TOWN OF HAMILTON
BOARD OF SELECTMEN and FINANCE and ADVISORY COMMITTEE
NOVEMBER 4, 2013

The Board of Selectmen and Finance and Advisory Committee met at Hamilton Wenham Regional High School at 6:02 p.m. on Monday, November 4, 2013 with Marc Johnson, Jeff Hubbard, David Neill, Jennifer Scuteri, Scott Maddern, John McWane, Rick Sprenkle, Charles Chivakos, Nancy Gerardi-Walsh present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena and interim DPW Director Dave Hanlon also present.

Call to order

BOS Chair Marc Johnson and FinCom Chair John McWane called the meeting to order at 6:02 p.m. and noted that the meeting was being audio taped by Richard Boroff.

FinCom – Discuss Open Meeting Law violation complaint

McWane described how Mr. Boroff had complained that the FinCom's Saturday, October 19, 2013 meeting did not have adequate posting notice since 48 hours was required and 38.5 hours was given because Saturday hours cannot be counted. McWane said the FinCom has responded to the complaint acknowledging that was the case. He added that he is rebutting a quotation from Mr. Boroff and FinCom has asked Town Manager Michael Lombardo to remind his staff about the posting requirements of the Open Meeting Law and McWane said he would do the same and noted that a letter with this information would be sent to the Attorney General.

Finance Director Deborah Nippes-Mena said she had publicly apologized to Mr. Boroff and others involved. The FinCom agreed to reaffirm the votes it took at October 19 meeting nullifying votes taken at that meeting. Mr. Boroff expressed appreciation for Nippes-Mena's apology. Discussion ensued between Mr. Boroff and McWane regarding a conversation they had at the beginning of the October 19 meeting relative to the OML meeting posting requirement. McWane agreed to discuss with Mr. Boroff in another venue the language from their October 19th conversation.

Finalize the script and Board of Selectmen and FinCom recommendations re: Warrant articles for Special Town Meeting

McWane entertained a motion to reaffirm the votes the Finance and Advisory Committee took on Saturday, October 19. Rick Sprenkle moved that the Finance and Advisory Committee reaffirm its vote taken on October 19, 2013 on all of the warrant articles excluding Article 2-11. Charles Chivakos seconded the motion. VOTE: Unanimous.

McWane entertained a motion to recommend unfavorable action on the Article 2-8, HWRSD Debt Buker Fire Suppression System. Chivakos moved that the Finance and Advisory Committee recommend unfavorable action on Article 2-8. Sprenkle seconded the motion. VOTE: Unanimous.

Johnson stated that Board of Selectmen votes taken on warrant articles stand and noted that the Board had not taken a position on Articles 2-6 HWRSD Debt Winthrop School Heating System ($2,150,000) and Windows Project and 2-7 HWRSD Debt Winthrop School Heating Distribution System Project to find out the final numbers. McWane noted that FinCom had done the same.

Discussion ensued about how Articles 2-7 and 2-8 HWRSD Debt Buker Fire Suppression System would not be taken up at STM. However, Article 2-5 HWRSD Debt Buker School Heating System ($930,000) would be addressed at STM. Town Manager Michael Lombardo said MSBA house doctor has said the appropriation has to be $930,000.

Jennifer Scuteri moved that the Board of Selectmen provide a favorable recommendation for Article 2-5. Scott Maddern seconded the motion. VOTE: Unanimous.

McWane entertained a motion for favorable action on Article 2-5. Sprenkle moved for favorable action on Article 2-5. Chivakos seconded the motion. VOTE: Unanimous.

Lombardo explained that for Article 2-6 the expected amount was $2.15 million and the actual amount is $2,240,000. Discussion ensued about how the HW School Committee had voted on the school district articles.

McWane entertained a motion for the favorable action on Article 2-6. Sprenkle moved for favorable action on Article 2-6. Chivakos seconded the motion.

Discussion ensued about if there was a less expensive and safer alternative to replacing windows in the window wall at Winthrop School. Also, that the wall was previously replaced not long ago and it provides a lot of light to the inside of the building. School district representatives would be presenting details on the project as described in MSBA approval where HWRSD will be getting a 43% reimbursement from the state. VOTE: 3 to 1 with Nancy Gerardi-Walsh opposed.

Scuteri moved for a favorable recommendation for Article 2-6. Neill seconded the motion. Discussion ensued about how safety issue with windows could be addressed as part of the project (i.e., screening or frosting of windows). VOTE: Unanimous.

Discussion ensued about how the HW School Committee and HWRSD had not taken any votes on Articles 2-7 and 2-8. The Selectmen had voted to take no action on Article 2-7 and voted unfavorable recommendation on Article 2-8. The FinCom had voted to take no action on Article 2-7 and unfavorable recommendation on Article 2-8 but these articles will be tabled at STM.

Discussion ensued about Article 2-11 Capital Improvements – Culverts – this project involved a hydrologic assessment, and involvement from Mosquito Control District so this has become more than just culvert replacement project. The lowest bidder is going to do the work for $100,000. Originally $75,000 was budgeted but due to permitting cost, assessment, follow-up easement and restoration of properties the total project cost is $150,000. This has been an outstanding project for a number of years.

McWane entertained a motion for favorable action. Chivakos so moved for favorable recommendation on Article 2-11. Sprenkle seconded the motion. VOTE: Unanimous.

Johnson entertained a motion. Scuteri moved for the Board of Selectmen to recommend favorable action on Article 2-11. Neill seconded the motion. VOTE: Unanimous.

Discussion ensued on Article 5-2 where the Selectmen tabled action on the article until the Board received more information. Lombardo explained that there would be two identical easements: one on the Patton property, not owned by the Town, and one on the Britton property to extend the Discover Hamilton trail easement.

McWane entertained a motion for favorable action on Article 5-2. Chivakos moved that the FinCom recommend favorable action on Article 5-2. Sprenkle seconded motion. VOTE: Unanimous.

Johnson entertained a motion. Hubbard moved that the Board of Selectmen recommend favorable action on Article 5-2. Scuteri seconded the motion. VOTE: Unanimous.

FinCom reserve fund transfer discussion and votes

Due to lack of meeting time before STM, the FinCom postponed the reserve fund transfer discussion and votes.

Lombardo updated the Board about the contract the Town has signed with Brigham and Women's Hospital about Hamilton receiving 80,000 tons of soil and noted that procurement requirements relative to a municipality receiving free soils and landfills as mandated by Inspector General and Attorney General is being evaluated to ensure compliance by the Town. Town Counsel Donna Brewer is working on identifying actions required by the offices to reach agreement and resolution.

BOS Consent Agenda

Johnson read the items on the Consent Agenda:

One Day Liquor License – Gourmet Delights Catering for an event on November 14, 2013

Permission to the Hamilton Wenham ED Fund to sell Christmas Trees from the parking lot in Patton Park, at the corner of Asbury Street & Bay Road, November 25-December 16.

Scuteri so moved that the Board approve the Consent Agenda. Neill seconded the motion. VOTE: Unanimous.

Other Business:

Maddern noted that the Board of Selectmen had carefully vetted its position on the warrant articles. He moved that any individual (Selectman) with a contrary position to the Board that this person would go to the microphones on Town

Meeting floor to express their individual opinion as a private citizen. Discussion ensued about how a Selectman with a minority position could speak from the table at STM where the Board is located. Scuteri thought Maddern's motion was a good idea to prevent any confusion.

Hubbard agreed to go to the microphone on the Town Meeting floor and he said he would be speaking as a private citizen but said he would also be a Selectman. Scuteri seconded the motion. VOTE: 4-1 with Hubbard opposed.

Johnson entertained a motion at 6:43 p.m. to adjourn the meeting. Maddern so moved. Scuteri seconded the motion. VOTE: Unanimous.

McWane entertained a motion at 6:43 p.m. to adjourn the meeting. Sprenkle so moved. Gerardi-Walsh seconded the motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____
Clerk