



and removal of the four belfry roof finials is necessary for access to the belfry exterior woodwork, the actual labor time and materials cost for renovation of the finials (and paint prep work of the center spire) is relatively minor when compared to the entire project cost.

The e-mail request for more detailed cost allocation included sample project categories as “Steeple”, “Belfry”, “Clock Face” (which was listed separately on the original quote), and “Other” for the weathervane. We contacted American Steeple & Tower Co., Inc. to discuss how to best re-allocate the costs from the original quote to satisfy the request of the CPC. We determined a solution of organizing the work into categories that apply to each physical section of the building, listing the sections from bottom to top of the structure, as: “Clock Tower” (including the clock faces), “Belfry”, “Finials & Spire”, and “Weathervane Assembly”. In order for this to make sense, the original cost estimate for “clock face” work of \$5,600 has been split into separate amounts for carpentry and painting, with those separate amounts *added to* the overall carpentry and painting costs. The cost estimate for “finials & spire” work of \$5,800 has been split into separate amounts for carpentry and painting, with those separate amounts *removed from* the overall carpentry and painting costs.

In the detailed cost allocation below, the term “original amount” refers to the previously submitted American Steeple work quote of August 4, 2020. The term “break out amount” refers to the previously submitted American Steeple memo of September 14, 2020. The term “carpentry & millwork” includes removal of existing woodwork, repair & patching of existing woodwork, shop time required to prepare and mill new replacement lumber, re-installation of woodwork, and costs for fasteners & hardware. The term “painting” includes all paint prep work of surface scraping, wire brushing, sanding, caulking, application of primer, application of topcoats, and costs for paint & materials. The term “scaffolding” includes erection of OSHA Standards compliant scaffolding, removal of same, and general work site clean-up. All allocation costs have been verified via e-mail correspondence with American Steeple.

Clock Tower		Allocation Notes
Scaffolding	\$18,000	60% of original scaffolding amount
Carpentry & Millwork	3,590	10% of original carpentry amount
Painting	23,900	60% of original painting amount
<b>Belfry</b>		
Scaffolding	9,000	30% of original scaffolding amount
Carpentry & Millwork	32,350	90% of original carpentry amount
Painting	15,940	40% of original painting amount
<b>Finials &amp; Spire</b>		
Scaffolding	0	in place for other work sections
Carpentry & Millwork	2,320	40% of break out carpentry amount
Painting	3,480	60% of break out painting amount
<b>Weathervane Assembly</b>		
Scaffolding	3,000	10% of original scaffolding amount
Painting / Plating	4,500	100% of original weathervane amount
<b>Total:</b>	<b>\$116,080</b>	

2. **Clarification of “Finials & Spire” versus “Steeple” versus “Belfry”** *The change of the project title to “Belfry & Clock Tower Renovation” resulted in comments from the Coordinator regarding some possible confusion amongst the CPC, and that he initially thought the term “Belfry” only referred to the internal structural components that support a bell.*

This change was made to clearly state that the project focus is renovation and preservation of portions of the building from its time as both our town meeting house *and* a place of worship. Because of the typical association of the term “Steeple” with a religious building, we thought it prudent to remove that term from the Project Description. As for the term “Belfry”, that is defined as “the part of a bell tower or steeple in which bells are housed.”<sup>1</sup> This includes not only the internal mechanical workings and support members for the bell, but also the enclosing structure and exterior components that comprise the bell chamber. Because a significant portion of the proposed project involves renovation of the exterior of the bell chamber, we feel the change from “Steeple” to “Belfry” seems appropriate.

It is important to note that our first “town bell” was the result of a town vote in 1727 to receive an old Ipswich school bell for the meeting house.<sup>2</sup> A new bell was purchased in 1731,<sup>3</sup> yet both of these bells were simply hung from a tree near the meeting house until the meeting house was re-built with a proper belfry in 1762.<sup>4</sup> “Alarms and reminders were sent to residents by the ringing of a bell hung in the village center, near the meetinghouse. There were different bell tollings for safety, funerals, Sabbath services, school and town meetings.”<sup>5</sup> Our current bell was purchased in 1785, again as a result of town vote, and with town funds added to the sale amount of the old bell.<sup>6</sup> Consequently, all of the recorded “bell transactions” were results of *town votes*, rather than the specific actions of a religious organization.

