

**TOWN OF HAMILTON
BOARD OF SELECTMEN
OCTOBER 7, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, October 7, 2013 with Marc Johnson, Jeff Hubbard, Jennifer Scuteri, Scott Maddern present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena and Superintendent of Schools Michael Harvey 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 described meeting with town officials from Hamilton and Manchester, as well as George Allen from Stantech who has done data analysis on both towns' water supplies, regarding Hamilton connecting to Manchester's water supply. He said preliminary results are positive although information is needed from Manchester's safe yield report but that municipality has more than enough water capacity to serve Hamilton.

Also being done is cost analysis. Water pressure was assessed which is sufficient. Lombardo said if Hamilton were to buy water from Manchester this would be a two to three year project. Analysis would be done on Hamilton's water treatment plant as a potential backup plant. If the project were done Hamilton's water quality and water pressure would improve.

He added that he and Interim DPW Director Dave Hanlon are planning to meet with the new director of the Ipswich River Watershed Association to hear perspective on what is going on in district. Lombardo mentioned a safe water management program from DEP where further analysis could be done of the Town's water supply. Also noted were the protections in place for fish in the Ipswich River and the resulting impact on the Town's water ban.

Lombardo updated Board about an upcoming meeting with CDM Smith to discuss getting the landfill site prepared. The landfill is supposed to be ready to accept soils on November 18 through the winter into early spring and summer. As the soils come in a contractor will be on site to do the grading and construct the actual cap. The contract is for a minimum of 50,000 tons at \$6 a ton where the Town would be paid a total of \$300,000 and there is provision for another 30,000 at \$5 a ton for an additional \$150,000. Since the Town will not need to buy soils the savings for the project will be from \$600,000 to \$800,000 total.

Discussion ensued about how a solar array would be located on the completed cap. He explained that in the long term the Marsh Rats gun club would not be returning on the cap since this would involve extensive permitting from DEP for post closure use. Once the cap is done there is a slim chance a shotgun use would be permitted. Lombardo had a meeting with representatives from HW Rod and Gun Club as well as the Marsh Rats relative to exploration for gun club use at the landfill in an area outside of the cap. The existing gun club location will be added to the topographic map. Discussion ensued about how the siting of a club would consider safety requirements and wetlands. The existing access road to the back of the site would likely remain.

Johnson noted that consideration includes cleaning up the lead shot in the wetlands at the site when gun club is closed and that lead-free shot would be used at a new gun club site. Lombardo asked each gun club to provide an updated insurance binder indicating the Town as an additional insured in the lease agreement. The clubs will also provide him with a copy of their environmental stewardship plans and demonstration of compliance. Jeff Hubbard emphasized importance of the clubs as part of Town's recreation.

Chairman/Selectmen reports

Relating to horse and hounds parade insurance Hubbard expressed his personal dissatisfaction and disappointment with the Town administration that despite having one year to prepare, the Finance Director only started procuring what we knew to be a unique insurance policy on September 11, 2013 for the event on September 21, 2013. Johnson stated that many people in Town Hall and Myopia spent a great deal of time tracking down the availability of hound-specific insurance. When the costs came in at \$800 on the Thursday afternoon before the Saturday event and that Hubbard had still not returned calls to discuss the high cost to the Town for such a brief 90 second parade, which would be a little longer if the hounds were involved, then it was an easy decision not to purchase that

extra insurance coverage. Lombardo indicated that Myopia Hunt Club had said it did not want to include the hounds if they did not have insurance.

Lombardo responded to Hubbard who inquired about cost analysis for the repair at the existing Patton Park pool noting that all information on the pool project would be included in the presentation from consultant Weston & Sampson.

Discussion addressed how topics such as cost to date analysis for the Patton Homestead property should be raised during New Business portion of meeting.

Hubbard thanked representatives for downtown fall festival, horse and hound parade, and coaching event. Jennifer Scuteri mentioned her role in the Visioning Committee for HWRSD. Scott Maddern updated Board on capital management and planning information as well as debriefing on Boston Marathon bombing that included accolades for Lt. Scott Janes heard at his new Selectmen training.

CONSENT AGENDA

Johnson read the items on the consent agenda.

Accept Gifts to Patton Park Playground:

- Brick Campaign - \$2,346.65 from Richard and Emily Sumner
- General Donations - \$3,000.00 from:
 - 1) Kevin & Betsy Baird - \$100.00
 - 2) M Patrick & Melissa Brown - \$100.00
 - 3) Mary Louise Cabot - \$500.00
 - 4) Douglas A. Dagata, Jr. & Victoria Kunzer - \$200.00
 - 5) Frances & Ralph Etna - \$100.00
 - 6) First Congregational Church of Hamilton - \$100.00
 - 7) Janet A & Matthew P Flynn - \$100.00
 - 8) J Larry & Patricia Cooke Glass - \$100.00
 - 9) David M Hough & Jennifer L Ware - \$100.00
 - 10) Elizabeth H Humphreys - \$100.00
 - 11) Michele and Dennis Hurley - \$100.00
 - 12) Landscaping Professionals, LLC - \$100.00
 - 13) John A & Susan Letourneau - \$100.00
 - 14) Courtney C & William A Maunsell - \$100.00
 - 15) Jason B & Lorraine B Miller - \$100.00
 - 16) Jonathan R & Rawlings M Miller - \$100.00
 - 17) Melissa E & Michael D Moore, II - \$100.00

- 18) Lynne G & Roger C Norris - \$100.00
- 19) Claudia S. & Chariton Reynders, III - \$100.00
- 20) Lana Y Saleh & Danny Yun - \$200.00
- 21) Ruta M Shah - \$200.00
- 22) Alexis Studley - \$100.00
- 23) Lindsey C & Jason M Waldron - \$100.00

Permission to Hang Banner: HWRHS Cross Country Team, Track Team and Cheerleading Boosters request use of the poles in front of the Senior Center Meeting House to advertise fundraiser from October 20 – 26, 2013.

Approve Minutes 2013 – Regular Session – September 23, 2013

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

AGENDA

Consideration of Opening the Warrant to amend or add certain items

Johnson entertained a motion to open the warrant. Scuteri moved to open the warrant for November 4, 2013 Special Town Meeting. Hubbard seconded the motion. VOTE: Unanimous.

Superintendent of Schools Michael Harvey spoke to the contingency motion relative to the design work for the Winthrop School. The MSBA motion does not cover the heating distribution system beyond the boiler so that is the reason for the contingency motion although more information from the state on the matter is expected in the next few days. The HW School Committee is asking for the contingency motion to be added to the warrant (\$875,000 total cost).

Finance Director Deborah Nippes-Mena said there will be four articles for debt authorization for the schools. Discussion ensued about how the school district would BAN and use bonding to reduce cost. Harvey noted that HWRSD is trying to ensure that the heating distribution system (forced air and water) is sustainable and reiterated that this part of the project beyond the boiler replacement would not be funded by MSBA.

Discussion addressed how the dollar amounts in the warrant articles (total of \$4.3 million) are placeholders and would be amended on Town Meeting floor.

There is an expected reimbursement of \$3 million from the state, and Hamilton will be responsible for two-thirds of the total cost.

Harvey summarized that the school committee has decided to keep the warrant article about proposal for fire suppression system at Buker School since the elementary school classrooms do not have any direct exits to the outside. He noted that it takes two minutes to evacuate the building in a fire drill relative to risk of child being injured during a fire. Although the last death in a fire in a school occurred in the 1950s. Harvey said the school committee decided to have this warrant article vote go to the voters.

Also mentioned was hearing dates and proposals to amend the cellular telephone tower by-law and OSFPD by-law. Johnson explained that the statutory requirements for hearings would be difficult to meet relative to STM date.

Johnson entertained a motion to add Article 2-7 and amend the warrant by dropping Articles 3-1 and 3-2 (bond counsel has reviewed the language). Scuteri so moved. Hubbard seconded the motion. VOTE: Unanimous.

Johnson entertained a motion to close the warrant. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Vote to accept Ballot Question language; formally transmit to Town Clerk

Johnson read: in accordance with M.G.L. Chapter 54, Section 42C and M.G.L. Chapter 59, Section 21C(a) and Chapter 59, Section 21C(k), we give you notice that we have voted unanimously on Monday, October 7, 2013 at a duly posted meeting to place the attached referendum questions on the ballot for an election held on November 21, 2013 at the Winthrop School from 7 a.m. to 8 p.m.

Johnson entertained a motion to accept the ballot language. Scuteri so moved. Hubbard seconded the motion. VOTE: Unanimous.

Review Board Goals and Objectives

Scuteri explained for the Patton Homestead the topographical maps have been done that delineate the wetlands, focus is on access to housing on higher upland if there are revisions to the gift agreement (this housing could bring in revenue to the Town), also the proposal for bed and breakfast, and the approval of river walk being done with ECGA. Discussion addressed compliance with Mass.

Bidding laws and that Ben Patton should follow these if he plans on bidding for Homestead use.

