



Town of Hamilton
Board of Selectmen*
Monday, November 15, 2021

- William Olson, Chair
- Jamie Knudsen
- Darcy Dale
- Shawn Farrell
- Rosemary Kennedy

AMENDED AGENDA

Town Government meetings in the Memorial Room at Town Hall have returned to in-person meetings for Board members, staff and applicants. Members of the public are invited to participate remotely by utilizing the zoom or phone options listed below:

Join Zoom Meeting from a PC, Mac, iPad, iPhone or Android device at:

Join Zoom Meeting

<https://us02web.zoom.us/j/82178006314?pwd=VUpxbjJDTVdNVUxvaTIGSnNCNTRVdz09>

Meeting ID: 821 7800 6314

Passcode: 982917

One tap mobile

+19292056099,,82178006314#,,,,*982917# US (New York)

7:00 p.m.	Call to order - Memorial Room Pledge of Allegiance
ANNOUNCEMENTS & BOARD OPENINGS	
	Board and Committee openings: <ul style="list-style-type: none">• Finance and Advisory Committee –2 associates openings• Conservation Commission – 2 openings• Hamilton Historic District Commission – 1 opening• Open Space Committee – 2 openings• Hamilton Planning Board associate member – 1 opening• Hamilton Affordable Housing Trust – 1 opening• Hamilton Human Rights Commission - 1 opening (Housing Authority Rep.)• Hamilton Development Corporation – 1 opening (for Treasurer)
	Public Comment (3 minutes on topics not already on the agenda)
	Selectmen/Town Manager Reports
CONSENT AGENDA	
	<ul style="list-style-type: none">• Approve Minutes of Board of Selectmen meeting from October 4, 2021• Approve sign for Nordic Association at Patton Park Tennis Courts• Approve vehicle lease authorized by Annual Town Meeting in May
AGENDA	
7:15 p.m.	<ul style="list-style-type: none">• Approve the November 30, 2021 Special General Election Warrant – Vote• Introduce new staff, Director of Health and Patton Homestead Director

	<ul style="list-style-type: none"> • Annual Tax Classification Hearing with Board of Assessors – Discussion and Vote • Approve the Annual Tax Rate with Board of Assessors – Discussion and Vote • Adopt limits for 2022 Chapter 91 tax abatement program – Discussion and Vote • Water Abatement request for 35 Junction Lane – Vote • Extended Producer Responsibility Legislation (Anne Gero and Gretel Clark) – Discussion and Vote • Community Electricity Aggregation Program – Update with Good Energy • Hamilton Special Liquor License Policy – Discussion and Vote • Memorandum of Agreement for land near Patton Homestead – Review Land Management Plan and possible vote • ARPA Presentation – Town Manager and Finance Director – Discussion and Vote • Summary of Unconscious Bias Workshop training – Discussion
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Cemetery Deeds Nos. 1220, 1221

***The Hamilton Special Town Meeting voted on October 23, 2021 to change the name of the Board of Selectmen to the Hamilton Select Board. That change will become official, once the Town's vote has been approved by the Secretary of State.**

HAMILTON BOARD OF SELECTMEN &
HAMILTON FINANCE AND ADVISORY COMMITTEE
MINUTES OF JOINT MEETING

Memorial Room, Town Hall, 577 Bay Road, Hamilton

October 4, 2021

Selectmen Present at Town Hall:	Chair William Olson and Jamie Knudsen
Selectmen Online:	Darcy Dale, Rosemary Kennedy, and Shawn Farrell
Finance and Advisory Committee Members Online:	Chair Christina Schenk-Hargrove, John Pruellage, David Wanger, Nick Tensen, and John McGrath
Town Manager Online:	Joe Domelowicz Jr.
Others Present at Town Hall	Town Clerk Carin Kale and Finance Director Alex Magee
Others Present Online:	Director of Planning & Inspections Patrick Reffett and Town Counsel Tom McEnaney of KP Law

** This meeting was conducted at Town Hall with a Zoom component.*

Call to Order/Pledge of Allegiance

Board of Selectmen (BOS) Chair William Olson called the joint meeting to order for the BOS at 6:31 p.m. and took a roll call that included himself and Jamie Knudsen at Town Hall and Darcy Dale, Rosemary Kennedy, and Shawn Farrell participating online remotely. **Note: The BOS has voted to refer to itself informally as the Select Board pending a Special Town Meeting (STM) vote.*

Finance and Advisory Committee (FinCom) Chair Christina Schenk-Hargrove called the meeting to order for the FinCom at 6:32 p.m. The full board was participating remotely: David Wanger, Nick Tensen, John Pruellage, John McGrath, and Ms. Schenk-Hargrove.

Public Comment (5 minutes on topics not already on the agenda)

Town Clerk Carin Kale, speaking from the Memorial Room, said she wanted to make sure everyone was aware of the special State election for the seat of State Representative Brad Hill of the Fourth Essex District who has resigned. The Primary will be held on Nov. 2 and the State Election on Nov. 30. She supplied details on vote-by-mail and where election info. may be found. She said it was critical to specify which party's ballot one wanted in making the request. Mr. Olson added that the BOS will be recognizing Rep. Hill's years of service with a certificate to be presented at a future meeting.

AGENDA

Review Warrant for Special Town Meeting (STM) and record votes on articles

FIN COM AGENDA: STM Warrant reviewed, discussed and voted on with the Select Board

Finance Director Alex Magee, attending at Town Hall, shared the STM Warrant onscreen. Mr. Olson asked Ms. Dale, who is a former FinCom member, whether she thought FinCom should vote first. She said yes because FinCom serves in an advisory capacity to the BOS.

Article 1-1, Article for Consent Motion: The article was skipped.

Article 2-1, Prior Year Bills: The article addresses a bill that came in after the close of the fiscal year in the amount of \$39.25.

BOS Motion:

Ms. Dale made a motion that the BOS recommend favorable action on Article 2-1. Ms. Kennedy seconded the motion.

Discussion:

Mr. Olson discussed that the article requires a 9/10 vote and explained why a consent motion is not being done at this STM. Ms. Schenk-Hargrove had a point of order: She asked whether FinCom should also make a motion. It was decided that each board would make a motion followed by discussion and vote.

FinCom Motion:

Mr. Pruellage made a motion that the FinCom recommend favorable action on Article 2-1. Mr. Tensen seconded the motion.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Pruellage, Mr. Tensen, Mr. Wanger, Mr. McGrath, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Kennedy, Ms. Dale, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

Article 2-2, Amendment to Budget:

Town Manager Joe Domelowicz Jr., participating remotely, explained this article would reduce the amount of the operating budget by \$875,725. It corrects an issue of funds that were inadvertently appropriated twice.

FinCom Motion:

Mr. Pruellage made a motion that the FinCom recommend favorable action on Article 2-2. Mr. Wanger seconded the motion.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. Pruellage, Mr. McGrath, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Motion:

Ms. Dale made a motion that the BOS recommend favorable action on Article 2-2. Ms. Kennedy seconded the motion.

Discussion:

Steps were discussed to ensure that a situation like this won't reoccur.

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

Article 2-3, Election Staffing:

FinCom Motion:

Mr. Wanger made a motion that the FinCom favorably recommend Article 2-3. Mr. Pruellage seconded the motion.

BOS Motion:

Mr. Farrell made a motion that the BOS favorably recommend Article 2-3. Ms. Dale seconded the motion.

Discussion:

Ms. Kale responded to questions regarding expected reimbursement from the State and how the estimates of election costs for Hamilton were calculated. The expected request is \$14K. Mr. Wanger asked if that covered both elections; Ms. Kale replied yes.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Tensen, Mr. Wanger, Mr. McGrath, Mr. Pruellage, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Vote:

A roll-call vote was taken with "ayes" from Mr. Farrell, Ms. Kennedy, Ms. Dale, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

Article 3-1, General Bylaws—Board of Selectmen Name Change:

FinCom Motion:

Mr. Wanger made a motion that the FinCom favorably recommend Article 3-1. Mr. Tensen seconded the motion.

BOS Motion:

Ms. Kennedy made a motion that the BOS recommend favorable action on Article 3-1. Ms. Dale seconded the motion.

Discussion:

Town Counsel Tom McEnaney, participating remotely, said the bylaw change would be reviewed by the Attorney General's office and by statute, this should be done within three months unless an extension is requested.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. McGrath, Mr. Pruellage, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Kennedy, Ms. Dale, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

Article 3-2, Zoning Bylaws—Board of Selectmen Name Change:

FinCom Motion:

Mr. Wanger made a motion that the FinCom favorably recommend Article 3-2. Mr. Pruellage seconded the motion.

BOS Motion:

Mr. Farrell made a motion that the BOS favorably recommend Article 3-2. Ms. Dale seconded the motion.

Discussion:

Mr. McEnaney noted that a 2/3 vote is needed and because it is a zoning bylaw, they need to make sure the Planning Board holds a public hearing on the matter.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. Pruellage, Mr. McGrath, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Dale, Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

Article 3-3, Home Rule Petition to Refund Taxes—550 Highland Street:

FinCom Motion:

Mr. Wanger made a motion that the FinCom favorably recommend Article 3-3. Mr. Tensen seconded the motion.

BOS Motion:

Mr. Kennedy made a motion that the BOS recommend favorable action on Article 3-3. Ms. Dale seconded the motion.

Discussion:

It was explained that this article concerns refunding \$13, 232 to the Highland Street curators. It will also need to be reviewed by the Legislature. It will not affect the tax rate. Mr. McGrath said he thought the dollar amount was slightly different. The others said it was the correct amount. Mr. McGrath raised the question of whether they should explain to the taxpayers what the overlay account is generally used for because that will be the source of the funds. Mr. Magee explained it is a budgeted amount for taxes that go uncollected. There was a discussion about drafting language for the FinCom book of recommendations. Mr. McEnaney said he will also add language saying that the article closes out the matter.

Mr. Knudsen said he felt the action set a bad precedent. Ms. Dale said the curators live in State-owned property and were inadvertently charged by the Assessors. Ms. Schenk-

Hargrove said her belief is that the tax was asserted correctly. Mr. Olson said legally the Town was allowed to charge taxes, which is why a Special Act is needed to not charge the taxes, and that the curators did not request an abatement within the time allowed. Mr. Wanger said it was a singular fact pattern and doesn't establish a precedent. Mr. McGrath said a lot of time and effort went into resolving it and he felt they got it right. Ms. Schenk-Hargrove said she didn't see the rightness as under the lease, the tenant was required to pay the taxes. She questioned the use of the word "abatement." Mr. Knudsen said while the specific scenario may not arise again, he felt it common that people pay taxes and want abatements. Mr. McEnaney said it was a tax abatement and with respect to other properties that might be exempt from taxes, General Law under Chapter 59 allows the Town to determine that. He cited examples. Ms. Kennedy said the curators had objected to paying the taxes from the get-go.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. Pruellage, and Mr. McGrath, and "no" from Ms. Schenk-Hargrove, (4-1).

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Kennedy and Ms. Dale; abstention from Mr. Farrell; "no" from Mr. Knudsen; and "aye" from Mr. Olson, (3-1-1).

Article 3-4, Authorization to Convey Easement to National Grid—577 Bay Road:

Mr. Olson explained that National Grid was issued a license to run the power but needs an easement to access the equipment.

FinCom Motion:

Mr. Wanger made a motion for FinCom favorable action on Article 3-4. Mr. Pruellage seconded the motion.

BOS Motion:

Mr. Farrell made a motion that the BOS recommend favorable action on Article 3-4. Ms. Dale seconded the motion.

Discussion:

Ms. Kennedy commented that the cell tower has taken an inordinate amount of time and said she wanted to ensure that it was included in the language that National Grid should repair any property unearthed during the work. Mr. McEnaney said the warrant language specifically seeks to enter the easement upon terms and conditions the BOS deems appropriate, and therefore, the BOS can put those conditions into the easement.

FinCom Vote:

A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. Pruellage, Mr. McGrath, and Ms. Schenk-Hargrove, (5-0) unanimous.

BOS Vote:

A roll-call vote was taken with "ayes" from Ms. Kennedy, Ms. Dale, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (5-0) unanimous.

FIN COM AGENDA

Other Topics Not Reasonably Anticipated as Determined by the Chair

Not discussed.

Adjournment of the Joint Meeting

Mr. Wanger made a motion that the FinCom adjourn. Mr. Pruellage seconded the motion. A roll-call vote was taken with "ayes" from Mr. Wanger, Mr. Tensen, Mr. Pruellage, Mr. McGrath, and Ms. Schenk-Hargrove, (5-0) unanimous.

Ms. Dale left the meeting, noting she had previously discussed having to leave with Mr. Olson.

Mr. Farrell made a motion that the BOS close the Joint Meeting and open the National Grid Pole Hearing. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

HAMILTON BOARD OF SELECTMEN**MINUTES OF MEETING**

October 4, 2021

National Grid Pole Hearing for Walnut Street

Sibhita Mahabier, representing National Grid, was participating remotely. Mr. Magee displayed the petition onscreen. Ms. Mahabier explained there was a dead tree on a person's property needing to be removed and National Grid needed to stabilize the pole and the positioning of the guide wire, which involved adding a new pole.

Decision:

Mr. Farrell made a motion that the BOS approve the movement of the pole for National Grid. Ms. Kennedy seconded the motion.

Further Discussion:

Ms. Kennedy asked some clarifying questions regarding the location of the wires.

Decision (Continued):

A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

It was discussed that Select Board members will sign the document this evening or arrange to sign it tomorrow at Town Hall.

Decision #2:

Mr. Farrell made a motion that the BOS close the public meeting for the Pole Hearing. Ms. Kennedy seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

Department Report—Patrick Reffett and DeRosa Associates

Mr. Reffett, participating remotely, said there has been great discussion over the years regarding the landfill. Aside from the solar farm, there is land there that has potential for use. Michael DeRosa was present to share his company's report. DeRosa is largely an environmental consulting firm. He pointed out the wetlands, rare and endangered species habitats, and developmental possibilities, which he said would be an extensive permitting challenge for the Conservation Commission (ConCom). The take-home message, he said, is that although something could happen there, it would take a bit of work to make it happen. Mr. Reffett said it would help to understand the leases of the available property there a bit better in looking to see what would be a good fit for the property. He said it would help to have a better evaluation cost-wise to open up those properties, which would require crossing of the solar array to get to them. Ms. Kennedy clarified some information on acreage and where the road was located for access.

Mr. Reffett noted the Planning Board will host a public hearing on Oct. 19 that will focus on Chebacco Road and the 133 Essex St. project. He said they were trying to make the road up to code and safer for the residents. HWCAM will cover the meeting in a webinar. The Zoning Board of Appeals (ZBA) is also likely to conclude its public hearing on the 10-unit Habitat for Humanity project on Wednesday evening. Another project, at 421 Asbury Street by Harborlight Community Partners, is also in discussion.

ANNOUNCEMENTS & BOARD OPENINGS

Board and Committee Openings

- Finance and Advisory Committee (FinCom)—two associate member openings
- Conservation Commission (ConCom)—two openings
- Hamilton Historic District Commission—one opening
- Open Space Committee—two openings
- Hamilton Planning Board—one associate member opening
- Hamilton Affordable Housing Trust (AHT)—one opening

Selectmen/Town Manager Reports

Mr. Olson said the Hamilton Wenham Regional School District is developing a portrait of a graduate and seeking input. Cutler Elementary School is being reviewed for improvements as it reached the next step (Senior Study Phase of the process) with the MSBA [Massachusetts School Building Authority]. The BOS is seeking a high school student rep. to join the BOS. He reiterated there will be a meeting tomorrow for the 133 Essex St. project with a proposal to separate out the farm land. Mr. Reffett confirmed they were awaiting an opinion from Town Counsel.

Ms. Kennedy, Mr. Farrell and Mr. Knudsen did not give reports.

Discussion about Selectmen Training on Unconscious Anti-Bias Training

This agenda item was tabled to the next meeting as Ms. Dale was not present to discuss it.

CONSENT AGENDA

- **Approve Minutes of Aug. 16, 2021 Select Board meeting**
- **Appoint Sara Holden Searle to the HW Cultural Council**

Decision:

Mr. Farrell made a motion to approve the Consent Agenda. Mr. Knudsen seconded the motion.

Discussion:

Ms. Holden introduced herself, saying she was a new resident to Hamilton who grew up in Peabody. She was welcomed by the Select Board.

Decision (Continued):

A roll-call vote was taken with "ayes" from Mr. Farrell, Ms. Kennedy, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

Approve Eagle Scout Project for Senior Center

Cooper Blatz, 41 Garfield Ave., reported on his Eagle Scout project to improve the area outside the Hamilton COA. He talked about painting the front and back doors, refurbishing two benches, and adding raised planters and landscaping at the back of the building. Ms. Kennedy said she had worked with him and he was enthusiastic. COA Board Chair Sherry Leonard commented that board members had expressed a desire to make the back area more welcoming. The patio was a previous Eagle Scout project built by Cooper's brother. Ms. Kennedy added the work has a safety consideration in that the planters will act as a buffer between the COA building and the road.

Decision:

Ms. Kennedy made a motion that the BOS approve the Eagle Scout project presented by Cooper Blatz for the two planters, some landscaping, and painting of the front and back doors. Mr. Farrell seconded the motion.

Further Discussion:

Mr. Farrell asked the timeline and Cooper responded he wanted to do it ASAP. Mr. Farrell suggested adding mulch under the planters to make maintenance easier for the DPW [Department of Public Works].

Decision (Continued):

A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

Mr. Olson mentioned the kayak rack at the Patton Homestead as another current Eagle Scout project.

Discussion of Flag Raising Policy

This agenda item was taken out of order. Jack Davis, 57 Lois St., said he is of the opinion that the BOS is the proper body to formulate the flag policy. Mr. Olson interrupted to say this topic is on the agenda so the BOS will comment first.

In light of the pending *Shurtleff v. City of Boston* Supreme Court case, Mr. Olson asked Mr. McEnaney if the BOS should hold off on adopting its flag policy. Mr. McEnaney said the BOS could still adopt it, recognizing that something could happen to change it. He expected they would know the Supreme Court decision by spring. Mr. Olson said he was in favor of discussing the issue, but did not want to put out a draft policy to the public at this time. He felt they should work on it more first. Mr. Knudsen agreed they should discuss it and noted the history of the issue. Mr. Farrell agreed. Ms. Kennedy said she had already been outvoted so it was a moot issue. She said while she would like to hear what the Supreme Court said, she was happy to have the discussion. Mr. Olson provided some details on what had been generally agreed upon—that the BOS wanted flags to fly at Patton Park that weren't associated with a Federal or State holiday, only those associated with a Federal or State holiday may fly at Town Hall, a super majority (4-1) vote would be required, residents and nonprofit groups may submit three applications per year, the applications will require 25 signatures, board and committee members may have unlimited applications, and the flag can't fly for more than seven days unless there is an exemption granted.

Ms. Kennedy said she didn't view flag flying as government speech but public speech. She said, in her opinion, anywhere there is a public forum, anybody wanting to raise a flag is permitted under the First Amendment, even if the BOS doesn't agree with it. She said the BOS did not have the discretion to say: "We don't like your political viewpoint." She said she did not want to see the Town embroiled in litigation. She said the American flag represents every citizen of the U.S. Mr. Olson said he didn't follow the all-or-nothing idea as the BOS was allowed to set policy. Ms. Kennedy said she did not think they had that right.

Mr. Knudsen said regarding the issue of whether or not a flagpole constitutes a public forum, the court determined it was not a public forum. He said according to the law, the BOS can make the determination because the flagpole involves government speech. He said that isn't to say that a municipality can't unwittingly turn a flagpole into a public forum. Ms. Kennedy said the issue being litigated is the religious aspect of the flag. She said she strongly believes the Select Board can get into trouble by limiting which flags may be raised. Mr. Knudsen provided some of his edits to the document. He wasn't in favor of the super majority. He felt there should be an exemption for potentially flying a flag more than once a year, allowing for discretion in special situations. He felt that flags flying at Town Hall should be things supported by a State proclamation or a holiday.

Human Rights Commission (HRC) Chair Anne Brady said she wanted to remind everyone that the policy was developed by the HRC at the request of the Select Board. She said it was the HRC's best guess at what would be safe to adopt, which was to recommend that the BOS only allow flags that relate to an official flag of a holiday or a State- or nationally-recognized proclamation.

Mr. McEnaney said what the BOS decides to do as a policy is up to the Board. The flagpole is considered government speech. He said what was suggested by the last speaker was probably fine, but said that even if there were that policy in place, people could still sue if their requests were denied.

Mr. Davis said he affirmed the provision for 25 signatures. He advocated that the policy be a 4/5 rule rather than requiring unanimity. He said that if one group was entitled to fly a flag for 30 days, then all of them should get 30 days to avoid the appearance of favoritism based on the political preferences of the Board.

Tosh Blake, 217 Sagamore St., said he did not like government representing certain causes and leaving others out or telling people how to think or what to believe. He didn't think it a good precedent to set.

Anna Siedzik, Hamilton Wenham Human Rights Coalition president, said the policy should be viewed with the lens of equity and not equality. She said a Pride flag shouldn't be treated similarly to National Donut Day. She said comparing the Pride flag or Juneteenth to other causes might be hurtful and emotionally damaging to those involved.

Ms. Kennedy gave this example: She said some people talk about defunding the police and putting assets into another pot because they feel they have been treated unfairly by police while some people have been saved by the police and value them. Therefore, whose flag does the Town fly?

Mr. Blake commented about his request to fly the Gadsden flag being rejected by the Town and said he views the flag as patriotic while others see it as far right.

Mr. Olson said he was in favor of grassroots action without becoming political. He commented it had been a good discussion.

Discussion of local policy for public consumption of alcohol in Hamilton

Mr. Olson opened up a discussion of what happens in the case of a private event on Town-owned property. Mr. McEnaney said he had sent an email and is waiting to get clarification from the ABCC [Alcoholic Beverages Control Commission]. He said it made sense to him that if you hired a caterer you wouldn't have to another license (one-day liquor license), but that may not be the case. It was decided to table the discussion pending getting ABCC input.

Ms. Kennedy posed the question: Do they want to give private individuals the right to have an unlimited liquor license to serve alcohol on Town property with nobody carrying liability? Mr. Olson said nobody had suggested that. Ms. Kennedy said that was what brought all of it up.

Mr. Farrell said he had talked to Mr. Domelowicz about reaching out to the Town's insurance carrier to see what recommended amount of insurance was needed.

Discussion of Land Acknowledgment Policy

Mr. Knudsen said that several months ago, Elinor Everett (then a HW Regional High School senior, now a college student) had presented a request to the high school as well as the BOS about adopting a policy to communicate an indigenous land acknowledgement. The request didn't make any specific requests about how the message would be communicated, but it did provide options. Based on that, Mr. Knudsen had created the document he displayed onscreen. The language would be put on a plaque or monument at Patton Park, on the home page for the Town, and read aloud at Town Meeting once a year, and then boards could also do so if they chose.

Mr. Olson expressed worry about making sure the message was stated correctly and presenting it in the right way. Elinor said the vice president of the tribe was emailed to make sure it was the preferred statement. Mr. Knudsen wondered if making the acknowledgment to indigenous people as opposed to a specific tribe would be watering it down. Ms. Siedzik and Elinor were nodding yes. Mr. Olson said he wanted to have experts talk to the BOS and educate them before the vote. Elinor said it wasn't the tribe's job to do that. Mr. Olson said the BOS does have experts come and talk to them and they need help to have confidence in taking this to the next level. Mr. Farrell said he wondered if there were something else they could do. He thought the acknowledgment was a bit empty and they might need something more. He said his struggle was how to make it meaningful.

Ms. Siedzik said the acknowledgement onscreen came from the tribe itself. She said it wasn't being done for the tribe, but for the benefit of the community. She said it could be followed up with other things, but was a first step. Mr. Farrell said his desire to bring someone in wasn't to have them justify it, but to learn more. There was a discussion on which tribe (or tribes) should be named. The Massachusetts tribe is named in the document. There was a question about whether the land acknowledgment had been adopted by the high school. The reply was that it was adopted and being read once a quarter.

Mr. Davis suggested taking a careful look at the words "We live on indigenous land" as it could be interpreted as a property right claim implying a need for reparations. Mr. Blake also said that statement concerned him, saying, "It isn't indigenous land; it is American land." Mr. Olson said they would put the item on a future agenda and see if they can get an expert to talk to them about it.

Discussion of Anti-Fraud Financial Policy—Alex Magee

Mr. Magee had circulated the draft policy to the BOS. He asked about the process that had been done in the past. Mr. Farrell said the BOS got recommendations for policies and fine-tuned them to fit Hamilton's needs. Then they met with the Finance Director who pointed out the highlights and edited the draft. In tandem, the FinCom reviewed the policy also, and then they merged the two efforts to come up with a final draft.

Mr. Magee said the Anti-Fraud policy was a mechanism to create a reporting tool to use if something fraudulent was suspected. It created a way to report fraud to the Town Manager and then conduct an investigation. He said the policy was easy to implement, has a wide reach, and informs everyone that if they see something they should say something. Mr. Olson confirmed that the comments in red were added by Mr. Magee. The BOS will read the draft individually and send their comments to Mr. Magee and Mr. Domelowicz. Mr. Magee said he will bring up the policy at the next FinCom meeting also.

Adjournment

Mr. Farrell made a motion that the BOS adjourn the meeting at 9:31 p.m. Mr. Knudsen seconded the motion. A roll-call vote was taken with "ayes" from Ms. Kennedy, Mr. Farrell, Mr. Knudsen, and Mr. Olson, (4-0) unanimous among those present.

Prepared by:

_____/_____
Mary Alice Cookson Date
Minutes Secretary

Attest:

_____/_____
Darcy Dale Date
Select Board Clerk

Documents Discussed at Meeting:

- Warrant draft for STM
- Town Manager Report
- Certificate of Recognition for Brad Hill
- BOS Minutes of Meeting, Aug. 16, 2021
- Final Compiled Hamilton Landfill Environmental Review
- Petition of National Grid and Verizon for Pole Hearing, Walnut Road
- Antifraud Financial Policy
- Sara Holden Searle Application for HW Cultural Council
- Email from Kevin Kaminski to Tom McEnaney re: warrant article
- Email from Alex Magee to Joe Domelowicz Jr. re: unpaid bill
- Kayak rack, Eagle Scout project
- Request for Guest Flag Raising Policy
- MSBA Information – Cutler School

Laurie Wilson

From: North Shore Nordic Association <nsnordicassoc@gmail.com>
Sent: Monday, November 1, 2021 2:16 PM
To: Laurie Wilson
Subject: Permission to hang sign at Patton Park
Attachments: PXL_20211101_181137758.jpg

Hi Laurie.

Thanks for speaking with me today.

I am writing to request permission from the Board of Selectmen to hang a North Shore Nordic Association banner on the fence at the Patton Park tennis courts from December 1st through March 15th. The banner is 4 feet by 8 feet. I have attached a photo.

We have done this in past winters as well. I understand this needs to be approved at a Board of Selectmen meeting so I am hoping to get this on the agenda for the November 15th meeting.

North Shore Nordic Association is a non-profit community trail grooming program that brings groomed ski trails to Hamilton and the North Shore area.

I am happy to provide more information through email or by phone (603.340.6746).

Thank you for your time,
Joanie Albers



nsnordic.org
[Facebook.com/nsnordic](https://www.facebook.com/nsnordic)
[Instagram](https://www.instagram.com/nsnordic)



NORTH SHORE NORDIC

ASSOCIATION

COMMUNITY SKI TRAIL GROOMING

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The Leader in Public Sector Law

101 Arch Street, Boston, MA 02110
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November 4, 2021

Thomas W. McEnaney
tmcenaney@k-plaw.com

Mr. Alex Magee
Finance Director
Hamilton Town Hall
577 Bay Road
Hamilton, MA 01936

Re: Lease with Option to Purchase, Agreement No. TE-2165, Schedule Nos. 4 and 5

Dear Mr. Magee:

Enclosed please find the executed opinions of counsel for the above-referenced lease/purchase agreements between the Town and All American Investment Group, LLC ("AAIG"). Schedule Nos. 4 and 5 reference Agreement TE-2165 dated as of July 27, 2017, which remains in effect. Please note that Agreement TE-2165 was not included in the materials that I received and pre-dates our appointment as Town Counsel. As a result, we have not specifically reviewed the master agreement. If you would like us to do so, please forward a copy at your earliest convenience.

Additionally, please note that I have not sent the opinions to AAIG directly. They will need to be included in the package that you return to AAIG.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Thomas W. McEnaney

TWM/jmp

Enc.

cc: Town Manager (w/o enc.)
786867/HAML/0001



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November 4, 2021

Thomas W. McEnaney
tmcenaney@k-plaw.com

All American Investment Group, LLC
200 E. 7th Street, Suite 406
Loveland, CO 80537

Re: Schedule No. 5, dated October 20, 2021, of Lease with Option to Purchase Agreement
Number TE-2165 dated as of July 27, 2017 between All American Investment Group, LLC
(Lessor) and the Town of Hamilton (Lessee)

Ladies and Gentlemen:

As counsel to Lessee, I have reviewed Schedule No. 5 dated October 20, 2021 of the Lease with Option to Purchase Agreement Number TE-2165 dated July 27, 2017. Based on my knowledge as counsel for Lessee, and upon my review of the Agreement, I am of the opinion that:

1. Lessee is a political subdivision of the Commonwealth of Massachusetts, or a constituted authority authorized to issue obligations on behalf of a political subdivision of the Commonwealth.
2. Lessee is authorized and has power under applicable law to enter into the Agreement, and to carry out its obligations thereunder and the transactions contemplated thereby.
3. The Agreement has been duly authorized, approved, executed and delivered by and on behalf of Lessee. The Agreement is a legal, valid and binding contract of the Lessee enforceable in accordance with its terms, except to the extent limited by State and Federal laws affecting remedies and by bankruptcy, reorganization or other laws of general application relating to or affecting the enforcement of creditors' rights.
4. The authorization, approval and execution of the Agreement has been performed in accordance with all applicable open meeting, public bidding and all other laws, rules and regulations of the Commonwealth of Massachusetts.
5. The execution of this Agreement and the appropriation of moneys to pay the Rental Payments coming due under the Agreement do not result in the violation of any constitutional or other statutory laws of the Commonwealth of Massachusetts.
6. There is no litigation, action, suit or proceeding pending or before any court, administrative agency, arbitrator or governmental body that challenges the authority of the Lessee or any of the Lessee's officers or employees to enter into this Agreement.



All American Investment Group, LLC

November 4, 2021

Page 2

7. The above statements constitute an opinion of counsel of the Lessee, are for the sole benefit of the Lessor listed above and can only be relied upon by the Lessor or any permitted assignee of Lessor under the Agreement. Lessor or its assigns may conduct their own due diligence to confirm the same.

Very truly yours,

A handwritten signature in black ink, appearing to read "Tom McEnaney", with a long, sweeping horizontal line extending to the right.

