

**TOWN OF HAMILTON
BOARD OF SELECTMEN
OCTOBER 21, 2013**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, October 21, 2013 with Marc Johnson, David Neill, Jeff Hubbard, Jennifer Scuteri, and Scott Maddern present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, Town Clerk Jane Wetson, Hamilton Development Corporation Chair Brian Stein, Finance and Advisory Committee Chair John McWane and Town Moderator Bruce Ramsey 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 explained that Melissa Evan Moore is moving out of town leaving a vacancy on the HW School Committee. Moore was a Hamilton resident when she was elected and moved to Wenham during her term. A Wenham resident will be appointed to serve out the term. This seat on the Committee will be an at-large position in May.

Chairman/Selectmen reports

Jennifer Scuteri spoke to Ben Patton's successful veterans workshops at Patton Homestead, Essex County Heritage Foundation dinner, summarized that the town of Newbury has asked to join Veterans Services, that she and Lombardo attended Clean Energy Forum at Salem State where discussion was on obtaining further energy grants.

Johnson recommended people view the upbeat video by HW Regional High School students on Town website of opening day at new Patton Park playground; that former Selectman Jeff Stinson would assist with upcoming Town manager evaluation, and a quarterly budget review meeting would be

held with him, Jeff Hubbard, Lombardo and Finance Director Deborah Nippes-Mena.

Scott Maddern noted that he had met with Lombardo regarding the Town manager's performance evaluation, spoke to activity associated with Patton Park pool, and mentioned Town officials involved who helped educate Wenham about CPA funding regarding contribution to pool project.

CONSENT AGENDA

Johnson read the items on the consent agenda.

- Request to hang banner from the poles at the Senior Center. Friends of Cutler School Annual Ski, Skate and Ride Sale. Banner to hang from October 27 through November 3, 2013.
- One Day Liquor Licenses: Gourmet Delights Catering for an event on November 2, 2013 and for event on November 9, 2013 at the Community House from noon until midnight.

Johnson entertained a motion to accept the Consent Agenda. Hubbard so moved with addition of location and timing for liquor licenses. Neill seconded the motion. VOTE: Unanimous.

AGENDA

Update on the **Hamilton Development Corporation**, presented by Brian Stein, Chairman

Brian Stein mentioned the community outreach meetings conducted by the HDC with the next one scheduled for November 14 to develop a consensus in Town for the vision for Hamilton's downtown. Also, that a \$25,000 grant was being used to conduct study that MAPC is facilitating. Considerations include: images for potential sites, economics, multi-use buildings and financial impact, importance of including engineering in the RFP process and that a concrete vision for downtown is needed to move forward with this process.

Stein noted that thought is being given to the types of businesses that residents want downtown, that some people do not want to see any change, that residential use could be located above retail downtown. He mentioned common themes as pedestrian safety, parking, and visibility on Railroad Avenue.

Discussion ensued about how there is no information yet about what the split should be in the downtown for commercial and residential properties, that decision would revolve around stores and businesses, and that a special permit would be required in the overlay district and that buildings in the area could change.

Update on the status of the **Patton Homestead Committee**

Scuteri said the lease for \$6,000 a year has been signed with Gordon College for its use of Patton Homestead for their archiving.

Also, a draft mission is in place for Patton Property Advisory Committee. Discussion ensued about suggestions from Hubbard on this revised charge for the Patton Property Advisory Committee. Scuteri noted that the Committee is making a recommendation to the Board of Selectmen that the plateau of land on the Patton property be sold for housing. Next steps include Town manager compiling an RFP for the housing that will be completed by December 15, 2013. The Committee and Lombardo will review responses to the RFP and make suggestions to the BOS by March 1, 2014. An article will be on the Annual Town Meeting warrant if the changes are completed on the gift agreement. If ATM approval is received in a two-thirds vote and the property is sold the Homestead would be sustainable with the transfer. Then the housing would generate property tax revenue of which 25% goes into a Homestead maintenance fund.

Evaluation continues on potential uses for the Homestead with Committee reviewing all (i.e., bed and breakfast, military museum, event center, stables, Town uses, country inn). In February an RFP would be put out for the Homestead and issued by March 1, 2014. Then a recommendation would be made to the Selectmen for use. Discussion ensued about how if a use is determined that the Board can implement then the Committee would be disbanded.

Discussion initiated by Hubbard was about any financial burden that could be associated with Patton property and that there should be community input about the total parcel which could be provided to the Committee. Discussion addressed that Town Counsel Donna Brewer had opined via email whether or not the Town could sell the Patton property. Scuteri asked the Town manager to track the amount of legal costs that Selectman Hubbard is costing the Town.

