

APPROVED 4.15.14

WENHAM BOARD OF SELECTMEN

Meeting of Tuesday, March 17, 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 was held on March 17, 2014 at 7 PM in the Selectmen Chambers.

WELCOME & OVERVIEW OF AGENDA

With a quorum present, Chairman Whittaker called the Board of Selectmen meeting to order at 7 PM

Selectmen Present: Ken Whittaker, Chair; Patrick Wilson*, Vice Chair; Jack Wilhelm, Clerk

Also Present: Mark Andrews, Town Administrator

This meeting was recorded, with permission, by HWCAM.

Abbreviations used

BOS Board of Selectmen

Public Information

Agenda

Town Administrator Memorandums– Veteran’s Memorial Project; Operation Safety Net; One-Day Liquor License;

Annual Appointments

Comcast Cable Preliminary Ascertainment Finding

Comcast Cable Ascertainment Finding

Minutes: January 14, February 12, March 7, March 10, 2014

*Chairman Whittaker announced that Selectman Wilson was participating remotely via telephone in accordance with 940 CMR 29.10 procedures; do to (e) geographic distance. All votes would be taken by roll call vote.

PUBLIC INPUT

Lisa Teranova, 38 Maple Street, addressed the BOS saying she was representing the “neighborhood” regarding the proposed housing project on the site of Burnett’s Garage on Maple Street. She told the Board that the neighbors just found out about the proposed project to be built on the Burnets garage property noting they have heard this is a 21 million dollar project and will be the largest project in Wenham. She strongly urged the BOS to post pone any action at Town Meeting to allow for public meetings, and input.

ANNOUNCEMENTS

- An alternate member is needed for the Zoning Board of Appeals. Anyone interested in this position should call the Town Administrator’s office.
- The 2013 Annual Town Report will be delivered by the Boy Scouts over the weekend of March 22nd & 23rd
- The Warrant hearing is Monday March 31, 2014
- The Annual Town Meeting is Saturday, April 5, 2014 at 1 pm at the Bessie Buker School
- The Annual Elections are Thursday April 10, 2014 at Town Hall
- The Cedar Street sidewalk Ribbon Cutting Ceremony is Friday March 21st

NEW BUSINESS

Annual Town Meeting and Special Town Meeting Presentations on Articles:

A. Community Preservation Committee (CPC) Recommendation for FY 2015

Greg Heppner, Chair of the Wenham Community Preservation Committee was present and reviewed the CPC vote on the Community Preservation Act (CPA) applications submitted for consideration of grant funding.

1. Affordable Housing - \$ \$975,000: The CPC voted unanimously to recommend favorable action.

Submitted BY Harborlight Community Partners for a proposed housing project of 60 affordable, age restricted housing units at 60 Maple Street.

A general discussion ensued regarding this application. Mr. Weaver explained that this vote does not award the money to Harborlight, but is a grant similar to the Town Hall debt project that is paid annually. The grant is contingent based on

a successful purchase and sale agreement. He summarized the status of the proposed Maple Street development saying the CPC grant request is asking if the Town would agree to contribute funding over a period of time for such a project. This application is only for this project, and this location. (60 Maple Street)

He further explained that the approval of this project is not on the warrant and no decisions could be made at this Town Meeting and nothing can happen on site without a comprehensive permit issue by the Zoning Board of Appeals; public hearings will be held.

2. Town Hall Preservation Bond Payment - \$163, 744: The CPC voted unanimously to recommend favorable action. Submitted by the Town of Wenham; this is an ongoing payment

3. Town Hall Record Preservation - \$10,000: The CPC voted unanimously to recommend favorable action. Submitted by the Town Clerk for the preservation of historical Town Hall documents

4. Borders to Boston Kiosk project - \$750: The CPC voted unanimously to recommend favorable action. Submitted by Wenham Department of Public Works in conjunction with the Boy Scouts for half the cost of the construction and installation of an information kiosk to be located at the Route 97 entrance of the Rail Trail

5. Wenham Main Street Cemetery Stone Restoration - \$33,000: The CPC voted unanimously to recommend no vote to town meeting citing problems with last years expenditure not being bid properly. Submitted by the Wenham Cemetery Commission

6. Wenham Museum- \$20,421.04 : Applicant Wenham Museum – The application was withdrawn at the request of the CPC. It as determined that only what is unique to the history of Wenham is applicable.