Thomas W. McEnaney

TWM/jmp

cc: Town Manager
Finance Director

786865/HAML/0001



The Leader in Public Sector Law

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Tel: 617.556.0007 | Fax: 617.654.1735
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November 4, 2021

Thomas W. McEnaney
tmcenaney@k-plaw.com

All American Investment Group, LLC
200 E. 7th Street, Suite 406
Loveland, CO 80537

Re: Schedule No. 4, dated October 20, 2021, of Lease with Option to Purchase Agreement
Number TE-2165 dated as of July 27, 2017 between All American Investment Group, LLC
(Lessor) and the Town of Hamilton (Lessee)

Ladies and Gentlemen:

As counsel to Lessee, I have reviewed Schedule No. 4 dated October 20, 2021 of the Lease with Option to Purchase Agreement Number TE-2165 dated July 27, 2017. Based on my knowledge as counsel for Lessee, and upon my review of the Agreement, I am of the opinion that:

1. Lessee is a political subdivision of the Commonwealth of Massachusetts, or a constituted authority authorized to issue obligations on behalf of a political subdivision of the Commonwealth.
2. Lessee is authorized and has power under applicable law to enter into the Agreement, and to carry out its obligations thereunder and the transactions contemplated thereby.
3. The Agreement has been duly authorized, approved, executed and delivered by and on behalf of Lessee. The Agreement is a legal, valid and binding contract of the Lessee enforceable in accordance with its terms, except to the extent limited by State and Federal laws affecting remedies and by bankruptcy, reorganization or other laws of general application relating to or affecting the enforcement of creditors' rights.
4. The authorization, approval and execution of the Agreement has been performed in accordance with all applicable open meeting, public bidding and all other laws, rules and regulations of the Commonwealth of Massachusetts.
5. The execution of this Agreement and the appropriation of moneys to pay the Rental Payments coming due under the Agreement do not result in the violation of any constitutional or other statutory laws of the Commonwealth of Massachusetts.
6. There is no litigation, action, suit or proceeding pending or before any court, administrative agency, arbitrator or governmental body that challenges the authority of the Lessee or any of the Lessee's officers or employees to enter into this Agreement.



All American Investment Group, LLC

November 4, 2021

Page 2

7. The above statements constitute an opinion of counsel of the Lessee, are for the sole benefit of the Lessor listed above and can only be relied upon by the Lessor or any permitted assignee of Lessor under the Agreement. Lessor or its assigns may conduct their own due diligence to confirm the same.

Very truly yours,

A handwritten signature in dark ink, appearing to read "Tom McEnaney", with a long, sweeping horizontal line extending to the right.

Thomas W. McEnaney

TWM/jmp

cc: Town Manager

Finance Director

786833/HAML/0001

COMMONWEALTH OF MASSACHUSETTS
WILLIAM FRANCIS GALVIN
SECRETARY OF THE COMMONWEALTH

WARRANT FOR 4th ESSEX REPRESENTATIVE DISTRICT

SS.

To the Constable of the Town of HAMILTON,

GREETINGS:

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in elections to vote at:

WARD 0 – PRECINCT ONE, TWO, AND THREE

HAMILTON-WENHAM RECREATIONAL CENTER GYMNASIUM
16 UNION STREET, HAMILTON, MA 01982

On TUESDAY, THE 30th OF NOVEMBER, 2021 from 7:00 A.M. to 8:00 P.M. for the following purpose:

To cast their votes in the Special State Election for the candidate for the following office:

REPRESENTATIVE IN GENERAL COURTFOURTH ESSEX DISTRICT

Hereof fail not and make return of this warrant with your doings thereon at the time and place of said voting.

Given under our hands this 15th day of November, 2021.

Selectmen of: HAMILTON

And you are required to serve this warrant by posting the attested printed copies at the Town Hall, one at each of the Post Offices, and on at the Police/Fire Station in Hamilton at least seven (7) days before the time appointed for such election.

_____, 2021	
Constable Signature	(Date)

Warrant must be posted by November 22, 2021 (no fewer than seven days prior to the election), and in accordance with local bylaws.

The purpose of our annual Classification Hearing is to record the determination of the class options which effect the Fiscal 2022 Tax Rate.

A vote by the BOS is mandated by the state for each option.

There are 4 options:

- 1 **Determination of a discount factor of up to 25% for all Land identified as Open Space.**
(Hamilton does not have any land classified as Open Space)
Since we do not have land identified as Open Space, the BOA does not recommend a discount.
- 2 **Determination of a Residential Exemption of up to 35%.**
(Two types of communities that adopt this exemption are resort communities with expensive seasonal homes or communities with a large number of apartment buildings or investor owned properties.
A Residential Exemption is not recommended by the BOA.
- 3 **Determination of a Small Commercial Exemption of up to 10%.**
Hamilton doesn't have enough commercial or Industrial properties that are greater than a million dollars in value to shift the tax burden to them.
A Commercial Exemption is not recommended by the BOA.

Historically the 1st 3 options have never been adopted by the Town as they do not apply.
- 4 **The adoption of a Residential Factor of 1 is for the purpose of determining the percentage of tax burden to be borne by each class of property.**
We only have 4% Commercial & Industrial properties so there is little benefit to shift the burden.

The BOA recommends a vote for a Single Tax Rate for all property classes.

We have the certified values from the state as outlined in the spreadsheet that shows all of the total values for each class.

Hamilton has always had one tax rate and always used a residential factor of 1. Therefore the Board of Assessors recommends a vote for a Single Tax Rate for all property classes.

At the Board of Selectmen's meeting on November 15, 2021:

The BOS will have to vote on the following limits for the FY2023 Chapter 91 Special Act Senior Exemption:

1. Age as of July 1st - keep it at 65 years old for applicant or increase to 70 years old
2. Total household income limit - \$47,520 for a single person, \$71,280 for a married couple



TOWN OF HAMILTON

Water Department

577 Bay Road
P. O. Box 429
Hamilton, MA 01982

Tel. (978) 626-5227
Fax (978) 468-5582

Water Abatement Application

Name: Andrew Siergiewicz

Address: 35 Junction Lane
Hamilton, MA 01982

Acct# 11-0141

This application is for abatement of Bill # 264378 Bill : 5/1/2021

Reason(s) for which the abatement is requested (please attach supporting documentation); if abatement is sought for relief due to a leak; please provide a plumber's invoice showing that the leak has been fixed. Applicants may be asked to submit supplementary information to support the application for abatement.

On October 5th, 2021 Mr. Siergiewicz notified the Town of two high consumption bills (May 2021 and August 2021) following the receipt of their August 2021 water bill. Mr. Siergiewicz did call Hamilton Water after the May 2021 bill was received and Hamilton Water determined it was a leaky toilet and provided Mr. Siergiewicz the abatement policy. Repair items were purchased and the toilet was repaired. When he received the August bill it was evident the toilet leak spanned into the August 2021 bill period as well due to the overlap between the read date and when the May bill was received. When Hamilton Water investigated the leak on May 20th, approximately 37 days following the May 2021 water bill read date of April 14th, 2021, Hamilton Water took another reading and there was approximately 36,000 gallons of water used over that 37 day period. Mr. Siergiewicz is requesting abatement to the May 2021 water bill and a portion of the August 2021 water bill. This is the first of two abatements.

Abatement Calculations:

Average of the last 3 billing quarters

Bill Date History	Consumption (gallons)
5/1/2018	7,000
5/1/2019	8,000
5/1/2020	7,000
Average History	7,333~8,000
5/1/2021 Current Bill	59,000
Difference	51,000
½ Difference	25,500~26,000

Average plus ½ Difference = 8,000 + 26,000 = 34,000 gallons

Original 5/1/2021 Water Bill #264378 = \$618.68

Revised 5/1/2021 Water Bill #264378 = 34,000 gallons = \$326.32

Abatement Amount = \$292.36



TOWN OF HAMILTON

Water Department

577 Bay Road
P. O. Box 429
Hamilton, MA 01982

Tel. (978) 626-5227
Fax (978) 468-5582

Usage Rates (per 1000)					Infrastructure Charge	Total Revised Bill
0-5000	5001-25000	25001- 50000	50001- 250000	>250000		
5,000	20,000	25,000	6,000	N/A		
5	20	9	0	N/A		
\$ 4.62	\$ 6.31	\$ 10.78	\$ 13.32	\$ 15.40		
\$23.10	\$126.20	\$97.02	\$0.00	\$0.00	\$80.00	\$326.32

OFFICE USE ONLY

Date Received: October 19th, 2021

Original Bill Amount: \$618.68
Water Abatement Request: \$292.36
Revised Bill #264378: \$326.32

Reviewed By: Timothy J. Olson

Position: DPW Director

Date: 11/2/2021

Staff Review and Recommendation:

Per Section 5 of the Town of Hamilton Water Abatement Policy, the Town of Hamilton Board of Selectmen shall consider a one-time abatement, per account, during any ten-year period, equal to half of the water consumption above normal consumption. Normal consumption will be the average of at least the previous three years' consumption history (for similar billing periods) unless deemed otherwise by the DPW Director.

