

TOWN OF HAMILTON
BOARD OF SELECTMEN
MAY 2, 2011

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 2, 2011 with Jennifer Scuteri, William Bowler, Marc Johnson and Jeff Stinson present. Town Manager Michael Lombardo, Assistant to the Town manager Chris Lindberg, Finance Director Deborah Nippes-Mena, Finance Committee members John McWane and Kalil Boghdan, Fire Chief Phil Stevens, Conservation Commission Coordinator Jim Hankin, Town Clerk Jane Wetson, Town Moderator Bruce Ramsey, Superintendent of Schools Raleigh Buchanan, Assistant Superintendent Peter Gray, and H-W Regional School Committee chair Alexa McCloughan also present.

Accept minutes (March 1, April 11 and April 25, 2011)

Acting Board clerk William Bowler entertained a motion to accept the minutes from May 1, and April 11, 2011 Board of Selectmen regular session meeting. Marc Johnson so moved. Jennifer Scuteri seconded motion. VOTE: Unanimous. The Board will vote on the April 25, 2011 minutes next week.

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

Steven Newbold of 4 Carriage Lane asked about the availability of the approved Board of Selectmen minutes and said that the most recent minutes posted on the Town's website were for March 28th. Newbold asked if he should request copies of the minutes in person. He cited the Open Meeting Law requirement (Section 22C) that says minutes will be available to the public within 10 days after being accepted. Chris Lindberg, assistant to the Town manager, said she would address this as soon as possible.

Newbold asked how questions posed as public comments are answered by the Board. Scuteri said questions from Newbold that were personal to him were answered directly. She said this would also occur with a question that is a public comment where the Board would address it or the Town manager may have addressed it. Scuteri said questions posed to the Board during the public comment section of the Selectmen's meeting will be added to the minutes and the Board will follow up. A private question will be responded to by the Town manager, while a public question will receive a direct answer from the Board.

No emails containing public comments had been received from citizens who are physically unable to attend the Selectmen's meetings.

Town Manager's report

Donovan Fields purchase

Town Manager Michael Lombardo said on Friday, April 29 the Town closed on the Donovan Fields property on Sagamore Road. This was done through a IRS code 1031 Exchange mechanism that allows the seller to defer capital gains that would be payable upon transfer of real estate to another party (the Town). The Town is not a party to the transaction, the property owner signs off on all forms at the closing. The check is payable to a qualified third party intermediary OREXCO, Old Republic Exchange Company, formed by Old Republic Title Insurance Group, to hold the 1031.

Town Meeting approved the Town's purchase of the property from Donovan Conservation LLC; Mr. Donovan was at the closing. There is documentation to substantiate that this is a good and legal transfer and the Town now owns approximately 52 acres of playing fields. The deed is from the Donovan's and the check went to OREXCO, they hold it and other land will be purchased and transferred to that. Lombardo said the filing fees and related charges were less than \$1,000 and the CPA funds were transferred.

Lombardo said they were trying to settle the Conservation Restriction at the same time, which is close to being done and filed. He is going to meet with Essex County Trails Association since it holds a trail easement and maintenance agreement for the surrounding trails. Lombardo wants to make sure if the trails are going to be maintained that the Town has a maintenance agreement with ECTA. This will be discussed with the Board at an upcoming meeting.

Signage naming the area Donovan Fields and Woods will be located at the site. Lombardo will organize a ribbon-cutting event.

League of Women Voters Forum

Lombardo will work with Board members on presentation for LWV forum that can also be used at ATM.

Water Treatment Plant – overtime use, water quality

Lombardo is working with DPW Director John Tomasz to control overtime costs, particularly at the water treatment plant. The Town has filed for a downgrading of the plant to alleviate some of the need for overtime. Tomasz has compiled a draft report on plant operations and observations.