Maddern spoke to proposal for anaerobic digester at Hamilton's landfill site and his discussion with Fairhaven that has functioning digester and solar array. He'll follow up to see if that community receives any complaints about these productive functions.

Discussion addressed PILOT/SILOT relative to Gordon Conwell Theological Seminary and Pingree School. Hubbard and Scuteri discussed their roles as liaisons in this function and related email correspondence. Also noted was that Lombardo has been working with the seminary on a potential development project. Johnson entertained a motion that Gordon Conwell discussion (involving Lombardo) is not part of PILOT/SILOT conversation with Hubbard and Scuteri. Maddern so moved. Hubbard seconded the motion. VOTE: Unanimous.

Johnson updated the Board that the Chapter 70 litigation is not being pursued so there are no next steps and this was taken off list. Discussion ensued about how the Board would take positions opportunistically relative to state level decisions (i.e., bottle bill).

Hubbard said he plans to meet with Enough Is Enough group before the end of the year relative to the operational audit of HWRSD to see if there are any outstanding issues that Lombardo could address.

Discussion ensued about if there are cost drivers in the regional school budget and that Hubbard would provide guidance relative to what residents can afford. Hubbard expressed confidence in HW School Committee and its chair Roger Kuebel and noted his email communication with Kuebel. The Board stressed importance of having Hubbard provide input about these cost drivers at the beginning of the budget process, November at the latest, since early back and forth communication will be important so that the schools understand what the town can afford as they build their budget.

Maddern related that town of Arlington has a capital subcommittee to its Finance Committee that receives community input regarding its capital improvement plan fostering acceptance of proposals at their Town Meetings. Lombardo noted that capital planning is part of the budget process and should be finalized by January and there would be public budget sessions with Selectmen and Finance Committee.

Johnson spoke to upcoming meeting on regionalizing public works departments across Hamilton, Wenham and HWRSD with Collins Center personnel at Wenham town hall. He noted that the library administrative fee issue has been resolved with Wenham.

Hubbard mentioned that he is going to be part of a committee with the state auditor's office relative to unfunded school district and municipal mandates.

Discussion addressed Town services with Maddern noting that a public outreach and educational meeting on Patton Park pool is occurring on October 15 in Wenham. Johnson added that he spoke to Wenham Selectman Ken Whittaker about the need for that municipality to make a decision about whether or not it would contribute CPA funds to the pool project.

Discussion ensued about all field use group meeting on October 15 relative to turf field at the High School. Maddern said goals will be set with Joint Recreation Board for the project.

In addition, Maddern mentioned the possibility of free passes for seniors to use the new pool at Patton Park. Also addressed was that Council on Aging Director Mary Beth Lawton could be contacted relative to getting the Boy Scouts to help seniors with large recyclable items.

Johnson mentioned that Jeff Stinson would assist with the next Town Manager's evaluation that will occur at the end of the month. Also discussed was if a human resource position could be shared between HWRSD and the Town and if the school district has that capacity. Maddern would follow up in January.

Hubbard spoke to downtown grant and branding ideas working with a consultant. He added that he has a \$10,000 bid to get a Chamber of Commerce website going with outside private funding. Lombardo recommended possibility of cooperating with Beverly's Chamber of Commerce especially with a web presence. Discussion addressed how important the ownership is for a website to keep information up-to-date. Scuteri mentioned that as part of downtown visioning, the importance of linking people with businesses.

Set date for next Board of Selectmen meeting

The Board will meet next on October 21 and vote positions on STM warrant articles and review draft Patton Advisory Committee charge.

NEW BUSINESS

Consideration of topics for discussion at future Selectmen's meetings

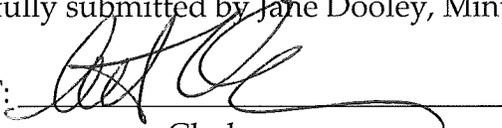
The Board will invite Hamilton Development Corporation to a future meeting, review draft of Patton Advisory Committee charge, analyze revenue projections relative to Chapter 61 and determine what it cost Hamilton relative to the Pirie Property project to go through ballot vote process on right of first refusal and also compare what the Pirie Developers said would happen to the property (tax revenue, transfer of cemetery acreage) as to what is actually occurring. Johnson mentioned that he and Neill would follow through on the Town's need for a Chapter 61 policy.

Hubbard expressed interest in learning how the Town would fund maintenance costs for Patton Park playground other than through property taxes.

Johnson entertained a motion at 8:20 p.m. to adjourn the meeting. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk



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January 5, 2014

To: Board of Selectmen
From: Deborah Nippes-Mena –Finance Director *DLNM*
Re: Memorandum of Amendment to BOS Minutes of 10/7/2013

I am requesting this memorandum of amendment to be included as part of the approved Board of Selectman minutes of 10/7/2013. The minutes reflect Selectman Hubbard's statement "Relating to horse and hounds parade insurance Hubbard expressed his personal dissatisfaction and disappointment with the Town administration that despite having one year to prepare, the Finance Director only started procuring what we knew to be a unique insurance policy on September 11, 2013 for the event on September 21, 2013." Chairman Johnson summarized that a significant amount of the time was spent in supporting the event.

Michael Lombardo and I were not given an opportunity to provide the facts or discuss the lack of policy, process and clear direction by the Board. The board voted on 9/9/2013 to allow the 2013 Fall Festival Parade to occur without any written request from any organization for such event. Between 8/12/2013 and 9/18/2013, town management took the initiative with Myopia Hunt Club to provide all the required documentation and insurance to support Hamilton-Wenham Merchant Association.

Background:

The Hamilton-Wenham Merchant Association sponsored the initial Fall Festival on September 22, 2012, which included a Fall Festival Parade of the Myopia Hunt Club. Attached are the minutes from Board of Selectmen minutes from September 21, 2012 which details the challenges and liabilities of allowing the Hunt Club to use their 20+ hounds off leash. The most critical of these items were the Town Leash Law, Public Safety, Town Liability, and Myopia's Insurance Policy and Certificate of Insurance to the Town. Myopia chose not to include the hounds in the 2012 parade, as Myopia's insurance provides no coverage for the hounds. During this time frame I stated that in the future we could explore Special Event Insurance for any event to protect the Town.

On August 12, 2013, I was scheduled to discuss with the BOS the Warrant Articles for Fall Special Town Meeting. I choose to attend early due to the short agenda giving me the chance to hear the Chairman/Selectman reports. This is where I learned that Selectman Hubbard was requesting a provision be put in place for the insurance for now an "Annual Fall Festival Parade" planned for September or October sponsored by Hamilton-Wenham Merchant Association. The Town Officials deferred the topic to new

business, for which no discussion occurred. Attached please see the minutes from 8/12/2013. As a result no guidance was provided by the Board.

Timeline of Events:

Recognizing that time was limited, I discussed with the Town Manager reaching out to the Club Manager of the Myopia Hunt Club to initiate a request for Certificate of Insurance for the Fall Festival Parade. This decision was based on the prior year activity, advice from Town's Insurance Carrier and Town Counsel, Town business practices for the utilization of Town owned properties, Town by-laws and the event is not a Town sponsored event.

The request to Myopia Hunt Club Manager was sent on 8/16/2013 to David Cugini. It also included our insurance carrier's recommendation that an agreement be drafted by the Town's Legal Counsel with respect to Myopia's ongoing use of Town premises. The agreement should be signed by both the Town and the outside organization requesting to use of the premises and will state that the Town accepts no liability with respect to any claims which might arise out of the organization's/participant's activities and further stipulate that the Town be held harmless accordingly. If there are children under the age of 18 then parents should sign this agreement. See attached email, dated 8/16/2013, to David Cugini and his response.

After two weeks of no communication from Myopia representatives, I asked Maureen Hickey to contact Robert A. Wilkinson at New England Trust Services for the status of Myopia's Certificate of Insurance and the participation of hounds. We received the certificate on 9/9/2013, which was shared with BOS at regularly scheduled meeting on 9/9/2013. At this juncture the Broad of Selectman voted to allow the parade to use town property; this vote had no written application and did include a waiver of the leash by-law.

Selectmen Hubbard requested on September 11th the town's insurance to cover the hounds. I explained that it is not a town sponsored event, Myopia had chosen to continue not to provide coverage for the hounds and the only route would be Special Event Insurance. MIIA, town's insurance group, would have to seek out another carrier because they do not provide Special Event Insurance. He requested that I place request, I told him I would with the Town Manager's concurrence. A request was placed with MIIA to locate a vendor that would insure the Town for loose animals at an event not sponsored by the Town. A carrier was indentified and application was received on 9/13/2013.

David Cugini was contacted regarding the required information to complete the application with the full intent that Myopia would apply for the insurance. He directed me to Nicholas White, who discussed the event emphasizing that the hounds are not insured and the club was not willing to incur the risk or the cost of the hounds

participating in the event. Therefore, he was not interested in applying for Special Event Insurance. Recognizing Selectman Hubbard's commitment to the Merchant Association, I asked Mr. White to provide the necessary information. This would at least give liability insurance for the Town with absolutely no coverage for the dogs and/or Myopia. He agreed and I forwarded the requested information, see attached email. Mr. White returned the information on 9/16/2013, see attached email. Unfortunately, the Myopia Hunt club representatives were under the impression that the Fall Festival was sponsored by the Town and not by the Hamilton-Wenham Merchant Association. Michael Lombardo informed Mr. White the Town was not sponsoring the event. The application was forwarded to MIIA on the 9/16/2013 for pricing. A quote was received on September 18, 2013.