As Ms. Siergiewicz indicated in an email from October 19th, 2021, the initial leak was found and repaired and the meter stopped spinning. Due to the overlap from the water meter reading to when the resident receives the bill, the leak from the toilet spanned into the next quarter water bill. Hamilton Water was able to read the meter on 5/20/21 and was able to determine the amount of high usage reflected in the August 2021 water bill. This application will be for the May 2021 with a subsequent application for the August 2021 bill.

Town Manager Approved: _____

Submitted Hamilton Select Board:

Approved: _____

Approved: _____

Approved: _____

Approved: _____

Approved: _____

Total Approved: _____

Date: _____

Denied: _____

Denied: _____

Denied: _____

Denied: _____

Denied: _____

Total Denied: _____



TOWN OF HAMILTON

Water Department

577 Bay Road
P. O. Box 429
Hamilton, MA 01982

Tel. (978) 626-5227
Fax (978) 468-5582

Water Abatement Application

Name: Andrew Siergiewicz

Address: 35 Junction Lane
Hamilton, MA 01982

Acct# 11-0141

This application is for abatement of Bill # 266991 Bill: 8/1/2021

Reason(s) for which the abatement is requested (please attach supporting documentation); if abatement is sought for relief due to a leak; please provide a plumber's invoice showing that the leak has been fixed. Applicants may be asked to submit supplementary information to support the application for abatement.

On October 5th, 2021 Mr. Siergiewicz notified the Town of two high consumption bills (May 2021 and August 2021) following the receipt of their August 2021 water bill. Mr. Siergiewicz did call Hamilton Water after the May 2021 bill was received and Hamilton Water determined it was a leaky toilet and provided Mr. Siergiewicz the abatement policy. Repair items were purchased and the toilet was repaired. When he received the August bill it was evident the toilet leak spanned into the August 2021 bill period as well due to the overlap between the read date and when the May bill was received. When Hamilton Water investigated the leak on May 20th, approximately 37 days following the May 2021 water bill read date of April 14th, 2021, Hamilton Water took another reading and there was approximately 36,000 gallons of water used over that 37 day period. Mr. Siergiewicz is requesting abatement to the May 2021 water bill and a portion of the August 2021 water bill. This is the **second** of two abatements

Abatement Calculations:

May 2021 Bill Read Date (April 14th, 2021) – Meter Reading 187000

May 2021 Bill Received by Resident (May 20th, 2021)

Hamilton Water Department Meter Reading (May 20th, 2021) – Meter Reading 223000

Water Usage between April 14th, 2021 and May 20th, 2021 Reading – 36,000 Gals

Hamilton and Owner to split the high use – 18,000 gallons

Remaining usage for the August 2021 bill – 56,000-36,000 = 20,000 gallons

Revised Usage August 2021 water bill – 38,000 gallons

Original 8/1/2021 Water Bill #266991 = \$578.72

Revised 8/1/2021 Water Bill #266991 = 38,000 gallons = \$369.44

Abatement Amount = \$292.36



TOWN OF HAMILTON

Water Department

577 Bay Road
P. O. Box 429
Hamilton, MA 01982

Tel. (978) 626-5227
Fax (978) 468-5582

Usage Rates (per 1000)					Infrastructure Charge	Total Revised Bill
0-5000	5001-25000	25001- 50000	50001- 250000	>250000		
5,000	20,000	25,000	6,000	N/A		
5	20	13	0	N/A		
\$ 4.62	\$ 6.31	\$ 10.78	\$ 13.32	\$ 15.40		
\$23.10	\$126.20	\$140.14	\$0.00	\$0.00	\$80.00	\$369.44

OFFICE USE ONLY

Date Received: October 19th, 2021

Original Bill Amount: \$578.72
Water Abatement Request: \$209.28
Revised Bill #266991: \$369.44

Reviewed By: Timothy J. Olson

Position: DPW Director

Date: 11/2/2021

Staff Review and Recommendation:

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Town Manager Approved: _____

Submitted Hamilton Select Board:

Approved: _____

Approved: _____

Approved: _____

Approved: _____

Approved: _____

Total Approved: _____

Date: _____

Denied: _____

Denied: _____

Denied: _____

Denied: _____

Denied: _____

Total Denied: _____

Anne Gero
821 Bay Road
South Hamilton, MA 01982

Tim Olson
Director of Public Works
Hamilton Town Hall
577 Bay Road
Hamilton, MA 01982

August 16, 2021

Dear Tim,

When we last spoke, I mentioned to you a bill that is pending before the Massachusetts legislature that would save Hamilton a large portion of its recycling costs.

That bill is Senate Bill 610/House Bill 878 (titled "An Act to save Recycling Costs in the Commonwealth"), commonly called Extended Producer Responsibility (EPR) for Paper and Packaging. If enacted into law, this bill would require large producers of paper and packaging to reimburse municipalities their net costs to recycle these products.

As you well know, municipalities are currently burdened with the difficult and costly task of recycling all of their paper and packaging without having any control over the amount or composition of these items. This bill would turn that system around by requiring large producers to reimburse municipalities the net cost for both the collection and processing of these items. Several important points about this bill are as follows:

- The bill defines "packaging" broadly to include not only traditional packaging but also containers of all sorts, such as shampoo bottles, yogurt containers, coffee cups, etc. Thus, producers would pay for the recycling of most of the items that end up in our curbside bins.
- Having producers pay these costs statewide would help create a consistent, stable and sustainable recycling system across the Commonwealth.
- With such a system, producers would have a direct economic incentive to produce less wasteful products and ones that are more readily recyclable.
- In the past two months, both Maine and Oregon have passed EPR bills for paper and packaging.
- The Massachusetts Municipal Association supports this bill, as do the cities of Cambridge and Boston, among others.
- Articles have recently appeared in the Boston Globe and New York Times citing the benefits of such a system. Copies are attached.
- EPR for paper and packaging is not new. It began in Europe almost 20 years ago, and is now required in most European countries, five of the Canadian provinces, and diverse other countries such as Israel, India and Tunisia.
- Massachusetts currently has a recycling rate of approximately 30%. Jurisdictions with EPR for paper and packaging have recycling rates well over 50%.

This bill would be a "game changer" for municipal recycling programs. Support from municipalities, such as the Town of Hamilton, would help to demonstrate to both the

House and the Senate that this is a bill that should be passed. I would like your support when I ask the Board of Selectmen to pass a resolution in favor of this bill, and to send a letter to our local legislators urging them to pass it.

I am happy to help in any way I can to provide you with additional information about this bill or EPR programs generally.

Regards,

Anne Gero

Boston Globe, July 19, 2021

Maine passes nation's first law to make big companies pay for the cost of recycling their packaging

After a quarter-century, a Boston-based nonprofit scores big win with nation's first law making companies pay to recycle the waste they produce.

By Janelle Nanos Globe Staff, Updated July 19, 2021, 7:46 a.m.

When Scott Cassel looks back on his career, the great milk jug crisis of 1997 stands as a pivotal moment.

In the '90s, Cassel ran Massachusetts' recycling and waste management programs, and one day local recycling officials began calling him in a frenzy. The HP Hood milk company had ditched its translucent gallon jugs for new opaque "LightBlock" bottles. Panic ensued. Clear plastic could be easily melted down and reused, and fetched 23 cents a pound from big recyclers. These new white jugs were worth far less, and were poised to upend carefully constructed municipal waste budgets. All because one company had changed its packaging.

"That was the first time I realized that the recycling system was broken," Cassel said.

A quarter-century later, there's a growing movement to fix it, with one of Massachusetts' northern cousins leading the way. Maine Governor Janet Mills last week signed the nation's first extended producer responsibility, or EPR, law, effectively holding corporations accountable for the packaging waste they create. Now, nearly a dozen states, including Massachusetts, are on track to follow Maine's lead.

Think about it: A company that sells you a product — be it toothpaste or taco shells or dog food — determines how it's packaged. Maybe it's shipped in multiple boxes or sold in a plastic container that isn't recyclable. Either way, once it's tossed in the trash or recycling bin, it's the responsibility of the municipal waste program to figure out where it goes next.

