

ANNUAL TOWN MEETING

Saturday April 7, 2018

Introductory Remarks

The 5% quorum was met at 1:11pm and the Annual Town Meeting was called to order by the Moderator, Trudy Reid.

Both Representative Bradford Hill and Senator Brue Tarr came to our meeting to report on State level matters. Moderator Reid thanked the Meeting for taking time out of a gorgeous Saturday to help with the Town's business. The Boy Scout and Cub Scout troop pack 28, the Bailey family, Gary & Marsha Cheeseman, Bill Wilson, Judy Bubriski and Don Gerolamo were thanked for their assistance with the deliveries of the annual report and warrants. The Girl Scout, Daisy and Brownie troops 82336 and 66329 were thanked for the presentation of the flags as was BJ Brown for leading the Pledge of Allegiance. The Wenham Village Improvement Society and Fresh Food Catering were thanked for the luncheon. The Moderator acknowledged the Ayers family for sponsoring the flowers in memory of Hilda Ayer and the Hamilton Wenham Garden Club for creating the arrangements. The Hamilton Wenham Regional School District was thanked for hosting the Meeting here at the Buker School and for the behind the scenes support. Moderator Reid also recognized the Town Administrator, Finance Director, Board of Selectmen, and all Town department staff for their assistance in preparing for the Annual Town Meeting.

Moderator Reid explained that Town Meeting is the legislative session for the Town of Wenham where we vote on the budget for the fiscal year 2019, capital purchases and several bylaws. We are governed by the rules of Town Meeting Time, a special set of parliamentary procedures developed by The Massachusetts Moderators Association.

The meeting was then asked for a moment of silence in honor of all those residents who passed away in 2017: Peter Panagoplos, John Cronan, Robert Welch, Jr, Job Emerson, Ranee Flynn, Robert Punch, Jr, John Suminsby, Mark White, Jr, Koula Frangos, Phyllis Parsons, Ruth Stevens, Marie Kenerson, Nancy Spofford, Ann Duffy, Claire Bullis, Marion Feeherry, Dorothy Maciejowski, Alice Elia, Michael Divone, Beatrice Pargoli, Gordon Sato, Arshag Ohanian, Margaret King, John McHugh, Ayres D'Souza, Thomas Anthony, Minot Frye, Marie Beckett, William Hidden, Paul Wilson, Theresa Jacques, June Wildes, Scott Perkins, Dorothy Saduikis, Alice Ohanian, and James Sullivan.

Moderator Reid publicly acknowledged and thanked David Geikie for his 37 years of service on the Planning Board for the Town of Wenham. Ann Geikie was also thanked for sharing her husband with the Town.

Gary Cheeseman updated the meeting on the 375th celebratory events that have occurred and those that are to come.

Those in attendance were Trudy Reid, Moderator, Dianne K. Bucco, Town Clerk, Lauren Goldberg, Town Counsel from KP Law, Board of Selectmen (Jack Wilhelm, Catherine Harrison, John Clemenzi), Peter Lombardi, Town Administrator, Finance and Advisory Committee (Alex Begin, Mike Therrien, Jim Purdy, David Politano, Carrie Jelsma), Leslie Davidson, Finance Director, Dr. Michael Harvey and Jeff Sands as the Administrative Leaders for the Regional School District and members of the School Committee (Josh Liebow, David Polito, Michelle Bailey, Jeanise Bertrand, Stacey Metternick). The final number of residents was 295 and 21 nonresidents.

ARTICLE 1: Budget Appropriations

To see if the Town will determine what sum of money may be necessary to defray the Town's expenses of the twelve month period beginning July 1, 2018 and ending June 30, 2019 (Fiscal Year 2019) and to make appropriations for the same and to determine the source thereof.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: Wenham's annual operating budget for FY2019 is set forth in Article 1. All expenditures required to provide Town services are organized by categories. The Finance and Advisory Committee working with the Town Administrator, Finance Director, Board of Selectmen and department heads compiles the annual budget to present here at Town Meeting.

Alex Begin, chair of the Finance and Advisory Committee presented an overview of the budget and the Town's financial condition. Dr. Harvey presented the Regional School District's budget. Both explained that only a portion of the school's budget is included in the Town's operating budget in Article 1. The balance of the funds needed to fully cover Wenham's share of the Regional School District are in Article 3.

Motion: Alex Begin, on behalf of the Finance and Advisory Committee, moved that the Town vote to raise and appropriate the total sum of \$18,672,060 to defray the Town's expenses for FY 2019, all as set forth under the column entitled "Proposed Budget 07/01/18 – 06/30/19" appearing in the warrant under Article 1.

The budget was read line by line when a hold was placed on #315 Regional School Debt.

Discussion: Maureen Weihs, Kimball Avenue, questioned the line item "Winthrop Sprinkler & Infrastructure" in relation to the subject of the Debt in Article 4. Dr. Harvey explained that this amount is Wenham's share of the Bond Anticipation Note.

There was no further discussion.

Action: Article 1 passed unanimously.

ARTICLE 2: Use of Free Cash to Balance the Budget

To see what sum of money the Town will vote to transfer from FY 2017 Free Cash to be used to balance the budget for the twelve month period beginning July 1, 2018 and ending June 30, 2019 (Fiscal Year 2019).

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article seeks to use \$750,000 in available certified free cash as a revenue source to balance the budget as the Town has done in the past years.

Motion: Alex Begin, on behalf of the Finance and Advisory Committee, moved that the Town vote to transfer the sum of \$750,000 from FY 2017 Free Cash to balance the budget for the period July 1, 2018 to June 30, 2019.

Discussion: None

Action: Article 2 passed unanimously.

ARTICLE 3: Hamilton Wenham Regional School District Operating Expense Override

To see if the Town will vote to raise and appropriate an additional sum of money for Wenham's annual assessment for the FY 2019 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2018 to June 30, 2019; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen did not recommend favorable action (3-0-0) nor did the Finance & Advisory Committee (4-0-0).

Purpose: This article seeks to fully fund the balance of Wenham's share of the FY 2019 Regional School District budget. If this article passes at Town Meeting, it will also need to pass at the ballot on Thursday April 12, 2018 and the levy limit will be permanently increased by \$331, 294. If this article fails at Town Meeting, the School District by statute will have 30 days to reconsider, amend and resubmit a new budget upon which another Town Meeting will need to act.

Motion: Alex Begin, on behalf of the Finance and Advisory Committee, moved that the Town vote to raise and appropriate the additional sum of \$331,294 for Wenham's annual assessment for the FY 2019 Hamilton Wenham Regional School District budget; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Discussion: Proponents of the override, Josh Liebow, Burnham Road and Chair of the School Committee, Tom Lancaster, Larch Row, Jeanise Bertrand, Perkins Street, and Alex Tsepatis, Morgan Street, spoke about the District's forward thinking in trying to reign in future special education costs by instituting new programs in our schools, and how the District's attention to the community with regard to the user fee issue, and the fear that without this money a good school system will fall behind and the community will feel repercussions. Questions from Angus West, Walnut Road, to the School Administration and Ruth Bossler, Monument Street, to the Town Administration were answered. Alex Begin, Cedar Street and Chair of the Finance and Advisory committee explained the

committee's unfavorable recommendation on this article. He explained that the Finance and Advisory Committee is the steward of the tax payer's dollars and needs to combine the needs/requests of the schools with affordability for the residents. The committee understands that the District's expense to bring special education costs in house is a step in the right direction, however, they took exception to the inclusion of 1/3 of the school's ask for the purpose of user fee reductions. They believe the School Committee did not address this issue properly or give it enough deliberation prior to adding it to their budget very late in the season.

Jack Wilhelm, Morgan Street, made a motion to move the question. A vote was taken on this motion and passed with more than a 2/3 majority.

Action: Article 3 passed by a majority.

RECONSIDERATION OF ARTICLE 1

Alex Begin, made motion to reconsider Article 1 due to an error in reading the appropriation under line 310.

Vote to reconsider Article 1 passed unanimously.

Alex Begin, Chair of the Finance and Advisory Committee, moved to reduce the amount appropriated under Article 1, line 310 by the sum of \$331, 294 to \$9, 377, 565 to reflect the amount subject to the override under Article 3.

Action: Vote passed unanimously.

ARTICLE 4: Debt Exclusion: Winthrop School Fire Suppression System

To see what action the Town will take in accordance with MGL Chapter 71, Section 16(d) with respect to a borrowing authorized by the Hamilton-Wenham Regional School District School Committee in the amount of \$850,000 for the purchase and installation of a fire suppression system at the Winthrop Elementary School, located at 325 Bay Rd, South Hamilton, MA 01982, including the payment of all incidental or related costs; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ debt exclusion allowing the Town to raise the money needed to repay its share of the borrowing outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article seeks to approve the issuance in debt that has been authorized by the Regional School Committee for the installation of a new fire suppression system at the Winthrop School and to exempt that borrowing from proposition 2 ½. As per the district agreement, Wenham will be responsible for approximately 1/3 of the total project costs. If this article passes at Town Meeting, it will also need to pass at the ballot on Thursday April 12, 2018.

