

HAMILTON BOARD OF SELECTMEN

MINUTES OF MEETING

July 24, 2017

Members Present: Allison Jenkins, Jeff Hubbard, and Bill Wilson (Chairman).
Town Manager: Russ Stevens (Acting Town Manager)

This meeting was called to order at 7:03 pm.

Announcements

Bill Wilson described the current Board openings: Planning Board two Associate Members and one MBTA representative position. The seventh annual Coast to the Cure bike ride to benefit Neurofibromatosis Northeast would take place on September 9, 2017. Essex County Greenbelt would host their third annual road cycling event on September 16, 2017. A Reason to Ride bike-a-thon hosted by Beth Israel Deaconess Medical Center would take place on September 17, 2017.

Public Comment

Selectmen/Town Manager's Report

Allison Jenkins reported that she conducted a facebook survey for the cell tower and alternative sites to find that 176 residents were in favor and 10 were opposed. The Planning Board would meet the following night to talk about the Marijuana By-law, 15 Walnut exterior improvements, a subdivision to split two to three lots on Bay Road, the Willow Street Overlay District, and the Cottage Housing By-law. Ms. Jenkins said she enjoyed the Selectmen's retreat and thought it helped to have everyone work together.

Jeff Hubbard recalled that Marisa Batista presented year end preliminary numbers (approximately \$900,000) to the FinCom. The final number would be due in August. The FinCom discussed their role in the Budget process and scheduling quarterly meetings with the Selectmen as well as long term borrowing capacity relative to the capital improvement plan. The FinCom had been working on reviewing fees to see if the Town was in line with counterparts in other towns. The Committee was hoping to have an intern to help.

Bill Wilson spoke about the Town Manager and Selectmen retreat, where they discussed strategic planning, agendas, protocols, communication, areas of content for future meetings, must dos, and other topics covered in public forum. The Board discussed better communication with other boards and committees by having their Chairmen come in and communicate and liaison roles. The Board talked about better communications with Town employees.

Bill Wilson said he attended the Mass Selectmen's meeting at Endicott College to discuss how to handle 40B projects. Mr. Wilson said he spoke with Brian Stein regarding the Hamilton

Development Corporation's Request for Proposal as it affected the Affordable Housing Trust. The Affordable Housing Trust would discuss Willow St. and Longmeadow at their next meeting.

Patrick Reffett described his three full time and nine part time employee department. Mr. Reffett said he offered the FinCom information regarding building permit fees, to include that every town around Hamilton, except Manchester, Hamilton and Wenham charged half of what the other surrounding towns charged for building permits. Mr. Reffett was preparing a recommendation to work with the FinCom and Town Manager to restructure fees. Fees for building permits were set at .5 of 1% of the cost for new building while other towns charge 1%.

Wenham, Manchester, and Hamilton sat down with the Municipal Collaboration Director from MAPC with the idea of engaging them to regionalize inspectional services. Patrick Reffett was proposing that a full time inspection staff would be shared by the communities. The Town would be spending less for higher quality service. Dorr Fox and Mr. Reffett had prepared an affordable housing site recommendation that was distributed, indicating that there were no other choices other than the Longmeadow site for development purposes.

Patrick Reffett described current Planning Board articles including Cottage Housing, the Willow Street Overlay District, Estate Overly District, Conservation Commission charter for simultaneous approvals, and Marijuana ban for sales. Planning Board projects included the cell tower behind Town Hall, athletic field expansion at Pingree and the high school, approval not required projects, and voting for associate members. Mr. Reffett thought the Affordable Housing Trust should only meet once a month. Allison Jenkins offered that she thought the office played an important role in town.

Jeff Hubbard asked if there was precedent to conditioning a project by allowing the Town to use the (Pingree field) facility for no charge for high and middle school sports as well as youth sports. Patrick Reffett responded that the best the Town could do would be to obtain voluntary cooperation from the applicant. Pingree wanted to be a complimentary entity within the town, according to Mr. Reffett, who continued that conditioning the permit would be a bridge too far.

