

**TOWN OF HAMILTON
ANNUAL TOWN MEETING
Held
April 6, 2013
At
Hamilton-Wenham Regional High School**

At the close of registration on March 15, 2013 there were 5,833 registered voters.

Moderator, Bruce Ramsey declared a quorum (75) present and the Warrant returned showing it had been properly served, opened the 220th Annual Town Meeting at 9:05 AM with 142 voters checked and present.

Precinct 1 – 43
Precinct 2 – 51
Precinct 3 – 48

Assistant Moderator

Richard Flynn 183 Linden Street

AUDITORIUM

Left	Mimi Fanning	122 Railroad Avenue
	Ruth Flumerfelt	59 Greenbrook Road
Center	Gelean Campbell	11 Naples Road
	Phil Stearns	175 Linden Street
Right	Sue Ackerman	16 Greenbrook Rd
	Ray Desroches	306 Moulton Street

He 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. He reminded those allowed here to do nothing which may influence the counting of a vote.

All other non-registered visitors must be seated in the visitors' area located in the left section of the auditorium. The Moderator said we have set up the cafeteria across the hall as overflow space. There is a closed circuit television set in the cafeteria and one teller. 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.

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.

He mentioned that Town Meeting would recess until April 11, 2013 at 7 o'clock a.m. at the Winthrop School for the Town election. The Moderator noted that the meeting would be televised and outlined appropriate ATM meeting etiquette by participants. He also explained that corrections in the warrant appendices would be noted with the articles.

The Moderator recognized David Neill, Selectmen Chair, Marc Johnson, Selectman, John McWane, Chair Finance and Advisory Committee, Michael Lombardo, Town Manager and Jennifer Scuteri, Selectman.

The Moderator proceeded to announce members at the front of the auditorium.

Introduction of front table:

Bruce Ramsey – Moderator
Jane Wetson – Town Clerk
Maureen Hickey – Assistant to the Town manager

Board of Selectmen:

Jeff Hubbard
David Neill – Chair
Marc Johnson
Jennifer Scuteri

Michael Lombardo – Town Manager
Donna Brewer – Town Counsel
Deborah Nippes-Mena – Finance Director

Finance and Advisory Committee:

John McWane –Chair
Scott Maddern
Charles Chivakos

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2013/4 1-1 Election of Officers and Ballot Questions

Moderator said the vote on **Article 1-1** is by ballot on Thursday, April 11, 2013 at the Winthrop School. The polls will open at 7:00 a.m. and close at 8:00 p.m.

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

ARTICLE 2013/4 1-2 Reports

The Moderator recognized David Neill.

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

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/4 1-3 Article for Consent Motion

The Moderator recognized Marc Johnson.

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the following numbered Motions as set forth in Proposed Consent Motions List for this 2013 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:

Motion numbers:

- 2-1 Appropriation Transfer from Overlay Surplus to FY09 Allowance for Abatements & Exemptions *to transfer \$1,267.11 from Overlay Surplus to FY 09 Allowance for Abatements & Exemptions.*
- 2-2 Appropriation Transfer from Overlay Surplus to FY 13 Short-Term Interest Expense *to appropriate and transfer \$17,974.00 from Overlay Surplus to FY 13 Short-Term Interest Expense.*
- 2-3 Appropriation Transfer from Insurance Reimbursement Fund to the General Fund and Finance Reserve *Fund to appropriate and transfer \$26,571.00 from the Insurance Reimbursement Fund to the General Fund for the Finance Reserve fund in the amount of \$26,571.00 to be used in FY 13.*
- 2-8 Close Unemployment Fund *that the Town close the Unemployment Fund and transfer \$142.78 to the General Fund.*
- 2-9 Compensation/ Classification Table *that the Town amend the Personnel By-law by adopting changes to the classification and compensation table, copies of which are on file with the Town Clerk and which are set forth in Appendix A to the 2013 Appendix Book.*
- 2-11 Water Enterprise Budget *that the Town approve \$1,005,764 for the FY 14 Water Enterprise Budget as set forth in Appendix D to the 2013 Appendix Book.*
- 2-16 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 14 spending limit of \$223,739.00, reauthorize the Council on Aging Revolving Fund, with an FY 14 spending limit of \$17,000.00 and reauthorize the Emergency Dispensing Services and Clinic Revolving Fund, with an FY 14 spending limit of \$6,000.00, 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 G to the 2013 Appendix Book.*
- 2-17 OPEB Trust Fund *that the Town raise and appropriate \$25,000.00 for deposit in the Other Post Employment Benefits Liability Trust Fund.*

The Moderator noted that there were no holds and called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 2: FINANCIAL ACTIONS

**ARTICLE 2013/4 2-1 Appropriation Transfer from Overlay Surplus to
FY09 Allowance for Abatements & Exemptions**

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town transfer \$1,267.11 from Overlay Surplus to FY09 Allowance for Abatements & Exemptions.

The Moderator called for the vote as part of the **Consent Motion Group**.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

**ARTICLE 2013/4 2-2 Appropriation Transfer from Overlay Surplus to
FY 13 Short-Term Interest Expense**

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town appropriate and transfer \$17,974.00 from Overlay Surplus to FY 13 Short-Term Interest Expense.

The Moderator called for the vote as part of the **Consent Motion Group**.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

**ARTICLE 2013/4 2-3 Appropriation Transfer from Insurance Reimbursement
Fund to the General Fund and Finance Reserve Fund**

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town appropriate and transfer \$26,571.00 from the Insurance Reimbursement Fund to the General Fund for the Finance Reserve fund in the amount of \$26,571.00 to be used in FY 13.

The Moderator called for the vote as part of the **Consent Motion Group**.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

**ARTICLE 2013/4 2-4 Prior Year Bill – Chebacco Woods Land Swap
*Requires 4/5th vote***

The Moderator recognized Jeff Hubbard.

Moved by Jeff Hubbard, Board of Selectmen, duly seconded, that the Town authorize payment of \$681.50 from available funds to pay in FY 13 expenses related to the Chebacco Woods Land Swap.

Town Manager Michael Lombardo spoke to the article. The Moderator said since this expense accrued in a prior fiscal year for which insufficient appropriation was made, this motion requires a 4/5ths vote for approval and he called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-5 Rescind Borrowing and Authorize Transfer of Free Cash for DPW Expenses

The Moderator recognized John McWane.

Moved by John McWane, Chair Finance and Advisory Committee, duly seconded, that the Town rescind the appropriation and borrowing authorization of \$175,000 voted by the Town under Article 2-14 at the May 2012 Annual Town Meeting to fund the purchase of a Department of Public Works truck plow/sanding vehicle and for reconstructing the Howard St. Culvert, and raise and appropriate a sum of money for such expenses by a transfer of \$63,000 from the FY2013 debt service raised for such expenses and by a transfer of \$112,000 from Certified Free Cash as of July 1, 2012.

Town Manager Michael Lombardo spoke to the article. The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-6 Appropriation Transfer from Free Cash to Hamilton Development Corporation

The Moderator recognized Brian Stein.

Moved by Brian Stein, Chair Hamilton Development Corporation, duly seconded, that the Town appropriate and transfer \$82,000.00 from Certified Free Cash as of July 1, 2012, to the Hamilton Development Corporation for Fiscal Year 2013.

Brian Stein spoke to the article. The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

Council on Aging: Salaries are now \$66,066 and expenses are \$19,292
Elder Van Program: There is no budget for this program
Interest: Interest on Joint Library Debt is \$20,225
Interest on Water Filtration is \$30,475
Interest on Police Fire Station is \$147,858
Interest on ESCO projects within the Levy is \$5,100
Principal: Principal on Water Filtration is \$190,000

The Moderator read each appropriation:

\$1,580,795 for General Government,
\$15,986,560 for HW Regional School District,
\$1,003,003 for Department of Public Works,
\$666,452 for Health and Human Services,
\$1,876,503 for Unclassified,
\$1,368,996 for Debt-Principal & Interest,

Totaling \$25,539,695

HOLDS

\$2,380,707 for Protection of Persons & Property,
\$676,679 for Library and Recreation joint programs.

The Moderator recognized John McWane.

Moved by John McWane, Chair Finance and Advisory Committee, duly seconded, that the Town raise and appropriate the sums read by the Moderator for highways and all other Town expenses which are set forth in the 2014 Fiscal Year Budget in **Appendix B** of the 2013 Appendix Book with the corrections read by the Moderator excepting those items held.

The Moderator recognized Jeff Hubbard who spoke to his dissenting vote as a Selectman on the Board of Selectmen's vote to recommend favorable action on this warrant article, John McWane who presented the Finance and Advisory Committee's reasoning for recommending favorable action on this article, Marc Johnson who spoke to Board of Selectmen's position on article, Arthur Crosbie, Bay Road, who questioned budget changes and impact on elder van program, and Town Manager Michael Lombardo who spoke to budget details.

