

TOWN OF WENHAM

Board of Selectmen
Meeting of March 31, 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 was held on TUESDAY, March 31, 2015 at 7 PM in the Selectmen Meeting Room

WELCOME AND OVERVIEW OF THE AGENDA

With a quorum present, Mr. Wilhelm called the Board of Selectmen (BOS) meeting to order 7 PM
Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk
Also Present: Paul Weaver, Town Counsel/ Moderator; Catherine Tinsley, Minutes Secretary

Public Information

The meeting was recorded with permission by HWCAM

Agenda

Announcements

One-Day Liquor License Applications

Annual Appointment - Building Inspector / Fire Chief

Draft Pool Agreement

2015 Annual Town Meeting Warrant

Pole Application National Grid/Verizon

Minutes - February 1, 17, 25, 2015

PUBLIC INPUT – There was none

ANNOUNCEMENTS

- Warrant Hearing is Monday, April 6, 2015 at 7 PM
- Annual Town Meeting is Saturday April 11, 2015 at 1 PM at the Bessie Buker School; the WVIS sponsored lunch is served at noon - provided by the Wenham Tea House
- Election Day is Thursday April 16, 2015 at Wenham Town Hall; Polls are open 7 am – 8 pm

Chairman's Announcements

Wenham Boy Scout Troop 28 delivered the Annual Report and Town Meeting Warrant Book to Wenham residents this past week. These are also available at the Town Hall and the Warrant is posted on the Town's web site.

NEW BUSINESS

One-Day Liquor License Request: Friends of Cutler School Fundraiser

With the required paperwork having been submitted and approved, the BOS supported the License be granted.

Mr. Whittaker moved, and it was seconded, the BOS approve the request for a Special One Day Liquor License for the Friends of the Cutler School's fundraiser on April 10, 2015 at the Wenham Museum. The motion carried unanimously.

National Grid - Request for new pole locations

Chairman Wilhelm acknowledged a petition from National Grid and Verizon dated March 2, 2015, to install a new poles in Town as identified in the request.

Ms. Harrison suggested the abutting properties be notified before the Board takes action.

Ms. Harrison agreed to look into this request further before the BOS determines if a hearing is or is not necessary.

Annual Appointments: Building Inspector; Fire Chief

- *Ms. Harrison moved, and it was seconded, the BOS appoint Charles Brett as the Building Inspector for the Town of Wenham for a one-year term through March 31, 2016. The motion carried unanimously*

APPROVED 5.5.2015

- *Ms. Harrison moved, and it was seconded, in accordance with MGL Ch148 §10A the BOS appoint Robert Blanchard as Fire Chief for the Town of Wenham for a one year term expiring on March 31, 2016. The motion carried unanimously.*

Discussion Regarding the Veteran's Memorial Pool – Agreement with Hamilton

Mr. Wilhelm reviewed that residents of both Wenham and Hamilton will have the opportunity to vote at their respective Town Meetings to use Community Preservation Act Funds for the construction of a new (joint) pool if a successful bid is submitted and accepted under \$2 million. This cost is to be shared by the two towns with Hamilton to contribute 66.4% and Wenham to contribute 33.6% of all costs.

The aggregate costs for the final design are not to exceed \$80,000 and the construction costs are not to exceed \$2 million. Mr. Wilhelm stated a Joint Agreement between the Town of Hamilton and the Town of Wenham for the Veterans Pool, dated April 1, 2015 has been drafted; this Agreement has a set term of 25 years and may be terminated by either town according to the Agreement.

He went on to summarize and highlight parts of the agreement that residents of both towns have equal access to the pool, the Finance Committees for both Towns will review the pool's operating budget, and fees and formulas were determined; Hamilton will be the lead Town and be paid administrative fees.

Mr. Wilhelm opined this is a good agreement reported that four of the Hamilton BOS voted on this agreement at their meeting last night. The vote passed by majority vote with one abstention.

The article to fund the pool with CPA funds cannot proceed to town meeting without a successful acceptance of this joint agreement. A revised Agreement for the Joint Recreation has been drafted as well. It was noted that the pool was not included in the Joint Recreation Agreement because the Towns have not voted on this yet and it may get voted down. Mr. Whittaker and Ms. Harrison both had some minor observations, but concurred the agreement is acceptable and the Town is protected.

Ms. Harrison moved, and it was seconded, that the BOS accept the Hamilton Wenham Joint Agreement for Veteran's Memorial Pool as presented. The motion carried unanimously.

Travel Policy - This agenda item was deferred to another meeting.

