

TOWN OF HAMILTON
BOARD OF SELECTMEN
JUNE 4, 2012

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, June 4, 2012 with Jennifer Scuteri, David Neill, Marc Johnson, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo also present.

Call to order

Chair Jennifer Scuteri called the meeting to order.

Public Comment

Discussion ensued with resident Jay Burnham about how the Board will make a decision at its next meeting about its upcoming appointment of a Town counsel.

Town Manager's report

Town Manager Michael Lombardo noted that Patrick Dello Russo who processes receivables for Treasurer/Collectors office is taking a new job so receivables job will be posted internally and externally including on Hamilton's website.

Also, Lombardo is investigating possibility of Town officials using social media as a mechanism for timely communication with the public.

Chairman/Selectmen reports

Scuteri mentioned potential location on Patton property for athletic fields where there is septic soil that could be removed strategically not in a stripmined effort, estimated to be worth \$1 million to \$2 million, that could be a revenue source to offset the Town's carrying costs for the property. She noted that Lombardo is following up on this and an implementation plan would be put in place for soil removal that follows the Town's permitting process. This possibility and next steps for the property will be addressed when Patton Gift Advisory Committee meeting on June 13.

Jeff Hubbard mentioned that DPW Director John Tomasz had met with three vendors that will be involved with downtown improvement projects approved

at ATM. Discussion ensued about Town's bylaw governing what types of trees can be used and where they can be located in Hamilton. Tomasz as tree warden will opine on trees to be used downtown. Lombardo will attend upcoming meeting with downtown merchants on Wednesday at 5 p.m.

Reorganization of the Board

The newly constituted Board of Selectmen addressed appointing a new chair, vice chair and clerk to the Board.

Johnson expressed his interest in serving as chair of Board stating his understanding of position, interest in continuing to foster relationship with HWRSB, knowledge of approaches of other Selectmen, and willingness to assist with completing transition to Town manager form of local government.

David Neill, who was a Selectman in the 1990s and early 2000s, also said he would like to serve as chair bringing his history to the position, his interest in Hamilton's new form of government, focus on balance with Town manager form of government where Selectmen set policy and direction as well as his ability to build consensus amongst the Board and his contact with community.

Discussion ensued amongst Board members inquiring of one another their viewpoints on issues in Town (i.e., new trash program, annual gift from Gordon Conwell Theological Seminary) that enabled them to get a sense of newly elected members and vice versa. Selectmen stated their interest in keeping momentum going on relationship with school district as well as efforts to bring development to Town and create possible revenue streams to manage costs and tax rate.

Jeff Stinson nominated Neill as chair, this was seconded by Hubbard. Scuteri nominated Johnson as chair, this was seconded by Hubbard.

Discussion ensued where Board members stated their reasons for supporting the nominated Selectmen and their concerns including member availability to serve in the time-demanding position of chair.

The Board then voted on Neill's nomination. VOTE: 3-2-0 with Neill, Stinson and Hubbard in favor, Scuteri and Johnson opposed. The Board then voted on Johnson's nomination. VOTE: 2-3-0 with Scuteri and Johnson in favor, Neill, Stinson and Hubbard opposed. Selectmen agreed to work as a team regardless of opposing votes for chair.

Neill entertained a motion that Jeff Hubbard be retained as Board clerk. Stinson so moved. Johnson seconded motion. VOTE: Unanimous.

Discussion ensued about which Selectman should serve as vice chair. Scuteri nominated Johnson for the vice chair's position. Hubbard seconded nomination. Stinson nominated himself for vice chair. Selectmen expressed support for nominees. The Board voted for Johnson as vice chair. VOTE: Unanimous.

Neill thanked Scuteri for her two years serving as chair. Johnson and Scuteri reiterated need for Selectmen to take strong positions on issues in Town and said that they were looking forward to Board's continued work with HWRSD.

Accept gifts to Patton Playground from the following:

Neill entertained a motion to accept gifts to Patton Playground from the following with thanks:

- i Joanne Patton - \$2,500
- i Dean and Cynthia Fanikos - \$50
- i David Van Steenburg and Christine Shaw - \$25
- i Barbara Welles Iler -\$25

Stinson so moved. Hubbard seconded motion. VOTE: Unanimous.

Sign Conservation Restriction and Easement for Donovan Fields

Lombardo explained that state had provided additional language to be included in conservation restriction and easement for Donovan fields, previously signed by Board, that was reviewed by counsel and accepted by parties involved.

