



Special Town Meeting

November 7, 2015

At the close of registration on November 7, 2015 there were 5,490 registered voters.

Precinct 1 – 112
Precinct 2 – 128
Precinct 3 – 96

Assistant Moderator David Carey 8 Arabian Way

Appointed Tellers:

Section 1 Darcyll Dale 58 Woodbury Street
 Phillips Stearns 175 Linden Street

Section 2 William Sullivan 66 Woodbury Street
 Warren Gray 935 Bay Road

Section 3 Stephen Walsh 17 Hedding Avenue
 Katie Turner 58 Woodbury Street

Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 9:06 A.M. with 336 voters checked and present.

Pledge of Allegiance

The Moderator introduced Town officials and thanked Scott Maddern, Jay Burnham, and HW Rotary Club and Shawn Farrell for donation of food. She 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.

Registered voters have priority seating in the auditorium. I ask non-registered voters to give up their seats in the auditorium in the event it appears that we are running out of seats for registered voters and non-registered voters move to the overflow room. Registered voters may also sit in the overflow room, but if you must come to the microphones in the auditorium if you wish to speak on a motion.

I have appointed David Carey to be the assistant moderator in the overflow room.

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 Scott Maddern, Chairman, Board of Selectmen, who gave preliminary remarks (see document at end of Town Meeting minutes). The Moderator recognized Rick Sprenkle, Chairman, Finance & Advisory Committee, who introduced Parker Elmore, consultant from the Town's auditing firm Odyssey Advisors, who was recognized by the Moderator. Elmore summarized the Town's nearly \$6 million OPEB unfunded liability and described how if the Town sets aside \$125,000 a year in an OPEB trust investment fund for 30 years the fund would become self-sustaining. Elmore also responded to questions from the audience acknowledging that the Town is also, along with Wenham, responsible for HWRSD OPEB costs. In response to Bill Wheaton, 180 Bridge Street, Gilmore concurred that the federal government pays 67% of Medicare costs with the Town paying the balance.

SECTION 1: REPORTS and PROCEDURES

ARTICLE 2015/11 1-1 Reports

The Moderator recognized Scott Maddern. 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 card vote.

CARD VOTE: MOTION PASSES UNANIMOUSLY

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2015/11 2-1 Prior Year Bills

The Moderator noted that this article requires a 9/10th vote.

The Moderator recognized Bill Wilson. Moved by Bill Wilson, Selectman, duly seconded, that the Town raise and appropriate \$4,729.97 to pay utility and supply bills incurred in FY '15.

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES UNANIMOUSLY

ARTICLE 2015/11 2-2 Pool Revolving Fund

The Moderator recognized Rick Sprenkle. Moved by Rick Sprenkle, Chair Finance and Advisory Committee, duly seconded, that the Town pursuant to M.G.L. c.44, § 53E ½, authorize the Pool Revolving Fund with an FY 16 spending limit of \$223,739, with the specified program for expenditures, receipts to be credited, and official authorized to expend to be as set forth in Appendix A to the Fall 2015 Warrant Book.

Bob Gray, Bay Road, questioned why Hamilton alone was setting up pool revolving fund versus Hamilton-Wenham Recreation Department since Hamilton and Wenham are funding the pool jointly. The Moderator recognized Town Manager Michael Lombardo who explained that Hamilton oversees the operation of the pool and receipts will be from Hamilton and Wenham residents. If general funds are needed to support the pool this would go through the HW Recreation Department and both towns' Finance Committees.

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES

ARTICLE 2015/11 2-3 Community Preservation Committee Projects

The Moderator recognized Jay Butler. Moved by Jay Butler, Vice Chair Community Preservation Committee, duly seconded, that the Town act on the Community Preservation Committee recommended specified projects and appropriate monies from specific reserves for the undertaking of community preservation projects as read and by the moderator, with each item to be considered a separate appropriation, and further that the Town authorize the Town Manager to execute agreements on terms acceptable to him to the extent necessary to effectuate the public benefits of such projects.

Historic Resources-projects

1. To appropriate \$9,980 from the Community Preservation Fund Historic Resources Reserve to fund the third and final phase of the Preserve Our Pictures project.
2. To appropriate \$65,000 from the Community Preservation Fund Historic Resources Reserve to fund basement window replacement and upgrade electrical service at Post 194 American Legion Building.

Community Housing-project

1. To appropriate \$13,000 from the Community Preservation Fund Community Housing Reserves to fund roof repair at a Hamilton Housing Authority property located at 31 Union Street.

There were no HOLDS.

The Moderator recognized Jay Butler who presented information on use of CPA funds as recommended by the CPC since the Act was adopted by the Town. Olaf Krohg, 6 Blackbrook Road, questioned how much of CPA funds had been spent on open space versus recreation. Butler responded that the two categories have not been parsed because under the statute they are considered together, and there has not been any specific open space requests in the past.

The Moderator recognized Rick Sprenkle, Chairman, Finance & Advisory Committee, who mentioned that the FinCom recommended favorable action on this article.

The Moderator called for the card vote.

CARD VOTE: MOTION PASSES

ARTICLE 2015/11 2-4 Conservation Restriction on Sagamore Hill

The Moderator recognized Jay Butler. Moved by Jay Butler, Vice Chairman, Community Preservation Committee, duly seconded, that the Town Hamilton approve the making of a grant to the Essex County Greenbelt Association as part of ECGA's \$5.1 million purchase of conservation land; that the Town authorize the acceptance of a gift of a Conservation Restriction from ECGA on a portion of land to be acquired by ECGA located in the Town of Hamilton, of approximately 170 +/- acres owned now or formerly by Donovan Conservation, LLC as described on Assessors Map 34, Parcel 2; Map 26, Parcels 1, 2, and 4; and Map 25, Lot 1, to be held by the Conservation Commission of the Town of Hamilton in accordance with Chapter 40, Section 8C for conservation and passive recreation purposes or co-held with the Commonwealth Department of Conservation and Recreation; that One Million Seven Hundred Fifty Thousand Dollars (\$1,750,000) is appropriated to make this grant; that to meet this appropriation, \$190,000 is appropriated from Community Preservation Fund Open Space Reserve, and \$310,000 from the Community Preservation Undesignated Fund Balance, and the Treasurer, with the approval of the Selectmen, is authorized to borrow \$1,250,000 under and pursuant to Chapter 44B of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Town Manager is authorized to file on behalf of the Town of Hamilton any and all applications deemed necessary under the Landscape Partnership Grant Program or any other applications for funds in any way connected with the scope of this grant, and, further, that the Town Manager and the Board of Selectmen and the Conservation Commission, and other boards or committees each be authorized, as they deem appropriate or as required by law, to enter into all agreements and execute any and all instruments, as may be necessary on behalf of the Town of Hamilton to effectuate said purpose.

The Moderator recognized 21 Mill Street resident Chris LaPointe from ECGA who summarized details of the project and specifics of funding proposed for the project using \$1.75 million in CPA funds from open space reserve and bonding, state partnership grant up to \$2 million, \$250,000 from DCR, \$1.5 million in private funding and \$100,000 from Town of Essex's CPC for a total of \$5.6 million.

Rick Mitchell, 36 Rock Maple, spoke to the financial impacts to the Town relative to high tax rate and percentage of property that is tax exempt and in chapter land in Hamilton. As well as how the property being considered has only paid \$500 a year in property taxes and has not contributed to CPA funds and impact of removing taxable property that could be developed.

Chris Davis, 6 Partridge Berry Lane; Richard Boroff, 40 Moynihan Road; Bruce Ramsey, Goodhue Street spoke in support of article. Luis Munoz, 59 Moynihan Road, spoke to using CPA funds and need for recreation fields that are not in good shape. Jay Butler responded that the CPC believes the CPA funding will be in good shape when \$110,000 a year in CPA funds is used for the bonding. Gretel Clark, 823 Bay Road, and Ray Whipple, 49 Mill Street, spoke in favor of the article.

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

CARD VOTE: MOTION PASSES

Two-thirds requirement was met as declared by the Moderator

SECTION 3: PLANNING/ZONING ACTIONS

ARTICLE 2015/11 3-1 *Mixed Use Zoning By-law Amendment*

The Moderator recognized Marc Johnson. Moved by Marc Johnson, Selectman, duly seconded, that the Town amend Zoning By-law Section V. Use Regulations, B. Permitted Uses 1 by adding to the current language (at the end of the current text) the language set forth in Appendix C of the 2015 Fall Warrant Book.

The Moderator recognized Brian Stein, President of HDC, and 175 Willow Street resident, who responded to points in handout distributed at STM and clarified intent for rental housing, parking, and green space downtown. Also, that visioning sessions, charrettes, etc. have all recommended mixed use by-law for development in Town and how this amendment would assist downtown business owners who are seeking additional revenue.

Rosemary Kennedy, Rust Street, was opposed to article. Mary O'Neill, 159 Railroad Avenue, expressed interest in there being enough parking downtown. Charles Chivakos, 27 Village Lane; Richard Boroff, 40 Moynihan Road; Lisa Kane, 72 Hamilton Avenue; and Fred Mills, 15 Arthur Avenue, spoke in favor of the article. Stein responded to Jeanne Maurand, 21 Garfield Avenue, about potential for future small development on HDC's Willow Street property and related parking as well as HDC's intent to keep the former Mac Shoe building.

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

CARD VOTE: UNCLEAR

The Moderator called for a counted vote.

COUNTED VOTE:

179 – YES

67 – NO

MOTION PASSES

Two-thirds requirement was met as declared by the Moderator

SECTION 4: TOWN BY-LAW AMENDMENTS

ARTICLE 2015/11 4-1 Amendment to Noise By-law

The Moderator recognized Jeff Hubbard. Moved by Jeff Hubbard, Selectman, duly seconded, that the Town amend Section 13 of the Town By-law Ch. XI – Noise by-law by deleting the current language of the by-law and replacing it with the language set forth in Appendix D of the 2015 Fall Warrant Book.

The Moderator recognized Police Chief Russell Stevens who explained details about the amendment to the noise by-law and Town Manager Michael Lombardo who described where education, warnings and citations would be used. Chief Stevens responded to Janet Aldridge, Rust Street; explaining that by-law does not address enforcement of noise caused by the use of cell phones. In addition, Patty Pelletier, 49 Ortins Road, was told that the by-law does not apply to generators or motorcycles.

Zachary Peters, Lake Drive, moved to amend the wording in the proposed noise by-law amendment from Town Manager to Board of Selectmen. The amended motion was duly seconded. In response to Rick Mitchell, Rock Maple, Town Manager Michael Lombardo said it was fairly common to have noise complaint hearings come before the Town Manager and the Board of Selectmen’s role is to create policies and provide guidance. In response to Peters, regarding the change in by-law relative to hearing officer from Police Chief to Town Manager, Selectmen Maddern and Johnson described how the Town Manager was trained for the job versus Board of Selectmen and he would resolve issues objectively as he has done in his role as dog hearing officer.

The Moderator called for the card vote on the amended motion to determine whether Town Meeting is going to amend the motion.

CARD VOTE: MOTION FAILS

The Moderator called for the card vote on the main motion.

CARD VOTE: MOTION PASSES

ADJOURNMENT

The Moderator said: This Special Town Meeting is dissolved at 11:15 a.m.

A TRUE COPY: ATTEST:

Andrea J. Carlson
Town Clerk



Appendices

for

Special Town Meeting Warrant

November 7, 2013

9 a.m.

Winthrop School

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APPENDIX A

DEPARTMENTAL REVOLVING FUNDS

Revolving Fund	Authorized to Spend Fund	Revenue Source	Use of Fund	FY16 Spending Limit
Pool Fund (<i>authorization</i>)	Town Manager	Receipts from pool passes and pool programs	Salaries, expenses, supplies, contractual services, and related capital expenses to operate and maintain the pool	\$223,739

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APPENDIX B

COMMUNITY PRESERVATION COMMITTEE

- | <u>No.</u> | <u>Purpose</u> |
|------------|--|
| | <u>Historic Resources-projects</u> |
| 1. | To appropriate \$9,980.00 from the Community Preservation Fund Historic Resources Reserve to fund the third and final phase of the Preserve Our Pictures project. |
| 2. | To appropriate \$65,000 from the Community Preservation Fund Historic Resources Reserve to fund basement window replacement and upgrade electrical service at Post 194 American Legion Building. |
| | <u>Community Housing-project</u> |
| 3. | To appropriate \$13,000 from the Community Preservation Fund Community Housing Reserve to fund roof repair at a Hamilton Housing Authority property located at 31 Union Street. |

Summary of Recommendations

Reserve Fund Balance Category	Reserve Fund Balance as of 7/1/2015	Total of Requests	Projected Specified Reserve Balance
Historic Resources	\$91,296	\$74,980	\$16,316
Community Housing	\$162,912	\$13,000	\$149,912
Total	\$254,208	\$87,980	\$166,228

Notes

Reserve Fund Balance Category is the reserve fund specified for either Historic Resources, Community Housing, or Open Space.

Reserve Balance as of 7/1/2015 are unaudited results for the category presented.

Total of Requests is the sum of approved projects for this article.

Projected Balance for Specified Reserves after appropriation is approximate, unaudited FY16 results.

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APPENDIX C

MIXED-USE ZONING BY-LAW

Proposed Change

SECTION V. USE REGULATIONS, B. Permitted Uses 1. - Amend by adding to the existing text (at the end of the current language) the following:

“Mixed Use, defined as two or more uses on a single parcel as a part of a single development plan. This use requires Site Plan Review; see section VI.H.”

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APPENDIX D

NOISE BY-LAW, TOWN BY-LAW CH. XI

Section 13 Noise By-Law

A. Definitions. As used by this by-law, the following terms shall have the meanings indicated:

“Noise”- a sound that is plainly audible at a distance of 150 feet from its source and which disturbs the reasonable quiet, comfort, repose, or health of others.

“Plainly Audible” - Any sound from a source regulated by this by-law that can be detected above routine or normal ambient background sound by unaided human hearing.

“Sound Amplification System” - Any fixed or portable system to operate or amplify sound, including, but not limited to, phonograph, radio, television, stereo, record player, tape player, cassette player, compact disk player, digital music player, "boom box," or loud speaker.

B. It shall be unlawful for any person or persons to cause or allow any Noise that emanates from any building, boat, structure, vehicle, premises, or any Sound Amplification System, which is plainly audible at a distance of 150 feet from its source. The fact that the Noise is plainly audible at a distance of 150 feet from the building, structure, vehicle, boat, premises or Sound Amplification System in which or from which it originates shall constitute prima facie evidence of a violation of this by-law.

C. Sounding horns excessively. It shall be unlawful to sound or use automobile, truck or other motor vehicle horns or similar signaling devices upon the public streets, parking lots, or thoroughfares of the Town in excess of those signals necessary for the preservation of safety.

D. For the purposes of this by-law, Noise shall include loading or unloading activities, use of power tools and equipment, use of lawn or landscaping equipment, loud outcries, and other loud or boisterous sounds which are not specifically exempted by subsection F and which occur outside of 7:00 a.m. and 9:00 p.m.

E. Penalties for violation. Whoever violates this by-law shall be subject to enforcement action by non-criminal disposition as provided in M.G.L. c. 40, Sec. 21D and Chapter XIII of the Town By-laws. The first violation of this by-law may be punished by a verbal warning or a fine of one hundred dollars (\$100.00). The second violation of this by-law within 12 months after the first violation shall be punished by a fine of two hundred dollars (\$200.00). Further violations within 12 months after the last violation shall be punished by a fine of three hundred dollars (\$300.00). Each such act, which either continues or is repeated more than one-half (1/2) hour after issuance of a verbal warning or fine for violation of this by-law, shall be a separate offense and shall be prosecuted as a separate offense.

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This By-law shall be enforced by the Hamilton Police Department. Any person aggrieved by the imposition of a fine under this by-law may, within twenty (20) days of the imposition of the fine, request a hearing before the Town Manager, who may set aside the fine.

(1) If the person or persons responsible for violation(s) of this by-law cannot be determined, then the person in lawful custody and/or control of the premises where the violation(s) occurred, including but not limited to the owner, lessee, manager, or occupant of the property, may be held responsible for the violation(s).

F. Exemptions. The following uses and activities shall be exempt from this by-law:

- (1) Any Public Safety motor vehicle using any communication or signaling device necessary in the performance of its operator's duties.
- (2) Any highway maintenance, water department, or public utilities activities and/or vehicles, while engaged in necessary emergency business.
- (3) Announcing systems at sanctioned sporting or other authorized public events between the hours of 7:00 a.m. and 9:00 p.m.
- (4) Noises of safety signals, warning devices and emergency pressure relief valves.
- (5) Noises resulting from activities of a temporary duration permitted by law and/or for which a license or permit has been granted by the Town.
- (6) Parades, music festivals, public gatherings, and events for which the Selectmen have issued a permit.
- (7) Bells, chimes, carillons, or other call to prayer, or amplified, recorded, or other electronic substitution while being used for religious purposes, in conjunction with religious services, between 7:00 a.m. and 9:00 p.m.
- (8) Snow removal/road sanding from private parking lots, drives, roadways, and other vehicle- or pedestrian-traveled surfaces.
- (9) Noises for which the Board of Selectmen has granted a special permit pursuant to section G, below.
- (10) Noise resulting from activities of any agricultural operation between the hours of 7:00 a.m. and 9:00 p.m.
- (11) Noise generated by animals.
- (12) Noise resulting from the operation of boats for recreation.

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G. Application for permit for relief.

(1) Application for a permit for relief from this by-law on the basis of undue hardship may be made to the Board of Selectmen.

(2) Any permit granted by the Selectmen shall set forth all conditions pertaining to the specified noise and a reasonable time limit for its abatement.

(3) The holders of licenses to provide alcoholic beverages and/or entertainment shall comply with any noise allowances and/or restrictions imposed upon such licenses, and in the case of a conflict between individual license allowances or restrictions and this by-law, the terms of the license shall apply, and a violation of any such allowances or restrictions shall also constitute a violation of this by-law.

H. Severability clause. If any part of this by-law is deemed to be contrary to state or federal law, that part can be severed without affecting any other part of this by-law.

Opening Comments for Hamilton 2015 Special Town Meeting

Thank you Madam Moderator. Good morning, and thanks to everyone who had a hand in organizing today's Town meeting, especially Shawn Farrell and all those who organized our breakfast this morning as well as our new Moderator.

We have a great town with wonderful people and a solid government. We have over 30 boards and committees, hard at work all year to help prepare for today and Annual Town Meeting. All of those boards and committees have many volunteers who help them decide which programs or projects are important for us. And there are hundreds and hundreds more volunteers who help run those programs. Here are just a couple of examples:

- From our Senior Center, our outreach programs, counseling and referrals to other agencies contacted many of our seniors: 1,700 seniors receive the monthly newsletter; In the year ending July, the period we track such things, we had: 2,300 transports by Beauport; for our Outreach/SHINE program we had a 57% increase over the prior year; we delivered 8,000 meals on wheels as well as 1,400 daily congregate lunches; and, we have great participation in our trips and community wellness programs.
- Our Recreation Department serves a huge population. Our fields and Rec Center have over 2,500 uses annually, some with hundreds of participants. Who hasn't seen the hundreds of kids playing flag football in Patton Park, while families enjoy the playground? The Board of Selectmen have given their support for turf fields at the HS and asked that the Wenham Board of Selectmen as well as School Committee do the same. I believe that turf fields are on the next School Committee meeting, so I encourage those interested to attend their meeting on the 19th. My own personal crystal ball

Opening Comments for Hamilton 2015 Special Town Meeting

is that you'll be asked to decide on turf fields possibly in April 2017. And you have probably noticed a new parking lot in Patton Park as we prepare for the new pool, as well as new dugouts kindly donated by Kevin Puopolo and family.

And I'd like to highlight some other areas of progress for you:

- I'm sure you've noticed the replacement of our water pipes which are 60-70 years old but were designed to last only 40-50. Phase 1 is wrapping up in the fall and you approved phase 2 in the spring, so we are well on our way to replacing those old, leaky pipes.
- The BOS & FinCom started the budget process in the summer with a 3-year forecast review. We include our Town Manager, Finance Director, and School Committee in the conversation. It gives the direction to our Town Departments and District so they can start their budget processes in preparation for Annual Town Meeting in April. We asked the School Committee to provide their capital plan so that we can have a complete picture for you.
- We renewed the leases to the School District for Winthrop and Cutler properties.
- The Board of Selectmen are developing much longer term guidance, more than the 3-year and financial forecast and 5 year capital improvement plan. It was named "We are in it Together" by our seniors. The seniors responded to survey questions from the Council on Aging mailed to them in September and October. I expect we'll survey the entire town too, similarly

Opening Comments for Hamilton 2015 Special Town Meeting

to what we did about 10 years ago. And, we are working with the FinCom on key indicators and trends to share with you.

- Police Chief Russ Stevens announces that the Hamilton Police Department has been reaccredited by the Massachusetts Police Accreditation Commission, Inc, we are only one of 60 communities in the Commonwealth to achieve this accreditation.
- For our new Finance Director, Brian Connolly. Please introduce yourself to him and develop the same high quality relationship with him that you did with his predecessor, Deb Menna.
- And we signed the deeds for the sale of 4 acres of property at the Patton Homestead, the portion you authorized for sale – the proceeds are \$1,156k to be used for the historic Homestead, recreation fields and our Affordable Housing Trust. Thanks again to Mrs. Patton and the whole Patton Family whom we owe so much for their many contributions to our town. Yet there is even more to come: the homes when build will contribute about \$150,000 taxes per year and the Patton Incorporators are doing an outstanding job, creating a non-profit to operate the Homestead. We'll more from them at Annual Town Meeting in April.

It's worth saying again: we have trusted and valued volunteers on our boards and committees. They all listen to your needs and concerns, contributing to our plans and directions. They are our neighbors and friends, all passionate about our Town and we thank them for their contributions. Thank you Madam Moderator.