The quote was reviewed with Chairman of Broad of Selectman who chose not to cover the event based on Myopia's decision not to have the hounds participate in the event, the lack of Myopia's own coverage on the Hounds and the cost of the Special Event coverage.

Summary of Attachments:

- 1- Approved BOS minutes from September 21, 2012 and August 12, 2013
- 2- Email chain: Myopia Hunt Club Manager
- 3- Email chain: Notifying town management of possible event
- 4- Email: Myopia Certificate of Insurance
- 5- Email chain: Seeking Special Event Insurance
- 6- Email chain: Mr. White, Myopia member coordinating the event
- 7- Email chain: Special Event Insurance, Cost and Coverage

Recommendation:

The Board of Selectmen working with the Town Manager should review which annual events are sponsored by the Town. All other events that occur on town property must comply with same set of standards that include timely application, review by the appropriate town departments and Certificate of Insurance for the event.

Cc: Michael Lombardo

ATTACHMENT 1

TOWN OF HAMILTON BOARD OF SELECTMEN SEPTEMBER 21, 2012

The Board of Selectmen met at Hamilton Town Hall at 3:15 p.m. on Friday, September 21, 2012 with David Neill, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo, Police Chief Russell Stevens, Financial Director Deborah Nippes-Mena and Brian Kiely, Huntsman Myopia Hunt Club

Call to order

Chair David Neill called the Meeting to order.

Special Meeting

With a quorum present, Chair David Neill stated that the sole purpose of the meeting was to discuss the disposition of whether to allow the hounds of the Myopia Hunt Club to run off leash on Town property in the Fall Festival Parade scheduled for Saturday morning September 22, 2012.

Neill noted that the Town has a leash law, which requires dogs to be on leashes at all times, except while on their owner's private property or with the permission of the owner of other private property.

As representatives of the owners of the Town, Neill and the Board members sought Police Chief Russell Stevens' insight on the matter. Chief Stevens replied that the law is dogs must be on a leash. He reported that he had conferred with Town Counsel Donna Brewer on the matter. Brewer replied that the Board of Selectmen does have the authority to grant permission for the dogs to run on Town property without leashes.

With that established, Chief Stevens visited Brian Kiely, Huntsmen at Myopia Hunt Club and as such responsible for the care and control of the hounds. Chief Stevens found the dogs friendly, jumping on him but not biting or threatening despite his uniform. He found Kiely to be in control and that the dogs followed his commands. The Chief spent a half hour observing and interacting.

Chief Stevens inquired if the dogs would nip someone. Kiely replied no but could go after a hot dog in a child's hands. From a public safety point of view, Chief Stevens said this is a concern. The Chief further stated, while it would be wonderful to see a hunt parade, as featured in the video circulating on You Tube of one in Middleburg, VA, the video also captured the hounds running in and out, jumping and approaching children.

Town Manager Michael Lombardo interjected that this is where the Town bumps up against an insurability issue. Lombardo reported that Financial Director Deborah Nippes-Mena was awaiting confirmation from Nick White of the Business Office at Myopia Hunt Club as to whether Myopia's insurance policy had a rider covering dogs off leash. The Town could then be added as an Additional Insured under its policy. In consultation with MIIA, the Town's insurer,

Nippes-Mena was strongly urged to take this course. The Town's own risk profile would be compromised. Nippes-Mena also awaited word from MIIA, should Myopia refuse to name the Town as an Additional Insured, could the Town secure coverage through MIIA.

Selectmen Jeff Stinson inquired how many dogs were in the Middleburg, VA parade. Huntsman Kiely, who had participated in that parade, replied 80 hounds. The police had shut down the one road (US Route 50) in both directions and a police escort led the parade. Stinson then asked Chief Stevens for his plan to handle the parade. The Chief said with the assistance of 4 officers, he would halt traffic on Bay Road at Asbury Street and also close Bay Road at Walnut Road. The Chief detailed the parade route. Kiely stated that he will ride on horseback and lead the hounds, as the alpha dog. Kiely has two assistants, one on each side with whips to control the hounds.

Stinson asked if the hounds could run off course. Kiely stated they will not chase dogs or people, but could be tempted by ice cream. Selectmen Jeff Hubbard stated the time of the parade is 10:30, not meal time. Kiely reassured the Selectmen that he had very good control of the dogs.

Neill said public safety is the issue, especially in light of the recent incident at the park, when a dog on a leash bit a child. Neill asked the Chief for his opinion. The Chief replied that he could stop traffic and assure everyone that the dogs would not be hit by cars but he could not stop children from trying to pet or touch the hounds. Insurance must be defined.

There was more discussion of the Chief's observations of the hounds. The hounds were in their own environment and not downtown. The Chief stated that he was hesitant. Town Manager Lombardo stated that from a risk management perspective, Myopia must produce a certificate. Lombardo further declared that he did not have any comfort level without a certificate. He asked how the Board could justify this decision before the Town without a certificate. Hubbard asked if we could secure an insurance rider for the day.

Chief Stevens said that there is a public safety risk. The parade should be fine and without incident but there is an element of risk with hounds. The hounds behavior is predictable but cannot be guaranteed. Discussion continued among the Selectmen citing the horse culture as part of the basic fabric of the Hamilton community, while voicing concern about the possibility of inadvertent biting or other injury from the hounds off leash.

Huntsman Kiely offered that since his arrival at Myopia on March 12, 2012, there had been no incidents. Chief Stevens stated, while they act like puppies, they weigh 60 to 80 pounds. They could inflict injury inadvertently. The hounds number eighteen in the pack. Neill asked if a smaller number could run with the parade. Kiely stated the number did not matter, the risk remained.

The discussion focused on calling a vote. Chairman Neill stated that the Board would only vote to allow the hounds off leash on Town property with proper insurance coverage. Lombardo suggested that the Board take a vote contingent upon MIIA's willingness to underwrite

the risk, should Myopia fail to provide a certificate of insurance. Hubbard asked if MIIA's rider to the Town's policy would cost additional premium. Lombardo replied in the affirmative and that the cost could be as high as \$5,000. Stinson stated he would be unwilling to pay that much. Chief Stevens opined that if the Town did not have insurance that he would suggest the Selectmen vote no.

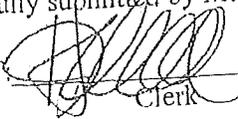
At 3:50, Finance Director Nippes-Mena entered the meeting with answers to the insurance questions. After consulting with its' underwriters, the MIIA representative reported that the Town of Hamilton is a member of self insured group policy, covering liabilities defined by the group at signing. Special riders cannot be added without the consent of every member of the group. The Town would have to secure coverage independently of MIIA from the specialty insurance market. While Nippes-Mena stated she could explore this option in the future, coverage could not be obtained for tomorrow.

Nippes-Mena then reported that the issue was moot. Mr. White of the Myopia business office had advised Nippes-Mena that the Myopia hounds would not be participating in the parade on Saturday. After reviewing Myopia's coverage with its' underwriter, it was discovered that Myopia had in fact no coverage for the hounds under their existing policy and therefore, it was impossible to issue a certificate of insurance to the Town.

Neill declared that there was no need to vote. Lombardo stated the Town will look for Special Event coverage outside the insurance pool. Hubbard graciously thanked all attendees for all the effort extended to make the parade work. Neill made a motion to adjourn at 3:57. The motion was seconded by Stinson. VOTE: Unanimous.

Respectfully submitted by Maureen Hickey, Minutes Secretary

ATTEST


Clerk

TOWN OF HAMILTON
BOARD OF SELECTMEN
AUGUST 12, 2013

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, August 12, 2013 with Marc Johnson, Jeff Hubbard, David Neill, Jennifer Scuteri, Scott Maddern present. Town Manager Michael Lombardo and Finance Director Deborah Nippes-Mena 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 reported that 20-hour a week Administrative Assistant position for the Recreation Department would be posted. The job has a flexible schedule and involves clerical duties, working with the public, and requires candidate to have MS office suite skills including Publisher.

Chairman/Selectmen reports

David Neill commented on Hamilton Development Corporation meeting held with downtown residents where focus was on how people felt and improvements they would like to see in the downtown with emphasis on improving the tax base as well as the downtown. He noted that October 3 is the date for the HDC's first public meeting.

Jeff Hubbard described how there are two new businesses downtown including Cape Fish fly fishing gear and apparel store and that Tom Moulton has purchased the former Mike's Auto site for his landscaping business. He thanked people for helping to clean up the downtown and inquired if funds would be budgeted for this purpose moving forward. Also, Hubbard asked if the Patton Park pool committee had been notified that the committee was disbanded. In addition, he asked that provisions be put in place for allowing hounds in the

hounds and horse parade planned for September or October and Town officials suggested this topic be discussed under new business.

