

**TOWN OF HAMILTON
ANNUAL TOWN MEETING
Held
April 5, 2014
At
Hamilton-Wenham Regional High School**

At the close of registration on March 14, 2014 there were 5,661 registered voters.

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Annual Town Meeting at 9:16 A.M. with 355 voters checked and present.

Precinct 1 – 121

Precinct 2 – 122

Precinct 3 – 112

Lead Teller

Ray Desroches 306 Moulton Street

Auditorium

Left	Martha Hale Farrell	15 Hamilton Avenue
	Bill Olson	9 Anthony Road
Center	Tom Lawnsby	36 Stopford Street
	Bob Bannon	45 Willow Street
Right	Leon Purington	32 Mill Street
	Gordon Lamson	7 Lois Street

The Moderator read: I have asked non-resident members of the regional school system, town officials and those assisting the Selectmen or Finance Committee to be present here so they may be available to answer questions. Members of the press [and the video crew] have also been allowed to be present. I remind those allowed here to do nothing which may influence the counting of a vote.

We have set up the cafeteria across the hall as overflow space. There is a closed circuit television set in the cafeteria and two tellers. All other non-registered visitors must be seated in

the visitors' area in the cafeteria.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting. Therefore, unless I recognize you by name, please use the microphones provided and give your name and address when you arise to address the moderator. People in the cafeteria desiring to speak to any article should contact one of the tellers and arrange to be brought to the microphones in the auditorium.

All registered voters have been given a distinctive voter ID card when checking into the meeting. Do not lose or destroy this card. You will need to show the card on any counted vote. If you cannot show the card, your vote may not be counted.

The Moderator recognized Marc Johnson, Selectmen Chairman, who summarized the Town budget process and acknowledged effectiveness of Town manager form of government; John McWane, Finance and Advisory Committee Chairman, who spoke to Town's sources of and uses for funds and budget process including proposal to HWRSD regarding excess funds coming back to supporting communities and that ground rules should be established for this; Michael Lombardo, Town Manager, who updated ATM about the landfill capping and related bids for revenue generating projects at the site as well as other Town initiatives including a Planning and Development reorganization at Town Hall.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2014/4 1-1 Election of Officers

The Moderator read: The vote on Article 1-1 is by ballot on Thursday, April 10, 2014 at the Winthrop School when the polls will open at 7:00 a.m. and close at 8:00 p.m. to elect the following Town and School District Officers:

- Town Moderator for one year
- One Selectman for three years
- One Town Clerk for three years
- One Assessor for three years
- Two members of the Planning Board for five years
- One member of the Planning Board for two years (to fill unexpired term)
- One member of the Hamilton Housing Authority for five years
- One Hamilton-Wenham Public Library Trustee for three years
- One Hamilton-Wenham Public Library Trustee at Large for one year (to fill unexpired term)
- Three members of the Hamilton-Wenham School Committee for three years
- One member of the Hamilton-Wenham School Committee for two years (to fill an unexpired term)

ARTICLE 2014/4 1-2 Reports

Moved by David Neill, Selectman, duly seconded, that the Town reports of town officers and committees be received and placed on file.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 1-3 Article for Consent Motion

The Moderator read: The list of Articles to be taken up and voted on as one motion. The motions appear on the Motions List, which was handed out at check in both in the Lobby and front of the Hall. Shout out Hold as the list is read. Any article motion for which there is an accepted Hold will be deleted from the Consent Motion and taken up and considered according to its place on the Warrant.

Motion numbers:

2-5 Water Enterprise Retained Earnings - *that the Town appropriate \$150,000 from Water Enterprise Retained Earnings to support the FY 15 Water Enterprise Budget.*

2-7 Annual Financial Actions - *that the Town authorize the following financial transfers:*

- A. To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;*
- B. To transfer \$218 from the Clark Property Fund to the Conservation Fund;*
- C. To transfer \$328,982 from the Water Enterprise Fund to the General Fund to be used for indirect expenses;*
- D. To transfer \$294,270 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.*

2-9 Annual Authorization of Revolving Funds - *that the Town pursuant to M.G.L. c. 44, § 53E ½, reauthorize the Recreation and Parks Revolving Fund with a FY 15 spending limit of \$233,739, reauthorize the Council on Aging Revolving Fund with a FY 15 spending limit of \$20,000 and reauthorize the Emergency Dispensing Services & Clinics Revolving Fund with a FY 15 spending limit of \$10,000 with specified programs for expenditures, receipts to be credited, boards authorized to expend and disposition of fund balance to be as set forth in **Appendix H** to the 2014 Appendix Book.*

2-11 OPEB Trust Fund - *that the Town raise and appropriate \$25,000 for deposit in the Other Post Employment Benefits Liability Trust Fund.*

3-1 Citizen's Petition Site Plan Review to Planning Board - that the Town take no action on this article.