The Moderator called for the voice vote on all appropriations **with the exception of the HOLDS.**

VOICE VOTE: MOTION PASSES

The Moderator recognized Bill Bowler, Essex Street, who had called **HOLD** and spoke to Selectmen's decision to continue operating the ECO independently rather than jointly with another community or joining the Regional ECC in Middleton, Jack Hauck, Knowlton Street, who questioned process to reach decision to run ECO alone, Town Manager Michael Lombardo and Ann Marie Cullen, Director of ECO, responded to Bowler and Hauck.

The Moderator called for the voice vote.

Moved by John McWane, Chair Finance and Advisory Committee, duly seconded, that the Town raise and appropriate **\$2,380,707 for Protection of Persons and Property for FY2014.**

VOICE VOTE: MOTION PASSES

The Moderator recognized Barbara Lawrence, Willow Street, who had called **HOLD** and Jan Dempsey, Director of HW Public Library, and Finance Director Deborah Nippes-Mena who responded to their inquiry regarding dollar amount in Town's budget for public library that currently does not include cola increase for public library employees due to outstanding bill Town is waiting for from Wenham.

Moved by John McWane, Chair Finance and Advisory Committee, duly seconded, **that the Town raise and appropriate \$676,679 for Library and Recreation joint programs for FY2014.**

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/4 2-11 Water Enterprise Budget

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town approve \$1,005,764 for the FY 14 Water Enterprise Budget as set forth in **Appendix D** to the 2013 Appendix Book.

The Moderator called for the vote as part of the **Consent Motion Group.**

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-12 Waste Reduction Enterprise Budget

The Moderator recognized John McWane.

Moved by John McWane, Chair Finance and Advisory Committee, duly seconded, that the Town approve \$444,404 for the FY 14 Waste Reduction Enterprise Budget as set forth in **Appendix E** to the 2013 Appendix Book.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-13 North Shore Regional Vocational School District Budget

The Moderator recognized David Ketchum, Old Cart Road.

Moved by David Ketchum, North Shore Regional Vocational School District representative, duly seconded, that the Town raise and appropriate \$89,064 for the Town's assessed portion of the North Shore Regional Vocational School District's FY 14 budget.

David Ketchum spoke to the number of students declining for Hamilton, and new school being built for district with expected completion in 2014.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-14 Annual Financial Actions

The Moderator recognized David Neill.

Moved by David Neill, Chair Board of Selectmen, duly seconded, that the Town authorize the following financial actions:

- A. To transfer \$2,000.00 from the Cemetery Sale of Lots and Graves Fund to the General Fund to be used for cemetery purposes;
- B. To transfer \$200.00 from the Clark Property Fund to the Conservation Fund;
- C. To transfer \$334,307.00 from the Water Enterprise Fund to the General Fund to be used for indirect expenses;
- D. To transfer \$334,270.00 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY
Declared by the Moderator

ARTICLE 2013/4 2-15 Community Preservation Budget

The Moderator recognized Tom Catalano.

Moved by Tom Catalano, Chair Community Preservation Committee, 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, **Appendix F** of the 2013 Appendix Book, the payment of debt service, the undertaking of community preservation projects and all other necessary and proper expenses for the year as read [and corrected] by the moderator [excepting those items held], 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.

There were no holds on the 8 items listed for this article. The Moderator recognized Bill Bowler, Essex Street, Tom Catalano who responded to Bowler and Jeanne Maurand, 21 Garfield Avenue, and Hubbard who spoke to the article.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

The Moderator recognized Town Manager Michael Lombardo who introduced interim DPW Director Dave Hanlon and COA Director Mary Beth Lawton and acknowledged other Town employees attending Town Meeting.

ARTICLE 2013/4 2-16 Annual Authorization of Revolving Funds

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town, pursuant to M.G.L. c. 44, § 53E ½, reauthorize the Recreation and Parks Revolving Fund, with a FY 14 spending limit of \$223,739.00, reauthorize the Council on Aging Revolving Fund, with an FY 14 spending limit of \$17,000.00 and reauthorize the Emergency Dispensing Services and Clinic Revolving Fund, with an FY 14 spending limit of \$6,000.00, 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 G** to the 2013 Appendix Book.

The Moderator called for the vote as part of the **Consent Motion Group**.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-17 OPEB Trust Fund

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town raise and appropriate \$25,000.00 for deposit in the Other Post Employment Benefits Liability Trust Fund.