Johnson described how the Committee had looked at the parcel in its entirety relative to potential uses and that housing was analyzed first before other uses that could follow as part of a master plan. Hubbard suggested such a master plan should be communicated to the public and that the financial numbers associated with a potential bed and breakfast use, for example, and appetite of the community to be involved in this use as well as other uses should be assessed. Scuteri said the Committee would review the numbers associated with running a B&B as well as the capital cost and that would be communicated to the community.

Discussion ensued about how members in the community had suggested uses for the property but Hubbard noted that up-to-date information on what has been learned by the Committee regarding proposed uses has not been communicated to the community. Scuteri mentioned that the Committee would be meeting tomorrow night where the public could weigh in during discussion. David Neill said that Town officials had heard from the community especially about interest in the housing. Discussion addressed the importance of amending the gift agreement relative to the land where the housing would be located.

Also mentioned was the viability of a B&B and conclusion that capital cost might be too significant. Neill noted how the charge for the Committee does include opportunity for public input and that use determined for the property has to be financially positive.

Scott Maddern noted that the Committee's objectives were recharged including responding to sell land for housing and sunset clause for the Committee. Maddern moved that the Board of Selectmen adopt the revised charge for the Patton Property Advisory Committee. Neill seconded the motion. VOTE: 4-1 with Hubbard opposed.

Chapter 70 Reform – consideration of a letter to state elected representatives regarding the Town's position of proposed committee to review the foundation formula for funding schools

Discussion ensued with Jack Hauck, 18 Knowlton Street, about how efforts had failed in the past regarding changing the Chapter 70 formula for cities and towns since the legislation favors urban areas and is complex politically. Selectmen noted that there has been gridlock on the matter in the state legislature, and that a lawsuit was considered but there is no reason to believe that another outcome would result.

Warrant Hearing and vote favorable/unfavorable action on warrant articles

Town Moderator Bruce Ramsey noted that all debt issues require a two-thirds vote. Discussion ensued about how Q&A information on Article 2-10 could be placed on a table in the lobby at STM and it would include information from consultant that has been previously presented. Also addressed was that operating budget and revolving fund for user fees/passes for Patton Park pool would pay for maintenance costs for new pool. Patton Homestead property pool would have to be renovated and would not be opened.

Article 1-1 Reports

Johnson will make the motion. Brief reports by Johnson, Lombardo and FinCom Chair John McWane about status of landfill, Patton Homestead, Patton Park playground, and potential for some funds to be returned by HWRSD to the supporting communities.

Article 1-2 Article for Consent Motion

Johnson will make motion. FinCom recommends favorable action on Articles 2-1, 2-3, 2-4, 4-1). Johnson entertains a motion that the Selectmen are in favor of the Consent Motion (Articles 2-1, 2-3, 2-4, 4-1). Scuteri so moves. Hubbard seconds motion. VOTE: Unanimous.

Article 2-1 Classification/Compensation Table

Johnson will make motion if this article is held from consent motion.

Article 2-2 Water Enterprise budget

Hubbard will make the motion. FinCom recommends favorable action. Finance Director Deborah Nippes-Mena notes that budget (\$1,026,540) will increase \$21,260 and that water rate increase will occur in January. Johnson entertains a motion for the Selectmen to recommend favorable action on Article 2-2. Hubbard so moves. Neill seconds the motion. VOTE: Unanimous.

Article 2-3 Amendments to Annual Appropriations

Neill will make the motion if this article is held from consent motion.

Article 2-4 FLSA Back Pay

Johnson will make the motion if this article is held from consent motion.

Article 2-5 HWRSD Debt Buker School Heating System

Bill Dery will make the motion. FinCom recommends favorable action. Johnson entertains a motion for the Selectmen to recommend favorable action on Article 2-5. Maddern so moves. Hubbard seconds motion. VOTE: Unanimous.

Article 2-6 HWRSD Winthrop School Heating System and Windows Project

Dery will make the motion. FinCom tabled their recommendation on this article until STM since this project and roof project will increase total cost of the building by over one-third of its value and to comply with code a sprinkler system would be required. Discussion ensued about investigation being done to see if the building has to be brought up to code by HWRSD. Also addressed was that a FinCom meeting has been posted for 6 p.m. on November 4 and this could be a joint meeting with the Selectmen. There is a question about the ADA component related to the building as well. Dery weighed in on state law. Johnson recommended Board take no action and take a position on Town Meeting floor.

Article 2-7 HWRSD Debt Winthrop School Heating Distribution System Project

Dery will make motion. FinCom tabled their recommendation on this article until STM until there was more information from HW School Committee about whether this is an operating or maintenance cost. Dery cited \$15,000 quote and that this could be taken off warrant. Johnson recommended the Board take no action and make a recommendation at STM.

