

TOWN OF HAMILTON
BOARD OF SELECTMEN
MAY 9, 2011

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, May 9, 2011 with Jennifer Scuteri, William Bowler, Dave Carey and Jeff Stinson present. Town Manager Michael Lombardo, Finance Committee chair John McWane and Police Chief Russell Stevens also present.

Accept minutes (April 4 (Executive Session), April 25 and May 2, 2011)

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

Carey entertained a motion to accept the Board of Selectmen regular session minutes from April 25, 2011. Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

The Board will vote on the May 2, 2011 minutes at a subsequent meeting.

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

Resident Edwin Howard complimented Town officials especially Tom Catalano and John Tomasz for improvements made at Hamilton Town Hall. Jennifer Scuteri noted that David Carey had also played an important role. Carey said David Gates, facilities manager, was helpful as was Janet Collette, consultant. Collette will assist with improvements to be done in first floor corridors where grandfather clock is now running. Town Manager Michael Lombardo said Marcie Ricker was creating planting diagrams for outside of building.

Town Manager's report

Lombardo met with a property owner in Town who is interested in discussing potential property for use as playing fields. He is deciding whether or not this is a viable option. If so, a public presentation will be done.

Recreation Director search

Resumes from applicants for Recreation Director's position are being reviewed to select candidates for interviews to be conducted week after next.

Friends of Recreation

This group is interested in establishing a not-for-profit organization and is doing fundraising for recreation equipment especially new play equipment at Patton Park. They will be meeting with joint Recreation Board and present at subsequent Selectmen's meeting. The group funded the fence at Patton Park. Carey noted that the play equipment at Pingree Park is in need of repair.

Executive Session – M.G.L. Ch. 39, Sec. 23B(3) – Litigation Strategy

Scuteri entertained a motion to adjourn from regular session at 7:15 p.m. and enter into executive session under M.G.L. Ch. 39, Sec. 23B(3) to discuss litigation strategy. The Board will return to regular session at the end of executive session. Bowler so moved. Stinson seconded motion. Roll call vote: Jeff Stinson, aye, William Bowler, aye, Jennifer Scuteri, aye, David Carey, aye.

The Board returned to regular session at 7:52 p.m.

One Day Liquor License – American Diabetes Association – (May 22, 2011)

The American Diabetes Association is holding an event at Pingree School on May 22, 2011. Alcohol will be delivered at 6 a.m., served starting at 11:30 a.m. and serving finished by end of event at 4 p.m. This is a bicycling fundraiser and 1,000 people are expected. An association representative met with Police Chief Russell Stevens. Stevens said there would be two police officers to direct traffic in and out of Pingree School. Only 8 ounces of alcohol (beer or malt beverage) will be served per person. Stevens did not have any concerns and there should not be major impact to Town. Medical apparatus will be at the site.

Scuteri entertained a motion to approve the application for a one-day liquor license for the American Diabetes Association on May 22, 2011 at the Pingree School. Jeff Stinson so moved. Bowler seconded motion. VOTE: Unanimous.

Request to use Old Library lawn for Plant Sale, place sign –HW Garden Club

Pauline Moroney from the Hamilton-Wenham Garden Club requested on behalf of the club use of the Old Library lawn for the annual plant sale and to hang a banner at the site.

Scuteri entertained a motion to approve the request of the HW Garden Club to post a sign and hold a plant sale on the lawn at the Old Library on May 14, 2011. Bowler so moved. Stinson seconded motion. VOTE: Unanimous.

Results of Wenham Town Meeting

Scuteri discussed the results of the Wenham Town Meeting and said the article to reconsider the Town's decision to join a regional ECO in Middleton was not approved. This reaffirms the Wenham Selectmen's vote to join the regional ECO. Discussion on whether or not this decision was binding but Wenham officials have signed a contract.

Discussion on another decision by Wenham Town Meeting where residents voted, contrary to the recommendation of town officials, to fund the school district at a higher level certified budget. There was a 41-vote spread in favor of a motion made on the Wenham Town Meeting floor.

Discussion on how at Hamilton's Town Meeting on Saturday, May 14 there would be a hold on warrant article containing school budget and that a number lower by \$500,000 would be presented as recommended by Town officials.

Scuteri explained if Hamilton Town Meeting votes to approve a lower school budget number then there would no longer be a certified school budget. It would go back to HW Regional School Committee to be recertified. The two towns experienced this debate a few years ago and School Committee can stay at same budget number it certified originally. This would then require Hamilton to hold a second Town Meeting. Wenham does not have to hold a second Town Meeting since they have approved higher budget recommendation so this essentially approves a lower number as well.

