



**Special Town Meeting  
November 14, 2020  
9:00 am  
Hamilton-Wenham Regional High School Football Stadium**

Bill Bowler stated: “The constable has confirmed that the Warrant for this Special Town Meeting has been properly posted. The Town Clerk has informed me there is a quorum present. This Special Town Meeting of the Town of Hamilton is now open. Good Morning, my name is William Bowler and I’m the Town Moderator. Welcome to the November 14, 2020 Special Town Meeting and thank you very much for coming.”

At the close of registration on November 14, 2020 there were 5977 registered voters.

Precinct 1 – 38  
Precinct 2 – 54  
Precinct 3 – 37

Bill Bowler stated: “To assist me with vote counting, I have appointed four tellers, who have been properly sworn. The tellers’ names are: Michael Kennedy 61 Rust Street, Mary Jane Brown 58 Moulton Street, Phillip Stearns 175 Linden Street, and Anna Siedzik.227 Highland Street

Pledge of Allegiance

William Bowler stated: “I’d like to start with some general reminders: First, if you are a registered voter in Hamilton, you should have picked up a voting clicker, which looks like this. If you haven’t and wish to vote, then I ask you to get one now. Second, please turn your cell phone to silent. If you need to take or make a call, please leave the meeting to do so. Third, we welcome non-voters to the Town Meeting, but do ask that you sit in the visitors’ area, which is located in the back corner.”

William Bowler introduced the following officials who were sitting at the front of Town Meeting: “Tom McEnaney (KP Law, Town Counsel), Carin Kale (Town Clerk), Joe Domelowicz (Town Manager), Marisa Batista (Finance Director), Shawn Farrell (Board of Selectmen, Chair), Bill Olson (BOS), Rosemary Kennedy (BOS), Darcy Dale (BOS), Jamie Knudsen (BOS), John Pruellage (FinCom Chair), Christina Schenk-Hargrove (FinCom), Nick Tensen (FinCom), David Wanger (FinCom), and Valerie McCormack (FinCom).”

William Bowler stated: “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 been allowed to be present. I hope you all read and brought your copy of the Warrant. If you did not, there may still be some extra copies in the back. The agenda for the meeting is the Warrant. It was prepared by the Board of Selectmen.”

William Bowler stated: “To bring an agenda item before the meeting, I will recognize a member of the sponsoring board, committee, or individual so they can make a motion. If the motion is seconded, I will recognize the proponent to speak to you about it. Once they are done, I will open discussion up to you. If you wish to speak, you must first ask me to recognize you. To save time, I ask that you already be standing at one of the microphones in the center aisle. Once you’re recognized, please state your name and street address. You may then make comments or ask questions about the motion. You will have three minutes to do so. Your comments and questions must be within what we call the ‘the four corners of the motion.’ Please do not make comments about any person who is in favor of or against the motion, just comment on the merits of the motion. Please, no applause. All motions to amend must be submitted to the Town Clerk in writing. If you need assistance in framing a motion to amend, Town Counsel will provide you with some assistance. No more than one amendment may be pending at the same time. A vote is first taken on the amendment and then on the main motion.”

William Bowler stated: “As I mentioned, when a vote is taken, we will be using the electronic voting clickers. Peter Babel and Sean McPeak of the company, Meridia will demonstrate the use of the clickers in just a moment. In the unlikely event that we have trouble with the new technology, we will revert to the use of voter cards and I will ask you to raise your voter cards and I will then decide visually whether here is the necessary majority or 2/3 vote. If I am in doubt, or seven voters question the vote immediately after I declare the outcome, I will have the vote counted by tellers.”

Sean McPeak demonstrated the use of the clickers. Red buttons would be pushed if the resident was against the motion. The green button would be pushed if the resident approved of the motion. A third button was also available for a resident who wished to be present but abstain from voting. An okay signal would illuminate once the vote was recorded. A change could occur as long as the motion was still open. A test question was given and residents voted to practice the use of the device.

William Bowler stated: “Okay, we will now begin going through the articles in the Warrant.”

## **SECTION 1: ELECTIONS, REPORTS, PROCEDURES**

### **ARTICLE 2020/11 1-1 Consent Motion**

Town Moderator said: “I will now read the list of articles to be taken up and vote on as one motion. If you want to ask questions or make comments on an article, shout out “Hold” as the list is read. Any article that is held will be deleted from the Consent Motion and taken up and considered according to its place on the Warrant: 2-4, 2-9, 2-10, 2-11, 3-1, 3-2, and 3-3.”

Town Moderator recognized Bill Olson.

Bill Olson said: “I move that the articles included on the List of Articles for Consent Motion for this 2020 Special Town Meeting, a copy of which has been delivered to the Town Clerk to be filed with the minutes of this meeting, (excepting those motions held) be approved by one vote, each motion to be deemed a separate action under the Warrant Article having the same corresponding number, and further that the following amounts be raised and appropriated to fund each of the following articles: Article 2-4 (Pool Revolving Fund \$820.75), Article 2-9 (Assessment Department Software \$10,000), Article 2-10 (Town Clerk and Election Staffing and Supplies \$29,785), and Article 2-11 (DPW Employee Retirement \$5,600).”

Seconded by Shawn Farrell.

Bill Olson said: “As we typically do at every Town Meeting, we seek to include a number of routine but necessary articles that are not controversial in one consent motion. This allows us to limit the duration of the meeting, which again this year is even more important to us due to the ongoing pandemic, so that we can give more time to issues that are more likely to engender debate.”

Vote: Motion carries. Yes 101; No 3; Abstain 0.

## **SECTION 2: FINANCIAL ACTIONS**

### **ARTICLE 2020/11 2-1 Prior Year Bills**

Town Moderator recognized John Pruellage.

John Pruellage said: “I move that the Town vote to raise and appropriate the sum of \$1,084.97 to pay the following bills from a prior fiscal year: \$209.97 for Staples for office supplies May 2020 and \$875.00 for Beauport Ambulance – COA Van Service May 2020.”

Seconded by Bill Olson.

John Pruellage said: “This article relates to bills from a prior fiscal year that were not processed in that prior fiscal year. Generally this happens when invoices arrive late or they may be misplaced. Given the pandemic, it is surprising there are not more of these invoices. There is no question that the Town received these goods and services and that we should appropriate for them.”

Town Moderator noted that the article requires a 9/10<sup>th</sup> vote.

Vote: Motion carries. Yes 109; No 0; Abstain 2.

**ARTICLE 2020/11 2-2 Capital Expenditures**

Town Moderator recognized John Pruellage.

John Pruellage said: “I move that the Town vote to transfer the sum of \$415,000.00 from Free Cash to fund the following purchases and projects identified in the Fiscal Year 2021 Special Town Meeting Capital Program, which is set forth in Appendix A of the 2020 Appendix Book:

ECO	Radio Repeaters (2 of 3)	\$56,000
Highway	NPDES Phase III-V Compliancy	\$54,000
Police	Patrol SUV (1 of fleet of 7)	\$55,000
Facilities	DPW Fuel Station Replacement	\$250,000

Seconded by Shawn Farrell.

John Pruellage said: “This article relates to the funding of certain capital expenditures that appear on the Town’s FY20/21 Capital Plan. It’s recommended by the Town’s Capital Committee. Items marked in blue in the Appendix. The items are an upgrade of repeaters for the Town’s emergency communication system, compliance with EPA Regulations for Stormwater runoff systems, replacement of a police SUV, and the largest item is the removal of the old fuel storage tanks in the DPW yard. Right now the Town is undergoing a pilot with Wenham to share their fuel tanks. Whether or not this Pilot is successful, we still need to remove the old tanks and either replace them or put a portion of those funds toward the shared program with Wenham. FinCom recommended approval of all items as there was a clear need for the Town. They also recommended using Free Cash for a number of reasons. First, these expenses are of a one-time nature. Second, the Town did end up with more Free Cash than anticipated at the end of last year due to the spending freeze. Third, given that we are up against the Prop 2.5 cap, we would appropriate and we would need a Prop 2.5 for these items. We generally caution the use of always using Free Cash for Capital Expenditures but in this case, we believe it is warranted and we recommend passage of this item. As we are using Free Cash, there will be no effect on the tax rate.”

Vote: Motion carries. Yes 109; No 1; Abstain 0.

**ARTICLE 2020/11 2-3 Water Treatment**

Town Moderator recognized Shawn Farrell.

Sean Farrell read: “I move that the Town vote to authorize the Treasurer to borrow \$1,000,000.00 in accordance with General Laws Chapter 44, Sections 7 or 8, or any other enabling authority, for the purpose of funding the design and construction of improvements to the Town’s water treatment system, including all incidental or related costs, and further to authorize the Board of Selectmen to apply for and accept any Federal, State, and/or other grants or loans available for the project, and to enter into any and all agreements related thereto; and that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.”

Seconded.

Shawn Farrell said: “This is to continue the improvements on our water treatment plant. Our Ipswich River Basin, where we get our water from, continues to give us a high level of organic material in our water. This allows us to process the water better in our plant and to relieve some

of the stress on our wells. We previously made some investment to this but this would finish part of the project, pretreatment. The requested funds would not add additional impact on the tax rate because it is coming from the Water Enterprise Fund.”

Thomas Sears (Gardner St) asked about what type of system would clean the water.

Town Moderator recognized Tim Olson

Tim Olson said: “We looked at two different systems for pretreatment. One is the Granular Activated Carbon (GAC) system and the other, an iron exchange system. Looking at both systems, we pilot tested both with our raw water and the GAC system was much more effective in reducing the organics from the water.”

Tom Moderator noted a 2/3 vote was required to approve the Article.

Vote: Motion carries. Yes 110; No 4; Abstain 1.

**ARTICLE 202011 2-5 Community Preservation – Affordable Housing Trust Grant.**

Town Moderator recognized Jay Butler.

Jay Butler “I move that the Town approve Article 2-5 as printed in the Warrant.”

Seconded by Darcy Dale.

Jay Butler said: “This grant request for \$200,000 for the Hamilton Affordable Housing Trust is more or less an annual event since CPC is the prime contributor of money to fund their affordable housing initiatives. In the time since the Town adopted the CPA in 2005, the CPC and subsequently Town Meeting have approved \$1,000,360.00 to the Affordable Housing Trust. Recently, you might recall the CPC voted for and Town Meeting subsequently approved a grant request at the 2019 Fall Meeting. At that time, the plan was to use those funds, combined with others in the reserves, to help purchase the property at 434 – 436 Asbury St. in support of the Habitat for Humanity project to build ten deed restricted affordable housing units. However, a combination of a delay in that project and the emergence of a more attractive project with the Tragworth Companies at 59 – 63 Willow St. for development of 18 affordable housing units caused them to switch gears and support the new project. They are now looking at going back and supporting the Habitat for Humanity project.”

Vote: Motion carries. Yes 106; No 4; Abstain 4.

**ARTICLE 2020//11 2-6 Community Preservation – First Congregational Church Clock and Belfry.**

Town Moderator recognized Jay Butler.

Jay Butler read: “I move that the Town approve Article 2-6 as printed in the Warrant.”

Seconded by Darcy Dale.

Jay Butler said: “This grant request for \$75,000 came from the Director of Operations of the First Congregational Church of Hamilton. The project cost was \$116,000. The ask of the CPC was \$110,000 and the CPC voted to push forward with the grant request for the \$75,000. The CPC is recommending this after discussion and detailed review of the project elements by all concerned. These discussions involved the review of similar CPC requests in other communities, the applicability of the MA anti aid amendment that restricts, under certain conditions, providing municipal funds to houses of worship. This building was constructed in 1762 to replace the original Hamilton Meeting House. The Meeting House has been in the center of our community since the church was founded in 1714 through the incorporation of the Town

of Hamilton in 1792. It functioned as the Town Hall until 1897 when the current building was built. The church is located in the Hamilton Historic District and is listed in the National Register of Historic Places. You may recall a previous grant to this church that was approved in 2008 for the renovation and preservation of the church bell. This request is for the renovation and preservation of the belfry and clock tower.”

Valerie McCormack said: “FinCom has voted for unfavorable action on this request. While we recognize and appreciate the historical significance of the clock’s tower and belfry, we feel it’s an ill time for a substantial ask for a non-Town owned building at this time. While the project is not solely for religious purposes, the church does substantially benefit from the project. With the Town paying for it, it frees up the church’s assets for purely religious purposes. Finally, it’s not absolutely clear that the Town funding this project would be constitutional under MA law.” Bill Olson said that the Selectmen voted unfavorably to take action on this motion for similar reasons as the FinCom had indicated.

Duke Seaver (402 Essex St.) asked who voted for or against the article. The vote was 4:1 and the one vote should be listed on the Warrant.

Shawn Farrell responded that it was an oversight and that he was the positive vote. Mr. Farrell was on the Board of Selectmen and the CPC.

Robert John (Linden St.) asked if they consulted with the MA Historic Commission.

Rosemary Kennedy said Town Counsel had been consulted.

Tom McEnaney said he had conducted research including the Town of Acton for a church related project. In the opinion of Town Counsel, the funding of the clock tower and belfry, would “pass constitutional muster.” It does not relate to the part of the house of worship such as stained glass windows. The clock tower and belfry had historical basis for the Town of Hamilton. The CPC grant would fund only a portion of the project.

Robert John said MA Historic Commission settled the issue with 50 churches across the Commonwealth having received funds. Mr. John spoke in support of the article.

Robert Payne (224 Forest St.) supplied a five year list of CPA supported church projects and spoke in favor of the article adding that the clock was owned by the Town of Hamilton.

Robert McKeen (8 Whipple Rd.) spoke in favor of the article.

Jean Ayles (11 Patton Ridge) spoke in favor of the article.

Jeff Watson (36 Norman Rd.) spoke in favor of the article.

Vote: Motion carries. Yes 76; No 45; Abstain 0.

### **ARTICLE 2020/11 2-7 Community Preservation – Town Hall Building.**

Town Moderator recognized Jay Butler.

Jay Butler said: “I move that the Town approve Article 2-7 as written in the Warrant.”

Seconded by Rosemary Kennedy.

Jay Butler said the Town Hall Building Committee had submitted the request for \$3,000,000.00 Mr. Butler recalled that the CPC had been discussing the project since 2017 and considered the request of great importance. The CPC and Town Meeting subsequently approved a previous grant in 2017 and over the last several years, Town Meeting had approved \$475,000 in CPC grants. The current grant request was in the form of a 30 year Municipal Bond. The first year cost would be approximately \$169,000. Currently the CPC was paying \$110,000 for the Donovan Field via a 15 year bond payment. According to Mr. Butler, the CPC could afford both payments by using the 2% surcharge or \$450,000 per year. MA Department of Revenue recently

announced that Hamilton had \$480,000, which would increase funds available.

Town Moderator recognized Mike Twomey (Chairman of Town Hall Building Committee). Mike Twomey said the renovations to the Town Hall would make the building historically correct, energy efficient, in a cost effective manner to make the Town Hall safe, completely handicapped accessible, up to date with all current codes, and a good place for the employees and residents of Hamilton to conduct business.

Town Moderator recognized Drayton Fair.

Drayton Fair (LLB Architects) reviewed the needs of the Town Hall. Town Hall had a few renovations over 122 years. Mr. Fair noted previous configurations such as offices being set in the upstairs area. In the Meeting Room area, exterior walls were bowing to the exterior of the building. The walls would be tied together to avoid expansion. The building would be handicapped accessible with a new addition in the rear and a new egress, which would not be seen from Bay Road. All systems would be upgraded. Offices were reconfigured within the building but were offered more private spaces. Parking would be expanded into the DPW yard with entrance and exit to the south side of the building. The septic would be upgraded. The elevator would access all floors. Most public functions would be located on the first floor, while restoring the historical features. A new Town vault would be created on the lower floor. The upper level would be modified to include additional offices and rest room facilities. The Memorial Room would move upstairs to reoccupy the main meeting room. The objective was to restore and preserve the historic structure. The new main entry to the building would be an addition. The ramp would be relocated to the rear and would become a permanent feature connected to handicapped parking. A list of all committees that were involved was presented. Staff would be relocated to Pilgrim Hall at Gordon Conwell during the fourteen month construction period. Contractor bids had been received and work would begin in January and go to spring of 2022.

Mike Twomey showed a slide, which outlined all the cost of the project. The contingency amount would return to the Town if it was not used. \$8,887,282 was the total turn-key cost, which Mr. Twomey compared to the original proposed budget of \$9,708,000. The CPC had previously granted \$75,000, Annual Town Meeting appropriated \$100,000, CPC granted another \$150,000, Annual Town Meeting 2019 appropriated \$75,000, CPC granted \$250,000, and 2019 Town Meeting approved \$467,767 for architectural costs. Mr. Twomey said the Committee would use \$86,360 from an insurance claim for cupola damage. The Committee was currently seeking \$3,000,000 from the CPC and \$4,683,155 from the Town.

Town Moderator recognized Rosemary Kennedy.

Rosemary Kennedy showed slides showing the history of Town Hall.

Town Moderator recognized Nick Tensen.

Nick Tensen (FinCom) said the FinCom reviewed the need, the vetting of the project, and if the project made financial success. The FinCom thought it was a substantial cost but the building would last 75 years while it would be financed over 30 years. Based on the current funding and estimated interest rates, the first year would cost less than \$.20 per thousand on the average home or about \$120 per year for each home. The need had been established and the vetting had been done well.

Duke Seaver (402 Essex St.) asked about a penalty if the contractor did not meet his construction

completion date.

Mike Twomey responded that liquidated damages to meet the schedule had not been included in a contract but Town Counsel would review and add the clause if appropriate.

Steve Dexter (8 Honeysuckle Rd.) noted other towns that rebuilt their Town Hall and spoke in favor of the project.

Jack Lawrence (105 Rock Maple) discussed handicapped accessibility and spoke in favor of the Article.

Forester Clark (308 Sagamore St.) spoke in favor of the Article.

Jean-Pierre Minois (297 Moulton St.) spoke in favor of the Article.

Sam Vaill (315 Bridge St.) said the debt would double and impact other projects, especially the fields for the Schools. Mr. Vaill thought the project was too expensive and spoke against the Article.

Town Moderator announced that a 2/3 vote was required to approve the Article.

Vote: Motion carries. Yes 97; No 26; Abstain 0.

**ARTICLE 2020/11 2-8 Town Hall Building Project.**

Town Moderator recognized Darcy Dale.

Darcy Dale said: "I move that the Town will vote to authorize the Treasurer to borrow \$4,683,155.25 in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, for the purpose of funding the design, construction, renovations and improvements to, and equipping, the Town Hall located at 577 Bay Road, excluding costs to be paid from the Community Preservation Act under Article 2020/11 2-7, and including design and construction of the renovations and improvements to a temporary Town Hall facility and relocation costs and all other incidental or related costs, and further to authorize the Board of Selectmen to apply for and accept any Federal, State, and/or other grants or loans available for the project, and to enter into any and all agreements related thereto; provided, however, that the appropriation authorized hereunder shall be expressly contingent upon approval by the voters of the Town to assess taxes in excess of the amount allowed under Proposition 2 ½, so-called, for the amounts required to pay principal and interest on bonds or notes issued for the purposes set forth herein; and further, that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payments of the costs of issuance of such bonds or notes, may be applied to payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount."

Seconded by Rosemary Kennedy.

Town Moderator announced that a 2/3 vote was required to approve the Article.

Vote: Motion carries. Yes 92; No 20; Abstain 2.

**ARTICLE 2020/11 2-12 Master Plan.**

Town Moderator recognized Rosemary Kennedy.

Rosemary Kennedy said: "I move that the Town transfer \$150,000 from Free Cash for the purpose of funding a Master Plan, including all incidental and related costs."

Seconded by Darcy Dale.

Rosemary Kennedy said the plan would help determine what was important to the town. The

plan would listen to residents' voices.

Town Moderator recognized Joe Domelowicz.

Joe Domelowicz said a Master Plan would identify what was important to the community and give the Town the opportunity to plan for the future. Mr. Domelowicz noted that the pandemic had residents familiar with Zoom, which would ensure citizen input. Money would be from Free Cash and would not affect the tax rate.

Betsy Spang (370 Chebacco Rd.) was concerned with spending more money and asked to table the Article for two years as others had been done.

Joe Domelowicz said the last Master Plan had been completed in 2004.

Rick Mitchell (36 Rock Maple Ave.) said a Housing Production Plan had recently been completed but other components had not been updated. Mr. Mitchell noted the approaching levy limit and that residents should determine what they wanted the town to look like and asked for support of the Article.

Jack Lawrence (105 Rock Maple Ave.) referred to the FinCom report that collaboration with Wenham and the Schools was extremely important. Mr. Lawrence recalled the \$250,000 voted for School planning.

Shawn Farrell said the Selectmen had met with the Wenham Selectmen and agreed that a Master Plan would benefit both towns, especially for shared services.

Phillip Monahan (4 Red Coach Rd.) asked about who would maintain and change the Plan as well as associated costs of maintenance over the next 20 years.

Joe Domelowicz said the 2004 Master Plan had been done before the form of government had changed. The Town would require the consultant to create a five year plan inside the Master Plan to note the highest critical items. The purpose of the road map would be to look at the next 20 years but take it five years at a time. The Town Manager's office would own the program.

Tosh Blake (217 Sagamore St.) spoke against the Article.

Vote: Motion carries. Yes 82; No 23; Abstain 4.

### **SECTION 3: OTHER APPROPRIATIONS AND ACTIONS.**

#### **ARTICLE 2020/11 3-4 Citizen's Petition.**

Town Moderator recognized Bill Heney.

Bill Heney said: "I move that the Town approve Article 3-4 as printed in the Warrant."

Seconded by Beth Murphy (283 Asbury St.).

Bill Heney gave the background to the Article. Schools went from a hybrid system to a remote learning system, which impacted the students in town. Mr. Heney reviewed what led to that decision last September. The Citizen Petition had been filed and the petitioners met with the Superintendent and the Board of Health. Last month Wenham approved the Article and was now part of the By-laws. The purpose of the petition would be to restrict the local Board of Health from promulgating restrictions that were greater than the Center for Disease Control (CDC) and Department of Elementary and Secondary Education (DESE) would require. Mr. Heney said the CDC, DESE, and MA Pediatricians' Association had more current data for the Superintendent to follow.

Christina Schenk-Hargrove said the FinCom voted unanimously to not support the petition as the petition was an attempt to limit the Board of Health's discretion, requiring them to follow the DESE guidance. If passed, the Article would only be advisory.

Bill Olson (419 Highland St.) said the Superintendent's and School Board's job was to collect all information from various sources. The Selectmen had voted for unfavorable action because they did not want to limit sources of information. Mr. Olson said the Board of Health was well qualified.

Anna Siezdik.(227 Highland St.) spoke against the Article.

Mary Jane Brown (58 Moulton St.) spoke against the Article.

Vote: Motion does not carry. Yes 31; No 68; Abstain 2.

Shawn Farrell announced that even though Article 2-8 had passed, a debt exclusion vote would occur on December 3, 2020 at the Recreation Center.

### **ADJOURNMENT**

The Moderator said: "I will now accept a Motion to dissolve."

Seconded by Darcy Dale.

This Special Town Meeting is now dissolved at 11:08 am on November 14, 2020.