



**WARRANT**

For

**Special Town Meeting**

October 23, 2021

9:00 a.m.

Patton Park

340 Bay Road

## Town By-Laws

### CHAPTER II

#### RULES AND PROCEDURE OF TOWN MEETINGS

**SECTION 1.** All articles in the warrant shall be taken up in the order of their arrangement, unless otherwise decided by a two-thirds vote, except that unanimous consent shall be required for inclusion of an Article in a "Consent Motion" group of Articles that will be taken up by the meeting for voting on the group.

**SECTION 2.** In case of motions to amend, or to fill out blanks, the one expressing the largest sum or the longest time shall be put first, and an affirmative vote thereon shall be a negative vote on any smaller sum or shorter time.

**SECTION 3.** The report of a committee shall be deemed properly before a meeting if a request for its acceptance is included in an article of the warrant and a copy is published in the Special Report or is filed with the Town Clerk fifteen days prior to the meeting. A vote to accept a final report shall discharge the committee but shall not be equivalent to a vote to carry out its recommendations. A vote on recommendations included in a committee report shall only be in order under an article to that effect in the warrant. A vote to accept a report of progress shall continue the committee under its original authority unless otherwise specified.

**SECTION 4.** If an article of the Warrant has once been acted upon and disposed of, it shall not be again considered at the meeting except by a two-thirds vote.

**SECTION 5.** No money shall be appropriated from the Stabilization Fund except by a 2/3 vote at a Town Meeting.

**SECTION 6.** Only registered voters of the Town shall be admitted and entitled to vote at any Annual or Special meeting provided that upon prior request the Moderator may admit to the meeting persons who are not registered voters and in his discretion may permit them to speak on a subject. Any person so permitted to speak at a meeting shall announce his full name and address to the meeting.

**SECTION 7.** Motions at Town Meeting shall be made orally, but the Moderator may require any motion also to be submitted in writing. Unless otherwise directed thereby the Moderator shall appoint all committees created by the vote of the Town.

**SECTION 8.** The conduct of all Town Meetings not prescribed by law or by the foregoing rules shall be determined by the rules of practice contained in the most current edition of Town Meeting Time, A Handbook of Parliamentary Law.

**SECTION 9.** On matters requiring a two-thirds vote, either by statute or these By-Laws, a count need not be taken and the vote need not be recorded unless the vote declared is immediately questioned by seven or more voters as provided in General Laws, Chapter 39, Section 15.

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ESSEX, SS

TO THE CONSTABLE OF THE TOWN OF HAMILTON:

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 Patton Park located at 340 Bay Road in said town, on Saturday, the twenty-third day of October, in the year Two Thousand Twenty-one (October 23, 2021) at nine o'clock in the morning (9:00 a.m.), then and there to act on the following articles.

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

<p><b>ARTICLE 2021/10 1-1</b>  <i>Article for Consent Motion</i></p>	<p>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.</p>
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**SECTION 2: FINANCIAL ACTIONS**

<p><b>ARTICLE 2021/10 2-1</b>  <i>Prior Year Bills</i></p>	<p>To see if the Town will vote to 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. <i>(Expected request \$39.25)</i></p> <p><b><i>Brief Summary:</i></b> <i>This article provides for payment of all prior year bills which were not submitted or received by the Town prior to the fiscal year ending on June 30, 2021.</i></p> <p><i>A 9/10 vote is required to approve this Article.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>Payment of these bills will have a negligible effect on the tax rate.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and Advisory Committee (5-0) recommends favorable action.</i></b></p>
<p><b>ARTICLE 2021/10 2-2</b>  <i>Amendment to Budget</i></p>	<p>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.</p> <p><b><i>Brief Summary:</i></b> <i>This article seeks to reduce the amount raised and appropriated</i></p>

**Special Town Meeting – October 23, 2021**

	<p><i>to fund the Town’s annual operating budget at the Annual Town Meeting in May 2021. Following the Annual Town Meeting, it was discovered that the Town inadvertently appropriated funds that were already voted to fund the budget under a separate article. Therefore, because these funds were otherwise included, accounted for and appropriated in other articles, the Town is seeking to correct this over-appropriation by reducing the voted appropriation by \$875,725.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>None, as this article is simply to correct an accounting error.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and Advisory Committee (5-0) recommends favorable action.</i></b></p>
<p><b>ARTICLE 2021/10 2-3</b></p> <p><i>Election Staffing</i></p>	<p>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. <i>(Expected request is \$14,000.00)</i></p> <p><b><i>Brief Summary:</i></b> <i>This article proposes to appropriate \$14,000.00 to fund unanticipated costs associated with a special election to fill the vacancy in the Fourth Essex seat in the Massachusetts House of Representatives.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>The allocation of these funds will have a negligible impact on the Fiscal Year 2022 tax rate.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and Advisory Committee (5-0) recommends favorable action.</i></b></p>

**SECTION 3: OTHER APPROPRIATIONS AND ACTIONS**

<p><b>ARTICLE 2021/10 3-1</b></p> <p><i>General Bylaws – Board of Selectmen Name Change</i></p>	<p>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.</p> <p><b><i>Brief Summary:</i></b> <i>This article seeks to amend the Town’s General Bylaws to formally change the name of the Board of Selectmen to Select Board and make any related changes so that the General Bylaws are gender neutral.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>None.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and</i></b></p>
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**Special Town Meeting – October 23, 2021**

<p><b>ARTICLE 2021/10 3-2</b></p> <p><i>Zoning Bylaws – Board of Selectmen Name Change</i></p>	<p><b><i>Advisory Committee (5-0) recommends favorable action.</i></b></p> <p>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.</p> <p><b><i>Brief Summary:</i></b> <i>This article seeks to amend the Town’s Zoning Bylaw to formally change the name of the Board of Selectmen to Select Board and make any related changes so that the Zoning Bylaw is gender neutral.</i></p> <p><i>A 2/3 vote is required to approve this Article.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>None.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and Advisory Committee (5-0) recommends favorable action.</i></b></p>
<p><b>ARTICLE 2021/10 3-3</b></p> <p><i>Home Rule Petition to Refund Taxes – 550 Highland Street</i></p>	<p>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.</p> <p><b><i>Brief Summary:</i></b> <i>This article is required as part of the process to seek a Home Rule Petition. The Town seeks the authority to refund tax payments that were previously made on the property located at 550 Highland Street. Town Meeting previously authorized the Board of Selectmen to seek special legislation to exempt the Property from taxation and to abate any <u>unpaid</u> real estate taxes. The Legislature approved that special act (Chapter 174 of the Acts of 2020). Chapter 174, however, only authorized the Town to abate and exempt from collection any unpaid real estate taxes, and did not authorize the Town to abate any real estate taxes that had previously been paid. This will effectively resolve the real estate tax issue for 550 Highland Street.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>The allocation of these funds will have no impact on the Fiscal Year 2022 tax rate as they will be paid from the Overlay Account, which is established for the purpose of funding property tax abatements,</i></p>

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	<p><i>exemptions and uncollected taxes. Additions to the overlay reserve are not funded by the normal appropriation process, but are instead raised on the tax rate recapitulation sheet.</i></p> <p><b><i>The Board of Selectmen (3-1-1) recommends favorable action. Selectman Knudsen was opposed to this recommendation. Selectman Farrell abstained. The Finance and Advisory Committee (4-1) recommends favorable action.</i></b></p>
<p><b>ARTICLE 2021/10 3-4</b></p> <p align="center"><i>Authorization to Convey Easement to NGrid – 577 Bay Road</i></p>	<p>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.</p> <p><b><i>Brief Summary:</i></b> <i>This article seeks authorization to convey an easement to NGrid to enable NGrid to install conduit for the purposes of supplying the wireless facility located at 577 Bay Road with electricity.</i></p> <p><b><i>Fiscal Year 2022 Tax Rate Impact:</i></b> <i>None.</i></p> <p><b><i>The Board of Selectmen (5-0) recommends favorable action. The Finance and Advisory Committee (5-0) recommends favorable action.</i></b></p>

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Given under our hands this 4<sup>th</sup> day of October, 2021.

**HAMILTON BOARD OF SELECTMEN**



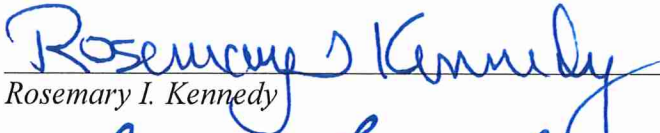
William A. Olson, Chair



James R. Knudsen



Darcyll C. Dale



Rosemary I. Kennedy



Shawn M. Farrell

Hamilton, Massachusetts

I have this day served this warrant as directed by Chapter 1, Section 1b of the Town By-laws.



Constable, Town of Hamilton

10. 8. 21

Date



**Special Town Meeting – October 23, 2021**

Appendix A  
AMENDMENT TO CHAPTER 174 OF ACTS OF 2010

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** Chapter 174 of the Acts of 2020 is hereby amended by adding the following to the first sentence of Section 2:- After the word “Unpaid” insert the words “or paid”.

**SECTION 2.** This act shall take effect upon its passage.

## Special Town Meeting – October 23, 2021

October 23, 2021

From: Hamilton Finance and Advisory Committee

### Commentary and Recommendations on the Warrant for:

#### SPECIAL TOWN MEETING

Saturday October 23, 2021

Patton Park Ball Fields, 340 Bay Road, Hamilton

Please bring this report to Town Meeting

To the Citizens of Hamilton:

Before each Annual Town Meeting and Special Town Meeting, the Finance and Advisory Committee (FINCOM) is asked to provide our recommendations and analysis regarding the warrant articles to be presented at Town Meeting for your deliberation and disposition.

FINCOM's responsibility is to recommend the action we consider appropriate as to any or all municipal questions. As citizens, you are entitled to consider and vote on all such questions presented to you on the town meeting warrant. As Hamilton residents, we are fortunate to have retained the most direct and democratic form of governance, the town meeting. But that means that only those that attend will ultimately make these decisions. Too often, a small minority of citizens make decisions at town meeting that will affect all citizens. FINCOM encourages you to participate in the decision-making process by attending STM and voting on these important matters.

Once again, we find ourselves in unusual and extraordinary circumstances. While restrictions related to the COVID-19 pandemic have been gradually loosened within our town and throughout the Commonwealth since June, it appears that the pandemic is not over and the status of such restrictions remains in flux. Therefore, it was decided to hold STM outdoors again. To avoid conflict with the school over outdoor activities and to improve the parking access, it was decided to hold the meeting at Patton Park.

The Town is generally not required to hold a Special Town Meeting every fall; however, one or more of the articles on this warrant are urgent and require immediate citizen action. The FinCom will continue to evaluate the need for a STM each year to reduce the burden of holding one if possible.

We have tried to keep this document as short as possible. Please read it in conjunction with the Warrant and the appropriate Appendices. Please refer to those documents for the wording of the articles, summaries and fiscal impact as prepared by the BOS, Town Manager, Finance Director and Town Counsel.

#### **ARTICLES 2021/10 1-1**

This article is self-explanatory and does not require additional comment.

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

**Special Town Meeting – October 23, 2021**

Each year-end, Town Management lets vendors know bills must be submitted for payment. Occasionally vendors overlook the request or assume their bill is in process. When an invoice is late and not in the current year’s budget, a special request must be made at town meeting to fund the invoice.

In this case, the late invoice is for \$39.25 from Schwaab, Inc., for office supplies. Approval of this appropriation will have almost no effect on the tax rate.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 2-1.**

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

Following the Annual Town Meeting (ATM) on May 1, 2021, it was discovered that the Town inadvertently appropriated a portion of funds in Article 2-3 of the ATM warrant that were also appropriated in several other articles in that same ATM’s warrant. The total amount of the over-appropriation was \$875,725. This same amount was also included in the following four articles from ATM:

<b>ARTICLE 2021/5 2-4</b>	<i>Capital Expenditures</i>	\$338,638
<b>ARTICLE 2021/5 2-8</b>	<i>Hamilton Development Corporation</i>	\$ 66,051
<b>ARTICLE 2021/5 2-9</b>	<i>OPEB Trust Fund</i>	\$125,000
<b>ARTICLE 2021/5 2-11</b>	<i>Stabilization Fund</i>	\$346,036
	<b>TOTAL</b>	<b>\$875,725</b>

The inadvertent error was likely caused due to the fact that Article 2-3 was the “operating budget” warrant article which includes the operating budgets for both the town and the school district and represented approximately 98% of funds appropriated as part of the FY22 budget. In addition, the funds appropriated in the four articles referenced above were included as part of the overall FY22 budget presentation, as is customary. Although presented as such, they are ordinarily separated out for purposes of warrant approval for a few different reasons. Some of them are not operating items (e.g., capital expenditures), some may be more discretionary in nature (e.g., HDC, OPEB) and/or may require a greater level of voter approval (e.g., Stabilization Fund) than the operating budget article which is a simple majority. This duplication was an unfortunate error. For the upcoming ATM we will be exploring whether there are alternative ways to present the budget or the warrant articles so that potential confusion is minimized and this type of error does not occur again.

Approval of this article will reduce the amount of appropriation by the Town for the FY22 budget and will not increase the tax rate. However, *failure* to approve this article would mean that the tax rate set this December would be artificially higher than it needs to be and would require a Proposition 2 1/2 override. Given that the over-appropriation was a clear error and we do not believe that the taxpayers should be burdened any further than is necessary, approval of this article will provide us with the budget that should have been approved last May.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 2-2.**

## Special Town Meeting – October 23, 2021

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

Our State Representative, Brad Hill, has resigned his seat. Therefore, there will be a special election to fill the Fourth Essex seat in the Massachusetts House of Representative. Since this was an unexpected resignation the staffing and other election costs have not been budgeted. The election costs are estimated to be approximately \$14,000.

This is an unanticipated but necessary cost. The impact on the FY 2022 tax rate will be negligible: less than 1 cent.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 2-3.**

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

This proposed Article, changing the official title from Board of Selectmen to Select Board, reflects recognition of the positive progression of our community values, the fact that we are governed best by diversity of gender as well as of viewpoints, and the reality that gender is not a qualifying standard for participating in community activity, including governance. In an environment where labels sometimes take on unintended meaning, an explicitly gender-neutral title for the Town's executive branch of government conveys the right message about Hamilton.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 3-1.**

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

This proposed Article, having the same purpose and effect as Article 3-1, is required to render the Town's zoning bylaws text consistent with the title change reflected in Article 3-1. A two-thirds vote is required for amending the zoning bylaws.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 3-2.**

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

In 2019, the Town Meeting approved a proposal by the Board of Selectmen to exempt the property located at 550 Highland Street from taxation and to abate any unpaid real estate taxes. The property is owned by the State of Massachusetts (Department of Conservation and Recreation) and not by the current inhabitants of the property, who have a long-term lease with the state and act as conservators of the property.

The Legislature approved that special act in 2020 (Chapter 174 of the Acts of 2020.) However, Chapter 174, only authorized the Town to abate and exempt from collection any unpaid real estate taxes and did not authorize the Town to abate any real estate taxes that had previously been paid.