Motion: **Carrie Jelsma**, on behalf of the Finance and Advisory Committee, moved that the Town vote in accordance with MGL Chapter 71, Section 16(d) to approve the vote of the Hamilton Wenham Regional School District School Committee to borrow the sum of \$850,000 for the purchase and installation of a fire suppression system at the Winthrop Elementary School, located at 325 Bay Rd, South Hamilton, MA 01982, including the payment of all incidental or related costs; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ debt exclusion allowing the Town to raise the money needed to repay its share of the borrowing outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Discussion: None

Action: Article 4 passed by a 2/3rds vote.*

*See November 1, 2018 Affidavit of the Town Moderator Trudy Reid.

ARTICLE 5: Debt Exclusion: Hamilton Wenham Regional School District Safety, Accessibility, and Critical Infrastructure

To see what action the Town will take in accordance with MGL Chapter 71, Section 16(d) with respect to a borrowing authorized by the Hamilton-Wenham Regional School District School Committee in the amount of \$2,600,000 for the purpose of paying costs of various FY19 "Safety, Accessibility and Critical Infrastructure" capital projects within the District as outlined in the District's Five-Year Capital Plan dated February 13, 2018, including the payment of all incidental or related costs, provided, however, that the vote taken hereunder shall be

expressly contingent approval by the voters at an election of a Proposition 2 ½ debt exclusion allowing the Town to raise the money needed to repay its share of the borrowing outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

Or take any other action relative thereto.

Recommendation: None were given.

Motion: Carrie Jelsma, on behalf of the Finance and Advisory Committee, moved to pass over this article.

Discussion: Carrie Jelsma explained that this article was not passed by Hamilton therefore it is not necessary that Wenham consider it.

Action: Vote to pass over Article 5 passed by a majority.

ARTICLE 6: Use of Free Cash to Fund FY 2019 Capital Improvement Program

To see what sum of money the Town will vote to transfer from FY 2017 Free Cash to fund the FY 2019 Capital Improvement Program for the following eligible items and amounts, including the acquisition, leasing, purchase and equipping of capital items and all incidental and related costs for all capital items and projects, and to authorize the Board of Selectmen to enter into a lease purchase agreement or other contracts for such purposes for up to or more than three years:

A. Town Hall – Exterior Painting	\$18,000
B. Fire – Portable Radios	\$30,000
C. Building & Grounds – Used Utility Vehicle	\$ 5,000
D. Highway – Portable Truck Lift	\$45,000
E. Highway – Road Capital	\$45,000
F. Highway – Front End Loader	\$40,000 (lease/purchase, year 1 of 5 years)
G. Police – Administrative Vehicle	\$17,500 (lease/purchase, year 1 of 3 years)

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article seeks \$200,500 in appropriations for this year’s portion of the Town’s five-year capital improvement program that identifies facility, equipment and infrastructure needs across all departments. While some ongoing capital obligations are included in the FY 2019 operating budget, this year’s program includes these additional priority items which are to be funded through free cash.

Motion 6A: Mike Therrien, on behalf of the Finance and Advisory Committee, moved that the Town vote to transfer \$200,500 from FY 2017 Free Cash to fund the FY 2019 Capital Improvement Program for the following eligible items and amounts, including the acquisition, purchase and equipping of capital items and all incidental and related costs for all capital items and projects:

• Town Hall – Exterior Painting	\$18,000
• Fire – Portable Radios	\$30,000
• Building & Grounds – Used Utility Vehicle	\$ 5,000
• Highway – Portable Truck Lift	\$45,000
• Highway – Road Capital	\$45,000
• Highway – Front End Loader	\$40,000 (lease/purchase, year 1 of 5 years)
• Police – Administrative Vehicle	\$17,500 (lease/purchase, year 1 of 3 years)

Discussion: None

Action: Article 6A passed by a majority vote.

Motion 6B: Mike Therrien, on behalf of the Finance and Advisory Committee, moved that the Town vote to authorize the Board of Selectmen to enter into a lease purchase agreement or other contracts for terms of up to or more than three years for the Highway Front End Loader and Police Administrative Vehicle.

Discussion: None

Action: Article 6B passed unanimously.

ARTICLE 7: Water Department Capital Expenditure

To see if the Town will vote to transfer a sum of money from the Water Surplus account to the Water Capital account for the purchase and equipping of a utility truck.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: The article seeks \$55,000 to be transferred from the Water Surplus Account to purchase a new one-ton utility truck which is one vehicle out of the two in the water department's fleet.

Motion: **Mike Therrien**, on behalf of the Finance and Advisory Committee, moved that the Town vote to transfer \$55,000 from the Water Surplus account to the Water Capital account for the purchase and equipping of a utility truck.

Discussion: None

VOTE: Article 7 passed unanimously.

ARTICLE 8: Creation of Water Capital Reserve Account And Transfer from Water Operating Budget

To see if the Town will vote in accordance with MGL Chapter 41, Section 69B to establish a new Water Capital Reserve account to be subject to appropriation by Town Meeting for water system capital expenditures, and, in connection therewith, to transfer \$35,000 from the FY 2019 Water operating budget into this account.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article establishes a water capital reserve fund in to which \$25,000 from the FY 2019 water department capital line can be transferred. Future appropriations of this reserve fund will need Town Meeting approval.

Motion: **Jim Purdy**, on behalf of the Finance and Advisory Committee, moved to establish a new Water Capital Reserve account, in accordance with MGL Chapter 41, Section 69B, which fund shall be subject to appropriation by Town Meeting for water system capital expenditures, and, in connection therewith, to transfer \$35,000 from the FY 2019 Water operating budget into this account.

Discussion: **Jeanise Bertrand**, Perkins Street, questioned the difference between this account and all the other accounts. Peter Lombardi, Town Administrator, explained that this account would be used for water infrastructure work only and would require Town Meeting approval to be used.

Action: Article 8 passed unanimously.

ARTICLE 9: Revolving Funds

To see if the Town will vote pursuant to the provisions of MGL Chapter 44, Section 53E½ to take the following action to amend the General Bylaws, Chapter XXVIII, Revolving Funds, to include the Iron Rail Revolving Fund established last year, create and provide funding for a Water Mitigation Revolving Fund, and establish fiscal year spending limits for all revolving funds:

- (a) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following the following fund:

Iron Rail Rental

Revenues collected through rental fees from tenants of the Iron Rail property for the purpose of paying for facility maintenance and capital investments; to be expended by the Iron Rail Commission.

- (b) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following new fund:

Water Mitigation

Revenues collected through permitting fees for the purpose of paying for water mitigation initiatives, including but not limited to offering rebates to residents for water saving devices and appliances; to be expended by the Board of Water Commissioners.

and further to transfer to such revolving fund the sum of \$20,900 from available funds in the Water Surplus account already collected for such purposes.

- (c) Establish fiscal year limitations on expenditures for the revolving funds established by

Section 1 of Chapter XXVIII of the General Bylaws, Revolving Funds, and as approved hereunder, with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended:

H-W Grounds Maintenance: \$20,000

Iron Rail Rental: \$25,000

Water Mitigation: \$10,000

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0) as did the Finance & Advisory Committee (4-0-0).

Purpose: This article seeks to incorporate the Iron Rail Revolving Fund approved at the Town Meeting 2017 into the Town's bylaws. These funds are only to be used for maintaining and making necessary capital repairs to the facility at 91 Grapevine Road. The article also seeks to establish a new Water Mitigation Revolving Fund into which \$20,900 of Water Surplus Funds already collected can be transferred. This article also sets restrictions on these funds as well as annual expenditure limitations on all revolving funds. This limitation can only be amended by a Town Meeting vote.

Motion: Jim Purdy, on behalf of the Finance and Advisory Committee, moved that the Town vote to:

(a) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following fund: Iron Rail Rental

Revenues collected through rental fees from tenants of the Iron Rail property for the purpose of paying for facility maintenance and capital investments; to be expended by the Iron Rail Commission.

(b) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following new fund: Water Mitigation

Revenues collected through permitting fees for the purpose of paying for water mitigation initiatives, including but not limited to offering rebates to residents for water saving devices and appliances; to be expended by the Board of Water Commissioners.

and further to transfer to such revolving fund the sum of \$20,900 from available funds in the Water Surplus account already collected for such purposes.

(c) Establish fiscal year limitations on expenditures for the revolving funds established by Section 1 of Chapter XXVIII of the General Bylaws, Revolving Funds, and as approved hereunder, with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended:

H-W Grounds Maintenance: \$20,000

Iron Rail Rental: \$25,000

Water Mitigation: \$10,000

Discussion: None

Action: Article 9 passed unanimously.

ARTICLE 10: Cemetery and Other Trust Funds

To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2017, as printed in Part I of the Town Report and on file with the Town Clerk.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article proposes the acceptance of trust fund income to support specified services. In 2017, the total was \$40,354.74 with more details on pages A11-A12 of the Annual Report.

Motion: David Molitano, on behalf of the Finance and Advisory Committee, moved that the Town vote to accept the Cemetery and Other Trust Funds received in FY 2017 as printed in Part I of the Town Report and on file with the Town Clerk.

Discussion: None

Action: Article 10 passed unanimously.

ARTICLE 11: Cemetery Maintenance Fund Transfer

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$7,500, from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2018 and before June 30, 2019,

and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the three cemeteries in the Town of Wenham.
Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article seeks to transfer \$7,500 from the sale of cemetery lots to the highway department for costs related to that department's maintenance of the cemeteries. If approved, a balance of \$8,957 will remain in that account.

Motion: David Molitano, on behalf of the Finance and Advisory Committee, moved that the Town vote to authorize the Treasurer to transfer \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account for use during FY 2019 for Highway Department expenditures in connection with the care and operation of the three cemeteries in the Town of Wenham.

Discussion: None

Action: Article 11 passed unanimously.

ARTICLE 12: Road Work – Chapter 90 Funding

To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This article seeks the acceptance of Chapter 90 funds and authorizes the Town to undertake major road projects that qualify for such funding.

Motion: David Molitano, on behalf of the Finance and Advisory Committee, moved that the Town vote to accept such funds as are made available by the Commonwealth of Massachusetts under the so-called Chapter 90 program or any other federal or state grant program and transfer from available funds sums necessary for road work and other projects, subject to and in conformance with conditions detailed by the Massachusetts Department of Transportation Highway Division.

Discussion: None

Action: Article 12 passed unanimously.

ARTICLE 13: Rescission of Authorized, but Unissued Debt

To see if the Town will vote to rescind the authorized, but unissued debt of the Town approved under Article 11 of the April 11, 2015 Annual Town Meeting in the amounts of \$23,000 for DPW Equipment and Finance and Police Department Server and \$14,738 for Software Upgrades and under Article 10 of the May 1, 2010 Annual Town Meeting in the amount of \$260,955 for an Energy Savings Performance Contract (ESCO), which borrowing authority is no longer required for the purposes originally approved.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0) as did the Finance & Advisory Committee (3-0-0).

Purpose: This article seeks to rescind \$298,693 in previously authorized debt for projects that have since been completed.

Motion: David Molitano, on behalf of the Finance and Advisory Committee, moved that the Town vote to rescind the authorized, but unissued debt of the Town approved under Article 11 of the April 11, 2015 Annual Town Meeting in the amounts of \$23,000 for DPW Equipment and Finance and Police Department Server and \$14,738 for Software Upgrades and under Article 10 of the May 1, 2010 Annual Town Meeting in the amount of \$260,955 for an Energy Savings Performance Contract (ESCO), which borrowing authority is no longer required for the purposes originally approved.

Discussion: None

Action: Article 13 passed unanimously.

ARTICLE 14: Authorize Borrowing: Iron Rail Capital Needs

To see if the Town will vote to appropriate \$245,000, or any other sum, to pay costs of remodeling and improving the Iron Rail facility, including, but not limited to, replacing the roof, gutter, and fascia, repairing masonry, repaving the entrance road and paving the parking lot, and also including the payment of costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to MGL Chapter 44, or any other enabling authority and to issue bonds or notes of the Town therefor; that the Board of Selectmen and any other appropriate Town officials are authorized to take any other action necessary or convenient to carry out this vote; that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0) as did the Finance & Advisory Committee (3-0-0).

Purpose: This article seeks to authorize \$245,000 in borrowing for several major capital projects at the Iron Rail Facility that have been identified as priorities by the Iron Rail Commission. These projects include the installation of a new roof and some paving. Approval for this debt requires a 2/3 majority but will be paid from the Iron Rail Rental Revolving Fund and therefore will not have any impact on the tax rate.

Motion: Carrie Jelsma, on behalf of the Finance and Advisory Committee, moved that the Town vote to appropriate \$245,000 to pay costs of remodeling and improving the Iron Rail facility, including, but not limited to, replacing the roof, gutter, and fascia, repairing masonry, repaving the entrance road and paving the parking lot, and also including the payment of costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to MGL Chapter 44, or any other enabling authority and to issue bonds or notes of the Town therefor; that the Board of Selectmen and any other appropriate Town officials are authorized to take any other action necessary or convenient to carry out this vote; that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Discussion: Paul Gamber, Juniper Street, questioned whether these improvements include the parking lot by the soccer fields. Alex Begin responded that they do not. **Jim Romano,** Burnham Road and Chair of the Iron Rail Commission confirmed.

Action: Article 14 passed by a 2/3 vote.

ARTICLE 15: CPA Appropriations

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the FY 2019 Community Preservation budget; to appropriate from the Community Preservation Fund a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for FY 2019 and to approve the appropriation to expend or set aside the following amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space; a sum of money for acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; a sum of money for the acquisition, preservation, rehabilitation, and restoration of historic resources and a sum of money for the acquisition, creation, preservation and support of community housing.

Or take any other action relative thereto.

- 1) To see if the Town will vote to approve the following transfers of Community Preservation Act funds:
 - a) The sum of \$117,000, for the purpose of reserving a minimum of 10% of the total FY 2019 estimated CPA revenue to be transferred as follows:
 - i) \$39,000 to the "FUND BALANCE RESERVED FOR HISTORIC RESOURCES"
 - ii) \$39,000 to the "FUND BALANCE RESERVED FOR OPEN SPACE & RECREATION"
 - iii) \$39,000 to the "FUND BALANCE RESERVED FOR COMMUNITY HOUSING"
 - b) The sum of \$2,500 from CPA FUND BALANCE to the Town of Wenham Cemetery Commission for the purpose of the Fairfield Cemetery Restoration Project, as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.

- c) The sum of \$9,500 from CPA FUND BALANCE to the Town of Wenham Cemetery Commission for the Main Street Cemetery Gravestone Preservation Project as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.
- 2) The following sums to be appropriated from the indicated CPA source for the following purposes:
 - a) The sum of \$9,500 from CPA FUND BALANCE to the Town of Wenham Cemetery Commission for the Main Street Cemetery Gravestone Preservation Project as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.
 - b) The sum of \$46,009.87 from the CPA FUND BALANCE RESERVED FOR HISTORIC RESOURCES and the sum of \$87,240.13 from the CPA FUND BALANCE for a total sum of \$133,250 for the purpose of paying the debt service in FY 2019 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 163 year-old Wenham Town Hall Building located at 138 Main Street in accordance with the plans developed and administered by the Wenham Town Hall and Police Station Building Committee.
 - c) The sum of \$89,455 from the CPA FUND BALANCE as a grant to the Wenham Museum for the preservation of the historic Clafin-Gerrish-Richards House located at 132 Main Street, Wenham, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Museum Board of Trustees upon such terms and conditions as the Board of Selectmen shall deem appropriate, and to authorize said Board to accept a preservation restriction in such house.
 - d) The sum of \$89,455 from the CPA FUND BALANCE as a grant to the Wenham Museum for the preservation of the historic Clafin-Gerrish-Richards House located at 132 Main Street, Wenham, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Museum Board of Trustees upon such terms and conditions as the Board of Selectmen shall deem appropriate, and to authorize said Board to accept a preservation restriction in such house.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Harriet Davis, chair of the Community Preservation Committee (CPC) introduced the Committee; Kennon Anderson, Denis Curran, Arthur Burt, Barbara Locke, Virginia Rogers, Tom Starr, Leo Maestranzi, Patrick Waddell and coordinator Jackie Bresnahan.

Ms. Davis explained that the Wenham CPC was enacted in 2005 and that the statute requires that the funds collected by the 3% surcharge on our taxes minus the first 100 thousand evaluation per parcel be allocated for the following purposes: open space and recreation, historic resources and community housing (affordable housing) plus modest administrative needs with at least 10% of projected annual revenues reserved for those three areas.

State matching funds that were 100% in the early years is now down to 15% because of the amount of communities who have now accepted the CPA.

Ms. Davis noted that zero funds have been spent on open space and affordable housing but have made sizeable grants for recreation mostly for the pool and various playgrounds and to the historic resource category for the renovation of the Town Hall.

The Wenham CPC believes it is important to reserve most of our funds for open space should a parcel become available and for affordable housing to help get Wenham over the 10% level to avoid future 40B developments.

As in 2017, the CPC received 4 applications and recommend funding them all to a certain extent.

Final votes were taken on January 25, 2018 and if all the following motions pass, the CPC will have spent 230 thousand dollars which is essentially the same as last year. This will leave the CPC with 2 million dollars for future applications.

Motion 1(a): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Town vote to transfer from FY 2019 Community Preservation Fund estimated annual revenues the total sum of \$117,000, as follows:

- \$39,000 to the Historic Resources Reserve,
- \$39,000 to the Open Space and Recreation Reserve, and
- \$39,000 to the Community Housing Reserve.

Motion 1(b): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Town vote to transfer the sum of \$265,500 from FY 2019 Community Preservation Fund estimated annual revenues to the FY 2019 Community Preservation Fund Budgeted Reserve.

Motion 1(c): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Town vote to appropriate the sum of \$7,500 from FY 2019 Community Preservation Fund estimated annual revenues to the Community Preservation Committee for FY 2019 administrative costs.