Neill entertained a motion to sign the conservation restriction and easement for Donovan fields. Stinson so moved. Hubbard seconded motion. VOTE: Unanimous.

Transfer of Class II License –Chris Gangi to KJ Motors, LLC

Lombardo explained that Chris Gangi, holder of Class II license, has created KJ Motors, LLC and wants to transfer the license to the LLC. He noted that the Class II license specifies that no cars will be sold or stored on premises and the Town has not received any complaints about Gangi. After Board discussion, Lombardo

agreed to have his assistant Chris Lindberg check with state to ensure Gangi has filed LLC with state as legal entity.

Neill entertained a motion to approve transfer of Class II license from Chris Gangi to KJ Motors, LLC with the contingency that he demonstrate that KJ Motors LLC is a legal entity and there would be the condition language that no cars will be sold or stored on premises. Stinson so moved. Hubbard seconded motion. VOTE: Unanimous.

Approve Letter of Intent between Towns of Hamilton and Wenham and the Regional School District to create a Virtual Department of Public Works (VDPW) and for the implementation of certain capital projects for school buildings

Lombardo explained that ongoing work is being done to create a virtual DPW between HWRSD and towns of Hamilton and Wenham. This letter of intent is a first step for school district to work with Capital Management Committee on some summer projects. Wenham is voting on the letter of intent tomorrow. HWRSD has already approved letter of intent.

Neill entertained a motion for the Selectmen to sign the letter of intent between Towns of Hamilton and Wenham and the Regional School District to create a Virtual Department of Public Works (VDPW) and for the implementation of certain capital projects for school buildings. Scuteri so moved. Stinson seconded motion. VOTE: Unanimous.

Class II License – Gateway Motors d/b/a Mike's Auto Repair

Discussion ensued about Mike's Auto Repair as holder of Class II license storing and selling cars on premises on Bay Road and that this is a violation of license. However, the physical license does not contain condition language stating that cars cannot be stored and sold on premises that Selectmen state when issuing these licenses annually to meet zoning requirements.

Also mentioned was that Planning Board and Zoning Board of Appeals were going to address two requests for special permits from Mike's Auto Repair in the near future relative to storing and selling cars at Bay Road site. The Board of Selectmen's authority to issue the Class II license would take precedent over special permit granting authority of Zoning Board of Appeals.

Lombardo had conferred with Town counsel on matter and was told that there is a violation of the Class II license at Mike's Auto Repair and that the Board could give the license holder time to come into compliance or revoke the license.

Discussion ensued about Town's zoning bylaw being silent on enforcement by police chief and that Hamilton's building and zoning inspector Charlie Brett is not a enforcement officer responsible for enforcing zoning bylaw violations. Lombardo noted that the Town's bylaws need to be cleaned up to no longer be silent on enforcement issues.

Neill entertained a motion to authorize Town Manager Michael Lombardo to write a letter to Gateway Motors d/b/a Mike's Auto Repair on the behalf of the Selectmen informing the license holder that it is the Board's determination that he is in violation of his Class II license because cars are being stored on the premises and he will be allowed 30 days to remedy that or his license will be revoked. Selectmen authorized Board chair and Town manager to sign the letter and carbon copies will be sent to the Zoning Board of Appeals and Planning Board. Johnson so moved. Stinson seconded motion. VOTE: Unanimous.

In response to residents Rick Mitchell and Bob Gray, Neill said this is a focused legal issue and that Hamilton's long range planning should include what the Town wants for the streetscape downtown.

Schedule Selectmen Retreat –Either June 12th or 13th 5 to 8 pm at HW Library

Selectmen scheduled a retreat for Thursday, June 14, 5 to 8 p.m. with location to be announced once determined by Town manager.

Discussion ensued about addressing at an upcoming Board working session the administrative roles/charges of Town's boards and committees to ensure there remains a need for all of them. Also, for the boards deemed necessary to keep that they are managed with member talent/skills that match responsibilities. Board hopes to have this accomplished in time for committee appointments at start of new fiscal year on July 1, 2012.

Other business

Selectmen signed cemetery deeds.

Lombardo noted that Lindberg is compiling list of all Selectmen's executive sessions to determine what issues are resolved and matters closed so that minutes can be released in the next couple of weeks.

Neill entertained a motion to adjourn at 8:59 p.m. Hubbard so moved. Stinson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk