APPROVED 1.20.15

TOWN OF WENHAM

Board of Selectmen
Meeting of Tuesday December 16, 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 DECEMBER 16, 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: Catherine Tinsley, Minutes Secretary

Public Information
The meeting was audio recorded with permission by HWCAM
Agenda
Announcements
Liquor License Renewal – Documents
Used Car License Renewal - Documents
Minutes – October 7, 2014; October 21, 2014; October 27, 2014; November 18, 2014; December 2, 2014

PUBLIC INPUT
ANNOUNCEMENTS

- Town Hall Holiday Hours over the holidays were announced as follows: December 24th – closing at 1 PM. December 25th - closed; January 1, 2015 – closed
- The Annual Holiday Open House is December 17th from 3 to 5 PM in Town Hall
- Community Preservation Grant Applications are due in the Administrator's Office by 12 PM on Friday, January 9, 2015.
- The Fire Department has two openings for on-call firefighters; applications are available on the Town's web page.

Chairman's Announcements
1. Mr. Wilhelm gave a brief update regarding current and potential applications before the Town:
   - There is an ongoing appeal before the Zoning Board of Appeals (ZBA) as to whether the Enforcement Officer/ Building Inspector properly granted a reasonable accommodation under the Federal Disability Act to Cross Keys
   - There is interest in the redevelopment of the Essex Street Mullen property/Penguin Hall as a 200 bed licensed alcohol / drug addiction rehabilitation center. This is not currently before the ZBA but an application is anticipated early 2015.
   - There is a possible development of the West property at 79 Dodges Row. The applicant is in the early stages of permitting for potentially (up to) twenty homes.
   - Mass Development's report on Boulder Lane is expected at the end of December 2014. The Town owns property on Boulder Lane, and along with two other owners of adjoining properties, commissioned Mass Development to complete a comprehensive study for the best use of the property with a development strategy. A meeting of the property owners will be scheduled to review this report and if accepted, the report would be made public with a presentation by Mass Development.
   - The Maple Woods project continues through the 40B process with the Zoning Board of Appeals, and the Conservation Commission.

2. The Selectmen received an invitation to the North Shore Work Force Investment Board release of the "New Labor Market Blueprint and Economical Development Snapshot of the North Shore" on December 18th at Salem State University.
3. Wenham has received notice of the Essex Regional Retirement Board's semi annual meeting. The BOS Chair was invited to attend in the absence of a (full time) Treasurer and a Town Administrator.
4. Mr. Wilhelm noted that the Town's contribution to the Essex Regional Retirement system increases from $28,000 to $69,0000 by 2035 to fully fund Wenham's financial obligation.

NEW BUSINESS

Renewal of Annual Liquor License - Richdale, Topsfield Road: Albert Abdelmalak
Mr. Whittaker reviewed that there were a number of comments and concerns at the initial hearing to issue a liquor license to Richdale, but stated that there have been no complaints related to those concerns over the past 12 months.
Mr. Whittaker asked for public comments and there were none.
The applicant, Mr. Abdelmalak was present and stated that everything was going well and he would like to renew the license.
The Chairman confirmed with the Police / Liquor Enforcement Officer that no violations were found during the annual inspection.
Ms. Harrison stated that she received some comments, privately, regarding the number of liquor advertisement signs in the window of Richdales. She went on to reference the December 18, 2012 BOS meeting minutes when the liquor license hearing for Richdale was held. Mr. Abdelmalak agreed, in conjunction to receiving a license, not to place (alcohol related) signs outside and to only have one sign in the window.
Mr. Abdelmalak agreed to remove signs not within this agreement. Ms. Harrison asked that he receive a copy of the minutes referenced.
Ms. Harrison also referenced the agreement to limit the use of the exterior vacuum to business hours, due to the close proximity of the machine to the neighbors. Mr. Abdelmalak reported the sign he put up was missing and agreed to put up another sign.
Mr. Abdelmalak confirmed that he changed the ice delivery day, and no deliveries were made on Sundays.

Vote: Mr. Whittaker moved, and it was seconded subject to all requisites being met, to approve the renewal of the annual Retail Package Goods Store license to sell wine and malt beverages to Albert Abdelmalak, Richdale at 143 Topsfield Road, with all conditions remaining. The motion carried unanimously.

Renewal of Annual Used Car Licenses

1. Burnett's Garage- 60 Maple Street
2. Freeman's Garage- 34/36 Arbor Street
3. Fallon's Garage 233 Main Street

Mr. Wilhelm confirmed that all required information was submitted and applications completed for each license.
Ms. Harrison made a general comment on the renewal of licensing, noting that conditions are often associated with license and questioned where this information is kept, noting it is not on the license or in the BOS packet.
The Administrative Assistant was present and confirmed that the police reported no complaints for any of the applicants.
The Selectmen encouraged public comments in relationship to licensing, promising a response from the Board to do their best to resolve any issues. Ms. Harrison observed that (some) residents may be uncomfortable calling and reporting issues with their neighbors and suggested the Board further discuss options for residents to submit comments in sensitive situations.

<u>Burnett's Garage – 60 Maple Street</u>
Donald Burnett was present.
There were no public comments.

Vote: Ms. Harrison moved, and it was seconded, to accept the renewal of the annual Used Car License for Burnett's Garage at 60 Maple Street. The motion carried unanimously.

<u>Freeman's Garage – 34-36 Arbor Street</u>
Edward Freeman was present.
Ms. Harrison identified that she recently received several emails expressing concerns with Freeman's Garage.
She went on to ask Mr. Freeman to clarify if the sale of used cars was his primary business and he confirmed that it was along with the hobby of working on power equipment.
She reviewed that the complaints are similar to most with regards to a business in a residential area, but one complaint suggested that trucks frequent the property and Mr. Freedman was asked about buy and selling of junk. Mr. Freeman stated that he is removing unwanted items from the property.
Mr. Freeman was asked to speak to a complaint that off street parking blocking the sidewalk at times and he responded that this is ongoing as there are no signs prohibiting parking.

Ms. Harrison identified one request that the BOS impose hours of operation for Freeman's Garage. Mr. Freeman agreed to limit his hours of operation from 8 AM to 6 PM Monday through Saturday and not to do business on Sundays.
Mr. Whittaker observed that after reading some complaints, this appears to be both a licensing and zoning issue, and suggested the neighbors meet and try to resolve issues; Mr. Whittaker offered to be the mediator. Mr. Freeman said he would like to speak to someone at Town Hall about a complaint he had with a neighbor, noting he previously submitted a letter through the Town Administrator's office. Ms. Morong was asked to circulate this letter to the BOS.
The meeting was open for public comment.
Paul Mendonca, 38 Arbor Street said a person mistakenly knocked on his door asking to see a vehicle being sold by "John" noting Mr. Freeman referenced his friend John who picks up metal and questioned if other people would be allowed to sell vehicles at this location. Mr. Freeman stated he did not have any employees.
Mr. Mendonca mentioned that it seems impossible to enforce no sales on Sunday when cars are parked on the front lawn with "for sale" signs. Mr. Mendonca was asked to put his complaint in writing.
It was noted that Town Counsel previously issued a lengthy legal opinion that this business was grandfathered. Town Counsel will be asked to confirm if cars can be sold through this license that are not owned by Mr. Freeman is consistent with the license.

Vote: Mr. Whittaker moved, and it was seconded, to approve the renewal of the Used Car License for Freeman's Garage 34/36 Arbor Street, with the understanding that there will be further discussion, and mediation to possibly resolve issues and that Mr. Freeman keep the hours of operation from 8 AM to 6 PM Monday through Saturday. The motion carried unanimously.

Fallon's Garage – 233 Main Street
John Fallon was present.
Ms. Harrison observed that the Workers Compensation Certificate included with the application had expired. Mr. Fallon responded that last year's policy was copied in error and he would provide a copy of the new policy the next day.
The Selectmen noted there have been periodic complaints that there are unregistered vehicles on the property crowding the lot and forcing cars to be parked in the street, and that the side walk is often blocked.
Mr. Fallon said the boat on the property is his and he continues to address the parking issue.