The current article seeks to refund tax payments already made on the property in the amount of \$13,232.38. After approval by the Legislature, this payment will be made from the Overlay Account. The Overlay Account is defined as an account that funds anticipated property tax abatements, exemptions, and uncollected taxes.

**Special Town Meeting – October 23, 2021**

This is a long-standing dispute, which, if left unresolved, would likely expose the Town to additional costs. Because this will serve as a conclusion to this matter for the town, the FinCom recommends favorable action.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (4-1) on Article 3-3.**

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

This proposed article seeks to allow an electrical easement across Town-owned property at Town Hall. The easement is needed to provide power to the cell phone tower that has been erected behind Town Hall. The utility company already has a license to lay its power lines, but requires an easement that will allow it to access its power lines without requiring further Town approval. This article gives the Select Board the authority to negotiate the terms of the easement.

This project is highly desired by residents and has long been approved. A yes-vote on this warrant will allow this project to be completed and the wireless facility to become operational. Conversely, a no-vote will cost the Town additional money and ultimately will not defeat the project.

**The Finance and Advisory Committee recommends FAVORABLE ACTION (5-0) on Article 3-4.**

Respectfully Submitted,

**Hamilton Finance and Advisory Committee**

Christina Schenk-Hargrove, Chair  
John Pruellage, Vice Chair  
Nick Tensen, Clerk  
David Wanger  
John McGrath



# Pumpkin Fest

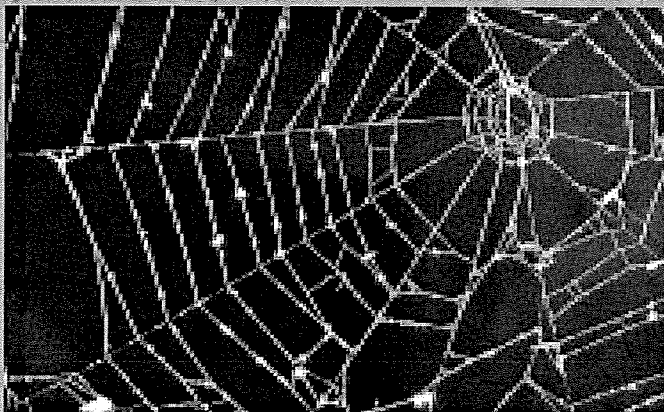
• LOCATION: PATTON PARK •

OCTOBER  
**30TH**

1:00PM

Join us in Patton Park for the 2021 PumpkinFest. We will have pumpkin carving, games, music and more! NEW for 2021 our Trunk or Treat in the parking lot by the pool!

If you wish to register your car for the trunk or treat please do so on our website [www.hwrecreation.com](http://www.hwrecreation.com)



In honor of our military past and present, join Friends of the Patton Homestead for a road race along the Purple Heart Trail in South Hamilton.



# SUNDAY, NOVEMBER 14 VETERAN'S DAY WEEKEND

PATTON HOMESTEAD | 650 ASBURY STREET | SOUTH HAMILTON, MA

8:30AM Fun Run (1K) | 9:00AM 10K

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# REGISTER

# NOW!



**First 100 registrants get a  
long sleeve technical shirt!**

<https://runsignup.com/Race/MA/SouthHamilton/ThePurpleHeartTrail10kFunRun>

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All proceeds benefit the Patton Homestead, Inc., a 501 (c)(3) nonprofit.  
[www.pattonhomestead.org](http://www.pattonhomestead.org)

**BULK RATE  
U.S. POSTAGE PAID  
PERMIT #24  
HAMILTON, MA  
01936**

**POSTAL PATRON**

*Visit our website at [www.hamiltonma.gov](http://www.hamiltonma.gov)*

*Please join us*

*Saturday, October 23, 2021*

**SPECIAL TOWN MEETING**

*Patton Park  
340 Bay Road*

**9:00 a.m.**

**DEMOCRACY IS NOT A SPECTATOR SPORT**

**Please bring this warrant with you to the Town Meeting. Thank you.**