7. Patton Park Pool – This application is pending the bid opening and presentation on March 19, 2014. The CPC plans to vote on this matter March 27, 2014.

It was noted that separate articles are on the Warrant for the Pool and the Maple Street Affordable Housing grant.

The Town Moderator is preparing draft motions for the Warrant Articles and sorting out details related to the CPA funding for Affordable Housing.

Selectman Wilson observed that the Town has expressed support in affordable housing projects in Wenham through previously town meeting votes, and the value of reaching the 10 percent affordable housing stock.

Harborlight has availed itself of the opportunity to apply for grant money the town has supported making available. He noted many details are still being determined, and the process is not necessarily “harmonized” with all that has to fall in place with such a large project. The applicant is aware of the Comprehensive Permit Application. He added that Harborlight is planning the development and the town does not have to have an interest in the land.

B. Reduction of Hamilton Wenham School Committee (HWSC) from nine to seven members

Roger Kuebel, Chair of the HWSC, talked about the School Committee’s request to Town Meeting to reduce the size of the committee from nine to seven. No other changes are being requested.

He provided a chart to the BOS that included what other cities and towns in Massachusetts have for school committee size. The most common size is five members, especially for towns with less than 25,000 people.

He sited two factors: Difficult to work a committee effectively with nine members and the Democratic process is limited with fewer citizens interested in serving with uncontested elections.

Selectman Wilhelm questioned the balance of the committee members between Hamilton and Wenham residents. This has not been discussed and currently there is nothing in the Regional Agreement that requires a proportional representation. He reviewed the School Committee has three responsibilities

Hire, evaluate, & fire the Superintendent, Pass the Budget, and Set Policy; noting none of the responsibilities is disadvantageous to Wenham to not have representation.

C. Zoning Articles -_Emily Cademartori summarized Articles 14& 15 and answered questions.

o Article 14 –Proposed Amendment to the Town’s Zoning Bylaw to reduce the minimum parcel size for agricultural use from 5 acres to 3 acres to conform with the changes to Massachusetts Zoning Act, MGL Ch. 40A Section 3.

- Article 15 – Proposed amendment to the Town’s Zoning Bylaw by deleting Section 7.0 and replace it with a new Section 7.0 to clarify the types of signs allowed by right, without a permit, verses those signs that require a special permit from the Planning Board and incorporate the standards applied by the Historic District Commission to all permanent signs in the Historic District. This does not apply to contractor’s signs at a work location; there is a limit to the size and number of signs allowed on private property.

The agenda was taken out of order.

Bolder Lane - update

Mr. Wilhelm gave an update regarding the Bolder Lane property. The Town has been working with the other three abutting land owners, being the City of Beverly, and two private land holders, to possibly develop the property together. Mass Development was asked to do a study to determine the highest and best use of the property. It is hoped the four property owners would share the cost of (estimate) \$48,000. He noted the consensus of the Board to participate, and the two private owners have agreed to share the cost. The newly elected Mayor of the City of Beverly has yet to be presented with all the information to make a decision.

Mr. Wilhelm acknowledged some difficulties with the site saying that some of the abutters do not support development of the property, and the zoning is currently industrial restricted; this would need to be changed.

The development of this property would add value and tax revenue.

The intention is to have a final meeting to discuss the scope of work that Mass Development would include in a study.

Veteran’s Memorial Project – Discussion, Review, and Vote to Award Construction Bid

Mr. Andrews summarized the procurement process began on January 17, 2014 for the project. A pre bid conference was held on February 20, 2014 and the bids were received and opened on March 6, 2014. Six responses were received. The War Memorial Committee voted unanimously to recommend to the BOS for approval of Rene C. Lamarre Co. of Salem, Massachusetts as the most responsible and cost effective eligible bidder.

The project is on schedule and ready to proceed; it is projected to be complete by the end of August 2014.

