APPROVED 1.20.15

TOWN OF WENHAM

Board of Selectmen
Meeting of Tuesday, December 2, 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 2, 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 recorded with permission by HWCAM.
Agenda
IMA- Pool
IMA – Grant
Liquor License Renewal Documents
Appointment Process – Draft
Technical Assistance Grant
Refunding Documents

ANNOUNCEMENTS
1. Fire Chief Blanchard was present and announced there are two openings for call firefighters on the Wenham Fire Department. Anyone interested should contact the Fire Chief; additional information including the application is on the Town's web site.
2. Holiday schedule for Town Hall was announced:
- December 24, 2014 – Town Hall closes at 1 PM.
- December 25, 2014- Town Hall closed all day
- January 1, 2015 – Town Hall closed all day

3. The Annual Holiday Open House at Town Hall is December 17, 2015 from 3 PM to 5 PM.
4. The Town has a new position for a Deputy Town Counsel. Any resident interested should contact the Town Administrator's office.
5. Ms. Harrison gave a brief update on the Foundation Budget Review Commission that was established in FY 15 to review the foundation formula by which the state determines how much aid is given to the school districts and report back to the Legislature. This is a complicated formula devised in 1993 with the intention it be reviewed annually, but has ultimately had very little revisions to keep it updated. State Aid does not keep up with the actual costs of running schools. Public hearings are being held and Representative Hill and Ms. Harrison attended the recent hearing in Danvers and spoke on behalf of Wenham and Hamilton. Four issues brought up during the hearing were underestimated costs of: 1) Special Education 2) Health insurance 3) Technology 4) Inflation resulting in higher costs to the towns. Ms. Harrison noted that if the State "fixed" just special education and health insurance, together it would represent $750 million.
6. Wreaths Across America will be at the Topsfield Fair Grounds on December 8, 2014 at 4 PM. The public is invited to attend.

Mr. Wilhelm read a statement in response to the BOS meeting on November 18, 2014:
"The Attorney for the abutters of Cross Keys, the alcohol rehab facility on Topsfield Road, asserted that the BOS had somehow abridged the abutter's rights by agreeing to a settlement of the Cross Keys Federal Lawsuit. Subsequently their Attorney filed a motion before the court to be a party to the Settlement, which was his, and their, right to do so. The Court accepted this intervention. Thereby the abutters to Cross Keys can, and will, have their say in Federal Court, as was their right all along.

Mr. Wilhelm reiterated that the town's outside attorneys, as well as Town Counsel strongly advised the Board that the Cross Keys federal lawsuit requesting an accommodation under the Federal Disabilities Act was highly likely to prevail if a jury trial ensued. Moreover, if such a trial took place and the Town lost, the BOS was advised that the Town would lose insurance coverage and be subject to damages, possibly well in excess of $ 500,000. According to Mr. Wilhelm, (The BOS) made the only decision (they) could and the BOS could not risk asking the taxpayers to come up with $500,000 or possible much more if the Town lost. (The BOS) understands the abutters are upset with this decision but in his opinion, the BOS had no real choice. There is an appeal before the Zoning Board of Appeals December 10, 2014."

NEW BUSINESS

Annual Town Classification Hearing
Assessor Tom Tanous was present and reported the Assessors unanimously recommend a tax rate of a Factor of One; a single tax rate for commercial/industrial and residential properties in Wenham.
He talked about the reassessment of properties that was recently completed saying property values in Town were up about 25% and better reflect market values.
Chairman Wilhelm opened the hearing for public for comments / questions and seeing none asked for a motion.
Mr. Whittaker moved, and it was seconded to accept the tax rate factor of one as recommended by the Assessor. The motion carried unanimously.
It was noted that abatements must be requested in the month of January 2015.
Mr. Tanous identified two Boy Scouts were present as a requirement of earning their Community Merit Badge.

Wenham Housing Authority Update
Present: Paula Mountain Executive Director, and Don Luxton, Chairman
Mr. Luxton gave a brief overview of the Wenham Housing Authority (WHA) saying it was established by Town Meeting in 1971. The WHA provides, operates, and maintains 84 units of elderly housing at Enon Village including four handicapped accessible units. There are currently 96 tenants. WHA is self-supporting and takes no funding from the Town of Wenham or the Commonwealth of Massachusetts for normal operating expenses.
Ms. Mountain has been the Executive Director since 2012. She identified the staff at Enon Village as a part-time Director, administrative assistant, and grounds keeper. There is a full time maintenance person. She said tenants must meet certain income requirements as set by the Department of Housing & Urban Development. Preference is given to Wenham residents. A waiting list is maintained. The units are approximately 450 square foot, one-bedroom units. There are only 64 parking spaces, and one of the proposed capital improvements is for additional spaces.

