

APPROVED 3.31.2015

TOWN OF WENHAM

Board of Selectmen  
Meeting of Tuesday, February 17, 2015  
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 FEBRUARY 17, 2015 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: Angel Wills, Finance Director; Catherine Tinsley, Minutes Secretary

Public Information

The meeting was audio recorded with permission by HWCAM

Agenda

Announcements

Annual Town Meeting (ATM) Draft Warrant

Minutes – January 20, 2015 open/es

**PUBLIC INPUT**

There was none.

**ANNOUNCEMENTS**

- Nomination papers for open seats on Town Boards/ Committees are available at the Town Clerk's office; papers must be turned in by February 26th and can be withdrawn through March 16, 2015
- Last day to register to vote is March 20, 2015
- Last day to post warrant is April 3, 2015
- The list of open seats on town boards/committees is posted on the Town's web site
- The Wenham Fire Department has an opening for an "on-call" firefighter
- A memorial service will be held for Albi Dodge on March 7, 2015 at 1 PM First Church of Wenham

Chairman's Announcements

- Mr. Wilhelm recognized Bill Tyack and the Department of Public Works (DPW) for their work during the snow storms
  - The DPW priorities are to widen roads, clear sight lines, shovel out fire hydrants, clear sidewalks
  - If town plows caused damage to a mail box, they will secure the box back on if the post is visible; some repairs will need to wait until spring
- It was noted there are 230 fire hydrants in town to be cleared, a special thanks to residents who are shoveling out hydrants; it is appreciated.

**NEW BUSINESS**

Mr. Wilhelm took the agenda out of order

Hamilton Wenham (HW) Building Maintenance Contract - Bill Tyack, DPW Supervisor was present to talk about Article 8 *H-W Building Maintenance Revolving Fund*. He stated that there is no building maintenance at this time, recommended it be struck from the warrant, but continues with the ground maintenance as is. Mr. Tyack agreed to meet with the Town of Hamilton and the HWRSD regarding the ground maintenance program and report to the Board.

Follow-up Discussion regarding National Grid Contracts for Streetlight Purchase - Mr. Tyack has recommended that the Town go forward with the contract to purchase the streetlights from National Grid with the available grant funding.

APPROVED 3.31.2015

Mr. Whittaker confirmed he reviewed the contract, saying it is a "Contract of Adhesion" and no changes or negotiations can be made. He noted the timing is crucial to begin the conversion to LED lights, in order to be completed by the end of May so the town does not lose the Green Communities Grant.

*Mr. Whittaker moved, and it was seconded, that the BOS sign the contract agreement with National Grid to purchase the streetlights. The motion carried unanimously.*

Authorization to proceed with the Annual HW Little League Parade on May 2, 2015 - John Cusoluto was present to request the BOS authorize the Little League to proceed with the annual opening day parade for the HW Little League that marches from the Buker School to Pingree Park for opening day ceremonies. This is coordinated with the Town of Hamilton, the Fire, and Police Departments.

*Vote: Ms. Harrison moved, and it was seconded, to authorize the HW Little League proceed with the opening day parade on May 2, 2015. The motion carried unanimously.*

Appointment of Full Time Treasurer/ Collector – Ms. Wills recommended that Leslie Davidson be appointed as the full time Treasurer / Collector citing that Ms. Davidson is well qualified for the position; Ms. Davidson has worked in Wenham for 2-years and recently served as the interim Treasurer/Collector. The BOS recognized how well the Finance Department is running.

*Ms. Harrison moved, and it was seconded, to name Leslie Davidson as full time Treasurer/ Collector for the Town of Wenham. The motion carried unanimously.*

Discussion and Possible Organization of a Memorial Day Parade Committee - In the absence of a Town Administrator, Mr. Wilhelm asked for citizen volunteers to form a committee to assist with the organization of the Memorial Day Parade. Anyone interested should contact the Town Administrator's Office. Ms. Harrison offered to help this committee.

Vote to Authorize – General Obligation Bond Refunding - Ms. Wills talked about the refunding of select bonds to reduce interest costs and requested the BOS ratify and confirm the December 2, 2014 vote of the BOS authorizing certain refunding bonds and to authorize the Treasurer to issue such refunding bonds. The total amount being refunded is \$10,467, 000 for a total savings to the Town of \$395,000 over the time of the loan through 2026. Bond Counsel has reviewed the documents.