According to the Environmental Protection Agency, the US discarded 82.2 million tons of containers and packaging in 2018, which accounts for nearly one-third of all municipal solid waste that ends up in our trash and recycling bins. Since 2018, when China stopped buying US recyclables, finding a place for all that waste has become an increasingly costly endeavor.

There's a massive climate impact, too. Because it's often cheaper for companies to create more packaging than use recycled products, the production of every new

Boston Globe, July 19, 2021

bag, box, bottle, or jug releases more greenhouse gas into the atmosphere.

It's an issue Cassel has been thinking about since the great milk jug meltdown. That episode eventually led him to team up with Gina McCarthy — currently President Biden's national climate adviser — to launch the Boston-based Product Stewardship Institute, a wonky, behind-the-scenes nonprofit fixated on addressing the country's massive waste problems.

Over the past two decades, PSI has worked to help pass 123 laws holding producers of hazardous and bulky trash responsible for what they've made, creating programs for recycling things like paint cans, mattresses, electronics, and batteries in the process. The new law in Maine may be its biggest win yet.

"This will hopefully fundamentally change our recycling system in the US, and finally shift the onus on the large companies that have a say in the packaging of these products for being financially responsible for recycling them," said Peter Blair, staff attorney at the Conservation Law Foundation's Zero Waste Project.

Soon, global giants like Amazon, Walmart, Unilever, and Procter & Gamble will be forced to track the type and amount of packaging they sell into Maine. They'll then pay an annual fee covering the cost per ton of processing things like cardboard boxes, yogurt tubs, plastic bags, and other packaging that all end up in the waste stream. That'll lighten the load on municipal recycling programs from Kittery to the Canadian border that today spend as much as \$17.5 million a year to get rid of Maine's packaging. Smaller businesses are exempt from the law, and some of the funds also go toward education efforts and infrastructure in the state.

Sarah Nichols, the Sustainable Maine program director for the Natural Resources Council of Maine, considers the law "recycling reform" and says it arrives at a moment when the cost of recycling has risen dramatically in Maine and recycling rates have plummeted.

"It's a total change in the status quo and how we approach this problem," she said. "Our waste system contributes a significant amount to the total greenhouse gas emissions made in the making and transport of this stuff."

More important, perhaps, is that it moves the responsibility from the public to the producer of the packaging.

"It helps to shift the paradigm, which for way too long has focused on the consumer and the consumer's responsibility and lifestyle choices," said Janet Domenitz, executive director of MassPIRG, who has been pushing for similar legislation in Massachusetts. "These huge manufacturers work to make it feel like it's our fault as individuals and consumers that there's a lot of waste, when really let's turn the mirror around."

And doing so may lead to changes in the way consumer goods are packaged.

Boston Globe, July 19, 2021

Extended producer responsibility laws have been in place for decades in some European countries and for 15 years in some Canadian provinces, and global brands have redesigned their packaging to comply. That's why, in the EU, toothpaste doesn't come in cardboard boxes and one reason companies like Colgate are launching recyclable tubes across the pond.

Recycling rates of packaging and paper products also have surged in Europe as a result of these laws, according to PSI, climbing from 19 percent in Ireland in 2000 to 65 percent in 2017; from 40 percent to 68 percent in Spain; and from 38 percent to 67 percent in Italy.

Charging producers for the waste they create shifts the economics of waste management programs, said Sydney Harris, policy and programs manager at PSI. The less waste companies put into the system, the less they'll pay. Meanwhile, it creates a market for recycled goods where there wasn't one before.

"Suddenly there are economic incentives to care about the stuff at the end of its life," she said.

Some critics of these laws say they stand to raise the cost of consumer goods and disrupt supply chains. Industry groups say they're open to the laws, "if they're crafted with our vision," as Dan Felton, executive director of the American Institute for Packaging and the Environment, put it.

But Maine's law, Felton said, puts the full cost of collection on producers; he thinks it should be shared. There's been pushback in Maine on these issues from local business groups as well, and recently, Maine state Senator Rick Bennett said in a Facebook post that he anticipated corporate lobbyist groups would push for a public veto campaign.

But despite these challenges, momentum for such legislation is building, and extended producer responsibility laws are now in the works in nearly a dozen states, including Massachusetts. Oregon's state Legislature approved an extended producer responsibility bill late last month, and it's on the desk of Governor Kate Brown. Massachusetts state Representative Michael Day has sponsored a bill here.

"Producers are pumping in these cheap plastics that are non-recyclable, and that, combined with the issue of China not accepting this waste anymore, you're now seeing this skyrocketing of waste costs being passed along to our municipalities," Day said. His proposed legislation tells companies, "If you're producing this cheap nonrecyclable stuff, we're not going to foot the bill."

PSI has worked with municipal and environmental groups to help craft the bill that's currently on Beacon Hill, Domenitz of MassPIRG said. She credited Cassel's time working in state government as instrumental in his ability to help shape feasible public policy. "Scott comes from being in it up to his eyeballs, and

Boston Globe, July 19, 2021

they've been a very important resource."

PSI has been doing this work since 2000, but it's only in the past two years that interest in such programs has finally taken off in the US, Cassel said. Recently he's been fielding calls from colleagues in Germany, which first introduced the concept of extended producer responsibility laws, asking him: "Is it really true?"

Having the US adopt extended producer responsibility policy will have a massive impact globally, forcing companies to do more to redesign their packaging and rethink their approach to creating waste, he said.

"This really is very big news, and it will be a thunderclap around the country and other countries as well," Cassel said. "It's a new day for recycling in the United States as far as I'm concerned."

Town of Hamilton



Community Choice Aggregation Update

October 21, 2021

Enrollments

January 2019 (Launch)	2,562
August 2021	2,238

Maximum (Jan 2019)	2,562
Minimum (Jun 2020)	1,917

Accounts Billed



Savings cannot be guaranteed because future National Grid Basic Service Rates are unknown.

Savings (cumulative)