The history of our “town clock” is similar to the bell, in that our first clockworks was installed in the meeting house tower in 1795 as a result of a town vote.<sup>7</sup> After the meeting house was remodeled in 1843,<sup>8</sup> the current clockworks was purchased by the town in 1888.<sup>9</sup> When our new town hall was built in 1897, the building was adorned with a simple cupola since the town clock and bell were already installed at the former meeting house across the street. As recently as April, 2000, the Town of Hamilton produced an Invitation for Quotes for “Restoration of Town Clock” in our meeting house, and subsequently paid for the work in June, 2000.



A final word regarding what’s referred to as the “Finials & Spire” in the previously submitted work quote and accompanying photos: The original “steeple” from the 1762 re-build consisted of a domed roof for the belfry, and a large, single spire, as seen in the 1787 engraving at left (artist unknown).

When the meeting house was turned and remodeled in 1843, the belfry was changed to a square bell chamber with a pyramid hip roof rather than a domed roof. We believe this is also when the large steeple was replaced with the current center spire and much smaller spires (or “finials”) were added to each corner of the new belfry roof. We consider these architectural components our meeting house “steeple”.

Because the CPC has expressed concern regarding how a possible CPA grant award may be scrutinized relative to the Anti-Aid Amendment (which is likely what led to the request of the amount for “finials & spire” work with our Sept. 15, 2020 application addendum), we will simply no longer include “finials & spire” work in our CPA Funding Request.

**3. Legal Concerns of a CPC Grant “Providing Substantial Aid”** *During the September 10, 2020 CPC meeting, a percentage of the total project cost was discussed as a possible grant award amount as a result of the legal opinion regarding our funding application offered by Town Consul. The Coordinator’s e-mail clarified that the CPC’s impression of the legal opinion was as “a warning that providing substantial aid to a church” may be problematic.*

The legal opinion that was discussed in the CPC meeting has not been shared with us, which contributed to our error in thinking that 90% of the project cost was some manner of “threshold” amount when we reduced our CPA Funding Request to \$100,000 (approx. 86%) in our application addendum. When asked for more information in the follow-up phone call with the Community Preservation Coordinator, he mentioned that the case referenced in the legal opinion was “something about Caplan”. We reviewed *Caplan v. Town of Acton*, 479 Mass. 69 (2018)(Caplan) when preparing our first application addendum, which led to our assumption that staying below 90% was a satisfactory adjustment (in *Caplan*, 479 Mass. at 89, the grant awards were exactly 90% of the project costs).

The Town Consul’s concern of possibly putting “the town in legal jeopardy” if our funding request is approved has also contributed to our decision as explained in Section 2 above, that we are no longer including the “finials & spire” costs in our application for CPA funding. It also contributed to the change in Project Title: “Even if the purpose of the grantors is conservation, and not the promotion of religion, it is obvious to anyone voting on the grants that both purposes would be served.” It is our consideration of that opinion of Justice Kafker that has focused our request for CPA historic renovation & preservation funding on only the building components of the original town meeting house. We also felt the title change from “Steeple & Clock Tower Renovation” to “Belfry & Clock Tower Renovation” in our first application addendum would specifically discourage the use of the word “steeple” in the Town Warrant, and remove the possibility of asking town meeting members to “...vote on a grant to maintain religious aspects of the church...” *Caplan*, 479 Mass. at 103.

By removing the “religious aspects” (the “finials & spire”) of our proposed project from our funding request, our request differs significantly from Town of Acton’s requests which were for “two grants of public funds to renovate an active church...” *Caplan*, 479 Mass. at 71. Removal of the “finials & spire” components from our request also avoids a complicated aspect of the *Caplan* court’s “difficulty of separating conservation from religious purposes when the grant is being given to preserve a religious component of a church building.” *Caplan*, 479 Mass. at 101. We have clarified that the building components in our CPA funding request are for our historically significant *town bell* and *town clock*, and not “religious components” of our meeting house. We must now consider the applicability to our request of the initial question the *Caplan* court addressed regarding the Town of Acton grants: “the question whether two grants of public funds to renovate an active church that has been identified as a ‘historic resource’ under the Community

Preservation Act, G. L. c. 44B, are categorically barred by the anti-aid amendment, or whether the constitutionality of such grants must be evaluated under the three-factor test...” *Caplan*, 479 Mass. at 71. Because of the specific “religious components” of the Town of Acton grants the *Caplan* court concluded that the “...constitutionality of such grants must be evaluated under our three-factor test...” *Caplan*, 479 Mass. at 71.