Scott Maddern mentioned that the Finance and Advisory Committee is looking for another member, Council on Aging facility policy, and open spot on Joint Recreation Board. Johnson noted that tentatively scheduled on September 4 is an all land use board meeting including the HDC.

CONSENT AGENDA

Johnson read the items on the consent agenda.

Patton Park Playground Committee – Emily Sumner and Holly Regan request the use of the playground to host a Grand Opening Celebration on August 29 and additionally to hang a corporate “thank you” banner for 3 more months.

Lombardo spoke to actions taken to finalize completion of playground including issuing notice to liquidate damages (i.e., \$8,000) for overrun of time to do the job.

One Day Liquor Licenses

Henry’s Food, Inc. for an event at Myopia Schooling Fields, Bay Road, Saturday, August 31, 2013 and for an event at Myopia Polo Fields, Bay Road, Sunday, September 8, 2013.

St. John’s Episcopal Church for an event at Green Meadow Farm, 654 Asbury Street, Saturday, September 14, 2013.

Reappointments to Boards, Offices and Committees

Appointments:

Hamilton Wenham Cultural Council Krista Veeneema to fill a vacancy. The term expires June 30, 2016.

Planning Board Jeremy Melick to fill seat vacated by Joe Orlando. The term expires April 10, 2014, Town Election Day.

ZBA Kim Dietel to fill seat vacated by Jane Lyman. The term expires June 30, 2015.

Johnson suggested thank you letters be sent to the board members leaving their posts thanking them for their service

Minutes: July 29, 2013 – Regular Session

Johnson put a hold on voting on these minutes until he and Hubbard had a chance to review.

Neill moved to approve the Consent Agenda except for the last item, July 29, 2013 minutes. Scuteri seconded the motion. VOTE: Unanimous.

AGENDA

Mary Beth Lawton, COA Director will present proposed Senior Center Building Use policy and receive feedback

Lawton discussed guidelines for proposed Senior Center Building Use policy noting that the building is currently booked through Town Clerk Jane Wetson and this process can be confusing. She highlighted what the building is used for including Town boards and committees but no outside groups. The proposal is to request use of the building through email and/or telephone call where scheduling would be based on first come, first served basis, and confirmed by Lawton. No alcohol use, smoking or pets (with the exception of assistance dogs) are allowed at the building.

Lawton noted that keys to the Senior Center are held by her, her employee, the Town's Building Manager Mark Gates and ECO. She added that if the building is not used correctly by a group this may negate any future uses by that group. The building is available for use as early as 7 a.m., after school, in the evenings and weekends. The kitchen is locked at 4:30 p.m. Discussion ensued about whether or not the Town would invest in a 60-inch television for the facility that could be used for presentations or if an overhead projector was preferable.

Discussion addressed how the facility cannot be rented and how it does not need a new septic system related to the updated kitchen (\$57,000 of Community Preservation Act funds were designated for this purpose) that has Board of Health and Fire Department approval. The kitchen will be equipped with non-commercial grade appliances and be available to warm meals rather than do any extensive cooking.

Hubbard encouraged the use of the Senior Center as a Town asset and expressed his concern about the decisions related to the facility resting solely with the Town manager. He thought the facility should be rented when possible.

Also addressed was the COA newsletter that Lawton said has the printing funded through advertising. In addition, Lawton mentioned that cold lunch is served at the Senior Center on Tuesday and Thursday and has had excellent attendance. A free breakfast will be provided through Commonwealth of Mass. funding. She also explained that Beauport has successfully provided transportation to seniors where 147 trips were taken in July which is higher than the average number of trips taken by seniors on the Hamilton Wenham senior van (81 a month). Lawton confirmed that this change in service has been working well for Hamilton seniors.

Update and discussion on the Collins Institute/CIC Grant

Johnson explained that the Collins Institute using a CIC grant is analyzing building maintenance services for Hamilton, Wenham and HWRSD and will include public works, square footage of buildings, amount of staff required, road miles, etc. in a more detailed way than DOR analysis. A study report should be ready in the fall.

BOS Goals and Objectives

Johnson characterized ranking of categories related to increasing revenue, reducing costs, adding or improving Town services, managing people, departments and boards, how to use Town assets, making Hamilton a better place and making sure Town is doing the correct planning.

He summarized topics relative to category such as increasing revenue: uses of Patton Homestead, anaerobic digester and solar at landfill, revise zoning, sell Town parcels, Chapter 70 legislation. Also, items that came from the Selectmen's retreats including for reducing costs such as operational audit issues addressed, new budget from HWRSD, capital improvement plan, regional DPW, ECO and Fire Department, revise and update intermunicipal agreements with Wenham and possibly school department, set up benchmarks for schools, and regionalize health and building departments.

For add or improve Town services, the Board is looking at decision for Patton Park pool implementation, turf field at regional High School, increase services for seniors, river access and recreation field at Patton Homestead, increase communication to public and review trash program and its related educational materials.

Management of people and boards addressed Town manager's six month review coming up in October, human resources administrator, recruiting for boards and committees, personnel policy, and complete policy on liaisons for committees. Maximize Town assets included better use of Town buildings, Town Hall improvements and Cutler Park. Making Hamilton a better place addressed developing the downtown, beautification/nuisance and marketing Town.

From a planning perspective, an all boards meeting, housing development, forecast of income and spending were noted. Also, establish an acquisition policy for Chapter 61A properties. Identify three bylaws that need attention during all boards meeting.

Discussion addressed the average age of homeowner selling a house in Hamilton as 57 to 67 years old since many families educate their children and move out of Town. Also, if residents 57 to 65 remain in Hamilton this proves to be revenue positive relative to need for planning for housing and interest by many homeowners in downsizing. Other topics addressed were need for improved cellular telephone service in Hamilton (that Jennifer Scuteri offered to take on) and that Verizon should begin removing double telephones in Town this fall.

Discussion was on consensus of Board members on increasing revenue categories, reducing costs, and how to improve Town services. In addition, discussion addressed Selectman responsibility for Patton Park pool and turf field at the regional High School although this is not a joint responsibility for both Maddern and Hubbard and the pool project is now being overseen by the Town manager. Lombardo is also driving the anaerobic digester project. Hubbard expressed interest in working with Neill and HDC relative to marketing Hamilton and improving downtown.

Liaison Assignments

Discussion revisited if Hubbard and Maddern should be co-liaisons for Recreation board although Selectmen decided to keep the assignments as is with the exception of Scuteri serving as veteran service agent replacing former Selectman Jeff Stinson.

Discussion on Benchmarking

Discussion ensued about how benchmark information from cohort communities could be used to gauge the residential tax rate, how much is spent on teachers,

and budget process with consideration of future of ECO, if there should be quarterly reports and estimated versus actual budget numbers (it was noted that Town manager has budget responsibility for Hamilton). Lombardo suggested that results from community survey could be revisited.

Warrant Articles for Fall Special Town Meeting – review draft articles/placeholders

Finance Director Deborah Nippes-Mena summarized the proposed warrant articles for STM and noted that the warrant closes on September 23. Discussion ensued about placeholders for revised bylaws and that HDC was planning to request a funding article for permanent allocation of meals tax.

Also addressed was zoning change that would be required according to Town counsel if Patton Homestead were co-developed with a maximum of 12 modest homes (i.e., cottage housing). Details on where these residences would be located on the Patton Homestead site have to be defined. Also mentioned was whether or not the OSFD bylaw could be tweaked.

Discussion was about HWRS D request for authorization to borrow \$2.5 million for capital projects that would likely be included in two separate warrant articles and address \$500,000 for sprinkler system installation at Buker School.

Set date for next Board of Selectmen meeting

The Board's next meetings are scheduled for August 26, September 9 and 23. An all boards meeting including the HDC is planned for September 4 at the HW Public Library.

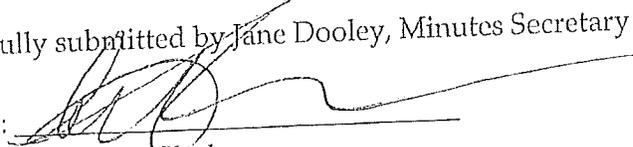
NEW BUSINESS

Board members suggested action items be defined for goals and objectives.

Johnson entertained a motion at 9:05 p.m. to adjourn the meeting. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk

ATTACHMENT 2

Deborah Nippes-Mena

From: David Cugini [dcugini@myopiahc.org]
Sent: Monday, August 26, 2013 4:49 PM
To: Deborah Nippes-Mena
Subject: Automatic reply: Fall Harvest Festival

I will be away from the Club from Wednesday, August 21 - Monday, August 26. For immediate assistance please contact the Club directly at (978)468-4433.