August 2021 \$173,302

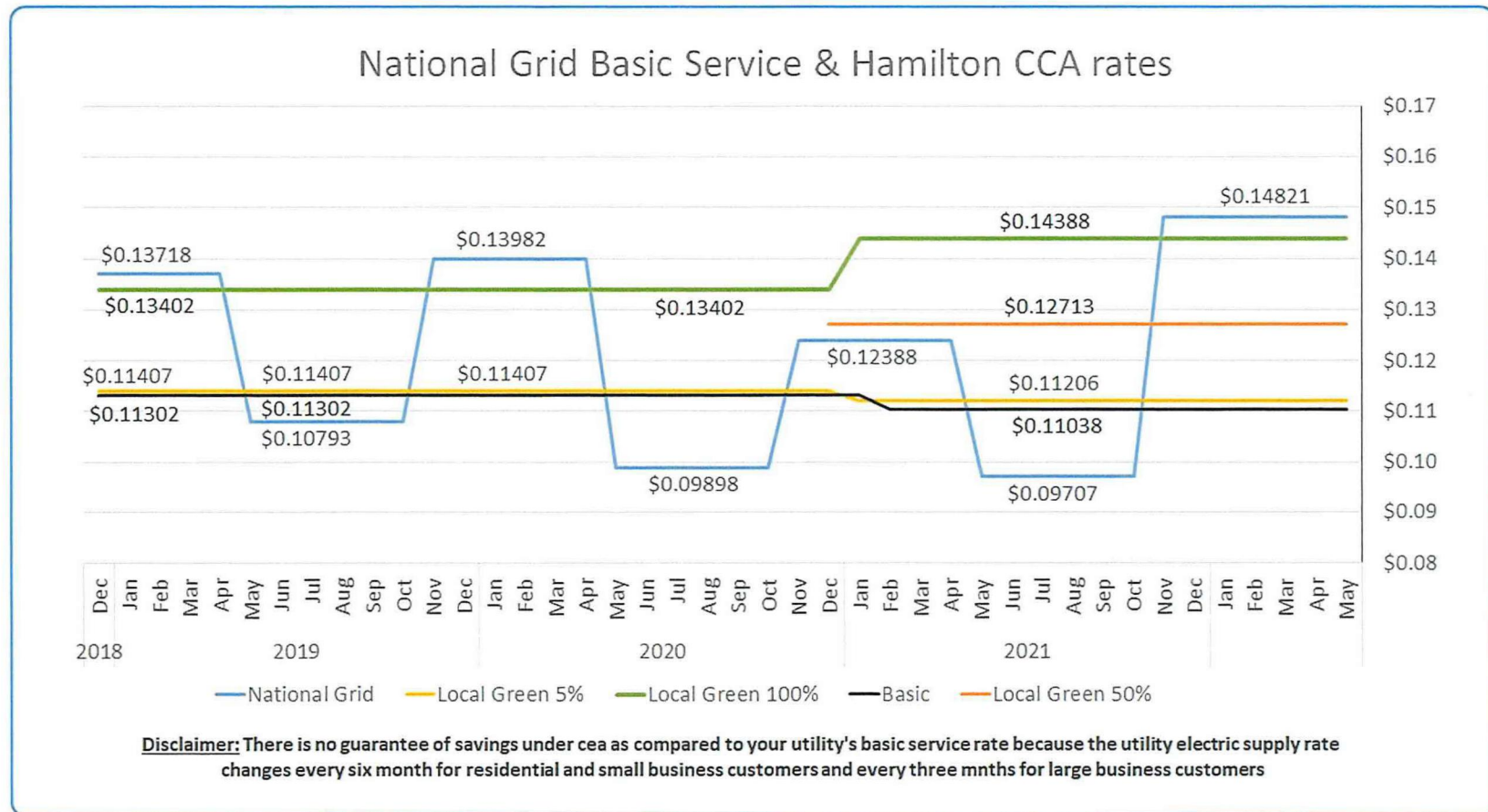
Savings (kWh) - cumulative



Savings for all rate classes

Savings cannot be guaranteed because future National Grid Basic Service Rates are unknown.

Rate Comparison



For the duration of the Community Choice Aggregation (CCA), CCA Rates have compared very well with National Grid Basic Service Rates.

Savings cannot be guaranteed because future National Grid Basic Service Rates are unknown.

Rate Comparison

Proposed National Grid Basic Service Rate

(Residential, Nov 1, 2021 to Apr 30, 2022)

\$0.14821 / kWh

Community Choice Aggregation Rate

(Residential, current to Dec 2023)

Green 5%	\$0.11206 / kWh
Green 50%	\$0.12713 / kWh
Green 100%	\$0.14388 / kWh
Basic 0%	\$0.11038 / kWh

Savings cannot be guaranteed because future National Grid Basic Service Rates are unknown.

CCA Profile

Enrollments for the duration of the CCA have remained stable and within a very tight range indicating continued acceptance of the CCA.

Cumulative savings continue to show a favorable trend, although savings cannot be guaranteed.

Savings cannot be guaranteed because future National Grid Basic Service Rates are unknown.

Guideline for Alcohol Service On Public Property within Hamilton:

The purpose of this policy is to set forth the requirements that apply to any event that will offer alcohol sale or service on Town-owned property within the Town of Hamilton.

For any event held on public property, including but not limited to the Patton Homestead, the host of the event is required to obtain a one-day license pursuant to G.L. c.138, §14. This requirement applies whether the event is private or open to the public, and whether or not the host has engaged a caterer who will provide alcohol service. A Private Event is one that is not open to the public, and not for an entity engaged in for profit, non profit, or not for profit goals. Examples include a family party, engagement party, wedding or graduation.

The applicant is required to furnish the following in connection with the application for a one-day license:

A. For PRIVATE EVENTS alcohol shall be served by a caterer who holds a caterer's license issued pursuant to G.L. c.138, §12C by the Alcoholic Beverages Control Commission ("ABCC"), the applicant must provide:

1. A copy of the caterer's Section 12C license.
2. A certificate of insurance indicating that the caterer maintains liability insurance in accordance with the requirements of G.L. c.138 and any applicable regulations and in the amount of \$2 Million Dollars, or as otherwise deemed sufficient by the Select Board. The Town must also be listed as an additional insured on the policy. The insurance shall be in effect and include coverage for set-up and clean-up dates and include the Town of Hamilton as an additional named insured.
3. A sketch plan showing the areas where alcohol will be stored, served and consumed.
4. The proposed hours for the event, which may not exceed 5 hours.
5. Documentation confirming that all servers have completed a Massachusetts alcoholic beverage server-training program (ie. TIPS).
6. All servers must work for an independent, licensed, and insured service company or caterer. For a private event, the server cannot be a relative of the party hosting the event.

B. For NON-PROFIT, NOT FOR PROFIT, or FOR PROFIT PUBLIC or PRIVATE EVENTS where entities are subject to Ch 138 S 14 (Special One Day License), the applicant must either provide evidence of a caterer who is licensed pursuant to G.L. c.138, §12C, including all documentation listed below: or, complete the application for a Special One Day License in the Town of Hamilton. If not using a caterer under C. 138 s. 12C must still provide the following documentation:

1. A certificate of insurance indicating that the host has liability coverage for the service of alcohol in the amount of \$2,000,000 or such other amount deemed sufficient by the Select Board. The Town must also be listed as an additional insured on the policy. The insurance shall be in effect and include coverage for set-up and clean-up dates.
2. A sketch plan showing the areas where alcohol will be stored, served and consumed.
3. The proposed hours for the event, which may not exceed 5 hours.
4. Documentation confirming that all servers have completed a Massachusetts alcoholic beverage server-training program (ie. TIPS).
5. Documentation confirming that the alcohol was purchased from an ABCC approved wholesaler or distributor.
6. All servers must work for an independent, licensed, and insured service company or caterer. For a private event, the server cannot be a relative of the party hosting the event.
7. Types of alcohol allowed shall be determined under MGL c. 138 S.14

Comment [R1]: We should define private. Private means not open to the public, and not for an entity engaged in for profit, non profit, or not for profit goals. Examples include a family party, engagement party, wedding or graduation.

Comment [R2]: For a private event a Caterer must be engaged by the host if alcohol is to be served.

Comment [R3]: Does a 12C caterer license define the type of alcohol allowed?

Comment [JD4]: A 12c license is an all alcohol license and the holders know their process for obtaining and re-selling the alcohol.

Comment [R5]: Why not require a caterer as well?

The application and all supporting documents must be made at least 21 days prior to the proposed event, so that the Hamilton Select Board has sufficient time to review and approve the request. The Select Board may approve the request with any conditions that it deems as reasonable or necessary.

Prior to the Select Board meeting to review and approve any application, the Applicant must review event and permit details with a representative of Hamilton Police Department, including a review of a floor plan for the event that clearly defines where alcohol sale or service will take place and how alcohol will be controlled and supervised.

It should be noted that there are several restrictions on one-day licenses, including that a one-day license cannot be granted for more than a total of 30 days per calendar year; cannot be issued to any person that has a Section 15 On-Premise license application pending before the Local Licensing Authority, and cannot be issued to any premises with a current alcoholic beverage license. Further, for-profit enterprises may only apply for a beer and wine license. Non-profits (non-profit organizations or individuals holding the event for a not for profit) may apply for either type of license (All Alcohol or Beer & Wine). Non-profits must show proof of nonprofit status ((501(c)(3) or 501(c)(6) documentation is required). Individuals hosting a not for profit event must submit proof that event is closed to the public and that no profits will be derived from the event.

Nonprofit charitable corporations organized pursuant to chapter 180 and registered with the division of public charities in the department of the attorney general may accept donations of alcoholic beverages for fundraising events for the benefit of the nonprofit charitable corporation from the following:

- an individual,
- a person licensed to manufacture alcoholic beverages
- person licensed to sell alcoholic beverages at wholesale or retail.

HOURS AND DURATION: Permit can be for up to 5 hours and be between the hours of 11am and 10pm for indoors and 9pm for outdoors.

INSPECTION: The licensed premises shall be subject to inspection at any time by the Hamilton Police Department, by the Local Licensing Authority, by the Alcoholic Beverage Control Commission, or by the duly authorized agent of any of them.

APPROVED LICENSE: License must be posted in the most conspicuous place at the location of event for the duration of the event.

Failure to abide by the above listed guidelines or any provision of the laws or regulations pertaining to alcoholic beverages shall be grounds to deny, suspend, or revoke any special license issued under MGL Chapter 138, s14.