As our CPA funding request *does not include* the “religious components” of our meeting house, the conclusion of the *Caplan* court does not necessarily apply to the evaluation of our application. This was addressed in Justice Cypher’s dissenting opinion to the conclusions of the *Caplan* case. She agreed “...that grants of public funds to active religious institutions pursuant to the act are not categorically barred by the anti-aid amendment, and that such grants are instead subject to the three-factor test this court first articulated in *Commonwealth v. School Committee of Springfield*, 382 Mass. 665, 675 (1981)(Springfield). As the court points out this test requires that we consider (1) whether the purpose of the challenged grant is to aid a private charity; (2) whether the grant does in fact substantially aid a private charity; and (3) whether the grant avoids the political and economic abuses that prompted the passage of the anti-aid amendment.” *Caplan*, 479 Mass. at 106. She also expressed concern “...with the court’s admonition that grants of community preservation funds to active religious institutions warrant particularly ‘careful scrutiny.’ Such an analysis is belied by the plain text of the anti-aid amendment, as well as this court’s cases interpreting the amendment, which dictate that we do not treat religious and secular entities differently under the amendment.” *Caplan*, 479 Mass. at 107.

This leads us to re-examine our FCCH CPA Application for Funding under the *Springfield* case’s three-factor evaluation test, and show that our grant request avoids “problematic” issues:

1. *Purpose of the Grant?* We are simply seeking CPA funding for the “...public purpose of historic preservation...” *Caplan*, 479 Mass. at 111, in accordance within the goals of CPA, and “...of preserving our State’s historic structures, in light of the significant cultural, aesthetic, and economic benefits such preservation bestows on the Commonwealth’s cities and towns.” *Caplan*, 479 Mass. at 111.
2. *Does the Grant Provide Substantial Aid?* It appears that a major contributing factor to the *Caplan* court’s conclusion that the Town of Acton’s grant would indeed “substantially aid the church” was that their grant application stated the town’s “help” was needed with project costs due to “budgetary constraints”. *Caplan*, 479 Mass. at 89. As stated in our application for funding, we have previously undertaken significant capital improvements to our buildings and grounds with all funding provided by the generous support of our parishioners. We are not seeking funding because without a public grant we would be in such dire financial circumstances that we would be unable to continue our “essential function as an active house of worship”. *Caplan*, 479 Mass. at 90.

Another important distinction between our grant request and the grant awards of the *Caplan* case is that the 90% funding award of “the [Acton] stained glass grant is ‘neither minimal nor insignificant’ to the church.” *Caplan*, 479 Mass. at 103, whereas only 5% of our original grant request (\$5,800) was expressly for restoration and preservation of “religious aspects” of our meeting house, and that amount is no longer included in our funding request.

3. *Does the grant avoid the political and economic abuses that prompted the passage of the anti-aid amendment?* Again, we look to Justice Cypher’s response for guidance. Although her opinion was written after the Town of Acton grants had gone through the entire CPA Application for Funding process, we may apply her same opinion to our grant proposal in the event it reaches a successful conclusion: “There is nothing in the record that suggests any irregularity in the grant process in this case. To the contrary, the town and its Community Preservation Committee (committee) complied with all of the rigorous requirements of the act for these grants. After a public hearing, the committee voted unanimously to recommend the projects to the town meeting, based in part on ‘the significance of the historical resource[s]’ that were to be preserved. Following additional favorable recommendations by the town's board of selectmen and its finance committee, residents at the town meeting voted to approve the grants for these projects in April, 2016. These grants received full scrutiny and endorsement by the residents of the town at multiple levels of town government.” *Caplan*, 479 Mass. at 108.

As shown above, our grant application attempts to mitigate the legal scrutiny of the Town of Acton grants by removing the specific “religious aspects” of the project from our funding request. If the three-factor evaluation were to be applied to any grant award we may receive, it seems clear that our request would satisfy that evaluation with no question as to the legality of the grant.

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We believe this second application addendum has addressed the requests and concerns the CPC expressed in the Community Preservation Coordinator’s e-mail and follow-up phone conversation. This addendum has provided the requested cost details, clarified project terminology, and attempted to minimize the legal eligibility concerns as we understand them. We are therefore once again adjusting our CPA Funding Request amount to \$110,280. This adjustment completely removes any costs relative to “religious aspects” of the building (the approximately 5% of the total project cost associated with “finials & spire” renovation work). We hope this will help the CPC determine an appropriate grant amount based purely on the historic significance of our meeting house within the Hamilton Historic District and the community.

Thank you again for your time and consideration of our application for funding.

