

Town of Hamilton, Massachusetts



2010 Annual Report

Town of Hamilton
Essex County
Commonwealth of Massachusetts

Town of Hamilton, Massachusetts



2010 ANNUAL REPORT

Town of Hamilton
Essex County
Commonwealth of Massachusetts

Incorporated June 21, 1793
Area 14.99 Square Miles Town Population 7,764

Sixth Congressional District
Fifth Councilor District
First Essex and Middlesex Senatorial District
Fourth Essex Representative District

State Officials
Congressman: John Tierney, *Salem*
Senator: Bruce E. Tarr, *Gloucester*
Representative: Brad Hill, *Ipswich*

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Board of Selectmen

Early in January, the State Legislature acted upon the petitions of the previous year's Annual Town Meeting and established formally a Town Manager to oversee day-to-day operations of the Town, while allowing the Board of Selectmen to add two members and become a policy making Board of five members at the Town election in May.

The three-member Board started a national search to fill the newly created position. The interview process began in March and ended in April with the Board of Selectmen hiring Michael A. Lombardo, as Hamilton's first Town Manager.

After a 30 year career at Town Hall Hamilton in multiple roles – the Town's first Planning Coordinator, Executive Secretary and as the first Town Administrator for 18 years, Candace P. Wheeler retired in June. Her legacy includes the Hamilton-Wenham Library and the redevelopment of Hamilton Downtown Crossing and the Hamilton Wenham train station and parking area.

Highlights

Highlights from 2010 include:

- Severe winter storms in February left the Town and its residents without electrical power for hours and in many cases days. Police, Fire and Public Works departments worked around the clock, addressing the crises.
- Organic solid waste pilot program introduced through a DEP grant to the Town.
- Town Meeting voted to become a Green Community, under the laws of the Commonwealth.
- Harborlight received funding to proceed with the Firehouse project on Willow Street, which when completed will provide four affordable housing units to the Town.
- Meals tax enacted by Town Meeting to fund downtown development.
- Town Hall painted new historically accurate colors by inmates of the Middleton jail.
- Jack Akin, Chaplain of the American Legion orchestrated the Memorial Day events for the Town.
- The Town applied for and received CPA funds to purchase Donovan Fields for soccer fields and other recreational needs.
- As directed by Town Meeting, the Board of Selectmen investigated ways to cut costs at Town Hall and sought methods to share more maintenance and DPW costs among Hamilton, Wenham and the HWRSB.
- Estate Overlay District created through by-law adopted by Town Meeting.

- A Special Town Meeting in June authorized Hamilton, along with Wenham to hire an independent auditor to conduct an operation audit of the Hamilton Wenham Regional School District.
- Land swap completed with Mass Audubon and the Town of Hamilton in exchange for land taken by eminent domain for the construction of the Town water treatment plant.
- Split rail fence at the front of Patton Park Playground donated to the Town by the Mother's Club.

Respectfully submitted,

2010 Board of Selectmen

Town Clerk

Introduction

The Town Clerk’s Office serves as a general information center to the public, including posting of all board meetings according to the Open Meeting Law. Numerous requests are filled for certified copies of vital records, general information about the Town and its activities, genealogical information, business and legal decisions by Town boards.

The Town Clerk is responsible for local and state elections, recording and certification of all official actions from town meetings, census maintenance, voter registration, maintenance and issuance of vital records and swearing into office all board and committee appointments as well as elected officials. We also process and issue various licenses including dogs, fishing, hunting, sporting and marriage licenses, raffle permits and business certificates throughout the year.

I would like to thank Administrative Assistant Andrea Carlson for her dedication and effort in performing the many and varied duties which make it possible for this office to run smoothly, Marissa Frerk returned to the Clerk’s Office to help with our Special State Election. I sincerely appreciate her help during a very busy time. A very special thank you to our dedicated senior volunteers who assist us with our special projects: Edward Haraden, Carol Kirby, Aileen Bianco, Ruth Flumerflet, Betty Gray, Herb Ryan, Doris Cooper and Charlotte Teshko for their help stuffing census envelopes, indexing our maps and town meeting minutes. We sincerely appreciate their efforts.

Dyan Katz, our dedicated Dog Officer has once again done an outstanding job taking care of Hamilton’s furry friends.

Elections and Registrations

Mary Anne Burr ridge worked many years as a dedicated registrar and poll worker for the Town of Hamilton and sadly she passed way this year. We are grateful for her many years of service and will miss her.

Board of Registrars - Constance Cobb, Sidney Jenkins, Maureen Hickey and Jane M. Wetson, Clerk Officio.

This was an unusually busy year with three Town Meetings and five Elections. The Annual and Special Town Meeting were held at the H-W Regional High School Auditorium under the direction of Christopher Shailor, Bill Melville and their staff of dedicated and talented young adults that keep our meetings running smoothly. We sincerely appreciate your help.

2010 Statistics	
Marriage Licenses Issued.....	21
Births Recorded	88
Deaths Recorded	44
Fish and Game Licenses Issued	
Fishing Licenses	54
Hunting Licenses	23
Sporting Licenses	22
Trapping.....	1
Waterfowl Stamps.....	24
Archery Stamps	16
Primitive Firearms	20
Dog Licenses Issued	
Dog Total	1,086
Kennels	10

All five elections were held at the Winthrop School. We had the privilege of using the new AUTOMARK Handicap Accessible Voting Machine at all of the Elections, and John Sanders, who is a blind resident, was able to vote by himself by listening to the ballot being read through ear phones as he voted using a key pad which marked his ballot. He was very happy to be able to vote himself, using this new voting machine.

I sincerely thank the dedication and hard work of Greg Stevens, Paul Rigol, and Ivan Muise in setting up the elections, the Board of Registrars, the Election Officials, and the Hamilton Police for their support and professionalism. I would also like to thank the custodians and kitchen staff at Winthrop School for helping our days to run smoothly and keeping us well fed.

Summary of Elections & Town Meeting for 2010

- January 19, 2010 Special State Election had 3,729 ballots cast which was 65% of the 5,709 registered voters in Hamilton.
- May 8, 2010 Annual Town Meeting had 372 registered voters in attendance which was 6% of the 5,796 registered voters in Hamilton.

Reports: General Government

- May 20, 2010 Annual Town Election had 1,287 ballots cast, which was 22% of the 5,796 registered voters in Hamilton.
- June 21, 2010 Special Town Meeting had 192 registered voters in attendance which was 3% of the 5,742 registered voters in Hamilton.
- September 14, 2010 State Primary had 686 ballots cast which was 12% of the 5,737 registered voters in Hamilton.
- October 30, 2010 Special Town Meeting had 321 registered voters in attendance which was 6% of the 5,756 registered voters in Hamilton.
- November 2, 2010 State Election had 3,603 ballots cast, which was 63% of the 5,755 registered voters in Hamilton.
- November 9, 2010 Special Town Election had 545 ballots cast, which was 9% of the 5,756 registered voters in Hamilton.

The annual census forms were mailed out, and again we are urging residents to complete and return as soon as possible. Massachusetts State and Federal representation and funding depend on the population. Also, the listing of every resident and household is very important to our Police and Fire Departments for safety reasons.

I sincerely appreciate your support throughout the year and I thank you for allowing me to serve you.

Respectfully submitted,

Jane M. Wetson, CMMC
Town Clerk

Emergency Center

The Hamilton-Wenham Communications Center continues, as it has for the past 50 years, to provide communication for the public safety departments with the co-operation of all involved.

Again this year, we received two grants from the State 911 Department. A \$6000 grant was made available for dispatch training. Because we are a regional dispatch center, we received \$148,578 for support. We were able to install a vocal alarm in each fire department to make the fire announcements heard in the bay areas. The vast majority of the money is being used to supplement wages. This has kept our budget well below level funding and made monies available for the towns.

We logged 43,423 calls during 2010. This is a sample of the types and numbers of calls received.

	Hamilton	Wenham
Animals	542	248
Ambulance	407	263
Burning Permits	1504	752
Motor Vehicle Stops	1846	1226
Police/Fire Alarms	466	328
Assistance Rendered	953	376
Calls for Police	2206	1145
General Info	638	191
Property Checks	5915	10,865
Motor Vehicle Accidents	116	103

While both towns struggle with the decision about joining a large regional center, I assure you that the citizens of Hamilton and Wenham are receiving best possible service. Our dispatchers are well trained and are using state of the art equipment. The people who serve you so well and are very familiar with the communities are Keith Holloran, Brian Pratt, Richard Sherrick, Ryan Machain and Kenneth Brand. Citizens are welcome to tour the center by appointment.

Pumpkinfest, the Public Safety Food Drive and the Christmas Tree bonfire are three special events for us. With the help of the police, fire and public works, we are able to provide entertainment for the community and with the food drive, sustenance for those less fortunate among us.

Thank you to the citizens of Hamilton and Wenham for supporting us and allowing us to serve you.

Respectfully submitted,

Anne Marie Cullen

Emergency Management

Emergency Management is based on preparedness. We are required to have Community Assessment Plans, Hazard Mitigation Plans, and Comprehensive Emergency Plans. We have also been working with Police, Fire, and Health to improve sheltering plans.

After the wind storm in February 2010, when we lost power for an extended amount of time, we reassessed our needs and short falls. Since then we have been working with the Town and other agencies to get generator hookups to town buildings, Housing Authority buildings, and other important buildings. This will save a lot of time in an emergency and will leave us with more options during severe weather or other emergencies. This will provide buildings where people can keep warm or cool depending on the weather.

Edward Seaver has volunteered many hours. He has been working with all Town Departments on an inventory list of emergency equipment. We hope to centralize most of this equipment in one place so it is easier to maintain and have access in an emergency.

Emergency Management is also utilized during natural and man-made disasters. We have generators, cots, blankets, first aid kits, and other equipment that may be needed. We have updated some of our equipment with various grants.

We have been working on educating the public on what to do in an emergency, have a kit, have a plan, and stay informed. We are here to assist you to prepare for an emergency.

Respectfully submitted,

Philip W. Stevens, Jr.
Emergency Management Director

Fire Department

Personnel

The Fire Department serves the Town of Hamilton with (4) fulltime firefighters and (28) call firefighters. This year we had a few personnel changes with the departure of some long term employees. Andre Painchaud was appointed as a Fulltime Firefighter. Andre had been a call firefighter since 2003. Warren Grant, Jr. took over as the part-time mechanic and is a certified emergency vehicle technician. Lieutenant Raymond Brunet took over Fire Prevention in May. Ray has been on the Department since 1990 and has been fulltime since 1998.

Two new call firefighters, Christopher Allender and Daniel Curran, are attending the Massachusetts Firefighting Academy Call/Volunteer Firefighter Training Program Class 033. Call Firefighters Lukas Painchaud and Jared Dolan graduated earlier this year from Class 029.

The Department is dedicated to training and train in-house and with the Massachusetts Firefighting Academy. All members train in firefighting, medical, CPR, hazardous materials, and rescue techniques. We train with area Departments on ice rescue annually.

Hamilton and Wenham Fire Prevention did a week of training in the elementary schools. The training was in classroom and the County Fire Safe Trailer where they got practical fire safety training.

2010 Activity

The Fire Department was very busy in 2010. We had three major storms over the winter. The wind storm on February 25 caused a lot of damage and areas of town were without power for a few days. That storm alone, we responded to 109 calls for assistance.

The Fire Department has increased their role in emergency medical calls. We respond to emergency medical calls with the Police and Lyons Ambulance. The patient is usually packaged and ready to go when Lyon's arrives. Two Firefighter/EMT's are on call and respond with our Squad Truck. They receive no compensation except when they respond to calls. They responded to 476 medical calls in 2010.

I would like to extend my sincere appreciation and gratitude to the members of the Fire Department. I commend them for their continued support and dedication to the people of the Town of Hamilton. They are on call 24/7; they leave their jobs and

homes in all kinds of weather, any time of night or day at a moments notice to assist the citizens with any kind of emergency.

Respectfully submitted,

Philip W. Stevens, Jr.
Fire Chief

INCIDENTS – 2010

Fires.....	56
Rescue.....	49
Hazardous Condition (No fire).....	66
Service Calls.....	230
Good Intent Calls	46
False Calls	190
Severe Weather Calls	15
Total Fires Calls.....	652
Emergency Medical Calls	476
TOTAL CALLS:	1095

FIRE PREVENTION

Open Burning Permits	447	
Agricultural Burning Permits	11	
Other Permits.....	340	
Inspections.....	410	473 hours
Plan Review.....	107 hours	
Public Education.....	112 hours	
Meetings	104 hours	
Fire Drills	32 hours	
Fire Prevention Continuing Education.....	36 hours	
Miscellaneous.....	206 hours	

CAR SEAT INSTALLATIONS

Firefighter/EMT Edmund Mullin is certified to do car seat installations. He did 160 installations in 2010. There is no charge for the installation.

Inspectional Services

Building Inspector 2010

I herewith submit the report of the Building Inspector for the year ending December 31, 2010.

There were a total of 263 permits issued for 2010.

Among these permits were: 4 houses demolished and re-built, and 3 new single family dwellings. The rest of the permits issued include: additions, renovations, garages/barns, sheds, non-residential renovations, in-ground and above ground pools, porches/decks, siding/windows/roofing, demolitions, signs and tents.

Respectfully submitted,

Charles Brett
Inspector of Buildings

Plumbing Inspector 2010

I herewith submit my report as Plumbing Inspector for the year ending December 31, 2010.

103 total plumbing permits issued

The total permits issued include new dwellings, additions, garages/barns plus hot water tanks, backflow preventers, floor drains, water piping and other miscellaneous fixtures.

Respectfully submitted,

William C. Thomas, Jr.
Plumbing Inspector

Electrical Inspector 2010

I herewith submit my report as Electrical Inspector for the year ending December 31, 2010.

198 total permits issued.

The total permits issued include new dwellings, additions and renovations, garages/barns plus new/upgraded services, pools, alarms, boilers, septic pumps and miscellaneous permits.

Respectfully submitted,

Robert B. Brown, Jr.
Electrical Inspector

Debra Paskowski
Administrative Assistant

Gas Inspector 2010

I herewith submit my report as Gas Inspector for the year ending December 31, 2010.

124 total gas permits issued

The total permits issued include new dwellings, additions, garages/barns plus fireplace inserts, ranges, heating boilers, furnaces, water heaters, dryers, direct vent heaters, pool heaters, and other miscellaneous fixtures.

I wish to express my appreciation to all I have come in contact with for their cooperation during the performance of my duties.

Respectfully submitted,

William C. Thomas, Jr.
Gas Inspector

Debra Paskowski
Administrative Assistant

Police Department

To the Honorable Board of Selectmen and the Citizens of Hamilton:

I am pleased to offer you this annual report highlighting the activities and accomplishments of your Police Department during the calendar year of 2010.

Throughout the year, I have had the opportunity to visit and speak with many of you regarding concerns you would like to see addressed. As a result of these discussions, I have been able to examine and address many of the issues you presented. We have also instituted a new department mission statement which builds upon our commitment to the community, focusing on promoting a safe environment through a police-citizen partnership with an emphasis on mutual trust, integrity, fairness, honesty and professionalism.

We have reinstated walking patrols which are an effective tool in deterring crime as well as becoming more engaged with our community. Although statistics indicate that property crimes in Hamilton are slightly lower in 2010 versus 2009, we are asking all citizens to remain vigilant and call us immediately if they detect anything suspicious in nature or out of the ordinary. By collaborating together we can better serve our community. Although I consider Hamilton a very safe town to live and raise a family, I am still encouraging residents to lock their homes and vehicles.

As a result of a recent opening, Officer Michael Giroliman was promoted from reserve officer to the rank of full-time officer. To obtain this position, Officer Giroliman successfully passed a rigorous assessment process which I believed produced an excellent candidate for this position and the town. Our continued commitment to training is unsurpassed. Above and beyond the mandated yearly in-service training, officers are continuously being sent for specialty training updating them in new laws and trends resulting in better service to the citizens of Hamilton. We continue to work diligently with other Federal, State and Local law enforcement agencies as well as the District Attorney's Office in an effort to thwart criminal activity and provide a safe community for our citizens.

In 2010, we received \$3189.78 in grant funding from the Commonwealth of Massachusetts Executive Office of Public Safety. This money was utilized for enforcement campaigns targeting on areas such as the use of seat belts, excessive speed and operating under the influence. We also received a \$1000.00 grant for

officer training in the area of domestic violence.

In these trying fiscal times we continue to work efficiently and effectively with other departments within the town in an effort to maximize resources while minimizing costs. We are always exploring ways to provide the same if not better services to our residents while reducing overall spending.

I am proud to lead a group of professionals who are open to change and dedicated to the service they provide the citizens of this community, and I thank you for the opportunity to serve Hamilton.

Respectfully submitted,

Russell M. Stevens
Chief of Police

Reports: Public Safety

Hamilton Police Department 2009 and 2010 Statistics

Classification	2009	2010
Motor Vehicle Warnings	490	1034
Motor Vehicle Citations Civil	242	444
Motor Vehicle Citations Criminal Complaints	31	108
Motor Vehicle Citation Arrests	42	49
Operating Under the Influence	8	9
Motor Vehicle Verbal	55	188
Parking Tickets	3	89
Motor Vehicle Accidents Reported	123	124
Motor Vehicle Accidents Investigated	73	66
Crimes Against Persons	41	33
Crimes Against Property	101	98
Crimes Against Society	4	7
Marijuana Citations	10	12
Animal Calls	439	542
Medical Calls	363	405
Pistol Permits/ Firearms I.D. Cards/ Chemical Propellant Cards	61	44
Activity Detail		
Total Calls for Service	19833	23189
Total Arrests	71	142
Traffic Stops	868	1832

Sealer of Weights & Measures

I herewith submit the report of the Sealer of Weights and Measures for the year ending December 31, 2010.

Business Name:	Devices:
Crosby's Market	Scales
CVS	Scales/Weight Set
Family Medical	Scales
Meadowbrook Farms	Scales
Oliver's Gulf	Gas Pumps
US Gas	Gas Pumps
Welch & Lamson	Fuel Oil Trucks/Rack Test Diesel Oil Dispensers

Respectfully submitted,

Robert Rose
Sealer of Weights & Measures

Department of Public Works

Department of Public Works employees continue to assist many other Town departments showing their commitment, experience and ability to perform many functions beyond their normal job description. This has resulted in a savings to the Town and their efforts are truly appreciated by many of the Town officials along with the residents.

2010 Activities

During 2010, the DPW worked on the following projects and operations:

- The Town continues to work with various agencies in trying to replace the Bridge Street culvert. Completion of this project should reduce upstream flooding of the Miles River.
- The DPW has been working with the Conservation Commission to address storm water issues throughout Town and in particular, the Linden and Howard Street area.
- In April the Town was informed that it could expect \$196,863 in Chapter 90 local aid funding to be used for transportation projects.
- The application of 'Mulchseal' occurred on Linden Street last fall in an effort to prevent deterioration of the roadway.
- Patton Park continues to be the primary location for many activities with various sports teams of all ages and residents taking full advantage of the well maintained fields, courts and pool. The Town also moved forward on the replacement of field lights at the park.
- Grass cutting and grounds maintenance continue to be the two primary work operations at the Town's parks and cemetery. The DPW has also been performing work at the Cutler and Winthrop Schools.
- Maintenance of public works and other Town owned vehicles continues at the DPW facility. Due to budget constraints, no new vehicles were purchased last year and increasing maintenance work on the fleet reflects the age of the vehicles and the increasing cost to keep them operational.
- The Town Hall was painted and new granite steps were installed.
- In March 2008 the Town implemented a partial pay as you throw (PAYT) program with the goal being to reduce the amount of household waste being disposed and thus reducing the cost to the Town. Through the end of 2010 the Town has reduced its monthly solid waste tonnage by approximately 33%. This represents a cost savings of approximately \$188,805 since 2008.
- The Town continues to provide for leaf pick-ups in the fall and spring and allows for residents to leave many products: monitors, televisions, computers, white goods, etc. for a small fee at Town Hall during office hours.
- The water department continues to implement our radio read program which will save the Town manhours and provide more accurate water usage readings.
- Filter media upgrades at the water plant were completed which included using potassium permanganate as an oxidizer. This capital expenditure should improve the quality and reduce the amount of disinfection byproducts in our finished water.

Respectfully submitted,

John Tomasz, *DPW Director*

Hamilton-Wenham School District

HAMILTON-WENHAM REGIONAL SCHOOL DISTRICT COMMITTEE

TERM EXPIRES

Alexa McCloughan, <i>Chair</i> 489 Bridge Street, Hamilton 01982 (468-1743)	2012
John Joseph (Jack) O’Keefe, Vice Chair 5 Anthony Road, Hamilton 01982 (468-1494)	2012
Dacia Rubel, <i>Asst. Treasurer</i> 12 Puritan Road, Wenham, MA 01984 (468-0058)	2012
Lauren S. Prior, <i>Secretary</i> 65 Gardner Street, Hamilton 01982 (468-4315)	2011
Theresa (Tess) F. Leary, <i>Asst. Secretary</i> 209 Bay Road, Hamilton 01982 (468-6636)	2011
Richard L. Boroff 40 Moynihan Road, Hamilton 01982 (468-3162)	2011
Kym M. Donnellan 12 Cedar Street, Wenham 01984 (626-0000)	2013
Donald E. Gallant 28 Mayflower Drive, Wenham 01984 (468-2357)	2013
Ann M. Minois 297 Moulton Street, Hamilton 01982 (468-2595)	2013
Superintendent of Schools.....Dr. Marinel D. McGrath Director Educational Services.....Dr. Maryellen Duffy Director of Student Services.....Allison Brown Collins	

Superintendent’s Report

I am pleased to present my last Annual Report for the Hamilton-Wenham Regional School District. As you read the school reports, you will note that the strength of our school district is in the quality of our students, teachers, support staff, and our two communities.

During the 2009-2010 school year the Hamilton-Wenham Regional School District (HWRSD) had an enrollment totaling 2,028 students with 857 in the elementary grades pre-kindergarten through grade five, 469 in the middle school grades six through eight, and 702 in the high school grades nine through twelve. The school district goal is to provide an engaging and comprehensive curriculum that challenges all students and raises their achievement level. Our students must meet not only local learning standards, but also the learning standards of the Commonwealth of Massachusetts and those of colleges across the country.

To realize the HWRSD learning goals, teams of teachers and principals provide an academic program for higher student achievement by embedding all state framework requirements within a strong district curriculum. Through state and federal grants and the generosity of the Hamilton and Wenham Ed Fund, teachers availed themselves of quality staff development programs to ensure successful implementation of programs. Through the dedication, commitment, and caring of our teachers and support staff, Hamilton and Wenham students were recognized for their achievements in the academics, arts, athletics, and activities during the 2009-2010 school year. Our elementary students participated in artists-in-residence program; our middle school College Bowl students won the national competition for their division and our middle school math team excelled in their New England Mathematics League meets. Middle School students were also recognized for their achievements in band competitions and the Boston Globe Art Awards, and regional National History Day. Middle School students earned a third place national award for their documentary on blood banks at the National History Day Competition at the University of Maryland. Our high school students received awards at the local, state, and national level in history, science, drama, and art. Ten students were selected to District and All-State Band and Chorus while seven students earned Boston Globe Key Art Awards. Our students excelled at both the National History Fair and International Science Fair. Four projects qualified for the National History Fair in Maryland with one project earning a national third place award and six students qualified for the state Science Fair. HW athletic teams were very successful in all three seasons. Seventeen teams out of 24 qualified for MIAA Team

Reports: Education

State Tournament action which included: 4 State Championships (Boys' and Girls' Track and Field, Boys and Girls' Indoor Track), 1 State Finalist (Girls' Winter Cheering), 2 Regional Championships, 10 Cape Ann League Champions (out of a possible 24 League Champions), and 4 Cape Ann League Coach of the Year Awards. Lastly, HW High School won the coveted Joe Hyland Award. The Joe Hyland Award is awarded annually by the Cape Ann League to the CAL school with the best overall winning percentage for the entire sports year. The last time HW won this prestigious award was in 1994.

The May 2010 MCAS scores reveal that Hamilton-Wenham students continue to score above the state average in all four subject areas tested (see Director of Educational Services' report for detail). Every member of the Class of 2010 passed the English, math, and science sections of the MCAS as well as the new Portfolio Requirement which enabled all of them to graduate in June. The Class of 2010 had combined SAT scores of 1705 and scored better than the state average in Math (575), Critical Reading (572), and Writing (561). In 2010, 105 students took 178 Advanced Placement (AP) exams in 15 subjects (Calculus AB- 4.5, Statistics - 3.0 Calculus BC- 5.0, English Literature - 4.5, Environmental Science - 4.0, Chinese Language - 5.0, Physics C - 5.0, Spanish Language - 3.3, Spanish Literature - 4.0, Physics M - 5.0, U.S. History - 3.7, U.S. Government & Politics-5.0). The average AP score for HW students was 4.1 on a scale of 0-5. Scores of 3-5 qualify the student to be considered for advanced placement in college. Twenty-two of our students were recognized as AP scholars, receiving scores of 3 or higher on three or more AP Exams. The National Merit Scholarship Program recognized eleven members of the Class of 2010 as Commended Students (9), Semi-Finalists (2), and two were named Finalists. Other indicators of district quality and achievement include: (a) 95.8% of our PK-12 students attend school daily, (b) 1.1 % high school student dropout rate, and (c) 90% student matriculation to post-secondary education.

The H-W Regional School District continued its collaboration with the Towns of Hamilton and Wenham through the Towns/School Budget Process Committee (T/S BPC). The FY 10 school budget was \$27,259,415 (1.5 % increase over FY 09). As many know, the Chapter 70 state funding was decreased for the 10th consecutive year. In FY 01, the District received 19% of its budget from Chapter 70; in FY 09 the District received only 13% of its funding from Chapter 70 state aid. The School Committee and community members continue to work hard with our legislators to change this formula to relieve the burden on the taxpayers.

Without an operating budget override, the District increased the class size policy at each level, reassigned elementary students to other district schools to balance class sizes, eliminated 7.0 FTE teaching positions, 1.5 FTE support positions, and 1.6 FTE administrative positions, and reduced operating expenses to balance the FY10 budget. As many know, the Chapter 70 state fund-

ing was decreased for the 10th consecutive year. I would like to recognize every HWRS D employee for "giving back" one day of salary to the District without taking a non-working day. The "give-back" retained two teaching positions that would have otherwise been eliminated in 2009-2010. The HWRS D employees were the only employees in the two towns to give back any of their salaries.

At the June 3, 2010, School Committee meeting, the District bid farewell to three teachers at the 8th annual "We Honor You" reception. Honored retirees included: Buker School: Chris Clemenzi (35 years) - Classroom Teacher, and Leslie Goldberg (11 years) - School Psychologist; Cutler School: Connie Becker (35 years) - School Psychologist; Miles River Middle School: Joan Cosselman (23 years), English Language Arts, and Paula Jones (36 years) - Social Studies. Additionally, the District also said goodbye to four members of the Leadership Team who left HWRS D to pursue new leadership positions in other public school districts - Philip Conrad (1999-2010) HS Associate Principal leaves to be the Principal of the Rockport (MA) Middle/High School, Dr. Maryellen Duffy (2003-2010), Director of Educational Services, leaves to become the Assistant Superintendent in Beverly, MA, Paul Szymanski (2007-2010), Assistant Superintendent for Finance and Administration leaves for the position of Assistant Superintendent for the Billerica Public Schools, and Dr. Marinell D. McGrath, (2002-2010) Superintendent of Schools, leaves to become the Superintendent of Schools for Andover, MA. The school committee appointed Dr. Raleigh Buchanan as Superintendent of Schools on May 27, 2010. Dr. Buchanan will assume the superintendency on July 1, 2010.

I would like to recognize and thank the many people who supported our schools this past year. On behalf of the students, faculty, administration, and School Committee, I thank the Friends of Pre-School, Buker, Cutler, Winthrop, Miles River and High Schools, Special Education Parent Advisory Board, HW Ed Fund, HW Rotary Club, Friends of the Arts, and the many generous parents and community members who contributed time and money to support our schools.

I am also grateful to our faculty, staff, principals, associate principals, and the District Leadership Team for their devotion to the students of Hamilton and Wenham. Finally, we are most appreciative to the townspeople of Hamilton and Wenham and the Hamilton and Wenham Boards of Selectmen and Finance Committees who have seen us through difficult times and who continue to support our efforts to make the Hamilton-Wenham Schools the very best they can be.

In closing, our initiatives continue to advance the coherence and quality of our educational program. There are many goals yet to be realized which are dependent upon continued school funding. Our professional staff must have the resources if we are to continue to be competitive with peer school districts in devel-

oping, providing, and maintaining a high quality educational program which will prepare students in the Hamilton-Wenham Regional Schools for participation in the global society.

– Dr. Marinel D. McGrath, *Superintendent of Schools*

Office of Educational Services

The Director of Educational Services for the Hamilton- Wenham Regional School District continues to work with the Leadership Team and the staff to focus the district's curriculum, instruction, assessment and professional development work around the district's goals and strategic plan and in compliance with the policies of the Department of Elementary and Secondary Education.

The Hamilton- Wenham School District (HWRSD) continues to renew and revise curriculum according to the guidelines established and approved in 2004 and the curriculum review cycle. Currently, curriculum and instruction task forces are established in all content areas and Technology. The task force committees continue to work on refining and developing curriculum maps and establishing benchmark assessments. All staff members are involved in creating curriculum maps using the online program, TechPaths. The Curriculum and Professional Development Committee continues to oversee the task force committees, plan the in-service days, early release Wednesdays and related professional development.

The Office of Educational Services and the Technology Committee continue to oversee the implementation, review and revision of the five year technology plan, a framework for defining a direction for educators, determining needs in our schools, and outlining goals for our students in the area of technology.

The Office of Educational Services supervises the programming for our 39 English Language Learner students, and the 79 students who qualify for Section 504 Individual Accommodation Plans. The Curriculum Office is responsible for reviewing and approving Home Education Plans for 32 students from 19 families residing in Hamilton and Wenham.

Fortunately, state and federal grants have allowed us to continue offering quality professional development opportunities and support to our teachers. The HWRSD has been able to offer its staff numerous grant funded professional development opportunities which include, Thinkfinity, the Responsive Classroom, Differentiated Instruction, Positive Behavior Intervention Strategies, and Thinking Maps The Beginning Teacher Orientation, Induction and Mentoring Program and the curriculum coach positions have also been funded through grants. In addition, staff members are involved in special projects and professional development during the early release Wednesdays. This year the district implemented the online program, My Learning Plan, to record and track staff professional development.

During the 2009-2010 school year the HWRSD was awarded 6 state entitlement grants and 1 private competitive grant totaling in the aggregate of \$216,373 These grants were targeted for MCAS remediation, staff professional development, curriculum development, physical education, health education, mental health services, and drug, alcohol and violence prevention programs. Staff was also involved in professional development opportunities in American History through grant supported programs in collaboration with Salem State College and the University of Massachusetts, Lowell.

MCAS scores reveal that Hamilton-Wenham student scores are above the state average in all five subject areas tested: reading (97% passing at grade 3), English (average of 98% passing at grades 4, 5, 6, 7, and 8), mathematics (average 93% passing at grades 3, 4, 5, 6, 7, and 8) and science (96% passing at grades 5 and 8).. In grade 10, 96% (165 of 170) attained competency in English Language Arts and 90% (156 of 172) attained competency in Mathematics. In grades 9/10, 100% of the high school students passed the STE test. The HWRSD recognizes that student achievement, curriculum and professional development are interrelated and will continue to pursue and secure opportunities to support these connections.

Office of Student Services

The Student Services Office of the Hamilton-Wenham Regional School District provides a wide range of programs for students with disabilities, ages 3 to 22. During the 2009-2010 school year, 320 students in the District (15.6% of the general population) were identified as needing Special Education services.

Special Education is a required program for all school districts under both federal law (Individuals with Disabilities Act – IDEA) and state law (Chapter 766). Eligibility for Special Education services is based upon the presence of a diagnosed disability, the inability to make effective progress in the general curriculum due to the disability, and the need for specially designed instruction or related services. A Team of teachers, parents and other professionals collaborates in making eligibility determinations for each student. Evaluation Teams, composed of trained professionals including school psychologists, special education teachers, speech and language pathologists, occupational and physical therapists, and other specialists utilize a full battery of diagnostic instruments to assess the individual needs of the students.

Professional special educators, trained paraprofessionals, and therapists support regular education classroom teachers in meeting the needs of students with learning disabilities, health and sensory disabilities, communication disorders, neurological impairments, cognitive deficits, and emotional and behavioral difficulties. In addition to assisting students with moderate special needs through specialized instruction and inclusion

support, the Student Services Department provides a variety of intensive programs for children with complex needs, including the Integrated Preschool, Pre-Kindergarten and Elementary Intensive Learning Program, middle and high school Learning Skills and ASPIRE programs, and the STAY alternative program for high school students. These programs have supported students in returning to public school from out-of-district placements and enabled numerous students with intensive special needs, language-based learning disabilities, and social-emotional disabilities to remain in district. A total of 57 students attended specialized programs during the 2009-2010 school year.

The Special Education Department is evaluated annually on a three-year rotation between elementary, middle school, and high school programs. These evaluations are required by law of all public schools as a means of ensuring quality programs for students with disabilities. In 2009-2010, the annual evaluation focused on specialized programming at the middle and high school level.

The Department is proud of its record of service within the District and recognizes that the high quality teaching practices of classroom teachers and the strong District Curriculum have established the climate of educational excellence which allows students with disabilities to succeed. The support of the School Committee, the Superintendent, School Administrators, families and townspeople has been essential in meeting the needs of all learners in the District.

Elementary Schools

Bessie Buker Elementary School,

Brian F. O'Donoghue, *Principal*

The Buker School had an enrollment of 258 students in grades K-5 during the 2009-2010 school year. It was an exciting and productive year for our school community.

Student instruction was supported by 12 classroom teachers, 3 special education teachers, and 10.5 special education and regular education teaching assistants. Additionally, students were supported by a part-time school adjustment counselor and school psychologist. We completed our second year with the intensive reading and written language program staffed by a full-time special education teacher, a teaching assistant, and a part-time reading specialist. We had a part-time, building-based integrated media specialist to support instruction in the library and technology lab while our other specialist areas of art, physical education, and music were taught by shared staff at the elementary level.

Two of our staff members announced their retirement this year. Chris Clemenzi spent 33 years as a classroom teacher in Hamilton-Wenham with the last 11 years at Buker teaching fourth grade. Leslie Goldberg served as our school psychologist for the past 11 years and additionally as our special education

chairperson for the last 4 years. We will certainly miss the contributions of these two colleagues.

Teachers were busy with their professional development in support of our new elementary math program, literacy assessments, and ongoing curriculum mapping. We implemented Think Math! as our new K-5 math program. Our new benchmark literacy assessment provided teachers with important data on student reading performance. The Wednesday professional development time was used to support these and other building based initiatives.

The Kids Care Club supported our local as well as world-wide community service efforts. The students collected food supplies for the ACORD food pantry throughout the year. A bake sale was held to raise funds to support the elimination of childhood hunger in our country. Students took part in the annual clean-up of the Karen Woolf insect garden during the spring. These activities were part of many throughout the year that our students participated in as community service.

The Buker School once again received generous support from our parents, the Friends of Buker (FOB), the Hamilton-Wenham Ed Fund, and the Town of Wenham. The Friends of Buker supported dynamic cultural enrichment experiences for our students, including author visits from Steven Ratiner and Giles Laroche. The Hamilton-Wenham Ed Fund grant monies supported our Big Read initiative at all three elementary schools. Funds were used to purchase quality literature for our libraries. Thank you to all of the members of the Buker School and Hamilton-Wenham communities for your continued support.

Cutler Elementary School

Jennifer E. Clifford, *Principal*

There were 300 students enrolled in kindergarten through fifth grade at Cutler School in 2010. This number was divided among fourteen classrooms. We celebrated learning throughout the year, highlighted by several classroom events and All School Meetings. It was a creative and inspiring year for our school community.

New faculty members included the appointment of Tracey Bowker to the first grade and Amanda Langton to the second grade. Carol Bratt joined the faculty as a part-time math specialist. Connie Becker, our school psychologist and special education chairperson, retired after serving 35 years in the district. Students were supported by 27 classroom and specialist teachers as well as 11 teaching assistants this year.

Professional development initiatives in 2010 included the implementation of new curricular programs and assessments. Think Math was implemented at all grade levels, bringing a hybrid program that balances conceptual development and calculation practice for all students. Teachers participated in several

math workshops to facilitate this implementation. In language arts, teachers utilized a variety of assessments to monitor the progress of their students, including benchmark assessments, given twice yearly. Teachers also continued to map the curriculum in the areas of math, social studies, and science, outlining the essential content and skills at each grade level. Teachers also continued their study of technology integration, using Smart Board technologies in every classroom. Staff members continued to volunteer their time as student mentors, reaching out to students in need of extra adult connections.

We are fortunate to have a variety of school activities for our students. The fourth and fifth grade Chorus and fifth grade Ensemble Band performed for the school as well as for parents during three concerts throughout the year. Cutler School activity clubs met with volunteer teacher leaders again this year. Fifth grade teacher Melissa Graham led a lunchtime String Jam Session, allowing fifth graders to pursue their interests in stringed instruments. Second grade teacher Nancy Duffy led student athletes in the Cutler Running Club, meeting twice weekly before school hours, providing students an opportunity to exercise their bodies in order to focus their minds. Fourth grade students knit carefully during their lunchtime under the guidance of fourth grade Dede Johnson and teaching assistant Janie Bellenis while fifth graders interested in environmental issues volunteered their time during lunches to work on an anti-idling campaign.

We are supported by several community organizations. The Hamilton Wenham-Education Fund generously provided the resources needed to celebrate The Big Read, a school-wide study of the stories of Greg Mortenson and his work with schools in Afghanistan. This project brought all grade levels together to learn about schools in different parts of the world, to try illustration techniques from local illustrator Giles Laroche, and explore the possibilities of community service. The Friends of Cutler continue to provide extensive assistance to our school. The Friends brought numerous cultural enrichment activities and assemblies to the student body, while also supporting several field trip experiences. Funds from the Friends have contributed to several playground improvements.

Cutler School's heating and ventilation system was upgraded this summer, a project funded in part by the Massachusetts School Building Authority. The original building and modular wing were converted from steam to hot water piping, with new natural gas boilers installed to heat the entire building. This project began over four years ago and we are thankful to see it come to fruition with the support of the community and the oversight of Paul Szymanski and Richard Shruhan.

Thank you for your continued support of Cutler School and our students.

Winthrop Elementary School

Carrie Vaich, *Principal*

During the 2009-2010 school year, the Winthrop School had an enrollment of 299 students in grades pre-kindergarten through fifth grade, including two district-wide pre-kindergarten classrooms. Our kindergarten population consisted of one full day tuition-based class and one half day non-tuition class. The students were instructed by a teaching and support staff of 66.

During the school year, grade level teams met to analyze student achievement data using the newly implemented mathematics program Think Math. Benchmark assessments, which were part of the new program, along with Literacy Benchmark Assessments were analyzed. By looking at the gathered data teachers were able to make recommendations for instructional changes related to student strengths and weaknesses. Teachers worked this year with curriculum mapping software to develop diary map mathematics curricula and core map science and/or social studies curriculum.

The staff at Winthrop School welcomed author Jerry Pallotta to visit with students and share his knowledge of writing children's literature. Under the leadership of reading specialist, Kim Ubaldo, the literacy team and classroom teachers chose grade level activities for students to extend Mr. Pallotta's presentation. Students enjoyed viewing the various grade level projects during a museum tour. To conclude the school year, staff members, under the lead of Amy Pasquarello, took part in the first ever "Winthrop Classic". This whole-school event was a team-building morning of activities which allowed for mixed-aged students to support one another in various tasks. Students played games, ran relays, cultivated gardens, repainted the playground map and learned origami. This event supported our district-wide Responsive Classroom philosophy.

Heidi Caccivio, Janet Lee, and Langley Cumbie led the Kids Care Club this year working on a number of community service projects. This year they learned about Kenya and wrote letters to children living at Flying Kites orphanage in Kinangop, Kenya. They informed peers about and raised funds to support the tragedy in Haiti. Students assisted in a year-long food drive for the ACORD food pantry, and raised funds for the Leukemia & Lymphoma Society through Pennies for Patients. On a local level, these students created centerpieces for the Hamilton Council on Aging Mother's Day celebration and served lunch to the attendees.

We have been extremely fortunate to have a dedicated group of parents organizing our Friends of Winthrop events and fundraisers. This year the Friends of Winthrop funded students at all grade levels with cultural enrichment activities, classroom requests, and student materials such as daily planners. Many of the events such as the Holiday Boutique, Halloween Happenings, the Ice Cream Social, and the evening parent events

focused on bringing the district community together as a whole. Through the EdFund, the elementary schools collaborated on a grant entitled, The Big Read. This was a three-year grant focusing on three different genres of literature to support students at all levels. This grant opportunity will continue over the next two years rotating each genre focus through the three elementary schools. We are thankful for the continued support from these wonderful non-profit groups.

Middle and High Schools

Miles River Middle School

Matthew J. Fox, *Principal*

Christy A. Reynolds, Ed.D., *Associate Principal*

Situated on a campus shared with the Hamilton Wenham Regional High School, Miles River Middle School (MRMS) is the newest school in the district. At Miles River we have developed a comprehensive core curriculum composed of Math, English, Science, Social Studies, and Spanish. Spanish has been a core requirement for two years, and we have seen our students' proficiency in this language grow tremendously. In addition, we also offer a wide range of Integrated Academic classes that expose our students to the Arts, Physical Education, and Health. Our 469 students come primarily from Hamilton and Wenham, with 302 and 155 students from each town, respectively. Through a school committee approved vote, we have added a limited number of school choice students (nine) from other North Shore towns, such as: Beverly, Salem, Essex, and Gloucester.

Miles River Middle School has a regular education staff numbering 27.4 full time teachers. Our special education instructors include Reading Specialists, a Speech and Language Pathologist, Special Education teachers/liaisons, and a Special Education Department Chair. Our support staff for the building includes a Behavior Specialist, a School Psychologist, an Adjustment Counselor, a School Nurse, and a full-time school secretary. In addition, MRMS splits a Technology Specialist, Technology Aide, a Librarian, and a library aide with the high school. With the relocation of the Director of Educational Services (DES) into MRMS, we also share a secretary with the DES. MRMS also has two full-time custodians and two half-time custodians. Our cafeteria is staffed by four building-based workers, and a district-wide Food Services Manager and secretary. Our building-based administration is composed of a Principal who oversees both the middle and high schools and an Associate Principal.

The student body at Miles River is composed of active, driven students who work hard in and out of the classroom. We have seen much success in our classrooms and in our extracurricular offerings too. Our Math and College Bowl teams both excelled at local and regional competitions. In an effort to foster interest in history, the History Fair competition was expanded into Miles River. Our students did very well, taking most of the

awards in the regional competition, and placing three finalists at the state competition. Of those finalists, two went on to compete at the national competition and one of the student projects from Miles River placed third in the country. Miles River also has an excellent performing arts department, as evidenced through our concerts, plays, and Arts Nights. Our students are also actively involved in numerous service projects throughout the North Shore and are often recognized for their contributions to the towns, food banks, day care centers, and other service-based organizations. We are so proud of their efforts to become active, contributing citizens.

The support of the two towns within the district has always been high at Miles River. The Hamilton Wenham Education Fund has graciously supported the school, most recently providing desktop computers to English rooms for student use. The Friends of HWRHS/MRMS has provided much assistance to the school. For example, they have ensured that curriculum based field trips do not become an economic burden to our families. They have supported enrichment programs and guest speakers, supplemented the school supplies budget by purchasing ancillary materials for the classroom, and ensured that teachers have as many resources as possible within their reach. The contributions of these two organizations are immeasurable. The ability to expose students to advanced technology, cultural activities, and a rich, supported curriculum is paramount in today's global society. All the teachers, staff, and students of Miles River would like to formally, and warmly, thank these two organizations for their continued support of the school.

Hamilton Wenham Regional High School

Matthew J. Fox, *Principal*

Philip Conrad, *Associate Principal*

Hamilton Wenham Regional High School is situated in the town of Hamilton, on a campus shared with Miles River Middle School. The Regional offers a comprehensive curriculum for its 702 students. Our students come primarily from Hamilton and Wenham, with 401 and 204 from each town, respectively. In addition, through the School Committee approved state-wide School Choice program, we have an additional 97 students from numerous other North Shore communities.

Students at the Regional High School continue to excel in their daily academic endeavors as well as on state and national assessments. Our students' performances on the Scholastic Aptitude Test, Advanced Placement exams, and Massachusetts Comprehensive Assessment System (MCAS) are far above both state and national averages. All of our graduates in the class of 2010 passed the English, mathematics, and science portions of the MCAS, which are state requirements for high school graduation. This year's senior class was the first to have the requirement of a student Portfolio in order to graduate. We are excited to report that all members of the class of 2010 have met the Portfolio graduation requirement.

Reports: Education

Students at the Regional High School are active and involved in numerous clubs, activities and sports. HWRHS offers art and performance-based clubs, academic based clubs, and interest based clubs. Over 300 students take part in one of our co-curricular clubs or activities. In the State Science Fair, as a school, we placed third, and had two groups win first place awards. At the History Fair, three student projects qualified for the national tournament and one placed third in the nation. In addition, the Regional High School provides students with many opportunities to be performers. Through the fall musical and the Massachusetts Drama Guild One-Act Festival, our students have been recognized as being amongst the best high school actors and producers of outstanding performances. Our musical performers continue to impress the entire community with their performances and achievements. We had two students selected for All-State Jazz Band and Chorus, and five students were selected for Senior Districts. Our artistic students also have received tremendous accolades. The Boston Globe, the New England Art Educators Conference, and the Massachusetts Art Education Association sponsor high school Art awards. We had one student win the Silver Key award, and three students won the Gold Key award.

