KW 10.27

TOWN OF WENHAM

APPROVED 12.16.14

Board of Selectmen
Meeting of Tuesday, October 7 2014
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, § 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on OCTOBER 7, 2014 at 7 PM in the Selectmen Chambers.

WELCOME AND OVERVIEW OF THE AGENDA
With a quorum present, Chairman Wilhelm called the meeting to order at 7 PM
Selectmen Present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk
Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary
The meeting was recorded with permission by HWCAM. * The meeting was recorded by Patrick Smith.

Public Information
Agenda
Announcements
Grant Summaries / Town Administrator Recommendation
Warrant for the State Election – November 4, 2014
Harborlight Community Partners – Letter September 24, 2014
Appointment Letters of Interest
Draft Budget Schedule FU 2016
Action Plan to the BOS Retreat
Memorandum – Town Administrator's Evaluation

PUBLIC INPUT / PRESENTATION BY GUESTS
Harriet Davis, Chair of the Community Preservation Committee (CPC) announced a public hearing on October 29, 2014 to give a financial overview of the CPC, discuss the schedule of the process, and provide an opportunity for the community to come forward with possible projects. Applications for Community Preservation funds will be due in early January 2015.

ANNOUNCEMENTS
1. Joint Board of Selectmen's Meeting with Joint Recreation Commission – Monday, October 27, 2014 at the HW Library regarding proposed pool
2. State Election s are Tuesday, November 4, 2014 at Town Hall
3. There is an opening on the Zoning Board of Appeals
4. Wenham Fire Department Open House – Wednesday, October 8, 2014

NEW BUSINESS
Conservation Commission - update
Phil Colarusso, Chair of the Conservation Commission and Coordinator Emilie Cademartori were present to give an update on the major agenda items of the Conservation Commission.
The First year of "The Food Project", that ran the Reynolds Farm, was a successful. Next year the northern portion of the property will also be farmed.
The Salem Beverly Water Supply Board, as a public utility, will be doing their annual maintenance of the right of ways which will include the trimming /cutting of trees; those properties affected are listed with the conservation planner. The Board is also overseeing the aeration of Wenham Lake. White buoys will be in the lake during this process to increase oxygen and improve the quality of the water.
The Conservation Commission and Zoning Board of Appeals are considering meeting jointly on important projects

Cable Licensing Process – Comcast
Attorney Bill August was present to update the Board and give an overall summary of the cable license renewal process with Comcast. The current contract expires in March 2015.

KW 10.27
He reviewed the public hearing when strong testimony was given in favor of Comcast continuing the support for local facilities in Wenham and Hamilton. Under the Cable Act, towns can go into informal negotiations, which Wenham is currently in, or go into a "formal process; this right has been reserved, if not resolved during informal negotiations. Comcast has offered Wenham and Hamilton annual support for (public/ educational / government) community cable channel, at 5% of the gross annual revenue; this is the maximum they can offer under the Cable Act and is subject to annual growth. This compared to the previous contract of 1.75 % a year plus a fixed payment amount that increased annually by 3 %. This is only a portion of the ongoing negotiations. One other part of the negotiations is a proposed capital equipment allowance of $57,500 payable in 10 equal payments annually.
Attorney August went on to compare this offer with Verizon contract that expires in 2021, that pays 5% annually but has no funding for capital. Comcast is competing against this contract by providing for capital.
He noted Comcast has 45 % of subscribers and therefore 45% of gross annual revenue ($240,000).
Attorney August also noted the importance of a third channel for Wenham Hamilton community cable. If the Town wants to change from informal to formal negotiations, a Request for Proposal must be made by November 1, 2014.
Mr. Whittaker requested the Cable Committee provide an analysis to the Board and a recommendation.
This decision is independent from the Town of Hamilton, but it should be coordinated as a matter of strategy.
Chairman Wilhelm asked for an update on what "asks" are being provided and that Attorney August provide a formal written recommendation to the Wenham Selectmen to be acted upon at the October 21, 2014.

