licenses. Also, in the case of Mike's Auto, the Board of Selectmen's

condition on Class II licenses that "used cars cannot be stored on premises", was not written on the license but was included in the Board's vote on the license as recorded in the meeting minutes.

Neill outlined the Board's options in the matter including: 1) enforce provisions of Class II license; 2) remove provision in conformance with zoning by-law interpretation to bring the license in compliance; 3) do nothing and take no action until the existing Class II license expires in early December; and 4) go to court.

Scuteri opined that it would have been preferable to have Mike approach the Selectmen since the Board wants to support Mike and she noted the greater need for the Town to help expand the downtown businesses. Mike and his attorney said that they came to the Selectmen first many years ago and were directed by the building inspector to the ZBA.

She mentioned Town Counsel Donna Brewer's opinion on interpreting the zoning by-law, emphasized importance of treating all Class II license holders in Town fairly and consistently, and the need to charge Planning Board with revising zoning by-law using a process that incorporates public input.

Stinson noted the message this recent scenario with Mike's Auto gives to downtown businesses about changing uses in the business district. Neill mentioned that the zoning by-law should be rewritten by Planning Board and brought into compliance relative to a used car lot downtown and suggested Board could remove provision banning onsite storage on Class II license. Johnson was in favor of waiting until the Class II license came up for renewal in December and suggested Board develop guidelines for enforcing license policy.

Discussion ensued about the limited amount of time to schedule and hold public hearings on the matter before the Class II license is up for renewal on December 1, 2012. Also mentioned was that special permits from ZBA last for one year and that the Planning Board process to review the Town's by-laws should be done as part of broader community planning and vision for Hamilton.

Discussion also addressed the equity that the Town would implement relative to businesses with Class II licenses, which are located outside of the business district, and the "used cars cannot be stored on premises" license provision from Board of Selectmen.

Rick Mitchell, 36 Rock Maple, and Planning Board member, said he thought a public hearing should be held to discuss amendment of the Class II license, if Selectmen plan to vote to modify the provisions of the license, and that Economic Development Committee and Hamilton Development Corporation should be involved relative to development of downtown and resident interest in changes to the business district.

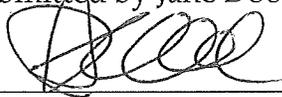
Schedule Next Meeting – October 29

The Board will hold its next regular Selectmen's meeting on October 29.

Neill entertained a motion for the Board to adjourn at 9:06 p.m. Stinson so moved. Hubbard seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____



Clerk