-Jeffery Kester  
Building & Ground Subcommittee Secretary

**Notes:**

- 1 Belfry. (2020). In *Oxford English Dictionary*. <https://www.lexico.com/en/definition/belfry>
- 2 Felt, J. B. (1834). *History of Ipswich, Essex, and Hamilton* Cambridge: Charles Folsom, 277
- 3 Felt, 277-278
- 4 Safford, D.E. (1888). Hamilton. In D.H. Hurd (Ed.), *History of Essex County, Massachusetts* (vol. 2). Philadelphia: J.W. Lewis & Co., 1213
- 9 Hauck, J. (2015). *Treasures in Hamilton History*. Hamilton-Wenham Public Library  
<https://ipswich.files.wordpress.com/2018/11/hamlet-history.pdf>, 5
- 6 Felt, 278
- 7 Felt, 278
- 8 Safford, 1219
- 9 Gordon, H. (2020). *The Clock Tower at Hamilton First Church*. Historic Ipswich.  
<https://historicipswich.org/2020/02/22/clock-tower-hamilton-first-church/>

**Attachments:**

*FCCH\_CPA\_App\_CPC-Memo.pdf*

***FCCH\_CPA\_App\_CPC-Memo.pdf***

*This e-mail was received by our Director of Operations as a response to the submission of our first application addendum.*

**From:** Patrick Shannon  
**Date:** September 18, 2020 at 10:03:54 AM EDT  
**To:** Cece Gough  
**Cc:** Patrick Reffett, Joe Domelowicz  
**Subject:** RE: CPA Info ~ First Congregational Church of Hamilton

Hello Cece,

As I'm sure you are aware, the majority of the discussion last week focused on the Anti-Aid amendment and what facets of the project would be legally eligible to receive CPC funds. One of the requests of the CPC was for the church to provide a more detailed breakdown of costs that would allow the committee to fully understand what they would be allowed to provide. Unfortunately, the email stating \$5,800 for material and labor to repair the spires is not going to be sufficient for the committee to make a recommendation.

The initial price breakdown was as follows:

Scaffolding	\$30,000
Carpentry & Millwork	\$37,140
Painting	\$38,840
Weathervane	\$4,500
Prep & Paint Faces	\$5,600
<b>Total</b>	<b>\$116,080</b>

What the committee needs to make its decision is essentially those costs broken into to allocations for the clock face, belfry and steeple would need to look more like the following:

Steeple	
Scaffolding	\$
Carpentry & Millwork	\$
Painting	\$
Belfry	
Scaffolding	\$
Carpentry & Millwork	\$
Painting	\$
Clock Face	
Scaffolding	\$
Carpentry & Millwork	\$
Prep & Paint Faces	\$5,600
Other	
Weathervane	\$4,500
<b>Total</b>	<b>\$116,080</b>



I think there was also some confusion regarding the terminology, specifically related to the steeple vs spires vs belfry and what the belfry entails. I, for one, was thinking that the belfry was the internal structure that housed the bell as opposed to the external portion that is included as part of the steeple and I think there was similar confusion among the committee.

The last item I would like to clarify is the reference in the revised application stating that "funding should not exceed 90% of the total project cost." My apologies to Jeff if I didn't convey the attorney's opinion clearly, but the legal opinion from our attorney referenced a court ruling stating that "the Court noted that the fact that the CPA funds granted comprised 90% of the overall construction costs was problematic." The 90% figure wasn't a threshold, rather a warning that providing substantial aid to a church could put the town in legal jeopardy.

Please understand that the CPC has expressed their desire to assist in this project, but we need to ensure it any monies granted are done so in a manner that will not result in the town being sued and the granted funds needing to be returned.

Please feel free to give me a call if you would like to discuss further.

Thank you,

**Pat Shannon**

Assistant to the Town Manager & Community Preservation Coordinator  
Town of Hamilton

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**From:** Cece Gough  
**Sent:** Tuesday, September 15, 2020 3:29 PM  
**To:** Patrick Shannon  
**Subject:** CPA Info ~ First Congregational Church of Hamilton

Hi Pat,

I hope your day is going well.

I'm sending along a memo and addendum to our CPA application. You will note that we have changed the name of the project to Belfry & Clock Tower Renovation (removed "Steeple"). It is numbered as page 6, in case you would like to attach it to the previous application. Will there be an interim meeting or just the meeting scheduled for October 3?

Please let me know if there is any other information that you need.

Thank you!  
Cece

Cece Gough  
Director of Operations  
First Congregational Church of Hamilton