Thank you

Deborah Nippes-Mena

From: Deborah Nippes-Mena [dmena@hamiltonma.gov]
Sent: Monday, August 26, 2013 4:49 PM
To: 'David Cugini'
Subject: RE: Fall Harvest Festival

David;

I just thought you would like to know that I have had no communication with any of the organizations responsible parties.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

From: David Cugini [mailto:dcugini@myopiahc.org]
Sent: Friday, August 16, 2013 2:35 PM
To: Deborah Nippes-Mena
Subject: RE: Fall Harvest Festival

Deborah,

Thank you for your email. I have forwarded your information to the Master of Hounds, Stables Chairman and Club Controller to assist. Please let me know if you do not hear of a response and I will see how I can assist.

Best,
David J. Cugini, CCM
Club Manager
Myopia Hunt Club

From: Deborah Nippes-Mena [mailto:dmena@hamiltonma.gov]
Sent: Friday, August 16, 2013 1:17 PM
To: David Cugini
Cc: Donna Brewer; 'Michael Lombardo'; Chief R. Stevens
Subject: Fall Harvest Festival
Importance: High

David:

Allow me to introduce myself, I am the Finance Director for the Town of Hamilton and have the responsibility for the Town's insurances.

The Fall Harvest Festival is scheduled for September 21st. The event is calling for a parade of the horses and hounds by the Club.

The Board of Selectmen can give permission for the use of the Public Ways for the parade which can be scheduled at their next meeting.

The Town has a leash by-law which will need some internal discussion.

The Town's general liability limit is \$1,000,000/\$3,000,000, listed below is the standard requirement. I note that a hold harmless agreement will need to be prepared for the riders for this activity - we ask that a parent or guardian sign for any children under the age of 18.

Whenever the Town allows an outside organization to utilize Town premises, it is also a requirement to obtain a Certificate of Insurance from the outside entity using the property affording the following:

- 1) General Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit. The Town should be named as an "Additional Insured."
- 2) Automobile Liability (applicable for any outside organization who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Town should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law.
- 4) Professional Liability of at least \$1,000,000/occurrence, \$3,000,000 aggregate. The Town should be named as an Additional Insured.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Town should be named as an Additional Insured.

Additionally, our insurance carrier recommends that an agreement be drafted by the Town's Legal Counsel with respects to Myopia's ongoing use of Town premises.

The agreement should be signed by both the Town and the outside organization requesting to use the premises and will state that the Town accepts no liability with respect to any claims which might arise out of the organization's/participant's activities and further stipulate that the Town be held harmless accordingly. If there are children under the age of 18 then parents should sign this agreement. A request has been submitted to Town Counsel, when it is complete I will forward it to you.

I would like to personally reiterate that the Myopia Hunt is part of the character of the Town; this is just simply protecting the Town's liability.

Deborah Nippes-Mena -CGA

Finance Director

Town of Hamilton

978-468-5586

ATTACHMENT 3

Deborah Nippes-Mena

From: Brewer, Donna M [brewer@casneredwards.com]
Sent: Monday, August 19, 2013 9:39 AM
To: 'Deborah Nippes-Mena'; 'Michael Lombardo'; Chief R. Stevens
Subject: RE: Fall Harvest Festival

Thanks. In order to draft up a land use agreement, I need to know what town property they plan to use, for how long and for what purpose. Michael can then determine if we will charge for the use, but keeping in mind that charging a fee will most likely negate the immunity we get from the recreational use statute, G.L. c. 21, sec. 17C.

Donna

From: Deborah Nippes-Mena [mailto:dmena@hamiltonma.gov]
Sent: Monday, August 19, 2013 9:32 AM
To: 'Michael Lombardo'; Chief R. Stevens; Brewer, Donna M
Subject: FW: Fall Harvest Festival

FYI –just keeping you in the loop.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

From: David Cugini [mailto:dcugini@myopiahc.org]
Sent: Friday, August 16, 2013 2:35 PM
To: Deborah Nippes-Mena
Subject: RE: Fall Harvest Festival

Deborah,

Thank you for your email. I have forwarded your information to the Master of Hounds, Stables Chairman and Club Controller to assist. Please let me know if you do not hear of a response and I will see how I can assist.

Best,
David J. Cugini, CCM
Club Manager
Myopia Hunt Club

From: Deborah Nippes-Mena [mailto:dmena@hamiltonma.gov]
Sent: Friday, August 16, 2013 1:17 PM
To: David Cugini
Cc: Donna Brewer; 'Michael Lombardo'; Chief R. Stevens
Subject: Fall Harvest Festival
Importance: High

David:

Allow me to introduce myself, I am the Finance Director for the Town of Hamilton and have the responsibility for the Town's insurances.

The Fall Harvest Festival is scheduled for September 21st. The event is calling for a parade of the horses and hounds by the Club.

The Board of Selectmen can give permission for the use of the Public Ways for the parade which can be scheduled at their next meeting.

The Town has a leash by-law which will need some internal discussion.

The Town's general liability limit is \$1,000,000/\$3,000,000, listed below is the standard requirement. I note that a hold harmless agreement will need to be prepared for the riders for this activity - we ask that a parent or guardian sign for any children under the age of 18.

Whenever the Town allows an outside organization to utilize Town premises, it is also a requirement to obtain a Certificate of Insurance from the outside entity using the property affording the following:

- 1) General Liability of at least \$1,000,000 Bodily Injury and Property Damage Liability, Combined Single Limit with a \$3,000,000 Annual Aggregate Limit. The Town should be named as an "Additional Insured.
- 2) Automobile Liability (applicable for any outside organization who has an automobile operating exposure) of at least \$1,000,000 Bodily Injury and Property Damage per accident. The Town should be named as an "Additional Insured".
- 3) Workers' Compensation Insurance as required by law.
- 4) Professional Liability of at least \$1,000,000/occurrence, \$3,000,000 aggregate. The Town should be named as an Additional Insured.
- 5) Umbrella Liability of at least \$2,000,000/ occurrence, \$2,000,000/aggregate. The Town should be named as an Additional Insured.

Additionally, our insurance carrier recommends that an agreement be drafted by the Town's Legal Counsel with respects to Myopia's ongoing use of Town premises.

The agreement should be signed by both the Town and the outside organization requesting to use the premises and will state that the Town accepts no liability with respect to any claims which might arise out of the organization's/participant's activities and further stipulate that the Town be held harmless accordingly. If there are children under the age of 18 then parents should sign this agreement. A request has been submitted to Town Counsel, when it is complete I will forward it to you.

I would like to personally reiterate that the Myopia Hunt is part of the character of the Town; this is just simply protecting the Town's liability.

Deborah Nippes-Mena -CGA

Finance Director

Town of Hamilton

978-468-5586

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ATTACHMENT 4

Deborah Nippes-Mena

From: Maureen Hickey [mhickey@hamiltonma.gov]
Sent: Wednesday, November 13, 2013 3:20 PM
To: 'Deborah Nippes-Mena'
Subject: FW: Myopia Hunt - Town Parade Day
Attachments: Myopia Hunt Insurance-Endorsement Town of Hamilton 2013.pdf; Myopia Hunt-Excess Liability 2013.pdf

From: Robert A. Wilkinson [mailto:rw@newenglandtrust.com]
Sent: Monday, September 09, 2013 4:06 PM
To: mhickey@hamiltonma.gov
Cc: nicholas.r.white@us.hsbc.com
Subject: Myopia Hunt - Town Parade Day

Hi Maureen

In accordance with our conversation, attached is a copy of the endorsement that adds the Town of Hamilton as an Additional Insured on the Myopia Hunt's General Liability Policy. In addition, attached is a copy of the Excess Liability coverage.

Regards,

Rob Wilkinson

Robert A. Wilkinson, Esq.
New England Trust Services
607 North Avenue
Wakefield, MA 01880
Phone: (781) 246-0662
Fax: (781) 246-0612

Securities offered through Advisory Group Equity Services, Ltd., Member FINRA/SIPC
444 Washington Street, Woburn, MA 01801 (781) 933-6100

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American Bankers
Insurance Company of Florida

A Stock Insurance Company

8655 E. Via de Ventura
Scottsdale, AZ 85258-3321

RENEWAL OF SL-1132346-94
* 12:01 AM AT INSUREDS ADDRESS
NAMED BELOW

POLICY NUMBER	POLICY PERIOD FROM TO		POLICY TYPE	AGENCY	P
SL 1132346	7/1/2013	7/1/2014	COMMERCIAL LIABILITY COVERAGE	0DQ6001-0001	1
YOU AS NAMED INSURED AND ADDRESS			AGENT		
MYOPIA HUNT CLUB 435 BAY ROAD SO HAMILTON, MA 01982			ALLEN FINANCIAL INSURANCE GROU 12424 N 32ND ST STE 101 PHOENIX, AZ 85032-7145 0001 BRENT ALLEN		

A2083-0886

The Insured is: An Individual A Joint Venture
 A Partnership An Organization (other than a partnership or joint venture)
 A Limited Liability Company

All known exposures at the beginning of the policy period have been identified below.
 Location of all premises owned, rented occupied or controlled by the insured:

435 BAY ROAD
 ESSEX COUNTY
 SO HAMILTON, MA 01982

In return for your payment of the required premium, we provide the Commercial Liability Coverage during the policy period.

