

TOWN OF HAMILTON  
BOARD OF SELECTMEN  
Working Session  
DECEMBER 12, 2011

Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, December 12, 2011 with Jennifer Scuteri, Marc Johnson, David Carey, Jeff Stinson and Jeff Hubbard present. Town Manager Michael Lombardo, Finance Committee Chair John McWane, and Planning Board Chair Peter Clark present.

Cutler School HVAC

Discussion with Finance Committee Chair John McWane about how Hamilton Wenham Regional School District recently paid \$600,000 bill for Cutler School HVAC that was installed in summer 2010 with E&D funds and excess cash.

Town officials believe process should have been done in cooperation with towns and that HWRSD should have paid bill as a budget line item where bonding was done with reimbursement to Hamilton and Wenham.

McWane said Interim Superintendent of Schools Peter Gray did not have authority to pay bill in this manner and he was apologetic. Officials expressed dismay that there was not more understanding about HWRSD's cash flow.

Update on Walter Cullen lawsuit

Town Manager Michael Lombardo reported that trial judge had ruled in criminal lawsuit brought by Attorney General's office involving Walter Cullen, former Hamilton police chief. There was continuance without finding, probation for 18 months and restitution to the Town of Hamilton of \$25,000. Lombardo had provided information to Attorney General's office on related costs to Town.

Lombardo said there was sufficient evidence to find Cullen guilty but lawsuit was settled for monetary fee. While this will remain on Cullen's record it is not a finding of guilt allowing Cullen to collect his pension from Essex Regional Retirement System. Hamilton pays contribution for its employees into retirement system that has multiple member communities.

### Merged Finance Department

Discussion was on discontinued proposal to merge finance departments for Hamilton and Wenham. Town's finance department especially Finance Director Deborah Nippes-Mena and Treasurer/Collector Cheryl Booth were getting stretched too far to continue supporting both towns' finance services on a long-term basis.

If merger talks had continued and finance services were combined, there would have been approximately \$58,000 a year annual savings for Hamilton, and a \$20,000 yearly cost for Wenham. Representing a cost share of 62%/38%, which varies from traditional two-thirds Hamilton, one-third Wenham allocation.

Lombardo said there is too much work in finance departments in both towns since they are understaffed (more so in Wenham versus Hamilton). He found that resistance and energy expended on externalities did not warrant moving any further on merger proposal. Also, there were fundamental differences in two towns' organizations that could not be overcome.

A survivor agreement will be put in place for 10 hours of finance service a week provided by Hamilton to Wenham until end of calendar year. Wenham is now in process of increasing its finance service staff.

Lombardo said if conditions came into alignment in future between two towns finance services merger could be considered again. For now he and Hamilton staff will focus on proposal for restructuring staff in Hamilton to increase efficiencies. An upcoming brainstorming session is scheduled.

Hubbard encouraged Lombardo to consider outsourcing human resources and payroll functions.

McWane commended Lombardo and Nippes-Mena for their effort on merger proposal and agreed with their decision to change direction away from merger.

### Changes to the Open Meeting law

Town Counsel Donna Brewer had provided Board with information about changes to Open Meeting law that allow Town board members to weigh-in during meetings when they are geographically unable to attend. Likely done by conference call versus video. OML was silent on remote person electronically

introducing evidence in meeting. Town officials will discuss with other board chairs. Selectmen will vote on change at an upcoming meeting.

### Patton Land gift

Discussion was on Mrs. Joanne Patton's gift letter/working agreement relative to offer to give her house and 27-acre property at 650 Asbury Street to Town.

One component of agreement is that property and house to be maintained by Hamilton would not be a financial burden to Town but be cost neutral. Also, that Gordon College would have first option to rent house.

There is an exit strategy if property were sold by Town it could go back to Patton family or half of proceeds would go to charity.

Lombardo is working with Mrs. Patton and her representatives on commitment letter to ensure it reflects her intentions for use of house, out buildings and grounds. Town Counsel Donna Brewer will represent Hamilton in transaction.

Discussion was about possible recreation use for property including playing fields and access to river. Board specified that intention is that there should be a clear public process for deciding future uses.

Discussion on organizing a subcommittee that reports to Selectmen with as many as seven members consisting of representatives from land use and open space boards possibly a developer, real estate attorney, landscape architect and recreation advisor. An email will be sent to board chairs. Also, a description of committee's charge including goals and length of terms will be developed.

This committee would be a steering group identifying uses for property and providing recommendations to Board of Selectmen for approval on vision. It would determine if reasons exist not to recommend Town Meeting's acceptance of Mrs. Patton's gift. Public input from community will be sought between now and May on proposal.

Gordon College could potentially partner with Town on an ongoing basis related to Asbury Street property. Lombardo has a meeting set up with college.

Discussion was on if there are any issues related to Chapter 61A land and deed, that property is zoned residential and is in groundwater overlay district,

applicability of Open Space and Farmland Preservation Development bylaw, need for traffic analysis, and if Town would want Patton well still usable in general and if site is developed.

Lombardo had explored with Mrs. Patton what would be maximum housing units and playing fields allowed in agreement.

Also discussed was whether or not CPA money could be used, that a community charrette may be useful in determining best use of cost neutral parcel, and that MIIA would be kept up-to-date once ownership takes place and parcel becomes public property that requires maintenance.

#### Board goals and objectives

Discussion on parcel on Chebacco Road that has not paid property taxes since 1950s and revenue potential if it became a tax title taking by Town. Also, a 23-acre parcel on Bridge Street voted for sale by Town Meeting could be reconsidered to provide walk out to wetlands. Likewise, rethinking property on Lake Street slated for sale that provides access to Pleasant Pond.

Other items mentioned were that Town's website is being kept more up-to-date and Planning Board is advancing Canterbrook Farm senior housing project.

Jeff Hubbard outlined actions on his goals including: suggestion that HWRSD agreement could be changed to no longer provide bus transportation for \$800,000 or reduce number of bus routes; work with Community Preservation Committee on proposed projects for downtown such as replacing 18 trees on Railroad Avenue (\$36,000), replacing gas lanterns (\$40,000), adding benches (\$7,000) and restoring cast iron arch that mirrors one at H-W Public Library.

He suggested that some of these proposed projects could also potentially be funded through meals tax receipts. Selectmen discussed process for Board decision on projects before they are submitted to CPC for consideration.

Also promoted by Hubbard was restoring ice skating opportunity at Patton Park as was done historically in Town including use of room at back of park garage by skaters. His proposal would require use of volunteer host families for three-hour shifts on Friday evenings, and weekend afternoons to monitor ice and use of skate room.

Board discussed insurance liability, need for Board of Health involvement if there was a concession stand, need for Weaver Pond group staffing, concern about managing fires in outside fire pit, and that Selectmen can work together on goals and objectives.

In response to Marc Johnson, Lombardo will investigate state law on event permitting/licensing structure relative to whether or not customers could be charged for tea served during events at local retailer, Jolie Tea. This could require consensus from the local Board of Health.

Scuteri entertained a motion to adjourn at 9:06 p.m. Hubbard so moved. Johnson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

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

Clerk