Our students' successes go beyond just the classroom and the co-curricular activities and also extend to our playing fields and courts. As a school, this year HWRHS has earned four state championships, 1 state finalist, 2 regional championships, 10 Cape Ann League Champions (out of a possible 24 league championships), four Cape Ann Coach of the Year Awards, and qualified for 17 out of 24 MIAA Team Tournaments. In recognition for the overall success of our athletic program, the Regional High School won the Hyland Award. The Hyland Award is given out to the Cape Ann League school with the best overall winning percentage for the entire year, across all sports.

Our students are also active, contributing citizens to our two communities. Over 150 of our graduating seniors gave up a full day of work on our annual Seniors Helping Seniors Day. Reaching out to the long-time residents of our communities our seniors raked, pulled weeds, painted, cleaned, and organized the homes of these fellow residents of Hamilton and Wenham. Our students also participated in Walk for HAWC to help raise money to assist those trying to flee violent relationships. Our students volunteered at food pantries, retirement centers, blood drives, Ed Fund fundraisers, and many other worthy events. Their giving nature is an inspiration to the community. We would also like to thank the two community organizations that support the schools, both financially and with a willing staff of volunteers. The Hamilton Wenham Ed Fund donated a mobile laptop lab to be used in the high school this year, and the Friends of HWRHS/MRMS gave out scholarships, ensured clubs and activities were affordable, and sponsored cultural and curricular enrichment for our students. Without the generosity of these two organizations, we would not be able to offer such

a comprehensive learning environment to our students. All the teachers, staff, and students of the Regional High School would like to formally, and warmly, thank these two organizations for their continued support of the school.

Board of Health

The Board of Health consists of three members serving three-year terms. Lindle Willnow serves as Chair, Susan Wilfahrt and Karen Zagorski serves as members. Leslie Whelan is the Health Agent and Nancy Stevens the Administrative Assistant. Sheryl Knutsen our Public Health Nurse retired in December and would like to thank her for her expertise and dedication. Kim Paskalis will replace Sheryl beginning in January of 2011. Roberta Codi became our Food Inspector in addition to Camp and Pool Inspector. Dyan Katz was reappointed as Animal Inspector and Anne Jackman was reappointed as Assistant Animal Inspector.

The Board is responsible for implementing and overseeing the laws, policies and regulations of the Town, the Massachusetts Department of Public Health and the Massachusetts Department of Environmental Protection. Responsibilities of the Board of Health include emergency planning, inspections, issuing of permits and licenses for septic installers, septic haulers, retail food establishments, retail tobacco, public and semi-public swimming pools, recreational camps for children and keeping of animals/stables. In addition, the Board of Health conducts health clinics, addresses concerns of public nuisance, air quality, noise control, insect control, beaver and mosquito management, food protection, housing complaints, Title 5 compliance and communicable disease reporting.

The Board continued vaccinating residents against the H1N1 virus in early 2010. When the flu season was upon us in late fall, the Hamilton and Wenham Boards of Health (with assistance from Partner's Home Care) collectively joined together and held three Seasonal Flu Clinics and vaccinated approximately 350 residents. The Board continues to vaccinate into the 2010/2011 season as needed.

The Board continues to work at the local and regional level on emergency response planning relative to infectious disease emergencies, bioterrorist events and natural disasters. Hamilton participates in a coalition of 14 surrounding cities and towns working closely together to develop emergency plans and mutual aid.

The Northeast Massachusetts Mosquito Control and Wetlands Management District continued to monitor and treat targeted affected areas throughout the town. No species of concern were found in town.

The following is a yearly report of permits/licenses issued:

	2009	2010
Septic Disposal System Construction (New)	9	1
Septic Disposal System Construction (Repair)	58	57
Septic Title 5 Inspection Review	78	70
Septic Disposal System Installer	36	33
Septic Disposal System Hauler	10	12
Food/Retail Service	29	35
Temporary Food/Retail Service	5	4
Seasonal Food Service	6	4
Keeping of Animals	61	66
Stables	61	66
Wells	1	1
Swimming Pools	4	4
Recreational Camps	6	6
Tobacco Sales	8	8

Total fees collected in calendar year 2010 were \$46,559.00.

Respectfully submitted,

HAMILTON BOARD OF HEALTH

Lindle Willnow, *Chair*

Susan Wilfahrt

Karen Zagorski

Veteran's Services

Introduction

This department is charged under Chapter 115 Massachusetts General Laws with providing services to veterans, their survivors and dependents. Principal workload under state law includes the administration of aid to veterans and dependents. Communities fund this program, which is subsequently 75% reimbursed the following fiscal year by the Commonwealth.

This is a need based program and the department is required to conduct periodic comprehensive review of the cases to insure no substantive facts have changed, while working with the veteran to identify alternative or long-term solutions to individual circumstances.

The Eastern Essex District is composed of the Towns of Essex, Georgetown, Hamilton, Ipswich, Rowley, West Newbury and Wenham. A Board of Directors consisting of one selectman (or designee) from each town maintains oversight. Mr. William Bowler is the Hamilton member of the Board of Directors. Ms. Cheryl Booth, Treasurer for the Town of Hamilton, is also the District Treasurer.

2010 Highlights

During the calendar year three Hamilton veterans were on this program. The Commonwealth made dramatic administrative changes to the program in 2010 requiring all submissions and authorizations to be paperless and submitted via the Health and Human Services computer and supporting documents also electronically transmitted. Under state law the department also assists qualified veterans to obtain bonuses, and qualified veterans, widows and parents to obtain state annuities, property tax abatements, and other benefits.

The Veterans' Services program also mandates extensive interaction within the federal community, principally with the Department of Veterans' Affairs. The Veterans' Service Officer (VSO) assists veterans and their dependents in filing for pensions, service connected injury / illness compensation, dependency indemnity compensation for survivors, VA healthcare enrollment, insurance claims, decedent claims, and many other issues. Federal benefits processed by this department are paid directly to those eligible to receive the assistance or entitlement.

The VA sent approximately \$562,000 to eligible recipients in Hamilton of which the current staff is responsible for approximately \$232,000 dollars paid to or saved by those assisted. Additionally, the department interacts within the federal com-

munity to correct military records, obtain needed documentation and insure veterans/dependents receive awards and recognition to which entitled. The VSO provided information, advice or assistance to 28 of the town's 476 identified veterans and 4 of the 106 identified veterans' widows during 2010. We also provide support and information assistance for National Guard and Reserves called up for service in Iraq or Afghanistan and their families.

The Director and the Assistant to the Director, Georgia Gadbois, advocate for veterans on issues at the local, state and federal level, interact with elected and appointed officials on issues, and work with local organizations in serving the community. During the winter of 2010 the District also provided veterans' services assistance to the City of Gloucester as requested / authorized by the Board of Directors and the Massachusetts Department of Veterans' Services.

Respectfully submitted,

Terrance P. Hart
District Director

Hamilton Wenham Library

During 2010, the Hamilton-Wenham Public Library was busy and vibrant; the staff was always working to meet the informational and educational needs of the citizens of our two towns and surrounding communities. The Library Trustees who served during 2010 were Wendy Daynes, Chair; Doris Gallant, Secretary; Jean Buckley; Annette Janes; Madelyn Liberti; and Janice Pappas. The trustees met monthly and worked hard to support and guide library services.

During another economically challenging year, Hamilton-Wenham Library staff members continued to use their skills, creativity and enthusiasm to provide outstanding service and programming. We circulated 245,512 items. Our meeting rooms (including some programs that were offered offsite) were used by community groups and library programs a total of 1,007 times. The library offered 296 adult programs, 99 young adult programs, and 282 children's programs. Our reference department answered 18,025 reference questions and our study rooms were used a total of 1,591 times. Every day, more than 400 patrons entered our library.

During the year we started a rug cleaning rotation, installed eight new computers (six for the public and two for staff), and worked with the DPW to beautify the library grounds. Energy saving work included new light bulbs, new HVAC controls, and the installation of window film. We reached the end of our first five-year long-range plan. We convened a planning committee in March, administered a survey, and the director submitted a new long-range plan to the State that will guide the Library through 2015.

Notable events in 2010 include our first Wednesday night coffeehouse featuring Ocean Damaris; a Green Living Fair; an author visit from Jackson Kaguri, author of *The Price of Stones*; a historical society program about the First Manned Flight; support for NANOWRIMO (National Novel Writing Month); and numerous book groups. We also partnered with Banbury Cross Children's Books for our first in-shop book fair. The Friday morning Koffee Klatch continued to draw seniors from all over the North Shore. During the summer, adults learned about Henry W. Longfellow and the Friends sponsored a field trip to the Longfellow National Historic Site in Cambridge. Our children's summer reading theme was "Going Green at Your Library." Our patrons eagerly spotted our mascot, "Bamboo" as he visited local businesses throughout Hamilton and Wenham. Our summer reading program included special Wednesday night events including Jungle Encounters, the Yo-Yo People, and our always popular Vehicle Night. The teens enjoyed

many programs such as films shown in our meeting room, craft activities including creating "Pins with a Past", and an intergenerational pastel workshop with Greg Maichek. We also worked with the schools throughout the year to provide homework assistance. Librarians, Kim Claire and Lorraine Der visited the schools to give book talks and introduce students and faculty to the resources available at our library and on our web site.

We completed our \$7,500 LSTA (Library Service and Technology Act) Mother Goose on the Loose grant, and now offer two sessions of Baby Bookworms and a brand new program, Terrific Twos and Threes. During 2010 we launched our fourth and fifth Community Read. In April, as part of our grant and emphasis on children's literature we hosted "A Treasure of Books for Two Towns" and invited Anita Silvey, editor of *Everything I Need to Know I Learned from a Children's Book* to speak at Gordon College. In the fall, we all read *Tinkers* and welcomed Paul Harding, local Pulitzer Prize winner to lecture at Gordon College on November 16, 2010. The Gordon College faculty and staff continue to be extraordinary partners in these literary events.

Many of our programs are funded by the generous support of the Friends of the Hamilton-Wenham Public Library who work tirelessly to support our library. They held two very profitable book sales, a video sale, and a successful membership drive. The friends purchased a wireless microphone for the library, paid for the maintenance and upkeep of the children's room fish tank, and funded a retirement event for Jeannine Curtis. They continue to provide the following museum passes for the public to enjoy: Boston by Foot, Children's Museum in Boston, Cape Ann Historical Museum in Gloucester, DeCordova Museum in Lincoln, Department of Conservation and Recreation, House of Seven Gables, Institute of Contemporary Art, JFK Library and Museum, Museum of Fine Arts, Museum of Science, New England Aquarium, Orchard House, Peabody Essex Museum, Roger Williams Park Zoo, and the Wenham Museum. Patrons can call to reserve passes or access the remote sign-up on our website. In 2010, patrons reserved 1518 passes.

We continue to owe a debt of gratitude to our dedicated volunteers who assist in all library departments. We also work with volunteers who have school and diversion program community service requirements, tax work-off hours, and those who want to give back to their library. We thank Jean Buckley for making it possible for us to host six excellent art exhibits during the year. We received some very generous donations from patrons which helped us add timely and important items to our collec-

tion. We were saddened at the deaths of Robert Johnson and Dot Chainey. We purchased books for our collection with funds given in their memory.

We continue to list our programs and events on our website at www.hwlibrary.org. Patrons can order library materials from home and access many databases using their library cards. Besides the statewide and consortium databases, we offer our Hamilton-Wenham citizens access to Ancestry.com Library Edition, two geography databases, Magill's Medical Guide, Booklist Online and others. We also offer the full Britannica.com which can be used remotely day and night. When accessing the library catalog, our new subscription to Ebsco's Novelist Select offerings a selection of read-alikes located at our library. Most databases can be used remotely using the barcode on the back of your library card or using the user name and password of hwplpatron. We also have a collection of E-Books and access to the consortium-wide collection of downloadable E-books and audiobooks via Overdrive. The library owns a Nook which can be checked out by patrons. We started using Constant Contact and now have a professional E-letter. Patrons can sign up for this service by going to our website.

The library staff and trustees work diligently to constantly improve collections and services. We greatly appreciate the citizens of Hamilton and Wenham; they are tremendously supportive and value education, learning and reading. We look forward to 2011 when we will celebrate the library's tenth anniversary.

Respectfully submitted,
Jan Dempsey, *Library Director*

Report of the Hamilton-Wenham Library Trustees

What a remarkable year 2010 has been for our Hamilton-Wenham Public Library. Circulation exceeded 245,000 items, an exceptional statistic. The library offered an outstanding 673 programs to adults, young adults and children. Our several meeting rooms were in constant use, and our study rooms were used close to 1600 times. The reference department answered over 18,000 questions and more than four hundred people visited each day. For these astonishing accomplishments we thank our wonderful staff members and our able Director Jan Dempsey. Continuing in energy savings, the library had adopted energy saving light-bulbs and installed window film where necessary.

The Department of Public Works has provided assistance in maintenance and beautification of the library grounds. Working with an energetic planning committee, the Library Director completed and submitted to the State a new long-range Plan that will take us through the year 2015.

There has been a dazzling amount of well-received programs, including the very popular Friday morning program Koffee Klatch for seniors. One of the most notable was the Community Read program with our local Pulitzer Prize winning author of "Tinkers", Paul Harding. Many patrons have commented on how enriching and culturally effective are the rotating art exhibits which feature local artists' work in different areas of the library.

A great heartfelt thank you goes to the Friends of Hamilton-Wenham Public Library. We are grateful for their hard work and support of the Library, and we have them to thank for the museum passes and for the many library programs for young and old.

The volunteers that work at the library are dedicated and contribute so much to all departments. We thank you. Among the donations we received this year were two for the sad passing of Dorothy Chainey and Robert Johnson. Books for the library were purchased with money received in their memory.

Anyone who would like information for the library can check out the website www.hwlibrary.org. The library now has a Nook that can be borrowed and a collection of E-Books. Patrons can access a collection of downloadable E-books and audiobooks through the MVLC consortium. Books can be reserved on line and there are many databases including Ancestry.com Library Edition, Magill's Medical Guide and Booklist. All Public Libraries are American institutes of life-long learning and Hamilton-Wenham Public Library is one of the best.

Respectfully submitted,

THE TRUSTEES OF HAMILTON-WENHAM PUBLIC LIBRARY

Wendy Waller, Chair; Doris Gallant, Secretary;
Annette V. Janes; Madelyn Liberti; Janice Pappas; Jean Buckley

Cultural Council

The Hamilton-Wenham Cultural Council awarded \$8,600 in state funds for the year 2010 to local artists and performers in the arts, humanities and interpretive sciences. The 8 member Council strives to select events that will enrich and appeal to all sectors of the community. There were 22 applications for grants this year. Whole or partial funding was given to 16 events:

Buker Elementary School	<i>Giles Laroche – Artist in Residence</i>
Cutler School	<i>Art Quest</i>
Cutler School	<i>Decordova Sculpture Garden Field Trip</i>
Richard Clark	<i>And Now Mark Twain!</i>
HW Community House	<i>Spring and Summer Productions</i>
Community Service of Hamilton	<i>Libby Fire Side Concert Series</i>
HW Community House	<i>Sundays in Patton Park</i>
HW Regional High School	<i>Creative Kite Building Challenge</i>
Delvena Theater Company	<i>A Christmas Carol</i>
Hamilton-Wenham Public Library	<i>Go Green, Peter and Ellen and The Yo-Yo People</i>
The Open Road Theatre Company	<i>Pinocchio</i>
Miles River Middle School	<i>Grade 8 Field Trip</i>
Wenham Museum	<i>Everybody Dance!</i>
North Shore Youth Symphony Orchestra	<i>NYSO's Spring "Afternoon Concert"</i>
John Root	<i>Edible Wild Plants Walk</i>

On November 7, 2010 the Hamilton-Wenham Cultural Council voted on and granted \$8,980 for 19 grant applications for the year 2011.

Residents of Hamilton and Wenham with an interest in the arts may want to consider applying for a position on the Council. Council members serve three-year terms and are appointed by the Boards of Selectmen. There are positions open on the Board for the coming year.

Meredith Gisness, *Chairperson*
 Katy Moran, Ditty Mulry, *Co-Chairs elect*,

Council Members:

- Ann Brainard
- Mary Buntin
- Beth McLeod
- Sasha Nostrand
- Roberta Perkins

Community Preservation

Meeting monthly in 2010, the Community Preservation Committee (CPC) continues working to advance the goals of the Community Preservation Act (CPA) by advancing high priority community housing, historic preservation, and open space projects in Hamilton. CPA continues to fund projects with matching dollars from the Commonwealth's Community Preservation Trust Fund.

Several notable CPA projects were completed in 2010 including improvements to Hamilton's historic Town Hall, nuisance vegetation control at Weaver Pond at Patton Park, and renovations to a historic building in Hamilton's Town Cemetery.

The CPC also supported legislative efforts to stabilize the state CPA trust fund to ensure significant match in the future and to expand CPA allowable uses to fund some projects that are currently ineligible, such as restoration to our open space or recreation land. The Committee recently completed its review and recommendations of project funding to this spring's 2011 Annual Town Meeting. The CPC works closely with each of the proponents and managers of CPA projects approved at Town Meetings to advance and monitor the progress of their projects.

The following CPA projects and expenditures were approved at Annual Town Meeting in May 2010:

1. Restoration of the windows at the Old Library - \$7,500
2. Renovation for the remaining kitchenettes at the Hamilton Housing Authority - \$120,000
3. Set-aside for future Open Space projects - \$47,790
4. Set-aside for future Historic Preservation projects - \$40,290
5. Administration costs - \$23,895

The following CPA projects and expenditures were approved at Special Town Meeting in October 2010:

1. Acquisition and legal costs for the Donovan Playing Fields property acquisition - \$733,000

The CPC has the following nine members; Tom Catalano (Chair, Historic District Commission), Leigh Keyser (Housing Authority), Jay Butler (Recreation Board), Ben Ricker (At-Large), Jeff Stinson (Board of Selectmen), Peter Britton (Housing Partnership), Edwin Howard (Planning Board), Peter Dana (Conservation Commission), Ray Whipple (At-Large). Christine Berry serves as the Coordinator for the CPC.

As of close of the 2010 fiscal year, there is \$1,292,863 in the fund balance unreserved, \$70,000 in the community housing reserves, \$80 in the historic resources reserves and \$182,923 in the open space reserves.

Respectfully submitted,

Christine Berry, *CPC Coordinator*

Conservation Commission

The Hamilton Conservation Commission's primary task is the administration and enforcement of the state Wetlands Protection Act (Ch. 131 §40) and the Town's Conservation Bylaw, Chapter 17. The Commission also seeks to fulfill its mandate by funding environmental education programs in the regional school system and by organizing and publicizing various conferences and events that seek to protect open space and inform residents of the value of preservation of woodlands and scenic areas as well as trail access and management.

Scope

Conservation Commission jurisdiction and procedure: The Commission's jurisdiction includes all proposed changes in land use which will occur within defined wetlands or within 100 feet of the defined edge of wetlands, or within 200 feet of the perennial streams and rivers within the borders of the Town. The Commission considers applications (known as "Requests for Determination" and also "Notices of Intent") for work in these areas and holds site walks to evaluate the conditions at the work area. The Commission then conducts public hearings or public meetings to decide if a permit (either a "Negative Determination" or an "Order of Conditions") shall issue. Once a project is completed, the Commission holds another site walk to establish that the project was finished in the same manner as it was originally proposed and that no damage to resource areas has occurred. A Certificate of Compliance is then issued and the process is complete. The Commission also investigates violations of the Wetlands Act and local Conservation Bylaw and the Commission issues Enforcement Orders or Violation Notices if appropriate.

Asides from conducting public hearings and open public meetings to review and analyze all the various applications for permits, the Commission, through their Coordinator, may on any given day do any or all of the following:

- Respond to residents' questions and concerns about wetlands permitting,
- Conduct preliminary site evaluations to determine applicability of jurisdiction,
- Perform various compliance inspections,
- Reply to building contractor and wetlands consultant questions and concerns,
- Interact with various state agencies most notably the Commonwealth's Department of Environmental Protection and;
- Work with the other Town departments to address issues of common concern.

2010 Special Projects and Issues:

- Commissioners attended the annual MACC Conference in Worcester in February 2010
- Commission's regulations were amended to include up to date provisions regarding consultant fees
- The Essex County Trail Association's Town Wide Trail Maintenance Permit (the first of its kind in the area) was extended for another three year term

Education Program

The Commission funded an Environmental Education program for the students in almost many grade levels in the Hamilton-Wenham Regional School District. The program is designed and run by the Massachusetts Audubon Society and it is subject to in-depth review and amendment by the Commission annually. The Commission continues to enthusiastically support and promote this program.

2010 Filings and Other Regulatory Decisions

- 10 Requests for Determination
- 12 Orders of Conditions and Orders of Resource Area Delineation
- 2 Amendments of Orders of Conditions
- 2 Enforcement Orders and Violation Notices
- 1 Extension
- 17 Certificates of Compliance

Respectfully submitted,

Members and Staff as of Sept. 2011 (*Term Expiration*)

Richard Luongo, Chair (2012)

Virginia Cookson (2013)

Robert Cronin (2013)

Peter Dana (2012)

Keith Glidden (2014)

George Tarr (2014)

One vacancy

John Rhoads (*associate member*)

John Hendrickson (*associate member*)

James Hankin, *Coordinator*

Planning Board

Organization

- Chairman, Peter Clark was honored as a recipient of the Hamilton Wenham Community Service Volunteer Award for his 32 years of public service and community leadership.
- Vice Chairman, Ed Howard continued his service on the Community Preservation Committee and Historic District Committee.
- Rick Mitchell served on the Capital Management Committee.
- Evelyn Shuman was also a member of the League of Women Voters.
- Marissa Frerk and Rob McKean were both elected to their first terms.
- Brian Stein was appointed to fill a vacant position and became the liaison to the Landfill Committee.
- Marcie Ricker continued working as the Planning Coordinator.

Approval Not Required Plans

- 32 Ortins Road / 721 Bay Road. Lot line change.
- 100 Moulton St. Three parcels were reconfigured to create two parcels.
- 467 Sagamore St. Lot line change.

Definitive Subdivision Plans

- None were received.

Site Plan Reviews

- Wind Energy in the Commercial Overlay District. The Board voted to approve with conditions for the temporary wind tower.
- Patton Park Lighting. The Board voted to send the Zoning Board of Appeals a letter outlining concerns and opportunities of the proposal.
- 15 Walnut St. The Board voted to write a positive letter to the Zoning Board of Appeals.

Special Permit Applications

- 130 Essex St. Telecommunications Antenna Facility was approved.
- 354 Highland St. A 44 unit Senior Housing Development to be considered under the Senior Housing and Stormwater Management Bylaw still under consideration

Zoning Bylaw Amendments

- Small clarifications to the Zoning Bylaw that eliminated multiple hearings with multiple departments and streamlined the approval process (May).
- An amendment to the Zoning Bylaw that allowed for a less restrictive parking requirement (May).
- The Wind Energy Conversion Bylaw was passed, one of the requirements that allowed the Town to be designated as a “Green Community” (May).
- The Willow Street Overlay District allowing increased density and wider range of uses on Willow Street between Asbury St. and 203 Willow St. (October).
- The Estate Overlay District allowing 5,000 sf or larger homes built before 1950, on greater than 15 acres of land, an opportunity under Part A, to convert the existing home to commercial use or residential condominiums and Part B, which allows for new commercial uses in new construction after a one year waiting period from the approval of Part A (October).

Rules and Regulations

- Rules and Regulations that pertain to the Stormwater Management Bylaw were passed.

Notable Joint Meetings with Other Departments

- The Planning Board met with the Economic Development Committee in June.
- All Land Use Board Meeting was held in August.
- Metropolitan Planning Council in November and December.

Zoning Board of Appeals

The Zoning Board of Appeals heard a total of Sixteen (16) petitions in 2010. A summary of the Board's actions are as noted below:

- (10) Petitions for Extension/ Alteration of a Non-Conforming Use:.....Granted with Conditions
- (1) Petition for Extension/ Alternation of a Non-Conforming Use;Granted with Conditions
and a Side-Yard Setback Variance: Variance Withdrawn Without Prejudice
- (2) Petitions for Site Plan Review:.....Granted with Conditions
- (1) Petition for Site Plan Review:.....Petition Withdrawn Without Prejudice
- (1) Petition for a Special Permit for an Accessory Apartment:Granted with Conditions
- (1) Petition for a Special Permit for Conversion for
Temporary Additional Living Area:.....Granted with Conditions

Respectfully submitted,

ZBA 2010 BOARD MEMBERS:

Beth Ganister, *Chair*
Jane Lyman
Dorothy Stookey
Winifred Whitman, *Alternate*
John Rodenhizer, *Alternate*

Special State Election

Special State Election to fill Congressional Senatorial Seat

Tuesday, January 19, 2010
Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Jane Wetson, Town Clerk.

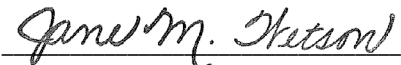
At the close of Voter Registration on December 30, 2009 there were 5,709 registered voters.

Candidate Name	Prct. 1	Prct. 2	Prct. 3	Over-seas	Provi-sional	Total
Senator in Congress						
Blanks	0	0	0	0	0	0
Scott P. Brown	833	877	609	0	1	2320
Martha Coakley	554	485	342	0	0	1381
Joseph L. Kennedy	9	11	7	0	0	27
Write-ins	0	1	0	0	0	1

Party	Precinct 1	Precinct 2	Precinct 3	Total
Democrat	421	375	246	1,042
Green-Rainbow	4	1	1	6
Inter 3rd Party	0	2	1	3
Libertarian	8	1	3	12
Republican	339	418	490	1,247
Unenrolled	1,349	1,163	887	3,399
Totals	2,121	1,960	1,628	5,709

The Moderator, Bruce Ramsey closed the polls at 8:00 PM. The results were announced at 8:35PM.

A TRUE COPY: ATTEST:


Jane M. Wetson, CMMC
Town Clerk

A meeting was held with the Board of Registrars to open Provisional and Oversees Ballots on Monday, February 1, 2010 in the Memorial Room at the Town Hall. The Registrars in attendance were Constance Cobb, Sid Jenkins and Jane Wetson.

There were 3,729 ballots cast (65% of total voters) as follows:

Precinct 1	1396			
Precinct 2	1374	1 Sp Qual		
Precinct 3	959	1 Sp Qual	1 Prov	
TOTAL	3729			Official 65% voted

Annual Town Meeting

TOWN OF HAMILTON Annual Town Meeting

Saturday, May 8, 2010
Hamilton-Wenham Regional High School

At the close of registration on May 9, 2010 there were 5,796 registered voters.

Precinct 1 – 125
Precinct 2 – 142
Precinct 3 – 105

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the 217th Annual Town Meeting at 9:13 A.M. with 372 voters checked and present, this annual meeting of the Town of Hamilton is now open.

Tellers were appointed by the Moderator and duly sworn.

Assistant Moderators

Ray Deroche	10 Prides Park
Richard Flynn	183 Linden Street
Forrester Tim Clark	308 Sagamore Avenue

AUDITORIUM

Left

Arthur Towne	20 Savoy Road
Sue Ackerman	16 Greenbrook Road

Center

Tony Grimshaw	5 Whipple Raod
Phil Stearns	175 Linden Street

Right

Peter Britton	466 Highland Street
Sue McLaughlin	160 Gregory Island Road

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 invocation this morning will be by Rev. Elizabeth Smith of the First United Methodist Church in Hamilton. Refreshments by Robin Davis of Christ Church.

Announcements or other:

I recognize David Carey.
I recognize Alexa McCloughan.
I recognize Jennifer Scuteri.
I recognize Bill Bowler.

Flag Salute – Pledge of Allegiance

Mr. Ramsey proceeded to announce members at the front of the auditorium.

Introduction of front table:

Bruce Ramsey – *Moderator*
Jane Wetson – *Town Clerk*
Allison Jenkins – *Public Works Administrative Assistant*
Donna Brewer – *Town Counsel*
Michael Lombardo – *Town Manager*
Candace Wheeler – *Town Administrator*

Board of Selectmen:

Jennifer Scuteri
William Bowler
David Carey – *Chair*

Finance and Advisory Committee:

Arthur Oberheim – *Co-Chair*

Town Meeting Minutes and Election Documentation

Robert Bullivant – *Co-Chair*
Kalil Boghdan
Deborah Nippes-Mena – *Finance Director/Accountant*

Moderator called for a non-binding, straw vote on whether the citizens wanted the Town to continue to publish and mail to all residences the publication known as the “Connection.” As the result of a voice vote, the published version of the Connection will cease but it will continue to be published online.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2010/5 1-1 Election of Officers and Ballot Questions

To elect the following Town Officers and to vote for the ballot questions at the Annual Town Election on Thursday, May 20, 2010 from 7:00 a.m. to 8:00 p.m. at the Winthrop School.

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

Moderator said the vote on Article 1-1 is by ballot on Thursday, the 20th of May, 2010 at the Winthrop School. The polls will be opened at 7:00 a.m. and will close at 8:00 p.m.

ARTICLE 2010/5 1-2: Reports

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

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES

The Moderator recognized David Carey, Jennifer Scuteri, William Bowler and Betsy Spang who gave reports.

SECTION 2: FINANCIAL ACTIONS

CONSENT GROUP MOTIONS

A. Procedural Motion to Take Up Certain Articles Out of Order:

Moved by Arthur Oberheim, Chairman of Finance and Advi-

sory Committee, duly seconded, that we take up out of Order the following Articles in Section 2 of the Warrant for the 2010 Annual Town Meeting and, further to consider and vote on such Articles together, as a group vote:

Articles

- 2-1 FY 10 Accident Insurance Fund Transfer to General Fund
- 2-2 FY 10 Appropriation Increase to Protection of Persons & Property
- 2-3 FY 10 Waste Reduction Enterprise Fund Increase
- 2-6 Compensation/Classification Table
- 2-10 North Shore Regional Vocational School District Budget
- 2-12 Annual Financial Actions
- 2-14 Other Post Employment Benefits Trust Fund
- 2-15 Prior Year Remittance to Commonwealth of Massachusetts

Moderator: Because this is a procedural motion to authorize the meeting to consider what is called a Consent Motion and vote on a group of motions for non-controversial actions in several Articles with a single vote, I will give the meeting an opportunity to remove from this list any article which there is opposition or questions that voters want to raise during debate. The motions appear on the Motions List which was handed out at check in. On that motion list, for article 2-3, replace the word “transfer” with “increase.” If you do not have a Motions List, copies are available in the Lobby and at the front of this Hall. The Motion numbers are the same as the corresponding Warrant Article numbers. I will now read the list of article motions. If you have questions about the motion, or want to debate or oppose the motion, you should loudly say HOLD when I state the motion number. If I hear you, I will remove such motion from the list and it will be taken up in the usual order. We will then vote on the motions that were not held out as a group. If the group motion passes, our workload will be lighter.

The Moderator explained his motion requires a 2/3rds vote and called for the vote.

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

B. Motion for Approval of Remaining, Non-Held Group of Motions:

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the following numbered Motions as set forth in “Proposed Section 2 Consent Motions” for this 2010 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:

Town Meeting Minutes and Election Documentation

- 2 - 1
- 2 - 2
- 2 - 3
- 2 - 6
- 2 - 10
- 2 - 12
- 2 - 14
- 2 - 15

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES

2010 HAMILTON ANNUAL TOWN MEETING

PROPOSED SECTION 2 CONSENT MOTIONS

Article

- 2-1 I move that the Town authorize the transfer of \$40,000 from the FY10 Accident Insurance Fund to be used as another financing source in the General Fund for Fiscal Year 2010.
- 2-2 I move that the Town appropriate an additional \$40,000 from available funds to increase the FY 10 budget for Protection of Persons and Property.
- 2-3 I move that the Town authorize the increase of \$13,400 from available funds to the Waste Reduction Enterprise Fund.
- 2-6 I move that the Town amend the Personnel Bylaw, as recommended by the Personnel Board, 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 of the 2010 Appendix Book.
- 2-10 I move that the Town raise and appropriate \$159,008 for the Town's assessed portion of the North Shore Regional Vocational School District's FY 11 budget.
- 2-12 I move that the town authorize the following financial actions:
 - A. To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;
 - B. To transfer \$1,259.22 from the Clark Property Fund to the Conservation Fund;
 - C. To transfer \$332,338 from the Water Enterprise Fund to the General Fund to be used for indirect expenses; and
 - D. To transfer \$275,570 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.
- 2-14 I move that the Town accept M.G.L., c. 32N, s. 20 which authorizes the Town to establish a Other Post Employ-

ment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post employment benefits to meet the normal cost of all such future benefits for which the Town of Hamilton is obligated, and to raise and appropriate \$25,000 for deposit in said trust fund.

- 2-15 I move that the Town raise and appropriate \$10,820 to remit to the Commonwealth of Massachusetts, being its share of fees collected by the Town prior to FY 2010.

ARTICLE 2010/5 2-1 : FY 10 Accident Insurance Fund Transfer to General Fund

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town authorize the transfer of \$40,000.00 from the FY10 Accident Insurance Fund to be used as another financing source in the General Fund for Fiscal Year 2010.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-2: FY10 Appropriation Increase to Protection of Persons and Property

Moved by Arthur Oberheim, duly seconded, that the Town appropriate and additional \$40,000.00 from available funds to increase the FY 10 budget for Protection of Persons and Property.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-3: FY10 Waste Reduction Enterprise Fund Increase

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town authorize the increase of \$13,400.00 from available funds for the Waste Reduction Enterprise Fund.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-4: Prior year bill for Staples

Moved by Kalil Boghdan, Finance and Advisory Committee, duly seconded, that the Town authorize \$80.00 from the FY 10 General Government appropriation to pay a prior year bill.

Moderator: This motion requires a 4/5th's vote.

Town Meeting Minutes and Election Documentation

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 2-5: Authorization of Borrowing for ESCo Project

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town appropriate \$266,000.00 for the purpose of making energy efficiency improvements to Town buildings, including the payment of all other costs incidental and related thereto; to fund this appropriation through borrowing; and to authorize the Board of Selectmen to enter into an Energy Services Contract (ESCO) on terms acceptable to the Board under which savings on the Town's energy utility costs as a result of the ESCO are anticipated to be applied to pay the interest costs and principal of the bonds for the said improvements, to the extent of such savings; and raise and appropriate \$28,000.00 for first year debt service.

Dave Carey, Chairman of the Board of Selectmen, gave a brief presentation discussing the ESCo financial concept.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES by 2/3rd vote

Declared by the Moderator

ARTICLE 2010/5 2-6: Compensation/Classification Table

Moved by William Boesch, Personnel Board, duly seconded, that the Town amend the Personnel Bylaw, as recommended by the Personnel Board, 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 2010 Appendix Book.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-7: General Town Appropriations

Moderator recognized Bob Bullivant, Co-Chair, Finance and Advisory Committee, who gave Finance Committee report.

Moderator announced replacement page for the first page of Appendix C having legible Budget Dollar figures for FY'11 is available in the lobby and at the front of the Auditorium.

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded, that the Town raise and appropriate the sums read by the Moderator for schools, highways, and all other Town expenses which are set forth in the 2011 Fiscal year

Budget in Appendix B of the 2010 Appendix Book with the additions and corrections read by the Moderator.

Moderator read turning to page 4 of the 2010 Appendix Book, I will read each appropriation and for any item a voter would like to discuss separately, please shout out HOLD:

\$ 1,593,987for General Government,
\$ 2,166,825for Protection of Persons & Property,
\$ 15,601,818for HW Regional School District, HELD
\$ 874,079for Department of Public Works,
\$ 612,133for Health and Human Services
\$ 580,892for Library,
\$ 28,721for Elder Van Program,
\$ 77,391for Recreation,
\$ 1,600,604for Unclassified,
\$ 1,502,831for Debt-Principal & Interest,

Totaling \$24,639,272.

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded, that the Town raise and appropriate the sums read by the Moderator for schools, highways, and all other Town expenses which are set forth in the 2011 Fiscal year Budget in Appendix B of the 2010 Appendix Book with the additions and corrections read by the Moderator excepting the school budget.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

William Dery, Chebacco Road, Paul Fisher, 11 Savoy Road, Lisa Gaquin of Rock Maple, Julie Preston of Bay Road and Town Counsel Donna Brewer spoke.

HELD ITEM: Moved by William Dery, 356 Chebacco Road, duly seconded, to amend the article by reducing the HW Regional School District budget assessment from \$15,601,818 by \$618,000.

The Moderator called for the vote.

VOICE VOTE: AMENDMENT DEFEATED

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded that the Town raise and appropriate the \$15,601,818 HW Regional School District budget.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-8: Water Enterprise Budget

Moved by Bob Bullivant, Chair, Finance and Advisory Committee, duly seconded, that the Town approve \$1,010,383.00 for the

Town Meeting Minutes and Election Documentation

FY 11 Water Enterprise Budget as set forth in Appendix D to the 2010 Appendix Book.

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-9: Waste Reduction Enterprise Budget

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded, that the Town approve \$353,320.00 for the FY 11 Waste Reduction Enterprise Budget as set forth in Appendix E to the 2010 Appendix Book.

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-10: NS Regional Vocational School District Budget

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town raise and appropriate \$159,008 for the Town's assessed portion of the North Shore Regional Vocational School District's FY 11 budget.

The Moderator called for the vote as part of the Consent Group Motion.
VOICE VOTE: MOTION PASSES

At 11:00 a.m., a recess was held.
The meeting was reconvened at 11:15 a.m.

ARTICLE 2010/5 2-11: Community Preservation Committee Budget

Moderator recognized Tom Catalano, Chair, Community Preservation Committee, who gave a report.

Moderator then read each recommended project in Appendix F of the 2010 Appendix Book, its purpose and amount and if anyone wishes to discuss a particular project, state "Hold". We will then vote on all non-held items and return to a discussion of each held item.

Historic Preservation – Projects ----- HELD

To appropriate \$7,500 from FY 11 Community Preservation Fund Revenues to provide funding for the restoration of the windows at the Old Library.

Historic Preservation – Reserve

To reserve \$40,290 of FY 11 Community Preservation Funds Revenues to the Community Preservation Fund Historic Preservation Reserve.

Community House – Projects

To appropriate \$120,000 from FY 11 Community Preservation Funds Revenues to complete the renovation of the kitchenettes in the Hamilton Housing Authority Apartments on Railroad Avenue.

Open Space – Reserve

To reserve \$47,790 of FY 11 Community Preservation Funds Revenues to the Community Preservation Fund Open Space Reserve.

Administration – Expense

To appropriate \$23,895 of FY 11 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.

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, 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 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 the agreements, on terms acceptable to the Board, to the extent necessary to effectuate the public benefits of such projects.

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES

Tracy Lutz of Chestnut Street Tracy Lutz of Chestnut Street asked about the restoration and replacement of the windows and was satisfied to move forward with this held article.

HELD ITEM: Moved by Tom Catalano, Chair, Community Preservation Committee, duly seconded, that the Town appropriate \$7,500 for restoration and replacement of windows at old library.

The Moderator called for the vote.
VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 2-12: Annual Financial Actions

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town authorize the following financial actions:

- E. To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;
- F. To transfer \$1,259.22 from the Clark Property Fund to the

Town Meeting Minutes and Election Documentation

Conservation Fund;

G. To transfer \$332,338 from the Water Enterprise Fund to the General Fund to be used for indirect expenses; and

H. To transfer \$275,570 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-13: Reauthorization of Recreation and Parks Revolving Account

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded, that the Town, pursuant to M.G.L. c. 44, § 53E ½, authorize the recreation revolving fund for FY11, specifying programs for expenditures, receipts to be credited, board/officer authorized to expend and limit on total expenditure for the year as set forth in Appendix G to the 2010 Appendix Book.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-14: Other Post Employment Benefits Trust Fund

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town accept M.G.L., c. 32N, s. 20 which authorizes the Town to establish a Other Post Employment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post employment benefits to meet the normal cost of all such future benefits for which the Town of Hamilton is obligated, and to raise and appropriate \$25,000 for deposit in said trust fund.

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

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 2-15: Prior Year Remittance to Commonwealth of Massachusetts

Moved by Arthur Oberheim, Chairman of the Finance and Advisory Committee, duly seconded, that the Town raise and appropriate \$10,820 to remit to the Commonwealth of Massachusetts, being its share of fees collected by the Town prior to FY 2010.

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

VOICE VOTE: MOTION PASSES

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2010/5 3-1: Off-street Parking and Loading Area Ratios

Moved by Marc Johnson, Planning Board, duly seconded, that the town amend the Zoning Bylaw by amending Section VI.D.1.d to change the square footage of gross floor area per parking space by adopting the language set forth in Appendix H of the 2010 Appendix Book.

Moderator: This motion requires a 2/3rds vote.

The Moderator called for the vote.

VOICE VOTE: UNCLEAR

The Moderator asked the voters to hold up their voter cards.

CARD VOTE: MOTION PASSES by 2/3rds VOTE

Declared by the Moderator.

ARTICLE 2010/5 3-2: Commercial Overlay District

Moved by Rick Mitchell, Planning Board, duly seconded, that the Town amend the Zoning Bylaw by amending Section V.G to add a "by right" use in the District for Wind Energy Facilities subject to Site Plan Review by adopting the language set forth in Appendix I of the 2010 Appendix Book.

Moderator: This motion requires a 2/3rds vote.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 3-3: Site Plan Review

Moved by Marc Johnson, Planning Board, duly seconded, that the Town amend the Zoning Bylaw by amending Section VI.H.2.c to add a new subsection 7 regarding site plan review for town houses, multi-family housing or wind energy facilities by adopting the language set forth in Appendix J of the 2010 Appendix Book.

Moderator: This motion requires a 2/3rds vote.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 3-4: Wind Energy Conversion Systems

Moved by Rick Mitchell, Planning Board, duly seconded, that the Town amend the Zoning Bylaw by deleting the current Section VI.I Wind Energy Conversion Systems and replacing it with a new Section VI.I, "Wind Energy Facilities" by adopting the language set forth in Appendix K of the 2010 Appendix Book.

Rick Mitchell made a correction to change 450 feet to read 325

Town Meeting Minutes and Election Documentation

feet -- b. Utility Scale Wind Turbine Standards # 2 Height: The height of Wind Turbine shall not exceed 325 feet in height.

Russ Dempsey from 4 Homestead Circle spoke.

Moderator: This motion requires a 2/3rds vote.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 4: TOWN BYLAW AMENDMENTS

ARTICLE 2010/5 4-1: Quinn Bill

Moved by Bill Bowler, Board of Selectmen, duly seconded, that the Town take no action on this article.

Jeff Sterling, 25 Crescent Road spoke.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

To take no action

ARTICLE 2010/5 4-2: Senior Property Tax Work-off Program

Moved by David Carey, Chair, Board of Selectmen, duly seconded, that the Town vote to increase from \$750.00 to \$1,000.00 the maximum real estate abatements authorized under M.G.L. c.59, § 5K for certain qualified persons to provide volunteer services in the Senior Property Tax Work-off Program, commencing in FY2011, and, further, to limit the number of taxpayers participating in the program in any fiscal year to 15 with the fiscal year total Program abatement amount not to exceed \$15,000.00.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 4-3: Meals Tax

Moved by Jennifer Scuteri, Board of Selectmen, duly seconded, that the Town accept the provisions of M.G.L. c.64L, § 2(a) to impose a local meals excise tax.

Presentation by Carin Kale and Bill Gisness.

Julie Preston, Bay Road, spoke.

The Moderator called for the vote.

VOICE VOTE: UNCLEAR

The Moderator called for a show of cards.

CARD VOTE: MOTION PASSES

ARTICLE 2010/5 4-4: Meals Tax Stabilization Fund

Moved by Jennifer Scuteri, Board of Selectmen, duly seconded, that the Town establish a Commercial Economic Development stabilization fund pursuant to M.G.L. c. 40, § 5B for the purpose of supporting economic development in the downtown commercially zoned district.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 4-5: Stretch Energy Code, Town Bylaw

Moved by David Carey, Chairman of the Board of Selectmen, duly seconded, that the Town amend Chapter XX "Building Permit and Related Fees" of the Town Bylaws to add a new Section 5 that reads: 'The Stretch Energy Code, Appendix 120. AA of the Massachusetts Building Code, 780 CMR, including amendments or modifications thereto, is adopted as a Bylaw of the Town.' a copy of which is on file with the Town Clerk.

Presentation by Sue Patrolia.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2010/5 4-6 Finance and Advisory Committee

Moved by Bill Bowler, Board of Selectmen, duly seconded, that the Town amend the Finance and Advisory Committee duties as described in Section 4 of Chapter VI of the Town Bylaws in the new Town Manager form of government by adopting the language set forth in Appendix L of the 2010 Appendix Book.

The Moderator called for the vote.

VOICE VOTE: UNCLEAR

The Moderator asked the voters to stand and hold up cards for a counted vote.

CARD COUNTED VOTE:	YES	140
	NO	100

MOTION PASSES

SECTION 5: OTHER ACTIONS

ARTICLE 2010/5 5-1: Release of Easement

Moved by Bill Bowler, Board of Selectmen, duly seconded, that the Town take no action on this article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

To take no action

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ARTICLE 2010/5 5-2: Acceptance of Chebacco Road as a Town Way

Moved by Bill Bowler, Board of Selectmen, duly seconded, that the Town take no action on this article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

To take no action

ARTICLE 2010/5 5-3: M.G.L. c. 41, § 110A Town offices closed on Saturdays

Moved by David Carey, Chairman of the Board of Selectmen, duly seconded, that the Town accept the provisions of M.G.L. Ch. 41, § 110A to allow the Town's public offices to remain closed on Saturdays.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

Declared by the Moderator

ARTICLE 2010/5 5-4: HWRSD Stabilization Fund

Moved by Lisa Gaquin, Co-Chair, Hamilton-Wenham Regional School Committee, duly seconded, that the Town take no action on this article.

Presentation by Jack O'Keefe.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

To take no action.

ARTICLE 2010/5 5-5: Amendments to HWRSD Agreement

Moved by Lisa Gaquin, School Committee, duly seconded, that the Town approve an amendment to the Hamilton-Wenham Regional School District's District Agreement by adopting the language set forth in Appendix M of the 2010 Appendix Book.

Moderator stated correction of Appendix M – Section 6 of the Proposed Amendment has been deleted. There are copies of Appendix M showing the Section 6 deletion in the lobby.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2010/5 5-6: Amendments to HWRSD Agreement – Citizens Petition

Moved by Bea Britton, duly seconded, that the that the Town vote to amend the Hamilton Wenham Regional School District Agreement, most recently amended and restated by "AMENDMENT TO AGREEMENT BETWEEN THE TOWNS OF HAMILTON AND WENHAM WITH RESPECT TO THE ESTABLISHMENT OF A REGIONAL SCHOOL DISTRICT RESTATING

THE PROVISIONS OF SAID AGREEMENT" as adopted by the Hamilton-Wenham Regional School District Committee on April 27, 2000 (and as further adopted by the Town of Hamilton on May 15, 2000 and by the Town of Wenham on May 6, 2000) (hereinafter the "Agreement") by

1. adding to subsection (A) of SECTION IV: APPORTIONMENT AND PAYMENT OF COSTS the following additional paragraph, to be numbered (4) Operational Audit as more fully set forth in "MOTION TO AMEND" ARTICLE 2010/5 5-6 – Amendments to HWRSD Agreement – Citizens Petition, a copy of which has been delivered to the Town Clerk for filing with the minutes of this meeting with copies made available to voters in attendance.

(4) Operational Audit:

An Operational Audit shall commence within six (6) months after the approval of the amendment to the Agreement by the member towns by an independent, outside audit firm, to be chosen collectively by the Board of Selectmen of the member towns, to conduct a complete and full Audit. The two Boards of Selectmen shall formulate and issue a Request For Proposal, upon consultation with the Citizen Petitioners, consisting of the specific areas to be examined by the Operational Audit to be drawn from the general areas as follows: the school facilities, the school budget, the proposed Capital Costs, Special Operating Costs and the Operating Costs, the personnel, and any and all other operational aspects of the Regional Schools; with a complete copy of the Operational Audit to be filed with the Board of Selectmen of each of the member towns and to be made available to the citizens of each of the member towns, at their request, within sixty (60) days of the completion of the Operational Audit. The Superintendent of Schools or the School Committee shall, within sixty (60) days of receipt of the Operational Audit, report to the Board of Selectmen, at an advertised Public Hearing, their response to the recommendations made in the Operational Audit. The costs and expenses of such Operational Audit shall not exceed the sum of Ninety Thousand and 00/100 (\$90,000.00) Dollars and shall be paid by the member towns according to the current fiscal year rolling average assessment percentage as follows: (1) by the Town of Wenham, 32.68%; and (2) by the Town of Hamilton, 67.32%.

Jay Burnham gave a brief presentation.

Lynette Fallon, Ruth Ryan, Jeff Hubbard of Miles River Road, Tim Clark of Sagamore Road, Julie Preston of Bay Road and Lisa Gaquin spoke.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

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Bill Bowler, Selectman, read a letter from the Essex County District Attorney's office in regard to the Board of Selectmen violating the Open Meeting Law in April 2007. A copy of the letter will be filed with these Town Meeting minutes.

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2010/5 6-1 Free Cash Application

Moved by Bob Bullivant, Co-Chair, Finance and Advisory Committee, duly seconded, that the Town take no action on this article.

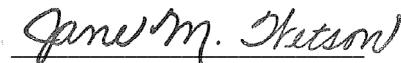
The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

To take no action.

Meeting adjourned at 1:37 p.m. The Moderator recessed the Annual Town Meeting until May 20, 2010 at 7 o'clock a.m. at the Winthrop School.

A TRUE COPY: ATTEST:



Jane M. Wetson, CMMC
Town Clerk

Annual Town Election

TOWN OF HAMILTON
Annual Town Election
Thursday, May 20, 2010
Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Moderator Bruce Ramsey.

At the close of Voter Registration on April 17, 2010 there were 5,796 registered voters.

Party	Precinct 1	Precinct 2	Precinct 3	Total
Democrat	418	375	249	1,042
Green-Rainbow	4	1	1	6
Inter 3rd Party	0	2	1	3
Libertarian	5	1	6	12
Republican	348	419	497	1,264
Unenrolled	1,375	1,194	900	3,469
Totals	2,150	1,992	1,654	5,796

There were 1,287 ballots cast (22% of total voters) as follows:

- Precinct 1 – 488
- Precinct 2 – 438
- Precinct 3 – 361

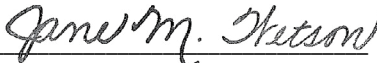
Candidate	Precinct 1	Precinct 2	Precinct 3	Total
Moderator: 1 yr.				
Blanks	113	78	65	256
Bruce C. Ramsey (Re-Elect)	371	355	292	1018
Write-ins	4	5	4	13
Selectman: Vote for TWO - 3 yrs.				
Blanks	91	59	72	222
William E. Heitz	66	30	19	115
Jeffrey Miles Hubbard	148	159	124	431
Marc I. Johnson	212	223	191	626
Jeffrey T. Stinson	275	187	157	619
Laurie J. Wilson	183	216	156	555
Write-ins	1	2	3	6
				0
Selectman: Vote for ONE - 2 years				
Blanks	159	105	80	344
David S. Carey	317	325	277	919
Write-ins	12	8	4	24
				0
Board of Assessors: 3 years				
Blanks	115	102	84	301
Gelean M. Campbell (Re-Elect)	371	336	276	983
Write-ins	2	0	1	3
Planning BD: 5 years				
Blanks	157	116	95	368
Robert W. McKean	330	319	265	914
Write-ins	1	3	1	5
Planning BD: 4 years				
Blanks	142	116	90	348
Marissa S. Frerk	345	321	270	936
Write-ins	1	1	1	3

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Housing Authority: 5 years				
Blanks	113	105	90	308
Clarence N. Trepanier (Re-Elect)	374	332	271	977
Write-ins	1	1	0	2
H-W Library Trustee: 3 years				
Blanks	122	108	86	316
Madelyn C. Liberti (Re-Elect)	364	330	274	968
Write-ins	2	0	1	3
H-W Regional School Committee Vote for THREE: 3 years				
Blanks	363	283	244	890
Donald E. Gallant (Re-Elect)	267	261	212	740
William R. Dery	244	175	135	554
Kym M. Donnellan	271	273	214	758
Ann M. Minois	307	318	278	903
Write-ins	12	4	0	16
H-W School Committee		Hamilton	Wenham	Total
Blanks		890	486	1376
Donald E. Gallant (Re-elect)		740	427	1167
William R. Dery		554	292	846
Kym M. Donnellan		758	438	1196
Ann M. Minois		903	504	1407
Write-ins		16	1	17

The Polls closed at 8:00 PM. Results were announced by Moderator Bruce Ramsey at 9:15 PM.

A TRUE COPY: ATTEST:


 Jane M. Wetson, CMMC
 Town Clerk

Special Town Meeting

**TOWN OF HAMILTON
SPECIAL TOWN MEETING
Monday, June 21, 2010
Winthrop Elementary School**

At the close of registration on June 11, 2010 there were 5,742 registered voters.

- Precinct 1 – 2,136
- Precinct 2 – 1,970
- Precinct 3 – 1,636

Tellers were appointed by the Moderator and duly sworn.

- | | |
|--------------------|-------------------|
| Richard Flynn | 183 Linden Street |
| Edward Duke Seaver | 402 Essex Street |
| Philip Stevens | 108 Cedar Street |
| Richard Low | 938 Bay Road |

Moderator declared a quorum present (75) and the Warrant returned showing that it had been properly served, opened the Special Town Meeting at 7:00 P.M. The total number of registered voters checked and present for the Special Town Meeting was 192.

- Precinct 1 – 85
- Precinct 2 – 65
- Precinct 3 – 42

Flag Salute – Pledge of Allegiance

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 or stand 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 micro-phones provided and, unless I recognize you by name, please give your name and address when you address the moderator.

Announcements or other:

When we vote, please raise your voter card that you received when you checked in or your vote may not be counted. Mr. Ramsey proceeded to announce members at the front of the auditorium.

Jane Wetson – *Town Clerk*
Christine Lindberg – *Asst. Town Manager, Asst. to Board of Selectmen*
Bruce Ramsey – *Moderator*

Introduction of front table:
Michael Lombardo – *Town Manager*

Board of Selectmen:
Marc Johnson, Jeffrey Stinson, Jennifer Scuteri – *Chair*, David Carey, William Bowler

Deborah Nippes-Mena – *Finance Director*

Finance and Advisory Committee:
Arthur Oberheim – *Co-Chair*, Robert Bullivant – *Co-Chair*, John McWane, Kalil Boghdan

ARTICLE 2010/6 2-1 Appropriation for Operational Audit
The Moderator recognized Bob Bullivant, Finance and Advisory Committee, Co-Chair.

Moved by Bob Bullivant, Finance and Advisory Committee, Co-Chair, duly seconded, that the Town raise and appropriate \$90,000 to fund the Operational Audit approved by motion under Article 5-6 of the 2010 Annual Town Meeting, and authorize the Selectmen to enter into an agreement with the Town of Wenham to effectuate the terms and conditions of said motion.

Ruth Ryan of 268 Linden Street, Tom Rogers of 173 Sagamore Street, Dale Wadleigh of 75 Blueberry Lane and Lynette Fallon of 38 Goodhue spoke.

The Moderator called for the vote and asked the voters to hold up their voter cards.
CARD VOTE: MOTION PASSES

DISSOLUTION OF SPECIAL TOWN MEETING
This dissolves Special Town Meeting at 7:16 p.m., declared by the Moderator Bruce Ramsey.

A TRUE COPY: ATTEST:



Jane M. Wetson, CMMC
Town Clerk

State Primary Election

TOWN OF HAMILTON
State Primary Election
Tuesday, September 14, 2010
Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Bruce Ramsey, Town Moderator.

On September 3rd the ballot machines were tested and the test tapes were mailed to the Secretary of State as required.

At the close of Voter Registration on August 25, 2010 there were 5,737 registered voters.

Party	Precinct 1	Precinct 2	Precinct 3	Total
Democrat	414	368	247	1,029
Green-Rainbow	4	1	1	6
Inter 3rd Party	0	2	1	3
Libertarian	7	1	6	14
Republican	338	414	487	1,239
Unenrolled	1,370	1,186	890	3,446
Totals	2,133	1,972	1,632	5,737

There were 686 ballots cast (12% of total voters) as follows:
 Precinct 1 – 291
 Precinct 2 – 213
 Precinct 3 – 182

REPUBLICAN PARTY
 State Primary Election
 Hamilton, MA
 September 14, 2010
 Precinct 1 182
 Precinct 2 147
 Precinct 3 109
TOTAL 438

OFFICIAL

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Total
Governor				
Blanks	17	12	9	38
Charles D. Baker	162	135	100	397
Write-ins	3	0	0	3
Lieutenant Governor				
Blanks	39	24	19	82
Richard R. Tisel	143	123	89	355
Write-ins	0	0	1	1
Attorney General				
Blanks	155	121	88	364
Write-ins	4	0	0	4
James McKenna	20	23	17	60
Guy Carbone	3	3	4	10
Secretary of State				
Blanks	43	32	26	101
William C. Campbell	139	115	83	337
Write-ins	0	0	0	0
Treasurer				
Blanks	46	31	22	99
Karyn E. Polito	136	114	87	337
Write-ins	0	2	0	2
Auditor				
Blanks	31	25	18	74
Mary Z. Connaughton	133	114	84	331
Kamal Jain	18	8	7	33
Write-ins	0	0	0	0
Rep. in Congress				
Blanks	8	8	4	20
Bill Hudak	144	115	91	350
Robert J. McCarthy, Jr.	30	24	14	68
Write-ins	0	0	0	0
Councillor				
Blanks	181	139	105	425
Write-ins	1	8	4	13

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Senator in General Court				
Blanks	27	16	11	54
Bruce E. Tarr	155	131	98	384
Write-ins	0	0	0	0
Rep. in General Court				
Blanks	15	12	9	36
Bradford R. Hill	165	135	100	400
Write-ins	2	0	0	2
District Attorney				
Blanks	177	140	100	417
Write-ins	5	7	9	21
Sheriff				
Blanks	41	24	21	86
Frank G. Cousins, Jr.	141	122	88	351
Write-ins	0	1	0	1

Secretary of State				
Blanks	21	15	7	43
William Francis Galvin	87	50	66	203
Write-ins	0	0	0	0
Treasurer				
Blanks	17	8	9	34
Steven Grossman	61	43	43	147
Stephen J. Murphy	30	14	21	65
Write-ins	0	0	0	0
Auditor				
Blanks	18	6	11	35
Suzanne M. Bump	47	42	41	130
Guy William Glodis	25	7	8	40
Mike Lake	18	10	13	41
Write-ins	0	0	0	0
Representative in Congress				
Blanks	10	8	5	23
John F. Tierney	98	56	68	222
Write-ins	0	1	0	1
Councillor				
Blanks	22	12	14	48
Mary-Ellen Manning	56	396	48	500
Jason A. Panos	30	14	10	54
Write-ins	0	0	1	1
Senator in General Court				
Blanks	107	59	73	239
Write-ins	1	6	0	7
Representative General Court				
Blanks	106	62	73	241
Write-ins	2	3	0	5
District Attorney				
Blanks	29	12	16	57
Jonathan W. Blodgett	79	53	57	189
Write-ins	0	0	0	0
Sheriff				
Blanks	37	23	25	85
Damian M. Anketell	71	42	48	161
Write-ins	0	0	0	0

DEMOCRATIC PARTY
State Primary Election
September 14, 2010

Precinct 1 65
Precinct 2 108
Precinct 3 73
TOTAL 246 OFFICIAL

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Total
Governor				
Blanks	20	11	10	41
Deval L. Patrick	86	54	63	203
Write-ins	2	0	0	2
Lieutenant Governor				
Blanks	20	12	7	39
Timothy P. Murray	88	53	66	207
Write-ins	0	0	0	0
Attorney General				
Blanks	23	10	10	43
Martha Coakley	84	55	63	202
Write-ins	1	0	0	1

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LIBERTARIAN PARTY
 State Primary Election
 Hamilton, MA
 September 14, 2010

Precinct 1 1
 Precinct 2 1
 Precinct 3 0
 TOTAL 2 OFFICIAL

District Attorney				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Sheriff				
Blanks	1	0	0	1
Write-ins	0	1	0	1

Candidate Name	Precinct 1	Precinct 2	Precinct 3	Total
Governor				
Blanks	1	0	0	0
Write-ins	0	1	0	1
Lieutenant Governor				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Attorney General				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Secretary of State				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Treasurer				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Auditor				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Representative in Congress				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Councillor				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Senator in General Court				
Blanks	1	0	0	1
Write-ins	0	1	0	1
Representative General Court				
Blanks	1	0	0	1
Write-ins	0	1	0	1

The Polls were closed at 8:00 pm and Moderator Bruce Ramsey announced the results.

A TRUE COPY: ATTEST:



 Jane M. Wetson, CMMC
 Town Clerk

Special Town Meeting

**TOWN OF HAMILTON
SPECIAL TOWN MEETING
Saturday, October 30, 2010
H-W Regional High School
At 9:00 AM**

At the close of registration on October 20, 2010 there were 5,756 registered voters.

Precinct 1 – 2,152
Precinct 2 – 1,965
Precinct 3 – 1,639

Tellers were appointed by the Moderator and duly sworn.

Left
Donna Whipple 49 Mill Street
Jim Richards 14 Knowlton Street

Center
Tony Grimshaw 5 Whipple Road
Ray Desroches 306 Moulton Street

Front
Richard Flynn 183 Linden Street

Right
Arthur Towne 20 Savoy Road
Ruth Flumerfelt 59 Greenbrook Road

Moderator declared a quorum present and the Warrant returned showing that it had been properly served, opened the Special Town Meeting at 9:00 A.M. The total number of registered voters checked and present for the Special Town Meeting was 321.

Precinct 1 – 124
Precinct 2 – 103
Precinct 3 – 94

Flag Salute – Pledge of Allegiance

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 or stand in the visitors area located in the left section of the auditorium.

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 unless I recognize you by name, please give your name and address when you address the moderator.

Announcements or other:

Appendix D to the warrant has been revised. You should have picked up the revised language to be voted on, when we reach Article 4-3, when you checked in at the front tables. There are extras available at the tables or there are copies available at the front of the auditorium.

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

Bruce Ramsey – *Moderator*
Jane Wetson – *Town Clerk*
Christine Lindberg – *Town Manager Assistant*

Introduction of front tables:

Board of Selectmen:

Marc Johnson
Jeffrey Stinson
David Carey
William Bowler
Jennifer Scuteri – *Chair*

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

Finance and Advisory Committee:

John McWane
Laurie Wilson
Joe Santarelli
Kalil Boghdan

ARTICLE 2010/10 2-1 Donovan Fields

Requires 2/3rd vote

The Moderator recognized Tom Catalano, Community Preservation Committee Chair.

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Moved by Tom Catalano, Community Preservation Committee, Chair, duly seconded, that the Town authorize the Board of Selectmen to acquire, by purchase, a parcel of land on Sagamore Street, Hamilton, consisting of 51.7 plus or minus acres of open land identified as Map 33, Lot 8 in the records of the Hamilton Assessors and referred to as the "Donovan Field property," the plan of which is on file with the Town Clerk, as recommended by the Community Preservation Committee. Said parcel is to be used for open space, active or passive recreational purposes; and to fund such acquisition, that \$733,000.00 be appropriated with \$182,711.00 be appropriated from the Community Preservation Fund Balance Reserve for Open Space, \$183,789.00 be appropriated from the Community Preservation Fund Unreserved Balance/Undesignated, and that \$366,500.00 be borrowed by the treasurer, who is authorized with the approval of the selectmen, to issue any bonds or notes that may be necessary for that purpose, as authorized by G.L. c. 44B, Section 11, or any other general or special law, for a period not to exceed 20 years; further, that the Board of Selectmen be authorized to grant a conservation restriction or easements, in said parcel of land, as it may deem appropriate or necessary, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate said acquisition and secure the funding sources; and further:

- a) to authorize a portion of said land to be managed by the Hamilton Conservation Commission for conservation and passive recreation purposes; or
- b) to authorize a portion of said land to be managed by the Recreation Department for active recreation purposes in accordance with Chapter 45, Section 3 or 14; or
- c) any combination thereon.

Steve Ozahowski, Willow Street, Philip Tocci, Farrington Lane, and Lindle Willnow, 51 Mill Street, spoke in favor of the article. A resident from Gail Avenue, Forrester Clark, Sagamore Street, and Cynthia Allen, 187 Linden Street, raised concerns associated with the article including parking near the field, access rights and stormwater runoff.

Jennifer Scuteri, Board of Selectmen Chair, asked that Article 3-1, Estate Overlay District, be moved to a vote.

The Moderator asked for a voice vote on moving the motion.
VOICE VOTE: UNCLEAR

The Moderator asked the audience to hold up their voter cards to move to vote on the main motion.
CARD VOTE: AYES have it to move to vote on the motion
Declared by the Moderator

The Moderator did not repeat the motion and reminded the audience, this motion requires a 2/3rds vote and called for a show of cards.

CARD VOTE: UNCLEAR

The Moderator again called for card vote and asked the voters to hold up their voter cards.

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

ARTICLE 2010/10 3-1 Estate Overlay District Requires a 2/3rd vote Zoning Bylaw

Moved by Peter Clark, Planning Board, Chair, duly seconded, that the Town amend the Zoning Bylaw by adding a new Section V.H., entitled "Estate Overlay District" by adopting the language set forth in Appendix A to the Fall 2010 Appendix Book to this Warrant.

Carol Bullivant, 101 Woodbury Street; Joanne Patton, 650 Asbury Street; Forrester Clark, 308 Sagamore Street; Marc Johnson, 6 Patton Drive; Chris Davis, 6 Partridge Berry Lane; John Lutz, 39 Chestnut Street, Rick Mitchell, 36 Rock Maple Avenue, spoke in favor of the article.

Nicholas White, 153 Woodland Mead, Dave Thompson, 103 Essex Street; Zachary Peters, 76 Lake Drive; Joe Stanislaw, 468 Highland Street; Steve Mushkin, 82 Blueberry Lane; Josh Lerner, 278 Cutler Road and Nancy Baker, 76 Goodhue Street, spoke in opposition to the article.

The Moderator repeated the motion and reminded the voters that this article requires a 2/3rds vote. He called for the vote by a show of cards.

CARD VOTE: UNCLEAR

The Moderator moved this to a counted vote.

COUNTED VOTE: YES 185 NO 79

MOTION PASSES by 2/3rds vote
Declared by the Moderator.

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APPENDIX A

H. Estate Overlay District (EOD):

The Estate Overlay District Bylaw allows a special district within R1a, R1b and RA districts, in order to preserve and protect the historic estate homes within the Town of Hamilton. The Bylaw has two distinctive sections:

- Part A – An Estate House Adaptive Reuse Permit, which allows for new commercial uses as well as currently allowed and expanded residential uses in existing estate houses and
- Part B – An Estate House Adaptive Reuse and New Floor Area Construction for Commercial Use Permit, which allows for new commercial and expanded residential uses in the existing estate house and new construction to create space for commercial use in an addition or an associated building.

Both Part A and Part B are allowed by special permit and an applicant must apply for Part A first and choose to file a separate Special Permit Application for Part B after an occupancy permit has been issued for Part A.

1. Purposes of the Estate Overlay District (EOD):
 - a. allow for the preservation of the buildings and land of large estate properties while allowing for appropriate development which has a positive net fiscal benefit to the Town and is an alternative to the subdivision of an estate property;
 - b. allow for the efficient use of such land in harmony with the natural features of the district while preserving open space for conservation agricultural, or recreation use, and providing appropriate public access to open space;
 - c. protect natural features that are important to the character of the town, including public vistas of fields, lakes, and rivers from town roads as well as the existing non-vehicular connections through trails and pathways;
 - d. protect Hamilton's rural and agricultural New England character and provide for its continued uses by permitting a mix of commercial and residential development in a manner which is in harmony with Hamilton's historic development patterns.
 2. Applicability for the Estate Overlay District (EOD)
 - a. Minimum Lot Size: Fifteen (15) acres for Part A and twenty 20 acres for Part B.
 - b. Contiguous lots may be combined for qualifications for a special permit, provided that:
 - i. at least one of the lots contains an Estate House of over 5,000 square feet of living area, built before December 31, 1950;
 - ii. the parcel as combined has at least fifteen (15) acres and
 - iii. the parcel is under common ownership prior to July 1, 2010.
- Under this Bylaw parcels may be considered combined regardless of a private or public road dissecting the parcels. Land restricted by conservation easements/restrictions or wetlands will count toward the fifteen (15) acre and twenty (20) acre threshold.

3. Definitions for an EOD Special Permit

Combined / Aggregated –Parcels combined prior to July 1, 2010 to increase acreage to qualify for the Estate Overlay District Bylaw.

Commercial Use – A use that is primarily for profit and a non-residential use, unless used in a hotel, inn or bed and breakfast, or nursing, assisted living or long term care facility that provides residential units for commercial or profitable use. The renting of apartments will not constitute a commercial use.

Estate Overlay District – A special district that overlays a R1a, R1b or RA District within the Town of Hamilton in which the EOD bylaw applies in addition to the uses that are currently permitted by right or special permit in each district.

Estate House – A building constructed prior to December 31, 1950, originally used as a single family residential dwelling, containing more than 5,000 square feet of residential floor area. Additions to the original dwelling that were constructed after 1950 will count toward the 5,000 square foot threshold if they were permitted by the Building Department prior to July 1, 2010.

Common Ownership - Adjacent lots are considered to be in common ownership or within the landowner's legal control or power if one or more is held in an entity such as a limited partnership, trust benefitting the owners or landowner's use of adjoining land, even if the most recent instrument of record prior to July 1, 2010 reveals that the lot was separately owned and a previously recorded plan may reveal that the lot was at one time part of land held in common ownership.

Historically, Culturally or Architecturally Significant – A determination made by the Hamilton Historic District Commission that defines the property as one worth preserving to the level of Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

New Floor Area - The addition of building area calculated in square footage that can be added to the original estate house either as an attached or detached building located on the same property. Bonus square footage can be accumulated through (a) a yield plan, (b) rehabilitation of the estate house to historic standards, or (c) renovation of the estate house. Bonus Square Footage space can only be used for commercial purposes.

Nursing Home or Assisted Living for Seniors or Infirm – a commercial use for the residential care of those who are infirm or elderly.

Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings - The Standards for Rehabilitation (codified in 36 CFR 67 for use in the Federal Historic Preservation Tax Incentives program), which address the most prevalent treatment. "Rehabilitation" is defined as "the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features

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of the property which are significant to its historic, architectural, and cultural values.”

Yield Analysis Plan - The Yield Analysis plan is a schematic representation of a conventional subdivision. It shall show the maximum number of lots (or dwelling units) that could be placed upon the site under current zoning for a conventional subdivision plan. That maximum number of lots shall constitute the Base Maximum Density. The Yield Analysis shall determine Base Maximum Density for the EOD, given the presence of natural building constraints on the site such as wetlands, floodplains, Conservancy Districts, steep slopes, and zoning requirements. The proponent shall have the burden of proof with regard to the Basic Maximum Density.

4. Access Requirements for the EOD

- a. Access to the lot must be through existing frontage on a public way or;
- b. Through existing frontage on a private way if all abutters to the entire length of the private way agree in writing to the development proposal.

5. Open Space Restriction for the EOD:

- a. A minimum of 40% of the parcel must already be or shall be conveyed to the Town of Hamilton and accepted by it for open space use or;
- b. A minimum of 40% of the parcel must be made subject to a conservation restriction prepared in accordance with the provision of Sections 31 and 33, inclusive of Chapter 184 of the General Laws of the Commonwealth of Massachusetts running in favor of either the Town or, upon the approval of the Selectmen with advice from the Planning Board, to a non-profit corporation, the principal purpose of which is the conservation of open space. Land that has already been made subject to a conservation restriction as delineated above shall count toward the 40% threshold.
- c. Unless the applicant can provide a compelling reason to the Planning Board why public access would be infeasible, a portion of the open space shall be available for use, for example, wildlife corridors, water protection, viewsheds, trails or other access which provides a public benefit. The Planning Board shall take into account the size of the parcel, the customary and agricultural uses, and whether or not it can provide adequate parking and other facilities to allow for public use. If the property size or structure cannot meet public parking requirements, or if public use does not fit with the character of the neighborhood, the Planning Board, may restrict public use.
- d. No more than 50% of the open space shall consist of resource areas subject to the Wetlands Protection Act, M.G.L. c 131, Section 40, (excepting the resource area “isolated land subject to flooding”) or the Conservancy District as described in Section V.C. of this Bylaw.
- e. Land used for common or shared septic systems may not be counted toward the minimum common open space

requirement unless authorized by the Planning Board.

6. Review Criteria

The Planning Board shall apply the Special Permit General Conditions described in Section V.A.8 of the Hamilton Zoning Bylaw and conditions contained in this section. The Planning Board shall review the special permit application in accordance with the following criterion: the proposed EOD will, by its design and layout, succeed in fulfilling the purposes as outlined in Section 1. Special Permit applications for an EOD will be exempt from the requirements of the Open Space Farmland Preservation Development (OSFPD) regardless of their acreage.

7. Advisory Opinions

Within ten days (10) of receipt of a special permit application for an EOD, the Planning Board shall transmit copies of the application to the Economic Development Committee, Historical District Commission, Board of Health, Department of Public Works, Conservation Commission, Zoning Board of Appeals, Fire and Police Departments for their review and advisory opinions, which shall be submitted within 30 days.

8. Vacating of permit

Any new use or change of use will require an amendment of the EOD Special Permit by the Planning Board.

EOD Part A - Estate House Adaptive Reuse

Part A – Estate House Adaptive Reuse allows for the estate owner to apply for a Special Permit from the Planning Board to use the home in accordance with one of the following adaptive reuse criteria. Special permits allow for each application to be considered individually based on their specific location and impact to the existing neighborhood. Throughout this Bylaw, residential units are limited to two bedrooms each. This is designed to achieve the goal of providing alternative housing for groups that do not currently have housing options within the Town. The Planning Board may, in its sole discretion, allow a developer to increase the number of bedrooms to a maximum of three, provided the developer can demonstrate a compelling reason why such increase serves the stated goals of the EOD.

1. Permitted Uses in EOD Part A - Estate House Adaptive Reuse (“Part A”)

The following use or a combination of the following uses may be permitted in the original estate house under “Part A”.

- a. any use listed in the Town of Hamilton Zoning Bylaw as an allowable use in the zoning district in which the property currently exists, whether by special permit or otherwise or;
- b. multi-family condominium, cooperative, or apartment residential dwelling units, provided that residential units shall be limited to no more than two bedrooms per unit;
- c. for profit function hall, meeting rooms, inn, bed and breakfast, spa, or restaurant (excluding fast food or drive up);
- d. for profit shops or for profit schools;

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- e. office;
- f. for profit child care facility, adult day care facility or a 55 plus assisted living center or;
- g. museum

2. Dimensional Requirements

A minimum vegetated buffer strip of three hundred (300) feet shall be provided unless the building is nearer to the abutting property line or at least 100 feet, provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to: the size and location of the parcel, the character of the neighborhood and the intended use.

3. Part A Special Permit Application

a. Forms. All "Part A" special permit applications shall include building plans prepared by a registered architect and filed with the special permit application form. For an application to be considered complete, it shall provide all information required by the Hamilton Planning Board Rules and Regulations Governing Special Permits.

b. Required Information. The special permit application shall include a plan of the existing Estate House and nine copies of a Site Re-use Report. The Site Re-use Report should include an outline of how the following issues and impacts will be addressed by the re-use:

- i. pedestrian and vehicular access to the site including anticipated changes to vehicular traffic patterns;
- ii. public safety issues;
- iii. provision of landscaping/buffering;
- iv. open space and recreation, including trail development and/or maintenance;
- v. water supply and drainage issues;
- vi. proposed uses for commercial units, if any;
- vii. conceptual floor plans for units.
- viii. trails or pathways will be provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible.

To the extent possible, the information provided in the report shall be shown in building and site plans, accompanied by a written narrative describing the proposed adaptive reuse.

EOD Part B – New Floor Area Construction ("Part B")

Part B – New Floor Area Construction allows for the estate owner to improve the existing Estate House with expanded residential and commercial uses while increasing floor space by construction of an addition to the original estate building and/or constructing an associated building for commercial uses as indicated below. The New Floor Area uses are limited to commercial only. The new uses would be allowed by special permit with the Planning Board acting as the Special Permit Granting Authority. Special permits allow for each application to be considered individually based on their specific location and impact to the existing neighborhood. Factors that will be considered

in the Planning Board's review of any potential project include, but shall not be limited to: feasibility of the project given the size, location and scope of the property, proximity to abutters, safety concerns, impact on the property, and whether the proposed use is compatible with the character of the Town of Hamilton and the neighborhood the property is located within.

1. Permitted Uses in EOD Part B – New Floor Area Construction
Along with those uses allowed in Part A, the following single commercial use or a combination of the following commercial uses may be permitted in the New Floor Area under "Part B." Note that residential use is not permitted in any New Floor Area under "Part B."

- a. outdoor recreational facility or center such as cross country skiing, golf, horseback riding, or non-motorized cross country bike riding facility including any on-site trails;
- b. nursing home or assisted living providing continuing residential care for seniors or infirm;
- c. additional uses which are consistent with the objective and intention of this Bylaw and the character of the neighborhood.

2. Methods of Achieving New Floor Area

There are three methods to obtain New Floor Area to construct commercial space on the property in addition to re-use of the original Estate House. The methods are intended to promote development which encourages preservation of both Hamilton's Historic Buildings and open space.

a. Historic Rehabilitation of the original Estate House.
An application that proposes to rehabilitate or renovate buildings and supporting structures certified by the Hamilton Historic District Commission as having cultural, historic or architectural significance may increase New Floor Space by three times the amount of square footage contained in all existing buildings that are rehabilitated or renovated as part of the EOD development. The Planning Board shall refer to the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings for guidance when reviewing the buildings which have been, or are proposed to be, rehabilitated or renovated.

b. Non-historic Rehabilitation of original Estate House
If the Planning Board determines that the reconstruction or replacement of existing buildings or supporting structures that have not been certified by the Hamilton Historic District Commission as being historically, culturally or architectural significant are more consistent with the building's rehabilitation or renovation, then the Applicant may increase New Floor Area by the amount of square footage contained in all existing buildings that are rehabilitated or reconstructed. The renovated or rehabilitated building or supporting structure may not be torn down.

c. Yield plan of developable land:
For the purpose of this Bylaw, 2,000 square feet of New Floor

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Area may be constructed for each lot that could be created on the property with a maximum of 30,000 of additional square feet of New Floor Area obtained from this section c. A yield plan will determine how many lots could be developed under normal application of zoning requirements of the underlying zoning district in which the property lies, under "Town of Hamilton Rules and Regulations Governing the Subdivision of Land" and through the standards as outlined in Section VI. Development Regulations of the "Hamilton Zoning Bylaw." Land in the Groundwater Protection Overlay District will require 80,000 square feet for each lot calculated. The applicant shall provide with the application for special permit a site plan with verifiable soil tests indicating the number of buildable lots possible under detached single-family zoning, the State Environmental Code, Title V, the requirements of the Board of Health, the Wetlands Protection Act, and the Hamilton Conservation Bylaw and Rules and Regulations. Such soil tests shall be conducted as if they were actually percolation tests in accordance with the above-referenced requirements and shall be verified and attested to by a registered professional engineer. Buildable lot calculation can only apply to land that is not under current restriction (excluding 61A or B).

3. Dimensional Requirements

a. Newly constructed or renovated buildings in an EOD must be 35 feet or lower in height unless the original estate house is greater than 35' high in which case, newly constructed or renovated additions or any other new buildings will be limited to the height of the original existing house, but in no case greater than four stories.

b. Newly constructed buildings shall be clustered within one-hundred (100) feet of the original estate house unless the developer has a specific goal consistent with the purposes of this Bylaw that allows for placement of the newly constructed buildings outside of this area that achieves the cohesive integration of the new buildings into the whole.

c. In no event will new construction within the 300 ft buffer be permitted any nearer the property line than the greater of at least 100 ft or the distance from the property line of the current building. A vegetated buffer strip with a minimum depth of fifty (50) feet shall be provided between the buildings of an EOD and any public or private way provided that the Planning Board may increase the vegetated buffer strip based on factors that shall include, but not be limited to: the size and location of the parcel, the character of the neighborhood and the intended use. An entry drive, along with a gate house and appropriate signage, may be permitted within the buffer strip.

4. Phasing

Phasing of the EOD, as approved by the Planning Board, shall be permitted either pursuant to phasing described in the initial special permit application or in a subsequent Special Permit application. The special permit approval shall not be deemed to have lapsed as long as the applicant shall have commenced use

of the phasing time frames set forth in the special permit application. The Planning Board shall have the authority to require one or more performance bonds or other similar mechanisms if it determines that such mechanisms are necessary to ensure that the key components or phase of a project are satisfactorily completed.

5. EOD Special Permit Application Process

a. Pre-Application Conference. The applicant shall request and attend an EOD pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Building Inspector, Conservation Commission and Open Space Committee, Department of Public Works, Fire Chief, Police Chief, Historic District Commission, Office on Disability, and Zoning Board of Appeals to attend the pre-application conference. The primary purpose of the EOD Special Permit Pre-Application conference is to identify the site's natural or historically important features, riding or walking trails on the site and abutting parcels, public safety, traffic or infrastructure issues, and areas the Town prefers to see preserved as open space, for agricultural or equestrian uses. The secondary purpose of a pre-application review is to minimize the applicant's cost of engineering and other technical experts, and to commence discussions with the Planning Board at the earliest possible stage of development. Meetings may be held by mutual agreement of the Planning Board and the applicant. At the pre-application review, the applicant shall outline the proposed Estate Overlay District proposal, seek preliminary feedback from the Planning Board, and set a timetable for submittal of a formal application. At the expense of the applicant, the Planning Board may engage technical experts to review the informal plans of the applicant and to facilitate submittal of a formal application for an Estate Overlay District Special Permit.

b. Estate Overlay District Special Permit Design Process.

i. Identification of conservation areas. The first step in the design process requires identification of conservation areas on the site, including wetlands, areas located in the Hamilton Conservancy District, riverfront areas, and floodplains regulated by state, federal, or local law; unprotected natural landscape features such as steep slopes, mature woodlands, prime farmland, meadows, wildlife habitats and wildlife corridors or connections thereto; cultural features such as historic and archeological sites and scenic views; and recreational features such as established trails used for horseback riding, walking and cross-country skiing. To the maximum extent feasible, conservation areas shall include areas identified by the Planning Board during the pre-application conference.

ii. Identification and delineation of the proposed development area. The second step in the design process is to define and delineate the area that will contain buildings, roadways, other site improvements and amenities for the development. To the maximum extent feasible, the proposed development area shall consist of land outside the identified conserva-

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tion areas.

iii. Location of dwelling and commercial units. The third step in the design process is to identify and delineate the approximate location of dwelling units or commercial units in the existing house or commercial units in the proposed development area. The location, height, density, and architectural treatment of all buildings proposed for construction, renovation or re-use should be included.

iv. Location of open space. The fourth step in the design process is to identify and delineate the open space to be dedicated along with any potential uses.

v. Roads and trails. The fifth step in the design process is to identify and delineate the approximate location of roads, parking area and trails. Roads shall be aligned to access the dwelling and commercial units. The layout of new trails should anticipate internal and external connections to existing and/or potential future roads, trails and sidewalks.

vi. Utilities. The type and probable location of the proposed utilities should be included.

vii. Certification. The special permit plan should be accompanied by a certification or letter from the Hamilton Historical District Commission of all historically, culturally and/or architecturally significant buildings, landscape features and supporting structures located on the site if the applicant intends on using this determination as a way to obtain new floor area.

c. Special Permit Application

i. Forms. All special permit applications for an EOD shall be made and filed with the Special Permit Application form. For an application to be considered complete, it shall provide all information required by the Hamilton Planning Board Rules and Regulations Governing Special Permits.

ii. Required Information. The special permit application shall also be accompanied by a certification from the Hamilton Historical Commission of all historically, culturally and/or architecturally significant buildings (if applying for the bonus square footage for renovation under section Part B 2.a.), a plan of all existing and proposed buildings, landscape features and supporting structures located on the site and by nine copies of a site development report. The site development report should include, at minimum, an inventory of natural resource features, wildlife and their habitat; a general inventory of all buildings and structures; and an outline of how the following issues and impacts will be addressed by the development:

- a. pedestrian and vehicular access to the site;
- b. public safety issues;
- c. provision of landscaping/buffering;
- d. protection of wildlife habitats;
- e. provision of utilities;
- f. open space and recreation, including trail development and/or maintenance;
- g. water supply and drainage issues;
- h. layout and density of site development;
- i. the preservation and rehabilitation of the exterior features, character and structural integrity of the estate house,

and the open space, vistas, stonework, gardens, and other historic features and supporting structures;

j. building design and materials, including exterior elevations of existing and proposed buildings and additions;

k. Proposed uses for commercial units.

l. trails or pathways will be provided or maintained to connect pedestrian, equestrian, non-motorized-bicycle riders or skiers to sites within the property and to other public trail systems if possible.

To the extent possible, the information provided in the report shall be shown in plans and map form, accompanied by written narrative.

Amendments in Conformity if this bylaw passes
Amend Section II. Establishment of District, A. Classes of Districts to include the following: "EOD Estate Overlay District Sec. V-H"

ARTICLE 2010/10 3-2 Willow Street Overlay District

Requires 2/3rd vote Zoning Bylaw

Moved by Peter Clark, Planning Board, Chair, duly seconded, that the Town amend the Zoning Bylaw by adding a new Section V.I, entitled "Willow Street Overlay District" by adopting the language set forth in Appendix B to the Fall 2010 Appendix Book to this Warrant.

Paul Erhard, 222 Willow Street, and James Grotto, 10 Mill Street, opposed the article or raised concerns.

The Moderator said this motion requires a 2/3rds vote and called for the vote by a show of cards.

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

APPENDIX B

I. Willow Street Overlay District

1. Purpose and Intent

The purposes of the Willow St. Overlay District (WSOD) are to encourage planned and orderly development of land within the boundaries of the WSOD. These areas are designated for special land use, planning, environmental, and access considerations that warrant careful control of development under a special permit procedure using appropriate standards. The specific purposes of the WSOD are the following:

- a. To support land uses and activities that will promote economic development in Hamilton, thereby generating substantial increases in net tax revenue from new development and business growth as well as additional local jobs.

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b. To allow for the phased development of new uses and activities that are appropriate and desirable for the WSOD, based on planning and market opportunities identified in the Hamilton Master Plan.

c. To provide for mitigation of any negative impacts caused by new development, including but not limited to transportation and environmental impacts.

d. To incorporate into the design review and permitting process input from Hamilton's land use boards, nearby residential abutters and citizens.

e. Improve the aesthetics, vibrancy and quality of life for the neighborhoods that include the downtown business district.

2. Applicability and Location

The Willow Street Overlay District (hereafter "WSOD") shall consist of an area within the Business District, west of the railroad tracks and along Willow Street from Asbury Street to include 203 Willow Street.

The WSOD provides for additional uses through a Special Permit process. All underlying uses remain available to property owners. If a property owner elects to apply for a Special Permit to develop in accordance with this WSOD Bylaw, the provisions of the bylaw shall apply. All underlying zoning district requirements still apply, unless they are superseded by this bylaw. By filing an application for a Special Permit under this Section V.G., the owner shall be deemed to accept and agree to them.

If the owner elects to proceed under the zoning provisions of the underlying district, the zoning bylaws applicable in the underlying district shall control and the provisions of the Willow Street Overlay District shall not apply.

3. Permitted Uses

In addition to the uses provided in the underlying zoning district, the following additional uses shall be permitted in the WSOD:

- Mixed Residential & Commercial
- Office
- Ancillary parking and commercial services that serve the primary uses
- Public Spaces
- Athletic facilities
- Accessory infrastructure facilities.
- Retail or restaurant
- Multi-family residential

4. Administration

The Planning Board shall be the Special Permit Granting Authority in the WSOD. An applicant may file an application with the Planning Board in conformance with M.G.L. Chapter 40A, (the Zoning Act) Sections 9 and 11, this Bylaw section, and Plan-

ning Board WSOD Rules and Regulations.

5. Planning Board Rules & Regulations

The Planning Board shall adopt and from time to time may amend Willow Street Overlay District Rules and Regulations to implement this Bylaw section. Such regulations shall include but will not be limited to Submission Requirements, Plan Requirements, such as size, form, number and contents; Development Standards, Site Standards, and Standards for Building Placement and Design. Such rules and regulations are required and authorized under M.G.L. Ch. 40A, s. 9, and shall be adopted after proper notice, posting, public hearing and vote by the Planning Board.

6. Pre-Application Conference

The applicant shall request and attend a pre-application review at a regular business meeting of the Planning Board. The Planning Board shall invite the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee to attend. The primary purpose of the pre-application conference is to provide an information exchange and feedback regarding how the applicant intends to use the site. The secondary purposes of a pre-application review are to minimize the applicant's cost of engineering and other technical experts, to commence discussions with the Planning Board at the earliest possible stage of development, and to set a timetable for submittal of a formal application. Meetings may be held by mutual agreement of the Planning Board and the applicant.

7. Review Procedures for WSOD Special Permit

a. The applicant shall furnish a copy of the application to the Town Clerk.

b. The applicant shall furnish sufficient copies of the special permit application to the Planning Board to distribute for review to the Board of Health, Board of Selectmen, Building Inspector, Department of Public Works, Fire Chief, Police Chief, Zoning Board of Appeals, and Economic Development Committee.

c. Reports from the above-named boards and officials shall be submitted to the Planning Board within thirty (30) days of receipt by the reviewing party. In the event that the public hearing by the Planning Board is held prior to the expiration of the 30-day period, the Planning Board shall continue the public hearing to permit the formal submission of reports and recommendations within that 30-day period. Public hearing procedures shall comply with the requirements of M.G.L. Ch. 40A, Sections 9 and 11.

d. Planning Board members shall conduct a site visit with the applicant prior to or during the public hearing.

e. A WSOD Special Permit may be issued only following a public hearing held within 65 days after filing an application with the Planning Board.

f. Once a WSOD Special Permit application has been submitted, no tree removal, no utility installation, no ditching,

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grading or construction of roads, no grading of land or lots, no excavation, except for purposes of soil testing, dredging or filling and no construction of buildings or structures shall be done on any part of the site until the application has been reviewed and decided as provided by these regulations.

g. In the event of any conflicts with this section 7 then M.G.L. Ch. 40A procedures shall apply.

8. General Requirements

a. General Compliance. A proposal must comply with all other applicable Town Bylaws, and the applicable rules, regulations, and requirements of all departments, boards, and commissions.

b. Low Impact Development. The use of low-impact development techniques is required, where applicable. The Applicant shall employ meaningful low impact techniques which will result in less impervious area, direction of roof runoff toward rain gardens and swales, and plantings not limited to but including those indigenous to the area. The use of recycled or recaptured rainwater is encouraged.

c. Minimizing Disturbance. The Applicant is urged to incorporate horticultural and landscape design that reduces the need for supplemental irrigation and chemical fertilization, e.g. minimizing lawn area. Streets within the site shall be designed and located in such a manner as to maintain and preserve natural topography, significant landmarks and trees; to minimize cut and fill; Building shall be designed to relate harmoniously to the terrain.

d. Location of Wastewater Treatment. All wastewater shall be treated and discharged on-site. Off-site wastewater treatment may be allowed if a suitable tie in can occur with an available sewer system.

e. Paths and Trails. Shall be connected, preserved, and increased when possible.

f. Visual Appearance From Offsite. The orientation of individual buildings and structures shall be designed to preserve and enhance views and vistas on or off the subject property.

g. Inclusionary Bylaw. In the case that proposed developments in the WSOD include multi-family units such as apartments or condominiums then the developments must still comply with the town's inclusionary bylaw with regard to the residential component of the projects.

h. Sidewalks. Will be created between the buildings and the street wherever possible.

9. Building and Design Standards

a. Setbacks.

i. The setbacks of the underlying zone shall apply.

ii. Internal Building Separation: the minimum distance between all freestanding buildings in the WSOD shall be free of any obstruction which would interfere with the passage of a fire-safety vehicle to the complete site.

iii. The setback for height at the property line shall be no more than 15' high from the property line for a setback

distance of at least 10'.

b. Height.

i. Provided the use of the building is either non residential or mixed use, building heights may be increased in the discretion of the Planning Board. Current zoning requires heights not to exceed thirty-five (35') feet, except that spires, water tanks, communication towers, chimneys, exhaust stacks, flagpoles, mechanical penthouses and other structures normally built above the roof and not devoted to human occupancy may be erected to such heights as are necessary to accomplish the purpose they are normally intended to serve. In the WSOD, the Planning Board may, in its sole discretion, allow building height for non residential or mixed properties to be increased.

c. Parking. Within the WSOD District off-street parking shall be provided sufficient to serve the needs of the various uses, based upon the nature of the use and the number of persons occupying and using the facilities and shall be in compliance with the parking requirements of the underlying business district unless the applicant can prove that mixed-use shared parking between the residential and commercial uses is appropriate.

i. Parking areas shall be located so as to serve the uses to which they are related, and may be designed to serve more than one use or facility; shall be located and laid out so as to provide turning radii, sight lines, and separation from through traffic, consistent with public safety; shall be paved or, if approved by the Planning Board, surfaced with other non-dusting material; and shall, unless otherwise approved by the Planning Board, be striped with spaces of at least 8½ feet width and 19 feet length.

d. Lighting. All lighting fixtures shall be integrated into the architectural style of the development. All exterior structural and site lighting (not including access road lighting) shall be localized and of full cut-off design, with light which shall be retained on site and shall not create a nuisance to abutting properties and streets. All exterior light sources shall be appropriately shielded from off-premise viewing. Access road lighting shall be designed to prevent nuisance to abutting properties by reason of light and glare.

e. Signs.

i. The Business District provisions of Section VI.E shall apply for all building specific signage (tenants identification, directory, parking, etc) within the Willow Street Overlay District.

ii. Site Signage for developments with multiple structures within the Willow Street Overlay District

1. Identification of the Project is permitted, to be located on free standing structure. Such sign shall not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.

2. A single project tenant Directory Sign is

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permitted, to be located on a free standing structure. Such Directory Sign shall for each of the WSOD's commercial buildings' main tenants not exceed 36 square feet in size and shall be mounted a maximum of 2 feet to the underside of the sign and a maximum of 10 feet to the top of the sign measured from the average grade of the locus of the sign.

3. Site directional signage is allowed provided each such sign may be no larger than 3 square feet in size; such signs may be posted not closer than 25 feet on center.

4. No other additional signs or increases in sign dimensions are allowed except by Special Permit from the Zoning Board of Appeals.

10. Conditions of Approval

The Planning Board may impose conditions, safeguards, requirements, and other standards as part of its approval.

11. Findings and Decision of the Planning Board for WSOD Special Permit

The Planning Board may grant a special permit after conducting a public hearing only where such grant would not be detrimental to the public health, safety, welfare, comfort or convenience of the community, would not be adverse to the Town's economy and environment, and is in harmony with the intent and purpose of this bylaw, and where the proposed development includes satisfactory provisions to:

a. Mitigate impact to abutting land and natural resources by reason of air or water pollution, noise, dust, vibration, or stormwater runoff.

b. Provide safe and convenient access to the site from existing or proposed roads, and to proposed structures thereon, with particular reference to pedestrian and vehicular safety, traffic flow and control, and access in case of fire or emergency.

c. Provide for adequate capacity for public services, facilities, and utilities to service the proposed development such as water pressure and septic/sewer capacity.

d. Provide for visual and noise buffering of the development to minimize impact to abutting properties.

e. Provide for the perpetual preservation and maintenance of any open space and recreation areas.

The Planning Board shall take one of the following actions within 90 days following the date of the public hearing unless extended by written agreement between the Planning Board and the applicant in accordance with M.G.L. c.40A, Section 9, and Section VIII.C of this Bylaw:

f. The Planning Board may grant a WSOD Special Permit with any conditions, safeguards, and limitations, considering each of the following:

i. The degree to which the conceptual design and layout of the proposed development is projected to attain the purpose of generating positive net tax revenue and local employment,

ii. The degree to which the proposed development

protects the local neighborhood,

iii. The degree to which the WSOD furthers the goals and policies of the Master Plan; and the purposes of this Bylaw section.,

g. The Planning Board may deny a special permit upon finding that the application does not comply with the provisions of this Bylaw section.

12. Duration of Special Permit

A Willow Street Overlay District Special Permit is granted for a period of two years from the date of its approval and shall lapse if at least one building permit has not been issued by such date, except for good cause shown.

Amendments in Conformity if this bylaw passes

(1) Adopt the designation of the Willow Street Overlay District on the Town of Hamilton Zoning Map.

(2) Amend Section II. Establishment of Districts, A. Classes of Districts and Zoning Map to include the following:

“, and further amended October 30, 2010, “

“WSOD Willow Street Overlay District Sec. V-I”

The Moderator mentioned that Bob Bullivant would discuss Senior Tax Abatement program to be voted at the Town Election on November 9, 2010, after the conclusion of Special Town Meeting.

ARTICLE 2010/10 4-1 Quinn Bill Revocation

The Moderator recognized Selectman Bill Bowler.

Moved by Bill Bowler, Board of Selectmen, duly seconded, that the Town rescind the acceptance of the so-called Quinn Bill, being M.G.L. c.41, Section 108L.

The Moderator repeated the motion and called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2010/10 4-2 Changes to Town Bylaws

Town Bylaws

The Moderator recognized Selectmen Chair Jen Scuteri.

Moved by Jen Scuteri, Board of Selectmen Chair, duly seconded,

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that the Town amend the General Bylaws, passim, so as to conform the bylaws to the Special Act establishing a Town Manager in the Town of Hamilton, Ch.114 of the Acts of 2009, and to correct errors in Ch. II of the bylaws adopting the language set forth in Appendix C to the Fall 2010 Appendix Book to this Warrant.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

APPENDIX C

Changes to Town Bylaws

Chapter III – Selectmen (pp. 10-14)

SECTION 4. The Selectmen Pursuant to Ch. 114 of the Acts of 2009, the Town Manager shall appoint each year an inspector of gas piping and gas appliances in buildings, whose qualifications and duties shall be the enforcement of the Rules and Regulations adopted by the Board established in the Department of Public Utilities to regulate installations of gas fittings and defined in Section 12H of Chapter 25 of the General Laws, those as set by and consistent with G.L. c. 143, § 30. The Board of Selectmen and may by regulation establish fees therefore.

SECTION 10. The Selectmen are authorized and empowered, in accordance with G.L. Chapter 41, Sections 23A and 108N, Ch. 114 of the Acts of 2009 to appoint a Town Manager, and execute a contract for employment therewith. The Town Manager is authorized and empowered to appoint and remove any of the following: a Town Accountant, Treasurer/Collector and , Finance Director and Health Agent, Emergency Center Supervisor, and the Recreation Director in accordance with G.L. Chapter 61, Sections 66 and 69, to appoint a Director of Public Works, all for terms of one to three years and to execute an employment contract with said officials the terms of which may with the concurrence of the Personnel Board vary from the Personnel Bylaw. , Recreation Director, a Director of Public Works, a Chief of Police, and a Fire Chief, and to execute employment contracts with said officials, the terms of which may with the concurrence of the Board of Selectmen vary from the Personnel Bylaw and policies. All appointments and removals of department heads by the Town Manager shall be subject to confirmation by the Board of Selectmen. The Selectmen are also hereby authorized and empowered to appoint and to execute employment contracts with a Chief of Police and with a Fire Chief, as set forth in G.L. Chapter 41, Section 108-0, and G.L. Chapter 48, Sections 42, 43 and 44 the terms of which contracts may with the concurrence of the Personnel Board vary from the Personnel Bylaw. All other appointments shall be made by the Town Manager in

consultation with the respective department head, board, commission or committee.

SECTION 12. The Selectmen are authorized and empowered to appoint the Treasurer/Collector.

SECTION 15. Pursuant to G.L. Ch. 43C, Sec. 11 as accepted by the Town Meeting, the Selectmen may provide for a consolidated Department of Municipal Finance, to be organized as set forth in this Section.

a) The Department of Municipal Finance may include the Offices and Functions of Town Accountant, Treasurer, Collector, Treasurer-Collector, Information Systems Coordinator, and Assessors, with all their related staff.

b) The Selectmen shall appoint a Finance Director, who shall report to the Selectmen through the Town Manager.

c) The Finance Director may serve ex-officio as the Accountant, Auditor, Comptroller, Treasurer, Collector, or Treasurer-Collector of the town, provided however, that no Finance Director shall serve ex-officio as both: 1) Accountant, Auditor, or Comptroller; and 2) Treasurer, Collector or Treasurer-Collector.

d) The Selectmen are authorized to execute a term of any employment contract with the Finance Director, and shall appoint said Director shall be for a term of not less than three or more than five years, subject to removal as provided in the employment contract. The position may be full time or part-time.

e) The job descriptions and compensation of each position in the Department of Municipal Finance shall be set by the Selectmen with the advice of the Personnel Board Town Manager in consultation with the Finance Director pursuant to the Hamilton Personnel Bylaw and policies.

f) The Finance Director Town Manager shall appoint all personnel under his/her the Finance Director's direction and control, other than those in elected positions, subject to the approval of the Selectmen in consultation with the Finance Director.

g) The Finance Director Town Manager shall oversee and coordinate all financial functions and reporting of the Town performed by the various offices within the Department, including but not limited to:

- 1) Maintenance of all accounting records and other financial statements,
- 2) payment of all obligations, including bills, payroll and benefits,
- 3) receipt of all funds due, including tax and Town service billings,
- 4) monitoring the expenditure of all funds in all Town Departments and programs, including periodic reporting

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to appropriate agencies on status of accounts, and preparation of tax recap,

- 5) supervision of all data processing facilities and networks,
- 6) preparation of the annual Town budget, and regional/joint program budgets, including coordination with all Town Departments and the Finance and Advisory Committee,
- 7) management of independent audits,
- 8) long range economic planning and projection,
- 9) determination of long and short-term cash needs of the Town for operating and capital obligations, and borrowing as necessary.
- 10) determination of investment strategies to maximize safety and yield for Town funds,
- 11) administration of tax liens and tax-title takings,
- 12) supervision of staff within the Department of Municipal Finance,
- 13) and any other matters relating to municipal finance as may be determined necessary from time to time by the Selectmen.

Chapter IV – Board of Public Works (pp. 14-15)

SECTION 2. Subject to confirmation by the Board of Selectmen, The Selectmen the Town Manager is authorized and empowered to appoint, supervise, evaluate, and remove a Director of Public Works who shall direct public works operations of the Town.

SECTION 3. Assessments for extension of water system.

A. The Board of Selectmen, water commissioners or other officers in charge of the town water supply, shall levy special assessments to meet IN in whole or part of the cost, thereafter incurred, of laying pipes in public or private ways for the conveyance or distribution of water to inhabitants of the town; and the owners of land benefitted, by abutting or more remote means, shall pay a proportionate part of the cost not already assessed of extending water supply to their land.

Chapter V – Collection of Taxes (pp. 15-17)

SECTION 1. The Collector of Taxes shall collect, under the title of Town Collector, all accounts due the Town including the collection of water accounts, excepting interest on investments or sinking of trust funds. If it shall seem advisable to the Town Collector that suit or suits should be instituted and prosecuted in the name of the Town, in connection with the collection of any of said accounts due to the Town, he shall so advise the Selectmen Town Manager, who shall have authority as agents of the Town recommend to the Board of Selectmen whether to institute and prosecute the same.

Chapter VII – Legal Affairs (pp. 18-19)

SECTION 1. The Board of Selectmen shall have authority to

prosecute, defend and compromise all litigation to which the Town is a party, and to employ special counsel to assist the Town Counsel whenever in their judgment necessity therefore arises. The Town Manager shall coordinate with Town Counsel on all legal matters affecting town government, compliance, claims, litigation, and administrative proceedings and oversee prosecution, defense and settlement of all claims and actions.

The Town Counsel shall draft all bonds, deeds, leases, obligations, conveyances, and other legal instruments, and do every professional act which may be required of him, by vote of the Town or by any board of Town Officers. Also, when required by said boards or any committee of the Town and confirmed by Town Manager, he shall furnish a written opinion on any question that may be submitted to him, and he shall at all times furnish legal advice to any officer of the Town who may require his opinion upon any subject concerning the duties incumbent upon such officer by virtue of his office.

SECTION 3. Subject to confirmation by t The Board of Selectmen, the Town Manager shall annually appoint an attorney at law to act as Town Counsel, who and appoint special counsel to assist the Town Counsel whenever in his or her judgment necessity therefore arises. The Town Counsel shall be paid such salary as the Town votes.

Chapter VIII – Town Contracts (p. 19)

SECTION 1. No officer of or Board of the Town shall make any contract on behalf of the Town in which such officer or any member of such board is directly or indirectly financially interested, except in competitive contracts.

Chapter IX – Acceptance of Streets (p. 19)

No new street shall be accepted by the Town unless at least fifteen days prior thereto there shall have been filed with the Town Clerk a plan of survey of such street, satisfying the requirements for boundaries and measurements and otherwise in accordance with Section 23 of Chapter 82 of the General Laws. No new street shall be accepted without the prior approval of the Planning Board and the Director of Public Works, based on street acceptance procedures to be adopted and amended from time to time by the Selectmen with the advice of the Director of Public Works, the Town Manager and the Planning Board.

Chapter X – Ways (pp. 20-21)

SECTION 9. The Chief of Police, in consultation with the Town Manager and the Director of Public Works, shall have the authority to declare a winter storm-parking ban on all public ways. The public will be notified of a winter storm parking ban by notices carried on the local access cable TV station, local radio station and by flashing lights and signage that will be ac-

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tivated in advance of predicted storms at locations determined by the Chief of Police and the Director of Public Works. Parking on streets during the parking ban is prohibited, and shall be punishable by a fine of \$20.00, and any vehicle so parked may be subject to towing at the expense of the owner.

Chapter XVIII – Dog Bylaw (pp. 32-34) SECTION 4.

Notwithstanding the provision of Section 139 of said Chapter 140 or any other provision of law to the contrary, the annual fees to be charged by the Town of Hamilton for the issuance of licenses for dogs shall be:

Males and Females	Fifteen Dollars
Neutered Males and Spayed Females	Fifteen Dollars
All Dogs Whose Registered Owners are Older than 60 as of January 1 of the Year of Licensure	Ten Dollars
All Dogs Whose Registered Owners are Older than 70 as of January 1 of the Year of Licensure	No Fee

For kennels, if not more than four dogs are kept in said kennel, Fifty Dollars; if more than four but not more than ten dogs are kept in said kennel, One Hundred Dollars; and if more than ten dogs are kept in said kennel, One Hundred Fifty Dollars, said kennels to require Special Permit as per the Hamilton Zoning Bylaws, Section V.A. 11d.

For Previously licensed dogs, the Town will charge a late fee, in addition to the license fee, as follows:

On or after June 1, a late fee of \$10	Total Due = \$25, per dog
On or after June 16, a late fee of \$25	Total Due = \$40, per dog
On or after August 1, a late fee of \$50	Total Due = \$65, per dog

The owner, or keeper, of a dog registered in Hamilton shall cause it to wear around its neck or body, a collar or harness to which shall be securely attached a tag in a form as prescribed by the Town Clerk and available at the Town Clerk's Office.

Chapter XIX – Disability of Fire Fighters (pp. 34-35)

Whenever a call fire fighter is disabled because of injury or incapacity arising out of and in the course of his employment as a call fire fighter and is thereby unable to perform the usual duties of his regular occupation at the time such injury or incapacity was incurred, he shall receive from the town for the period of such injury or incapacity compensation at the rate payable to a permanent member of the police force for the first year of service therein, provided that no such compensation shall be payable for any period after such fire fighter has been retired or pensioned in accordance with law or for any period after a physician designated by the Board of Selectmen Town Manager determines that such incapacity no longer exists, and provided

further that no such compensation shall be payable if, and to the extent that, any insurance which is in effect provides coverage for such compensation and unless and until all rights under such insurance in favor of the insured shall have been exercised, determined and satisfied.

Chapter XXVIII – Right to Farm Bylaw (pp. 50-52)

Section 5 Resolution of Disputes

To enhance the prompt resolution of disputes that may arise between those engaged in the agricultural uses protected under this Bylaw and those who claim that the use or enjoyment of their properties is adversely affected by such uses, the following dispute resolution procedure is established as a means by which owners and tenants may attempt to resolve the dispute in a prompt, effective, and amicable manner.

Any owner or tenant who wishes to complain that farming or a farming activity is adversely affecting the use or enjoyment of the owner's or tenant's real property may file a grievance with the Board of Selectmen Town Manager, The Zoning Enforcement Officer, the Board of Health, or the Conservation Commission, depending upon the nature of the grievance. Such Board, Commission, or official may forward the grievance to such other Board, Commission, or official whose jurisdiction may be more appropriate to address the grievance. A Board, Commission, or official may refer the grievance to the Agricultural Commission, which shall then undertake such efforts as it deems reasonable and appropriate to facilitate an agreement to resolve the grievance. The Agricultural Commission shall file a report with the referring Board, Commission, or official within 30 days after receipt of the referral, unless the referring Board, Commission, or official establishes a different deadline or the parties to the dispute agree to a different deadline. Nothing herein shall impair or limit any other remedy available to an aggrieved party, suspend the time within which any such remedy must be pursued, or impair or limit the authority of the Board of Health or any other government body or official to respond to cases of imminent danger or public health risk.

Chapter XXX – Illicit Discharge Detection and Elimination Bylaw (pp. 63-70)

5. RESPONSIBILITY FOR ADMINISTRATION

The Board of Selectmen Town Manager shall administer, implement and enforce this Bylaw. Any powers granted to or duties imposed upon the Board of Selectmen Town Manager may be delegated in writing by the Board of Selectmen him to the Designated Agent or to another authorized agent.

11. ENFORCEMENT

A. The Board of Selectmen Town Manager shall enforce this Bylaw, regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for

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such violations.

B. Civil Relief. If a person violates the provisions of this Bylaw, regulations, permit, notice, or order issued thereunder, the Board of Selectmen may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

C. Orders. The Board of Selectmen Town Manager may issue a written order to enforce the provisions of this Bylaw or the regulations thereunder, which may include: (a) elimination of illicit connections or discharges to the MS4; (b) performance of monitoring, analyses, and reporting; (c) that unlawful discharges, practices, or operations shall cease and desist; and (d) remediation of contamination in connection therewith.

D. If the enforcing person determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

E. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Board of Selectmen Town Manager within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Board of Selectmen Town Manager, affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. Ch. 59 §57 after the thirty-first day at which the costs first become due.

F. Criminal Penalties. Any person who violates any provision of this Bylaw, regulation, or permit issued hereunder, shall be subject to fines, civil action, criminal prosecution, and tax liens, as appropriate and as lawfully established by the Town of Hamilton.

G. Non-Criminal Disposition. As an alternative to criminal prosecution or civil action, the Town of Hamilton may elect to utilize the non-criminal disposition procedure set forth in M.G.L. Ch. 40 §21D and General Bylaw Chapter XIII, in which

case the Board of Selectmen shall be the enforcing person. The penalty for each violation shall be \$100.00 for the first offense, \$200.00 for the second violation, and \$300.00 for the third violation. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

H. Entry to Perform Duties Under this Bylaw. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Board of Selectmen Town Manager may enter upon privately owned property for the purpose of performing their his duties under this Bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Board of Selectmen Town Manager deems reasonably necessary.

I. Appeals. The decisions or orders of the Board of Selectmen Town Manager shall be final. Further relief shall be to a court of competent jurisdiction.

J. Remedies Not Exclusive. The remedies listed in this Bylaw are not exclusive of any other remedies available under any applicable federal, state or local law.

ARTICLE 2010/10 4-3 Municipal Affordable Housing Trust

Town Bylaw

The Moderator recognized Fred Mills, Chair of the Housing Partnership Committee.

Moved by Fred Mills, Chair of the Housing Partnership Committee, duly seconded, that the Town accept the provisions of M.G.L. c.44, Section 55C to establish a Municipal Affordable Housing Trust Fund and amend the Town Bylaws to add a new Chapter XXXII describing the operation of the Trust Fund by adopting the language set forth in amended Appendix D to the Fall 2010 Appendix Book to this Warrant, a copy of which has been distributed at the meeting and which will be provided to the Town Clerk for inclusion in the permanent record of this Town Meeting.

The Moderator recognized Peter Britton, Highland Street, who expressed support for the motion. Carol Mazzetta, 4 Gifford Road, asked a question about the motion in regard to the Community Preservation Act and Selectman Jeff Stinson provided an answer.

The Finance Committee recommends favorable action.

The Moderator reread the motion and called for the vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

APPENDIX D

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CHAPTER XXXII

Hamilton Affordable Housing Trust

SECTION 1: Authority / establishment

Pursuant to G.L. c. 44, § 55C, there is hereby established an affordable housing trust fund to be known as the Hamilton Affordable Housing Trust Fund ("Trust"), which shall be subject to the supervision of the board of selectmen of the town of Hamilton. Said Trust shall be governed by a board of trustees.

SECTION 2: Purposes

The Board of Trustees of the Hamilton Affordable Housing Trust shall:

A. Exercise its powers and perform its duties for the purpose of investigating and implementing alternatives for the provision of and providing affordable housing for persons of low and moderate income (as defined in G.L. c. 44 § 2), and

B. Receive and expend funds for the acquisition, rehabilitation, renovation, construction, financing or refinancing of property within the Town of Hamilton for the purposes of providing affordable housing and to further provide mechanisms to ensure such use.

SECTION 3: Composition

The Trust shall have five (5) Trustees at all times and the Board of Selectmen shall appoint the Trustees. At all times at least one of the Trustees shall be a member of the Board of Selectmen and one Trustee shall be the Hamilton Town Manager, who shall have the power to vote. In making such appointments, the Board of Selectmen shall endeavor to provide a broad-based membership including legal, banking, financial and real estate professionals, other members of the local business community and affordable housing advocates.

SECTION 4: Term of Office

Upon establishment of the Trust, the Board of Selectmen shall forthwith appoint (2) Trustees whose initial terms shall expire on the first June 30 after appointment and (3) Trustees whose initial terms shall expire on the second June 30 after appointment. Thereafter, the Trustees shall be appointed for a two (2) year term commencing on July 1 and ending on June 30 or until such time as a successor is appointed, should said appointment be delayed.

SECTION 5: Organization

The Trustees shall annually elect one Trustee to serve as Chair-

person. Sub-committees and/or ad hoc task related committees may be created by a majority vote of the Trustees to carry out the purposes of the Trust.

SECTION 6: Filling of vacancies

In the event of a vacancy in the position of Trustee, the appointment shall be made in the same manner as the original appointment.

SECTION 7: Meetings, quorum

Meetings of the Trust shall be held at the call of the Chairperson or any two (2) Trustees. Four (4) Trustees shall constitute a quorum and a majority vote of the full membership shall be required to approve any motion.

SECTION 8: Powers and duties

In addition to the powers and duties specified in G.L. c. 44, § 55C, the Board of Trustees shall have the following additional powers and duties:

A. To establish criteria and/or qualifications for affordable housing recipients and make expenditures in accordance with the Trust's above-stated purposes.

B. To enter into an agreement with the Town of Hamilton, wherein the Board of Trustees shall undertake to make to the Town, annual payments in lieu of taxes in connection with any real property acquired and owned by the Board; entering into such agreement shall not be mandatory but shall be at the discretion of the Board of Trustees.

SECTION 9: Powers Reserved by the Board of Selectmen

The Board of Trustees shall not have the following powers which are reserved and remain with the Board of Selectmen, for the purposes of this bylaw only and not all property acquisitions, and are subject to approval by a majority vote of the Board of Selectmen:

A. The acquisition or disposition of real property.

B. The expenditure of trust funds for the acquisition of real property.

C. The borrowing of money and the mortgaging and pledging of trust assets.

SECTION 10: Treasurer-Collector as custodian

The Treasurer-Collector shall be the custodian of the Trust's

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funds and shall maintain separate accounts and records for said funds. He or she shall invest the funds in the manner authorized by M.G.L. c. 44, §§ 55, 55A and 55B. Any income or proceeds received from the investment of funds shall be credited to and become part of the Trust.

ARTICLE 2010/10 5-1 Affordable Housing Restriction Requires 2/3rd vote

The Moderator recognized Selectman David Carey.

Moved by David Carey, Board of Selectmen, duly seconded, that the Town authorize the Board of Selectmen to accept an affordable housing deed restriction from Harborlight Community Partners that meets the requirements of G.L. c. 184, Section 31 and 32 for the property located at 69 Willow Street to advance the public interest of the Town in creating and protecting affordable housing at such location and making more affordable housing available for Town residents.

Jeanette Beauregard, 50 Hamilton Avenue, asked a question about the motion.

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

VOICE VOTE: MOTION PASSES UNANIMOUSLY

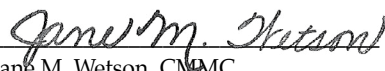
DISSOLUTION OF SPECIAL TOWN MEETING

The Moderator said this concludes the business of this Fall 2010

Town Meeting. Just a reminder – immediately after dissolution of this meeting, there will be an informational session on the Senior Tax Abatement program that is on the Town ballot for November 9th. Don't forget to turn out for the two election dates we have in the next 10 days – State Election on Tuesday, November 2, 2010 and the Special Town Election on Tuesday, November 9, 2010, both from 7 a.m. to 8 p.m. at the Winthrop School.

This dissolves Special Town Meeting at 11:45 p.m.

A TRUE COPY: ATTEST:


Jane M. Wetson, CMMC
Town Clerk

State Election

TOWN OF HAMILTON
State Election
Tuesday, November 2, 2010
Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Bruce Ramsey, Town Moderator.

On October 26th the ballot machines were tested and the test tapes were mailed to the Secretary of State as required.

At the close of Voter Registration on October 13, 2010 there were 5,755 registered voters.

Party	Precinct 1	Precinct 2	Precinct 3	Total
Democrat	416	363	244	1,023
Green-Rainbow	4	1	1	6
Inter 3rd Party	0	2	1	3
Libertarian	9	1	7	17
Republican	336	411	496	1,243
Unenrolled	1,383	1,188	892	3,463
Totals	2,148	1,966	1,641	5,755

There were 3,603 ballots cast (63% of total voters) as follows:

- Precinct 1 – 1,403
- Precinct 2 - 1,326
- Precinct 3 – 874

Town of Hamilton
 State Election
 November 2, 2010

Precinct 11,403 2 Provisionals
 Precinct 21,326 1 Provisional
 Precinct 3874 4 Provisionals
 TOTAL3,603 63% voted

5,755 total registered voters OFFICIAL

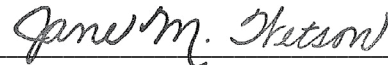
Candidate Name	Precinct 1	Precinct 2	Precinct 3	Total
Governor & LT. Governor				
Blanks	16	12	6	34
Patrick & Murray	589	478	334	1401
Baker & Tisei	686	772	491	1949
Cahill & Loscocco	94	52	31	177
Stein & Purcell	15	12	12	39
Write-ins	3	0	0	3
Attorney General				
Blanks	32	19	25	76
Martha Coakley	763	664	446	1873
James P. McKenna	606	643	403	1652
Write-ins	2	0	0	2
Secretary of State				
Blanks	68	60	43	171
William Francis Galvin	732	636	435	1803
William C. Campbell	572	614	378	1564
James D. Henderson	30	16	18	64
Write-ins	1	0	0	1
Treasurer				
Blanks	80	70	53	203
Steven Grossman	591	495	364	1450
Karen E. Polito	729	760	457	1946
Write-ins	3	1	0	4
Auditor				
Blanks	117	114	87	318
Suzanne M. Bump	491	385	269	1145
Mary Z. Connaughton	727	777	491	1995
Nathanael Alexander Fortune	65	50	27	142
Write-ins	3	0	0	3
Representative in Congress				
Blanks	37	29	29	95
John F. Tierney	743	598	406	1747
Bill Hudak	618	698	438	1754
Write-ins	5	1	1	7

Town Meeting Minutes and Election Documentation

Councillor				
Blanks	530	522	350	1402
Mary-Ellen Manning	848	790	512	2150
Write-ins	25	14	12	51
Senator in General Court				
Blanks	275	208	170	653
Bruce E. Tarr	1119	1115	697	2931
Write-ins	9	3	7	19
Representative in General Court				
Blanks	266	204	173	643
Bradford R. Hill	1128	1118	698	2944
Write-ins	9	4	3	16
District Attorney				
Blanks	503	490	330	1323
Jonathan W. Blodgett	874	823	534	2231
Write-ins	26	13	10	49
Sheriff				
Blanks	109	102	92	303
Frank G. Cousins	836	857	550	2243
Damian M. Anketell	292	207	156	655
Kevin J. Leach	166	160	76	402
Write-ins	0	0	0	0
Ballot Question 1				
Sales Tax - Alcohol				
Yes	665	713	422	1800
No	722	587	436	1745
Blanks	16	26	16	58
Ballot Question 2				
Government Subsidized Housing				
Yes	567	572	341	1480
No	737	663	457	1857
Blanks	99	91	76	266
Ballot Question 3				
Sales Tax				
Yes	567	578	378	1523
No	820	727	483	2030
Blanks	16	21	13	50

Moderator Bruce Ramsey closed the polls at 8:00 pm after the Police Officer checked the outside to see if anyone was headed in to vote.

A TRUE COPY: ATTEST:



Jane M. Wetson, CMMC
Town Clerk

Special Town Election

TOWN OF HAMILTON
Special Town Election
Tuesday, November 9, 2010
Winthrop School, Hamilton, MA

The polls were opened at 7:00 AM by Bruce Ramsey, Town Moderator.

On October 20th the ballot machines were tested in the Memorial Room.

At the close of Voter Registration on October 20, 2010 there were 5,756 registered voters.

Party	Precinct 1	Precinct 2	Precinct 3	Total
Democrat	416	363	243	1,022
Green-Rainbow	4	1	1	6
Inter 3rd Party	0	2	1	3
Libertarian	9	1	7	17
Republican	336	409	496	1,241
Unenrolled	1,387	1,189	891	3,467
Totals	2,152	1,965	1,639	5,756

There were 545 ballots cast (9% of total voters) as follows:

- Precinct 1 – 256
- Precinct 2 – 159
- Precinct 3 – 130

BALLOT QUESTION 1 - "Shall the Town accept the provisions of Chapter 91 of the Acts of 2010, as approved by the General Court, a summary of which appears below?"

SUMMARY: Chapter 91 of the Acts of 2010 is entitled "An Act Providing a Tax Exemption for Certain Qualifying Real Estate in the Town of Hamilton." The Act imposes a cap on property taxes for certain qualifying class one residential real property equal to 10% of the total annual household income, except that in no instance may real property taxes be reduced by more than 50% of the tax due. To qualify, the property must be the principal residence of the taxpayer, total annual household income shall not exceed the range of \$33,000 to \$49,499 for single applicants or \$49,500 to \$74,250 for married applicants, at least one owner/resident must be at least 65 or 70, as set annually

by the Board of Selectmen, the applicant must have owned the property for over 6 months in the year for which an application is made and the applicant must have resided in Hamilton for at least 10 consecutive years prior to application. The property must also be valued at no more than a certain assessed value as set forth in the Act.

Town of Hamilton
 Special Town Election
 November 9, 2010

Precinct 1256
 Precinct 2159
 Precinct 3130
 TOTAL545 9% Voted
 5,756 total registered voters OFFICIAL

	Precinct 1	Precinct 2	Precinct 3	Total
Ballot Question 1				
Senior Tax Exemption				
Blanks	1	0	0	1
YES	194	121	98	413
NO	61	38	32	131

Moderator Bruce Ramsey closed the polls at 8:00 pm and announced the results.

A TRUE COPY: ATTEST:



 Jane M. Wetson, CMMC
 Town Clerk

Financial Reports

All financial data cover the period July 1, 2009 through June 30, 2010.

NOTE:

Auditors' Report

The Independent Auditors' Report on General Purpose Financial Statements for the Town of Hamilton was conducted by Sullivan, Rogers & Company, LLC on February 18, 2011.

A copy of this report, is on file with the Board of Selectmen and online at:

http://www.hamiltonma.gov/Pages/HamiltonMA_Finance/Audited%20Financials

Town Audit

An audit of the Town of Hamilton's 2010 basic financial statements was conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards as issued by the Comptroller General of the United States.

Board of Assessors

For Fiscal Year 2011, the total assessed taxable valuation of Hamilton is \$1,332,748,254 with a property tax levy of \$22,909,942.49. The fiscal year 2011 tax rate as certified by the Department of Revenue is \$17.19 up \$.90 from the previous year. Building permits issued in 2010 resulted in an additional \$115,254 in tax levy growth.

In 2010, the Board of Assessors completed their mandatory Interim Year adjustment on all property in the town of Hamilton as required by the Department of Revenue. Under Massachusetts's law, this Board is required to value all of Hamilton's 2780 properties at 100 percent of their full and fair cash valuation, thereby insuring an equitable distribution of the property tax levy. The town's average single-family valuation is \$474,991. More importantly, we believe that we have met our statutory obligation to re-establish proper assessment level and uniformity throughout the town of Hamilton. Final Department of Revenue certification of assessed valuations was granted in December and property tax bills were subsequently mailed at the end of December. The current valuation and levy percentages based upon property class are as follows:

Residential	1,259,232,400	94%	\$21,646,205	94%
Commercial	57,257,100	4%	\$984,250	4%
Industrial	823,600	1%	\$14,158	1%
Personal	15,435,154	1%	\$265,330	1%
TOTALS	1,332,748,254	100%	\$22,909,943	100%

Also in 2010, the Assessors office processed applications for excise abatements, Elderly and Veteran Exemptions, and CPA Exemptions.

We would like to assure all property owners that the Board of Assessors will continue its effort to meet the challenge of maintaining equitable assessments in this current real estate market.

Respectfully submitted,

Gelean M. Campbell, *Chairman*
 Steven Ozahowski, *Member*
 Peter J. Kane, *Member*

Finance Committee

The following is a report of financial actions and the financial status of the Town of Hamilton during the 2010 calendar year. It includes the following information.

1. FY 2011 budget
2. Financial actions at town meetings
3. Debt Status
4. Tax Rate and Levy Limit Status
5. Fund Balances
6. Financial Organization Changes
7. Senior Tax Abatement Program
8. Financial Audit

FY 2011 Budget

The downturn in the economy continued during 2010 with reduced revenues from both the state and the community. As a result, budgeting for Fiscal Year 2011 (beginning July 1, 2010) was a challenge to maintain town services and adequately fund the Hamilton-Wenham Regional Schools (HWRS) while staying within our real estate tax levy limit. State aid dropped by 4.78% (\$35,189) and local revenues were estimated to drop by 1.9% (\$31,744). However, the town received its first State 911 grant of \$120,000 that helped to offset revenue reductions. .

On the expense side, the town’s FY 2011 budget increased by only 1.21% (\$97,470), Town employees again received no cost of living increase and we were able to accommodate the salary of our new town manager for a total increase in salaries of 1.02% (\$36,901), Departmental operating expenses were again kept in check but health insurance costs increased by 8.63% (\$60,663) for an overall increase in expenses of 1.21% (\$97,470). Town departments and employees are to be commended for the continued high performance of their responsibilities despite very tight salary and expense constraints.

Financial Actions at town meetings

The following financial actions were taken at the May and October town meetings:

- Authorized the Selectmen to enter into an Energy Services Contract (ESCO) with an appropriate company “for the purpose of making energy efficiency improvements in Town buildings”. They were further authorized to borrow \$266,000 to fund the cost of the improvements with the energy cost savings expected to pay for the debt service. \$28,000 was also authorized to pay for the first year of the debt.
- Established an Other Post Employment Benefits Liability (OPEBL) Trust Fund to “reduce the unfunded liability for

health care and other post employee benefits” of town employees. \$25,000 was authorized for the first year of funding.

- Authorized the imposition of a 0.75% local meals excise tax and established a Meals Tax Stabilization Fund “for the purpose of supporting and effectuating Downtown improvements and development initiatives”. The tax will be collected by the State and returned to the towns to accrue in its General Fund and subsequently transferred to the Stabilization fund..
- Authorized \$90,000 for funding an Operational Audit of the HWRS, the cost to be shared with Wenham according to the proration formula in the Regional Agreement.
- Authorized an increase in the funding of the HWRS of 2.5%. Due to the changing student populations of Hamilton and Wenham and the proration formula in the Regional Agreement this resulted in an increased cost to Hamilton of \$278,132 (1.82%).
- Authorized an increase in the funding of the No. Shore Regional Vocational School of \$40,308 (34.0%).
- Authorized the purchase of the so-called Donovan Field property “for open space, active or passive recreational purposes” for \$1,xxx,xxx., the funding to come from the Community Preservation Fund’s existing funds, grants or service on authorized debt.

Debt Status

At the end of 2010, the town’s levy limit exclusion debt was as follows:

Debt	Original Amount	Remaining Balance	Remaining Years	FY 2012 Debt Service
Public SafetyBldg.				\$ 515,755
Joint Library				\$ 169,452
Water Plant				\$ 138,338
HWRS				\$ 530,947
Total				\$1,354,494

This represents about \$0.95 on the tax rate or about \$418 on the median priced home of \$440,000.

Tax Rate and Levy Limit Status

The estimated tax rate for FY 2011 due to the expenses above increased by \$0.19 per \$1,000 of evaluation from \$16.29 to \$16.48.

Financial Reports

Note, however, that the tax rate depends on property valuations, which are updated every year. The FY 2011 budget and estimated tax rate are composed of the following:

Budget Item	Amount	Tax Rate
Town Net Budget	\$ 5,569,307	
HW Regional Schools	\$15,760,826	
No Shore Regional School	\$ 159,008	
Town Debt	\$ 1,354,494	
Total	\$22,684,627	\$16.48

Based on the approved FY 2011 budget, the town is under the allowable real estate tax levy limit by \$184,877.

Fund Balances

At the end of FY 2010, key fund balances were as follows:

- Stabilization Fund.....\$ 630,072
- General Fund.....\$ 882,460
- OPEBL Trust Fund.....\$ 25,000
- Water Enterprise Fund.....\$1,088,133
- Community Preservation Fund.....\$ 842,607

Our auditors recommend that the Stabilization and General Funds represent 5% of the town budgets. The amounts above represent only 2.8% and 3.9% respectively. It is therefore the opinion of the Finance Committee, Town Manager, and Finance Director that the Stabilization and General Fund balances be increased

Financial Organizational Changes

In the spring of 2010, the change in town government approved by voters in 2009 and approved by the State Legislature in 2010 took effect. This represented 3 major changes – increase of the Board of Selectmen from 3 to 5 members, a new Town Manager, and a change in role for the Finance and Advisory Committee. In addition, 2 senior members of the Fin Com retired – Arthur Oberheim and Bob Bullivant – and two new members joined the board – Laurie Wilson and Joe Santarelli.

With the change to a town manager form of government, the Finance Committee undertook an internal evaluation of its changing role. Starting from the duties assigned to it in Section 6 of the Town by-law, the Committee sought to more clearly define its changed role. Following an extensive review and evaluation and consultation with Town Counsel, the Board of Selectmen, and other's experienced with town government, the Finance Committee submitted an amendment to the Town bylaw that defined its new role in support of and in cooperation with the Town Manager. This bylaw amendment was approved at the May 2010 town meeting.

With the arrival of Michael Lombardo, the new Town Manager, the Finance Committee assisted him in his transition to his new position and worked cooperatively with him to sort out and establish our respective roles and responsibilities. Preparation of the FY 2012 town budget during the fall of 2010 was a very successful test of our respective roles and cooperative working relationship.

Senior Tax Exemption Program

In April 2010, Governor Patrick approved the town's petition to the State Legislature for a Senior Tax Exemption Program. This Program was developed by Fin Com members Art Oberheim and Bob Bullivant to provide real estate tax reductions for Hamilton's long time resident seniors with low incomes. For the Program to become effective a ballot vote was required. Provisions of the Program were widely advertised and voters approved it on November 9. Applications for qualification must be submitted by January 31, 2011 for tax abatements in FY 2012.

Financial Audit

The audit of the Town's financial statements for FY 2010 was completed by the auditing firm Sullivan, Rogers & Company, LLC. The audit results gave the town a clean certificate with "no instances of non-compliance" with "provisions of laws, regulations, contracts and grant agreements."

The Fin Com wants to recognize and thank Deborah Nippes-Mena, Finance Director, and her staff for their continued improvement of our financial accounting processes and reporting.

Finally, the Finance Committee wants to recognize and thank Arthur Oberheim and Robert Bullivant for their years of service on the Finance Committee. Their retirement leaves a void of knowledge and experience that has been hard to fill. We are grateful, however, for their continued availability for advice and counsel when called upon

Respectfully submitted,
by the following Finance Committee Members:

John W. McWane, *Chairman*
 Kalil Boghdan, *Secretary*
 Laurie Wilson
 Joseph Santarelli
 Arthur Oberheim (*retired member*)
 Robert Bullivant (*retired member*)

Treasurer/Collector

I hereby submit my Annual Report as Treasurer/Collector for the Town of Hamilton for the fiscal year ended June 30, 2010.

July 1, 2009	\$4,520,078
Receipts	\$27,188,414
Disbursements	(\$25,977,717)
June 30, 2010	<u>\$5,730,775</u>

Segregated Cash Accounts - June 30, 2010

Stabilization Fund	\$628,353
ARRA EECB	\$75,000
Clark Property Fund	\$219,494
Conservation Commission	\$104,438
Cultural Council	\$2,719
CPA	\$1,869,904
Junction	\$187
Public Safety Building	\$4,054
Trust Funds	<u>\$478,756</u>
	\$3,382,904

Respectfully submitted,

Cheryl J. Booth, *CMMT, CMMC*
Treasurer/Collector

Treasurer/Collector (cont.)

	YEAR	July - December	January - June	Total
COLLECTIONS				
REAL ESTATE	2010	\$10,841,385	\$10,865,137	\$21,706,522
	2009	\$289,227	-	\$289,227
	Prior to 2008	-	-	-
		<u>\$11,130,612</u>	<u>\$10,865,137</u>	<u>\$21,995,749</u>
PERSONAL PROPERTY	2010	\$114,093	\$142,162	\$256,255
	2009	\$264	\$70	\$334
		<u>\$114,357</u>	<u>\$142,232</u>	<u>\$256,589</u>
MOTOR VEHICLE EXCISE	2010	\$113,272	\$743,705	\$856,977
	2009	\$3,349	\$15,492	\$18,841
	2008	\$1,731	\$1,430	\$3,161
	2007	-	\$659	\$659
	Prior to 2006	-	\$403	\$403
		<u>\$118,352</u>	<u>\$761,689</u>	<u>\$880,041</u>
BOAT EXCISE	2009	\$2,103	\$244	\$2,347
	2008	-	-	-
		<u>\$2,103</u>	<u>\$244</u>	<u>\$2,347</u>
WATER				
Rates		\$521,564	\$443,435	\$964,999
General Billing		\$3,530	\$4,940	\$8,470
Liens		\$1,115	\$-	\$1,115
Penalties & Interest		\$297	\$313	\$610
		<u>\$526,506</u>	<u>\$448,688</u>	<u>\$975,194</u>
CPA	2010	\$178,121	\$171,191	\$349,312
	Prior to 2009	\$4,308	-	\$4,308
Interest		\$530	\$326	\$856
		<u>\$182,959</u>	<u>\$171,517</u>	<u>\$354,476</u>
TAX TITLES		\$91,370	\$83,900	\$175,270
BETTERMENTS		\$45	\$2,889	\$2,934
PENALTIES & INTEREST		\$48,922	\$44,175	\$93,097
MUNICIPAL LIEN CERTIFICATES		\$6,125	\$6,800	\$12,925
		<u>\$6,125</u>	<u>\$6,800</u>	<u>\$12,925</u>
TOTAL		<u>\$12,221,351</u>	<u>\$12,527,271</u>	<u>\$24,748,622</u>



Town of Hamilton, MA
2010