Based on the processes of the plant, it was at a 3T level requiring an added level of training and monitoring. With the introduction of the new filter beds and processes, the plant can be downgraded to level 2T, where testing is done and staff does not have to physically be at the plant as often since the processes are less complex. Therefore, the plant should theoretically be running itself. Alarms go off when there is a problem and staff responds. The need for as much overtime as has been used historically should be diminished.

The filter media at the plant was recently upgraded but there have been problems with water quality related to iron. Before the report is distributed to the public more detail will be added. A draft report will be provided to the Board later this week.

A graduate chemistry student serving as a summer intern will do some testing to understand the ongoing issues with water quality. The employees running the plant are operators; they don't understand the chemistry of water quality.

So if the plant is downgraded, the processes have to be correct and working well before staff time is reduced. The water quality isn't where the Town wants it to be since residents are experiencing film on dishes and there have been complaints about clothes washing results but the water is not unsafe to use. Work is being done to determine how to address ongoing issues.

Recreation Director

The recruitment process for Recreation Director closed on April 29. Resumes are being reviewed and candidates will be selected for interviews later this week. Interviews will be conducted the week after ATM. The Town received 20 resumes and applications, fewer than the last cycle to find a new director.

Recreation Master Plan

Lombardo is creating a Recreation Master Plan RFP. A process will start this summer to analyze the next five to ten years of recreation needs regarding programs and evaluation of facilities. A review panel will be used for this including the Recreation Board.

Lighting schedule at Patton Park

Scuteri mentioned that residents are interested in keeping the lights on at Patton Park later in the night during the summer to extend the shutoff time by an hour from 9 to 10 p.m. The new lights are directed downward. Lombardo will investigate since hours of operation are part of ZBA decision.

Hansbury Property – Update

Lombardo said the former lumberyard site at the Hansbury property sold last week. Discussion has been about a boat yard but it has not been determined if this is the case. The new owner does own boat yards and has a realty company. No inquiries have been received by the Town regarding permitting a boat yard.

Application for Alteration of Licensed Premises – 15 Walnut

Attorney Anthony Porcello representing petitioner Serenitee Corporation now Indigo Restaurant Corporation dba 15 Walnut agreed with an explanation by Scuteri that there were corrections that had to be made to comply with ABCC requirements. Applications for the Corporation have to be filed with the new corporate name as the applicant.

The space at the restaurant has been expanded from 2400 to 3200 square feet and includes 104 seats; 97 seats are being used.

Bowler read the legal notice of the public hearing as it appeared in the Salem News on April 22, 2011 regarding Indigo Corporation dba 15 Walnut in connection with its license to serve alcohol: alteration of licensed premises, change of corporate name, new officer/director, transfer of stock, and change of manager.

Porcello said 20 abutters had been notified by certified mail and 19 of 20 had sent in the return receipt cards. Porcello had turned in an affidavit about abutter

notification. There are no churches, schools or hospitals within a 500' radius of the proposed location.

Porcello said all of the financials required by the ABCC were attached to the application to meet requirements. Lindberg agreed, she has been working with Porcello and there is just one Form 43 that has to be signed for the ABCC.

Porcello said the corporate name was changed in 2008 from Serenitee Corporation to Indigo Corporation, at that time restaurant owner Mark McDonough recaptured all of the stock from Jeff Cala who runs the restaurant for no cash consideration. Porcello explained that one shareholder versus two is clarified on the resubmitted ABCC application.

Scuteri entertained a motion to approve the application for Alteration of Licensed Premises for 15 Walnut. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Application for Change of Corporate Name – 15 Walnut

Scuteri entertained a motion to approve the application for Change of Corporate Name for 15 Walnut. Johnson so moved. Bowler seconded motion. VOTE: Unanimous.

