

**TOWN OF HAMILTON
BOARD OF SELECTMEN
FEBRUARY 23, 2015**

The Board of Selectmen met at Hamilton Town Hall at 7:00 p.m. on Monday, February 23, 2015 with Acting Chair David Neill, Marc Johnson, Jennifer Scuteri present. Town Manager Michael Lombardo, Special Counsel Bill August, HWCAM Director Bill Melville, BOH member Susan Wilfahrt, Health Agent Leslie Whelan, Recycling Committee member Gretel Clark also present.

Call to order

David Neill called the meeting to order at 7:00 p.m.

Public Comment

None.

Chairman/Selectmen reports

Jennifer Scuteri mentioned that the American Legion Post building had ice dams causing water damage on its new floors. Neill said everyone is coping with winter.

Town Manager's report

Town Manager Michael Lombardo updated public on snow and ice budget with Town receiving approval to deficit spend \$100,000. To date Hamilton has spent \$250,000 for snow and ice removal. He asked residents to shovel out any fire hydrants in their area since there are 400 in Town. Also, the FinCom has one opening.

CONSENT AGENDA

- Extend the terms of **Hamilton Development Corporation** members Dave Carey and Rick Mitchell to June 30, 2016 to align their terms with other appointed boards and committees.

Neill entertained a motion to approve the Consent Agenda. Scuteri so moved. Marc Johnson seconded the motion. The appointments will align with staggered terms.

VOTE: Unanimous.

AGENDA

- **Cable Television Renewal License** – Grant to Comcast of Massachusetts 1, Inc. for ten years March 2, 2015 to March 1, 2025. Terms of renewal presented by Special Town Counsel Bill August and Bill Melville, HWCAM Director. Vote to accept. Sign.

Special Counsel Bill August summarized main points of license with one change to the license relative to the timing of the provision of the third access channel. The key points in renewal license are Comcast will support public educational/government access community programming with annual payments of 5% of gross annual revenues (\$111,095 per year) for Hamilton and Wenham. Additional annual revenue of \$127,942 is coming from Verizon yielding \$239,000 to HWCAM annually. This provides level funding relative to current aggregate of funding.

In addition to the 5% of gross annual revenues Comcast will provide \$57,500 annually for equipment. August recommends accepting the total package from Comcast. Under the Verizon license 5% of gross revenues are also provided but the current license has no provision for equipment. Also, a third public access channel is included for Hamilton and Wenham and will be available in 18 months in digital format and Comcast will dictate where the channel will be located in the program line up. Bill Melville explained that HD could be available for local CATV regionally in the future. Discussion ensued about how Verizon has a 55% presence in Town. The Town gets \$1,500 a year subscriber cost per 50 cents of user fee. Also mentioned was if there could be personal property tax (i.e., for use of wires and poles) as a potential revenue source but not under current law.

August described how some towns use a Memorandum of Understanding (MOU) with access corporations and he recommended this be done to codify the relationship. Neill entertained a motion to grant to Comcast of Massachusetts 1, Inc. a renewal license for ten years March 2, 2015 to March 1, 2025, with terms of renewal just presented by Special Counsel Bill August and Bill Melville, HWCAM Director. Johnson so moved. Scuteri seconded the motion. VOTE: Unanimous.

- Presentation by Susan Wilfahrt, Board of Health member and Leslie Whelan, Health Agent regarding a by-law to promote a plastic bag reduction and prohibition of expanded polystyrene food and beverage containers in Hamilton

Susan Wilfahrt updated where Board of Health was with the proposed by-law. She clarified that single use plastic bags and Styrofoam going into the curbside recycling

was not a possible option since recycling centers do not take them. The U.S. consumes 2 plastic bags a minute and average use of a bag is 12 minutes so this scenario is about convenience not what is best for the environment with 8 million tons of plastic going into the ocean worldwide annually. There is a Leominster company that transforms Styrofoam but it is not practical for Town residents to store Styrofoam and there is a cost associated with pick-up.

Many communities in the state have banned use of plastic bags and Styrofoam which is supported by DEP. A group of nearly 10 interested Hamilton citizens have become involved in the grass roots effort, BOH held a public hearing, and one on one discussions have occurred with as many as 25 business managers in Town where nearly all were supportive of the banning effort. Outreach will continue to the business managers, public through a survey and movie called "Bag-It" to be shown at the library on March 4. BOH's intent is to have a by-law ready for April Town Meeting.

Johnson commented on the impressive list of 25 to 1 businesses canvassed that expressed support of the effort and noted his support for the BOH proposal. Some of the businesses have experienced this ban in other communities where they are located. Lombardo opined that the Board of Health has the power to implement the requirements without a by-law. Discussion ensued about hope to gain support and community consensus for the proposal. BOS would place the by-law article on the warrant for spring Town Meeting. He recommended the article be placed on the warrant so it could be discussed by full Board of Selectmen at the warrant hearing.