Green Communities Grant
Present: Joanne Bisetta, Northeast Coordinator for the Green Communities Division of the Mass Department of Energy Resources; Bill Tyack, Director of Department of Public Works; Sue Petrolia, Green Energy Coordinator
Mr. Andrews reviewed the BOS asked for guidance and recommendations relative to the Green Communities Grant. The Town became a "Green Community" in 2010, which allows the Town to pursue various methods of funding for sustainable clean energy programs. The Town participated in the Clean Energy program as designed by MAPC (Metropolitan Area Planning Council) and received a $248, 029 Green Communities grant. This fully funds the acquisition of the streetlights and retro-fitting of LED (Light Emitting Diode) lights, town wide, including the Library, Iron Rail, and Town Hall. This change is estimated to reduce the Town's ($50,000) electric bill in half due to energy savings and reduced maintenance. The Town of Hamilton received a similar grant, with the tows sharing the school lighting. Additional incentives will cover costs not included in the $249,029 grant. The Town will have a choice of LED lighting options e.g. brightness / shades. Seven towns have joined in the purchase of lights as a group rate.

Vote: Mr. Whittaker moved, and it was seconded, the BOS accept the $248,029 grant for projects listed on the Grant Award Letter dated July 14, 2014. The motion carried unanimously.

State Energy Management Grant
Mr. Andrews recommended the BOS accept the $24,690 State Energy Management Grant for the Towns of Wenham and Hamilton for the hiring of a part time Energy Manager to coordinate the Green Communities Grant. This person will assist local efforts to reduce municipal energy use/costs. This is a progressive grant, meaning that Wenham will be responsible for a portion of this salary in the second year (estimated) of $2,600. He confirmed the Town could end this position at any time after the first year. Funding for the second year is contingent on a successful first year. Ms. Harrison continued to voice her concern that the town is adding an employee.
Mr. Andrews confirmed Victoria Masone is being recommended for this part time position and understands this is to be a part time, temporary, and at will.

Vote: Mr. Whittaker moved, and it was seconded, to approve and accept the State Energy Manager grant for $24,690 for a shared Energy Manager program with the Town of Hamilton and the Hamilton Wenham Regional School District. The motion carried unanimously.

BOS to Sign Warrant for State Election on November 4, 2014
Vote: Ms. Harrison moved to approve and accept the Town of Wenham Election warrant for the State General Election to be held on Tuesday November 4, 2014 as presented by the Town Clerk. The motion carried unanimously.

KW 10.27
Mr. Wilhelm noted the BOS voted to change the annual town meeting date to April 11, 2015 contingent on the Town of Hamilton also voting the same date for their town meeting. Mr. Andrews will confirm the Hamilton BOS has made a formal vote.

Discussion of Proposed Special Meeting on Affordable Housing – November 5, 2014
Chairman Wilhelm reviewed that Harborlight Community Partners has applied to state for permit to go to ZBA for comprehensive permit to build affordable housing for seniors on Maple Street in Wenham; the application for such a permit is anticipated to be filed with the ZBA this week.
The original thought was to hold a public discussion / meeting to talk about affordable housing, the ten percent threshold, and the proposed project. However, with the ZBA anticipating an application, public hearings will be scheduled as required.
It was the consensus of the Selectmen that the Board not hold any forums at this time, as the process through the ZBA is transparent and public; the hearings allow public input and questions regarding the application.
The ZBA hearing is scheduled for November 5, 2014.
Ms. Cademartori noted Harborlight has mailed this information to neighbors to increase awareness and the agenda will be available and posted on the Towns web site earlier than required.
Mr. Wilhelm noted that he toured the proposed property site during one of the tour dates offered by Harborlight. Two additional tour dates are being offered.
Town Counsel, Paul Weaver concurred with the BOS decision. He noted that any appropriation from the Community Preservation Commission requires a vote by town meeting and is not relative to the comprehensive permit. Chairman Wilhelm opined that any previous votes made by the previous BOS / CPC have expired.

Appointment Process Procedure Update
Mr. Whittaker gave a brief overview saying that he simplified the procedure and put more responsibility on the chair to vet the candidates and make recommendation to the BOS.
Ms. Harrison asked that this document be sent in a word document for proposed edits to be considered at the next meeting.

Appointments
HW Library Trustees – Margaret Whittaker, Chair of the Hamilton Wenham Library Board of Trustees requested the BOS approve the appointment of Judy Bubriski as an interim Trustee to fill the vacancy left by Doris Gallant.

Vote: Ms. Harrison moved the BOS approve the appointment of Judy Bubriski to Hamilton Wenham Library Board of Trustees for a term through the annual town elections of 2015. The motion carried unanimously.