Discussion: **Edmond Bertrand**, Perkins Street, questioned if the committee is not spending money on affordable housing, why spend it on anything. Harriet Davis replied that these are statutory transfers and that the CPC can only grant money to applications that have been received. **Michelle Bailey**, Remington Road, member of the Wenham Affordable Housing Trust Fund (WHAT) takes offense on the comment made that the Town is not doing enough to find affordable housing options. She stated that the WAHT has been working hard and even held public hearings for public input. She assured the Meeting that they are considering this and when possible, will apply for CPC funds. **Ken Whittaker**, Enon Road questioned whether the State is only matching 15% and if so, perhaps it is time to get out of the program. Harriet responded that this was not the time to discuss this.

Action: Article 15, motions 1(a), (b), (c) passed unanimously.

Motion 2(a): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Community Preservation Committee moves that the Town vote to appropriate the sum of \$2,500 from Community Preservation Fund Balance to the Town of Wenham Cemetery Commission for the purpose of the Fairfield Cemetery Restoration Project, as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.

Discussion: None

Action: Article 15 motion 2(a) passed unanimously.

Motion 2(b): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Community Preservation Committee moves that the Town vote to appropriate the sum of \$9,500 from Community Preservation Fund Balance to the Town of Wenham Cemetery Commission for the Main Street Cemetery Gravestone Preservation Project as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.

Discussion: None

Action: Article 15 motion 2(b) passed unanimously.

Motion 2(c): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Community Preservation Committee moves that the Town vote to appropriate sum of \$46,009.87 from the Community Preservation Fund Balance Reserved for Historic Resources and the sum of \$87,240.13 from the Community Preservation Fund Balance for a total sum of \$133,250 for the purpose of paying FY 2019 debt service on the \$2,151,421 supplemental borrowing for the rehabilitation of the 164 year-old Wenham Town Hall Building located at 138 Main Street.

Discussion: None

Action: Article 15 motion 2(c) passed unanimously.

Motion 2(d): Harriet Davis, on behalf of the Community Preservation Committee, moved that the Town vote to appropriate the sum of \$89,455 from the Community Preservation Fund Balance as a grant to the Wenham Museum for the preservation of the historic Clafin-Gerrish-Richards House located at 132 Main Street, Wenham, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Museum Board of Trustees upon such terms and conditions as the Board of Selectmen shall deem appropriate, and to authorize said Board to accept a preservation restriction in such property.

Discussion: None

Action: Article 15 motion 2(d) passed unanimously.

ARTICLE 16: Special Legislation, Appropriation, and Authorize Borrowing: Longfellow Road and South Street Road Improvements and Betterment Assessment

To see if the Town will vote to: authorize the Board of Selectmen to petition the General Court for special legislation allowing the Town to borrow for and make improvements to Longfellow Road and South Street, both private ways, and assess betterments therefor in a manner agreed to by the Town and the residents; and to authorize the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition; to allocate projects costs of \$60,000 to the Town and the remainder to be assessed to the residents to be benefited by the projects; and, for such purposes, to appropriate \$302,450 for this project, with the sum of \$60,000 to be transferred from overlay reserves for the Town's portion of the costs of such improvements, and to authorize the Treasurer, with

the approval of the Board of Selectmen, to borrow the remainder and issue bonds and notes of the Town therefor pursuant to MGL Chapter 44, the special act authorized hereunder, or any other enabling authority, and to authorize that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount, and that while such bonds shall be general obligations of the Town, it is anticipated that the amounts needed to repay the principal and interest on the bond will be collected as betterments from those benefiting from the project.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0) as did the Finance & Advisory Committee (4-0-0).

Purpose: This article seeks to improve Longfellow Road and South Street and to stabilize the unsafe roadway that lies on a very steep ravine. Although the Town is seeking \$304,450 in debt the Town only plans on contributing \$60,000 and the residents will pay the balance through betterments that will be assessed on their tax bills once the project is completed. This article necessitates debt issuance and therefore requires a 2/3 majority vote but will not impact the tax rate.

Motion: **Catherine Harrison**, on behalf of the Board of Selectmen, moved that the Town vote to approve Article 16 as set forth in the warrant to allow the Town to make permanent improvements to Longfellow Road and South Street, to transfer from overlay surplus the sum of \$60,000 for such purposes, and to assess betterments therefor in the manner agreed upon by the Board of Selectmen and the majority of the property owners on such roads, and, for such purposes, to petition the General Court for special legislation and take such other actions as may be necessary to effectuate the vote taken hereunder.

Discussion: **Linda Medieros**, Longfellow Road, described the roadway issues in more detail. The one car lane has a steep drop off and is very unsafe. She and her neighbors worked with the Board of Selectmen to collaborate and find a way to repair the road. **Lawrence Oak**, Longfellow Road, added that an improvement in any section of Town is an improvement for the whole Town, he asked for the Meeting's support.

Action: Article 16 passed by a 2/3 vote.

ARTICLE 17: Zoning Bylaw Adoption: Marijuana Establishment Ban

To see if the Town will vote to amend the Wenham Zoning Bylaw by inserting a new Section 4.2.5 entitled, Marijuana Establishments that would provide as follows:

4.2.5 Marijuana Establishments

Consistent with MGL Chapter 94G, Section 3(a)(2), all types of "marijuana establishments" as defined in MGL Chapter 94G, Section 1, to include marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Wenham.

Or take any action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-1-0). The Planning Board held public hearings on this proposed zoning bylaw on March 5 and March 29 and recommended favorable action (3-1)

Purpose: This article seeks to impose a ban on retail marijuana establishments in Wenham.

Motion: **Ann Weeks**, on behalf of the Planning Board, moved that the Town vote to amend the Wenham Zoning Bylaw by inserting a new Section 4.2.5, entitled "Marijuana Establishments", prohibiting all marijuana establishments in the Town, as set forth in Article 17 in the warrant, and to insert after the words "marijuana-related businesses", the words, "including medical marijuana treatment centers".

Discussion: **Lauren Goldberg**, Town Counsel, explained the next 4 articles. After the 2016 State Election that passed the use of recreational marijuana State-wide, municipalities now need to amend their bylaws to regulate it as they see fit. Because Wenham voted 53% against recreational marijuana, the legislation allows the Town to completely ban or regulate recreational marijuana by a simple Town Meeting Vote. This Town Meeting offers several options to regulate marijuana. Article 17, a zoning bylaw would ban all sales of marijuana in Town. It would not affect the other personal rights that are provided under the Act. Article 18 is a general bylaw ban. Article 19 is a restrictive zoning bylaw that allows one retail license to be issued within the Town. Article 20 is a local acceptance statute that would allow the Town to establish a tax on retail marijuana. Article 18-20 will only be acted upon if Article 17 fails.

Francine Molay, Friend Court, stated that living in Wenham is getting increasingly difficult and if this is a potential money maker, she opposes the ban. Similar comments were made by **Jeanise Bertrand**, Perkins Street, **Emilia Jahangir**, 5 Hilltop Drive, and **Ed Bertrand**, Perkins Street.

Sam Nordberg, 151 Main Street, proposed an amendment. He moved that the term “medical marijuana treatment centers” be omitted.

Vote on the amendment passed by a majority.

Banning cultivation in our agricultural community as stated in Article 19 was questioned by **Kirsten Alexander**, Larch Row. **MaryBeth Ting**, Burnham Road, asked about any costs that could be foreseen by not having a ban.

Peter Lombardi, Town Administrator, stated that there are no anticipated expenses for the Town regarding retail sales. Residents who supported the ban; **Tom Tanous**, Eaton Road, **Ken Whittaker**, Enon Road, **Lisa Terranova**, Maple Street and **Dolores Reid**, Topsfield Road, felt as if the community had already voted no on the subject and that the tax revenue would not be worth it. Residents; **David Polito**, Topsfield Road, **Maureen Weihs**, Kimball Avenue, and **Mike Novak**, Meridian Road, felt that more data/information was needed before such a ban is imposed. **Jeff Tripp**, Pleasant Street and **Ed Bertrand**, Perkins Street, wanted to hear from the Police Chief on the matter. **Tom Perkins**, Chief of Police, has concerns about marijuana and is unsure how they will handle the increase in workload but he is confident that the force will do their best. **Natalie Blue**, Burley Street, asked that voters not vote out of fear and **Alex Begin**, Cedar Street, reminded the Meeting that Article 17 is not a financial issue but a policy decision. **Josh Liebow**, Burnham Road, made a motion to move the question.

Vote on moving the question was passed with a 2/3rds majority.

The amended motion was repeated: **Ann Weeks**, on behalf of the Planning Board, moved that the Town vote to amend the Wenham Zoning Bylaw by inserting a new Section 4.2.5, entitled “Marijuana Establishments”, prohibiting all marijuana establishments in the Town, as set forth in Article 17 in the warrant, ~~and to insert after the words “marijuana-related businesses”, the words, “including medical marijuana treatment centers”.~~

Action: Article 17 passed by a 2/3 vote.

Since Article 17 was approved, Articles 18-20 are moot and will be skipped over.

ARTICLE 18: Bylaw Adoption: Marijuana Establishment Ban

To see if the Town will vote to amend the Town’s General Bylaws by inserting a new section entitled, “Marijuana Establishments”, that would provide as follows, and further to authorize the Town Clerk to assign such General Bylaw an appropriate section number.