4-1 Conforming Amendments of Town By-laws - that the Town amend Town By-law Ch. II, Rules and Procedure of Town Meetings, Sections 5 and 8 by adopting the proposed language set forth in Appendix J to the 2014 Appendix Book.

ARTICLES THAT WERE HELD----

2-1 Classification/Compensation Table - that the Town amend the Personnel By-law by adopting changes to the classification and compensation table as set forth in Appendix A to the 2014 Warrant book.

Moved by David Neill, Selectman, duly seconded, that the numbered Motions as set forth in Proposed Consent Motions List for this 2014 Annual Town meeting, a copy of which has been delivered to the Town Clerk to be filed with the minutes of this meeting with copies made available to voters in attendance, be approved by one vote, each motion to be deemed a separate action under the Warrant Article having the same corresponding number, excepting those motions held.

The Moderator said the remaining articles in the Consent Motion are: 2-5, 2-7, 2-9, 2-11, 3-1 and 4-1 then he called for the vote on Article 1-3.

VOICE VOTE: MOTION PASSES

SECTION 2: FINANCIAL ACTIONS

**ARTICLE 2014/4 2-1 Classification/ Compensation Table
CONSENT MOTION ---- HELD**

Moved by John McWane, Finance and Advisory Committee Chairman, duly seconded, that the Town amend the Personnel By-law by adopting changes to the classification and compensation table as set forth in **Appendix A** to the 2014 Appendix book.

The Moderator recognized Town Manager Michael Lombardo who spoke to the 2% COLA for settled union contracts and step increases for staff. Jack Hauck, 18 Knowlton Street, described his hold on this warrant article. Lombardo clarified information related to Hauck's statements.

The Moderator called for the voice vote.

VOICE VOTE: UNCLEAR and there was request for recount of vote.

The Moderator called for a card vote.

CARD VOTE: MOTION PASSES
Declared by the Moderator

ARTICLE 2014/4 2-2 General Town Departmental Appropriations

The Moderator read the following changes that have been made to the totals given starting on page 4 of the 2014 Appendix Book:

The appropriation for General Government has changed. The correct number is \$1,774,996.

The appropriation for the Essex North Shore Agricultural and Technical School District has changed. The correct number is \$165,935.

The appropriation for the Department of Public Works has changed. The correct number is \$1,015,233.

The appropriation for Total Debt – Principal and Interest has changed. The correct number is \$1,461,999.

These changes mean that the Total General Town Appropriations is \$26,504,841.

The Moderator read each appropriation and said for any item a voter would like to discuss separately, please shout out **HOLD**:

\$1,774,996 for General Government,
\$2,577,389 for Protection of Persons & Property,
\$16,302,008 for Hamilton-Wenham Regional School District-----HELD
\$165,935 for Essex North Shore Agricultural and Technical School District,
\$1,015,233 for Department of Public Works,
\$627,973 for Health & Human Services,
\$636,660 for Library,
\$105,649 for Recreation,
\$1,836,999 for Unclassified,
\$1,465,475 for Total Debt – Principal and Interest

Totaling (excluding HWRSD budget) \$10,206,309

The Moderator recognized John McWane.

Moved by John McWane, Finance and Advisory Committee Chairman, duly seconded, that the Town raise and appropriate the sums read by the Moderator for schools and all other Town

expenses which are set forth in the 2015 Fiscal Year Budget in **Appendix B** of the 2014 Appendix Book with the corrections read by the Moderator excepting those items held.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ITEMS THAT WERE HELD -----

Charles Chivakos, 27 Village Lane, put a **hold on \$16,302,008 for Hamilton-Wenham Regional School District.**

Moved by Marc Johnson, Selectmen Chairman, duly seconded, that the Town raise and appropriate \$16,302,008 for the Hamilton-Wenham Regional School District.

The Moderator recognized Roger Kuebel, HW School Committee Chairman, who responded to remarks from John McWane on HWRSD excess funds and policy for returning those to supporting communities as well as per pupil spending. The Moderator recognized Dr. Michael Harvey, Superintendent of Schools, who presented details about HWRSD budget.

Moved by Charles Chivakos, Finance & Advisory Committee member, duly seconded, that the pending motion be amended by changing the appropriation from \$16,302,008 to \$16,116,646.

The Moderator recognized John McWane who spoke to near majority vote of Finance & Advisory Committee for this amendment with the intent that the HWRSD look for efficiencies within the existing regional school budget to reduce the annual assessment by \$269,000.

Tess Leary, 209 Bay Road, Lynnette Fallon, 38 Goodhue Street, Arianna McDonough, Rust Street, Charlie Pepler, Meyer Road, Roy Wallant, 300 Willow Street, Joyce Futz, 153 Gregory Island Road, and Martha Hale Farrell, Hamilton Avenue, opined about the amendment and new programs proposed in the HWRSD budget.

The Moderator called for the voice vote on the **amendment** to reduce the HWRSD appropriation from \$16,302,008 to \$16,116,646.

VOICE VOTE: UNCLEAR

The Moderator called for a card vote.

CARD VOTE: UNCLEAR

The Moderator called for a counted vote.

**COUNTED VOTE: YES – 117
NO -- 187 MOTION FAILS**

The Moderator called for the voice vote on the **main motion** for the appropriation of \$16,302,008 for the Hamilton-Wenham Regional School District.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-3 General Town Capital Appropriations

Moved by John McWane, Finance & Advisory Committee Chairman, duly seconded, that the Town raise and appropriate \$551,140 to purchase equipment, vehicles, and accessories for General Government, Protection of Persons & Property, and Department of Public Works as set forth as **Appendix D** to the 2014 Appendix Book..

The Moderator recognized Town Manager Michael Lombardo who summarized need for Town to replace front line vehicles, and telephone system as well as fund pathway on Essex Street.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-4 Water Enterprise Budget

Moved by Scott Maddern, Selectman, duly seconded, that the Town approve \$1,309,887 for the FY 15 Water Enterprise Budget as set forth in **Appendix E** to the 2014 Appendix Book.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-5 Water Enterprise Retained Earnings

This article passed with the Consent Motion that the Town appropriate \$150,000 from Water Enterprise Retained Earnings to support the FY 15 Water Enterprise Budget.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-6 Waste Reduction Enterprise Budget

Moved by Scott Maddern, Selectman, duly seconded, that the Town approve \$377,276 for the FY 15 Waste Reduction Enterprise Budget as set forth in **Appendix F** to the 2014 Appendix Book.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-7 Annual Financial Actions

This article passed with the Consent Motion that the Town authorize the following financial transfers:

- E. To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;
- F. To transfer \$218 from the Clark Property Fund to the Conservation Fund;
- G. To transfer \$328,982 from the Water Enterprise Fund to the General Fund to be used for indirect expenses;
- H. To transfer \$294,270 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-8 Community Preservation Budget

The Moderator read the recommendations of the Community Preservation Committee Budget as set forth in **Appendix G** of the 2014 Appendix Book, and said shout out a “HOLD” for any item for which you would like separate discussion. The proposed financial actions are as follows:

No.	PURPOSE
	<u>Open Space and Recreation - Project</u>
1.	To appropriate \$46,200.00 of FY 15 Community Preservation Fund Revenues to fund the debt service for the Donovan Acquisition (\$43,100.00 in principal and \$3,100.00 in interest).
	<u>Historic Preservation - Projects</u>

2.	To appropriate \$9,820.00 of FY15 Community Preservation Fund Revenues to fund the preservation and digitization of the Hamilton Historical Society’s pictorial collection.
3.	To appropriate \$5,500.00 of FY15 Community Preservation Fund Revenues to fund the preservation of records held by the Hamilton Town Clerk.
4.	To appropriate \$30,150.00 of FY15 Community Preservation Fund Revenues to fund the renovation of the bathrooms, and their ADA accessibility, of the Hamilton Senior Center.
5.	To appropriate \$97,100 of FY15 Community Preservation Historic Preservation Reserves to fund the restoration and rehabilitation of the American Legion Post 194 Building.
	<u>Community Housing - Reserve</u>
6.	To reserve \$41,920.00 of FY 15 Community Preservation Fund Revenues to the Community Preservation Fund Community Housing Reserve.
	Administration - Expense
7.	To appropriate \$20,960.00 of FY 15 Community Preservation Fund Revenues for administration costs including, but not limited to, Annual Community Preservation Coalition membership fees and salary for part-time Community Preservation Committee Coordinator position.

The Moderator stated that there were **no holds**.

The Moderator recognized Jennifer Scuteri.

Moved by Jennifer Scuteri, Selectman, duly seconded, that the Town appropriate or reserve for later appropriation monies from community preservation fund annual revenues, specific reserves or other available funds for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year as read by the moderator, with each item to be considered a separate appropriation and further that the Town authorize the Board of Selectmen to execute agreements, on terms acceptable to the Board, to the extent necessary to effectuate the public benefits of such projects.

Jennifer Scuteri presented information about the projects. The Moderator recognized Greg McKenna, American Legion Post Commander, 30 Tally Ho Drive, who spoke to the Town’s reversionary right relative to the Post property if the Post decides to give up location and summarized project details.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2014/4 2-9 Annual Authorization of Revolving Funds

This article passed with the Consent Motion that the Town pursuant to M.G.L. c. 44, § 53E ½, reauthorize the Recreation and Parks Revolving Fund with a FY 15 spending limit of \$233,739, reauthorize the Council on Aging Revolving Fund with a FY 15 spending limit of \$20,000 and reauthorize the Emergency Dispensing Services & Clinics Revolving Fund with a FY 15 spending limit of \$10,000 with specified programs for expenditures, receipts to be credited, boards authorized to expend and disposition of fund balance to be as set forth in **Appendix H** to the 2014 Appendix Book.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-10 Hamilton Development Corporation

The Moderator recognized Brian Stein who summarized the HDC mission and recent actions including MAPC grant relative to village plan as well as that 10% of Meals Tax revenue goes toward downtown village improvement, and that HDC is closing on 59 Willow Street property.

Moved by Brian Stein, Hamilton Development Corporation President, duly seconded, that the Town raise and appropriate \$65,000 to the Hamilton Development Corporation.

VOICE VOTE: MOTION PASSES

ARTICLE 2014/4 2-11 OPEB Trust Fund

This article passed with the Consent Motion that the Town raise and appropriate \$25,000 for deposit in the Other Post Employment Benefits Liability Trust Fund.

VOICE VOTE: MOTION PASSES

**ARTICLE 2014/4 2-12 Disposition of Portion of Patton Homestead Property
*Requires a 2/3rds vote***

Moved by John McWane, Finance & Advisory Committee Chairman, duly seconded, that the Town authorize the Selectmen to sell, develop or restrict four (4) acres, more or less, of Town-owned land at 650 Asbury Street, identified as a portion of the property shown as Assessor's Map 19, Lot 1, being part of the land known as the Patton Homestead property, for the purpose

of developing moderately priced housing of no more than twelve (12) units, on such terms and conditions as the Selectmen shall determine to be appropriate, and with 75% of the gross proceeds to be reserved in the Stabilization Fund.

The Moderator noted that this motion requires a 2/3rds vote.

The Moderator recognized Peter Gourdeau, 416 Bridge Street, who spoke in favor of the motion. John McWane, Jennifer Scuteri, Michael Lombardo, Marc Johnson described details about the motion and McWane read a letter from Mrs. Patton. Mr. Kula, Tally Ho Drive, Lindle Willnow, 51 Mill Street, Paul Driscoll, Chebacco Road, Peter Clark, 823 Bay Road, Fred Mills, Bill Bowler, 328 Essex Street, John Rodenhizer, Moulton Road, Shawn Farrell, Hamilton Avenue spoke to motion. Jeff Hubbard opined his concerns about the motion.

The Moderator called for a card vote and reiterated that a two-thirds vote was required.

CARD VOTE: MOTION PASSES by a 2/3rds vote
Declared by the Moderator

ARTICLE 2014/4 2-13 Reconstruction of Patton Park Pool

Moved by Scott Maddern, Selectman, duly seconded, that the Town take **no action** on this article. Scott Maddern summarized next steps for Patton Park Pool project and that Asbury Grove has offered use of pool in interim.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY
To take No Action

ARTICLE 2014/4 2-14 Construction of Path along Essex Street

Moved by Rudy Pizzano, 77 Essex Street, duly seconded, that the Town take **no action** on this article. Rudy Pizzano thanked Town officials and residents who helped plan for project in capital budget.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY
To take No Action

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2014/4 3-1 Citizens' Petition Site Plan Review to Planning Board

This article passed with the Consent Motion that the Town take **no action** on this article.

VOICE VOTE: MOTION PASSES
To take No Action

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2014/4 4-1 Conforming Amendments of Town By-laws

This article passed with the Consent Motion that the Town amend Town By-law Ch. II, Rules and Procedure of Town Meetings, Sections 5 and 8 by adopting the proposed language set forth in **Appendix J** to the 2014 Appendix Book.

VOICE VOTE: MOTION PASSES

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2014/4 5-1 HWRSD Agreement Amendment

Moved by Barbara Lawrence, HW School Committee member, duly seconded, that the Town amend the Hamilton Wenham Regional School Agreement Section I, Paragraph B by adopting the proposed language set forth in **Appendix K** to the 2014 Appendix Book.

The Moderator recognized Roger Kuebel, HW School Committee Chairman, who spoke to the motion.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2014/4 6-1 Free Cash Application

Moved by John McWane, Finance and Advisory Committee Chair, duly seconded, that the Town reserve, appropriate and authorize the Assessors to use \$1,431,390 of available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2014.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ADJOURNMENT

The Moderator said: This Special Town Meeting is dissolved at 12:42 p.m. Voting for the Town Election pursuant to this Warrant will take place on Thursday, April 10, 2014 From 7:00 AM until 8:00 PM at the Winthrop School.

A TRUE COPY: ATTEST:

Jane M. Wetson, CMMC
Town Clerk