Application for New Officer/Director – 15 Walnut

Scuteri entertained a motion to approve the application for New Officer/Director for 15 Walnut. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Application for Transfer of Stock – 15 Walnut

Scuteri entertained a motion to approve the application for Transfer of Stock for 15 Walnut. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Application for Change of Manager – 15 Walnut

Scuteri entertained a motion to approve the application for Change of Manager for 15 Walnut. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Application to amend existing Entertainment License – 15 Walnut

Porcello acknowledged a letter from Fire Chief Phil Stevens that identified the second location in the restaurant for entertainment being next to the rear fire exit and all staff has been advised that the fire lane has to be kept clear.

Also, Porcello asked that the timing on the entertainment license application as submitted be revised from 12:30 p.m. to 11:30 p.m. to align with the timing on the restaurant's liquor license.

In addition, he and Lindberg had discussed the state law that will be in effect as of July 1, 2011 for restaurants with occupancy greater than 100 persons (15 Walnut has an occupancy of 104) that requires a certified crowd manager. 15 Walnut's proposed bar manager Andrea Knight has begun the certification training process. Knight said the general manager will also be trained. Stevens said there just has to be a certified crowd manager on the premises but that doesn't have to be the person's only duty.

Porcello also said the restaurant is clear that regardless of whether or not the establishment has entertainment, the fire exit in the new section has to remain clear at all times.

Fire Chief Stevens spoke about how he and Building Inspector Charles Brett had inspected the establishment. The restaurant passed code although the kitchen has to remain open (could be limited menu) on the nights when there is entertainment or the establishment would be classified as a night club and require a full sprinkling system. Porcello said the purpose of the entertainment was to bring in patrons to be served food not just drinks.

In response to Bowler, Lindberg said the common victualler's license allows the restaurant to serve food until 11:30 p.m. the same hours as the liquor license. Porcello said the kitchen is usually open to 10 p.m. and it would kept open to 11:30 p.m. on the nights when there is entertainment.

Porcello said the restaurant is required to keep a daily log and inspections are done to ensure exits are clear.

Lindberg said the change in the entertainment license does not require public notice. Scuteri said the hours would stay the same but the space where the entertainment could be provided is larger.

Lindberg had not prepared a license to be signed by the Board, since she wanted to include caveats from the Selectmen and drawing for entertainment locations provide by Porcello. Scuteri said the stipulations that Stevens defined would be included. She said if the restaurant doesn't serve food when entertainment is provided and exits are blocked these are reasons the entertainment license could be revoked.

Scuteri entertained a motion to amend the existing entertainment license for 15 Walnut with the following conditions: the kitchen has to be open during entertainment hours, it needs to be posted that the establishment has the proper certification for crowd managers, the four exits cannot be blocked and will be in full use and accessed, that the times will remain the same from 6 p.m. to 11:30 p.m. Monday through Saturday, and that they be in conformance with the diagram outlining two locations for the entertainment in the restaurant that was submitted with the application. Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

All of these licenses are reviewed annually in November.

Application for One Day Liquor License (May 7, 2011) – Hamilton Wenham Community House – Gourmet Delights Catering

A fundraiser at the Hamilton Wenham Community House for the Miles River Middle School and application is for all alcohol one-day liquor license. Expected attendance is 100. A car will be parked in the parking lot with a sign on it to advertise the event for a couple of hours a day.

Scuteri entertained a motion to approve the application for a one-day liquor license for Gourmet Delights Catering at the Hamilton Wenham Community House on May 7, 2011 (12 p.m. when liquor is delivered to 10 p.m.) Jeff Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Application for One Day Liquor License (May 13, 2011) – Hamilton Wenham Community House – Gourmet Delights Catering

Scuteri entertained a motion to approve the application for a one-day liquor license for Gourmet Delights Catering at the Hamilton Wenham Community House on May 13, 2011 (3 p.m. when liquor is delivered to 11 p.m. at wedding for 98 people) Bowler so moved. Johnson seconded motion. VOTE: Unanimous.