___ Marijuana Establishments

Consistent with MGL Chapter 94G, Section 3(a)(2), all types of “marijuana establishments” as defined in MGL Chapter 94G, Section 1, to include marijuana cultivators, independent testing laboratory, marijuana product manufacturers, marijuana retailers or any other types of licensed marijuana-related businesses, shall be prohibited within the Town of Wenham.

Or take any other action relative thereto.

No Vote Taken

ARTICLE 19: Zoning Bylaw Adoption: Retail Marijuana

To see if the Town will vote to amend the Town of Wenham Zoning Bylaw by to address recreational marijuana retailers, as follows:

Amend Section 4.0, Use Regulations, Subsection 4.1 by inserting under “Commercial”, a new use, “Marijuana Retailers”, to be allowed pursuant to a special permit issued by the Planning Board only in the Business District; and .

Amend Section 10.0, Special Regulations, by inserting a new Subsection 10.3 “Recreational Marijuana Retailers”, as follows:

Recreational Marijuana Retailers

10.3.1 Purpose

To provide for the placement of Marijuana Retailers, in accordance with An Act To Ensure Safe Access to Marijuana, Chapter 55 of the Acts of 2017 and all regulations which have or may be issued by the Department of Public Health and/or the Cannabis Control Commission, including, but not limited to 105 CMR 725.00 and 935 CMR 500.00 implementing this Act, in locations suitable for such uses, which will minimize adverse impacts Marijuana Retailers on adjacent properties, residential neighborhoods, schools, playgrounds, public beaches and other locations where minors congregate by regulating the siting, design, placement, security, and removal Marijuana Retailers.

10.3.2 Definitions

Where not expressly defined in the Zoning Bylaws, terms used in this section shall be interpreted as defined in MGL Chapter 94I and MGL Chapter 94G and any regulations issued by the Cannabis Control Commission implementing these laws, and otherwise by their plain language.

- a. Independent Testing Laboratory means a laboratory that is licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana that is: (i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation mutual recognition arrangement or that is otherwise approved by the commission; (ii) independent financially from any medical marijuana treatment center or any licensee or marijuana establishment for which it conducts a test; and (iii) qualified to test marijuana in compliance with 935 CMR 500.160 and MGL Chapter 94C, Section 34.
- b. Marijuana Cultivator means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to cultivate, process and package marijuana, to deliver marijuana to Marijuana Establishments and to transfer marijuana to other Marijuana Establishments, but not to consumers.
- c. Marijuana Delivery-Only Retailer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana that does not provide a retail location accessible to the public, but is authorized to deliver directly from a marijuana cultivator facility, craft marijuana cultivator cooperative facility, marijuana product manufacturer facility, or micro-business.
- d. Marijuana Product Manufacturer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to obtain, manufacture, process and package marijuana and marijuana products, to deliver marijuana and marijuana products to Marijuana Establishments and to transfer marijuana and marijuana products to other Marijuana Establishments, but not to consumers.
- e. Marijuana Retailer means an entity licensed by the Cannabis Control Commission pursuant to 935 CMR 500.000 with respect to the regulation of the Adult Use of Marijuana to purchase and deliver marijuana and marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana products to Marijuana Establishments and to consumers as defined in G.L. c. 94G and any regulations promulgated thereunder.
- f. Medical Marijuana Treatment Center means an entity licensed by the Department of Public Health or the Cannabis Control Commission under a medical use marijuana license that acquires, cultivates, possesses, processes, transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials for the benefit of registered qualifying patients or their personal caregivers in the treatment of debilitating medical conditions or the symptoms thereof.

10.3.3 Location and Dimensional Controls

1. Marijuana Retailers as defined herein may be permitted in the Business District only per Section 4.1, the Table of Use Regulations, pursuant to a Special Permit and Site Plan Approval.
2. A marijuana cultivator, independent testing laboratory, marijuana product manufacturer, or any other type of licensed marijuana-related business, as set forth in G.L. c.94G, but not a recreational Marijuana Retailer, are prohibited within the Town of Wenham per the Table of Use Regulations, Section 4.1.
3. Marijuana Retailers may not be located within 500 feet of the following pre-existing uses:
 - a. Public or private school providing education in kindergarten or grades 1 through 12;
 - b. State-licensed Child Care Facility;
 - c. Library, playground, public park, public beach, youth center; or similar facility in which minors commonly congregate.

The distance under this section shall be measured in a straight line from the nearest point of the property line of the protected uses identified above to the nearest point of the property line of the proposed Marijuana Retailer.

4. Marijuana Retailers shall be located only in a permanent building and not within any mobile facility. All sales shall be conducted within the building pursuant to applicable state regulations.
5. Unless explicitly stated otherwise, Marijuana Retailers shall conform to the dimensional requirements applicable to non-residential uses within the underlying zoning district.
6. All Marijuana Retailers shall conform to the signage requirements of Section 7 of the Zoning Bylaw. The Planning Board may impose additional restrictions on signage, as appropriate, to mitigate any aesthetic impacts.

10.3.4 Number of Licenses

Only one (1) Marijuana Retailers will be allowed to operate in the Town of Wenham at one time.

10.3.5 Special Permit

1. Procedure: The Planning Board shall be the Special Permit Granting Authority (SPGA) and shall conduct Site Plan Review for an applicant for a Marijuana Retailer.
 - a. Application: In addition to the materials submission requirements of [SP] and [SPR], the applicant shall also include:
 - i. A detailed floor plan of the premises of the proposed Marijuana Retailers that identifies the square footage available and describes the functional areas of the facility;
 - ii. detailed site plans that include the following information:
 1. Compliance with the requirements for parking and loading spaces, for lot size, frontage, yards and heights and coverage of buildings, signage and all other provisions of this Bylaw;
 2. Convenience and safety of vehicular and pedestrian movement on the site to provide secure and safe access and egress for clients and employees arriving to and from the site;
 3. Convenience and safety of vehicular and pedestrian movement off the site, if vehicular and pedestrian traffic off-site can reasonably be expected be substantially affected by on-site changes;
 4. Adequacy as to the arrangement and the number of parking and loading spaces in relation to the proposed use of the premises, including designated parking for delivery vehicle(s), as applicable;
 5. Site design such that it provides convenient, secure and safe access and egress for clients and employees arriving to and from the site.
 6. Design and appearance of proposed buildings, structures, freestanding signs, screening and landscaping; and
 7. Adequacy of water supply, surface and subsurface drainage and light.
 - iii. a description of the security measures, including employee security policies;
 - iv. a copy of the emergency procedures;
 - v. a copy of proposed waste disposal procedures; and
 - vi. a copy of all licensing materials issued by the Cannabis Control Commission or Department of Public Health, and any materials submitted to these entities by the applicant for purposes of seeking licensing to confirm that all information provided to the Planning Board is consistent with information provided to the Cannabis Control Commission and/or Department of Public Health, as applicable.
 - b. The SPGA shall refer copies of the application to all Town departments and boards/commissions, including but not limited to the Building Department, Fire Department, Police Department, Board of Health, and the Conservation Commission. These boards/departments shall review the application and shall submit their written recommendations. Failure to make recommendations within 35 days of referral of the application shall be deemed lack of opposition.
2. Special Permit Conditions on Marijuana Retailers: The SPGA shall impose conditions reasonably appropriate to improve site design, traffic flow, public safety, protect water quality, air quality, and significant environmental resources, preserve the character of the surrounding area and otherwise serve the purpose of this section. In addition to any specific conditions applicable to the applicant's Marijuana Retailer Establishment, the SPGA may include the following conditions in any special permit granted under this Bylaw:
 - a. The use shall not generate outside odors from the sale of marijuana and marijuana products.
 - b. A Security Plan shall be required for all Marijuana Retailers, which shall be subject to approval by the Fire and Police Chiefs and submitted to the Planning Board.
 - c. The permit holder shall provide to the Zoning Enforcement Officer and Chief of the Police Department, the name, telephone number and electronic mail address of a contact person in the event that such person needs to be contacted after regular business hours to address an urgent issue. Such contact information shall be kept updated by the permit holder.
 - d. Marijuana Retailers may not operate, and the special permit will not be valid, until the applicant has obtained all licenses and permits issued by the Commonwealth of Massachusetts and any of its agencies for the facility.

- e. Marijuana Retailers may not operate, and the special permit will not be valid, until the applicant has entered into a Host Community Agreement with the Town relative to any facility permitted under this Bylaw.
- f. A special permit granted under this Section shall have a term limited to the duration of the applicant's ownership and use of the premises as a Marijuana Retailer. A special permit may be transferred only with the approval of the Planning Board in the form of an amendment to the special permit.
- g. The special permit shall lapse upon the expiration or termination of the applicant's license by the Cannabis Control Commission.
- h. The permit holder shall notify the Zoning Enforcement Officer and SPGA in writing within 48 hours of the cessation of operation of the Marijuana Retailer's expiration or termination of the permit holder's license with the Cannabis Control Commission

10.3.6 Prohibition Against On-Site Consumption

No marijuana shall be smoked, eaten, or otherwise consumed or ingested in public or on the premises of a Marijuana Retailer absent a positive vote by ballot question presented to the voters of the city or town at a biennial state election pursuant to MGL Chapter 94G, Section 3(b).

10.3.7 Prohibition Against Nuisances

No use shall be allowed which creates a nuisance to abutters or to the surrounding area, or which creates any hazard, including but not limited to, fire, explosion, fumes, gas, smoke, odors, obnoxious dust, vapors, offensive sound or vibration, flashes, glare, objectionable effluent or electrical interference, which may impair the normal use and peaceful enjoyment of any property, structure or dwelling in the area.

10.3.8 Severability

The provisions of this Bylaw are severable. If any provision, paragraph, sentence, or clause of this Bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this Bylaw.

Or take any other action relative thereto.

No Vote Taken

ARTICLE 20: Local Acceptance: Marijuana Retailer Local Sales Tax

To see if the Town will vote to accept the provisions of MGL Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products.

Or take any other action relative thereto.

No Vote Taken

Challenge to the Quorum

Edmond Bertrand, Perkins Street, challenged the quorum at 4:40pm. The counters came out and notified the moderator that indeed the Meeting was short 18 residents. Although this did not affect past vote results, the Meeting cannot continue without the 5% quorum.

Moderator Reid requested a 20-minute recess for residents to call for reinforcements.

At 5:20, after several counts, it was clear that a quorum would not be had. **Jack Wilhelm**, on behalf of the Board of Selectmen, made a motion to adjourn until Saturday April 28, 2018 at 1pm at The Buker School.

Michelle Bailey, Remington Road, suggested that weeknight meetings will garner more attention than another Saturday afternoon meeting.

Moderator Reid took a non-binding vote to see if weeknights were preferable to weekends. There was a majority who preferred weeknight.

Jack Wilhelm, on behalf of the Board of Selectmen, moved to adjourn the meeting until Monday April 23, 2018 at 7pm at The Buker School. Seconded and all in favor.

Annual Town Meeting Part 2: Monday April 23, 2018 at 7pm

Moderator Trudy Reid opened the meeting at 7:38 and at 7:39pm a quorum was confirmed. The Meeting recited the Pledge of Allegiance and after quick introductions, the Meeting picked up on Article 21.

ARTICLE 21: Bylaw Adoption: Short term Guest Rentals in Homes Bylaw

To see if the Town will amend the General Bylaws by inserting a new Chapter XXX: Short term Guest Rentals in Homes, as follows,

Chapter XXX: Short term Guest Rentals in Homes

SECTION 1

Purpose

The rental of rooms in residential premises to short term guests, not otherwise expressly licensed for such purpose by the Town of Wenham or other proper authority, shall be allowed only in properties whose owners have obtained an annual license in accordance with the requirements of this by-law from the Board of Selectmen. The licensing process is designed to protect the health and welfare of the short term guests, to ensure an orderly and transparent process for operating small-scale room rental services, and to protect the tranquility of residential neighborhoods.

SECTION 2

Applicability

The rental of rooms in residential premises to short term guests is allowed in owner-occupied residential premises pursuant to being licensed in accordance with this by-law and consistent with the Town's Zoning By-law. Short term guests are those who are staying in a dwelling unit for less than six (6) consecutive nights. The Board may allow up to a maximum of four (4) short term guests at a time, provided suitable accommodations exist as determined by the Board in accordance with this by-law, and further provided that such maximum number shall be reduced by one for each non-short term guest or boarder residing in the same residential premises.

SECTION 3

Process

Every owner of residential premises who offers rooms for rent to short term guests must first obtain a license to do so from the Board of Selectmen. Licenses are valid for a calendar year and must be renewed annually. Application for a license can be made at any time but the license shall expire December 31 of the subject year. A completed application will be reviewed and a decision rendered at a public meeting of the Board of Selectmen.

SECTION 4

Applications

Application shall be made on a form approved by the Board of Selectmen and shall contain sufficient information to determine the exact nature of the proposed short term rental operation, including location, number of rooms to be rented and whether food will be served to the guests.

Completed applications shall contain the following:

1. Affidavit confirming Board of Health compliance regarding:
 - a. Food Safe certification if serving meals
 - b. Compliance with the State Sanitary Code.
2. Affidavit confirming Fire Department compliance regarding:
 - c. Fire and CO alarms per code
 - d. Fire escape routes marked for each room
3. Affidavit confirming a valid Certificate of Occupancy
4. Provision of a local authorized agent who can act on behalf of the owner in the absence of the owner in the case of any problems, violations or emergencies should they arise while the owner is not present.
5. Signed agreement to maintain a guest registry showing the name of each guest and the night(s) of their stay.

The registry shall be made available for review at any time at the request of the Enforcement Agent.

Application Fee: The Board of Selectmen shall annually set a fee for applying for a Short term Guest Rental Home License. The fee must be paid at time of application.

The Board of Selectmen may grant licenses to those persons submitting applications in compliance with the requirements of this by-law. A license issued under this by-law shall not be deemed to supersede the application of any other lawful requirements applicable to the use authorized therein, including the necessity of obtaining other licenses or permits.

Owners are encouraged to adhere to guidelines for the short term rental of rooms that the Selectmen shall promulgate from time to time.

SECTION 5

Complaints and Enforcement

1. The Board of Selectmen may designate such Town officials as they deem appropriate to carry out the enforcement duties under this by-law.
2. If the Enforcement Agent as designated by the Board concludes that there has been a violation of this by-law or of the conditions of any license issued hereunder, shall send to the license holder, by registered mail to the address stated on the initial Application, a notice ordering cessation of the improper activities,

3. If a license holder persists in such violation, the Enforcement Agent may seek enforcement of this by-law through the mechanisms set forth in Chapter XIX and Chapter XXIX of the General By-laws; and the penalty for violations of this by-law shall be a fine of \$300 for each day an offense occurs.
4. In the event that license holder persists in such violations, the Board may notify the license holder by mail as above, of a hearing to be held not less than four (4) days thereafter to show cause why said license should not be revoked, and following said hearing, may in its discretion, modify, revoke or amend the license.
5. Upon petition of the property owner and/or license holder, abutters, or upon its own initiative, the Board of Selectmen may hold a hearing to determine whether or not the terms of this by-law, any other applicable state, federal or local law, or the license itself, are being complied with, and/or whether or not activities conducted pursuant to a license issued under this by-law constitute a nuisance or adversely impact the public health, safety or welfare.
6. The Board of Selectmen may, after hearing, mandate licensure, modify, revoke or suspend a license issued hereunder.
7. In addition, should the Board of Selectmen, after hearing, determine that a violation has occurred, it may direct the Enforcement Agent to seek enforcement of this by-law as set forth in paragraph 3, above.

SECTION 6

Validity

The invalidity of any section or provision of this by-law shall not invalidate any other section or provision thereof. Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0).

Purpose: This article seeks to establish a standardized annual licensing process for residents who rent out rooms in their homes on a short term basis. The bylaw would ensure that these property owners comply with all relevant fire, health and other pertinent safety codes. As written, this bylaw would also limit the number of guests permitted in any such residence to a maximum of four.

Motion: **Jack Wilhelm**, on behalf of the Board of Selectmen, moved that the Town vote to amend the Town's General Bylaw by inserting a new Chapter XXX: Short term Guest Rentals in Homes, to establish an annual licensing process for short term guest rentals in homes designed to protect the health and welfare of the guests, to ensure an orderly and transparent process for operating these small-scale room rental services, to protect the tranquility of residential neighborhoods, and to ensure proper enforcement of said bylaw, as set forth in Article 21 in the warrant.

Discussion: Residents **Kirsten Alexander**, Larch Row, **Lauren Swartz**, Conrad Circle, and **Kristin Crockett**, Birch Road, expressed concerns about limiting resident's ability to make some money, the limit on guests, and for not opening this potential up to the community. **Kathryn Gallagher**, Larch Row said she has had no issues with guests as she has used AirBnB and VRBO. She would also like the Town to wait until the State finalizes their short term rental regulations before making our own. **Susan Burnett-Halling**, Juniper Street. made a motion to table this article and this passed with a 2/3 majority vote.

Action: No vote was taken on Article 21.

ARTICLE 22: Zoning Bylaw Amendment: Accessory Apartments

To see if the Town will vote to amend the Zoning Bylaw Section 4.3, Accessory Uses, by: deleting the strikethrough text and inserting the bold italic text and further by inverting the text of Sections 4.3.2.1. and Section 4.3.2.2., all as set forth below:

4.3 Accessory Uses

4.3.1 General

An accessory use shall be permitted only where on the same lot with, and customarily incidental to, any of the uses permitted in the district. Specific accessory uses are regulated as set forth in the Table of Use Regulations. The term accessory use shall include but not be limited to the specific examples addressed below.

4.3.2 Accessory Apartment

4.3.2.1 Special Permit Required

The Zoning Board of Appeals, by special permit, may authorize one accessory apartment within or as an attached portion of a single family dwelling unit or within an accessory building subject to the following:

- 1) One of the units shall be occupied by the resident owner of the premises.
- 2) The accessory apartment shall not exceed thirty-five percent (35%) of the floor area of the principal structure or one thousand (1000) square feet, whichever is less, and two (2) bedrooms.

4.3.2.2 General Requirements

The following general requirements apply to all accessory apartments including affordable accessory apartments.