Vote: Ms. Harrison moved, and it was seconded, to approve the renewal of the Used Car License for Fallon's Garage, 233 Main Street, with the provision that the updated Workers Compensation Certificate be submitted by December 23, 2014. The motion carried unanimously.

New Property Assessment Values
Present: Assessors Steve Gasperoni
Mr. Gasperoni reviewed that the three-year tri-annual evaluation was completed and the tax rate was certified by the Department of Revenue at $16.25 per $1000.00 of assessed value. Home assessments went up on average, 20%. The average tax bill will see an increase of $300.00. Assessed values are available on the Town's web site.
Mr. Gasperoni reviewed the timeline to apply for an abatement saying the application must be filed in January.
He briefly talked about the various exemptions available to qualified residents such as abatements, tax deferral, disabled, senior tax work off program, CPA surcharge elimination, Veterans, etc.

Engineering Peer Review Contract for 40B Maple Woods
Mr. Wilhelm reviewed that the Zoning Board of Appeals (ZBA) received a proposal from Horsley Witten Group, Boston, dated December 8, 2014, to provide an engineering peer review of the residential development proposed at 62 Maple Street. The ZBA and neighbors supported this firm be engaged. The Town will be reimbursed by the applicant for the cost of the review. The Board asked that the Finance Director confirm the funds are available.
Vote: Mr. Whittaker moved, and it was seconded, to approve award the contract to Horsley Witten Group to provide a civil engineering review services for the Maple Woods project based on funds that have been provided by Harborlight to pay for such services, as recommended by the ZBA. The motion carried unanimously.

It was noted that Town Counsel has been asked to opine on which town officials have the authority to sign documents on behalf of the Town.

Discussion and Vote on Recruitment Companies for Town Administrator Search
Selectmen Harrison and Whittaker reported on the reference checks made for the two recruiting companies that responded to the RFP, Municipal Resources Inc (MRI), and The Collins Center of UMass.
The Selectmen both reported that they received positive feed back for both candidates and satisfied with the services received; based on the references, either candidate would do a good job.

The Selectmen had a brief but thoughtful discussion of which of the two candidates would be best suited to assist Wenham with the search for a new Town Administrator, and it was agreed that MRI offered support and guidance every step of the way and had the flexibility to be more involved. Mr. Wilhelm noted his disappointment that the Board did not meet the person from the Collins Center who would be handing most of the informational gathering in town and the bulk of the work. MRI is available immediately to meet with the Board and begin the process.

Vote: Ms. Harrison moved, and it was seconded, that the Board of Selectmen in accordance with MGL Chapter 30B in response to an RFP dated October 30, 2014, the town of Wenham award the contract for consulting services for executive recruitment for a Town Administrator to Municipal Resource Inc. for a cost not to exceed the fee proposal embodied in the proposal. The motion carried unanimously.

A meeting with MRI will be scheduled for Friday, December 19, 2015.

Acceptance of Monetary Gift from Gordon College
The Board acknowledged with thanks and gratitude a gift from Gordon College of unrestricted funds for the purchase of a 2015 Interceptor Utility Vehicle.
Vote: Mr. Whittaker moved to accept this gift offered by Gordon College valued at $38,000 under all applicable laws and bylaws. The motion carried unanimously.

MINUTES – October 7, 2014; October 21, 2014; October 27, 2014; November 18, 2014; December 2, 2014
Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of ***October 7, 2014****. The motion carried unanimously.*
Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of ***October 21, 2014*** *as edited. The motion carried unanimously.*
Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of ***October 27, 2014****. The motion carried unanimously.*
Vote: Mr. Whittaker moved, and it was seconded, to accept the minutes of ***November 18, 2014*** *as edited. The motion carried unanimously.*
The **December 2, 2014** minutes were held for review; no action was taken.

Mr. Wilhelm asked to review executive session minutes that have not been released.

ADJOURNMENT
Vote: Mr. Whittaker moved to adjourn at 8:36 PM and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley