

**TOWN OF HAMILTON
SPECIAL TOWN MEETING**

October 13, 2012

At

Hamilton-Wenham Regional High School

At the close of registration on October 3, 2012 there were 5,775 registered voters.

Precinct 1 – 2006

Precinct 2 – 1965

Precinct 3 – 1804

Assistant Moderator

Richard Flynn 183 Linden Street

AUDITORIUM

Left Phil Stevens 118 Asbury Street
 Mimi Fanning 122 Railroad Avenue

Center Jack Lawrence 105 Rock Maple
 Sue Ackerman 16 Greenbrook Rd

Right Dorothea Ingalls 23 Lincoln Avenue
 Adelaide Liporto 84 Lincoln Avenue

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 9:08 A.M. with 121 voters checked and present.

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.

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

Introduction of front table:

Bruce Ramsey – Moderator

Jane Wetson – Town Clerk

Board of Selectmen:

Jeffrey Stinson

Jeffrey Hubbard

David Neill – Chair

Jennifer Scuteri

Marc Johnson

Michael Lombardo – Town Manager

Donna Brewer – Town Counsel

Maureen Hickey – Assistant to the Town Manager

Deborah Nippes-Mena – Finance Director

Finance and Advisory Committee:

John McWane – Chair

Scott Maddern

Rick Sprenkle

Charlie Chivakos

Announcements or other: No refreshments are allowed in refurbished auditorium. In lobby, a fundraiser is being conducted by HW Friends of the Arts where plaques with family names are being sold to be placed on the back of auditorium seats.

On a procedural note, the Moderator noted that three minutes would be allowed for debate. In addition, that ringer on cell phones should be turned off and calls taken outside and texting done with discretion. He mentioned that if action at Town Meeting was not completed today the meeting would be recessed until October 15, 2012 at 7:30 p.m. at the HW Regional High School. The Moderator noted that there are corrections in the warrant and that the first two articles on bonding need Town Meeting approval and will be placed on the national election ballot on November 6.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES
None.

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2012/10 2-1
Requires 2/3rd Vote

**Approval of Hamilton-Wenham Regional School
District Borrowing – Cutler Elementary School Roof
Project**

Moderator noted that there is a correction to this article. The correct maximum percentage rate from the MSBA is 43.3%, not 43%.

The Moderator recognized Marc Johnson.

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town approve the \$575,000 borrowing authorized by the Hamilton-Wenham Regional School District (the “District”) for the purpose of paying costs of replacing the roof at the Cutler Elementary School, located at 237 Asbury Street in Hamilton, including the payment of all costs incidental or related thereto (the “Project”), which proposed project would materially extend the useful life of the Cutler 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 point three percent (43.3%) 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 an 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 M.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 and HW Regional School Committee members Roger Kuebel and Bill Dery who presented background information on the school department’s proposed building maintenance projects that the Capital Management Committee is recommending need to be done.

The Moderator recognized resident Cora Sanders who asked if there are any annual funds set aside in the school budget for general maintenance by the HWRSD. In response, Kuebel said the maintenance amount would be voted as a separate HWRSD budget line item so it would be set aside for maintenance use.

The Moderator noted that this bonding request requires a two-thirds vote. Kuebel said the vote cannot be conditional on anticipation of receiving state aid that all funding has to be authorized in order for HWRSD to receive expected reimbursement from state.

The Moderator stated the vote on the debt exclusion for Article 2-1 is by ballot on Tuesday, the 6th of November, 2012 at the Winthrop School. The polls will be open at 7:00 AM and will close at 8:00 PM

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES UNANIMOUSLY
Declared by the Moderator

ARTICLE 2012/10 2-2 Approval of Hamilton Wenham Regional School District
***Requires 2/3rd Vote* Borrowing – Various Capital Projects**

The Moderator recognized Marc Johnson.

Moved by Marc Johnson, Board of Selectmen, duly seconded, that the Town approve the \$1,500,000 borrowing authorized by the Hamilton-Wenham Regional School District (the “District”), for the purpose of paying costs of the following capital projects within the District:

Project	Approximate Amount
Replace Winthrop School roof	\$713,000
Install insulation at the Buker School	\$60,000
Replace windows on the Buker School	\$114,000
Install a fire suppression system in the Buker School	\$154,000
Replace windows in the Cutler School	\$50,000
Repair and reconstruction in all HWRSD buildings	\$409,000

including the payment of all costs incidental or related thereto; provided, however, that the approval of the District’s borrowing by this vote shall be subject to and contingent upon an 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 M.G.L. c. 59, § 21C (Proposition 2 ½).

The Moderator recognized Jack Lawrence, 105 Rock Maple, who acknowledged that the school buildings were in need of maintenance. However, he questioned why \$88,000 was included to re-side the Center School in Wenham and the only occupant is the school administration personnel. He inquired as to when the HWRSD was going to provide an energy plan for its buildings.

The Moderator recognized Town Manager Michael Lombardo who said long term planning is in the works for HWRSD. Also, the Capital Management Committee is prioritizing the capital improvement plan for Hamilton, Wenham and HWRSD facilities in the long term with citizen input.

The Moderator recognized Bill Bowler, 328 Essex Street, who inquired about ESCO energy efficient project and was responded to by Bill Dery who said it would be more expensive to use ESCO.

The Moderator recognized David Neill, Selectmen chair, who said the Board of Selectmen and John McWane, Finance and Advisory Committee chair, that the Finance & Advisory Committee recommends favorable action on these articles.

A resident from 211 Sagamore Street and Jean Towne, Savoy Road, inquired about future plans for Center School building and Winthrop Elementary School building. Dery said a cost/tradeoff efficiency plan is in the works. Matt Nevins of Bittersweet Lane said he was in favor of the article.

The Moderator stated the vote on the debt exclusion for Article 2-2 is by ballot on Tuesday, the 6th of November, 2012 at the Winthrop School. The polls will be open at 7:00 AM and will close at 8:00 PM

The Moderator called for a two-thirds card vote.

**CARD VOTE: MOTION PASSES BY TWO-THIRDS VOTE
 Declared by the Moderator**

ARTICLE 2012/10 2-3 CPA Project Appropriations

The Moderator noted that there is a correction in the list of proposed projects. The third project should read to fund repairs and railings.

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 \$182,500 from community preservation fund annual revenues, specific reserves or other available funds for the Fiscal Year 2013 as set forth in Appendix B to the Fall 2012 Appendix Book, with the correction as noted by the Moderator.

Catalano described the proposed three Community Preservation Act funded projects that include: \$25,000 for the Patton Park playground renovation, \$150,000 for the redevelopment study for the Patton Park pool, and \$7,500 for The Meeting House improvements.

The Moderator recognized Bill Bowler, Essex Street, who inquired about whether or not Selectmen had made a formal decision about the future use of The Meeting House building. Lombardo mentioned that many repairs had been done to the building and Catalano noted that Hamilton is one of the few communities without a dedicated senior center. Rick Mitchell, 36 Rock Maple, asked that the Historic District signs in Town be replaced. Dery said The Meeting House is a sound structure.

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES

ARTICLE 2012/10 2-4 Council on Aging Appropriation Increase

Moved by Mimi Fanning, Council on Aging, duly seconded, that the Town raise and appropriate \$12,407 for an increase to Health and Human Services for the Council on Aging budget for Fiscal Year 2013.

The Moderator recognized Marybeth Lawton, Council on Aging Director, who described reasons for appropriation increase.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2012/10 2-5 Appropriations to Hamilton Development Corporation

The Moderator recognized David Carey, 8 Arabian Way.

Moved by David Carey, Hamilton Development Corporation, duly seconded, that the Town raise and appropriate and transfer from available funds \$65,000 for Fiscal 2013 to the Hamilton Development Corporation Fund for its general purposes.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2012/10 2-6 Compensation/ Classification Table

The Moderator recognized Jennifer Scuteri.

Moved by Jennifer Scuteri, Board of Selectmen, duly seconded, that the Town amend the Personnel By-Law by adopting changes to the Classification and Compensation Table as set forth in the handout, a copy of which has been delivered to the Town Clerk for inclusion in the record of this Meeting.

Town Manager, Michael Lombardo provided details on this article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

**ARTICLE 2012/10 2-7 General Fund Appropriation Increase – Retroactive
Cost of Living Adjustment**

The Moderator recognized John McWane.

Moved by John McWane, Finance and Advisory Committee Chair, duly seconded, that the Town raise and appropriate and transfer from available funds \$3,100 to Protection of Persons & Property, \$7,800 to Department of Public Works, and \$1,500 to Health & Human Services, all to be used for wage and salary retroactive increases for Fiscal Year 2012.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2012/10 2-8 **General Fund Appropriation Transfer –Cost of Living Increase**

The Moderator recognized John McWane.

Moved by John McWane, Finance and Advisory Committee Chair, duly seconded, that the Town transfer \$30,400 from Unclassified to \$9,300 General Government, \$5,000 Protection of Persons & Property, \$10,000 Department of Public Works, \$5,000 Health & Human Services and \$1,100 Joint Programs, all for cost of living increase for wages and salaries.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

SECTION 3: PLANNING/ZONING ACTIONS

None.

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2012/10 4-1 **Adopt By-law to Provide Water through Mutual Aid Agreement**
Town By-law

The Moderator recognized Jeff Stinson.

Moved by Jeff Stinson, Board of Selectmen, duly seconded, that the Town amend the General By-laws by adding a new Section 4, pursuant to G.L. c. 40, § 39H, to Chapter VIII Town Contracts to read:

The Town, by and through the selectmen in their capacity as Water Commissioners, is authorized to enter into contracts or extend aid to any other municipality or its water district with regard to the operation, administration, repair and maintenance of its water supply system, subject to such terms and conditions as are acceptable to the selectmen. Contracts

under this section may not exceed twenty (20) years, or such maximum term as permitted under G.L. c. 40, § 39H. All other requirements of G.L. c. 40, § 39H shall apply to contracts or aid extended under this section.

Stinson noted that the Board of Selectmen recommends favorable action on this article. Lombardo provided details on this article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 5: OTHER ACTIONS

ARTICLE 2012/10 5-1 Beech St. Easement
Requires 2/3rd Vote

The Moderator recognized David Neill.

Moved by David Neill, Board of Selectmen Chair, duly seconded, that the Town grant an easement across town land abutting Beech Street and Chebacco Lake for water line purposes to the owner of 1 Beech Street, Hamilton, as shown on a plan on file with the Town Clerk.

Lombardo provided details on this article.

The Moderator called for the two thirds card vote.

CARD VOTE: MOTION PASSES BY TWO-THIRDS VOTE
Declared by the Moderator

ARTICLE 2012/10 5-2 Drainage Easements
Requires 2/3rd Vote

The Moderator recognized David Neill.

Moved by David Neill, Board of Selectmen Chair, duly seconded, that the Town accept easements for underground culvert pipes between Howard Street and the wetlands to the West of Howard Street.

Lombardo provided details on this article.

The Moderator called for a two-thirds card vote.

CARD VOTE: MOTION PASSES BY TWO-THIRDS VOTE
Declared by the Moderator

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2012/10 6-2 Free Cash Application

The Moderator recognized John McWane.

Moved by John McWane, Finance and Advisory Committee Chair, duly seconded, that the Town take no action on this article.

McWane spoke to the article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY
To take no action

Meeting dissolved at 10:46 a.m. The Moderator noted that the vote on the debt exclusion for Articles 2-1 and 2-2 is by ballot on Tuesday, the 6th of November 2012 during the state election at the Winthrop School.

A TRUE COPY: ATTEST:

Jane M. Wetson, CMMC
Town Clerk