- 1) The accessory apartment shall be a complete separate housekeeping unit that functions as a unit separate from the principal unit.
 - 2) The lot shall contain at least twenty thousand (20,000) square feet (exclusive of wetlands and floodplains) unless the accessory apartment is in an accessory building, in which case the lot shall contain at least forty thousand (40,000) square feet (exclusive of wetlands and floodplains).
 - 3) Off-street parking for a minimum of three (3) vehicles shall be provided in the driveway or an accessory garage.
 - 4) To the extent feasible, the appearance of a single-family building shall be preserved.
 - 5) Only one accessory apartment may be created on a lot.
 - 6) Adequate provision shall be made for the disposal of sewage, waste, and drainage generated by the occupancy of the accessory apartment in accordance with the requirements of the Board of Health.
 - 7) Adequate provision shall be made for ingress and egress to and from the accessory apartment.
- Adequate landscaping shall be provided around the lot or the building(s) in order to preserve the single family residential character of the Neighborhood.

4.3.3 Affordable Accessory Apartment

Where the applicant demonstrates to the satisfaction of the Board of Appeals that the apartment will be made available to low and moderate income households in accordance with the regulations concerning G.L. c. 40B and 760 CMR 45.00, as they may be amended from time to time, the Zoning Board of Appeals, by special permit, may authorize an accessory apartment that does not exceed fifty percent (50%) of the floor area of the principal structure, fifteen hundred (1500) square feet and three (3) bedrooms subject to the following subsections as well as to the general requirements set forth in Section 4.3.2.2. The applicant shall subject the property to restrictions necessary to ensure that the Affordable Units will remain affordable. The form and substance of the restrictions and the tenant selection process shall be subject to approval by the Zoning Board of Appeals.

4.3.3.1 Special Permit Procedures

The procedures and standards for the submission and approval of a special permit application as set forth in Section 13.4 ~~shall be~~ ~~are~~ complied with except that:

- 1) The applicant shall submit a notarized letter stating that the owner of the premises will occupy one of the dwelling units at all times, except for bona fide temporary absences. This shall be a condition of any special permit;
- 2) The application shall include a floor plan of 1/4 inch to a foot showing proposed changes to the building and a site plan showing the location of the building(s) and the parking spaces.

4.3.4 Decision

~~The special permit shall not be made personal to the applicant and shall instead run with the land.~~

~~Unless the permit expressly provides otherwise, all~~ **All special permits pursuant to section 4.3.2 and 4.3.3 shall lapse at the expiration of one year from their granting. Unless otherwise expressly provided in the permit, *The special permit granting authority shall condition each special permit to terminate on the yearly anniversary date of the grant of the special permit and the special permit*** Special Permits for Accessory Apartments will automatically be renewed on an annual basis unless written objection is filed with the Town Clerk prior to any anniversary date. In the event of written objection, a public hearing shall be held prior to deciding whether the Special Permit will be renewed.

Such Special Permit shall automatically terminate upon the sale, transfer or other change in ownership of the property of which such accessory apartment forms a part unless the property is being purchased with the intent to continue the use. In such case, the new owner shall make an application to transfer the Special Permit or for the issuance of a new Special Permit, which must be submitted to the ~~Planning Board~~ Zoning Board of Appeals 60 days of the sale or transfer of the property.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0). The Planning Board held public hearings on this proposed zoning bylaw on March 5 and March 29 and recommended favorable action (4-0).

Purpose: This article makes minor changes to an existing zoning bylaw. It clarifies that approvals of all affordable accessory apartments run with the land and not the applicant. These affordable accessory apartments must be approved by the zoning board of appeals. Special permits will still be subject to the same annual renewal process. When the properties with permitted accessory apartments change hands, the new owners can apply to the zoning board of appeals to transfer the existing permit as long as they intend to continue the same use.

Motion: Ann Weeks, on behalf of the Planning Board, moved that the Town vote to amend the Zoning Bylaw Section 4.3, Accessory Uses, by: deleting the strikethrough text and inserting the bold italic text and further by inverting the text of Sections 4.3.2.1. and Section 4.3.2.2., as set forth in Article 22 in the warrant.

Discussion: None

Action: Article 22 passed unanimously.

Ann Weeks moved to amend the main motion by striking the words “Planning Board” in the 2nd paragraph of Section 4.3.4 Decision and replacing them with “Zoning Board of Appeals”.

Discussion: Ann Weeks explained that this closes any confusion on accessory apartments. There was no more discussion.

Action: The amendment to Article 22 passed unanimously.

ARTICLE 23: Zoning Bylaw Amendment: Common Driveways

To see if the Town will vote to amend the Zoning Bylaw by inserting a new paragraph (6) in Section 5.2.6.5, Common Driveways, striking the word “this” and inserting in 5.2.6.5 a reference to Section 5.2.6, Residential Driveways, by deleting the strikethrough text and inserting the bold italic text, all as set forth below:

5.2.6.5 Common Driveways

Common driveways serving not more than three (3) lots may be allowed by special permit by the Planning Board. A common driveway must satisfy all of the conditions in ~~this~~ ***Section 5.2.6*** Residential Driveways as well as all of the following conditions:

- 1) The centerline intersection with the street centerline shall not be less than 45 degrees;
- 2) A minimum cleared width of 12 feet shall be maintained over its entire length;
- 3) A roadway surface of a minimum of pavement or at least 4 inches of graded gravel, placed over a properly prepared base, graded and compacted to drain from the crown shall be installed;
- 4) The driveway shall be located entirely within the boundaries of the lots being served by the driveway;
- 5) Proposed documents shall be submitted to the Planning Board demonstrating that, through easements, restrictive covenants, or other appropriate legal devices, the maintenance, repair, snow removal, and liability for the common driveway shall remain perpetually the responsibility of the private parties, or their successors-in-interest;
- 6) *Each lot served by the common driveway shall have adequate frontage as required by the Zoning Bylaw Dimensional Requirements (Section 5.1).***

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0). The Planning Board held public hearings on this proposed zoning bylaw on March 5 and March 29 and recommended favorable action (4-0).

Purpose: This article seeks to amend an existing zoning bylaw to clarify that common driveways may be used to access up to three lots but each lot needs to meet the requisite dimensional requirements. This change makes it clear that the common driveway cannot be counted in making frontage calculations for accessing backland that would otherwise be unbuildable.

Motion: **Ann Weeks**, on behalf of the Planning Board, moved that the Town vote to amend the Zoning Bylaw by inserting a new paragraph (6) in Section 5.2.6.5, Common Driveways, striking the word “this” and inserting in Section 5.2.6.5 a reference to Section 5.2.6, Residential Driveways, by deleting the strikethrough text and inserting the bold italic text, as set forth in Article 23 in the warrant.

Discussion: **Michelle Bailey**, Remington Road, questioned what is changing. Ann Weeks explained that there are no changes to the bylaw but is just making it more understandable.

Action: Article 23 passed by a 2/3 vote.

ARTICLE 24: Zoning Bylaw Amendment: Personal Wireless Service Facilities

To see if the Town will vote to amend the Zoning Bylaw to insert in Section 12.4.3.3. a missing reference to Section 12.4.5.6, with text to be inserted shown in bold italics, as set forth below:

12.4 Personal Wireless Service Facility

12.4.3.3 A PWSF that exceeds the height restrictions of this Section may be permitted by special permit in accordance with Section ***12.4.5.6***, below.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0). The Planning Board held public hearings on this proposed zoning bylaw on March 5 and March 29 and recommended favorable action (4-0).

Purpose: This article corrects a reference that had inadvertently been omitted when this zoning bylaw regulating cell towers was first approved in 2000. It is intended to avoid any potential confusion if any such application were to be submitted to the Planning Board.

Motion: **Ann Weeks**, on behalf of the Planning Board, moved that the Town vote to amend the Zoning Bylaw to insert in Section 12.4.3.3. a missing reference to Section 12.4.5.6, with text to be inserted shown in bold italics, as set forth in Article 24 in the warrant.

Discussion: None

Action: Article 24 passed unanimously.

ARTICLE 25: Local Acceptance: Municipal Veterans Assistance Fund

To see if the Town will vote to accept the provisions of MGL Chapter 60, Section 3F to establish a municipal veterans assistance fund, whereby the Town may designate a place on its municipal property tax bills, motor vehicle excise bills, or mail with such bills a separate form for taxpayers to voluntarily check off, donate and pledge an amount of money for support of veterans and veterans services as authorized by the law.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

Purpose: This local acceptance would establish a new Veterans Assistance Account that would be funded by donations from residents. State Aid has very stringent eligibility standards so very few Wenham veterans are able to take advantage of those programs. Our local Veterans Committee, working with our District Veteran's Service Officer, would oversee the distribution of these funds to Wenham veterans who apply for assistance with food, transportation and heating bills.

Motion: John Clemenzi, on behalf of the Board of Selectmen, moved that the Town accept the provisions of MGL Chapter 60, Section 3F to establish a municipal veterans assistance fund, whereby the Town may designate a place on its municipal property tax bills, motor vehicle excise bills, or mail with such bills a separate form for taxpayers to voluntarily check off, donate and pledge an amount of money for support of veterans and veterans services as authorized by the law.