Discussion & Possible Vote: Annual Town Meeting Warrant Articles

Mr. Wilhelm reviewed the BOS have not taken a position on the following articles:

Article 13 – Community Preservation Act Appropriations

II (i) The Sum of \$450,000 from open space and \$222,000 CPA Fund Balance for the Hamilton-Wenham Recreation Board Pool Construction Project to provide funding for Wenham's share of the pool construction if the total price is approved and voted by both towns.

Ms. Davis, Chair of the Community Preservation Committee stated that the Committee voted to support the funds be taken out of the General Fund, not the Open Space Fund as indicated in the Warrant; this was printed incorrectly.

Ms. Harrison moved, and it was seconded, the BOS recommend favorable action on Article 13 II (i) to the Annual Town Meeting on Article 13 (i). The motion carried unanimously.

Article 22 – Conversion of Cemetery Commission to an Appointed Town Board

Mr. Wilhelm reported he has not spoken to the Cemetery Commissioners to date.

The BOS unanimously agreed this be on the agenda for their April 11, 215 meeting (before Town Meeting), and to make a recommendation on Town Meeting floor.

Article 14 - To Amend the Zoning Bylaw

Mr. Weaver reported that he spoke with the Planning Board who agreed in concept that the site review be performed by the Zoning Board of Appeals, but only in the case of a change in use. The site review allows the Town to insure there are no site conditions problems, however, the Town may not ban permitted exempt use, including religious or educational uses. These issues can be complex, as has been recently experienced in the Town. The ZBA has the most relevant expertise in these legally complex zoning land use issues. This would also trigger that a public hearing be held to ensure all interested parties are informed and have the opportunity to raise questions/concerns.

APPROVED 5.5.2015

Mr. Weaver stated that a small amendment to the language might be made before the article is presented to Town Meeting for consideration.

It was the consensus of the BOS to make a recommendation on Article 14 at Town Meeting.

Discussion with Water Department /Commissioners

Erik Mansfield was present along with the Water Commissioners.

Ernest Ashley, Chair of the Water Commission and Rick Quateman representing the Commissioners spoke to the Board. Mr. Wilhelm asked that the Commissioners address potential development in the Town of Wenham, (Mullen Property, Maple Woods, Dodges Row, Lakeview property) and how this affects the permitted water usage and if the town exceeds the permitted use, what are the ramifications.

Mr. Ashley explained that the Town of Wenham has a permitted use of 390,000 gallons per day. He noted that an additional 75 bedrooms have been added to the town since the permit was issued and it is anticipated that when the permit is reissued (January 2016), the gallons per day will be reduced to 350,000 (averaged) gallons per day (200,000 GPD in the winter and up to 750,000 a day in the summer) Mr. Ashley went on to reference the potential additional large developments e.g. Maple Street and Penguin Hall as concerning. Options to reduce water usage include not allowing irrigation, enforcing the water ban fines, and buying water permits from other communities, i.e. Salem Beverly Water Board. He noted buying water from another community would significantly impact the taste of the water as other communities heavily chlorinate their water, especially in the summer.

Ms. Harrison asked specifically about the proposed Maple Woods project and the anticipated impact to the Town's permitted use. It was unknown if the state would prohibit additional development or whether, due to water concern, that additional non-criminal disposition fees/fines be imposed or a higher level of mitigation required.

Mr. Weaver noted that adding a non-criminal disposition fine related to water restrictions would need to be approved at a Town Meeting. Mr. Whittaker supported this be done.

Ms. Harrison questioned what a water bank is as referenced in the Maple Woods development.

A water bank is funds set aside by a developer for the increased use of water that is set aside for the town to use for water saving programs such as purchase of rain barrels, low flow devices, and update plumbing.

Discussion of Development Agreement for Mullen Property

In the absence of Special Counsel, Mark Bobrowski, Mr. Whittaker reported that a Development Agreement with RCA for the Mullen Property is under discussion. The terms will be discussed in open session with Attorney Bobrowski. This agenda item was deferred to another meeting.

MINUTES – February 1, 17, 25, 2015

Mr. Whittaker moved to approve the minutes of February 11, 2015 and February 17, 2015 and it was unanimous to do so.

Ms. Harrison moved to approve the Joint Meeting minutes of February 25, 2015. The motion carried 2 – 1 with Mr. Whittaker abstaining citing he was not present at that meeting.

EXECUTIVE SESSION - Town Administrator's Contract

VOTE: Ms. Harrison moved the BOS enter into Executive Session at 8:06 PM according to MGL chapter 30A Sec 21 for the purpose of Exemption (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 include Town Counsel, Paul Weaver, and Town Administrator final Candidate Peter Lombardi, and return to open session to take public votes, if any, and to adjourn. The motion was seconded and carried unanimously by roll call vote.

The BOS returned to open session at 9:39 PM and the Chair declared no decisions were made in ES.

Mr. Whittaker moved to adjourn at 9:40 PM and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
4.4.15