Application for One Day Liquor License (May 21, 2011) – Hamilton Wenham Community House – Gourmet Delights Catering

Scuteri entertained a motion to approve the application for a one-day liquor license for Gourmet Delights Catering at the Hamilton Wenham Community House on May 21, 2011 (2 p.m. when liquor is delivered to 10 p.m. at wedding for 120 people, police spoken to about detail) Johnson so moved. Bowler seconded motion. VOTE: Unanimous.

Appointment new members to Conservation Commission

Conservation Commission Coordinator Jim Hankin described responsibilities of Commission members including weighing in on land use projects within 100' of wetlands, enforcement of the Wetlands Protection Act, trails access, and Conservation Restrictions.

There are two openings on the five-member Commission since Sarah Getchell and Camilla Rich have vacated their seats. The Commission has an Open Space subcommittee that is appointed with Hamilton residents and it needs interested members of the community to serve. Hamilton's state-approved Open Space and Recreation plans were recently renewed.

Four residents have expressed interest in serving on the Commission, two dropped out and Ms. Wood's application came in after the Commission decided to select the two candidates recommended for appointment. Scuteri noted that the terms for the newly appointed members of the Commission would be until June 30, 2011 when annual appointments would be made for all Town boards.

Scuteri entertained a motion to appoint Keith E. Glidden to the Conservation Commission for a term to expire on June 30, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Scuteri entertained a motion to appoint George E. Tarr to the Conservation Commission for a term to expire on June 30, 2011. Johnson so moved. Stinson seconded motion. VOTE: Unanimous.

Annual Town Meeting Warrant Hearing

Town Moderator Bruce Ramsey oversaw the ATM warrant hearing for the meeting on May 14, 2011 at 9 a.m. at the Hamilton Wenham Regional High School.

No action is required on Article 1-1. For Article 1-2, Scuteri and Lombardo will be doing an overview presentation report and Finance Committee Chair John McWane will also present. The Community Preservation Committee will report when the Committee's article is discussed.

Ramsey discussed using a consent motion to vote by a single vote the following articles: 2-1: Compensation/Classification Table, 2-3: Water Enterprise Budget, 2-4: Waste Reduction Enterprise Budget, 2-5 North Shore Regional Vocational School District Budget, 2-7 Annual Financial Actions, 2-8 Annual Authorization of Revolving Funds, 2-9 OPEB Trust Fund, 2-15 Transfer from Recycling Receipt Fund to Waste Enterprise Fund, and 4-1 Delete Ch. X, Sec. 9 of General Bylaws.

Holds can be used with this vote and articles taken up as listed in the warrant. Using a consent motion can save a half hour of time. It is a procedural motion and requires a two-thirds vote. Stinson will make both motions. Johnson will make motions on all articles that are asked to be held.

Ramsey discussed how Town Meeting would proceed with Article 2-2 and motions made to raise and appropriate sums since the Finance Committee is expected to put a hold on the school budget. McWane would make a motion on the floor for debate on the original motion for the printed assessed amount for the school budget. Assistant Superintendent of Schools Peter Gray would make a presentation on the school budget. Then it is expected a motion to amend would be made on the main motion and a final sum would be taken up for a final motion.

H-W Regional School Committee Chair Alexa McCloughan discussed the complexity if Wenham did not approve the proposed school budget at its ATM on May 7 and Hamilton did at its ATM, there would be a need for a Special Town Meeting and potential protracted process to reach agreement on a certified budget for the schools before June 30th. If this fiscal deadline is not reached the Commissioner from the state would come in to manage the regional school budget/system. Johnson offered to call for Town counsel at ATM to provide an explanation on this scenario.

The remaining articles on the warrant were discussed amongst Town officials and motions assigned to Selectmen, Landfill Committee and Finance Committee members. Lombardo who is a Wenham resident will present information related to Article 2-12 MUNIS contract and Article 2-14 Transfer to Stabilization Fund. Lombardo will ask Gretel Clark to make motion on Article 4-2 Amendment to Disposal of Refuse and Garbage General Bylaw (Chapter XIV).

