



**Special Town Meeting
October 1, 2022
9:00 am
Hamilton-Wenham Regional High School**

At the close of registration on September 21, 2022 there were 5634 registered voters. There were 243 present:

Precinct 1 - 120
Precinct 2 – 123

William Bowler, Town Moderator, stated that the Warrant for this Special Town Meeting has been properly posted, a quorum is present and that the Special Town Meeting of the Town of Hamilton is open. The Moderator welcomed everyone to the October 1, 2022 Special Town Meeting and thanked them for their attendance.

The Pledge of Allegiance was recited.

Mr. Bowler started with some general reminders: First, registered voters in Hamilton should have picked up a voting clicker and if they did not should get one. Second, cell phones should be silenced and voters should leave the meeting if they need to take or make a call. Third, non-voters are welcomed at the Town Meeting but are asked to sit in the visitors' area at the back of the auditorium.

Mr. Bowler introduced the officials who were sitting at the front of Town Meeting: Lauren Goldberg (KP Law, Town Counsel), Carin Kale (Town Clerk), Joe Domelowicz (Town Manager), Alex Magee (Finance Director), Shawn Farrell (Select Board, Chair), Jamie Knudsen (Select Board, Vice Chair), Caroline Beaulieu (Select Board), Bill Olson (Select Board), Tom Myers (Select Board), Christina Schenk-Hargrove (FinCom, Chair), John McGrath (Vice Chair, FinCom), John Pruellage (FinCom), Harry Philip (FinCom), and David Wanger (FinCom).

Mr. Bowler read through various points: Non-resident Town officials and those assisting the Select Board or Finance Committee are present to answer questions. Members of the press and the video crew have also been allowed to be present. The agenda, prepared by the Select Board, is the Warrant and copies are available.

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Mr. Bowler spoke about Town Meeting procedures: To bring an agenda item before the meeting, he will recognize a member of the sponsoring board, committee, or individual so they can make a motion. If the motion is seconded, he will recognize the proponent to speak. When done, he will open discussion up to the audience who can comment by standing at one of the microphones, ask to be recognized and their name and address. Comments and questions must be within ‘the four corners of the motion,’ no more than three minutes and are to be on the merits of the motion and not about any person who is in favor of or against the motion. Please, no applause. All motions to amend must be submitted to the Town Clerk in writing. If assistance in framing a motion to amend is needed, Town Counsel will assist. Only one amendment may be pending at the same time. A vote is first taken on the amendment and then on the main motion.

Mr. Bowler spoke about voting procedures: Votes will be counted using the electronic voting clickers. In the unlikely event that there is trouble with the new technology, votes will be counted by raising paper voter cards. He will decide visually whether there is the necessary majority or 2/3 vote. If in doubt, or seven voters question the vote immediately after I declare the outcome, votes will be counted by tellers. The use of the clickers was demonstrated and although the result of the vote was displaying on the primary laptop screen, the projection of the votes to the larger screens was not working. The Town Clerk viewed the laptop screen to record the vote and handed the Moderator the vote written on paper. The Moderator read the vote to the Town Meeting.

Mr. Bowler recognized State Representative, Jamie Belsito.

Representative Belsito stated that State funding for the Schools was increased from \$3.791M to \$3.889M. Hamilton was given \$25,000 for fuel tank and pump replacement. The State worked with the Police Department to obtain \$9,800 for municipal safety grants. The Economic and Development Bill might provide \$50,000 for the Accord Pantry for food insecurity. A Hamilton resident needed help with an assessment, which bolstered the passage of legislation to allow all disabled veterans to look for an assessment in one place.

Mr. Bowler stated that we will now begin going through the articles in the Warrant.

SECTION 1: ELECTIONS, REPORTS, PROCEDURES

ARTICLE 2022/10 1-1 Consent Agenda

Mr. Bowler stated that there is no Consent Motion.

SECTION 2: FINANCIAL ACTIONS

ARTICLE 2022/10 2-1 Compensation Classification Table.

To see if the Town will amend the Personnel Bylaw by adopting changes to the classification and compensation table as set forth in Appendix A, or take any action thereon or relative thereto. (The Proposed Compensation Classification Table appears as Appendix A to the 2022 Appendix Book.)

Town Moderator recognized Christina Schenk-Hargrove.

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Christina Schenk-Hargrove said: “I move that the Town amend the Personnel By-law by adopting changes to the classification and compensation table as set forth in Appendix A to the 2022 Appendix Book.” Seconded.

Christina Schenk-Hargrove explained the article. Union contracts had not been finalized at Annual Town Meeting and two personnel changes had been reviewed and made.

Electronic Vote: Yes: 170. No: 3. Majority in favor. Motion carries.

Town Moderator recognized Senator Bruce Tarr.

Bruce Tarr recognized a charter agreement relative to water resources and the protection of the Ipswich River. Senator Tarr thanked Town administration for their part in protecting natural resources and drinking water.

ARTICLE 2022/10 2-2 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 \$2,494.28)

Town Moderator noted the article required a 9/10ths vote. Town Moderator recognized Harry Philip.

Harry Philip said: “I move that the Town transfer \$2,494.28 from current year departmental funds to pay unpaid bills from Cabot Risk Strategies for Worker’s Compensation Services in the amount of \$2,494.28.” Seconded.

Harry Philip explained the article.

Electronic Vote: Yes: 191. No: 1. A 9/10ths majority was established. Motion carries.

ARTICLE 2022/10 2-3 Strategic Plan.

To see if the Town will raise and appropriate, or transfer from available funds, or borrow pursuant to any applicable statute, a sum of money not to exceed \$65,000 for the purpose of funding a consultant to develop a strategic plan related to the development of various properties in Town, including the Winthrop School property, Gordon-Conwell property and the downtown area of Town, including all incidental or related costs, or take any action thereon or relative thereto (*Request is \$65,000*).

Town Moderator recognized Caroline Beaulieu.

Ms. Beaulieu said: “I move to indefinitely postpone this article.” Seconded.

Ms. Beaulieu explained that since the time residents received the Warrant in the mail, an alternative funding source had been identified so the motion has been updated to reflect that.

Electronic Vote: Yes: 162. No: 7. Majority in favor. Motion carries.

ARTICLE 2022/10 2-4 Water Line Inventory – Lead Pipes

To see if the Town will raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money not to exceed \$100,000 for the purpose of funding a Water Service Inventory with Lead Assessment study to inventory lead pipes within the Town’s water distribution system, including all incidental or related costs, or take any action thereon or relative thereto. (*Expected request \$100,000*)

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Town Moderator recognized Bill Olson.

Bill Olson said: “I move that the Town utilize \$100,000 from the current Water Enterprise Fund Appropriation Fund to fund a Water Service Inventory with Lead Assessment study to inventory lead pipes within the Town’s water distribution system, including all incidental or related costs.”

Seconded.

Bill Olson explained the article.

Electronic Vote: Yes: 188. No: 2. Majority in favor. Motion carries.

ARTICLE 2022/ 10 2-5 Schools – Reauthorization of Previous Borrowing

To see if the Town will vote to authorize the use of the \$250,000 borrowing approved under Article 2020/6 2-4 of the June 20, 2020 Annual Town Meeting to be used by the Hamilton-Wenham Regional Schools District (“District”) for an Elementary School Facilities Study and Education Plan, for the specific purpose of paying the costs of a Feasibility Study of the Cutler School, 237 Asbury Street, South Hamilton, MA 01982 (the “Study”), for which Study the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the District’s Cutler School Building Committee, the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.

Town Moderator recognized Shawn Farrell.

Shawn Farrell said: “I move that the Town vote to authorize the use of the \$250,000 borrowing approved under Article 2020/6 2-4 of the June 25, 2020 Annual Town Meeting to now be used by the Hamilton-Wenham Regional Schools District (“District”) for a School District Facilities Study for the specific purpose of paying the costs of a Feasibility Study for the Cutler Elementary School, 237 Asbury Street, South Hamilton, MA 01982 (the “Study”), for which Study the District may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”), said amount to be expended at the direction of the District’s Cutler School Building Committee, the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.” Seconded.