The base bid received from Lamarre was \$69,551.00. Mr. Andrews confirmed the funds are in place to secure the base bid. This does not include alternates that can be added on at a later date if desired to further explain the project such as additional planting and irrigation of (6) Arborvitae trees along the abutting property, stone dust walkways, curbing, brick paving and other flowers. It is thought the Town could do some of the alternate work for less money. The Town will be responsible for the (replacement) of the white pine trees.

Vote: Mr. Wilhelm moved, that in response to bids opened on March 6, 2014 for the contract for construction of the Veteran’s Memorial Project and based on the recommendations of Kim Ahern Landscape Architects in a memorandum dated March 14, 2014, the War Memorial Committee and the Town Administrator, the Board of Selectmen, as awarding authority, hereby takes the following actions”

- 1. The Board hereby determines that the award of the contract shall be on the basis of the Base Bid only with no alternates.*
- 2. The Board hereby awards, subject to the conditions below, the contract for the construction of the Veterans Memorial Project to the lowest responsible and eligible bidder under M.G.L. c. 30, s. 39M,*

*Rene C. Lamarre Co., Inc.
23 Oak View Avenue
Salem Massachusetts 01970*

For the Base Bid price of \$69,551.00 as bid and no Alternates for a total Contract Price of \$69,551.00.

This action by the Board is, however, subject to the following conditions:

- 1. The submission in proper form of all required bonds, insurance policies and certificates, corporate authorizations and other documents required to be submitted prior to execution of the Contract Documents; and*
- 2. Execution of the Contract Documents by all parties in the form as approved by Town Counsel.*

Further, the Board hereby authorizes and directs the Town Administrator to forward notice of this award to the above bidder and authorizes the Chairman of the Board to execute the Contract Documents on behalf of the Board and issue a notice to proceed to the contractor all in the form as approved by Town Counsel.

Mr. Wilson seconded. Under discussion, Selectman Wilson asked the amount of the contingency is \$6,700 (10%) and confirmed that the Performance Bond referenced in item one, assures the town is not responsible.

The motion carried unanimously by roll call vote.

Discussion and Vote on Disposition of the (12) Pine Trees On Main Street for the War Memorial

Chairman Whittaker reviewed that a public hearing was held regarding the removal of the pine trees along Main Street. He stated that he has been assured by the Town Administrator that the resources are in place to replace the pine trees with deciduous trees.

He went on to acknowledge testimony from both sides saying this was a difficult decision, but after hearing the presentation, and the possible damage to the monument, he said he would vote in favor of the removal of the pine trees, contingent on the Town replacing the trees as soon as possible.

Mr. Wilson said that one of his concerns was that when Town Meeting approved the project, if the pine trees were part of the plan and that this subsequent decision being asked of the Board is appropriate.

Another concern brought to his attention was that by having the DPW do work on site, tax dollars are being used and if this needs to be brought to a Town Meeting for a vote. He stated he did not support the removal of the pine trees, unless there is an imminent threat to the Memorial.

Mr. Wilhelm opined that the public hearing was balanced with different points of view, and informational facts. He noted the Town's retired arborist, Albi Dodge, recommended the trees be removed. Mr. Wilhelm said he observed that the trees that are now tall, thin, and crooked and no longer provide the weather barrier they were originally planted to provide. He reviewed that the Town has an offer to have the trees removed at no cost to the town, noting that tree removal is a costly project. He added that the threat of the trees causing damage to the monument is a major concern. Building Committee Chair John Darling and War Memorial Bruce Blanchard confirmed the drawing and master plan presented at town meeting did not show the pine trees.

Vote: Mr. Wilhelm moved and it was seconded by Mr. Whittaker, to authorize that the Pine Trees on Main Street be cut down and to authorize the DPW to assist in this endeavor forthwith. The motion carried by majority roll call with Selectman Wilson voting in the negative.

Operation Safety Net Street Repair and Pothole Blitz

DPW Director Bill Tyack was present to talk about the plan to repair the roads of potholes as part of Operation Safety Net. He noted that this past winter has caused the frost heave cycle to increase the number and size of the potholes. The plan is to identify and repair as many as possible in house. An outside contractor will be needed to repair the larger potholes with a roller. He asked that residents call his department to report pothole locations. Funds appropriated in the FY 14 budget for road maintenance will be used to fund the repairs.