Patrick Reffett discussed Dover Amendment rights, which were similar to 40B as the State allowed for non-profit educational and religious entities to bypass ordinary permit review. The Town could only condition to the extent that the applicant was willing to work with the Town. Bill Wilson noted the absence of the PILOT for Pingree School. Mr. Reffett suggested looking for the gaps that the Town was trying to address and provide Pingree with the idea of how they could be a better neighbor. Mr. Wilson said the Town was trying to reduce the use of Patton Park for all uses not just football. Jeff Hubbard was interested in developing a cleaner process for developers.

Consent Agenda

Approve Minutes of the July 10, 2017 Board of Selectmen meeting.

Approve Minutes of the June 10, 2017 Board of Selectmen meeting, Executive Session.

Motion made to accept the Consent Agenda by Jeff Hubbard.

Allison Jenkins seconded.

Vote: Unanimous in favor.

Agenda

Discuss State and Local Marijuana Legislation

Chief Stevens said he would prefer to wait for the electricity to be on to have his presentation. Each town, depending on how they voted, would determine if they wanted to sell marijuana in their town. The bill said if a town voted for marijuana and wanted to restrict the sale of it, it would need to be a ballot vote. If the Town voted against marijuana, as did Hamilton, the town would only need to go to Town Meeting. There were 260 yes votes and 91 no votes in MA. Chief Stevens wondered if townspeople voted yes, where would marijuana be sold in town. Colorado had an opt in for sales, but MA crafted the bill to opt out to sell it.

The bill on the Governor's desk allowed for a 3% tax on the sale of marijuana. Chief Stevens wondered how much would need to be sold for the 3% to be valuable and who would regulate and monitor it. In Denver there were 33 establishments selling marijuana within the Green Mile. Jeff Hubbard thought the Town might benefit from State proceeds but Chief Stevens thought that allowance had been removed from the proposed bill.

Planning Board. Claudia Woods to discuss progress on various projects and By-laws.

Bill Wilson referred to Claudia Woods' request for information regarding how much due diligence had been conducted to determine the two locations that were available for cell tower construction. Mr. Wilson discussed the area of town where there was a coverage gap and the Town trying to get carriers to fill the gap. The Town Hall site and the Public Safety Building were sister sites that would fill the gap. The Planning Board had a responsibility to look at heights and set backs to make sure it was compliant and put conditions upon the approval.

Allison Jenkins recalled the Zoning By-law preference to site facilities on municipal properties. Ms. Jenkins said there had been discussion on other sites but the height of the cell tower that fell within the By-law where the gap existed as well as the need to place tower on municipal plan created a restriction of possible locations. Ms. Jenkins could not think of another location other than the cemetery, which was in the Historic District. Ms. Jenkins said due diligence had been done. Bill Wilson thought it was the next logical location to connect to other sites and was outside the Historic District. The Public Safety Building would take care of Patton Park and was not in the Historic District. The Chebacco Road area wouldn't serve the purpose of the gap and already had sites in the area.

The applicant for cell tower approval stated that the Town did the right thing by identifying proper locations. The landfill was on the other side of town and Manchester already had a tower site there. Hamilton received the benefit without the burden of providing coverage. The Planning Board was needing to make a difficult decision. The Planning Board wanted affirmation from the Selectmen that this was not a perfect solution but the best solution.

Richard Boroff said he talked to a radio frequency engineer to learn that the basic problem with the landfill was that it was too far away and there was a chance that the cap might be pierced. A solution would be to raise the height of the tower and increase the power, which was expensive and not safe. Higher towers were the ones that fell, according to Mr. Boroff.

Newer technologies could not fit in the new pole at Home Depot. Smaller towers, such as those on telephone poles were appropriate for urban areas where there were fewer trees. The applicant said a visibility analysis had been conducted to find that 1A was a tunnel of trees on both sides whereas Patton Park had broad vistas. The only place where the tower would be visible would be the entrance and exit to Town Hall.