*Vote: Mr. Whittaker moved, and it was seconded, to approve the vote of the BOS related to the bond financing, as presented in the BOS packet for the February 17, 2015 meeting. The motion carried unanimously.*

Preliminary Discussion of Need, Opportunity, and Procedure for Structuring a Development Agreement for the Proposed Mullen Property Project - Mr. Whittaker reviewed there is a current proposal for the reuse of the Mullen Property as a drug rehabilitation facility of approximately 200 beds. The Zoning Board has indicated the BOS may want to start thinking about a Development Agreement with the applicant, who has also indicated his willingness to work with the Town on such an agreement. He stressed that this is not indication that this project is going to be approved.

Mr. Whittaker went on to summarize the purpose of a Development Agreement is for the town to make requests of the applicant that might be useful or appropriate for the Town. After a brief discussion, the BOS agreed that these negotiations are appropriate for Executive Session and the BOS seek the advice of Town Counsel.

Mr. Wilhelm said he talked with the Planning Coordinator regarding a Development Agreement, and she offered some suggestions. Ms. Harrison said Attorney Mark Bobrowski told her that Development Agreements negotiated by previous property owners go along with the sale of the land.

Because Comprehensive Permitting is a good possibility, it was the consensus of the Board that this be discussed in March and that Attorney Bobrowski be present.

Continued Discussion of Potential 2015 Annual Town Meeting (ATM) Warrant Articles

Ms. Harrison requested the draft warrant be time/dated to track the revisions.

The BOS previously took action at their February 11, 2015 meeting to place some of the articles on the ATM Warrant.

ARTICLE 1: Budget appropriations

*The BOS took affirmative action on February 11, 2015 to place Article 1 on the Warrant.*

ARTICLE 2: Use of Free Cash to level the tax rate

*The BOS took affirmative action on February 11, 2015 to place Article 2 on the Warrant.*

APPROVED 3.31.2015

ARTICLE 3: Use of other funds (Available Funds) to level the tax rate – HELD

ARTICLE 3A: Use of other funds (Education Stabilization Fund) to level the tax rate

*The BOS took affirmative action on February 11, 2015 to place Article 3A on the Warrant.*

ARTICLE 3B: Use of other funds (Excess Bond Proceeds)

*The BOS took affirmative action on February 11, 2015 to place Article 3B on the Warrant.*

ARTICLE 3C: Capital Expenditures from New Borrowing - \$553,237.50

Mr. Whittaker requested to discuss the details of this article with the Finance Committee. Ms. Wills noted that the Finance Committee has voiced their support for the proposed fire truck. After a brief discussion, the Board agreed to vote on putting this article on the warrant, but not to include the list of specific capital equipment at this time. Mr. Wilhelm asked that the Moderator confirm this decision is sufficient for the warrant as a placeholder.

*Vote: Mr. Whittaker moved, and it was seconded, to approve for the purpose of the warrant, the first paragraph and the last paragraph of draft Article 3C as written, subject to confirmation from Town Counsel/ Moderator that this is an acceptable placeholder. The motion carried unanimously.*

ARTICLE 4: Cemetery and Other Trust Funds

*The BOS took affirmative action on February 11, 2015 to place Article 4 on the Warrant.*

ARTICLE 5: Cemetery Maintenance Fund Transfer

The current balance of this account was reported as \$6,985.00

*Vote: Ms. Harrison moved, and it was seconded, to approve Article 5 with the amendment that the sum of money not exceeds \$5,000 from the Cemetery Perpetual Care Trust fund. The motion carried unanimously.*

ARTICLE 6: OPEB Fund Appropriation

*The BOS took affirmative action on February 11, 2015 to place Article 6 on the Warrant.*

ARTICLE 7: Road Work – Chapter 90 Funding

*The BOS took affirmative action on February 11, 2015 to place Article 7 on the Warrant.*

ARTICLE 8: H-W Building Maintenance Revolving Fund

*Vote: Mr. Whittaker moved, and it was seconded, to change Article 8 to read H-W Ground Maintenance Revolving Fund and first paragraph be deleted, and placed on the warrant. The motion carried unanimously.*

ARTICLE 9: CPA Appropriations

*The BOS took affirmative action on February 11, 2015 to place Article 9 on the Warrant.*

ARTICLE 10: To see if the town will vote to amend the zoning by-law governing site plan review

Mr. Wilhelm summarized that this would ensure that applications filed under the Dover Amendment exemption are to be held before a public body.