Discussion addressed how further resident surveys will be done. Also, that the proposal is focused on what is reasonable with good alternatives in place and would not include dry cleaning garment bags as well as plastic bags consumers get from purchasing clothes.

Neill raised the issue of what is done with plastic bags after use is completed (he reuses single-use plastic bags for sealing trash for solid waste disposal) where many are incinerated which results in generation of electricity. Wilfahrt questioned if a toxin is generated from burning the plastic bags. She noted that only 12% of plastic bags are recycled. The goal is to encourage people to bring and use their own shopping bags, and paper bags would be an option. There will be an exception for use of plastic bags for produce and meat at stores.

The content in the by-law incorporates the best ideas from other communities' by-laws. Scuteri expressed support for the by-law, how this ban has been implemented in three towns on the North Shore, and that this should be voted for by the people at Town

Meeting. Discussion was on how the effort is part of a grass roots initiative that could motivate a statewide effort. Also mentioned was the use of polystyrene cups by local businesses and polyethylene bags as well as an opposition letter from the grocers' association. Neill said he was not ready to support the ban because he would like more information and preferred to know how the bags could be replaced, and thought this should go before Town Meeting.

Discussion ensued with Duke Seaver, Essex Street, about violation penalties as part of enforcement if ban is not followed \$25 fine for first violation, a second and further violations would be fined \$50. The BOH and Health Agent would enforce by-law. Gretel Clark spoke to petroleum used to produce single use bags, 4% of Mass. population banning polyethylene bag use, blue bags are a different type of plastic, dog waste not in bags could be put in organic recycling bins, and use of reusable bags.

- Receive and review articles for the Warrant from Planning Board, Board of Health

Lombardo described Planning Board warrant article containing revisions to citizen's petition site plan review by-law, a public hearing was held citizen's petition by-law, and newly revised by-law would be referred by Selectmen to the Planning Board for public hearings.

He referred to memo from him and Patrick Reffett, Director of Planning and Inspections, regarding cell towers in the Town's by-law. These Town officials have been meeting with cell tower companies and review by those organizations have said that Hamilton's cell tower by-law is restrictive in height and buffer distances (i.e., 55' with a 500' clearance). Lombardo and Reffett recommend modifying by-law to allow 110' cell towers with 200' clearance area which would improve companies' ability to site cell tower(s) on Town property or at other locations in Hamilton. If this amendment were adopted the Planning Board could issue a Special Permit for a circumstance other than these specifications. Newer cell technology that allows for less visible tower structures could be reviewed for deployment. Scuteri suggested there should be a definition on height extension of a tower on an existing building. Discussion addressed how adjustments in by-law could open up an opportunity to site cell towers in Town by right rather than by Special Permit.

Neill entertained a motion. Johnson moved to take Town Manager's and Planning Director's memo with regard to cell towers and modifications to the Town's communications and antenna facilities by-law and refer it to the Planning Board to hold

hearings and bring the warrant article back in time for spring Town Meeting. Scuteri seconded the motion. VOTE: Unanimous.

Discussion ensued on Planning Board's amendment to the citizen's petition site plan review by-law regarding Special Permit that was addressed conceptually in its hearing. The Planning Board recommended technical changes to the proposed by-law to make it comprehensive and workable by adding language. The Planning Board is hoping to hear input at a public hearing on its recommendations for an alternative to the citizen's petition. Technical flaws in the citizen's petition could render the by-law, if approved, non-viable.

Neill entertained a motion. Johnson moved that the Board of Selectmen refer back to the Planning Board for public hearings their recommended section on site plan review. Scuteri seconded the motion. VOTE: Unanimous.

Neill entertained a motion that the Board of Health presentation on plastic bag and Styrofoam by-law be placed on the spring Town Meeting warrant. Scuteri so moved. Johnson seconded the motion. VOTE: Unanimous.

- **Set date of next Selectmen meeting**

The next Selectmen's meetings will be held on March 9 and March 23.

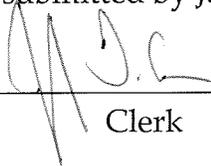
NEW BUSINESS

Consideration of topics for discussion at future Selectmen's meetings

List of topics will be addressed in future after spring Town Meeting considering there could be as many as 30 warrant articles that require Board review. Scuteri moved to adjourn at 8:29 p.m. Johnson seconded motion. VOTE: Unanimous.

Respectfully submitted by Jane Dooley, Minutes Secretary

ATTEST: _____



Clerk