Ramsey noted that a clock will be projected on the screen at ATM to keep time for debate to 3 minutes per person. Finance Director Deborah Nippes-Mena recommended that one PowerPoint slide per article could be used.

Also discussed was if a counted vote is necessary that counting would start at the back of the auditorium and people would be asked not to mill about the auditorium.

In addition, Ramsey and Town Clerk Jane Wetson asked that all amendments be put in writing so they can be used for the ATM minutes.

If the ATM runs longer than the Saturday date it will be continued on Monday, May 16 at the High School.

McWane noted that Finance Committee will come to the Selectmen after ATM to have the Board appoint William Boesch to the FinCom.

Bowler noted that the Connection newsletter that outlines the budget process would be available on the Hamilton and Wenham town websites and on the regional school district website. A few hard copies are available for review at the Hamilton and Wenham Town Halls and Hamilton-Wenham Public Library.

Selectmen Report

Scuteri briefed the public about what the Selectmen's role is with the new Town manager form of government, that Board members are working on revenue raising objectives and the extensive time required to serve on the Board.

She noted that the Town manager has taken on a lot of the day-to-day responsibilities of local government but his staff has not increased. Communication and collaboration with Wenham is ongoing.

Stinson attends the School Committee and Community Preservation Committee meetings. Recently in regard to upcoming Community Preservation Act warrant articles, a non-profit in Andover was identified that could restore a historical map found in Town Hall for an \$8,000 reduction in cost, a second bid was sought for the restoration of the American Legion Hall and a third bid is possible, and the Hamilton trails network cost is \$25,000 that he thought would be supported.

He will also sit on the principal search committee for the High School. Stinson has followed up with Town officials in Reading and Ipswich regarding revenue raising initiatives. Also discussed was whether or not there is a possibility for excise taxes on boats if they were stored in Hamilton, and that downtown businesses have rubbish hauled by a commercial trash hauler separate from the Town's residential trash hauler (G. Clark will approach the business owners about organic recycling program).

Bowler participates in Budget Process Committee that produces the Connection publication. A meeting will be held after ATM to discuss issues such as the school budget and importance of communication between towns and schools. Also mentioned was the veterans' district and actions to improve services as well as work to close landfill and expedited permitting 43 (d).

Scuteri described residents expressing positive comments about Town government, improved communication with Wenham, extent of time commitment for Selectmen chair and how the vice chair could be an expanded role, analysis and benchmarking, and following Legislative updates.

She reported on work David Carey is doing on affordable housing trust where he is learning from Wenham that has a trust in place, global confidence criteria for public school students in collaboration with Pingree, Gordon College and Gordon Conwell Theological Seminary, play structure at Patton Park, cultural district designated by state and vibrant downtown, thermal imaging, Street Works Quincy development and landscaping making Hamilton better.

Marc participates in Capital Management Committee addressing more substantive issues that could overlap with facilities assessment steering committee for the schools, Planning Board meeting on Canterbrook senior housing project with smaller units, Planning Board defining role on: water issues regarding Town manager, facilities such as the old library, emergency management plan, issues tackled with schools requiring more involvement, collaboration and communication.

Lombardo said after ATM the white paper on analysis for Pay As You Throw will be finalized by early June.

Other business

Lombardo mentioned the limited amount of discretion the Town manager has to move funds across line items while staying within the budget parameters and ability to make timely decisions (i.e., reserve fund transfers).

Scuteri asked if Town Counsel Donna Brewer and Lindberg could opine about the Selectmen abdicating responsibility regarding liquor license authority. Also, if the Board could cede its authority to approve signage on Town land.

The Board's next meeting will be on May 9. No Selectmen's meeting will be held on May 16.

Scuteri entertained a motion to adjourn open session at 9:51 p.m. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk