

TOWN OF HAMILTON
BOARD OF SELECTMEN
APRIL 25, 2011

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, April 25, 2011 with Jennifer Scuteri, William Bowler, David Carey, Marc Johnson and Jeff Stinson present. Town Manager Michael Lombardo, Finance Director Deborah Nippes-Mena, Finance Committee members John McWane and Laurie Wilson also present.

Accept minutes (March 28 and April 4, 2011)

Board clerk David Carey entertained a motion to accept the minutes from April 4, 2011 Board of Selectmen regular session meeting. Jennifer Scuteri so moved. William Bowler seconded motion. VOTE: Unanimous.

Carey entertained a motion to accept the minutes from March 28, 2011 Board of Selectmen regular session meeting. Bowler so moved. Scuteri seconded motion. VOTE: 4-0-1 Marc Johnson recused himself because he did not attend meeting. After this meeting Johnson reviewed his notes and realized that he had attended the 3/28th meeting and thus did not have to abstain.

Public Comment (3 minutes on topics not already on agenda)

In response to a resident suggestion Scuteri and Town Clerk Jane Wetson are looking into possibility of public comments being extended to emails or letters from people who identify themselves as physically disabled and unable to come into Town Hall. These individuals always vote by absentee ballot.

Town Manager Michael Lombardo currently communicates with residents via email (i.e., a request to shut off street light).

Town Manager's report

Lombardo noted that the Hamilton-Wenham Garden Club will be donating and dedicating a beech tree on May 3 at 10 a.m. at Patton Park to be planted near the gazebo.

The Town manager, Finance Director Deborah Nippes-Mena and staff met with representatives from the Boston Architectural College about a student project to be done this summer and fall, a space planning and assessment study. It will analyze where municipal offices are located in Hamilton in terms of workflow and what could be done more efficiently throughout Town Hall and what is the future need if expansion is required. This could include storing records elsewhere and filling space with people doing productive work.

Carey explained that the Kennedy School of Government interviewed Town officials (including Carey, Lombardo and Scuteri) about prior attempts to merge the police departments in Hamilton and Wenham. The school is writing a paper to help other municipalities identify the opportunities and issues associated with regionalization.

The interviewer was impressed with the number of merged regional services, cooperative attitude, and collaboration done between Hamilton and Wenham. Also, that economies of scale and savings can be realized when the two communities regionalize processes. The paper should be completed in a few weeks.

Lombardo said staff has been provided draft personnel policies and administrative rules and regulations revamping the old Personnel bylaw. At the next department head meetings this will be discussed to develop a workable policy that everyone can support (i.e., computer use, harassment, etc.). It will then be brought to the Selectmen as a packet for discussion and application.

He has been working on ideas for a capital improvement planning process. In the next few weeks he'll disseminate information on the infrastructure and capital equipment needs.

Lombardo wants to devise a document that provides a roadmap to all culverts, painting projects, sidewalk repair as well as a process that provides a three to five-year rolling plan about what is needed in the subsequent year for funding. So when developing the Town budget, discussion is on prioritization and available funds to fund \$1 million to multi-million dollar projects.

Lombardo also provided an update on the Town's lawsuits. The one current active lawsuit is the Marchand civil suit. Discovery is nearly complete. It is expected that the case will move to summary judgment. MIIA attorney Doug Louison representing the Town in the case suggested there is discussion with

MIIA about doing mediation prior to summary judgment. Louison will attend the Board's May 9 meeting in executive session to update and discuss the Town's role in mediation versus moving directly to summary judgment.

Discussion was on interest in community to create a Friends of Recreation non-profit group that could do fundraising to pay for a play structure at Patton Park. Lombardo noted that the existing play structure at Pingree Park needs repair.

Carey provided Lombardo with an information packet from the North Shore Education Consortium that helps develop play structures. Scuteri said it was unfortunate CPA funds cannot be used for new recreation structures. Carey said Rotary Club could help with the play structure. The Town's liability and maintenance relative to a play structure will be evaluated.