Shawn Farrell Recognized School Superintendent Eric Tracy.

Eric Tracy showed a slide presentation of the Cutler Elementary School. The 250 student school had multiple deficiencies and had deteriorated beyond educational uses. Eight modules for MSBA were shown. The first module, Eligibility, included town support which was one of the last milestones to be met. \$250,000 in funds had been held since 2020 for the purpose.

Town Moderator recognized John McGrath.

John McGrath said the FinCom made a positive recommendation regarding the article.

Discussion -

Rick Mitchell (Rock Maple Ave) asked if the project included the Winthrop School and asked about the Buker School. Eric Tracy explained that the School Board and MSBA walked all three schools to find the Winthrop and Cutler Schools in need of rebuilding and reconfiguring the two schools into a school for 540 students. The Buker had not been judged by the MSBA to be rebuilt. The professionals would determine the reconfiguration. Mr. Mitchell wanted to look at all three elementary schools at one time. Mr. Tracy said the MSBA controls the process and determines how much they will pay for. Electronic Vote: Yes: 198. No: 11. Majority in favor. Motion carries.

ARTICLE 2022/ 10 2-6 Schools – Cutler Elementary School Feasibility Study

To see if the Town will approve the \$1,000,000 borrowing authorized by the Hamilton Wenham Regional School District (the “District”) for a Feasibility Study for the Cutler Elementary School, located at 237 Asbury Street, South Hamilton, MA 01982, including the payment of all costs incidental and related thereto (the “Study”) and for which the District may be eligible for a school construction grant from the Massachusetts School Building authority (“MSBA”), said amount to be expended at the direction of the District’s Cutler School Building Committee: the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA; or take any other action thereon or relative thereto.

Town Moderator recognized Shawn Farrell.

Shawn Farrell said: “I move that the Town will approve the \$1,000,000 borrowing authorized by the Hamilton Wenham Regional School District (the “District”) for a Feasibility Study for the Cutler Elementary School, located at 237 Asbury Street, South Hamilton, MA 01982, including the payment of all costs incidental and related thereto (the “Study”) and for which the District may be eligible for a school construction grant from the Massachusetts School Building authority (“MSBA”), said amount to be expended at the direction of the District’s Cutler School Building Committee: the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Study costs the District incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the District and its member municipalities; any grant that the District may receive from the MSBA for the Study shall be as set forth in the Feasibility Study Agreement that may be executed between the District and the MSBA.” Seconded.

Town Moderator recognized Eric Tracy.

Eric Tracy explained the article. The \$1M and the previously approved \$250,000 would be combined to begin the Feasibility Study.

Town Moderator recognized John McGrath.

John McGrath said the MSBA could supply the Town with a \$30M grant for the project. The FinCom recommended favorable action.

Electronic Vote: Yes: 198. No: 14. Majority in favor. Motion carries.

SECTION 3: OTHER APPROPRIATIONS AND ACTIONS.

ARTICLE 2022/10 3-1 General ByLaws- Amendment to the Conservation Bylaw.

To see if the Town will vote to amend Chapter XVII of the Town's General Bylaws, Conservation, by deleting the language contained in the Bylaw in its entirety and replacing it with the language shown in Appendix B, or take any action thereon or relative thereto.

Town Moderator recognized Tom Myers.

Tom Myers said: "I move that the Town indefinitely postpone article 3-1 as printed on the handout." Seconded.

Tom Myers said he appreciated the work of the Conservation Commission and explained that the Select Board met before the meeting and questioned whether the change extended beyond the scope of the existing Bylaw. He explained that if voters voted down the motion to postpone, someone else could move to recommend the article.

Town Moderator recognized John Pruellage.

John Pruellage said the FinCom believed there was no substantive change in the Bylaw but thought it might need more time to alleviate concerns.

Discussion -

Cathy Rich Duval urged residents to read and understand the Bylaw change. Town Moderator said the merits of the original article were not at question.

Antonio Watson (16 Sagamore Farm Road) wondered about the late breaking items that changed the minds of the Select Board and FinCom.

Tom Myers responded that a resident's attorney questioned the expansion of jurisdiction that might be enacted.

Kathy Simons (245 Sagamore St and Conservation Commission) offered her disappointment regarding late breaking concerns.

Ms. Kassner (27 Union St.) asked if substantive changes were pertaining to process or content. Tom Myers responded that the regulations were not addressed in the Bylaw but a letter clarified that some information in the proposed Bylaw expanded on the current Bylaw.

Sue Savarese (25 Old Cart Road) asked what the Commission thought of the current motion.

Town Moderator responded that the Commission had not posted a meeting and would not be able to offer an opinion.

Electronic Vote: Yes: 134. No: 71. Majority in favor. Motion to postpone carries.

ARTICLE 2022/10 3-2 Community Preservation Committee – Amendment of Vote Under Article 2020/11 2-7 and Article 2021/5 2-14.

To see if the Town will vote to amend the votes taken under Article 2022/11 2-7 and Article 2021/5 - 14 to extend the period of time when construction of the Town Hall project must commence from November 15, 2022 to November 15, 2024, or take any other action thereon or relative thereto.

Town Moderator recognized Shawn Farrell.

Shawn Farrell said: “I move that the Town approve Article 3-2 as printed in the Warrant.” Seconded. Shawn Farrell explained the article was for Town Hall improvements to bring the building up to code. The article was an extension of encumbering previously approved funds for renovating Town Hall. The Town was looking for alternatives for solutions for fire, ADA accessibility, and second floor structural integrity. Grants were being sought. The funds totaled \$4M.

Jay Butler (78 Old Cart Road/CPC) spoke in favor of the article.

Electronic Vote: Yes: 174 No: 25. Majority in favor. Motion carries.

ARTICLE 2022/10 3-3 Schools – Authorization of the Stabilization Fund.

To see if the Town will vote to authorize the Hamilton Wenham Regional School District to establish a Stabilization Fund for the District, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws, or take any other action thereon or relative thereto.

Town Moderator recognized Jamie Knudsen.

Jamie Knudsen said: “I move that the Town vote to deny authorization to the Hamilton Wenham Regional School District to establish a Stabilization Fund for the District, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws.”

Jamie Knudsen said the Select Board had recently met and voted to recommend unfavorable action on the article, which was not a vote to reject the potential field project. A separate vote indicated that the Board was favorable toward the field project. The Board was concerned with the implications of a Regional School District funding of a Stabilization Fund.

Town Moderator recognized Eric Tracy.

Eric Tracy noted the motion made and the motion projected on the screen were not the same. The Excess and Deficiency Fund (\$1.6M) was described and Mr. Tracy said that the use of those funds was allowable by law to fund a stabilization fund for the schools and that the funds were already raised by the Town not new, additional funds. Slides of the athletic field project were shown. The potential cost was \$12M to \$13M. Fund raising and grant applications were being sought. Mr. Tracy outlined the benefits of the proposal. He reported that families have been leaving the school district because of the condition of the buildings and the fields.

Town Moderator recognized John McGrath.

John McGrath noted that a level of transparency and trust did exist but the FinCom recommended deferring the article due to concern of the funding mechanism and alternatives to the project before the Town determines funding the project. The FinCom recognizes that the funds are from FY'22 but the project needs to be vetted and the taxpayers need to understand this.

Discussion.

Michelle Horgan (School St.) introduced herself as a representative of the HW Athletic Facility Improvement Committee and described a partnership with the school district to update the outdoor athletic facilities at the middle school and high school campus. The Committee, a pending 501c3 organization, is committed to raising funds to offset the cost of the project. She asked the voters to support the district and the efforts to update and bring up to speed the athletic facilities.

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Bill Olson (Select Board) clarified that the Select Board is in favor of the project but the motion isn't about the fields, it is about a Stabilization Fund and whether there were other more creative ways to raise the funds.

Dana Allara (Echo Cove Road) stated that the "motion in the warrant book" was in the affirmative and the motion on the floor was made differently.

[Further comments and questions showed that there was lack of understanding about the difference between a Warrant article and a motion and concerns about whether funds in the to-be-established Stabilization Fund would be dedicated specifically to the athletic fields. Note: motion language is not printed in the Warrant, only the article is.]

A discussion involving the Town Moderator, Town Counsel Lauren Goldberg and others took place regarding the Select Board's negative motion (to deny authorization) and the distinction between the language of the article printed in the Warrant and the language of the motion of Jamie Knudsen that does not appear in the Warrant. There were questions about whether the negative motion was an amendment and, if so, whether it was submitted in writing to the Town Clerk. Town Counsel said no, it was a motion not an amendment to the article. Town Moderator suggested that the Select Board withdraw the motion and vote on the "motion in the warrant." Attorney Goldberg said it was her opinion that the negative motion does pertain to the original article. Town Moderator asked that, for the record, the Clerk's minutes state that the Moderator was unhappy with how this played out.

Dana Allara expressed concern with the way the motion was made.

Rick Mitchell (Rock Maple Ave) spoke against the Stabilization Fund because it is not dedicated to the fields and is a blank check. Dana Allara responded to Mr. Mitchell's concerns and said the School Committee votes in a public meeting for the use of the funds.

Joe Mahar (Linden St.) asked about the funding of the Stabilization Fund. A response was given by Alex Magee, Town Finance Director, who explained that when the Excess and Deficiency fund exceeded 3%, funds were given back to the Town. Now, the Stabilization Fund would be 5%. Mr. Mahar spoke in favor of the Stabilization Fund.

Elizabeth Herr (270 Asbury St.) was concerned that the five person School Board would make financial decisions for the Town.

Shawn Farrell spoke in favor of the project but not the Stabilization Fund. A more specific ask for the turf field project would be preferred rather than a fund in perpetuity. The entire school budget would need to be voted down rather than just the Stabilization Fund. Lauren Goldberg said the only way to unwind the fund would be to not fund the Stabilization Fund in the future. The School Committee would have authority to transfer money on its own rather than voting the transfer each year.

Jamie Smorzewski (86 Highland St.) spoke in favor of the Stabilization Fund.

Anna Siediak (227 Highland St/School Committee) asked the Select Board to withdraw their motion and she would make an affirmative motion for what was within the Warrant, adding that the Stabilization Fund could be used for many facility needs.

Christina Schenk-Hargrove noted the motion was not to approve or disapprove the athletic fields but rather if the town should create a School Stabilization Fund. The motion on the floor is to not create the fund. Rather than giving Efficiency and Deficiency back to the Town, the School Committee could move it elsewhere.

Beth Herr (270 Asbury St.) spoke against the Stabilization Fund as funds could be used for other uses.

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Anna Siedzik recommended that the Select Board should have voted to postpone.
Lauren Goldberg said the motion was a functional equivalent to a postponement.
Melissa Sachsel (60 Echo Cove Road) spoke in favor of the Stabilization Fund.
Sam Vaill (315 Bridge St.) spoke in favor of the Stabilization Fund.

Jamie Knudsen reread the motion: “I move that the Town vote to deny authorization to the Hamilton Wenham Regional School District to establish a Stabilization Fund for the District, pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws.”

Electronic Vote: Yes: 85. No: 128. Majority not in favor. Motion does not carry.

Anna Siedzik said: “I move to approve Article 3-3 as printed in the Warrant.” Seconded.

Town Moderator reread the motion as printed in the Warrant. “I move that the Town vote to authorize the Town of Hamilton Wenham Regional School District to establish a Stabilization Fund for the District pursuant to Section 16G1/2 of Chapter 71 of the Massachusetts General Laws.”

Electronic Vote: Yes: 122. No: 89. Majority in favor. Motion carries.

ADJOURNMENT

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

So Moved

Seconded.

Vote: Unanimous in favor. Motion carries.

This Annual Town Meeting is now dissolved at 11:14 am on October 1, 2022.