The Moderator called for the vote as part of the **Consent Motion Group**.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 2-18 Hamilton Development Corporation

The Moderator recognized Brian Stein.

Moved by Brian Stein, Chair Hamilton Development Corporation, duly seconded, that the Town raise, appropriate, and transfer from available funds \$65,000 to the Hamilton Development Corporation.

Brian Stein spoke to the motion. The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

**ARTICLE 2013/4 2-19 Essex North Shore Agricultural and
Technical High School Debt and Ballot Question**

The Moderator recognized David Ketchum.

Moved by David Ketchum, North Shore Regional Vocational School District representative, duly seconded, that the Town **take no action on this article**.

The Moderator recognized David Ketchum who spoke to the ballot question in regard to the debt for the building of the new Essex North Shore Agricultural and Technical High School, Bob Bannon, 45 Willow Street, and Finance Director Deborah Nippes-Mena who

addressed how the ballot question is for a debt exclusion so Hamilton's percentage of debt would be incurred outside of the Town's levy limit and Proposition 2 ½.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY - to take no action.

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2013/4 3-1 Renew Senior Housing By-law
Requires 2/3rds vote

The Moderator recognized Peter Clark.

Moved by Peter Clark, Chair Planning Board, duly seconded, that the Town amend the Zoning By-law Section V.E.6. by changing the date of expiration from May 6, 2013 to May 6, 2016.

The Moderator recognized William Bowler, Essex Street, Alice Maciejowski, Sharon Road, and Marc Johnson who spoke to the motion.

The Moderator noted that this motion requires a 2/3rds vote and called for the voice vote.

VOICE VOTE: MOTION PASSES by 2/3rds VOTE
Declared by the Moderator

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2013/4 4-1 Replace Dog By-law

The Moderator recognized Jennifer Scuteri.

Moved by Jennifer Scuteri, Board of Selectmen, duly seconded, that the Town amend the Town By-laws by deleting the current Chapter XVIII, Dog By-law, and replacing it with the proposed Ch. XVIII, Animal Control By-law, so as to conform to G.L. c. 140, Sections 136A-174E, as amended effective October 31, 2012. **Appendix H** of the 2013 Appendix Book.

The Moderator recognized Lombardo who described the reasons for the Town's adoption of this by-law and Hubbard who explained his dissenting vote taken at Board of

Selectmen's meeting during article recommendation discussion.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2013/4 5-1 Petition to Legislature Concerning Water Liens

The Moderator recognized Marc Johnson.

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town authorize the Board of Selectmen to petition the Legislature to enact special legislation to authorize the Town to impose a lien upon property in the towns of Wenham and Essex to secure unpaid water fees and charges, in the form attached as **Appendix I** to the 2013 Appendix Book, provided, however, that the Legislature may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill prior to enactment by the Legislature; and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition.

Marc Johnson spoke to the article. The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 5-2 Renew Senior Citizens' Tax Exemption

The Moderator recognized Jeff Hubbard.

Moved by Jeff Hubbard, Board of Selectmen, duly seconded, that the Town renew the tax exemption to certain qualifying real estate in the Town pursuant to Section 9 of Ch. 91 of the Acts of 2010.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/4 5-3 Acceptance of G.L. c. 59, § 57D Notification to Assessors

The Moderator recognized David Neill.

Moved by David Neill, Chair Board of Selectmen, duly seconded, that the Town **take no action on this article.**

Lombardo spoke to the article. The Moderator called for the voice vote.

**VOICE VOTE: MOTION PASSES - to take no action.
Declared by the Moderator**

**ARTICLE 2013/4 5-4 Discontinuance of Gifford Road
*Requires 2/3rds vote***

The Moderator recognized Marc Johnson.

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town authorize the Board of Selectmen to discontinue any rights the Town may have in Gifford Road, Harris Avenue to terminus, a paper road, shown on Assessors' Map 47.

Johnson spoke to the article. The Moderator noted that this motion **requires a 2/3rds vote** and called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2013/4 6-1 Free Cash Application

The Moderator recognized John McWane.

Moved by John McWane, Chair Finance and Advisory Committee, that the Town reserve, appropriate and authorize the Assessors to use \$443,000.00 of available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2013.

John McWane spoke to the article. The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ADJOURNMENT

The Moderator adjourned the Annual Town Meeting at 11:37 a.m. noting that Town Meeting was recessed until April 11, 2013 at 7 o'clock a.m. at the Winthrop School.

A TRUE COPY: ATTEST:

Jane M. Wetson, CMMC
Town Clerk