Proposed Inter-Municipal Agreement (IMA) - Town of Hamilton for Design Services for the Joint Pool Plan
The proposal for the Design Services is $18,000 although a consultant has been hired for $15,300.00.
This expense is proposed to be paid for between the Town of Wenham for $4,000.00, the Town of Hamilton for $6,000.00, and the Joint Recreation for $8,000.00. The consultant has recommended the pool be located at its existing location in Patton Park, Hamilton. Additional design plans include the number of bathhouses, position of pool, etc and is expected to be ready for review in mid January 2015.
Vote: Mr. Whittaker moved, and it was seconded, to approve the IMA with Hamilton for design services for the joint pool. The motion carried unanimously.

Proposed Inter-Municipal Agreement (IMA)
Mr. Wilhelm reviewed that in October, the BOS voted to accept the Energy Manager position to be funded through the State Energy Grant. The IMA is to implement payment of this position shared with Hamilton and the School District.
Ms. Harrison asked Town Counsel if he has seen/ reviewed this IMA. Mr. Weaver was uncertain if this was an agreement he reviewed. The Selectmen discussed that Wenham currently does not have the money (grant) and would be unwilling to pay its share. The Board also noted some concerns with the wording in the IMA.
The position was to be fully funded for the first year and partially funded for the second year with no obligation to continue. Ms. Harrison went on to say that the Green Energy Report is due this week and is being held up because Wenham has not signed the IMA and this may jeopardize the funding. She went on to propose that
the BOS agree with the IMA for an Energy Manager in concept as voted, and commit to work towards an acceptable agreement, contingent on receiving the grant funds and resolution of outstanding contract language /issues. Ms. Harrison will communicate with the appropriate people in Hamilton.

Vote: Ms. Harrison moved, and it was seconded, to an agreement, in principle subject to a definitive agreement and resolution, and satisfaction of the conditions/terms as stated. The motion carried unanimously.

Acceptance of Technical Assistance Grant from Massachusetts Housing Partnership - $15,000
Mr. Whittaker read the letter announcing that Wenham's application for up to $15,000 under 40B Technical Assistance Grant Program was approved for the ZBA to pay for consulting services of Judi Barrett, RKG Associates to assist with the review of the Maple Woods project.
Ms. Harrison requested Ms. Barrett present to the Town Board Committees regarding this process.
Vote: Mr. Whittaker moved, and it was seconded, to accept the grant of $15,000 from MHP for outside Technical Assistance related to the Maple Woods Housing project. The motion carried unanimously.

Appointment process - Update
Ms. Harrison suggested "if possible" be added to Step Vso as to read, "…"*if possible* committee/commission to vote /to meet to discuss application." The edit was accepted.
Vote: Ms. Harrison moved, and it was seconded, to accept the "Appointment Process" with the one addition of "if possible" before bullet number five as edited. The motion carried unanimously.

Renewal of Annual Liquor Licenses: Richdale & Wenham Tea House
1. Albert Abdelmalak - Richdale –143 Topsfield Road: Retail Package Goods Store – Wines/ Malt Beverages
The BOS acknowledged all appropriate paperwork was filed and the BOS identified that they were not aware of any negative comments from the public. There was no representation present for Richdales. The Board requested comments from the Chief of Police and that the owner attend the next meeting. This renewal was held for the next meeting. No action was taken.

2. Wenham Tea House – John Keohane – 4 Monument Street: Common Victualler License to Expose, Keep for Sale, and Sell all kinds of Alcohol Beverages, to be drunk on the premises.
Ms. Harrison recused herself as a member of the Board of Directors of the Wenham Village Improvement Society that operates and owns the building at 4 Monument Street.
Attorney Thomas Fallon, Beverly was present for the Wenham Tea House/John Keohane.
Also Present: Applicant John Keohane, Chris Keohane, Jason Keohane, and Peter Capalbo
There was a discussion regarding the sale of Henry's Market to Crosby's Market, with Attorney Fallon explaining that Crosby's has no interest in the operation of the Tea House. The license will be transferred to its new entity, including those present. John Keohane will not be on the license once the sale of Henry's Market to Crosby's Market is official.
Vote: Mr. Whittaker moved to renew the Liquor License associated with the Wenham Tea House for John Keohane as presented in the documents, through December 31, 2015. The motion carried by majority vote with Ms. Harrison abstaining.

Discussion Regarding the Town Administrator Application Responses
It was noted the Town received two responses to the RFP for a Search Company to assist the town with finding a new Town Administrator.
1. Municipal Resources, Inc.
2. Collins Center

Mr. Wilhelm noted the quotes received are comparable and both included references. Mr. Whittaker and Ms. Harrison will call the references for each company. Both firms will be asked to present to the Board, preferably next week.

Support Plan for Permitting Coordinator
The Town Administrator recommendation dated November 18, 2014 was included in the BOS packets.
Mr. Andrews recommended Melanie Giacolone, to fill in at the Permitting Office during Ms. Morrow's leave of absence. Ms. Giacolone is currently assisting Town Counsel with the legal study
Vote: Mr. Whittaker moved and it was seconded, to appoint Melanie Giacolone as the temporary part time coordinator during Ms. Morrow's absence. The motion carried unanimously.

Approval to Proceed with Bond Financing Proposal

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The Finance Director, Angel Wills, was present to talk about bond refinancing for eligible bonds. The Town is currently eligible to refinance $3.7 million with a cost savings over 12 years of about $235,000 net of all issuance costs. Southwest Financial, advisors to the Town, gave a presentation at a recent Finance Committee meeting.

Vote: Ms. Harrison moved, and it was seconded, in order to save interest costs, the Treasurer is authorized to provide for the sale and issuance of bonds under M.G.L. c.44, Section 21A, to refund all or any portion of remaining principal of and redemption premium and interest on the Town's General Obligation Bonds Dated June 1, 20001 and the Town's General Obligation Bonds dated January 1, 2007, and that for this purpose the Treasurer is authorized to provide for the preparation and distribution of a preliminary Official Statement; provided, however, that no bonds shall be issued under this vote unless and until the final interest rates and other terms of the refunding bonds are approved by the Board. The motion carried unanimously.

War Memorial/ Car Barn Lot Revised Sign Policy

This agenda item was carried over from the last meeting with Ms. Harrison expected to report on possible alternate sites. Ms. Harrison said she talked to those who historically used the car barn lot to post signs asking if they were still interested in posting signs. These groups / organizations responded they are interested in having a place to physically post signs. Ms. Harrison reported two possible sites; the corner between the post office and Fire Station, which is still a legal posting place for Wenham, and the corner of Main Street and Friend Court on Town Hall property.

The BOS acknowledged the Town Hall site is in the Historic District and the Historic Commission does not support signs in the Historic District, although was silent on the Car Barn Lot because the signs predated the formation of the Historic District.

John Clemenzi spoke to the kiosk at the fire station proposing Boy Scout Troop 28 rebuilds the current kiosk for legal posting and landscape/ walkway to improve area for signs that were on the car barn lot.

Mr. Whittaker noted drive by signs may not be clear to those driving by on Main Street, adding this is very close to the cross walk.

Ms. Harrison suggested maximizing the use of the space citing it maybe the only place in the historic district for signs. She will continue to work on this issue. Mr. Clemenzi offered to work with Ms. Harrison.

Vote: Mr. Wilhelm moved and it was seconded to extend the previously voted two-week moratorium on signs, at the War Memorial/Car Barn Lot until such time an alternate site is found. The motion carried unanimously.

Opening on the Historic District Commission – HDC recommendation

The BOS acknowledged a Letter of Interest from Meredith Hiller to serve on the HDC. The Chair of the HDC submitted a written recommendation to appoint Ms. Hiller.

VOTE: Mr. Whittaker moved, and it was seconded, to appoint to Meredith Hiller to the HDC for a term through June 30, 2017, subject to confirmation of the term by the Town Clerk. The motion carried unanimously.

EXECUTIVE SESSION– Cross Keys Retreat

VOTE: Ms. Harrison moved the BOS enter into Executive Session according to MGL chapter 30A Sec 21 for the purpose of Exemption (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 return to open session for the purpose of adjourning. This is to discuss litigation related to Cross Keys Retreat, 76 Topsfield Road. The motion was seconded and carried unanimously by roll call vote.

9:44 PM – The BOS returned to open session.

Ms. Harrison moved to adjourn and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
12.9.14