



SPECIAL TOWN MEETING

OCTOBER 19, 2019  
HAMILTON-WENHAM HIGH AUDITORIUM

At the close of registration on October 9, 2019 there were 5,784 registered voters.

Precinct 1 - 32  
Precinct 2 – 29  
Precinct 3 – 33

The Moderator declared a quorum present (75) and the Warrant returned showing it had been properly served, opened the Special Town Meeting at 9:30 a.m. with 94 voters checked in and present.

Assistant Town Moderator/Teller: Jeff Melick

Appointed Tellers:	Jane Wetson	261 Asbury Street
	Walter Leszczynski	10 Honeysuckle Road
	Ruth Flumerfelt	59 Greenbrook Road

Good Morning, my name is William Bowler and I'm the Town Moderator. Welcome to the October 19, 2019 Special Town Meeting, and thank you for coming.

We will start as we always do by saying the Pledge of Allegiance.

I would like to start with four general reminders:

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First, if you are a registered voter in Hamilton, you should have been given a voter card when you checked in. You will need to raise the card to cast your vote on issues we decide here today.

Second, please turn your cell phone to silent. If you need to make a call, please leave the room to do so.

Third, we welcome non-voters to the town meeting, but do ask that you sit in the visitors' area so it is easier to count votes.

Fourth, registered voters may also sit in the overflow room. I have appointed \_\_\_\_\_ to be the assistant moderator there. People in the cafeteria desiring to speak to any article should come to the microphones in the auditorium.

I would like to introduce the people who are sitting up front on the stage, so you know who they are:

Lauren Goldberg	KP Law, Town Counsel
Sharon George	Interim Town Clerk
Joe Domelowicz	Town Manager
Jeffery Hubbard	Board of Selectmen, Chair
Rosemary Kennedy	Board of Selectmen
Darcy Dale	Board of Selectmen
Shawn M. Farrell	Board of Selectmen
William Olson	Board of Selectmen
David Wanger	FINCOM, Chair
Nicholas Tensen	FINCOM
Valerie McCormack	FINCOM
John Pruellage	FINCOM
Christina Schenk Hargrove	FINCOM
Marisa Batista	Finance Director

We will begin with brief reports from Mr. Hubbard and Mr. Wanger.

Mr. Hubbard spoke briefly stating he would like to thank the many people that makes Hamilton a great place. First, "I would like to thank our first year Town Manager Joe Domelowicz, the sixty employees of the Town, Chief Russell Stevens, Fire Chief Raymond Brunet for all the hard work the Police and Fire do for our community". "I would also like to thank Mike Toomey, Town Hall Building Committee, the Planning Board and Patrick Referett and the Finance and Advisory Committee.

Mr. Wanger gave an overview of where the Town was financially. His remarks and comments are part of the complete record for this meeting

The Moderator stated that if a resident wishes to speak they must first be recognized by the Moderator. He continued to explain the rules of procedure with amendments.

We will now begin the articles in the warrant.

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 located at 775 Bay Road in said town, on Saturday, the nineteenth day of October, in the Two Thousand Nineteen (October 19, 2019) at nine o'clock in the morning (9:00 a.m.), then and there to act on the following articles.

ARTICLES FOR CONSENT AGENDA:

**Article 2019/10 1-1:** Articles 2-3, 2-8 and 3-1 were voted unanimously without discussion.

**Article 2019/10 2-1 Prior Year Bills**

To see if the Town will vote to raise and appropriate, and 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.

The motion was moved by Christina Schenk Hargrove, seconded and voted unanimously in accordance with G.L. c.44, §64.

**Article 2019/10 2-2 Reduce Education Appropriation**

Town Moderator said: "To see if the Town will vote to amend the vote taken under Article 2-4 of the April 6, 2019, Annual Town Meeting warrant by reducing the amount to be raised and appropriated for the Hamilton-Wenham Regional School District annual operating budget by \$160,125.00, or take any action thereon or relative thereto". Moderator recognized David Wanger.

Brief Summary: The FY2020 school budget has been reduced by the Hamilton-Wenham Regional District School Committee as a result of the Wenham Town Meeting's failure to approve the original proposed budget. Accordingly, the School Committee revised the budget, which results in a \$160,125.00 decrease in the amount apportioned to the Town. There will be no adverse impact on school programs as the budget was revised to eliminate \$250,000.00 from OPEB line item.

Motion made by David Wanger "I move that the Town amend the vote taken under Article 2-4 of the April 6, 2019, Town Meeting by reducing the amount to be raised and appropriated for the Hamilton-Wenham Regional School District Annual operating budget by \$160,125.00, duly seconded, and voted UNANIMOUSLY.

**Article 2019/10 2-3 Budget Adjustments**

To see if the Town will vote to amend the vote taken under Article 2-4 of the 2019 Annual Town Meeting warrant for the purposes of: (a) adjusting line items in the FY2020 budget as set forth in Appendix A; and (b) reducing the Police Budget by \$30,067.20 and the amount to be raised and appropriated by \$30,067.20 or take any action thereon or relative thereto.

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This article was voted under the Consent Agenda unanimously.

#### **Article 2019/10 2-4 Water Improvements**

Town Moderator said: “To see if the Town will vote to authorize the use \$1,600,000 from the previously approved borrowing of \$5,000,000 under Article 2015/4 2-14 of the April 11, 2015 Annual Town Meeting to pay for the cost of improvements to the Town’s water distribution system, including all incidental and related costs, and raise and appropriate or transfer from available funds the sum of \$40,000 for debt service costs associated with this next phase of the Water Distribution System project, or take any action thereon or relative thereto. Moderator recognized Shawn Farrell.

Mr. Farrell stated this is a housekeeping article and the end of the water project.

Motion made by Shawn Farrell “I move that the Town authorize the use of the sum of \$1,600,000 from the previously approved, but not yet issued, borrowing of \$5,000,000 under Article 2015/4 2-14 of the April 11, 2015, Annual Town Meeting for costs of improvements to the Town’s water distribution system, including all incidental and related costs, and that the sum of \$40,000 be taken from water retained earnings for debt service costs associated with this next phase of the Water Distribution System replacement project, duly seconded and voted unanimously

#### **Article 2019/10 2-5 Community Preservation Habitat for Humanity**

Town Moderator said: “To see if the Town will vote, pursuant to G.L. c44B, to appropriate the amount of \$200,000.00 from the Community Preservation Fund Community Housing Reserve Account as a grant to the Affordable Housing Trust for the purposes of purchasing certain qualified parcels located at Asbury Street for development as affordable home for income qualified buyers, including all incidental and related expenses; and, further to authorize the Board of Selectmen to enter into a Grant Agreement with the Hamilton Affordable Housing Trust setting the terms for such grant, including a requirement that the property be conveyed by January 1, 2022 and that the owner of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town and Affordable Housing Restriction in said dwellings, and that such requirement be included in any grant agreement involving this property; and further, to authorize the Board of Selectmen to accept such restrictions; provided further that any funds from this appropriation remaining unspent after January 1, 2022, will be returned to the Community Preservation fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect, or take any action thereon or relative thereto.”

Russell Tanzer, 100 Ortins Rd, stated these funds will be used for affordable housing in the community. There will be 7 units affordable with 70% local preference.

Rosemary Kennedy, Selectmen stated the owners would provide up to 400 hours of community service.

Motion made by Jay Butler “I move pursuant to G.L. c.44B, to appropriate the amount of \$200,000.00 from the Community Preservation Fund Housing Reserve Account as a grant to the Affordable Housing Trust for the purposes of purchasing certain parcels located at Asbury Street for development as affordable homes for income qualified buyers, including all incidental and

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related expenses; and, further to authorize the Board of Selectmen to enter into a Grant Agreement with the Hamilton Affordable Housing Trust setting the terms for such grant, including a requirement that the property be conveyed by January 1, 2022 and that the owners of any dwellings subsequently receiving any of these appropriated monies from the Trust grant to the Town an Affordable Housing Restriction in said dwellings, and that such requirement be included in any grant agreement involving this property; and further, to authorize the Board of Selectmen to accept such restrictions; provided further that any funds from this appropriation remaining unspent after January 1, 2022, will be returned to the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect.” Motion was seconded, vote was unanimous.

### **Article 2019/10 2-6 Community Preservation-Town Hall Project**

Moderator said “To see if the Town will vote, pursuant to G.L. c.44B, to appropriate \$250,000 from the Community Preservation Fund Balance, for the restoration, rehabilitation and preservation of the historic Town Hall located at 577 Bay Road, including but not limited to design and project management costs related thereto; provided that the preparation of bid and construction documents and the bidding process commences prior to July 1, 2021, with any funds from this appropriation remaining unspent after July 1, 2021 to be returned to the Community Preservation Fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect, or take any action thereon or relative thereto.”

Moderator recognized Jay Butler, Chairperson, Community Preservation Committee, stated this money would be used for the next phase of the Town Hall Renovation project.

Moderator then recognized Drayton Fair, from Demty LLB, the architectural firm handling the Town Hall renovation project. He began by saying that the Hamilton Town Hall has been a symbol of the Town for over 120 years. The time has now come that it is in need of more accessibility. There are no restrooms on the second floor. The stairway to the second floor is not up to code. There are no sprinklers in the building.

Many options were reviewed. An overview of the layout was discussed as follows:

- Try to keep everyone in the same foot print
- Main level will stay
- A variance will need to be applied for
- Concern for “moistness” in the basement – will be made waterproof
- There will be 53 parking spaces
- New electrical system
- Total cost \$8,840,000 for option A
- Total cost of option B would be approximately \$868,000 more than A

John Pruellege, stated the Finance Committee recommended Option B.

Douglas Trees, 557 Bay Road, discussed Options A and B concerning the scale of demolition that does not seem to be a historic rehab. He then introduced Option C.

Moderator reminded the audience we are voting on the appropriation from the Community Preservation fund.

A teller vote would be taken.

Motion was moved by Jay Butler “ I move, that pursuant to G.L. c.44B, to appropriate \$250,000 from the Community Preservation Fund Balance, for the restoration, rehabilitation and preservation of the historic Town Hall located at 577 Bay Road, including but not limited to design and project management costs related thereto; provided that the preparation of bid and construction documents and the bidding process commences prior to July 1, 2021, with any funds from this appropriation remaining unspent after July 1, 2021 to be returned to the Community Preservation Fund only after a vote by the Community Preservation Committee determining that it is unlikely the remaining appropriated funds will need to be spent to this effect. The motion was seconded. A teller vote was taken with 51 in favor and 18 opposed to appropriate \$250,000.00.

### **Article 2019/10 2-7 Town Hall Building Project**

Moderator said “To see if the Town will vote to authorize the Treasurer to borrow a sum of money in accordance with General Laws Chapter 44, Section 7 or any other enabling authority, for the purpose of funding the design and construction of the renovation and improvements to the Town Hall located at 577 Bay Road, including employee relocation costs and all other incidental or related 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 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 payments of the costs of issuance of such bonds or notes, may be applied to payment of costs approved by this voted 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 or take any action thereon or relative thereto.”

The Board of Selectmen voted for Option A. This option would eliminate the staircase. The Board felt that Option A was fiscally responsible, the layout would be a proper work space for employees, and that Town Hall would be a functional building.

John Pruellege, stated the Finance Committee recommended Option B putting the elevator in the back of the building which would allow for future renovations.

Scott Clemens, 24 Meyer Lane, stated he was speaking as a member of the Historic Commission. Option A demolishes the entire staircase to the second floor. This is supposed to be a rehab project not demolition. He feels that Option B is heading in the right direction for historic preservation.

Douglas Trees, 557 Bay Road, stated the preservation of the exterior following the Secretary of Interior Preservation Guideline, however Option A does not retain the historic continuity by removing the staircase. At this point Mr. Trees introduced Option C. This option was only seen by the Planning Board/Community Preservation Chair and Moderator minutes before the Annual Town Meeting began.

Mr. Trees continued by saying that Option C would be a better option retaining more historic preservation. A new building would be constructed behind Town Hall. All employees would have work space in the new building.

Mr. Trees motion is as follows: To see if the Town will vote to authorize the Treasurer to borrow

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a sum of money, \$250,000 in accordance with General Laws, Chapter 44, Section 7, or any other enabling authority, for the purpose of funding the additional design and project management costs and other related costs for the preparation of construction and bid documents for work to allow the later historic “rehabilitation” of the Town Hall at 557 Bay Road. This work, presented as Option C, is that work as described in Article 2-6 of this Town Meeting for the reconfiguration of the DPW occupancy on the property and the construction of an office addition and related site work to the rear of the historic building, site work and other costs related thereto. 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 enter into any and all agreements related thereto; and that any premium received upon the sale of any 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, or take any action thereon or relative thereto.

Much discussion continued with numerous members of the Town Hall Building Committee speaking in favor of Option A.

Mary Green, 569 Bay Road, expressed her concern that we are voting for funding and not an option.

Joseph Domelowicz, Town Manager, stated that we try to follow the will of Town Meeting.

There was still confusion by members of Town Meeting as to what was being voted on.

Lauren Goldberg, KP Law, legal counsel to the Town stated that Option C was in front of the body at this time. No amendments can be made until the motion on floor has been voted. She continued that Town Meeting does not vote on the project, but rather the concept.

Ray Brunet, 44R Grant Avenue, stated that he would like to stop debate.

Jay Butler, stated he recommended a no vote on Option C.

The Moderator stated this would be a counted vote.

### MOTION TO STOP DEBATE:

On motion of Ray Brunet, and duly seconded, the Town of Hamilton voted 44 in favor and 22 opposed to end debate. Motion carries with 2/3 vote.

### MOTION ON OPTION C

On motion of Douglas Trees, duly seconded, the Town of Hamilton voted 30 in favor and 40 opposed to Option C. Motion fails, did not receive a 2/3 vote.

The original motion is now back on the floor.

Timothy Olson, DPW Director, stated it would be an additional \$110,000 for Option B bringing the total to \$467,767.00.

Discussion continued from the floor of Town Meeting regarding the two options A & B. Scott Meyers stated that he feels Option B is better as it heads in the right direction of historic preservation.

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Joseph Domelowicz stated that Town Hall is not up to code and it is not handicapped accessible. Whether Option A or B go forward we must make the building more functional.

Motion was put forward from the floor by Edward (Duke) Seaver to take a vote on Option B. Motion was seconded.

Moderator stated this would be a counted vote.

VOTE: The Town of Hamilton voted 35 in favor and 31 opposed to the Adoption of Option B. Motion carries.

The main motion is now back on the floor. The Moderator stated this would be a counted vote.

MOTION: Motion was moved by William Olson, duly seconded, the Town of Hamilton voted 60 in favor 12 opposed that the Town appropriates the of \$467,767 to pay costs of design and construction of the renovations and improvements to the Town Hall located at 577 Bay Road, including employee relocation costs and all other incidental or related costs; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount in accordance with M.G.L. c44 §7 (1) or any other enabling authority, to issue bonds or notes of the Town therefor; the Board of Selectmen is authorized 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 further any premium received upon the sale of any bonds or notes, approved by this vote or any other vote or voters of the Town approve by as of date hereof, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment to the payment of costs approved by any of such votes in accordance with M.G.L. c44 §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. Motion Carries by 2/3 vote.

### **Article 2019/10 2-8 Public Safety Building garage doors**

Town Moderator said: “To see if the Town will raise and appropriate or transfer from available funds a sum or money for the purpose of repairing or replacing overhead garage doors at the Public Safety Building, including all incidental or related costs, or take any action thereon or relative thereto.”

**This motion was voted under the Consent Agenda.** Motion made by John Pruellage “I move that the Town raise and appropriate the sum of \$28,500 for the purpose of repairing or replacing overhead garage doors at the Public Safety Building, including all incidental or related costs.” The motion was seconded and voted unanimously.

### **Article 2019/10 2-9 Water Treatment**

The Moderator recognized Shawn Farrell stated this was a housekeeping article for well exploration into other areas.

Town Moderator said: “To see if the Town will vote to amend the vote taken under Article 2-18 of the April 6, 2019 Annual Town Meeting,, by allowing \$1,500,000 that was previously approved for Pre-treatment to be used for either pre-treatment, a new well development, or other solutions which is determined by the Town, and its consultants, to be the most effective and cost-

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effective solution to the Town's water quality issues, or take any action thereon or relative thereto."

Motion was moved by Shawn Farrell "I move that the Town amend the vote taken under Article 2-18 of the April 6, 2019 Annual Town Meeting, to allow the \$1,500,000 previously authorized to be borrowed for the water pre-treatment to be borrowed for the purposes, and for new well development, or any other solutions which may be determined by the Town, and its consultants, to be the most effective and cost-effective for solving the Town's water quality issues." The motion was seconded and voted so unanimously.

### **Article 2019/10 3-1 Amendment to Compensation Tables**

Town Moderator said: "To see if the Town will vote to adopt the revised compensation tables set forth in Appendix B, or take any action thereon or relative thereto."

**This motion was voted under the Consent Agenda.** Motion was moved by Valerie McCormack "I move that the Town adopt the revised compensation tables set forth in Appendix B to the warrant" and was voted so unanimously.

### **Article 2019/10 3-2 Home Rule Petition – 550 Highland Street**

The Moderator stated "To see if the Town will vote to authorize the Board of Selectmen to petition General Court for special legislation to exempt the property located at 550 Highland Street from local taxation for the period of time when said property is leased by the Department of Conservation and Recreation to one or more residential curators and abate any taxes assessed to date and as yet uncollected, as set forth in Appendix C; provided, however, that the General Court may make clerical or editorial changes of from 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 petition, or take any other action thereon or relative thereto."

Motion was moved by Shawn Farrell "I move that the Town authorize the Board of Selectmen to petition the General Court for special legislation to exempt property located at 550 Highland Street from local taxation for the period of time when said property is leased by the Department of Conservation and Recreation to one or more residential curators and abate any taxes assessed to date and as yet uncollected, as set forth in Appendix C to the warrant; 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. The motion was seconded and voted so unanimously.

### **Article 2019/10 3-3 Amendment to Income Limitations for Senior Tax Deferral G.L. c59 §5, Clause 41A**

The Moderator stated "To see if the Town will vote to increase the annual income (gross receipts) that a senior may have in the prior calendar year to be eligible to defer property taxes under M.G.L. Chapter 59, Section 5, Clausej41A from \$40,000 to \$58,000, or take any thereon or relative thereto.

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Motion was moved by Rosemary Kennedy, duly seconded, the Town of Hamilton voted unanimously that the Town increase the annual income (gross receipts) that a senior may have in the prior calendar year to be eligible to defer property taxes under M.G.L. Chapter 59, Section 41A from \$40,000.00 to \$58,000.00.