If school budget number School Committee brings to a second Hamilton Town Meeting is not approved, then joint Town Meeting with Wenham would be held.

Stinson said they would have to wait and see how Hamilton residents vote at ATM. Bowler said Town should not change its position to support \$500,000 reduction in school budget to avoid a second ATM.

Scuteri mentioned that Finance Committee Chair John McWane had drafted a position paper on matter to be presented to his committee on Thursday. Bowler did not support everything in this document.

McWane said Hamilton has taken the position outlined in the document for months so it would give voters information about how the Town officials came to making its recommendation. It lays out why the School Committee thinks it should keep \$500,000.

Discussion about whether or not Selectmen were in agreement that the schools were asked to level-fund budget, and if all Board members were comfortable with references to the Blue Ribbon Committee and operational audit.

Also, if Selectmen agreed with conclusion that the \$500,000 the Town is asking for back from the schools is the result of \$300,000 kept by the school department that was slated for unemployment when teachers were not laid off, and \$120,000 extra in state funding is expected by the municipalities.

McWane thought this should be laid out for the voters. He is comfortable that the numbers from Assistant Superintendent of Schools Peter Gray are accurate.

Scuteri thought the school department has not focused on inefficiencies and there have been areas of overspending in the schools as pointed out in the results from the Blue Ribbon Committee research and operational audit.

Discussion on Finance Committee's position paper being posted on Town's website before ATM and that Selectmen could express opinion at Town Meeting.

Carey mentioned that the Town has studied the schools through the Blue Ribbon Committee, operational audit and review of DESE (DART) website and all have said that the regional school district is spending between \$2 million to \$4 million more than cohort community school systems.

He noted that the school budget was complex and it is a complicated process to identify details such as a teacher was budgeted for but not hired as an example of money not being spent.

He added that the school budget is comprised of 75% of people costs and for FY'12 there is \$1.2 million in new spending on people costs that would be locked into the tax base. Carey is concerned about whether or not there is good guidance on how to work the school budget and thinks it is getting worse not better.

McWane said the case should be made that the \$500,000 is E&D funds resulting from over-budgeting and money kept that should have been spent so the school department has accumulated funds. So reasonably the \$500,000 (half of the amount over-budgeted) should be returned to the towns.

Scuteri said based on Chapter 71, the Selectmen have a responsibility and right to ask for financial, statistical information relative to school budget decisions. Also, that benchmarking should be done, and actions taken relating to sustainability and recommendations from operational audit. She noted that if the \$500,000 was returned to the towns this would not result in any cuts in the school system.

McWane said the communities should be funding the schools at a level that is right and at a level consistent with other schools.

Discussion was about teacher union contract negotiations being underway and how much the towns could do within the autonomy of a regional school district.

Lynette Fallon, Goodhue Street, said if the Selectmen are going to make this argument with the school budget, they need to be aware that the non-school spending warrant articles for ATM were up 5% (\$490,000) and the police salaries are up 10%. Lombardo said looking at budgeted to projected, two years ago police salaries were not paid for several hours due to the OEMS settlement. The per-officer cost is a modest increase. Also addressed was the Quinn settlement.

McWane said Fallon's argument emphasizes the need for a position paper to define what topics are unrelated to the school budget issue. He explained that Hamilton overtaxed residents by \$275,000 and the Town is going to return it to the voters. The schools over-budgeted by \$1 million and the communities are asking for half of it back.

Resident Betty Dunbar spoke to the argument for free cash for the Town versus the schools.

Scuteri said the staffing levels at the schools might be high and that a future school spending plan should be defined.

Review warrant articles for Town Meeting

Scuteri noted that the town moderator in Wenham has a script for ATM and provides that to the Selectmen, and reads dollar amounts for warrant articles, although the moderator does not make motions. Discussion on HW Regional School Committee chair making motion on school budget. Lombardo suggested this be revisited tomorrow.

Other business

The Board's next meeting will be on May 23. No Selectmen's meeting will be held on May 16.

Lombardo summarized what occurred in Selectmen's earlier executive session. Michael Marchand lawsuit is at a turning point where attorneys are drafting motions for summary judgment and a request to enter into mediation is being given consideration and discussion. A mediation meeting could occur later in June prior to the case potentially going to summary judgment or trial.

Scuteri said the amended complaint no longer contains allegations against Selectmen individually only in their capacity as Town officials.

League of Women Voters forum on the ATM non-budgetary articles scheduled for Wednesday night at Winthrop School. Town Counsel Donna Brewer could explain school budget process based on Wenham Town Meeting vote.

Scuteri entertained a motion to adjourn open session at 8:38 p.m. Bowler so moved. Stinson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____

Clerk