



WARRANT

For

Annual Town Meeting

May 8, 2010

9:00 a.m.

Hamilton-Wenham Regional High School
Auditorium

Annual Town Election

May 20, 2010

7:00 a.m. – 8:00 p.m.

Winthrop School
Cafeteria

Please note: The appendices are available at Town Hall, on-line at www.hamiltonma.gov, and at the meeting. They were omitted from the warrant mailing to save on printing and postage costs.

Please recycle this warrant after the Town meeting.

Town By-Laws

CHAPTER II

RULES AND PROCEDURE OF TOWN MEETINGS

SECTION 1. All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote.

SECTION 2. In case of motions to amend, or to fill out blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

SECTION 3. The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Special Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

SECTION 4. If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

SECTION 5. No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

SECTION 6. Only registered voters of the Town shall be admitted and entitled to vote at any Annual or Special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

SECTION 7. Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

SECTION 8. The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, Second Edition.

SECTION 9. On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

Annual Town Meeting – May 8, 2010

TABLE OF CONTENTS

WARRANT ARTICLE	DESCRIPTION	PAGE NO.
SECTION 1	ELECTIONS, REPORTS, PROCEDURES	
2010/5 1-1	Election of Officers	2
2010/5 1-2	Reports	2
SECTION 2	FINANCIAL ACTIONS	
2010/5 2-1	FY 10 Accident Insurance Fund Transfer to General Fund	2
2010/5 2-2	FY 10 Appropriation Increase to Protection of Persons and Property	2
2010/5 2-3	FY 10 Waste Reduction Enterprise Fund Increase	3
2010/5 2-4	FY 10 Prior year bill for Staples	3
2010/4 2-5	FY 10 Authorization of Borrowing	3
2010/5 2-6	Compensation/Classification Table (Appendix A)	3
2010/5 2-7	General Town Appropriations (Appendix B and Appendix C)	3
2010/5 2-8	Water Enterprise Budget (Appendix D)	3
2010/5 2-9	Waste Reduction Enterprise Budget (Appendix E)	4
2010/5 2-10	North Shore Regional Vocational School District Budget	4
2010/5 2-11	Community Preservation Committee Budget (Appendix F)	4
2010/5 2-12	Annual Financial Actions	4
2010/5 2-13	Reauthorization of Recreation and Parks Revolving Account (Appendix G)	4
2010/5 2-14	Accept M.G.L. c.32B, §20 to establish an OPEB Trust Fund	5
2010/5 2-15	Pay a prior year remittance to the Commonwealth of Massachusetts	5
SECTION 3	PLANNING / ZONING ACTIONS	
2010/5 3-1	Amend Off-Street Parking and Loading Areas (Appendix H)	5
2010/5 3-2	Amend Commercial Overlay District for landfill (Appendix I)	5
2010/5 3-3	Amend Site Plan Review (Appendix J)	5
2010/5 3-4	Amend Wind Energy Conversion Systems (Appendix K)	5
SECTION 4	TOWN BY-LAW AMENDMENTS	
2010/5 4-1	Quinn Bill	6
2010/5 4-2	Adopt M.G.L. c.59, §5K	6
2010/5 4-3	Adopt M.G.L. c.64L “Meals Tax”	6
2010/5 4-4	Meals Tax Stabilization Fund	6
2010/5 4-5	Adopt Appendix 120.AA of 780 CMR “Stretch Energy Code”	6
2010/5 4-6	Finance and Advisory Committee (Appendix L)	6
SECTION 5	OTHER APPROPRIATIONS AND ACTIONS	
2010/5 5-1	Release of Easement for Chebacco Road	7
2010/5 5-2	Accept Chebacco Road as a Town Way	7
2010/5 5-3	Adopt M.G.L. c.41, § 110A	7
2010/5 5-4	HWRSD Stabilization Fund	7
2010/5 5-5	Amendment to the HWRSD Agreement (Appendix M)	7
2010/5 5-6	Amendment to HWRSD Agreement – Citizens Petition	7-8
SECTION 6	CLOSING FINANCIAL ACTIONS	
2010/5 6-1	Free Cash Application	8

Please note: The appendices are available at the Town Hall, on-line @ www.hamiltonma.gov and at the meeting. They were omitted from the warrant mailing to save in printing and postage costs.

