

TOWN OF HAMILTON
ANNUAL TOWN MEETING

Held April 11, 2015

At Hamilton-Wenham Regional High School

At the close of registration on March 20, 2015 there were 5,567 registered voters.

Precinct 1 – 232
Precinct 2 – 186
Precinct 3 – 171

Head Teller	Jane M. Wetson	261 Asbury Street
Left	William F. Sullivan John J. Davis	66 Woodbury Street 57 Lois Street
Center	Phillips B. Stearns Robert D. Weiner	175 Linden Street 31 Orchard Road
Right	Robin E Davis Thomas N. Rogers Jr	57 Lois Street 173 Sagamore
Front:	Jane M. Wetson	261 Asbury Street

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Annual Town Meeting at 9:15 A.M. with voters checked and present.

Pledge of Allegiance

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

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

Another procedural note, we record these proceedings so as to have an accurate record of the meeting and to help everybody know who is speaking and hear what is said. Therefore please

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

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

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

The Moderator recognized State Representative Brad Hill, Senator Bruce Tarr and Selectmen Chair Scott Maddern who presented him with citations in recognition of his 20 years of service as Town Moderator.

The Moderator recognized Scott Maddern, Chairman of the Board of Selectmen, who spoke to how well the Town was working with 30-plus boards and committees, Bill Wilson, Chairman of the HW School Committee who described cooperative five-month budget process with HWRSD, Finance Committees and other Town officials, Superintendent of Schools Michael Harvey mentioned HWRSD mission statement to provide students with knowledge needed for the 21st century, level services budget, restoration of team teaching model at MRMS, and ranking of school district relative to national schools, and Rick Sprenkle, Chairman of the Finance & Advisory Committee, who thanked Finance Director Deborah Nippes-Mena for her service to the Town, and he gave an overview of the Town's financial situation relative to Free Cash, snow deficit, Essex Tech student increase, fire truck and landfill capping debt as well as tax rate, median house value, 1.7% in total Town budget and 0.7% increase in HWRSD budget for FY'16.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2015/4 1-1 Election of Officers and Ballot Question

The Moderator read: The vote on Article 1-1 is by ballot on Thursday, April 16, 2015 at the Winthrop School when the polls will open at 7:00 a.m. and close at 8:00 p.m. to elect the following Town and School District Officers and vote on ballot question for bonding fire truck:

- Town Moderator for one year
- Two Selectmen for three years
- One Town Clerk for 2 years (to fill unexpired term)
- One Planning Board member for 5 years
- One Assessor for three years

- One Hamilton Housing Authority member for 5 years
- Two Hamilton-Wenham Public Library Trustees at large for 3 years
- Two members of the Hamilton-Wenham School Committee, for 3 years

ARTICLE 2015/4 1-2 Reports

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the reports of Town Officers and committees be received and placed on file.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2015/4 1-3 Article for Consent Motion

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

Motion numbers:

2-1 Appropriation Transfer from FY'12 Overlay Reserve to FY'10 Allowance for Abatements and Exemptions - that the Town release \$20,000 from FY'12 Overlay Reserve and transfer that sum to FY'10 Allowance for Abatements & Exemptions.

2-2 Compensation/Classification Table - that the Town amend the Personnel By-law by adopting changes to the classification and compensation table as set forth in Appendix A to the 2015 Appendix Book.

2-5 Water Enterprise Budget - that the Town approve \$1,631,948 for the FY 16 Water Enterprise Budget as set forth in Appendix E to the 2015 Appendix Book.

2-6 Waste Reduction Enterprise Budget - that the Town approve \$387,055 for the FY 16 Waste Reduction Enterprise Budget as set forth in Appendix F to the 2015 Appendix Book.

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

- A) To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;
- B) To transfer \$217 from the Clark Property Fund to the Conservation Fund;
- C) To transfer \$334,307 from the Water Enterprise Fund to the General Fund to be used for indirect expenses and debt;
- D) To transfer \$321,070 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.

2-10 Annual Authorization of Revolving Funds - that the Town pursuant to M.G.L. c.44, § 53E ½, reauthorize the Recreation and Parks Revolving Fund with an FY 16 spending limit of \$223,739, reauthorize the Council on Aging Revolving Fund with an FY 16 spending limit of \$20,000, and reauthorize the Emergency Dispensing Services & Clinics Revolving Fund with an FY 16 spending limit of \$10,000, with specified programs for expenditures, receipts to be credited, and departments and officials authorized to expend and disposition of fund balance to be as set forth in Appendix H to the 2015 Appendix Book.

2-12 OPEB Trust Fund - that the Town raise and appropriate \$25,000 for deposit in the Other Post Employment Benefits Liability Trust Fund.

4-1 Incorporate the Personnel By-law In the Town General By-law - that the Town amend the Town By-laws to assign as Ch. XXXIV “Personnel By-law” the Personnel By-law adopted by the 2000 Annual Town Meeting.

ARTICLES THAT WERE HELD----

2-11 Hamilton Development Corporation – that the Town raise and appropriate \$65,000 to the Hamilton Development Corporation.

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the numbered Motions as set forth in Proposed Consent Motions List for this 2015 Annual Town Meeting, a copy of which has been delivered to the Town Clerk to be filed with the minutes of this meeting with copies made available to voters in attendance, be approved by one vote, each motion to be deemed a separate action under the Warrant Article having the same corresponding number, [excepting the motion held.]

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2015/4 2-1 Appropriation Transfer from FY’12 Overlay Reserve to FY’10 Allowance for Abatements & Exemptions

This article passed with the Consent Motion that the Town release \$20,000 from FY’12 Overlay Reserve and transfer that sum to FY’10 Allowance for Abatements & Exemptions.

ARTICLE 2015/4 2-2 Compensation/Classification Table

This article passed with the Consent Motion that the Town amend the Personnel By-law by adopting changes to the classification and compensation table as set forth in Appendix A to the 2015 Appendix Book.

ARTICLE 2015/4 2-3 General Town Departmental Appropriations

The Moderator read: Corrections on Appendix B to the 2015 Appendix Book.

On p. 3 of Appendix B, the Essex North Shore Agricultural & Technical School District amount should read \$198,056 (not \$196,138)

On that same page, Park, Fields and Grounds expenses should be \$7,152 (not \$25,752) so the amount to be appropriated for Department of Public Works should read \$1,102,381.

The Total General Town Appropriations after these changes are now \$27,191,594 (not \$27,189,074)

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

\$1,891,969 for General Government -----HELD
\$2,626,362 for Protection of Persons and Property
\$16,417,016 for Hamilton-Wenham Regional School District
\$198,056 for Essex North Shore Agricultural & Technical School District
\$1,102,381 for Department of Public Works
\$676,392 for Health and Human Services
\$700,127 for Library
\$106,607 for Recreation
\$1,791,774 for Unclassified
\$1,680,910 for Total Debt – Principal & Interest-----HELD

Totaling \$27,191,594

The Moderator recognized Rick Sprenkle.

Moved by Rick Sprenkle, Chair Finance & Advisory Committee, duly seconded, that the Town raise and appropriate the sums read by the Moderator for schools and all other Town expenses which are set forth in the 2016 Fiscal Year Budget in Appendix B of the 2015 Appendix Book and Appendix C of the 2015 Appendix Book with the corrections read by the Moderator [excepting those items held].

The Moderator called for the voice vote on the non-held items.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ITEMS THAT WERE HELD ----- William Wheaton, 180 Bridge Street, put a hold on \$1,891,969 for General Government; and Jeff Hubbard, 85 Miles River Road, put a hold on \$1,680,910 for Total Debt for Principal & Interest.

Moved by Rick Sprenkle, Chair Finance & Advisory Committee, duly seconded, that the Town raise and appropriate \$1,891,969 for General Government.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

Moved by Rick Sprenkle, Chair Finance & Advisory Committee, duly seconded, that the Town raise and appropriate \$1,680,910 for Total Debt – Principal & Interest.

The Moderator called for the voice vote.

VOICE VOTE: UNCLEAR

The Moderator called for a card vote.

CARD VOTE: MOTION PASSES

ARTICLE 2015/4 2-4 General Town Capital Appropriations

Moved by Rick Sprenkle, Chair Finance & Advisory Committee, duly seconded, that the Town raise and appropriate \$353,695 to purchase equipment, vehicles, and accessories for General Government, Protection of Persons & Property, Department of Public Works, Health & Human Services, as set forth in Appendix D of the 2015 Appendix Book.

The Moderator recognized Rick Sprenkle who explained details about the capital appropriations including right time to replace equipment, rolling stock, and record retention at Town Hall.

The Moderator called for the voice vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2015/4 2-5 Water Enterprise Budget

This article passed with the Consent Motion that the Town approve \$1,631,948 for the FY 16 Water Enterprise Budget as set forth in Appendix E to the 2015 Appendix Book.

ARTICLE 2015/4 2-6 Waste Reduction Enterprise Budget

This article passed with the Consent Motion that the Town approve \$387,055 for the FY 16 Waste Reduction Enterprise Budget as set forth in Appendix F to the 2015 Appendix Book.

ARTICLE 2015/4 2-7 Annual Financial Actions

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

- A) To transfer \$2,000 from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes;
- B) To transfer \$217 from the Clark Property Fund to the Conservation Fund;
- C) To transfer \$334,307 from the Water Enterprise Fund to the General Fund to be used for indirect expenses and debt;
- D) To transfer \$321,070 from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses.

ARTICLE 2015/4 2-8 Community Preservation Budget

The Moderator read the recommendations of the Community Preservation Committee Budget as set forth in Appendix G of the 2015 Appendix Book, and said shout out a "HOLD" for any item for which you would like separate discussion. The proposed financial actions are as follows deliberately skipping Items #2 and #3:

APPENDIX G
Revised
COMMUNITY PRESERVATION COMMITTEE BUDGET

No.	PURPOSE
	<u>Open Space and Recreation - Projects</u>
1.	To appropriate \$45,400.00 of FY16 Community Preservation Fund Revenues to fund the debt service for the Donovan Acquisition (\$42,700.00 in principal and \$2,700.00 in interest).
2.	To appropriate \$53,120.00 of Community Preservation Unrestricted Reserves to fund , beginning in FY15, the final planning and development of construction documents for the Veterans Memorial Pool at Patton Park, including all costs incidental and related thereto.
3.	To appropriate \$1,328,000.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the construction of a swimming pool, bath house, operations building and deck area at Patton Park, including all costs incidental and related thereto.
4.	To appropriate \$2,000.00 of FY16 Community Preservation Fund Revenues to fund the preservation of Town-owned open space through the removal of Japanese knotweed.
	<u>Historic Preservation - Projects</u>
5.	To appropriate \$9,500.00 of FY16 Community Preservation Fund Revenues to fund the preservation and digitization of the Hamilton Historical Society's pictorial collection.
6.	To appropriate \$3,525.00 of FY16 Community Preservation Fund Revenues to fund the restoration of the Hamilton Senior Center sign.
7.	To appropriate \$33,550.00 of FY16 Community Preservation Fund Revenues to fund the Town's share of a matching grant to restore and rehabilitate the Community House.
	<u>Community Housing - Reserve</u>
8.	To reserve \$45,033.00 of FY16 Community Preservation Fund Revenues to the Community Preservation Community Housing Reserve.
	<u>Administration - Expense</u>
9.	To appropriate \$22,516.00 of FY16 Community Preservation Fund Revenues for administration costs including, but not limited to, annual Community Preservation Coalition membership fees and salary for part-time Community Projects Coordinator position.

The Moderator stated that Virginia Cookson, 318 Forest Street, put a HOLD on Item #6 - \$3,525 of FY16 Community Preservation Fund Revenues to fund the restoration of the Hamilton Senior Center sign.

The Moderator recognized Tom Catalano.

Moved by Tom Catalano, Chair Community Preservation Committee, duly seconded, that the Town appropriate or reserve for future 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 and corrected by the moderator, excepting those items held, with each item to be considered a separate appropriation and further that the Town authorize the Board of Selectmen to execute agreements, on terms acceptable to the Board, to the extent necessary to effectuate the public benefits of such projects.

Tom Catalano announced that CPC plan is being updated, public input is requested on survey and a hearing will be held on May 21.

The Moderator called for the vote on the non-held items.

VOICE VOTE: MOTION PASSES

ITEM THAT WAS HELD ----- Item #6 - To appropriate \$3,525.00 of FY16 Community Preservation Fund Revenues to fund the restoration of the Hamilton Senior Center sign. Tom Catalano explained proposal to remove letters and replace them with cast bronze for Hamilton Senior Center so there would be no maintenance required. Virginia Cookson, 318 Forest Street and Kevin Kaminski, Highland Street, spoke.

Moved by Tom Catalano, Chair Community Preservation Committee, duly seconded, that the Town appropriate \$3,525.00 of FY16 Community Preservation Fund Revenues to fund the restoration of the Hamilton Senior Center sign.

The Moderator called for the vote on this held item.

VOICE VOTE: MOTION PASSES

The Moderator took up Item #2 under Open Space and Recreation – Projects for the Town to appropriate \$53,120.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the final planning and development of construction documents for the Veterans Memorial Pool at Patton Park.

At 10:45 a.m. Town Meeting took a break due to technical issue with audio in cafeteria. The meeting reconvened at 11:04 a.m. The Moderator explained that all votes of Town Meeting attendees in cafeteria taken thus far during meeting were confirmed and there was no change in the voting on warrant articles.

Moved by Tom Catalano, Chair Community Preservation Committee, duly seconded, that the Town appropriate \$53,120.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the final planning and development of construction documents for a swimming pool, a bath house, operations building, and deck area, all at Patton Park, including all costs incidental and related thereto.

The Moderator recognized Steve Ozahowski, Chair HW Recreation Board, who described effort to bring Hamilton and Wenham a community pool proposal that was smaller, less expensive than

last year's proposal, the benefit for summer park program and swim team, and that both towns were on board to support project.

Bob Defelice, 341 Cutler Road, and Jay Burnham, spoke in opposition to pool based on cost and opined about lack of need in Town. Chris Davis, 6 Partridge Berry Lane, and Jeff Hubbard opined that CPA funds should be used for open space, turf field and Town Hall renovation versus pool. Bill Petryszyn, 42 Lois Street, Martha Hale-Farrell, 15 Hamilton Avenue, Brion O'Connor, 11 Homestead Circle, Brad Tilley, 7 Essex Avenue, and Chad Sumner, Park Street, spoke in favor of pool.

Town Counsel Donna Brewer opined that Bill Dery's proposal to amend the motion could only include lowering the appropriation to \$500,000 for construction of the new pool not define how funding would be expended or feasibility of project. Hubbard concurred with Dery's proposed amendment. Bill Dery moved to amend article and reduce appropriation amount for this article to \$500,000 of CPA funds, duly seconded.

The Moderator called for the vote on the amendment.

VOICE VOTE: MOTION FAILS

The Moderator noted that Jeff Hubbard requested a motion for paper ballot voting to be used on Item #2 under Open Space and Recreation – Projects for the Town to appropriate \$53,120.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the final planning and development of construction documents for the Veterans Memorial Pool at Patton Park. The Moderator noted that this would require a majority vote and would take a longer time to count votes. The motion was duly seconded.

The Moderator called for the card vote for the motion to vote by paper ballot.

CARD VOTE: MOTION FAILS

The Moderator called for the card vote for the Item #2 motion for the Town to appropriate \$53,120.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the final planning and development of construction documents for the Veterans Memorial Pool at Patton Park.

**CARD VOTE: MOTION PASSES
so declared by the Moderator**

The Moderator took up Item #3 to appropriate \$1,328,000.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the construction of a swimming pool, bath house, operations building and deck area at Patton Park, including all costs incidental and related thereto.

Moved by Tom Catalano, Chair Community Preservation Committee, duly seconded, that the Town appropriate \$1,328,000.00 of Community Preservation Unrestricted Reserves to fund, beginning in FY15, the construction of a swimming pool, bath house, operations building, and

deck area, all at Patton Park, including all costs incidental and related thereto.

The Moderator called for the card vote.

**CARD VOTE: MOTION PASSES
so declared by the Moderator**

ARTICLE 2015/4 2-9 Stabilization Fund for Patton Proceeds

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town establish a Stabilization Fund, to be called the Recreation Fields Stabilization Fund, for the special purpose of funding recreational fields and all incidental and related costs, appropriations from such fund to be conditional upon the Town of Wenham and the Hamilton-Wenham Regional School District appropriating their fair shares of the costs of such fields and related costs, and further to transfer \$500,000 derived solely from the proceeds of the sale of land in the Patton Homestead held in the Town Stabilization Fund to the Recreation Fields Stabilization Fund created by this Motion.

Scott Maddern provided background to the article, Peter Gourdeau, 416 Bridge Street, Phil Tocci, Farrington Lane, spoke in support of article and responded to Jean Marand, 21 Garfield Avenue, that options will be open for future recreation fields including possibility of turf field. In response to Bill Dery who asked why \$500,000 could not be used to reduce taxes, Maddern explained that non-tax money would be used for recreational fields since that was an original part of Patton property gift. David Neill stated speaking as a citizen his concern about \$500,000 in one-time money being encumbered for foreseeable future and importance of HWRSD and Wenham being on board for expense of recreational fields especially a turf field.

The Moderator called for the card vote on the article that requires a 2/3rds vote.

**CARD VOTE: MOTION PASSES by 2/3rds vote
so declared by the Moderator**

ARTICLE 2015/4 2-10 Annual Authorization of Revolving Funds

This article passed with the Consent Motion that the Town pursuant to M.G.L. c.44, § 53E ½, reauthorize the Recreation and Parks Revolving Fund with an FY 16 spending limit of \$223,739, reauthorize the Council on Aging Revolving Fund with an FY 16 spending limit of \$20,000, and reauthorize the Emergency Dispensing Services & Clinics Revolving Fund with an FY 16 spending limit of \$10,000, with specified programs for expenditures, receipts to be credited, and departments and officials authorized to expend and disposition of fund balance to be as set forth in Appendix H to the 2015 Appendix Book.

ARTICLE 2015/4 2-11 Hamilton Development Corporation

The Moderator recognized Brian Stein.

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

Brian Stein gave a brief overview of work the Hamilton Development Corporation has been doing including purchasing of 59/63 Willow Street property that is fully rented, wastewater treatment study, visioning sessions, research on Urban Land Institute, and proposed change to zoning by-law for mixed use and multi-family throughout the downtown, that HDC is financially stable and 10% of annual Meals Tax revenue is given back to the Town for downtown improvements.

Jeff Hubbard moved to amend this article to take \$20,000 from the annual \$65,000 in Meals Tax revenue to use for downtown improvements including benches, trash receptacles, flowers and holiday decorations. Richard Boroff, 40 Moynihan Road, opposed Hubbard's motion. Town Counsel Donna Brewer opined that motion to amend could not have the Town directing the HDC on how it would spend the money it could only be a recommendation. Brian Stein responded that the HDC has a tight budget and donates 10% or \$6,500 to the Town every year for downtown improvements, and that the patrons of Hamilton's food establishments pay the Meals Tax. Anthony Nickas, 473 Woodland Mead, noted that the HDC is financially solvent and that a reduction of \$20,000 in 2016 would take the HDC's long term plan off track. June Singer, 118 Apple Cove Road, stated that the Town needs benches on Railroad Avenue. Town Manager Michael Lombardo noted that two to three benches would be installed on Railroad Avenue in the spring. Janet Aldrich, Hamilton affordable housing, spoke to parking issues downtown. Bill Gisness, 3 Walnut Lane, stated that \$6,500 for benches is in process and mentioned how HDC is using \$65,000 to work on short and long term goals.

The Moderator called for the vote on the amendment to dedicate \$20,000 of \$65,000 appropriation of Meals Tax to be applied for benches, trash receptacles, flowers and holiday decorations as an advisory vote but not enforceable use of appropriation by the Hamilton Development Corporation.

VOICE VOTE: MOTION FAILS

The Moderator called for the vote on the main motion that the Town raise and appropriate \$65,000 to the Hamilton Development Corporation.

VOICE VOTE: UNCLEAR

**CARD VOTE: MOTION PASSES
so declared by the Moderator**

ARTICLE 2015/4 2-12 OPEB Trust Fund

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

ARTICLE 2015/4 2-13 Rewrite of Zoning By-law

The Moderator recognized Rick Mitchell.

Moved by Rick Mitchell, Planning Board member, duly seconded, that the Town raise and appropriate \$50,000 to retain professional services to provide technical and legal assistance in reviewing and rewriting the provisions of the Town's Zoning By-laws.

Rick Mitchell described how plan is to rewrite zoning by-law adopted in 1957 to make wording consistent and reorganize zoning by-law so terminology is comprehensible and can be enforced. Public hearings will occur and rewritten zoning by-law will be presented to the Town Meeting for adoption by a 2/3rds vote. Jack Lawrence, 105 Rock Maple, opined that an ad hoc committee of citizens should do zoning by-law review. In response to Tess Leary, 209 Bay Road, who agreed that zoning by-law should be addressed, Town Manager Michael Lombardo stated that the money appropriated would include public outreach through two events. Mitchell reiterated that existing by-laws would be reviewed, rewritten and vetted in public sessions. Bill Bowler, Essex Street and Zoning Board of Appeals Chair, concurred that zoning by-law needs rewrite.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2015/4 2-14 Water Distribution System Replacement Program

The Moderator recognized Charles Chivakos.

Moved by Charles Chivakos, Finance & Advisory Committee member, duly seconded, that the Town appropriate \$5,000,000 to pay costs of Phase II of the Town's water distribution system replacement program, including the payment of all costs incidental and related thereto, and that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 8(5) of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor.

Charles Chivakos explained that all costs for Phase II of the water infrastructure project would be paid for through the Water Enterprise Fund. Town Manager Michael Lombardo described

how this funding will include looking at exploratory wells and evaluating water storage as well as a peer review.

The Moderator called for the card vote on the motion that requires a 2/3rds vote.

**CARD VOTE: MOTION PASSES UNANIMOUSLY
so declared by the Moderator**

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2015/4 3-1 Amendment to Senior Housing Zoning By-law

The Moderator recognized Peter Clark.

Moved by Peter Clark, Planning Board member, duly seconded, that the Town amend the Zoning By-law Section V.E.7 “Permitted Uses” to expand the potential senior housing opportunities by adding and lettering the following subsections as permitted uses for a Senior Housing development:

- j. Semi-attached dwellings
- k. Two-family dwellings
- l. Three-family dwellings
- m. Four-family dwellings

Peter Clark, Marc Johnson and Rick Mitchell responded to Jacob Fiumara, 12 Hatfield Road, and explained that this addresses configuration of units that preserves open space, and an omission (two-family dwellings i.e., duplexes) when Senior Housing zoning by-law was adopted.

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES UNANIMOUSLY

The Moderator declared a recess at 1:10 p.m. and the meeting reconvened at 1:30 p.m.

ARTICLE 2015/4 3-2 Amendment to GPOD Map

The Moderator recognized Jeff Melick.

Moved by Jeff Melick, Chair Planning Board, duly seconded, that the Town amend the Groundwater Protection Overlay District and Map by adopting the current Massachusetts Department of Environmental Protection Zone II Boundary, as set forth in Appendix J of the 2015 Appendix Book.

The Moderator recognized Patrick Reffett, Director of Planning and Inspections, who spoke to how the article complies with new wellhead protection district defined by DEP.

The Moderator called for the card vote on the motion that requires a 2/3rds vote.

**CARD VOTE: MOTION PASSES by 2/3rds
so declared by the Moderator**

ARTICLE 2015/4 3-3 Site Plan Review to Planning Board

The Moderator recognized Rob McKean.

Moved by Rob McKean, Planning Board member, duly seconded, that the Town amend the Zoning By-law, *passim*, to transfer Site Plan Review authority from the Zoning Board of Appeals to the Planning Board as set forth in Appendix K of the 2015 Appendix Book.

Rob McKean summarized responsibilities of site plan review and how if it were transferred to Planning Board then appeals would go to the Zoning Board of Appeals as well as bring the citizens' petition on the matter in compliance with the state.

The Moderator recognized Bill Dery who spoke to the citizens' petition he brought to the Planning Board.

John Serafini, 601 Bay Road, moved to amend the motion to take no action on this article stating that \$50,000 was appropriated to rewrite zoning by-law, duly seconded.

Bill Bowler stated that he was in favor of no action. Bill Dery reiterated interest in moving site plan review from Zoning Board of Appeals to Planning Board. Marc Johnson summarized how the Selectmen support the Planning Board recommendation to transfer site plan review but he personally did not agree. McKean said it was a unanimous decision by the Planning Board. Betty Gray, 24 Lee Park, expressed support for the article. Bill Bowler clarified that Planning Board provides an advisory opinion to ZBA. Jack Lawrence, 105 Rock Maple, spoke in favor of article.

The Moderator called for the vote on the amendment to the main motion.

CARD VOTE: MOTION FAILS

The Moderator called for the vote on the main motion that requires a 2/3rds vote.

Bill Bowler, Peter Clark, and Tess Leary, 309 Bay Road, opined about article.

CARD VOTE: UNCLEAR

COUNTED VOTE:

69 – YES

43 – NO

MOTION FAILS did not pass 2/3rds

ARTICLE 2015/4 3-4 Citizens' Petition Site Plan Review to Planning Board

Moved by Bill Dery, duly seconded, that the Town take no action on this article.

VOICE VOTE: MOTION PASSES

**ARTICLE 2015/4 3-5 Amendment to Communication Towers (CT) and
Telecommunications Antenna Facilities (TAF)**

The Moderator recognized Jeff Melick.

Moved by Jeff Melick, Chair Planning Board, duly seconded, that the Town amend the Zoning By-law Section VI.J "Communication Towers (CT) and Telecommunications Antenna Facilities (TAF)" to read as follows:

VI.J.5.b.4 shall read: "Distance from all existing structures shall be at least two hundred (200) feet, excluding existing structures on the lot."

VI.J.6.c shall read: "Tower height shall be limited to one hundred and ten (110) feet and shall be designed to accommodate the use for which the application is made. However, applications for Communications Towers in excess of one hundred and ten (110) feet may be approved if accompanied by a detailed technical information showing as to the necessity of the additional height (co-location, reduced tower density in community, etc.)."

VI.J.6.d shall read: "All CTs greater than one hundred and ten (110) feet in height shall be monopole in type."

The Moderator read: There is a slight amendment to the language in Appendix M. The second sentence of Section VI.J.6.c should read: "However, applications for Communication Towers in excess of one hundred and ten (110) feet may be approved if accompanied by detailed technical information showing as to the necessity of the additional height (co-location, reduced tower density in community, etc.) and noted that this was read in motion by Jeff Melick.

Jeff Melick explained how this is a safety issue since some residents no longer have land lines and due to gaps in cellular telephone service making it difficult to make calls which could be especially important with 911 calls. He described how Town officials have done research on matter with cell tower vendors who would study the best place in Town to locate a cell tower at no cost to Hamilton.

The Moderator called for the card vote on the motion that requires a 2/3rds vote.

**CARD VOTE: MOTION PASSES by 2/3rds
so declared by the Moderator**

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2015/4 4-1 Incorporate the Personnel By-law in the Town General By-law

This article passed with the Consent Motion that the Town amend the Town By-laws to assign as Ch. XXXIV “Personnel By-law” the Personnel By-law adopted by the 2000 Annual Town Meeting.

**ARTICLE 2015/4 4-2 Plastic Bag Reduction and Prohibition of Expanded
Polystyrene Food and Beverage Containers**

The Moderator recognized Lindle Willnow.

Moved by Lindle Willnow, Chair Board of Health, duly seconded, that the Town amend the Town By-laws by adding a new Chapter XXXV, “Environmental Hazards: Reduction of Waste” comprising the language set forth in Appendix N of the 2015 Appendix Book.

The Moderator recognized Susan Wilfahrt who made a presentation on the article. Jack Hauck, Bill Bowler, Virginia Cookson were opposed to the article, Gretel Clark and Jean Marand expressed support for the article.

The Moderator called for the vote.

VOICE VOTE: MOTION PASSES

ARTICLE 2015/4 4-3 Water Runoff to Roadway Prohibited

The Moderator recognized Scott Maddern.

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town amend the Town By-laws by adding a new Section 9 to Chapter X, “Ways” to read:

No person shall, during the period from November 15 to April 15 inclusive, discharge or permit to be discharged any groundwater, including rising ground water, uncontaminated ground water infiltration (as defined at 40 CMR § 35.005(20)), and uncontaminated pumped ground water, onto a public way or sidewalk unless first obtaining a permit from the Board of Selectmen or designee. Such permit shall require that the permittee comply

with all provisions of Chapter XXX.

and I further move to amend Section 8(b) of Chapter XXX to read:

The following non-stormwater discharges or flows are exempt from the prohibition of non-stormwaters provided that the source is not a significant contributor of a Pollutant to the municipal storm drain system and such discharge complies with the requirements of Chapter X, Section 9 of these By-laws.

Town Manager Michael Lombardo explained details of article and related no-fee permit from DPW to regulate where stormwater is being discharged in an effort to prevent ice from forming on Town streets when water is discharged onto roadways during cold weather. Robert Weiner, Orchard Road, explained how he discharges water that flows into the street and storm drain and his interest in compliance. Janet Aldrich, Hamilton Housing, opined on the matter.

The Moderator called for the vote.

VOICE VOTE: UNCLEAR

CARD VOTE: UNCLEAR

COUNTED VOTE:

46 – YES

45 – NO

MOTION PASSES

ARTICLE 2015/4 4-4 Term for Planning Board Members

The Moderator recognized Peter Clark.

Moved by Peter Clark, Planning Board, duly seconded, that the Town set the length of term for Planning Board members at three (3) years and amend the Town By-laws by adding the following sentence to Chapter III, Section 13: “The term of office for Planning Board members is three (3) years.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2015/4 4-5 Certification of Town Clerk

The Moderator noted that the next three motions were very similar but involve different statutes, and he recognized Scott Maddern.

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town accept the provisions of G.L. c. 41, § 19K regarding compensation for a Certified Town Clerk.

Town Manager Michael Lombardo explained that \$1,000 stipend is given once certification is received. The article adopts the statute and the Town has built this cost into the budget.

VOICE VOTE: MOTION PASSES

ARTICLE 2015/4 4-6 Certification of Treasurer/Collector

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town accept the provisions of G.L. c. 41, § 108P regarding compensation for a Certified Collector or Treasurer.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2015/4 4-7 Certification of Assessor

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town accept the provisions of G.L. c. 59, § 21A regarding compensation for a Certified Assessor.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

ARTICLE 2015/4 5-1 Gift of Sidewalk Easement

Moved by Scott Maddern, Chair Board of Selectmen, duly seconded, that the Town authorize the Board of Selectmen to accept from Cumberland Farms a gift of easement for a sidewalk to be constructed by Cumberland Farms at the Walnut Street/Bay Road intersection, on such terms and conditions as are acceptable to the Board of Selectmen.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

SECTION 6: CLOSING FINANCIAL ACTIONS

ARTICLE 2015/4 6-1 Free Cash Application

The Moderator recognized Rick Sprenkle.

Moved by Rick Sprenkle, Chair Finance & Advisory Committee, duly seconded, that the Town reserve, appropriate and authorize the Assessors to use \$650,000 of available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2015.

VOICE VOTE: MOTION PASSES UNANIMOUSLY

ADJOURNMENT

The Moderator said: This Annual Town Meeting (dissolved at 3:00 p.m.) is recessed until April 16, 2015 at 7 o'clock a.m. at the Winthrop School.

A TRUE COPY: ATTEST:

Andrea J. Carlson
Town Clerk