



TOWN OF HAMILTON
TOWN HALL
HAMILTON, MASSACHUSETTS 01936
978-468-5570

The following is a certified copy of the motion and vote taken at the Annual Town Meeting of the Town of Hamilton held on May 2, 2005, Adjourned Session held on May 3, 2005 at the Hamilton-Wenham Regional High School and the results of the Annual Town Election held on May 12, 2005 at the Winthrop School.

ARTICLE 4-5

Community

Preservation

Committee By-law

Question 3

Moved by Chris Davis, duly seconded, that subject to acceptance of G.L. c. 44B, §§ 3-7 by the voters at the 2005 Annual Town Election [Question 3] pursuant to a citizens' petition under G.L. c. 44B, § 3(h), the Town enact a general by-law, to be known as Chapter XXVII of the Town of Hamilton By-Laws, to establish a Community Preservation Committee to act under G.L. c. 44B, § 5 and determine the number of persons on said committee, their method of selection and term of office, all in accordance with the Massachusetts Community Preservation Act by adopting the language set forth in Appendix J to the Warrant Book for the 2005 Annual Town Meeting.

Chris Davis explained to residents the role of the Community Preservation Act (CPA) in other communities, the way that it would impact the average taxpayer, and how the funds raised could be used. There are three areas money can be spent: affordable housing, open space, and recreation land. Mr. Davis also explained that residents earning below eighty percent of the median income would be eligible for a tax abatement. If the CPA passes at the ballot, a committee would be formed with one member from each of the following boards: Conservation Commission, Historical Commission, Planning Board, Recreation Board, and Housing Authority. There would also be four members appointed by the selectmen. This committee would then make recommendations to Town Meeting each year for spending the funds.

Cora Sanders, a resident of Baker Avenue, suggested the four selectmen appointees be elected by voters, with at least one member coming from each precinct. Chris Davis responded that this could be looked into as a possibility. Joanne Patton and Peter Dana both voiced their support for the CPA.

With no further discussion, the Moderator called for the vote.

VOICE VOTE: MOTION PASSES

APPENDIX J
COMMUNITY PRESERVATION COMMITTEE BY-LAW

CHAPTER XXVII
COMMUNITY PRESERVATION COMMITTEE

Section 1 – Establishment, Membership, Terms

There is hereby established a Community Preservation Committee, consisting of nine (9) voting members pursuant to G.L. c. 44B, the Community Preservation Act. The Committee shall act pursuant to G.L. c. 44B, § 5. The composition of the committee, the method of selecting its members, and each member's length of term is as follows:

One member of the Conservation Commission as designated by the Conservation Commission for a term of three years.

One member of the Historical Commission as designated by the Historical Commission for an initial term of one year and thereafter for a term of three years.

One member of the Planning Board as designated by the Planning Board for a term of three years.

One member of the Board of Selectmen, acting in its capacity as the Board of Park Commissioners, as designated by the Board of Selectmen for an initial term of one year and thereafter for a term of three years.

One member of the Housing Authority as designated by the Housing Authority for an initial term of one year and thereafter for a term of three years.

Four citizens at large to be appointed by the Board of Selectmen for initial terms of two years and thereafter each for a term of three years.

Any member who serves as a representative of an appointing committee who ceases during his or her term to be a member of the appointing committee shall also cease to be a member of the Community Preservation Committee. Any member may be removed with or without cause by the appointing committee. Any vacancy during the pendency of a term shall be filled by the appointing committee for the remainder of the term. Members may be eligible for reappointment.

Should any of the Commissions, Boards, or Committees who have appointment authority under this by-law chapter be no longer in existence for any reason, the appointment authority for that Commission, Board, or Committee shall devolve upon the persons acting in the capacity of or performing the duties of the former Commission, Board or Committee. If there are no such

persons acting in the capacity of or performing the duties of any such Commission, Board, or Committee, then the appointment shall be the responsibility of the Board of Selectmen.

All initial appointments shall be made within twenty days of the effective date of this by-law. Thereafter, all vacancies, whether at the end of a member's term or otherwise, shall be filled within twenty days of the creation of the vacancy. If any appointing authority fails to fill the vacancy within the allotted time, the Board of Selectmen shall make the appointment.

Section 2 – Duties

1. The Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including but not limited to the Conservation Commission, the Historical Commission, the Planning Board, the Board of Selectmen in its capacity as the Board of Park Commissioners, the Housing Authority and the Open Space Committee, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the Committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town.

2. The Committee shall make recommendations to the town meeting for the: acquisition, creation and preservation of open space pursuant to Article XCVII of the Constitution of the Commonwealth and the Hamilton Open Space Plan prepared pursuant to M.G.L.A. c.40 sec. 8C; for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this by-law. With respect to community housing, the Committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.

3. The Committee may include in its recommendation to the town meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation. Recommendations for the expenditure of funds shall include the Committee's anticipated administrative and operating expenses.

Question 3**Community Preservation Act Ballot Question**

"Shall Hamilton accept sections 3 to 7 inclusive, of Chapter 44B of the General Laws, as proposed by a petition signed by at least five percent of the registered voters of Hamilton, a summary of which appears below?"

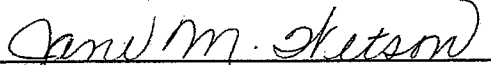
Sections 3 to 7 of Chapter 44B of the General Laws of Massachusetts, also known as the Community Preservation Act, establish a dedicated funding source to enable cities and towns to (1) acquire, create and preserve open space, which includes land for park and recreational uses and the protection of public drinking water well fields, aquifers and recharge areas, wetlands, farm land, forests, marshes, beaches, scenic areas, wildlife preserves and other conservation areas, (2) acquire, create and preserve historic resources, and (3) meet local community housing needs.

In Hamilton, the funding source for these community preservation purposes will be a surcharge of 2% on the annual property tax assessed on real property effective July 1, 2005, and annual distributions made by the state from a trust fund created by the Act. If approved, the following will be exempt from the surcharge: (1) property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act; (2) \$100,000 of the value of each taxable parcel of residential real property. A taxpayer receiving a regular property tax abatement or exemption will also receive a pro rata reduction in surcharge.

A Community Preservation Committee will be established by by-law to study community preservation resources, possibilities and needs and to make annual recommendations to town meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space (excluding land for recreational use), (2) historic resources, and (3) community housing.

| | |
|--------|-------|
| YES | 1,173 |
| NO | 901 |
| BLANKS | 85 |

A TRUE COPY: ATTEST:


Jane M. Wetson, Town Clerk



TOWN OF HAMILTON
TOWN HALL
HAMILTON, MASSACHUSETTS 01936

978-468-5570

The following is a certified copy of the motion and vote taken under Article 4-1 of the warrant for the Town of Hamilton Annual Town Meeting, held May 7, 2001, at the Hamilton-Wenham Regional High School.

ARTICLE 4-1

Town By-law:

Conservation Fees

Moved by Peter Dana, duly seconded, that the Town amend Chapter XVII of the Town By-laws regarding conservation as follows: By deleting the first sentence, 4th paragraph and substituting therefor the following two new sentences: "Such notice shall be sent by certified mail to the Hamilton Conservation Commission (the "Commission"). Fees, to defray costs and expenses of reviewing submissions, shall be set by regulation of the Commission pursuant to this By-law.

HAND VOTE:

MOTION PASSES

A TRUE COPY:

ATTEST:

Theresa M. Fanning
Theresa M. Fanning, CMC – Town Clerk