	<u>Limits of Liability</u>
Each Occurrence Limit	\$ <u>1,000,000</u>
Medical Payments Limit	\$ <u>5,000</u> /per person
General Aggregate Limit	\$ <u>2,000,000</u>
Other than Products/Completed Work	\$ <u>2,000,000</u>
Aggregate Limit Products/Completed Work	\$ <u>2,000,000</u>
Fire Legal Liability	\$ <u>50,000</u> /per occurrence

If this is checked _____ we do not provide coverage for Products/Completed Work, and the Each Occurrence Limit does not apply to Coverage N.

Charge for Non-Owned Auto Liability Coverage \$ NOT COVERED

Charge for Hired Auto Liability Coverage \$ NOT COVERED

Classification	Code	Rating Basis	Rate	Premium
Riding Clubs, Prvt.	14100	VARIOUS	INCLUDED	667
Horse Shows/Events, Ann'l	09904	VARIOUS	INCLUDED	432
Saddle Animals, Comm'l.	16401	VARIOUS	INCLUDED	136
Additional Insureds		VARIOUS	INCLUDED	400

CONTINUED ON NEXT PAGE

This endorsement changes the Commercial Liability Coverages provided by this policy
-- PLEASE READ THIS CAREFULLY --

**ADDITIONAL INSURED
DESIGNATED PARTY**

Schedule

(The information required below may be shown on a separate schedule or supplemental Declarations.)

Designated Party: TOWN OF HAMILTON
Designated Activity: PREMISES OWNER - VARIOUS MEMBERS ONLY EVENT DATES
Designated Interests: MYOPIA HUNT CLUB

The Commercial Liability Coverage is amended as follows:

DEFINITIONS

The definition of **insured** is amended to include the following:

Insured also includes the party designated in the Schedule but only with respect to liability arising out of

activities designated in the Schedule rating to:

- a. **your** operations;
- b. premises owned by or rented to **you**, or
- c. other designated interests shown in the Schedule.

AMERICAN RELIABLE INSURANCE COMPANY
FARMERS and RANCHERS COMMERCIAL EXCESS LIABILITY POLICY

NEW RENEWAL ENDORSEMENT
 DIRECT BILL AGENCY BILL

POLICY NUMBER CEP 004196

Replaces any prior Declarations for the policy.	
AGENT: 85068-00 ALLEN FINANCIAL INSURANCE GROU 12424 N 32ND ST STE 101 PHOENIX, AZ 85032-7145	NAMED INSURED MYOPIA HUNT CLUB INC 435 BAY ROAD SO HAMILTON, MA 01982 Policy Period: From 07/01/13 To: 07/01/14

In return for the payment of the premium, and subject to all the terms of this policy, we agree with you to provide the insurance as stated in this policy. The time of inception and the time of expiration of this policy and of any schedule endorsement attached shall be 12:01 a.m. standard time. If the extent of coverage in this policy replaces coverage in other policies terminating noon standard time, coverage under this policy shall not become effective until such other coverage has terminated.

LIMIT OF INSURANCE

Each Occurrence Limit for Bodily Injury and Property Damage	\$	1,000,000
Each Offense Limit for Personal Injury and Advertising Injury	\$	1,000,000
Aggregate Limit	\$	1,000,000
Minimum Deductible \$ 250.		Premium \$ 750

SCHEDULE OF UNDERLYING INSURANCE

TYPE OF INSURANCE	INSURER	POLICY PERIOD	POLICY NUMBER	LIABILITY LIMITS
EQUINE LIABILITY	AMERICAN BANKERS	07/01/13-07/01/14	SL 1132346	\$1,000,000
RIDING CLUBS - PRIVATE	AMERICAN BANKERS	07/01/13-07/01/14	SL 1132346	\$1,000,000

THE FOLLOWING FORMS AND ENDORSEMENTS APPLY TO THIS POLICY:
 A8021D0607, CP13000A-R0310, M8026M0409-SIG, A8300E0601, A8302E0601, A8303E0601, A8304E0601, A8305E0601, A8306E0601
 A8312E0601, A8313E0601, A8314E0601, A8322E0601, A8327E0601, A8025P0601, A8102G0911, A8328E0601, A8329E0601
 A8764E0911

July 1, 2013

DATE OF ISSUE

COUNTERSIGNATURE OF AUTHORIZED AGENT

To show that we agree to the terms of this policy, we have had it signed by our President and Secretary, but it shall not be binding upon us unless it is also signed in the Declarations page above by our duly authorized agents.

ATTACHMENT 5

Deborah Nippes-Mena

From: Deborah Nippes-Mena [dmena@hamiltonma.gov]
Sent: Monday, September 16, 2013 1:10 PM
To: 'Patricia Sullivan'; 'Michael Lombardo'
Subject: RE: Special Events

Michael and Tricia;

On Friday, I have discussed at length the special event insurance with the MYOPIA Hunt Club representatives, forwarded them a list of questions, provide a copy of the application and gave them a noon deadline for today. Their representative, Nicholas White indicated that they may choose not to have the Hounds participate and therefore not provide the event information.

As of yet they have not responded.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

From: Patricia Sullivan [mailto:patricia.sullivan@cabotrisk.com]
Sent: Monday, September 16, 2013 1:01 PM
To: 'Michael Lombardo'
Cc: dmena@hamiltonma.gov
Subject: RE: Special Events

Michael,

The MIIA underwriter did indicate that MIIA would defend the town.

However, it still may be in the towns interest to try and secure a Special Events policy for this event.

I sent the Special Events application to you on Friday.

Please let me know by the end of the day today if you will be requesting a quote.

Thanks.

Tricia

Patricia Sullivan, CIC
Senior Account Executive
MIIA Member Services
Cabot Risk Strategies
15 Cabot Road
Woburn, MA 01801
Phone: 800-526-6442
Direct Phone: 781-939-6824

Fax: 781-376-9907

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From: Michael Lombardo [<mailto:mlombardo@hamiltonma.gov>]
Sent: Thursday, September 12, 2013 4:21 PM
To: Patricia Sullivan; 'Deborah Nippes-Mena'
Subject: RE: Special Events

If not within the network, can you price outside the network or do we have to contact other providers?

--Michael

Michael Lombardo
Hamilton Town Manager

From: Patricia Sullivan [<mailto:patricia.sullivan@cabotrisk.com>]
Sent: Thursday, September 12, 2013 3:41 PM
To: 'Michael Lombardo'; 'Deborah Nippes-Mena'
Subject: RE: Special Events

Michael,

I can speak with the underwriter next week as well.

She is on vacation this week.

Thanks.

Tricia

Patricia Sullivan, CIC
Senior Account Executive
MIIA Member Services
Cabot Risk Strategies
15 Cabot Road
Woburn, MA 01801
Phone: 800-526-6442
Direct Phone: 781-939-6824
Fax: 781-376-9907

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From: Michael Lombardo [<mailto:mlombardo@hamiltonma.gov>]
Sent: Wednesday, September 11, 2013 2:01 PM

To: Patricia Sullivan; 'Deborah Nippes-Mena'
Subject: RE: Special Events
Importance: High

Can MIIA provide coverage for potential Town exposure and if Myopia is willing to go into an event without coverage it is on them?

--Michael

Michael Lombardo
Hamilton Town Manager

From: Patricia Sullivan [<mailto:patricia.sullivan@cabotrisk.com>]
Sent: Wednesday, September 11, 2013 1:01 PM
To: 'Deborah Nippes-Mena'
Cc: JHubbard@hamiltonma.gov; 'Michael Lombardo'
Subject: RE: Special Events

Deb,

MIIA cannot add Myopia Club to town policy.

I can send an application for an outside placement. This will be a difficult placement (if coverage available) since dogs are off leash and given the short timeline...

Is there an option for Myopia to include the dogs on the liability certificate? If so, has that been explored and why can't they include?

Thanks.

Tricia

Patricia Sullivan, CIC
Senior Account Executive
MIIA Member Services
Cabot Risk Strategies
15 Cabot Road
Woburn, MA 01801
Phone: 800-526-6442
Direct Phone: 781-939-6824
Fax: 781-376-9907

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From: Deborah Nippes-Mena [<mailto:dmena@hamiltonma.gov>]
Sent: Wednesday, September 11, 2013 11:05 AM
To: Patricia Sullivan
Cc: JHubbard@hamiltonma.gov; 'Michael Lombardo'
Subject: Special Events
Importance: High

Patricia;

I need to know the cost of special event insurance for September 21st for Myopia Hunt Club to use their 30 hound off leach in a fall harvest parade. The hounds will have three professional dog handlers. I need to a quote ASAP. Myopia has chosen not to add the dogs to the liability certificate that they have provided to town for this event.

Thank you;

Deborah Nippes-Mena -CGA

Finance Director
Town of Hamilton
978-468-5586

ATTACHMENT 6

Deborah Nippes-Mena

From: Michael Lombardo [mlombardo@hamiltonma.gov]
Sent: Monday, September 16, 2013 1:31 PM
To: nicholas.r.white@us.hsbc.com; 'Deborah Nippes-Mena'
Cc: 'Maureen Hickey'; 'Marc Johnson'
Subject: RE: Special Event Insurance

Mr. White:

Your response leads me to believe that from Myopia's point of view, the parade is a Town event. The Fall Harvest Festival is a product of the Hamilton-Wenham Village Merchant Association and while the Town (municipal corporation) has been supportive and has tried to assist in what way we can, the event has not been formally endorsed as a town-sponsored event by the Board of Selectmen.

