

**TOWN OF HAMILTON
BOARD OF SELECTMEN
MARCH 17, 2010**

The Board of Selectmen met at the Hamilton Town Hall at 4:30 p.m. on Wednesday, March 17, 2010 with David Carey, William Bowler and Jennifer Scuteri present. Police Chief Russell Stevens, Superintendent of Schools Marinel McGrath, School Committee member Don Gallant, CPA coordinator Christine Berry, Green Communities consultant Sue Patroliia and Town Administrator Candace Wheeler also present.

Common Cause award

The Town received an e-Government Award, official citation with distinction for its website since information is readily available and the website is user-friendly.

Proposed amendments (5-yr. rolling average) to Regional School District Agreement

Discussion was on proposed amendments to the Hamilton-Wenham Regional School District agreement including no longer using the Buker Elementary School, changing the rolling average enrollment formula from three to five years and stabilization fund to be put on the Town Meeting warrant.

Revisit minimum bid prices for old and new ambulances

Discussion on selling 2008 ambulance with a minimum bid of \$95,000 since it has 4,600 miles on it, is in pristine condition, and has been garaged.

David Carey entertained a motion to authorize Police Chief Russell Stevens to sell the ambulance with a request or best offer of \$95,000. William Bowler so moved. Jennifer Scuteri seconded the motion. VOTE: Unanimous.

Fire Chief Phil Stevens is working on disposing of the 1996 ambulance.

Update on "boot" investigation

Police Chief Russell Stevens is working on the ongoing internal affairs investigation with the District Attorney's office. He should be able to talk about this in a few weeks.

Update on Marchand case

Carey described how no discipline was warranted after investigating allegations concerning Officer Michael Marchand. Marchand filed a disability claim and as a Town employee he is receiving full pay and benefits under Chapter 111F.

Officer Marchand sued the Town and its residents for an unlimited amount of money. The Town is defending itself legally against these allegations and the lawsuit. Hamilton is insured to cover the majority of the costs of the lawsuit. To protect the Town and receive the protection of the insurance coverage, the Selectmen have to work with MIIA and its attorneys to defend these claims.

MIIA's legal defense team determines the strategy and implementation of the Town's defense including attorney client privilege, advice of counsel and other legal considerations. Currently as many as 10 depositions are being taken and once that is done the case will either settle or go to trial.

Cape Ann Habitat for Humanity re: Hatfield Road

The Town is working on a request for proposals to get bids to purchase Town-owned land on Hatfield Road that has an appraised value of \$170,000. This would make the property expensive for an affordable housing project.

Carey has resigned from the Housing Partnership Committee and Harborlight, a non-profit company that works on affordable housing projects, to ensure there are no conflicts of interest with his role as Selectman and affordable housing projects considered or in the works for Hamilton.

Shared legal expenses with Wenham to comply with Green Communities Act

Discussion on one of five requirements to become a green community including the zoning that allows streamline permitting for renewable generation (i.e., solar panels, wind turbine). Wenham is hiring an attorney to assist with compliance at a cost of \$2,500. Hamilton is considering using the same attorney for the same purpose at a cost of \$2,500.

Also discussed is the Stretch Building code, another requirement to be a green community that will increase costs. The Board decided to wait until it learns more from Wenham and sees what develops with the Department of Energy Resources.

HW Green request for sign

Carey entertained a motion to authorize Hamilton Wenham Green to install a sign from March 27 to April 10 across from the Community House at the sign location for the Town of Hamilton. Bowler so moved. Scuteri seconded the motion. VOTE: Unanimous.

Suburban Coalition Legislative breakfast on April 27

Bowler will attend.

HW Community House Volunteer Recognition Awards

Proposals from the public for a community volunteer should be submitted to the Board by April 1.

Update on CPA and SB90

Discussion on if a Town Meeting article should be included on the ATM warrant for voters to amend the percentage of the surcharge for the Community Preservation Act or if the Town's participation in CPA should be repealed. The state is no longer making a 100% match for the amount of dollars contributed annually by the Town to CPA. Hamilton is receiving 31 cents to the dollar as a match. Legislation is pending that could increase the match to 75 cents. Bowler thought the money for this would come from increased Registry of Motor Vehicle fees.

Draft of ATM warrant

Board didn't discuss since there were no updates.

Extra trash

Carey entertained a motion to allow Town residents in the upcoming trash pickup to put out an additional two barrels at no charge of non-recyclable waste. Bowler so moved. Scuteri seconded the motion. VOTE: Unanimous.

Other business

Scuteri will send Gretel Clark an email to remind her to attend a state conference about teaching residents how to find recyclables in their trash.

Carey noted that Wenham was selected by The Boston Globe as the best place to live in Massachusetts.

Carey entertained a motion to go into executive session at 5:45 p.m. not to return to open session for the purpose of discussing litigation and non-union negotiations. Bowler so moved. Scuteri seconded the motion. The roll call vote was unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____
Clerk