

**TOWN OF HAMILTON
SPECIAL TOWN MEETING
Held
November 4, 2013
At
Hamilton-Wenham Regional High School**

At the close of registration on October 25, 2013 there were 5,653 registered voters.

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 7:03 P.M. with 362 voters checked and present.

Precinct 1 – 146
Precinct 2 – 113
Precinct 3 – 103

Assistant Moderator

Richard Flynn 183 Linden Street

Auditorium

Left	Ruth Flumerfelt	59 Greenbrook Road
	Constance Cobb	285 Asbury Street
Center	Sue Ackerman	16 Greenbrook Rd
	Donna Flint	82 Lake Drive
Right	Charlotte Teshko	29 Lincoln Avenue
	Dorothy Ingalls	23 Lincoln Avenue

Additional tellers: Theresa “Mimi” Fanning and Robert Nyland

Pledge of Allegiance

The Moderator read: I have asked non-resident 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.

All other non-registered visitors must be seated in the visitors area located in the left section of the auditorium.

Another procedural note, we record these proceedings so as to have an accurate record of the meeting and to help everybody know who is speaking and hear what is said. Therefore please use the microphones provided and, unless I recognize you by name, please give your name and address when you address the moderator.

An announcement as to Holds. Some of our motions will include a listing of items that will be voted on as a group unless a voter shouts HOLD on the item. When there is a shouted HOLD during the reading of a list for consideration by the meeting, I may condition acceptance of the Hold on obtaining the identity of the voter requesting the Hold. This information is for the minutes of the meeting and to save meeting time when a held item is considered later in the meeting. If I am unable to identify a voter requesting a Hold, I may disregard such purported action for a Hold.

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 will not be counted.

The Moderator recognized Michael Lombardo, Town Manager, who updated STM about the landfill, Marc Johnson, Selectman, who updated STM on the Patton Homestead, and John McWane, Finance and Advisory Committee Chair, who updated STM on the Town's FY'14 financial picture.

The Moderator acknowledged HW Regional High School students for their video of opening day at Patton Park playground and congratulated Michael Carter-Williams for his MBA debut with Philadelphia 76ers.

SECTION 1: REPORTS

ARTICLE 2013/11 1-1 Reports

The Moderator recognized Marc Johnson. Moved by Marc Johnson, 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 2013/11 1-2 Article for Consent Motion

The Moderator read: The list of Articles to be taken up and voted on as one motion. 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:

- 2-1 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 Fall 2013 Warrant book.*
- 2-3 Amendments to Annual Appropriations** - *that the Town raise and appropriate \$45,000 to Protection of Persons & Property, \$5,300 to Health & Human Services and \$45,000 to Library Joint Program.*
- 2-4 FLSA Back Pay** - *that the Town transfer from certified free cash \$5,000 to Health and Human Services and \$25,000 to Department of Public Works.*
- 4-1 Council on Aging By-law** - *that the Town amend the Town General By-laws to assign As Ch. XXXIII "Council on Aging", the Council on Aging By-law adopted by the 1966 Annual Town Meeting.*
- 5-1 Grant of Septic System Easement** - *that the Town grant an easement to 367 Lake Avenue for maintenance of a septic system underneath the Town's right of way, on terms acceptable to the Selectmen.*

There were **no Holds**. The Moderator recognized Marc Johnson. Moved by Marc Johnson, Chair Board of Selectmen, duly seconded, that the numbered Motions as set forth in Proposed Consent Motions List for this 2013 Special 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 called for the voice vote.

VOICE VOTE: MOTION PASSES

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2013/11 2-1 Classification/ Compensation Table

Moved by Marc Johnson, 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 Fall 2013 Warrant book.

This article passed with the Consent Motion.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/11 2-2 Water Enterprise Budget

The Moderator recognized Jeff Hubbard. Moved by Jeff Hubbard, Selectman, duly seconded, that the Town approve the amended FY '14 Water Enterprise Budget as set forth in **Appendix B** to the Fall 2013 Warrant book.