*Ms. Harrison moved to place Article 10 on the warrant and it was unanimous to do so.*

ARTICLE 11: Bylaw Amendment: Adoption of Consolidated Department of Municipal Finance

*The BOS took affirmative action on February 11, 2015 to place Article 11 on the Warrant.*

ARTICLE 12: Bylaw Amendment: Legal Affairs—Board of Selectmen

*Ms. Harrison moved to place Article 12 on the warrant and it was unanimous to do so.*

ARTICLE 12A: Acceptance of MGL Chapter 40 Section 22F (permitting fees)

*Ms. Harrison moved to place Article 12A on the warrant and it was unanimous to do so.*

ARTICLE 13: Bylaw Amendment: Finance & Advisory Committee

*The BOS took affirmative action February 11, 2015 on to place Article 13 on the Warrant.*

APPROVED 3.31.2015

ARTICLE 14: Bylaw Amendment: Renumbering Bylaws adopted after May 4, 1996

*The BOS took affirmative action on February 11, 2015 to place Article 14 on the Warrant.*

ARTICLE 15: Bylaw Amendment: Winter Parking Ban

Chairman Wilhelm spoke with the DPW director/ Police chief regarding this article and noted this is not a problem in town, but the state law grants the town the right to tow any car impeding plowing.

It was the consensus of the BOS that Article 15 was not necessary and would not be placed on the warrant.

*Ms. Harrison moved the BOS not adopt and therefore not place Article 15 on the warrant and the motion carried unanimously.*

ARTICLE 16: Bylaw Amendment: Solicitors

Mr. Whittaker stated he no longer had concerns with this bylaw change.

*Mr. Whittaker moved to place Article 16 on the warrant and it was unanimous to do so.*

ARTICLE 17: Bylaw Amendment: Non-resident Fingerprint Processing Fees

*The BOS took affirmative action on February 11, 2015 to place Article 17 on the Warrant.*

ARTICLE 18: Conversion of Cemetery Commission to an Appointed Town Board - HELD

Mr. Wilhelm observed that no one has taken out papers to run for the Cemetery Commission. He recommended not taking action until the Cemetery Commission has the opportunity to provide input to the Board.

ARTICLE 19: Conversion of Tree Warden to an Appointed Town Office - HELD

Mr. Wilhelm explained that there have been concerns with the position of the Tree Warden and that it would function more efficiently as part of the DPW/highway department.

Ms. Harrison voiced concern that the DPW would discern when an arborist would be needed and asked for additional information of the job description and responsibilities of the Tree Warden.

ARTICLE 20: Election of Town Officers

*The BOS took affirmative action on February 11, 2015 to place Article 20 on the Warrant.*

#### Special Town Meeting Warrant

ARTICLE 1: FY 2015 Budget Account Appropriation Transfers

*Mr. Whittaker moved to include as Article 1, Budget Account Appropriation Transfers, as written on the Special Town Meeting Warrant and it was unanimous to do so.*

ARTICLE 2: Water Department Funding (\$15,000)

*Mr. Whittaker moved to include as Article 2, Water Department Funding as written, on the Special Town Meeting Warrant and it was unanimous to do so.*

(ARTICLE 3): Unpaid Obligation from Prior Fiscal years – HELD for confirmation if this article is necessary

Ms. Harrison asked that Paul Weaver write a brief summary of 2 to 3 sentences summarizing the Warrant Articles.

**MINUTES** - January 20, 2015; February 11, 2015

- *Vote: Mr. Whittaker moved to approve the open meeting minutes of January 20, 2015 and it was unanimous to do so.*
- *Vote: Mr. Whittaker moved to approve but hold, not to be released, the executive session minutes of January 20, 2015 and it was unanimous to do so.*
- The February 11, 2015 minutes were held for review. No action was taken.

#### **ADJOURNMENT**

*Vote: Mr. Wilhelm moved to adjourn at 8:23 PM and it was unanimous to do so.*

APPROVED 3.31.2015  
Respectfully submitted by  
Catherine Tinsley  
2.25.15