Zoning Board of Appeals (ZBA)
The BOS acknowledged a letter of resignation dated October 1, 2014 from Tim Mansfield from the ZBA as of November 1, 2014 citing he is moving out of town. The BOS thanked Mr. Mansfield for his years of service to the Town.
Ms. Cademartori addressed the BOS saying the ZBA received a letter of interest from another architect, Chris Vance. She went on to say that it is the preference of the two sitting members of the ZBA, who are both attorney's, that another architect be appointed to fill the remaining term on the ZBA and that the Associate member, Shaun Hutchinson, who is also an attorney, continue serving as the associate member.
After a brief discussion, the Chairman asked that this be on the next meeting agenda and the Board took no action. The vacancy was announced and anyone interested in serving on the ZBA was asked to submit a letter of interest to the Town administrator's office.

The Chairman also announced the Town is seeking a Deputy Counsel to assist the Town Counsel. This person must be an attorney, and a Wenham resident.
The Town also seeks a MBTA Representative. A letter of interest has been received and will be circulated to the BOS. The BOS agreed the Town of Hamilton be asked to share this appointment.

Draft FY 2016 Budget Preparation & Town Meeting Schedule (9.16.14)
The BOS were provided with a draft of budget meeting dates.
The BOS requested an opportunity (before mid November) to hear from Department Heads what their preliminary budgets are, and what affect their budgets, if approved, would have on the tax rate, and to give general guidance. Ms. Harrison also

KW 10.27
asked that the BOS and Finance Committee meet in a joint meeting at the end of the budget process, before the Committee takes a final vote.
Mr. Whittaker asked for a copy of last years budget schedule to compare with this one.

REPORTS
Town Administrator
Update on retreat action items: The BOS priorities have been noted and listed; six of the seven items are being addressed. Regarding the Classification Study, the Collins Center has been engaged; the goal is to integrate this information into the budget process. The overall capital plan /long-range financial plan process is going forward. Mr. Andrews requested feedback from the BOS on ways to finance new capital.
Regarding the closing of Fiscal 2014, the auditors are still working on two issues. Finance Director Angel Wills was present. She reminded the Board that the fiscal year closing is the responsibility of Baystate Municipal Accounting Group, who is working closely with Powers and Sullivan. She had no additional information.
The Town continues to explore cell tower locations. Town Counsel stated that a list of parcels is available, and it needs to be determined if the locations would work and if the property owners are open to a cell tower being on their property.
Legal Base Study – Mr. Weaver is working with the Town Administrator on an overall work plan to get all documentation together including non statutory knowledge as a guide.

Evaluation of the Town Administrator - Mr. Wilhelm noted the board would be completing Mr. Andrews's evaluation in November. He asked for feedback to conduct a contained and meaningful process. He went on to suggest nine to twelve categories grading him on that are important and objective. He welcomed comments from the public be made to the Board of Selectmen.
Mr. Andrews provided the Board information from other towns practice on evaluating the Town Administrator/ Manager. A discussion followed, with Mr. Whittaker noting a similar process was followed the past few years and worked well. He suggested looking the categories used previously as a start.
Mr. Weaver opined that the open meeting law requires the evaluation discussions take place in public but the employee is entitled to a confidential performance review in the personal file. The recommended approach is to for all discussions in public and a document is written for the file.
Mr. Wilhelm asked the selectmen to provide him with categories they feel are important and these be reviewed at the next meeting.
*As a point of order, Ms. Harrison noted the meeting was being recorded and was identified as Patrick Smith, Peabody Ma.

MINUTES - September 2, 2014; September 16, 2014
The minutes were held. No action was taken.

EXECUTIVE SESSION
Mr. Whittaker announced that the BOS would enter into Executive Session to discuss litigation related to Cross Keys Retreat, 76 Topsfield Road.
Vote: Mr. Whittaker moved, and it was seconded, that the BOS enter into Executive Session according to MGL Ch 30A, Sec 21 for the purpose of (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares; and to return to open session for the purpose of adjournment. The motion carried unanimously by roll call vote.

ADJOURNMENT
The BOS returned to open session at 9:53 PM. *Mr. Whittaker moved to adjourn and it was unanimous to do so*

Respectfully submitted by

Catherine Tinsley
10.16.14