Annual Town Meeting – May 8, 2010



ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of the Town of Hamilton qualified to vote in election and town affairs, to meet at the Hamilton-Wenham Regional High School in said town, on Saturday, the Eighth day of May, in the year Two Thousand Ten (May 8, 2010) at nine o'clock in the morning (9:00 a.m.), then and there to act on the following articles.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

<p>ARTICLE 2010/5 1-1</p> <p><i>Election of Officers and Ballot Questions</i></p>	<p>To elect the following Town Officers at the Annual Town Election on Thursday, May 20, 2010 from 7:00 a.m. to 8:00 p.m. at the Winthrop School.</p> <ul style="list-style-type: none"> • 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 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 <p><u>Moderator:</u> 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.</p>
<p>ARTICLE 2010/5 1-2</p> <p><i>Reports</i></p>	<p>To hear reports of Town Officers and selected committees and to take action thereon or relative thereto. Reports will appear in the Town Report for Calendar Years 2008-2009.</p>

SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2010/5 2-1</p> <p><i>FY 10 Accident Insurance Fund Transfer to General Fund</i></p>	<p>To see if the Town will authorize the transfer of a sum of money from the FY10 Accident Insurance Fund to be used as another financing source in the General Fund for Fiscal Year 2010, or take any other action thereon or relative thereto. (Expected request of \$40,000.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-2</p> <p><i>FY10 Appropriation Increase to Protection of Persons and Property</i></p>	<p>To see if the Town will appropriate a sum of money from the available funds to increase the FY 10 Protection of Persons and Property, or take any other action thereon or relative thereto. (Expected request of \$40,000.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

Annual Town Meeting – May 8, 2010

<p>ARTICLE 2010/5 2-3 <i>FY10 Waste Reduction Enterprise Fund Increase</i></p>	<p>To see if the Town will authorize the increase of a sum of money from the available funds for the Waste Reduction Enterprise Fund, or take any other action thereon or relative thereto. (Expected request of \$13,400.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-4 <i>Prior year bill for Staples</i></p>	<p>To see if the Town will authorize payment of a prior year bill from the FY10 total General Government appropriation, or take any other action thereon, or relative thereto. (Expected request of \$80.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-5 <i>Authorization of Borrowing for ESCo Project</i></p>	<p>To see if the Town will vote to appropriate a sum of money for the purpose of making energy efficiency improvements to Town buildings, including the payment of all other costs incidental and related thereto, and for the payment of all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing, lease purchase, grants or otherwise; and to authorize the Selectmen to enter into an Energy Services Contract (ESCo) with an appropriate company under which savings on the Town’s energy utility costs will be applied to pay the interest costs and principal of the bonds or lease for the said improvements, to the extent of such savings; and raise and appropriate \$28,000.00 for first year debt service, or take any other action thereon, or relative thereto. (Expected debt of \$266,000.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-6 <i>Compensation/ Classification Table</i></p>	<p>To see if the Town will amend the Personnel By-law, as recommended by the Personnel Board, by adopting changes to the classification and compensation table, or take any other action thereon, or relative thereto.</p> <p>[The Proposed Compensation/Classification Table appears as Appendix A to the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-7 <i>General Town Appropriations</i></p>	<p>To see if the Town will raise and appropriate money for schools and all other Town expenses and determine the manner of expending same, or take any action thereon or relative thereto. (Expected request of \$24,916,997.00)</p> <p>[The proposed budget appears as Appendix B to the 2010 Appendix Book.] [The approved school budget appears as Appendix C to the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-8 <i>Water Enterprise Budget</i></p>	<p>To see if the Town will approve the FY 11 Water Enterprise Budget or take any other action thereon, or relative thereto. (Expected request of \$1,050,383.00)</p> <p>[The proposed budget appears as Appendix D to the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>

Annual Town Meeting – May 8, 2010

<p>ARTICLE 2010/5 2-9</p> <p><i>Waste Reduction Enterprise Budget</i></p>	<p>To see if the Town will approve the FY 11 Waste Reduction Enterprise Budget or take any other action thereon, or relative thereto. (Expected request of \$355,890.00)</p> <p>[The proposed budget appears as Appendix E to the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-10</p> <p><i>North Shore Regional Vocational School District Budget</i></p>	<p>To see if the Town will raise and appropriate a sum of money for the Town’s assessed portion of the North Shore Regional Vocational School District’s FY 11 budget, or take any other action thereon, or relative thereto. (Expected request of \$159,008.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-11</p> <p><i>Community Preservation Committee Budget</i></p>	<p>To see if the Town will act on the Report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation Budget and specified other projects and 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, or take other action thereon or relative thereto.</p> <p>[The Budget appears as Appendix F of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action</p>
<p>ARTICLE 2010/5 2-12</p> <p><i>Annual Financial Actions</i></p>	<p>To see if the Town will authorize the following financial actions, or take any other action thereon, or relative thereto.</p> <ul style="list-style-type: none"> A. To transfer a sum of money from the Cemetery Sale of Lots and Graves Fund to be used for cemetery purposes (expected request \$2,000.00); B. To transfer a sum of money from the Clark Property Fund to the Conservation Fund (expected request \$1,259.22); C. To transfer a sum of money from the Water Enterprise Fund to the General Fund to be used for indirect expenses (expected request \$332,338.00); D. To transfer a sum of money from the General Fund to the Waste Reduction Enterprise Fund to be used for solid waste expenses (expected request \$275,570.00). <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2010/5 2-13</p> <p><i>Reauthorization of Recreation and Parks Revolving Account</i></p>	<p>To see if the Town, pursuant to M.G.L. c. 44, § 53E ½, will 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 or otherwise, or take any other action thereon, or relative thereto. (Expected request of \$223,607.00)</p> <p>[The proposed budget appears as Appendix G to the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

Annual Town Meeting – May 8, 2010

<p>ARTICLE 2010/5 2-14</p> <p><i>OPEB Trust Fund</i></p>	<p>To see if the Town will accept M.G.L. c. 32N, §20 which authorizes the Town to establish <u>Other Post Employment Benefits Liability Trust Fund</u> 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 raise and appropriate a sum of money for deposit in said trust fund, or take any other action thereon or relative thereto. (Expected request of \$25,000.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 2-15</p> <p><i>Prior year remittance to Commonwealth of Massachusetts</i></p>	<p>To see if the Town will raise and appropriate a sum of money to remit to the Commonwealth of Massachusetts, being its share of fees collected in prior years, or take any other action thereon, or relative thereto. (Expected request \$10,820.00)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

SECTION 3: PLANNING /ZONING ACTIONS

<p>ARTICLE 2010/5 3-1</p> <p><i>Off-street Parking and Loading Area Ratios</i></p>	<p>To see if the Town will amend the Zoning By-law by amending Section VI.D.1.d to change the square footage of gross floor area per parking space, or take any other action thereon or relative thereto.</p> <p>[The proposed language appears as Appendix H of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 3-2</p> <p><i>Commercial Overlay District</i></p>	<p>To see if the Town will amend the Zoning By-law by amending Section V.G to add a “by right” use in the District for Wind Energy Facilities subject to Site Plan Review, or take any other action thereon or relative thereto.</p> <p>[The proposed language appears as Appendix I of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 3-3</p> <p><i>Site Plan Review</i></p>	<p>To see if the Town will amend the Zoning By-law 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, or take any other action thereon or relative thereto.</p> <p>[The proposed language appears as Appendix J of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 3-4</p> <p><i>Wind Energy Conversion Systems</i></p>	<p>To see if the Town will amend the Zoning By-law by deleting the current Section VI.I Wind Energy Conversion Systems and replacing it with a new Section VI.I, “Wind Energy Facilities”, or take any other action thereon or relative thereto.</p> <p>[The proposed language appears as Appendix K of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>

Annual Town Meeting – May 8, 2010

SECTION 4: TOWN BY-LAW AMENDMENTS

<p>ARTICLE 2010/5 4-1 <i>Quinn Bill</i></p>	<p>To see if the Town will rescind the acceptance of the so-called Quinn Bill, being M.G.L. c.41, §108L, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2010/5 4-2 <i>Senior Property Tax Work-off Program</i></p>	<p>To see if the Town will 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, effective in FY2011, and to authorize that abatements shall be limited to 15 participants with the fiscal year total Program abatement amount not to exceed \$15,000.00, or take any action related thereto.</p> <p>The Board of Selectmen, the Finance and Advisory Committee and the Board of Assessors recommend favorable action.</p>
<p>ARTICLE 2010/5 4-3 <i>Meals Tax</i></p>	<p>To see if the Town will accept the provisions of M.G.L. c.64L, §2(a) to impose a local meals excise tax, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2010/5 4-4 <i>Meals Tax Stabilization Fund</i></p>	<p>To see if the Town will establish a stabilization fund pursuant to M.G.L. c.40, §5B for the purpose of supporting and effectuating Downtown improvement and development initiatives, or take any action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>ARTICLE 2010/5 4-5 <i>Stretch Energy Code</i></p>	<p>To see if the Town will amend Chapter XX “Building Permit and Related Fees” of the Town By-laws 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 By-law of the Town.’, or take any other action thereon or relative thereto. (A copy of the Stretch Energy Code is on file with the Town Clerk.)</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 4-6 <i>Finance and Advisory Committee</i></p>	<p>To see if the Town will amend the Finance and Advisory Committee duties as described in Section 4 of Chapter VI of the Town By-Laws in the new Town Manager form of government, or take any other action thereon or relative thereto.</p> <p>[The proposed language appears as Appendix L of the 2010 Appendix Book.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at Town Meeting.</p>

Annual Town Meeting – May 8, 2010

SECTION 5: OTHER ACTIONS

<p>ARTICLE 2010/5 5-1 <i>Release of Easement of Chebacco Road</i></p>	<p>To see if the Town will release any right, title or interest it has in the paper layout of Chebacco Road shown as Section C-D on the plan entitled “Acceptance Plan, Chebacco Road Extension, Hamilton, Massachusetts,” dated February 5, 1964, Plan Book 102, Plan 17, a copy of which is on file with the Town Clerk, conditioned upon the execution of a Memorandum of Understanding with the Town of Manchester-By-The-Sea on terms acceptable to the Board of Selectmen, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 5-2 <i>Acceptance of Chebacco Road as a Town Way</i></p>	<p>To see if the Town will accept Chebacco Road as a public way and further authorize the Board of Selectmen to issue an Order of Taking, for nominal consideration, of a right-of-way easement over the way within the bounds of the Town of Hamilton as laid out and shown on a plan on file with the Town Clerk, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>ARTICLE 2010/5 5-3 <i>M.G.L. c. 41, § 110A Town offices closed on Saturdays</i></p>	<p>To see if the Town will accept the provisions of M.G.L. Ch. 41, Sec. 110A to allow the Town’s public offices to remain closed on Saturdays, or take any other action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee recommend favorable action.</p>
<p>Article 2010/5 5-4 <i>HWRSD Stabilization Fund</i></p>	<p>To see if the Town of Hamilton will approve the establishment of a Stabilization Fund by the Hamilton-Wenham Regional School District in accordance with the provisions of Chapter 71, Section 16G ½ of the General Laws, or to take any other action relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at Town Meeting.</p>
<p>Article 2010/5 5-5 <i>Amendments to HWRSD Agreement</i></p>	<p>To see if the Town will approve an amendment to the Hamilton-Wenham Regional School District’s District Agreement, or to take any other action relative thereto.</p> <p>[The proposed language appears as Appendix M of the 2010 Appendix Book.].</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
<p>Article 2010/5 5-6 <i>Amendments to HWRSD Agreement – Citizens Petition</i></p>	<p>To see if the Town will vote to approve an amendment of the Hamilton Wenham Regional School Agreement with the wording as presented in a citizen’s petition which states: "The undersigned hereby request that the provisions of <u>SECTION IV: APPORTIONMENT AND PAYMENT OF COSTS</u> be modified and amended by</p>

Annual Town Meeting – May 8, 2010

	<p>adding to subsection (A) thereof, the following additional paragraph, to be numbered (4):</p> <p>(4) <u>Operational Audit</u>: An Operational Audit shall be conducted, within six (6) months after the approval of the amendment to the Agreement by the member towns and within every five (5) years, thereafter, 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 of 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, adopt and implement the recommendations made therein or, in the event that it shall not be practical to adopt and implement the recommendations within that time frame, report to the Board of Selectmen, at an advertised Public Hearing the plan for adoption and implementation of each recommendation with a time limit relating thereto.</p> <p>The undersigned further request that the provisions of <u>SECTION IV: APPORTIONMENT AND PAYMENT OF COSTS</u> be modified and amended by changing (3) of subsection (A) thereof, to read as follows:</p> <p>(3) <u>Operating Costs</u> Operating costs shall consist of all costs of the District other than capital costs and special operating costs, and shall include the costs and expenses of the Operational Audit." or take any action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
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SECTION 6: CLOSING FINANCIAL ACTIONS

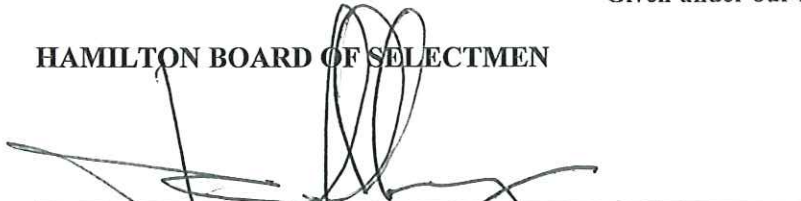
<p>ARTICLE 2010/5 6-1 <i>Free Cash Application</i></p>	<p>To see if the Town will reserve, appropriate and authorize the Assessors to use available certified free cash to reduce the tax rate for the Fiscal Year beginning July 1, 2010, or take any action thereon or relative thereto.</p> <p>The Board of Selectmen and the Finance and Advisory Committee will make a recommendation at the Town Meeting.</p>
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Annual Town Meeting – May 8, 2010

ADJOURNMENT

Given under our hands April 5, 2010


HAMILTON BOARD OF SELECTMEN



David S. Carey



William F. Bowler



Jennifer F. Scuteri

Hamilton, Massachusetts

I have this day served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.

Constable

BULK RATE
U.S. POSTAGE PAID
PERMIT #24
HAMILTON, MA 01936

POSTAL PATRON

The Town has a new website – Please log on to
www.hamiltonma.gov and take a look!

Please join us

Saturday, May 8, 2010

ANNUAL TOWN MEETING

Hamilton-Wenham Regional High School
Auditorium
9:00 a.m.

DEMOCRACY IS NOT A SPECTATOR SPORT

Please bring this warrant with you to the Town Meeting. Thank you.