



WARRANT

For

Special Town Meeting

October 22, 2011

9:00 a.m.

Hamilton-Wenham Regional High School
Auditorium

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.

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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 Twenty Second day of October, in the year Two Thousand Eleven (October 22, 2011) 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

	NONE
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SECTION 2: FINANCIAL ACTIONS

<p>ARTICLE 2011/10 2-1</p> <p align="center"><i>Revolving Account</i></p>	<p>To see if the Town, pursuant to M.G.L. c. 44, § 53E ½, will authorize a revolving fund for the Board of Health for the fiscal year beginning July 1, 2011, for the establishment and support of the Emergency Dispensing Services, all receipts collected during the year to be credited to the fund, or take any other action thereon, or relative thereto. <i>(Expected request of \$3,000.00)</i></p> <p>[The proposed budget and details of expenditure appears as Appendix A to this Warrant.]</p> <p>The Board of Selectmen and the Finance and Advisory Committee</p> <p>_____.</p>
<p>ARTICLE 2011/10 2-2</p> <p align="center"><i>Water Enterprise Fund Budget Increase and Transfer</i></p>	<p>To see if the Town will approve an increase in the FY 12 Water Enterprise budget and appropriate a sum of money from Water Enterprise Retained Earnings to be used for water supply for increased housing, or take any other action thereon or relative thereto. <i>(Expected increase of \$20,000.00)</i></p> <p>The Board of Selectmen and the Finance and Advisory Committee</p> <p>_____.</p>

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<p>ARTICLE 2011/10 2-3 <i>Waste Enterprise Fund Budget Increase</i></p>	<p>To see if the Town will approve an increase in the FY 12 Waste Enterprise budget, or take any other action thereon or relative thereto. (<i>Expected increase of (\$88,700.00)</i>)</p> <p>The Board of Selectmen and the Finance and Advisory Committee</p>
<p>ARTICLE 2011/10 2-4 <i>Waste Enterprise Fund Transfer</i></p>	<p>To see if the Town will appropriate a sum of money from Waste Enterprise Retained Earnings to be used for organic waste costs, or take any other action thereon or relative thereto. (<i>Expected request of \$10,000.00</i>)</p> <p>The Board of Selectmen and the Finance and Advisory Committee</p>
<p>ARTICLE 2011/10 2-5 <i>Appropriation Transfer</i></p>	<p>To see if the Town will transfer a sum of money from Department of Public Works to Health & Human Services, or take any other action thereon or relative thereto. (<i>Expected request of \$16,928.00</i>)</p> <p>The Board of Selectmen and the Finance and Advisory Committee</p>
<p>ARTICLE 2011/10 2-6 <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> <p>A. To transfer an additional sum of money from the Cemetery Sale of Lots and Graves Fund to be used in FY 12 for cemetery purposes (<i>expected request of \$1,204.00, for a total FY 12 appropriation of \$2,000.00</i>);</p> <p>B. To rescind the vote at the 2011 Annual Town Meeting to transfer \$2,000.00 from the Clark Property Fund to the Conservation Fund;</p> <p>C. To transfer a sum of money from the Clark Property Fund to the Conservation Fund for use in FY 12 (<i>expected request of \$796.00</i>);</p> <p>D. To transfer an additional sum of money from the Water Enterprise Fund to the General Fund for indirect expenses (<i>expected request is \$28,214.00 for a total of \$303,784.00</i>);</p> <p>E. To rescind the vote at the 2011 Annual Town Meeting to transfer \$303,784 from the General Fund to the Waste Enterprise Fund; and</p> <p>F. To transfer an additional sum of money from the General Fund to the Waste Enterprise Fund to be used for solid waste and recycling purposes (<i>expected request of \$364,270.00</i>)</p> <p>The Board of Selectmen and the Finance and Advisory Committee</p>
<p>ARTICLE 2011/10 2-7 <i>Matching Grant</i></p>	<p>To see if the Town will transfer a sum of money from the Water Enterprise Fund to the Water Grant Fund, or take any other action thereon or relative thereto. (<i>Expected request of \$2,500.00</i>) <i>grant - \$10,000</i></p> <p>The Board of Selectmen and the Finance and Advisory Committee</p>

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<p>ARTICLE 2011/10 2-8 <i>Playground Equipment</i></p>	<p>To see if the Town will appropriate a sum of money from certified Free Cash to fund the purchase of playground equipment for Patton Park, or take any other action thereon or relative thereto. <i>(Expected request of \$5,000.00)</i></p> <p>The Board of Selectmen and the Finance and Advisory Committee</p> <p>_____</p>
<p>ARTICLE 2011/10 2-9 <i>Downtown Special Events</i></p>	<p>To see if the Town will appropriate a sum of money from certified Free Cash to fund the purchase of decorations for special events for the downtown business district, or take any other action thereon or relative thereto. <i>(Expected request of \$2,500.00)</i></p> <p>The Board of Selectmen and the Finance and Advisory Committee</p> <p>_____</p>

SECTION 3: PLANNING /ZONING ACTIONS

	<p align="center">NONE</p>
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SECTION 4: TOWN BY-LAW AMENDMENTS

	<p align="center">NONE</p>
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SECTION 5: OTHER ACTIONS

<p>ARTICLE 2011/10 5-1 <i>Hours for Sunday & Holiday Alcohol Sales</i></p>	<p>To see if the Town will accept the provisions of M.G.L. c. 138, § 33B to permit alcoholic beverages consumed on premises to be sold as early as 10 a.m. on Sundays, the last Monday in May, and on Christmas day or on the day following when Christmas day occurs on Sunday, 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>
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EXHIBIT A

EDS & CLINIC REVOLVING ACCOUNT

EDS/CLINIC PROGRAM REVENUE

Insurance Reimbursement	\$3,000.00
Bequest & Contributions	0

EDS/CLINIC PROGRAM EXPENSE

Medical & Equipment Supplies	\$2,000.00
Office Supplies	\$ 200.00
Professional Services	\$ 358.00
Police Detail	\$ 232.00
Billing & Collection Services	\$ 210.00



Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Kim S. Gainsboro
Chairman

THE ALCOHOLIC BEVERAGES CONTROL COMMISSION ("ABCC") ADVISORY

Effective July 1, 2010, the legislature passed a new law authorizing Local Liquor Licensing Authorities ("LLA") to allow M.G.L. c. 138, §12 licensees to sell alcoholic beverages at 10 a.m. on Sundays. This law amends M.G.L. c 138, §33B by allowing each city or town to "opt into" the new law giving their LLA discretion to grant an additional one (1) hour of sale of alcoholic beverages on Sundays, now starting at 10 a.m. to any or all of the §12 licensee in their community. Cities and towns should check with their counsel to determine the procedure required to "opt into" this new law. ABCC approval for these discretionary hours of sale is not required; but as always the LLA must forward an informational "Form 43" with the Sunday hours of sale to the ABCC.

Each §12 licensee should consult with their LLA to determine the necessary steps to get permission to sell alcoholic beverages at 10 a.m. on Sundays. A §12 license holder who is denied the discretionary hour of sale may not appeal that denial to the ABCC.

All licensees should ensure that they are in compliance with the laws of the Commonwealth of Massachusetts, M.G.L. c. 138, §64, and that sales of alcoholic beverages take place only on the days and hours last approved by the LLA.

NO §12 LICENSEE HAS THE RIGHT TO SELL ALCOHOLIC BEVERAGES EXCEPT DURING THE HOURS the LLA PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010. ANY LICENSEE WHO SELLS BEFORE THE HOURS OF SALE PREVIOUSLY GRANTED ON OR BEFORE JUNE 30, 2010 BY THE LLA VIOLATES THE LAW AND FACES DISCIPLINARY ACTION FROM THE LLA BY SUSPENSION, REVOCATION, CANCELLATION OR MODIFICATION OF THE LICENSE IN ADDITION TO ARREST AND CRIMINAL PROSECUTION FOR THE ILLEGAL SALE OF ALCOHOLIC BEVERAGES.

Individuals with questions concerning this Advisory and the new Sunday Sales law may contact, the ABCC at 617-727-3040 x 31.

(Issued: Friday, July 02, 2010)



PART I ADMINISTRATION OF THE GOVERNMENT
(Chapters 1 through 182)

TITLE XX PUBLIC SAFETY AND GOOD ORDER

CHAPTER 138 ALCOHOLIC LIQUORS

Section 33B Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 11:00 A.M. and 12:00 noon

[Text of section effective until July 1, 2010. For text effective July 1, 2010, see below.]

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of eleven o'clock ante meridian and twelve o'clock noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

Chapter 138: Section 33B. Sales of alcoholic beverages by on-premise licensees on Sundays and certain legal holidays; sales between 10:00 A.M. and 12:00 noon

[Text of section as amended by 2010, 131, Sec. 93 effective July 1, 2010. See 2010, 131, Sec. 202. For text effective until July 1, 2010, see above.]

Section 33B. The local licensing authority of any city or town which accepts this section may authorize licensees under section twelve to sell alcoholic beverages between the hours of 10:00 a.m. and 12:00 noon on Sundays, the last Monday in May and on Christmas day or on the day following when said day occurs on Sunday.

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ADJOURNMENT

Given under our hands _____, 2011

HAMILTON BOARD OF SELECTMEN

Jennifer T. Scuteri, Chair

David S. Carey

Marc I. Johnson

Jeffrey T. Stinson

Jeffrey M. Hubbard

Hamilton, Massachusetts

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

Constable

Special Town Meeting – October 22, 2011

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

POSTAL PATRON

Visit our website at www.hamiltonma.gov

Please join us

Saturday, October 22, 2011

SPECIAL 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.