Lombardo is also working on an RFP for a Recreation Master Plan and draft would be shared with the new employee. Moving forward Lombardo thought broader infrastructure such as the Town pool would fit better with that process.

He also mentioned that the Community Survey is online and 20% of the population was randomly selected to respond. An update will be sent to remind people to respond. So far there has been an 18% to 19% participation rate from the random sample. The group doing the survey is managing the control group process rather than opening it up to a broader response across the community.

Application for One-Day Liquor License – Event at Pingree School

A fundraising event for the Winthrop School in Ipswich will be held at the Pingree School on May 14. Two TIPS-certified bartenders will be used. Chef Christopher DeStefano will contact the police department about a police detail since 150 guests are expected. Police Chief Russell Stevens has stated that when 100 guests are expected at an event a police detail should be used.

Scuteri entertained a motion to approve the application by Christopher DeStefano of Christopher's Table for a one-day liquor license to occur on May 14, 2011 from 12 p.m. to 11 p.m. at the Pingree School subject to discussing a police detail with the Hamilton Police Department. Bowler so moved. Jeff Stinson seconded motion. VOTE: Unanimous.

Request from Mass. Audubon Ipswich River Wildlife Sanctuary to hang banner at Old Library

Angela Walsh of the Mass. Audubon Ipswich River Wildlife Sanctuary explained that the summer camp banner (92" long and 29" high) would be hung at the Old Library site on Route 1A. Lombardo said the Town would work with Mass. Audubon to hang the sign.

Scuteri entertained a motion to allow the Mass. Audubon Ipswich River Wildlife Sanctuary to hang a banner at the Old Library from April 26 to May 24, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Warrant Articles – Discussion of Finance Advisory Committee's revised budget recommendation; discussion of other warrant articles and Appendices

Finance Committee chair John McWane explained that his committee's recommendations on ATM warrant articles were consistent with the Selectmen's recommendations. No action on Stabilization Fund for meals tax and some recommendations will be made at ATM.

He discussed how Wenham has voted a \$500,000 reduction in the regional school budget. He met with the Wenham Finance Committee to discuss Hamilton's rationale for a \$350,000 reduction in the school budget. This number came from the superintendent of schools.

McWane noted that State Representative Brad Hill has said that the Legislature is likely to increase the school budget by about \$125,000. Subsequently there was a joint meeting with the Hamilton and Wenham Finance Committees where the chairman of the School Committee attended.

By consensus it has been decided that the \$500,000 reduction was more sensible based on the \$350,000 number from the superintendent, \$125,000 increase from the state, and \$74,000 for a teacher salary that won't be funded. The Hamilton Finance Committee at its meeting tonight decided to reduce the school budget within the Town budget by \$500,000.

The FinCom voted unfavorable action on the Town budget that includes the school budget that has a \$500,000 difference. The School Committee is going to discuss the \$125,000 change from the Legislature so the school budget number could change.

Scuteri said the Hamilton ATM warrant article, 2-2 General Town Appropriations should contain the School Committee's approved budget. At

ATM the FinCom will move to amend the Town budget to reduce it by \$500,000 for Hamilton's share of the school budget. Scuteri said the residents attending Town Meeting would make the ultimate decision. The FinCom supports the Town portion of the Town budget.

Nippes-Mena summarized that if the level-funded regional school budget was reduced by \$500,000 for FY'12 it would be \$15,307,333. The Town budget would be \$9,382,401 with a total budget of \$24,689,734 not including the North Shore Regional Vocational School costs since that is voted in a separate warrant article.

McWane said the school department would continue to spend what it has recommended to spend and the school budget still represents a \$1.2 million increase, there are no cuts and an increase for a few teaching positions.

Stinson agreed with the decision to reduce the school budget by \$350,000 so the Finance Committee would hold the money and know where it is going to be spent in the coming years versus the schools holding the money. For the \$125,000, he agreed with the FinCom because it is not going to be a benefit using it in the school budget since there is a \$1.2 million increase in the FY'12 school budget. For the extra \$30,000 he would have preferred to see this taken out of the school budget. He is in favor of the \$500,000 reduction.

Bowler asked since the school had provided a level-funded budget why was the number being reduced by \$500,000.

McWane said for the current year the school department expects to under spend the budget by \$1 million since last year's school budget presented to the towns was \$1 million more than they expected to spend. There was also the budget mistake where the school district had included \$300,000 of unemployment costs for teachers that were going to be cut that were not let go and these costs were not taken out of the budget. Also, the school department collects money for the full day kindergarten and puts it in a revolving fund but they have not used that to offset program expenses, it has been accumulating.

So there was a total of \$420,000 of mistakes in the school budget accounting for the \$1 million of under spending in the current school year. This is why the superintendent agreed to reduce the FY'12 school budget by \$350,000.

In response to Bowler, McWane said Tarr guaranteed that the school budget would be increased by \$125,000. Stinson said the House and Senate have voted

on this. Bowler was in favor of the rationale for the \$500,000 reduction based on the unemployment expenses and kindergarten revolving fund as long as there are not any program cuts.

McWane said this is not lack of support for the school system. There are issues and uncertainties, and the new school administration is uncovering mistakes. The reduction would be kept in a trust so the school system is not at risk.

Lombardo said the method for funding local government couldn't be perpetual tax increases. Analysis needs to be done on how to make the operation more efficient and effective, including restructuring opportunities to buy down cost. The school should be doing the same especially in light of the operational audit.

Bowler said the schools should be more efficient but the school system still has standards on what services should be provided. He is in support of the \$500 reduction.

Scuteri said she was committed to education and the funding of it. She referred to how the new school administration with the help of the operational audit identified the \$300,000 in the unemployment as well as the \$300,000 in the kindergarten account and what was in reserves finding the spending almost \$1 million under what was budgeted.

She believes the new administration using information from the operational audit will find savings. The school district has always been well funded where \$2,000 to \$3,000 more is spent per student than Groton-Dunstable, Hingham, Lynnfield, Marblehead, Norwell and Winchester. The school district spends \$700 to \$2,000 more per student than Andover, Cohasset, Harvard, Manchester-Essex and Swampscott. The spending is more in par with communities similar to Wellesley.

Scuteri questioned why we had cut programs such as the Middle School Team structure or foreign language when we were as well funded (or more highly funded) than other schools who had kept such programs. Scuteri said many of the schools she mentioned are spending less and have a wider breadth of programs. She encouraged the regional School Committee and school administration to understand how to spending the funding better. This might not result in staff cuts but people would like to see a comprehensive plan. Scuteri is in support of the \$500,000 reduction.

Carey said he was in support of the \$500,000 reduction. He said it is very important to parents in the community to provide a good education for their children and the School Committee's challenge is to oversee management of the school budget.

He referred to data from the state's DART system that said the regional school system spends \$2 to \$4 million more than a like-sized system, this was reiterated by the Blue Ribbon Committee and Evergreen study.

Carey suggested the Selectmen shift away from needs based budgeting to benchmarking. The Board could work with a cohort consisting of members of the School Committee and parents to gather data and information on what other school systems are spending to determine what the spending should be. He thought the current spending for the regional school system is high.

Johnson thought the school budget reflects priorities and there is excess money in the system from the kindergarten program and more funding is expected from the state so the \$500,000 reduction should be done and not kept in trust.

Stinson said this is the first time the funding allocation can be reduced without affecting programs. Carey, Scuteri and Johnson said if there is merit in the Evergreen study there could be savings to make next year's school budget cycle not as tough as anticipated.

Scuteri entertained a motion to amend the previous vote the Board took on March 28, 2011 for Article 2-2 Town Appropriations. Selectmen had voted \$15,408,628 for the schools and \$9,382,401 for the Town. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Scuteri entertained a motion to recommend the Town General Appropriation as set forth in choice three: level-funded budget reduced by \$500,000 and the appropriation is \$15,307,333 for the schools and the Town budget stays at \$9,382,401. The total Town budget to be voted on under Article 2-2 of \$24,689,734. Johnson so moved. Stinson seconded motion. VOTE: Unanimous.

Bowler said the Connection publication that contains a budget summary will be updated with these numbers and distributed by email or put on the Town's website. Nippes-Mena will provide numbers and McWane will write narrative.

Discussion on how budget will be voted at ATM. Bowler said the counsels for the two towns and the schools are working on a joint memorandum. There are different numbers in the ATM warrants for both towns, Wenham's budget number for the schools is \$500,000 less.

Hamilton FinCom member Laurie Wilson said theoretically the School Committee-approved budget could be lowered by the Committee in time for Town Meeting. If Wenham doesn't approve the budget from the School Committee then there would not be a certified school budget.

Scuteri said Hamilton Town Meeting still votes and if it is less \$500,000 and the School Committee amends and certifies that budget the process would be done.

Brief discussion on ATM warrant articles that would be presented at upcoming League of Women Voters forum.

Article 2-1 – Compensation/Classification Table – Nippes-Mena and Lombardo said there are no changes to the elected, appointed and non-union positions from last year. The major change is the police union contract and related revisions to table. Collective bargaining will begin shortly with three of the bargaining units and the Town is still in mediation with the fire union. Unrepresented employees could see an adjustment in the fall.

Johnson asked about why Appendix A and the salaried position for Building and Zoning Inspector has a set of steps and this position appears again in the other category under Inspection Services and compensation classification is very different, this is also the case with the Chief of Police. Nippes-Mena said this was true due to the individual contracts approved by the Selectmen. The Building Inspector is retired, not working full time and receives a stipend.

For the Chief of Police on the wage and salary scale there is a one-step process and his contract calls for another. Nippes-Mena said the entire wage and salary scale should be redone since there is no integrity in the tables in place. She and Lombardo haven't had time to fix it.

Lombardo said perhaps the Chief of Police position should be taken out of the wage table and located it in the other category since it is a negotiated independent contract. For the Building and Zoning Inspector he thought the table should be maintained so it would not have to be reclassified if this became a permanent part time or full time position.

Lombardo agreed that the whole compensation/classification table should be looked at. When comparisons were done within classes across different areas they did not mesh. Structural issues need to be attended to this year.

Nippes-Mena said everything in the police union contract was permanently collapsed into the wage and salary scale. Bowler thought the Town had voted to change the bylaw to uncouple the Chief of Police's salary from the statute. The Town adopted the General Law that said the Chief's pay would be 1.8 times the patrolman's. Nippes-Mena said the salary scale in the table for the Chief of Police is not coupled with his contract at all.

She noted that the wage and salary scale was developed 10 years ago and has been used through the cola process but colas have not been applied equally across the wage and salary scales. The relationship between the titles management bargained for that creates integrity in a classification table has been diminished.

The Chief of Police is paid more than any listing on the wage and salary table, as was the previous Chief of Police. Lombardo recommended against making spot changes. The entire wage and salary table should be discussed and cleaned up.

Scuteri entertained a motion for the Selectmen to provide a favorable recommendation on Article 2-1 Classification/Compensation Table. Bowler so moved. Johnson seconded motion. VOTE: Unanimous. The FinCom voted favorable recommendation on this article.

Article 2-2 – General Town Appropriations – Scuteri entertained a motion for an unfavorable recommendation. Johnson so moved. Stinson seconded motion. VOTE: Unanimous.

Article 5-1 – Hamilton Development Corporation – Certain authorities would be given to the corporation that are inconsistent with its understood purpose and it has a statutory designation that pertains to a larger city-type structure it is not geared to a community the size of Hamilton. Town Counsel Donna Brewer has some concerns. Town officials are working towards proceeding with the right corporate structure with a blend of public agency and not-for-profit and identifying how it would be funded.

Bowler asked if the chairman would like a motion to amend the Board's recommendation with respect to Article 5-1. Scuteri so moved. Stinson seconded motion. VOTE: Unanimous.

Scuteri entertained a motion for the Board to provide a recommendation at Town Meeting with regard to Article 5-1 – Hamilton Development Corporation. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Article 5-2 – Acceptance of M.G.L. Ch. 43D and Landfill as Priority Development Site – Chapter 43(d) says a Town must make a decision on a priority development site application 180 days after it is filed. This applies primarily to the Planning Board in regard to the commercial overlay district and its special permitting process. The Conservation Commission becomes involved if a plan proposes to build within 50' or 25' of wetlands and ConCom has ability to move fast in the decision process.

Lombardo said there is a fail safe for a no vote. Johnson said there is a bias for a no vote in the expedited process. But it does encourage involved boards to get the work done in the six-month period. The Landfill Committee is meeting and will discuss this on May 3. Johnson is working with Planning Board to understand its recommendation and he thought they could feel rushed to make a decision under 43(d).

Scuteri entertained a motion for the Selectmen to make a favorable recommendation at Town Meeting for Article 5-2. Johnson so moved. Bowler seconded motion. VOTE: Unanimous.

Article 6-1 – Free Cash Application – Scuteri entertained a motion for the Selectmen to recommend favorable action on Article 6-1. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

43(d) Expedited Permitting Pros and Cons

The Board addressed this earlier during discussion on warrant article 5-2.

Health Insurance Benefit changes

Lombardo discussed an opt-out program worked on with MIIA for employee health insurance. Nippes-Mena said there have been discussions with the unions and Insurance Advisory Committee on a new-tiered health insurance benefit that

would be a cost avoidance for FY'12 of \$75,000 that is similar to GIC. This lays the groundwork for future discussions on cost increases going forward.

As part of the total package supporting the tiered health plan under consideration is an opt-out option, a health reimbursement account for a two-year period to adjust to increases in copays and to pay for flexible spending accounts (this was agreed to when Town was looking at other health insurance plans). There would be administrative costs associated with flexible spending accounts due to HIPAA compliance.

Johnson said this is a generous incentive. Bowler said from past experience this was going to be an extremely tough sell to the unions where a majority vote is required to move forward with changes. Lombardo thought \$3,700 for a family plan was reasonable.

Scuteri entertained a motion to approve the health insurance opt-out program and accompanying benefits that are part of the health reimbursement account and flexible spending accounts all set forth in an email dated April 15, 2011 from Nippes-Mena to the Board of Selectmen. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Other business

Next Selectmen's meetings are scheduled for Monday, May 2, 2011 (warrant hearing) and May 9, 2011. No Board meeting is scheduled for May 16, 2011.

Carey discussed briefly work Streetscapes developer is doing over the course of 10 years to develop Quincy's downtown after this community had difficulty getting the project going using strictly volunteers. He has asked a representative from Streetscapes to attend an upcoming Selectmen's meeting.

In addition, Carey has spoken to contacts at Gordon Conwell Theological Seminary, Gordon College, and Pingree School to see if there was interest in a 10% P.I.L.O.T. contribution by these institutions to help develop Hamilton's downtown.

In response to question from Duke Seaver, the Board explained that the discussed \$500,000 reduction in the regional school budget if it is implemented would not come to the Town as a payment to the general fund but would be a reduced amount to be raised through taxes.

Scuteri entertained a motion to adjourn open session at 9:14 p.m. Bowler so moved. Stinson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk