



A TRUE COPY ATTEST  
*Craig A. Hale*  
TOWN CLERK

**Special Town Meeting  
October 23, 2021  
9:00 am  
Patton Park**

At the close of registration on October 13, 2021 there were 5705 registered voters. There were 111 voters present.

Precinct 1 - 50  
Precinct 2 - 26  
Precinct 3 - 35

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. I have been informed that our recently retired State Representative Brad Hill is in attendance. I'd like to ask the Board of Selectmen to come and stand and ask Brad to come forward.

Shawn Farrell said: "It's my great pleasure to recognize a native Hamiltonian, former Zoning Board of Appeals member, and most recently our fourth district representative. He's been a hard working advocate for Hamilton's students, veterans, seniors, and all Hamiltonians for the past few decades. He has accomplished much during his tenure at the State House to help the citizens of Massachusetts. During his tenure, he made sure to always make himself available and was truly a pleasure to work with. He recently left the House of Representatives for a new role as Commissioner of Massachusetts Gaming Commission. We will miss his good natured humor and straight talk as our fourth district representative at the State House. He is a genuine and a kind person who could be considered a friend, Brad Hill."

Brad Hill said: "I am very humbled and very appreciative of this recognition. I want you to know how honored I was to be able to go up on Beacon Hill on your behalf for the last twenty-

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two years. I remember when I was first elected, it was a Hamilton official who said to me, I told you to never forget where you came from. I want you to know that my blood will always be blue and silver and when I was up on Beacon Hill, I let everybody know about that blue and silver and the things I learned here in Hamilton growing up here. If you don't mind, I want to recognize a couple of people who helped me become the representative that I was. Those two individuals live right here in Hamilton. One of them was David Neil, who I served on the Zoning Board of Appeals of Hamilton with back in the early 90's. David Neil, if you don't know him, was a former Selectmen, he always taught us, the entire Board, that there is two sides to every issue. Don't go into a meeting with pre-conceived notions. Listen to both sides before you decide how you will vote on an issue. I learned from him how important that would be later in life and in the legislature"

"The second individual I want to recognize is former representative, Tim Clark. When I was first elected, he was one of the people who called me and gave me an education about the legislature, but more importantly he taught me about relationships. He taught me that when you go up in front of the legislature, don't go up there as one of those partisan people, go up there to learn and meet everybody because you don't know who you will need to get things done in the legislature and back home. If you travel down Sagamore Road, one of the examples I can give you is the beautiful pristine piece of land that we saved together as partners. Representative Clark was one of the people to help get that done and helped me get the money we needed through the relationships that had been built in the legislature."

"The last person I want to recognize is (we told him to be here at 8:00, so he will be here in about ten minutes) is Senator Bruce Tarr, who taught me that constituents should always be your top priority. He gave me a book from Tip O'Neil '*All Politics Are Local*' and in that book it said that when a constituent calls my office, even though it may seem to be a little issue to you, it's an earth shattering situation for them. That's why you need to take every phone call. I would like to think that that is how my office handled our constituents over the last twenty-two years. All of this started right here in Hamilton. I am forever grateful and honored that you voted me in twelve times to be your representative. I will miss the job but I will also remember this job not only in my new profession but in life. Thank you all. Thank you for giving me a few minutes and thank you for this recognition. This will be the first thing that goes up in my new office."

Good Morning, "My name is William Bowler and I'm the Town Moderator. Welcome to the October 23, 2021 Special Town Meeting and thank you for coming. To assist me with vote counting, there will be two tellers David Neil (Asbury St.) and Jeff Melick (Tally Ho Drive)."

### Pledge of Allegiance

Bill Bowler recognized Selectman Rosemary Kennedy to say a few words about the Master Planning Process. Ms. Kennedy said that the Master Planning Steering Committee would hold their first of many visioning meetings on Saturday, November 13, 2021 from 9:30 am until noon. Ms. Kennedy asked residents to attend as it was their town.

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.

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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 at the back right corner of the tent, so it will be easier to know who is able to vote and who is not."

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), Alex Magee (Finance Director), Jamie Knudsen (Board of Selectmen, Vice Chair), Rosemary Kennedy (BOS), Darcy Dale (BOS), Shawn Farrell (BOS), Christina Schenk-Hargrove (FinCom Chair), John Pruellage (FinCom), David Wanger (FinCom), Nick Tensen (FinCom), and John McGrath (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. The agenda for the meeting is the Warrant. It was prepared by the Board of Selectmen. 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. 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. Laurie Wilson, The Town's Assistant to the Town Manager and Community Projects Coordinator 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 or other required 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."

Town Manager Joe Domelowicz demonstrated the use of the clickers. Two test questions were 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 2021/10 1-1 Article for Consent Motion**

To see if the Town will consolidate in one consent motion containing the motions for those articles that, in the opinion of the Moderator, are not controversial and can be passed without debate, or take any action thereon or relative thereto.

Town Moderator said: “As there were no articles that could be included in the Consent Motion, we will pass over this article and continue with Article 2-1.”

**SECTION 2: FINANCIAL ACTIONS**

**ARTICLE 2021/10 2-1 Prior Year Bills**

To see if the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money to pay any unpaid bills incurred in prior years, or take any action thereon or relative thereto. *Expected request \$39.25.*

Town Moderator recognized Nick Tensen who said “I move that the Town vote to raise and appropriate the sum of \$39.25 to pay an unpaid bill from Schwaab, Inc. for a signature stamp.”  
Seconded.

Nick Tensen said this article provided for payment of a prior year bill which was not submitted prior to the fiscal year ending on June 30, 2021. The town has one unpaid invoice from Schwaab for a signature stamp.

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

Vote: In favor 88; Against 3. Motion carries.

**ARTICLE 2021/10 2-2 Amendment to Budget**

To see if the Town will vote to amend the vote taken under Article 2021/5 2-3 of the May 1, 2021 Annual Town Meeting to reduce the amount raised and appropriated by \$875,725, or take any action thereon or relative thereto.

Town Moderator recognized John Pruellage who said “I move that the Town amend the vote taken under Article 2021/5 2-3 of the May 1, 2021 Annual Town Meeting to reduce the amount to be raised and appropriated by \$875,725 and further to make reductions to the following items from the Unclassified category of the Town’s FY 22 Annual Operating Budget, which was included as Appendix B to the Annual Town Meeting Warrant as follows:

Capital Expenditures \$338,638  
Transfer to agency – HDC \$66,051  
Transfer to OPEB \$125,000  
Transfer to stabilization \$346,036  
For a total reduction of \$875,725.”

Seconded.

John Pruellage explained that the Warrant last year was correct, but the motion had been

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incorrect as it had the total number and those items listed above were appropriated twice. The budget would be restored as approved last May but if not approved, taxes would be higher. All the Boards unanimously approved the article.

Vote: In favor 99; Against 1. Motion passes.

### **ARTICLE 2021/10 2-3 Election Staffing**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money for the purpose of funding additional election staffing and incidental or related costs for FY22, or take any action thereon or relative thereto. (*Expected request is \$14,000.00*)

Town Moderator recognized Jamie Knudsen of the Board of Selectmen who said “I move that the Town transfer the sum of \$14,000 from Free Cash for the purpose of funding additional election staffing and incidental or related costs for FY22.”

Seconded.

Jamie Knudsen said the article was related to the upcoming elections November 2 and November 30 to fill the seat of Representative Brad Hill.

Vote: In favor 95; Against 8. Motion carries.

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

### **ARTICLE 2021/10 3-1 General Bylaws – Board of Selectmen Name Change**

To see if the Town will vote to amend the General Bylaws to replace “Selectmen” and “Board of Selectmen” with the words “Select Board” in each and every instance in which said terms appear; and, further, to delete gendered terms in the General Bylaws and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issues; all as set forth in a document entitled “2021 General Bylaw Amendment – Article 3-1”, on file with the Town Clerk, or take any action thereon or relative thereto.

Town Moderator explained that the discussion Articles 3-1 and 3-2 are related and will be discussed together but that each article required a separate vote because there are separate voting totals required.

Town Moderator recognized Darcy Dale of the Board of Selectmen who said “I move that the Town consolidate Articles 3-1 and 3-2 for the purposes of discussion, since both articles relate to the same topic. We will have separate votes to approve each article following the debate. Following the vote on the motion to join the articles, I move that the Town approve Article 3-1 as printed in the Warrant.”

Seconded.

Darcy Dale explained that Massachusetts is encouraging municipalities to move toward gender neutral language.

Jack Lawrence (105 Rock Maple) asked about how to refer to individual members formerly known as Selectmen. Darcy Dale responded that individual members would be referred to Select Board members.

Vote: In favor 81; Against 23. Motion carries.

**ARTICLE 2021/10 3-2 Zoning Bylaws – Board of Selectmen Name Change**

To see if the Town will vote to amend the Zoning Bylaws to replace the words “Selectmen” and “Board of Selectmen” with the words “Select Board” in each and every instance in which said terms appear; and, further, to delete gendered terms in the Zoning Bylaws and make appropriate editorial revisions to nearby words, without changing the meaning, to address any resulting grammatical issue, all as set forth in a document entitled “2021 Zoning Bylaw Amendment – Article 3-2”, on file with the Town Clerk, or take any action thereon or relative thereto.

Town Moderator recognized Darcy Dale.

Darcy Dale said: “I move that the Town approve Article 3-2 as printed in the Warrant.”  
Seconded.

Town Moderator noted that the Planning Board had held a public hearing and recommended passage of the article.

Town Moderator noted, for the record, that he was also Chairman of the Zoning Board of Appeals and had conferred with Town Counsel to determine that there was no conflict of interest from not stepping down to handle the matter.

Town Moderator noted that the vote required a 2/3rds approval.

Vote: In favor 86; Against 21. Motion carries.

**ARTICLE 2021/10 3-3 Home Rule Petition to Refund Taxes – 550 Highland Street**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend Chapter 174 of the Acts of 2020, An Act Exempting from Taxation Certain Property Under the Historic Curatorship Program in the Town of Hamilton, as set forth in Appendix A, for the purpose of authorizing the Town to abate and refund tax payments that were made on the property located at 550 Highland Street; provided, however, that the General Court may make clerical or editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill before enactment by the General Court and to authorize the Board of Selectmen to approve amendments within the scope of the general objectives of the petition; said tax abatement in the amount of \$13,232.38 shall be paid from the Overlay Account after the effective date of the special act authorized hereunder without interest, or take any other action thereon or relative thereto.

Town Moderator recognized Darcy Dale who said “I move that the Town approve Article 3-3 as printed in the Warrant.”

Seconded.

Darcy Dale said it was the final step for the family at 550 Highland Avenue to receive their paid taxes back. The family lives in a State property on Conservation and Recreation Property. The State never pays taxes to itself.

Nancy Stehfast (1 Highland St.) asked if taxes were lawfully assessed and if any other towns had refunded paid taxes outside of the abatement process. Darcy Dale responded that no other towns had assessed a tax on a State property and this was a unique situation. The tenants were restoring the home, with a lease with the State and were not a commercial tenant. Ms. Dale said all requirements had been met.

Town Counsel Tom McEnaney said the State is exempt from taxation but under MGL.Ch 59 S 2B, there is an ability to assess a leasehold interest (individual or entity) who leases the State owned property. Mr. McEnaney thought that is what had been done in this situation.

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Lynnette Fallon (38 Goodhue St.) responded that Town Counsel opined that there was ambiguity in the law. Where commercial property, it can be taxed but this property is not commercial.

Beth Kerr (270 Asbury St.) wanted to hear from the Selectman who voted against the proposal. Selectman Jamie Knudsen responded the he voted against the article because there is a process to file an abatement. The residents did not file an abatement and Mr. Knudsen thought the refund was an inappropriate plan for the town to treat one resident different from other residents.

Peter Britton (466 Highland St.) said he believed that the tax was invalid.

Bruce Ramsey (Goodhue St.) said the Town made a mistake and the resident should not be penalized.

Christina Schenk-Hargrove Chairman of the Finance and Advisory Committee said FinCom's position was that the Town did not do anything incorrectly but that the situation had drawn on for years; considered the advice of Town Counsel; and recommended voting favorably on this article.

Kevin Kaminsky (550 Highland St.– curator of property) said the curatorship program brought the Commonwealth \$32M in restoration savings to historic buildings. Mr. Kaminsky recalled that the first year he did pay taxes and then found out that as a non-property owner, he was not subject to abatement procedures. When he found out that he was not subject to being taxed, he stopped paying taxes. The case went to Land Court. He paid another tax bill. Mr. Kaminsky did not think it was right to have the Town keep the money that he had paid.

Vote: In favor 87; Against 28. Motion carries.

### **ARTICLE 2021/10 3-4 Authorization to Convey Easement to NGrid – 577 Bay Road**

To see if the Town will vote to authorize the Board of Selectmen to grant to Massachusetts Electric Company, also known as National Grid, on such terms and conditions as the Board of Selectmen deems appropriate, a permanent utility easement in, through, under, over, and across a portion or portions of the Town-owned property located at 577 Bay Road and described in deeds dated April 8, 1897 in Book 1514, Page 354, April 26, 1926 in Book 2678, Page 49, November 26, 1979 in Book 6679, Page 747 and March 13, 1982 in Book 6938, Page 48, recorded with the Essex South County Registry of Deeds, which portion or portions are approximately shown on the sketch plan on file with the Town Clerk, or take any action thereon or relative thereto.

Town Moderator recognized Rosemary Kennedy of the Board of Selectmen.

Rosemary Kennedy said: "I move that the Town approve Article 3-4 as printed in the Warrant." Seconded.

Rosemary Kennedy said the easement was not anything that the Town was aware of and it delayed the cell tower operations. National Grid needs the easement to have access to the property so they can connect power to the pole. Everest and Verizon would work together to get service.

Vote: In favor 102; Against 4. Motion carries.

### **ADJOURNMENT**

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

Seconded.

This Special Town Meeting is now dissolved at 9:50 am on October 23, 2021.

