

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

The Board of Selectmen met at the Hamilton Town Hall at 7:04 p.m. on Monday, May 17, 2010 with David Carey, William Bowler and Jennifer Scuteri present. DPW Director John Tomasz, Town Manager Michael Lombardo and Town Administrator Candace Wheeler also present.

Thanks to Penn Westman for 10 years of volunteer service

Selectmen presented Hamilton resident Penn Westman with a certificate for his 10 years of volunteer service taking care of the landscaping at one of the Town's traffic islands.

Request from Community House for kiddie ride at block party on June 11

David Carey entertained a motion to authorize the Community House to have an amusement that includes the train, identified in documents supplied to the Town, at an event at Patton Park on June 11. William Bowler so moved. Jennifer Scuteri seconded the motion. VOTE: Unanimous.

Discuss potential DEP grant for organic recycling

The Capital Management Committee is working on a grant application for Hamilton and Wenham that addresses regionalization of all solid waste recycling. The Department of Environmental Protection is interested in this and would like such a program to include Ipswich, Topsfield, Essex and eventually Cape Ann.

Jeff Chelgren, Wenham town administrator, has developed a summary grant proposal for the Committee and will submit a copy to Hamilton's Town Manager Michael Lombardo. The application has to be submitted within the next 10 days.

The grant could pay for the cost of a Town-wide organic waste recycling program and a two-year position for someone to research the regionalization of all solid waste. Town officials stressed that they want to make sure this won't cost the community more than it would benefit.

Lombardo and Hamilton resident Gretel Clark will be attending a MassDEP WasteWise Program on June 2 to receive an award for the Town's organic waste recycling.

Request for water abatement – John Tomasz

Carey entertained a motion to approve a request for water abatement from John Tomasz for Gathering Farms for \$80.17. Bowler so moved. Scuteri seconded the motion. VOTE: Unanimous.

Tomasz briefed the Board on painting that will occur inside and outside of Town Hall in the next few weeks using inmates from the Middleton jail. Also, that the work on the front stairs and windows at Town Hall will be done in a similar timeframe. Discussion on whether or not Lombardo's office and front hallway should be painted at this time. Also, whether or not the lock should be replaced on the front door.

New lights have been installed at Patton Park and others will be added. The lighting should not impact the surrounding neighborhoods as much as the former lamps did.

Discuss possible Chapter 70 litigation

Last week the Board heard from Hamilton residents Lynette Fallon and Tracey Mayor who are interested in the Town paying \$4,000 for legal counsel to assist with a potential summary judgment case to change the Chapter 70 formula. This could help Hamilton to get more than the 13% of actual Chapter 70 state funding it receives each year for education. Selectmen had agreed to work with Finance Director Deborah Nippes-Mena and Lombardo to see if the money could be found to pay for legal counsel.

Carey entertained a motion to fund an initial legal initiative to evaluate the funding formula for Chapter 70 subject to the following conditions: 1) the Town can find the money, 2) subject to four other towns in addition to Hamilton joining, 3) doesn't commit the Town to take any action. (The Town would get a report and presentation on the outcome). Bowler so moved. Scuteri seconded the motion. VOTE: Unanimous.

Sign cemetery deeds

Carey entertained a motion to sign cemetery deeds #1055 and #1056. Bowler so moved. Scuteri seconded the motion. VOTE: Unanimous.

Discuss legal services RFP

Discussion on how under the Special Act for Town manager, the Town manager appoints department heads subject to approval by the Board of Selectmen. Town counsel falls under the category of a department head.

Lombardo is interested in having Town Counsel Donna Brewer reappointed for the next fiscal year that begins on July 1. Brewer previously asked not to be reappointed since she is very busy with her legal practice. However, if Lombardo manages all communiqués with Brewer for Hamilton, then he can manage the amount of time required of Town counsel.

This would provide continuity for the Town as Lombardo comes up to speed on issues. In addition, Brewer has been cognizant of the Town's tight budget and billed conservatively for her time. The Board was in favor of reappointing Brewer as Town counsel. So a legal services RFP will not be created and issued at this time.

Discuss letter from Wenham re: Council on Aging

Carey read a letter from Chelgren proposing that regionalizing the Council on Aging for Hamilton and Wenham should be revisited. Trudy Reid, who managed the COA in Wenham as well as the elder van, has been elected as Wenham's town clerk.

There could now be one COA director who has two offices similar to what Facilities Manager David Preen does in Hamilton and Wenham. The COA has no permanent space in either town. Lombardo will talk to Recreation Director Melissa Roy to see if there is any possibility of staff support. He will notify Chelgren that Hamilton is interested in exploring the consolidation idea.

Carey entertained a motion to go into executive session not to return to open session at 7:46 p.m. to discuss contract negotiations 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