Discussion: None

Action: Article 25 passed by a majority.

ARTICLE 26: Local Acceptance: Modification to Senior Circuit Breaker Tax Exemption Program

To see if the Town will vote in accordance with MGL Chapter 59, Section 5, Clause Forty-First C½, which statute provides the Town with greater flexibility to customize the so-called "senior circuit breaker program", a property tax exemption for income eligible seniors, by reducing the eligible age of seniors from 70 to 65 years, and by increasing the amount of the exemption from 5% to 10%; provided, however, that such statute must be accepted by the Town at the 2019 Annual Town Election in the form of the following question, "Shall G.L. c.59, §5, Clause Forty First C½, granting real estate property tax reductions to qualifying senior citizens, be accepted?"

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0) as did the Finance & Advisory Committee (4-0-0).

Purpose: This article seeks to align the income eligibility standards for our senior circuit breaker tax programs with those of the State. It is expected that these changes will significantly increase the number of elderly residents who will be able to apply this exemption to their local property taxes. The proposed changes to this local option statute seek to reduce the eligibility age from 70 to 65 and to set the exemption amount at 10% of the average property tax bill. If this article is approved at Town Meeting, it will require a ballot vote in 2019 so it will not go into effect until fiscal year 2020.

Motion: Jack Wilhelm, on behalf of the Board of Selectmen, moved that the Town vote in accordance with MGL Chapter 59, Section 5, Clause Forty-First C½, to reduce the eligible age of seniors from 70 to 65 years, and to increase the amount of the exemption from 5% to 10%; provided, however, that such statute must be accepted by the Town at the 2019 Annual Town Election.

Discussion: None

Action: Article 26 passed by a majority.

ARTICLE 27: Modification to Elderly Property Tax Deferral Program Interest Rate

To see if the Town will vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under MGL Chapter 59, Section 5, Clause Forty-First A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2018.

Or take any other action relative thereto.

SECTION 2

The Board of Selectmen shall appoint a Municipal Hearing Officer to conduct hearings of alleged violations of the Bylaws and Regulations specified in this Chapter.

SECTION 3

The following Bylaws and Regulations and the specified penalties attached thereto shall be included within the procedure established under this Chapter. Each day a violation is committed or permitted to continue shall constitute a separate offense and may be penalized as such hereunder:

Bylaw or Regulation	Subject	Penalty
Chapter XXI	Water Use Restrictions	\$50 (first offense), \$100 (subsequent offenses)
Chapter XXX	Short term Guest Rentals in Homes	\$300

SECTION 4

Notwithstanding the provisions of this Bylaw, the Town may enforce its Bylaws and regulations or enjoin violations thereof through any lawful process, including but not limited to through Non-Criminal Disposition as set forth in Chapter XIX of the Town’s General Bylaws, and the election of one remedy by the Town shall not preclude enforcement through any other lawful means.

SECTION 5

The invalidity of any section, provision, paragraph, sentence, or clause of this Bylaw shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

Or take any action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Purpose: This local option statute as outlined in the proposed bylaw would allow the Town to administer and recoup fines for a select few bylaw violations at the local level instead of going through the non-criminal disposition process with the district courts. Under this bylaw, any unpaid water ban violations would be applied to the resident’s tax bill.

Motion: John Clemenzi, on behalf of the Board of Selectmen, moved that Article 30 be approved as written and to amend the bylaw by striking violations related to the short term guest rentals.

Discussion: None

Action: Article 30 was passed by a majority.

ARTICLE 31: Change in Moderator Term from 1 Year to 3 Years

To see if the Town will vote to increase the term of the Town Moderator from one year to three years, provided that if this article is approved, the office of Moderator shall appear on the ballot at the 2019 Annual Town Election for a term of three years.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (2-0-0).

Purpose: This article seeks to increase the tem of the moderator from a 1 year to a three year term. If approved, this change would go into effect at the 2019 Town Election.

Motion: Catherine Harrison, on behalf of the Board of Selectmen, moved that the Town vote to increase the term of the Town Moderator from one year to three years, with the office of Moderator to appear on the ballot at the 2019 Annual Town Election for a term of three years.

Discussion: Larry Swartz, Conrad Circle made a motion to postpone this article indefinitely. It was seconded. There was no debate. VOTE: The motion did not pass.

Action: Article 31 passed by a majority.

ARTICLE 32: Bylaw Amendment: Change in Town Meeting Quorum Requirements

To see if the Town will vote to amend Chapter 1, Section 1 of the Town Bylaws with respect to the quorum requirement for Town Meeting, by deleting the strikethrough text and inserting the bold italic text, all as set forth below:

~~Five percent of the registered voters on the voting list at the time of an annual town meeting~~ **One hundred and twenty registered voters of the Town** shall constitute a quorum for ~~such~~ **each** annual **and special town** meeting, and ~~two percent of the registered voters on the voting list at the time of the annual town meeting shall constitute a quorum for all special town meetings prior to the next annual town meeting,~~ provided that a number less than a quorum may from time to time adjourn the same. This section shall not apply to such parts of meetings as are devoted to the election of town officers.

Or take any other action relative thereto.

Recommendation: The Board of Selectmen recommended favorable action (3-0-0).

Purpose: This article seeks to decrease the quorum requirement from the 5% of registered voters to a fixed number of 120 voters starting in 2019. This is thought to ensure that Wenham does not have to postpone or continue any future town meetings due to a lack of quorum. The article will also increase the quorum for a special town meeting which is currently 2% of registered voters to the same fixed number of 120 voters.

Motion: **Jack Wilhelm**, on behalf of the Board of Selectmen, moved that the Town vote to amend Chapter I, Section 1 of the Town's General Bylaws to change the Town Meeting quorum requirement from 5% of registered voters for Annual Town Meeting and 2% of registered voters at Special Town Meeting to a fixed number of 120 registered voters for Annual and Special Town Meeting, as set forth in Article 32 in the warrant.

Discussion: **Jack Wilhelm** explained that Wenham has the highest quorum requirement for an Annual Town Meeting and the smallest for a Special Town Meeting. Wenham is also the only municipality that does not have a fixed number but a percentage. **Dave Reid**, Topsfield Road, made a motion to amend the article by reducing the quorum number to 100. It was seconded. **Catherine Harrison**, Pleasant Street, said that she understands the quorum issue however Wenham's attendance records from 2007 through 2017 shows that Wenham's lowest attendance was 150. She thinks 120 is a good number. VOTE on the amendment did not pass.

Action: Article 32 passed by a majority.

REPORT

As written in the citizen's petition at the Annual Town Meeting 2017, the so-created Longmeadow Study Committee was to present its findings at the Annual Town Meeting 2018. The committee formed from that citizen's petition included Jack Wilhelm and Joseph Amico from Wenham. The committee decided to pass on any purchase of this land based on the fact that neither Boards of Selectmen nor the Recreation Committee could find any use for the land. The school committee did not have a final decision on the land.

ARTICLE 33: Election of Town Officers

To choose the following officers:

Board of Assessors, one position, three year term; Board of Health, one position, three year term; Board of Selectmen, one position, three year term; Hamilton Wenham Regional Library Trustee, two at-large positions, three year terms; Hamilton Wenham School Committee, two positions, three year terms; Moderator, one year term; Planning Board, one position, five year term and one position for three years – to fill an unexpired term; Water Commissioner, one position, three year term; Wenham Housing Authority, one position, five year term.

And to answer the following questions:

Shall the Town of Wenham be allowed to assess an additional \$331,294 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2019 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee?

Shall the Town of Wenham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Hamilton-Wenham Regional School District for the purpose of paying costs of installing a fire suppression system at the Winthrop Elementary School, including the payment of all costs incidental or related thereto?

Shall the Town of Wenham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay the Town's allocable share of the bond issued by the Hamilton-Wenham

Regional School District for the purpose of paying costs of various FY19 “Safety, Accessibility and Critical Infrastructure” capital projects within the District as outlined in the District’s Five-Year Capital Plan dated February 13, 2018, including the payment of all costs incidental or related thereto?

CLOSING

Moderator Reid thanked everyone for coming and accepted a motion to dissolve which was seconded at 8:18pm.

BYLAW CHANGES

The amendments to the Town of Wenham Zoning By-laws adopted under Articles 17, 22, 23 & 24 of the Warrant for the Annual Town Meeting that convened on April 7, 2018 and adjourned on April 23, 2018 have been approved by the Attorney General on June 4, 2018 and are hereby posted pursuant to Massachusetts General Law, Chapter 40, §32.

The amendments to the Town of Wenham General By-laws adopted under Articles 30 & 32 of the Warrant for the Annual Town Meeting that convened on April 7, 2018 and adjourned on April 23, 2018 have been approved by the Attorney General on June 4, 2018 and are hereby posted pursuant to Massachusetts General Law, Chapter 40, §32.

The amendment to the Town of Wenham General By-laws adopted under Article 9 of the Warrant for the Annual Town Meeting that convened on April 7, 2018 and adjourned on April 23, 2018 have been approved by the Attorney General on October 3, 2018 and are hereby posted pursuant to Massachusetts General Law, Chapter 40, §32.