Article 2-8 HWRSD Debt Buker Fire Suppression System

Dery will make motion. FinCom recommends unfavorable action. McWane noted that Wenham fire chief and selectmen had stated that they thought project was important but would not insist on it being done now, while HW School Committee kept the article on warrant. Discussion ensued about how this addresses protection of the building more than life safety. Neill moved for the Board of Selectmen to recommend favorable action on Article 2-8. Scuteri seconded the motion. VOTE: 2-3 with Johnson, Hubbard and Maddern opposed.

Article 2-9 Community Preservation Fund Projects

Tom Catalano will make the motion. FinCom recommends favorable action. Discussion ensued about the pros and cons of replacing balustrades at Senior Center, and funding materials and permitting costs for Patton Homestead Riverwalk. Johnson entertained a motion for the Selectmen to recommend favorable action. Scuteri so moved. Maddern seconded motion. VOTE: 4-1 with Hubbard opposed.

Article 2-10 CPC Funds for the Replacement of the Pool at Patton Park

Jennifer Scuteri or Tom Catalano will make the motion. Finance Director Deborah Nippes-Mena outlined details of projected revenue stream for pool of \$194,770 from seasonal passes (\$150,000), day passes (\$6,000), swim team (\$13,000) and park program (\$25,000). Some additional revenue streams could come from events such as dance night, volley ball and water polo competitions. A family pass for a non-resident will cost \$550 for a season but only 110 will be sold. Dollar amounts were arrived at after investigating other communities of similar size with comparable pools. Discussion ensued about capacity of pool and quantity of 460 individuals covered by family passes although there would be varying use by these people. The pool would be maintained by a Town employee as a pool operator. It was noted that users would be interested in an outside pool during the summer. Projected cost to operate pool is \$84,300 and the projected revenue in revolving fund would be \$110,470 of which some would be applied to debt.

Discussion ensued about how Wenham had been asked to contribute \$43,000 a year which would replenish Hamilton's CPA and that community was willing to reconsider contributing after Hamilton approves the project at its STM and gets financial numbers when the project goes out to bid.

Discussion addressed if maintenance costs had been built into the budget especially relative to bathhouse cleanliness when other sports groups are using that facility after the pool is closed and that funding would come from the recreation revolving budget and include monetary contributions from those groups.

Also mentioned was plan to build a parking lot that would accommodate both the pool and playground increased need for parking. Discussion addressed how the pool would be open 14 weeks a year, 13 hours a day, seven days a week. In addition, a special event with the pool would be done with two-town Fourth of July celebration.

Nippes-Mena summarized Community Preservation Act cash flow and noted that the total annual revenue was \$439,881. With the Donovan debt and pool debt this represents 57% of surcharge revenue leaving \$242,381 for other uses in any given year. There is action at state level to increase CPA match for participating communities. The Town currently has \$1.7 million in CPA funds. Also addressed was that the Town could reduce its percentage of CPA to cover the current outstanding debt payment or vote to take remaining debt and

convert it outside of levy debt and disband, or pay off remaining balance with unreserved (\$1.7 million).

McWane explained that Finance Committee was unanimously favorable towards the pool project but was concerned about commitment to a large number that is a concept plan. He added the importance of approving the project in the fall so the construction could occur in the summer and the Town would not lose one and a half years of time. Discussion reiterated that pool would be open for 14 weeks.

Discussion ensued about how demand for recreational use at pool has increased dramatically since the pool was built in the 1960s. Maddern said estimates for closing the pool are \$200,000 to \$250,000 that would hit the tax rate. He noted that community outreach revealed that 90% of people would use the pool if it was improved. Neill expressed his sticker shock when he saw the \$2 million plus cost for the pool project but he acknowledged that it could be an enterprise enabling it to be self-supporting for the maintenance and the numbers presented make it financially viable. He mentioned his concern about how some families might not be able to afford the cost of the user pass and suggested there should be a plan in place for those families possibly through private donation. Also mentioned was how zero entry allows for multiple programs to occur at the pool at the same time.

Johnson entertained a motion for the Selectmen to recommend favorable action. Maddern moved to recommend favorable action on Article 2-10. Scuteri seconded the motion. VOTE: 4-1 with Hubbard opposed.

Article 2-11 Capital Improvements – Culverts

Hubbard will make the motion. FinCom recommends favorable action. Johnson entertained a motion for the Selectmen to recommend favorable action. Maddern so moved. Hubbard seconded the motion. VOTE: Unanimous.

Article 4-1 Council on Aging By-law

Maddern will make the motion if held from consent motion.

Article 5-1 Grant of Septic System Easement

Neill will make motion. FinCom recommends favorable action. Johnson entertained a motion for the Selectmen to recommend favorable action. Neill so moved. Hubbard seconded the motion. VOTE: Unanimous.

Article 5-2 Discover Hamilton Trails

Hubbard will make motion. FinCom tabled until further work is done on the easements. The Selectmen tabled their position on this article.

Article 6-1 Free Cash Application

McWane will make motion. FinCom recommends unanimously favorable action to apply \$150,000 towards tax rate. Johnson entertained a motion to approve \$150,000 of Free Cash application. Hubbard so moved. Scuteri seconded the motion. VOTE: Unanimous.

Follow up discussion on **BOS Goals and Objectives** topics: HWRSD Operational Audit and Budget Affordability

Johnson summarized how the action associated with BOS Goals and Objectives is to drive HWRSD toward addressing operational audit and budget affordability with an early discussion on schools costs and Town objectives in consideration of early budget discussions that occur before the end of the calendar year. He said this topic has to be more active versus passive. Discussion ensued about how Hubbard is meeting with Enough Is Enough on November 4 and with Roger Kuebel, HW School Committee chair, to get information and how he would bring this back in time for budget discussions after November 4 STM.

Maddern suggested information should also be included from operational audit working group relative to the school district. Hubbard said he was clear on the budget schedule and would follow through on his BOS Goals and Objectives related actions and responsibilities.

Veterans Pool at Patton Park – Review and consider Hubbard and unnamed private citizens claim to have contacted and paid for independent engineering review and inspection of the pool.

Hubbard explained that he was contacted by citizens' group concerned about how there is no written engineering study stating whether or not existing veterans pool at Patton Park could be repaired. He added that the group would pay for a pool company to provide a second opinion about what should occur to repair the Town pool or substantiate what has been presented by aquatics consultant Weston & Samson that pool has deteriorated beyond repair.

Town Manager Michael Lombardo explained that municipal government does not operate with a shadow government evaluating projects such as the pool system.

Discussion ensued about email from Hubbard stating that the contract from American Pool Company had been paid for by private citizens to have a second opinion to analyze the pool. Discussion addressed how the contract was not in place and up to seven residents had expressed willingness to pay for the second opinion.

Discussion focused on whether or not the Board wanted to instruct Lombardo to do a further review of the structural integrity of pool. Neill said the subsystems of the 60-year-old pool are failing, there have already been multiple assessments of the pool structure and he noted that 10 to 15 years ago the pool was repaired and bathhouse was renovated as a stop gap measure and the pool is at end of its life. Maddern noted the number of experts that have looked at the pool and assessments done that reiterate the need for replacement. He suggested that Lombardo should be contacted directly rather than the interim DPW director if there is interest in having the public works department drain the pool although he thought this action was not warranted.

Scuteri referred to the example of a community that refurbished a pool and it collapsed. She said the public has to be confident in the local government. Discussion ensued about how the drains on the bottom of the deep end of a pool are required to meet code. Johnson said he was not in favor of having another opinion to a narrower standard to determine stability of concrete since that is not the relevant metric.

Resident Bob Gray said if the citizens were allowed to do the assessment this would verify that the pool was not salvageable. Discussion ensued about how the pool is located on Town property and how an additional assessment could be done within Town government process. Neill said the assessment was unnecessary and he did not want another futile attempt to save the pool.

Neill moved that the Board support the review and reconsideration by private citizens who wish to hire and pay for an independent engineering review and inspection of the current swimming pool. Hubbard seconded the motion.

Resident Robert Sica said it has never been clearly explained to the public that the pool needs to be replaced now and said the Town would gain from the

review since it would not cost the Town and the Patton Park pool project is an expensive proposal.

Resident Jeff Scuteri stated his belief that the proposed review would not be comprehensive for \$700. Hubbard said he wanted the facts not hearsay in this matter. Maddern noted that a significant amount of money has been spent to have professional engineers, electricians and professional pool maintainers look at the pool as part of action taken by HW Joint Recreation Board and this analysis continually reinforces that the pool has reached end of life. VOTE: 1-4, Maddern, Neill, Scuteri and Johnson opposed.

Discussion ensued about if pool article does not pass at STM then discussion would occur about if the pool should be razed or replaced.

Set date for next Board of Selectmen meeting

The Board scheduled its next meetings for 6 p.m. on November 4 at the HW Regional High School jointly with the FinCom, and November 18, December 2 and 16 at Town Hall. A tax classification hearing will be held on December 2.

NEW BUSINESS

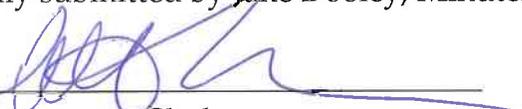
Consideration of topics for discussion at future Selectmen's meetings

None.

Johnson entertained a motion at 10:20 a.m. to adjourn the meeting. Neill so moved. Hubbard seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST:


Clerk

