

DRAFT



WARRANT

For

Special Town Meeting

October 13, 2018

9:00 a.m.

Hamilton-Wenham Regional High School

Auditorium

775 Bay Road

S. Hamilton, MA 01982

Please note: This Warrant should be brought to Town Meeting. The appendices to the Warrant are available at Town Hall, on-line at www.hamiltonma.gov, and will be available at Town Meeting.

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, except that unanimous consent shall be required for inclusion of an Article in a “Consent Motion” group of Articles that will be taken up by the meeting for voting on the group.

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 to or 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.

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DRAFT



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 Auditorium in said town, on Saturday, the thirteenth day of October, in the year Two Thousand Eighteen (October 13, 2018) at nine o'clock in the morning (9:00 am.), then and there to act on the following articles.

SECTION 1: REPORTS AND PROCEDURES

<p>ARTICLE 2018/10 1-1 <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 Year 2018.</p> <p><i>Summary: This provides an opportunity for town officials to report back to town meeting on any open matters on which town meeting has requested a report.</i></p>
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SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2018/10 2-1 <i>FY '19 Budget Adjustments</i></p>	<p>To see if the Town will raise and appropriate or transfer from available funds and to transfer from water receipts a sum of money to defray expenses and fund various accounts in the Fiscal Year 2019 operating budget of the Town, or take any action thereon or relative thereto.</p> <p><i>(Expected general fund requests of \$143,672 from available funds and \$24,525 from water receipts as itemized below:</i></p> <p><i>Increase in General Government budget \$11,727</i> <i>Increase in Public Safety budget \$10,245</i> <i>Increase in Department of Public Works \$109,800</i> <i>Increase Culture & Recreation budget \$2,300</i> <i>Increase in Unclassified budget \$9,600</i> <i>Increase in Water budget \$24,525)</i></p> <p><i>Summary: The adjustments presented in this article are necessary to properly fund various accounts that appear to be under budgeted when compared to</i></p>
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fiscal year 2018 actuals. These adjustments are due to mid-year changes or the need to increase budget estimates based on information currently available (i.e. fuel prices, zero sort recyclables costs).

- *Increase Finance budget by \$5,252, to supplement funding of full-time position due to change in job responsibilities*
- *Increase Legal budget by \$5,000, to increase budget to be more in line with prior year averages and fiscal year 2018 actuals*
- *Increase Public Buildings budget by \$1,475, to fund fuel costs based on the rise in gasoline and diesel prices and analysis of fiscal year 2018 actual usage*
- *Increase Inspectional Services budget by \$10,245, to support consolidated inspection and permitting software*
- *Increase Vehicle Maintenance budget by \$13,300, to fund fuel costs based on the rise in gasoline and diesel prices and analysis of fiscal year 2018 actual usage*
- *Increase Sanitation budget by \$96,500, to fund collection, hauling and disposal of waste. Mostly related to the rising costs of disposing recycling materials*
- *Increase Recreation budget by \$2,300, to fund utility costs based on increased prices and fiscal year 2018 actuals*
- *Increase Celebrations budget by \$9,600, to fund 4th of July Celebrations and annual Memorial Day Parade activities*
- *Increase Water budget by \$2,650, to fund fuel costs based on the rise in gasoline and diesel prices and analysis of fiscal year 2018 actual usage*
- *Increase Water budget by \$21,875, to fund the purchase of the Sensus Water Meter Upgrade Package and 25 additional MXU radio read units*

The motion under this article will require a simple majority vote. The requested funds represent approximately \$0.08 per \$1,000 assessed valuation, or \$47 tax assessment on the average home valued at \$566,000.

The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-

The Finance and Advisory Committee favorable 5-0 to Raise and Appropriate

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<p>ARTICLE 2018/10 2-2 <i>Appropriation for Fire Equipment</i></p>	<p>To see if the Town will transfer from available funds money to fund fire department equipment and personal protective gear, or take any action thereon or relative thereto. <i>(Expected request of \$26,000)</i></p> <p><i>Summary: This article would fund the purchase and installation of a Washer Extractor and Dryer to clean turn-out gear and the purchase of personal protective hoods to reduce exposure of firefighters to carcinogens in contaminated turnout gear. This equipment and gear are compliant with new OSHA and NFPA standards. The motion under this article will require a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0 to Raise and Appropriate</p>
<p>ARTICLE 2018/10 2-3 <i>Prior Year Bills</i></p>	<p>To see if the Town will raise and appropriate or transfer from available funds a sum of money to pay utility, supplies, and services bills incurred in a prior fiscal year, or take any action thereon or relative thereto. <i>(Expected amount \$606.02)</i></p> <p><i>Summary: A summary will be provided at Town Meeting.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0 to Raise and Appropriate</p>
<p>ARTICLE 2018/10 2-4 <i>Community Preservation Fund Projects</i></p>	<p>To see if the Town will appropriate monies from Community Preservation Fund special revenues, specific reserves, or other available funds for the undertaking of community preservation projects as recommended by the Community Preservation Committee, or take any action thereon or relative thereto.</p> <p><i>The proposed projects are as follows:</i></p> <p>1) <u>Open Space and Recreation – Project</u> <i>To appropriate \$17,000 from the Community Preservation Fund Balance to fund the removal of invasive species in Weaver Pond in Patton Park, with the condition that the effort commence prior to November 1st 2019.</i></p> <p>2) <u>Open Space and Recreation – Project</u> <i>To appropriate \$10,000 from the Community Preservation Fund Balance to fund the rehabilitation/replacement of the two basketball hoop systems at the basketball court in Patton Park, with the condition that the effort commence prior to July 1st, 2019.</i></p> <p>3) <u>Historic Preservation – Project</u> <i>To appropriate \$5,500 from the Community Preservation Fund Balance to fund the restoration of the cannons in Patton Park, with the condition that the effort commence prior to July 1st, 2019.</i></p> <p><i>Summary: The Town adopted the Community Preservation Act in 2005. Under the CPA, the Town annually assesses 2% on home values over \$100,000, in order to fund qualified housing, historic preservation, recreation and open</i></p>

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	<p><i>space projects. The Community Preservation Committee (CPC) is charged with making recommendations to town meeting on expenditures. In FY18, the Town received approximately \$410,000 in Town revenue and \$70,000 in the state match, for a total of \$480,000. For FY19, the Town anticipates receiving \$410,000 in Town revenue, plus a state match of \$60,000. The CPC voted 7-0 to recommend these expenditures. The motion under this article will require a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0 to Raise and Appropriate.</p>
<p>ARTICLE 2018/10 2-5</p> <p><i>Appropriate and Transfer Funds to the Patton Homestead Fund</i></p>	<p>To see if the town will raise and appropriate or transfer from available funds a sum of money to the Patton Homestead Fund to fund Fiscal Year 2019 operating costs, or take any action thereon or relative thereto. (<i>Expected request of \$90,011</i>)</p> <p><i>Summary: The Patton Homestead, valued in FY18 at \$1.8 Million, is a town cultural asset that requires on-going maintenance, as well as stewardship, to realize its potential value to the community and region. Presently, the Patton and Holbrook families’ archives are housed there and managed by the Wenham Museum. The Town has engaged a consultant to independently validate potential revenue opportunities, marketing recommendations and grant/capital opportunities. This budget provides basic operating and maintenance expenses through FY19, including a full-time Director to begin in January 2019. The Director will be essential to ensure the property is maintained, to work on fund-raising with the Patton Homestead, Inc. Board, to rent and use the Homestead in accordance with its mission, and to assist as necessary in development and planning of capital projects. The motion under this article will require a simple majority vote. The requested funds represent approximately \$0.06 per \$1,000 assessed valuation, or \$36 tax assessment on the average home valued at \$566,000.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee - TBD</p>
<p>ARTICLE 2018/10 2-6</p> <p><i>Funds for Affordable Housing – Longmeadow Project</i></p>	<p>To see if the Town will raise and appropriate or transfer a sum of money to the Affordable Housing Trust for the purpose of reducing the number of housing units to be developed by Harborlight and/or its partners at the Longmeadow Way location, or take any action relative thereto. (<i>Expected request of \$1,000,000.00</i>)</p> <p><i>Summary: The Hamilton Affordable Housing Trust (AHT) has been negotiating with Harborlight regarding the proposed development of affordable housing at the Longmeadow Way location. Although the developer has represented that the site could accommodate between 100 and 200 housing units, the AHT believes it is in the best interest of the community to seek a “right size” for this project. By providing financial support for this project, the town has the option of reducing the number of units to between 40 and 50 units. Without such support, Harborlight will need to develop more units in order to make the project</i></p>

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	<p><i>financially viable. The motion under this article will require a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee-TBD</p>
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SECTION 3: PLANNING /ZONING ACTIONS

<p>ARTICLE 2018/10 3-1</p> <p><i>Zoning By-law Amendment – Accessory Apartments</i></p>	<p>To see if the Town will amend the Zoning By-law deleting current Sections 3.6 and 3.7 and substituting therefor as Section 3.6 the language set forth in Appendix A, or take any action thereon of relative thereto.</p> <p>[The proposed by-law is set forth in Appendix A of the Fall 2018 Warrant Book.]</p> <p><i>Summary: The purpose of this article is to simplify the existing bylaws, to facilitate the creation of moderately-priced rental housing for small households, and to provide older homeowners with the means of generating rental income, companionship, security and assistance to remain in their homes. The motion under this article requires a two-thirds majority vote.</i></p> <p><u>Planning Board</u>: Brian Stein-Yes; Frederick Mitchell-Yes; Richard Boroff-Yes; Peter Clark-Yes; Edward Howard –Yes; Janel Curry – Absent.</p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0</p>
<p>ARTICLE 2018/10 3-2</p> <p><i>Zoning By-law Amendment – Delete Conservancy District</i></p>	<p>To see if the Town will amend the Zoning By-law by deleting Section 9.3 CONSERVANCY DISTRICT or take any action thereon or relative thereto.</p> <p><i>Summary: State and federal wetlands protection legislation has superseded this by-law, so it is no longer legally compliant. The newly-reconstituted Open Space Committee will be evaluating environmentally sensitive areas as part of its mission to update the Open Space Plan and will make recommendations about future protective measures. The motion under this article requires a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee-TBD</p>

SECTION 4: TOWN BY-LAW AMENDMENTS

<p>ARTICLE 2018/10 4-1 <i>By-law Amendment – Personnel By-law</i></p>	<p>To see if the Town will amend the Town By-laws, Ch. XXXIV, Personnel By-Law, by removing all references to the Personnel Board, or take any action thereon or relative thereto.</p> <p><i>Summary: The Personnel Board was dissolved by the Town in 2015. This is a housekeeping measure. The motion under this article will require a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0</p>
<p>ARTICLE 2018/10 4-2 <i>By-law Amendment – Retail and Commercial Hours of Operation</i></p>	<p>To see if the Town will amend the Town By-laws, Section 11 of Ch. XI, Police Regulations, by amending the hours in which retail and commercial establishments may be open for business or take any action thereon or relative thereto.</p> <p>Proposed By-law: No retail or commercial establishment, except automatic tellers, restaurants, and gas pumping stations, shall be open to the public between the hours of 11:00 P.M. and 5:00 A.M.</p> <p><i>Summary: The Board of Selectmen will provide a summary at Town Meeting.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0</p>

SECTION 5: OTHER APPROPRIATIONS AND ACTIONS

<p>ARTICLE 2018/10 5-1 <i>Approve Solar Power Purchase Agreement, Lease of Former Town Landfill, and Structured Tax Agreement</i></p>	<p>To see if the Town will authorize the Board of Selectmen to lease, for a maximum of thirty (30) years with the option to renew, upon such terms and conditions as are acceptable to the Board of Selectmen, a portion of Town land formerly the Town landfill located at 500 Chebacco Road, Assessors’ Map 75, Lot 1, and further to enter into a Solar Power Purchase Agreement and a structured tax agreement pursuant to Chapter 59, Section 38H of the General Laws with Ameresco for the purposes of constructing, maintaining, and operating a solar array facility, or take any action thereon or relative thereto.</p> <p><i>Summary: The Town has been negotiating with Ameresco to develop a solar photovoltaic facility on the former Town landfill under which the Town will receive rent for the lease of the land, payments in lieu of taxes, and a favorable price for the electricity generated on site. It is estimated that the Town will save hundreds of thousands of dollars over the life of the lease in electricity costs. The</i></p>
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	<p><i>motion under this article will require a 2/3rds vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee-TBD</p>
<p>ARTICLE 2018/10 5-2 <i>Grant Easement Former Town Landfill</i></p>	<p>To see if the Town will grant an easement to National Grid to install, maintain, operate, repair, reinstall, or replace utility pole lines and a substation for three phase power for a solar array installation at the former Town landfill, 500 Chebacco Road, Assessors’ Map 75, Lot 1, or take any action thereon or relative thereto.</p> <p><i>Summary: This article complements Article 5-1. The article will provide the infrastructure to transfer the energy generated by the solar array facility to the electrical grid. The motion under this article will require a simple majority vote.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee-TBD</p>

SECTION 6: CLOSING FINANCIAL ACTIONS

<p>ARTICLE 2018/10 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, 2018, or take any other action thereon or relative thereto.</p> <p><i>Summary: This article reduces the tax rate by appropriating a portion of free cash. The motion under this article will require a simple majority vote. The reduction in the tax rate will be calculated once the amount of free cash to be used is determined.</i></p> <p>The Board of Selectmen: Shawn Farrell-; Scott Maddern-; Jeffrey Hubbard-; Allison Jenkins-; William Olson-.</p> <p>The Finance and Advisory Committee favorable 5-0</p>
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Given under our hands this September 10, 2018

HAMILTON BOARD OF SELECTMEN

Shawn M. Farrell, Chair

Scott F. Maddern

Jeffrey M. Hubbard

Allison M. Jenkins

William Olson

Hamilton, Massachusetts

I have this ____ day of _____, 2018, served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.

Constable



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