One-Day Liquor License – Buker School PTO Fund Raiser

The Friends of Buker School have requested a one-day liquor license for March 28, 2014 for a fundraiser to be held at the in Burnham Hall at the Wenham Museum from 5 PM to 12 PM.

Vote: Mr. Wilhelm moved, and it was seconded, that the BOS Grant the license and waive the \$50 fee. Under discussion, Mr. Whittaker confirmed the application meets the statute. The motion carried unanimously by roll call vote.

Annual Appointments – Fire Chief and Building Inspector

Chairman Whittaker explained he is working on streamlining the general annual appointment process but the according to the statute, the annual appointment of the Fire Chief and the Building Inspector needs to be done at this time.

Vote: Mr. Wilhelm moved, and it was seconded, to appoint Robert Blanchard as the Fire Chief for the Town of Wenham through March 2015. The motion carried unanimously by roll call vote.

Mr. Wilhelm moved and it was seconded, the BOS appoint Charles Brett as the Building Inspector for the Town of Wenham through March 2015. The motion carried unanimously by roll call vote.

Cable Television – Comcast Preliminary Ascertainment Findings

Chairman Whittaker said a statement has been received by the lawyer regarding the Preliminary Ascertainment findings. The document is an application to Comcast, promoting continuation of the license and also requesting substantial additional funds and resources in order to get better service. Mr. Whittaker stated the he was uncomfortable with the way it was written citing there are statements that were possible note made by the Board. He proposed holding off submitting the document, to go over the details of the document including the budget.

Bill Melville, HWCAM Executive Director was present to answer questions. Information from the first meeting was put in the document. This is not the final draft. Mr. Melville prepared the budget for discussion. Mr. Whittaker will work with Mr. Melville to prioritize the budget and review the document.

There was concern from a resident regarding Comcast. He was offered the document and information to review before commenting.

Mr. Wilhelm questioned what is reasonable to ask Comcast for and what other towns have asked for and received. Attorney William August, Epstein & August will be asked to assist the town with the application.

REPORTS

Town Administrator

The Annual Reports were delivered from Minuteman Printers. The Warrant Book will be available this week. The Boy Scouts will deliver these to residents; copies will be available at the Library, Town Hall, and other public buildings. Regarding the transition plan for the Town Clerk's office, two retired clerks have been hired to fill the schedule.

Mr. Wilhelm confirmed that the Regional School District is required to give a copy of their Financial Statement to the Chairman of the BOS and the Finance Committee. Mr. Andrews has made this request to the Superintendent.

Chairman

The Town Administrator's evaluation by the BOS was completed and discussed. It will be posted on the town's web site. The BOS will enter into ES to start negotiations on the continuation on Mr. Andrews contract. A public discussion will be held at the next public meeting on April 1, 2014.

MINUTES – January 14, February 12, March 7, March 10, 2014

Vote: Mr. Wilhelm moved, and it was seconded, to approve the February 12, 2014 meeting minutes of the joint Finance Committee and BOS. The motion carried unanimously by roll call vote.

Vote: Mr. Wilhelm moved, and it was seconded, to approve the March 7, 2014 meeting minutes of the joint Finance Committee and BOS. The motion carried unanimously by roll call vote.

Vote: Mr. Wilhelm moved, and it was seconded, to approve the January 14, 2014 meeting minutes of the Hamilton Wenham Public television License Renewal Public Hearing. The motion carried by roll call vote with Mr. Wilson abstaining citing he was not present at the meeting.

Vote: Mr. Wilhelm moved, and it was seconded, to approve the BOS March 10, 2014 meeting minutes. The motion carried unanimously by roll call vote.

EXECUTIVE SESSION (ES)

Vote: Mr. Wilhelm moved, and it was seconded, to enter into ES at 8:50 PM to discuss (2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel, and to return to open session for the sole purpose of adjournment. The motion carried unanimously by roll call vote.

Respectfully submitted by

Catherine Tinsley
3.27.14