Finance Director Deborah Nippes-Mena spoke to the details of the article.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2013/11 2-3 Amendments to Annual Appropriations

Moved by David Neill, that the Town raise and appropriate \$45,000 to Protection of Persons & Property, \$5,300 to Health & Human Services and \$45,000 to Library Joint Program.

This article passed with the Consent Motion.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/11 2-4 FLSA Back Pay

Moved by Marc Johnson that the Town transfer from certified free cash \$5,000 to Health and Human Services and \$25,000 to Department of Public Works.

This article passed with the Consent Motion.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/11 2-5 HWRSD Debt Buker School Heating System

The Moderator recognized Bill Wilson, HW School Committee member. Moved by Bill Wilson, HW School Committee member, duly seconded, that the Town approve the borrowing of up to \$930,000 authorized by the Hamilton-Wenham Regional School District (the "District"), for the purpose of paying costs of replacing the heating system at the Bessie Buker Elementary School, located at 1 School Street, in Wenham, including the payment of all costs incidental or related

thereto (the “Project”), which proposed repair project would materially extend the useful life of the Bessie Buker Elementary School and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; provided further that any grant that the District may receive from the MSBA for the Project shall not exceed the lesser of (1) forty-three percent (43%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; provided, however, that the approval of the District’s borrowing by this vote shall be subject to and contingent upon the affirmative vote of the Town to exempt its allocable share of the amounts required for the payment of interest and principal on said borrowing from the limitations on taxes imposed by G.L. c. 59, § 21C (Proposition 2 ½); and that the amount of borrowing authorized by the District shall be reduced by any grant amount set forth in the Project Funding Agreement that may be executed between the District and the MSBA.

The Moderator recognized Superintendent of Schools Michael Harvey who presented information relative to Articles 2-5 and 2-6.

The Moderator summarized motion for borrowing by HWRSD for up to \$930,000 for the Buker Elementary School heating system as described. He noted that bonding issues require a 2/3rds vote.

The Moderator called for the voice vote.

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

**ARTICLE 2013/11 2-6 HWRSD Debt Winthrop School Heating System
and Windows Project**

The Moderator recognized Bill Wilson, HW School Committee member. Moved by Bill Wilson, HW School Committee member, duly seconded, that the Town approve the borrowing of up to \$2,240,000 authorized by the Hamilton-Wenham Regional School District (the “District”), for the purpose of paying costs of replacing the heating system and windows at the Winthrop Elementary School, located at 325 Bay Road, in Hamilton, including the payment of all costs incidental or related thereto (the “Project”), which proposed repair project would materially extend the useful life of the Winthrop Elementary School and preserve an asset that otherwise is capable of supporting the required educational program, and for which the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the School Building Committee; that the Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY
To take no action

ARTICLE 2013/11 2-9 Community Preservation Fund Projects

The Moderator read: the recommendations of the Community Preservation Committee in **Appendix C** of the fall 2013 Appendix Book. Shout out a “HOLD” for any item for which you would like separate discussion. The proposed financial actions are as follows:

Item 1 – Historic Preservation – to appropriate \$15,000 of FY ’14 Community Preservation Fund Revenues to fund the restoration of the balustrade of the Hamilton Senior Center.

Item 2 – Recreation – to appropriate \$35,000 of FY ’14 Community Preservation Fund Revenues to fund the design and construction of the Patton Homestead Riverwalk.

There were no Holds and the Moderator recognized Tom Catalano. Moved by Tom Catalano, Community Preservation Committee Chair, duly seconded, that the Town act on the Community Preservation Committee recommended specified projects and appropriate \$15,000 from FY ’14 community preservation fund revenues to fund the restoration of the balustrade of the Hamilton Senior Center and appropriate \$35,000 from FY ’14 community preservation fund revenues to fund the design and construction of the Patton Homestead Riverwalk.

Tom Catalano spoke to the projects contained in the article.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/11 2-10 CPC Funds for the Replacement of the Pool at Patton Park

The Moderator recognized Jennifer Scuteri. Moved by Jennifer Scuteri, Selectman, duly seconded, that the Town appropriate \$2,500,000 to pay costs of reconstructing or replacing the Patton Park Pool, including the payment of all costs incidental and related thereto; that to meet this appropriation, \$540,720 shall be appropriated from available funds in the Community Preservation Fund, and the Treasurer, with the approval of the Selectmen, is authorized to borrow up to \$1,959,280 under and pursuant to G.L. c. 44, § 7(2B) and § 25, and G.L. c. 44B, §§ 3 and 11, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor, all as recommended by the Community Preservation Committee.

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

The Moderator recognized Jennifer Scuteri who requested that the Moderator recognize Cheri Ruane, Team Leader for the Aquatics Group Division of Weston & Sampson to make a presentation. The Moderator recognized Ms. Ruane who made a 20 minute presentation.

The Moderator recognized Town Manager Michael Lombardo who described timeline from 2011 when Town officials recognized that the pool was failing, and work with Weston and Sampson up to Special Town Meeting vote. He also described advantages of zero entry pool that allows for multiple uses of asset, proposed fee structure for residents and non-residents and operational expenses.

The Moderator recognized Jennifer Scuteri who explained details about Community Preservation Act funds that the Town receives each year from a 2% surcharge on property taxes relative to state match and which funds qualify for use for the proposed Patton Park pool project.

The Moderator opens the debate on the warrant article and recognized the following individuals: Jeff Stinson, 90 Union Street, spoke to vision needed for Town, David Carey, 8 Arabian Way, supports pool project, Phil Tocci, Farrington Lane supports pool project and noted HW Joint Recreation Board's unanimous support of project, Jeff Hubbard, Miles River Road, spoke to his minority view as a Selectman where he does not support project, Forrester Clark, Sagamore Street, opposed, Jack Lawrence, 105 Rock Maple, opposed, Bill Dery, Chebacco Road, opposed, Mr. Wilson, Anthony Road, supportive of pool, Sean Doonan, 48 Grant Avenue, asked why more CPA funds couldn't be used.

Jay Burnham, 21 North Street, spoke to need for new pool but opposed this proposal. He moved that the proposed action under this article be referred back to the Community Preservation Committee for further review and brought back to a future Town Meeting. The motion was seconded. Burnham spoke to the difference in thought about expense and scope of the project that requires fine tuning, that more conversation should occur with Wenham relative to that community's financial contribution to project, and that private fundraising effort could be done. The Moderator spoke to Mr. Burnham's procedural motion explaining that debate could continue on the original project warrant article motion or vote could occur on the procedural motion.

Selectmen Chair Marc Johnson spoke to Wenham Annual Town Meeting occurring in the afternoon after Hamilton's Annual Town Meeting in the spring so a vote from Wenham on whether or not to participate financially in the Patton Park pool project would occur after Hamilton's ATM. He noted that Hamilton cannot go to bid on the project (if the original pool project warrant article does not pass) to get actual project costs which would influence Wenham's decision about whether to contribute to the project. Also, regarding private fundraising, the group that spent two years doing that for the Patton Park playground is exhausted from that effort. He reiterated that Board of Selectmen and Finance and Advisory Committee had voted to proceed with this project and suggested that any delay in getting going on the project would not improve the cost and he noted that Weston and Sampson had done detailed analysis defining the scope of the project and related cost estimates.

Nancy Allen, 1 Appaloosa, Tess Leary, 109 Bay Road, Jane McWane, Woodbury Street, Ted Sumner, Park Street, Lisa Gagnon, Rock Maple Avenue, spoke in support of pool project. Jack Hauck, 18 Knowlton, was opposed. John McWane, FinCom Chair, spoke to his Committee's vote in favor of pool project, importance of STM vote on timing of pool construction, and that average tax bill would go up \$28 a year for the amenity if the CPA funds were not used.

The Moderator called for the voice vote on the procedural motion to refer the project to further CPC review and noted it required a majority vote.

VOICE VOTE: UNCLEAR

The Moderator called for a card vote.

CARD VOTE: MOTION FAILS

The Moderator called for voice vote on main motion for appropriation of \$540,720 of CPA Funds and borrowing up to \$1,959,280, and *reiterated that a 2/3rds vote was required.*

VOICE VOTE: UNCLEAR

The Moderator called for a card vote.

CARD VOTE: UNCLEAR

The Moderator called for a counted vote.

YES – 219

NO – 112

COUNTED VOTE: MOTION FAILS

Does not reach the 2/3rd required positive vote

ARTICLE 2013/11 2-11 Capital Improvements – Culverts

The Moderator recognized Jeff Hubbard. Moved by Jeff Hubbard, Selectman, duly seconded, that the Town transfer from certified free cash \$75,000 to fund improvements to culverts on Howard and Linden Streets.

Interim DPW Director Dave Hanlon spoke to article. Dick Flynn, 183 Linden Street, encouraged Town Meeting voters to support article.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2013/11 4-1 Council on Aging By-law

Moved by Scott Maddern, that the Town amend the Town General By-laws to assign as Ch. XXXIII “Council on Aging”, the Council on Aging By-law adopted by the 1966 Annual Town Meeting.

Council on Aging By-law (1966)

There shall be established a Hamilton Council on Aging, consisting of seven members, of which four shall be appointed annually by the Selectmen, one of which shall be designated by the Selectmen as Chairman. The Chairman shall name the remaining members of the Council from interested and representative groups in the Community. It shall be the duty of the Council to carry out programs designed to meet the problems of aging in coordination with programs of the Massachusetts Commission on Aging. The Council on Aging has full responsibility for the expenditure of funds raised and appropriated for it by the Town or otherwise acquired, but nothing herein contained shall limit the expenditure of the funds for the benefit of residents of the Town. The Council shall have a Treasurer and a Secretary and such other officers as it may choose. The Secretary shall maintain the records of the Council on Aging, including persons to who old age ‘identification cards’ are issued by the Chairman. The Chairman may issue Blue ‘ID’ cards to senior citizens 60 years of age or over who reside in Hamilton, and white ‘ID’ cards to persons officially connected with the Council regardless of age. The Council on Aging shall file an Annual Report of its activities with the Town Clerk each year on or before February 1 of the following year. The Council on Aging shall adopt by-laws governing its activities consistent with provisions of law and this section.

This article passed with the Consent Motion.

VOICE VOTE: MOTION PASSES

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2013/11 5-1 Grant of Septic System Easement

Moved by David Neill, that the Town grant an easement to 367 Lake Avenue for maintenance of a septic system underneath the Town’s right of way, on terms acceptable to the Selectmen.

This article passed with the Consent Motion.

VOICE VOTE: MOTION PASSES

ARTICLE 2013/11 5-2 Discover Hamilton Trails

The Moderator recognized Jeff Hubbard. Moved by Jeff Hubbard, Selectman, duly seconded, that the Town accept, on terms to be set and approved by the Board of Selectmen, easements from the Britton Family Limited Partnership and the Patton Family Limited Partnership for a 25 foot wide public recreational trail which will connect upper Asbury Street with the town-wide Discover Hamilton Trail, the locations as more specifically shown on plans on file with the Town Clerk and to be incorporated into the minutes of this Town Meeting.

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

VOICE VOTE: MOTION PASSES

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2013/11 6-1 Free Cash Application

The Moderator recognized John McWane. Moved by John McWane, Finance and Advisory Committee Chair, duly seconded, that the Town transfer \$150,000 from certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2013.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ADJOURNMENT

The Moderator said: This Special Town Meeting is dissolved at 9:35 p.m. Voting for the Town Election pursuant to this Warrant will take place on Thursday, November 21, 2013 From 7:00 AM until 8:00 PM at the Winthrop School.

A TRUE COPY: ATTEST:

Jane M. Wetson, CMMC
Town Clerk