Andy Moynihan (Orchard Road) had zero bars on his phone. If he lost his landline, he couldn't make a phone call. The church steeple and antennas in Gordon Conwell did little for coverage. The applicant responded that it was notable that there was so much public support for the proposal as usually only opposition was heard.

Rick Mitchell (Rock Maple) stated that Federal law stated as long as the tower company had demonstrated that they were filling a void that was needed and the proposal met the criteria in the Zoning By-law for height and setbacks, with no conservation areas, with no public safety issues, the Town would not have the authority to deny the Special Permit. While it was helpful to have a discussion about the evolution of the proposal, which the Police and Fire Chief both said was needed, the Planning Board did not have an option, according to Mr. Mitchell.

Patrick Reffett said the official submission date was mid-June. The Town was about 60 days into the process. The Planning Board had acted expeditiously. The permit at 434 Asbury for a cell tower was a great learning experience. The tower could not be seen.

Allison Jenkin said even with this tower, there would still be gaps in Wenham and Hamilton. The applicant stated that there was another 140' tower site on Topsfield Road in Ipswich, which would benefit Hamilton. Once the public safety site was online, one place that might not be covered was north on 1A. Bill Wilson asked if capping the tower at 109' was limiting. Hamilton wanted numerous shorter towers than fewer taller ones, according to the applicant.

Recycling Committee – Consider adopting a specific charge focus of work the the Recycling Committee

Michael Lombardo was to provide data for recycling now that trash was picked up each week. Recycling was decreasing and waste was increasing. Gretel Clark said there was a dramatic shift in organics which decreased 53% equaling a \$40 a ton difference because the Town paid less to Brick Ends farm and paid more for solid waste. Compost trucks do not get weighed at Brick Ends Farm so only an estimate could be provided. Ms. Clark wanted to educate new residents and that removing the every other week trash removal had a dramatic outcome with composting. People polled said they would go back to using their green bin if they needed to wait two weeks for a pick up, according to Ms. Clark.

Richard Boroff responded that the cost differential from composting to trash pick up was not \$40 but was \$20 as Brick Ends Farms charges \$45 for each ton composted and trash pick up was \$65. Mr. Boroff said he had been speaking with people who told him thank you for weekly trash pick up and that they didn't know how they did it before. Gretel Clark responded that there was weekly pick up but people had to pay for the bags.

Appoint Interim Town Clerk.

Allison Jenkins said Linda Grimes was capable and some things needed to be done by someone who had been appointed as Town Clerk. Wilma McDonald had filled in previously with no complaints. The Town Clerk's office could not be staffed by only one person. Chief Stevens agreed. Only someone appointed as Town Clerk was entitled to sign certain documents. Michael Lombardo would determine the financial aspects.

Motion made to approve Wilma McDonald and Linda Grimes as Interim Town Clerk until the sooner of Andrea Carlson's return or 12/31/17 with Michael Lombardo handling any personnel issues in the way he saw fit by Jeff Hubbard.

Allison Jenkins seconded.

Vtoe: Unanimous in favor.

Patton Homestead

Jeff Hubbard said the project started with doing some renovations and now there was a need to hire people. Mr. Hubbard wondered if the community needed to have an event center and that there should be a vote on it. Mr. Hubbard considered the Patton Homestead to be a project that people didn't know much about. Bill Wilson wanted Fall Town Meeting to decide and Michael Lombardo to report about it at the next meeting.

School Apportionment Committee Update

Bill Wilson reported that Catherine Harris would be on the committee. The Town of Hamilton had submitted nine bullets for the scope of work, creating not just an enrollment shift discussion but a holistic view to include tax free properties, elections and members at large, the number of schools and other administrative things that had changed since the original agreement was written. Wenham wanted only to discuss enrollment. Mr. Wilson thought it was a mistake not to look at everything in a contract. A timely resolution might include a three Board meeting rather