--Michael

Michael Lombardo
Hamilton Town Manager

-----Original Message-----

From: nicholas.r.white@us.hsbc.com [mailto:nicholas.r.white@us.hsbc.com]
Sent: Monday, September 16, 2013 1:12 PM
To: Deborah Nippes-Mena
Cc: 'Maureen Hickey'; 'Michael Lombardo'
Subject: Re: Special Event Insurance

Dear Deborah,

I just let Jeff Hubbard a voice mail. I asked him to call me so we could discuss the participation of hounds in the parade. The Myopia Hunt wants to make sure that there is 100% agreement amongst the selectman as we do not want to be a source of any ill will or recrimination should anything happen. I am happy to attend the meeting this evening if it would be helpful

Answers to questions you have asked:

The route of the parade starts from the Community Ctr on Asbury St. right onto 1A and follows 1A taking right onto Rail Road Ave, right on to Willow St and then back to Asbury St. This could be modified as there was some discussion of looping back as the duration of our part was argued at being too quick. Total length less than 1.5 miles

Time is 10am

Number of riders/horses will approx. 30, number of hounds 20

Description: This is the Town of Hamilton's Fall Festival with vendors set up along the route. Conducted by the town of Hamilton and advertised in local newspapers

Number of viewers approx 300?

Average age will be 30 years old?

Most of these questions would be best answered by Jeff Hubbard as my role is confined to the Hunt

Please call with any questions

Regards,

Nicholas White
617 292 8452/617 401 1866

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SAVE PAPER - THINK BEFORE YOU PRINT!

Deborah Nippes-Mena

From: Deborah Nippes-Mena [dmena@hamiltonma.gov]
Sent: Friday, September 13, 2013 4:59 PM
To: nicholas.r.white@us.hsbc.com
Cc: 'Maureen Hickey'; 'Michael Lombardo'
Subject: Special Event Insurance

Nicholas;

Thank you for working through the issues surrounding the Fall Festival Parade.

Attached please find the application from Quaker Special Risk for insuring the viewers of the parade from any unfortunate incident that may be created by the hounds participation in the parade.

The specific answers that I need for completion of this application are:

- 1- The exact public Route and distance traveled,
- 2- The times of the parade,
- 3- The number of equestrians, horses and hounds in parade,
- 4- A description of the parade, as in how it is being conducted and advertised,
- 5- How many parade viewers will be present, best estimate will suffice, and the
- 6- Average age of the viewers.

This application must be submitted by noon on Monday for rating and pricing. Provided the cost is acceptable to all, the Board of Selectmen will hold an emergency meeting for voting co-sponsorship of the parade and to allow the hounds to be off leash as parade participants.

It is my understanding that you will meet with the Club Committee and provide the necessary information to either move forward or dispense with the need for Special Event Liability Insurance by Monday morning, September 16, 2013.

If you have any questions during the weekend I can be reached on my cell at 978-314-0724.

Enjoy your weekend.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

ATTACHMENT 7

Deborah Nippes-Mena

From: Patricia Sullivan [patricia.sullivan@cabotrisk.com]
Sent: Wednesday, September 18, 2013 2:08 PM
To: 'Deborah Nippes-Mena'
Cc: Michael Lombardo (mlombardo@hamiltonma.gov)
Subject: RE: Message from "HamiltonTownHallCopier"
Attachments: 4944_001.pdf; 4942_001.pdf

Good Afternoon Deb & Michael,

We were able to obtain a Special Events quote for Fall Festival.

Please be advised that this policy covers the town interest only as respects to Fall Harvest Parade.

Please review the attached.

If you wish to bind coverage, please provide:

Signed copy of proposal
Signed TRIA (terrorism) affidavit. Additional \$130 to include terrorism
Signed Surplus Lines Affidavit.

Please note the subjectivities on the proposal. This includes written confirmation that the public will not be allowed to pet the hounds during the parade.

We typically require premium up front for these events. However, in the interest of time, we will bind without payment. We expect payment to be sent asap.

I'm in for the rest of the day today if you have any questions.

Thanks.

Tricia

Patricia Sullivan, CIC
Senior Account Executive
MIIA Member Services
Cabot Risk Strategies
15 Cabot Road
Woburn, MA 01801
Phone: 800-526-6442
Direct Phone: 781-939-6824
Fax: 781-376-9907

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-----Original Message-----

From: Deborah Nippes-Mena [<mailto:dmena@hamiltonma.gov>]
Sent: Monday, September 16, 2013 3:11 PM

To: Patricia Sullivan
Subject: RE: Message from "HamiltonTownHallCopier"

Tricia;

We really need to know by Friday. We have to hold a BoS meeting.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

-----Original Message-----

From: Patricia Sullivan [<mailto:patricia.sullivan@cabotrisk.com>]
Sent: Monday, September 16, 2013 2:56 PM
To: 'dmena@hamiltonma.gov'
Cc: 'mlombardo@hamiltonma.gov'
Subject: Re: Message from "HamiltonTownHallCopier"

Thanks Deb.

We sent it out today to market.

I will let you know as soon as we hear something.

I'm out of the office on Friday but will check my email if we haven't received by then.

Thanks.

Tricia

----- Original Message -----

From: Deborah Nippes-Mena [<mailto:dmena@hamiltonma.gov>]
Sent: Monday, September 16, 2013 02:05 PM
To: Patricia Sullivan
Cc: Michael Lombardo <mlombardo@hamiltonma.gov>
Subject: FW: Message from "HamiltonTownHallCopier"

Tricia;

Attached please find the application for QSR. I thank you in advance for the quick turn on the pricing of this insurance. Once we have received the quote it will allow the BoS to take the necessary actions.

Call me if you need anything else.

Deborah Nippes-Mena -CGA
Finance Director
Town of Hamilton
978-468-5586

-----Original Message-----

From: MHickey [<mailto:mhickey@hamiltonma.gov>]

Sent: Monday, September 16, 2013 1:56 PM

To: DMena

Subject: Message from "HamiltonTownHallCopier"

This E-mail was sent from "HamiltonTownHallCopier" (Aficio MP C4501).

Scan Date: 09.16.2013 13:56:16 (-0400)

Queries to: Copier@HamiltonMA.gov.

**POLICYHOLDER DISCLOSURE
NOTICE OF TERRORISM INSURANCE COVERAGE**

You are hereby notified that under the Terrorism Risk Insurance Act, as amended, (the "Act"), that you have a right to purchase insurance coverage for losses resulting from acts of terrorism, as defined in Section 102(1) of the Act: The term "act of terrorism" means any act that is certified by the Secretary of the Treasury—in concurrence with the Secretary of State, and the Attorney General of the United States—to be an act of terrorism; to be a violent act or an act that is dangerous to human life, property, or infrastructure; to have resulted in damage within the United States, or outside the United States in the case of certain air carriers or vessels or the premises of a United States mission; and to have been committed by an individual or individuals as part of an effort to coerce the civilian population of the United States or to influence the policy or affect the conduct of the United States Government by coercion.

Coverage under your NEW or RENEWAL policy may be affected as follows:

YOU SHOULD KNOW THAT WHERE COVERAGE IS PROVIDED BY THIS POLICY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM, SUCH LOSSES MAY BE PARTIALLY REIMBURSED BY THE UNITED STATES GOVERNMENT UNDER A FORMULA ESTABLISHED BY FEDERAL LAW. HOWEVER, YOUR POLICY MAY CONTAIN OTHER EXCLUSIONS WHICH MIGHT AFFECT YOUR COVERAGE, SUCH AS AN EXCLUSION FOR NUCLEAR EVENTS. UNDER THE FORMULA, THE UNITED STATES GOVERNMENT GENERALLY REIMBURSES 85% OF COVERED TERRORISM LOSSES EXCEEDING THE STATUTORILY ESTABLISHED DEDUCTIBLE PAID BY THE INSURANCE COMPANY PROVIDING THE COVERAGE. THE PREMIUM CHARGED FOR THIS COVERAGE IS PROVIDED BELOW AND DOES NOT INCLUDE ANY CHARGES FOR THE PORTION OF LOSS THAT MAY BE COVERED BY THE FEDERAL GOVERNMENT UNDER THE ACT.

YOU SHOULD ALSO KNOW THAT THE ACT, CONTAINS A \$100 BILLION CAP THAT LIMITS U.S. GOVERNMENT REIMBURSEMENT AS WELL AS INSURERS' LIABILITY FOR LOSSES RESULTING FROM CERTIFIED ACTS OF TERRORISM WHEN THE AMOUNT OF SUCH LOSSES IN ANY ONE CALENDAR YEAR EXCEEDS \$100 BILLION. IF THE AGGREGATE INSURED LOSSES FOR ALL INSURERS EXCEED \$100 BILLION, YOUR COVERAGE MAY BE REDUCED.

