

**TOWN OF HAMILTON  
BOARD OF SELECTMEN  
MAY 18, 2010**

The Board of Selectmen met at the Hamilton Town Hall at 3:06 p.m. on Tuesday, May 18, 2010 with David Carey, William Bowler and Jennifer Scuteri present. DPW Director John Tomasz, Town Manager Michael Lombardo, Town Counsel Donna Brewer, Special Counsel Ray Miyares and his associate Attorney Marguerite Reynolds, and Town Administrator Candace Wheeler also present.

**Update on Water Withdrawal Permit**

Special Counsel Ray Miyares said the Superior Court ordered the Department of Environmental Protection to make a new computation of safe yield. The Appeals Court won't look at any of the Town's objections to the water withdrawal permit from DEP until the safe yield computations are completed. So Hamilton's lawsuit and appeal are stayed until the safe yield numbers are decided.

The water withdrawal permit challenged six years ago has expired. The focus for the Town has to be on a new future permit. Then the Town can decide what to do with the existing lawsuit.

Discussion on some Hamilton residents perhaps talking to the Ipswich River Watershed Association in regard to the situation with the Town's water withdrawal permit and registration. It was noted the Plateau well that didn't exist before 1985 is only covered under the permit not Hamilton's water registration and that this well cannot be forced into the registration.

In addition, the DEP has issued Hamilton an Order to Complete that is due on June 1. It is a request for additional information including:

1. Permit compliance reading – DEP wants to know if the Town is in compliance with its existing permit. The Town has consistently been using 60% of the water it has been authorized to use. Although this was exceeded on July 11, 2006 but DEP did nothing about the minor violation,
2. Zone 2 wellhead protection requirements -- Topsfield could overlap with Hamilton's groundwater protection district and that town has to be asked by

Hamilton to adopt zoning to protect Hamilton's Zone 2 and the Town has to document the request, and

3. Stream flow triggers in the Ipswich River. When the stream flow falls below the trigger the Town has to notify residents that there is a mandatory water ban on non-essential outdoor water use. The Town is responsible for showing what it did during the June 1 to June 12, 2006 period that were listed as dates the Town was on notice. This also occurred in August 2006 and in 2007 from July to September 30, and again in 2008.

The stream flow trigger in Hamilton was amended a few years ago to align with DEP's requirements. DEP wants to know what the Town does to implement the mandatory water ban (i.e., send out notices, put up banner, Selectmen vote as recorded in the minutes, newspaper ad.) A report was supposed to be sent to DEP. The Town will find out what notice information is missing.

Miyares plans to compile and review Board minutes to understand details about notices done in the past referring to mandatory water ban on non-essential outdoor watering. In Hamilton, lawn sprinkler systems are supposed to have monitors so systems won't turn on during rainy conditions.

Discussion on unaccounted for water, mostly attributed to leaks that are typically found in water systems, and that 10% or less is considered good. Tomasz is currently working on the percentages.

Discussion on per capita daily use is 65 gallons per person per household. Hamilton residents conserve water well and usually use less water than 65 gallons. Town officials noted that it is difficult to enforce/restrict water use on hot summer days. During these conditions, there can be a few days when the Town can exceed its water use numbers.

Town officials are interested in maintaining the existing levels of allowed water use in Hamilton since it hopes to bring in development that would necessitate more water use. Discussion on how office park would typically use less water than a subdivision.

Miyares offered to set up a meeting with Dwayne Levangie, DEP liaison, to understand what DEP is thinking in regard to Hamilton's daily water use. William Bowler would be the Selectmen representative at the meeting.

Bowler entertained a motion to go into executive session not to return to open session at 4:15 p.m. to discuss discipline against a public officer or individual. David Carey so moved. Jennifer Scuteri seconded the motion. The roll call vote was unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: \_\_\_\_\_  
Clerk