Acceptance or Rejection of Terrorism Insurance Coverage

<input type="checkbox"/>	I hereby elect to purchase terrorism coverage, subject to the limitations of the Act, for acts of terrorism as defined in the Act, for a prospective premium of \$125.00 , plus the following taxes and fees: <table style="margin-left: 20px; border: none;"> <tr><td>Surplus Lines Tax of</td><td style="text-align: right;"><u>\$5.00</u></td></tr> <tr><td>Surplus Lines Stamping Fee of</td><td style="text-align: right;"><u>\$0.00</u></td></tr> <tr><td>of</td><td style="text-align: right;"><u>\$0.00</u></td></tr> <tr><td>Total of Premium, taxes and fees is</td><td style="text-align: right;"><u>\$130.00</u></td></tr> </table>	Surplus Lines Tax of	<u>\$5.00</u>	Surplus Lines Stamping Fee of	<u>\$0.00</u>	Total of Premium, taxes and fees is	<u>\$130.00</u>																
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of	<u>\$0.00</u>																						
Total of Premium, taxes and fees is	<u>\$130.00</u>																						
<input type="checkbox"/>	I hereby decline to purchase terrorism coverage for certified acts of terrorism. I understand that I will have no coverage for losses resulting from certified acts of terrorism.																						

Policyholder/Applicant's Signature	NAUTILUS INSURANCE COMPANY Insurance Company
Print Name	Policy Number
Date	Town of Hamilton Named Insured

AFFIDAVIT BY ASSURED

Affidavit # _____

I/We Town of Hamilton of _____ do hereby state that in _____, 20____, I/We directed Renaissance Alliance Insurance Services, LLC my/our Insurance Broker to obtain insurance against certain risks as described herein. My/Our Insurance Broker informed us that the required insurance could not be obtained from, or would not be written by, companies licensed or admitted to transact business in the Commonwealth of Massachusetts.

I/We, the Assured, was/were informed that the type and amount of insurance shown below could be obtained from certain insurers not admitted to transact business in the Commonwealth. I/We was/were further informed:

A. *The surplus lines insurer with whom the insurance was placed is not licensed in this state and is not subject to Massachusetts regulations.*

B. *In the event of the insolvency of the surplus lines insurer, losses will not be paid by the state insurance guarantee fund.*

✕ Signature by Assured _____
Print Name Town of Hamilton
✕ Date: _____

THIS PORTION MUST BE COMPLETED AND SIGNED BY THE ORIGINAL BROKER

Name of Insured Town of Hamilton Address 577 Bay Road Hamilton, MA
Location of Property _____
Description: parade
Coverage: Liability - BA
Limit: _____ Premium: _____

I/We hereby verify that I/We explained the foregoing to the insured and it was acknowledged that he/she understood such.

License # _____ Signature _____ Date _____

A copy of this affidavit must be kept in the original broker's file and a copy must be given to the assured at the time said copy was completed by him/her.

AFFIDAVIT BY SPECIAL BROKER

I, Karin Branscombe of The Quaker Insurance Agency of MA, Inc. in said county of Worcester depose and say that I was engaged directly by the Assured named herein or informed by the Assured's Insurance licensed Agent/Broker that after diligent efforts, he/she is unable to procure in companies admitted to do business in this Commonwealth the amount and/or type of insurance necessary to protect the insurable interests described above. This Affidavit is made to comply with the requirements of Section 168 of Chapter 175 of the General Laws, and to authorize me as a licensed special insurance broker under said section to procure insurance for said insurable interests beyond that which companies admitted to do business in the Commonwealth are willing to write thereon. The following companies or groups are among those which have accepted all or part thereof:

Company	NAIC #	Policy #	Premium
<u>Nautilus Insurance Company</u>	<u>17370</u>	_____	_____

Amendments to Affidavit: () Increase () Decrease

I hereby verify the foregoing statements and declare that they were made under the penalties of perjury.

License # 1006742 Signature Karin Branscombe Date _____

A copy of this affidavit must be kept in the Special Brokers File and the original filed with the Division of Insurance of the Commonwealth of Massachusetts within *twenty days* following the date of procurement.



INSURANCE RENEWAL PROPOSAL

Prepared for:
Town of Hamilton
577 Bay Road
Hamilton, MA 01936

Presented by:
Patricia L. Sullivan, CIC
Senior Account Executive

Cabot Risk Strategies LLC
15 Cabot Road
Woburn, MA 01801
800-222-5963

Date Prepared: September 17, 2013

This is a coverage summary, not a legal contract. This summary is provided to assist in your understanding of your insurance program. Please refer to the actual policies for specific terms, conditions, limitations and exclusions that will govern in the event of a loss. Specimen copies of all policies are available for review prior to the binding of coverage.

Higher limits and additional coverage may be available. Please contact us if you are interested in additional quotes.

Named Insured: Town of Hamilton
Insurance Company: Nautilus Insurance Company (Admitted) - A. M. Best Rating: "A+"
Policy Number: TBD
Policy Period: September 21, 2013
Description: Fall Harvest Parade
Covered Location: Various, as per parade route provided

Commercial General Liability

	Limit	Coverage
Limits & Coverages:	\$2,000,000	General Aggregate
	Included	Products / Completed Operations Aggregate
	\$1,000,000	Personal and Advertising Injury
	\$1,000,000	Each Occurrence
	\$100,000	Fire Damage
	\$5,000	Medical Expenses

Deductible: \$500 Bodily Injury - Per Claim
 \$500 Property Damage - Per Claim

Terms & Conditions: Coverage is written on an Occurrence basis
 Exclusions include but not limited to:

- Employment Related Practices
- Total Pollution Exclusion
- Exclusion - Total Liquor Liability
- Mold, Silica, Asbestos and Lead Exclusions
- Professional Liability / Errors or Omissions
- Injury to Employees, Leased Workers, Temporary Workers and Volunteer Workers

Subject To: Premium Payment Paid in Full
 100% Fully Earned Premium
 Written confirmation public not allowed to pet hounds

Named Insured: Town of Hamilton
Insurance Company: Nautilus Insurance Company (Admitted) - A. M. Best Rating: "A+"
Policy Number: TBD
Policy Period: September 21, 2013
Description: Fall Harvest Parade
Covered Location: Various, as per parade route provided

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	Included	Products / Completed Operations Aggregate
	\$1,000,000	Personal and Advertising Injury
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	\$100,000	Fire Damage
	\$5,000	Medical Expenses
Deductible:	\$500	Bodily Injury - Per Claim
	\$500	Property Damage - Per Claim

Terms & Conditions: Coverage is written on an Occurrence basis
 Exclusions include but not limited to:

- Employment Related Practices
- Total Pollution Exclusion
- Exclusion - Total Liquor Liability
- Mold, Silica, Asbestos and Lead Exclusions
- Professional Liability / Errors or Omissions
- Injury to Employees, Leased Workers, Temporary Workers and Volunteer Workers

Subject To: Premium Payment Paid in Full
 100% Fully Earned Premium



15 Cabot Road
Woburn, MA 01801
Tel: 800.222.5963
Fax: 781.376.9907

Premium Notification

DATE: September 17, 2013

BILL TO: Town of Hamilton

INSURED: Town of Hamilton

POLICY INFORMATION:

Carrier: Nautilus Insurance Company

Policy#'s: TBD

Policy Description: Commercial Liability Policy

Policy Term: September 21, 2013

COVERED LOCATION:

General Liability for Fall Harvest Parade September 21, 2013

PREMIUM INFORMATION:

1 Day Premium	\$500.00
E&S Tax	20.00
TOTAL, excluding Terrorism	\$520.00
1 Day Premium	\$125.00
E&S Tax	5.00
TOTAL, including Terrorism	\$650.00

PAYMENT DUE UPON RECEIPT
THANK YOU.

Please make check payable and mail to: Cabot Risk Strategies LLC
15 Cabot Road
Woburn, MA 01801

PREMIUM BREAKDOWN

1 Day Premium	\$500.00
E&S Tax	20.00
TOTAL, excluding Terrorism	\$520.00
1 Day Premium	\$125.00
E&S Tax	5.00
TOTAL, including Terrorism	\$650.00

In order to bind, we will need full payment payable to Cabot Risk Strategies LLC and forms as noted above.

Accepted By: _____

Date: _____

Information Concerning Our Fees:

Unless otherwise specifically negotiated and agreed to with our client, our professional fees are customarily based on commission calculated as a percentage of the premium collected by the insurer and are paid to us by the insurer. We may also receive from insurers and insurance intermediaries additional compensation (monetary and non-monetary), which is contingent on volume, profitability or other factors pursuant to agreements we may have with them relating to all or part of the business we place with those insurers or through those intermediaries. Such agreements may be in effect with one or more of the insurers with whom your insurance is placed, or with the insurance intermediary we use to place your insurance. We will be pleased to discuss with you further details of any contingent compensation agreements pertinent to your placement upon your request.