

TOWN OF WENHAM

Board of Selectmen
Meeting of Tuesday, March 3, 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 MARCH 3, 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: Catherine Tinsley, Minutes Secretary

Public Information

The meeting was audio recorded with permission by HWCAM

Agenda

Announcements

Comcast License

Annual Town Meeting (ATM) Draft Warrant

Minutes – There were none

PUBLIC INPUT

Mr. Clemenzi, Stage Hill Road, recognized Bill Tyack, Director of the Department of Public Works, and the employees of the DPW for their enormous effort over the past two months keeping up with the storms.

ANNOUNCEMENTS

- The hearing for ATM Warrant is April 6, 2015
- The ATM is Saturday, April 11, 2015
- The Town Elections are April 16, 2015
- The WVIS will be hosting a Town Meeting luncheon at 12 noon for all registered voters
- A memorial service for Albert Dodge is Saturday March 7, 2105

Chair Announcements

Mr. Wilhelm informed the Board of his concern regarding possible controversy regarding the budget for the Regional Dispatch Center in Middleton, because the City of Beverly has requested to opt out of the obligation to participate. This would have a significant impact on the budget; the City of Beverly's assessment is about \$1 million of the budget. Wenham is currently one of five communities that make up the regional center and Town officials will be watching this closely.

Mr. Wilhelm added that he has heard that the city of Lawrence has expressed a preliminary interest in joining. This would also be monitored carefully.

He mentioned that he recently attended a meeting with the Towns of Ipswich, Manchester by the Sea, and Hamilton about possibly regionalizing, and operating out of Hamilton's Emergency Center, but neither of these towns expressed an interest in doing so during the meeting.

NEW BUSINESS

Review and Possible Approval of Comcast Renewal License - Attorney Bill August, Special Town Counsel for Cable Licensing, was present to request the BOS sign the final license agreement. He stated that the negotiations with Comcast went well and reviewed the following:

- Annual Funding for HWCAM station is 5 percent of the gross annual revenues (capital funding is separate); this is more than Verizon (there are more Verizon subscribers than Comcast in Wenham).
- Agreed to add a third access channel in 18 months as opposed to 12 months as requested
- This is a non-exclusive license should any competitors come to town.
- Comcast will continue to provide a standard discount of \$2.00 for qualifying seniors off basic service

APPROVED 4.7.15

Mr. Whittaker moved, and it was seconded, the BOS approve and execute the recently negotiated Comcast Renewal License for the term of March 2, 2015 to March 1 2025. The motion carried unanimously

Summary of Computer Infrastructure Evaluations from Micro Support Group

Mr. Wilhelm reported that the evaluation / inventory of the Town Hall's infrastructure was completed on Friday by Micro Support Group. He summarized the report, noting that he supported implementing all recommendations.

- Servers are out dated
- Warranty for the servers expired 2009
- Computers are running XP Windows; this version is no longer supported by Microsoft
- Isolate the server for the Police Department from the Town Hall.
- Purchase of two new servers; one virtual - It was noted that a virtual server is less to purchase, operate, and maintain.

Mr. Whittaker suggested Micro Support Group give the town a proposal to be available on a monthly basis.

Mr. Whittaker suggested that if this firm is hired, it be in place of, not in addition to, the existing arrangement.

The BOS accepted the report and will compare budget and reconcile with Finance Department.

North Shore Tour De Cure – The annual bike ride to benefit the American Diabetes Association on Saturday, May 17, 2015. The routes pass through Wenham.

Mr. Whittaker moved, and it was seconded, to approve the request of North Shore Tour De Cure bike ride to pass through Wenham on Saturday, May 17, 2015. The motion carried unanimously.

Review and Discussion of the Demolition Delay Bylaw – Jim Howard, Chair of Historic District Commission, was present to speak to the Commission's recommendation that the Article (19) for the Demolition Delay Bylaw be removed from the 2015 Annual Town Meeting Warrant. He cited various comments made by residents need to be further discussed, researched and considered by the Commission and would not be done in time for the 2015 ATM. It is the intention of the HDC to bring the Bylaw forward for the 2016 ATM.

Mr. Whittaker moved, and it was seconded, to accept the recommendation of the HDC chair to not place the Demolition Bylaw on the 2015 ATM warrant. The motion carried unanimously.

Select Dates for the Town Administrator (TA) Screening Committee

Mr. Wilhelm reviewed that the Screening Committee is meeting Saturday, March 7, 2015 to interview a select pool of candidates, three of which would be recommend to the BOS for final interviews. The names of the finalists will be released Monday, March 9, 2015 and interviews held on in open session on Tuesday, March 10, 2015 starting at 6 PM. The Selectmen will also post a meeting for Friday, March 13, 2015 at 5 PM, if needed.

Annual Town Meeting Warrant for April 11, 2015

It was noted that Paul Weaver, Town Counsel/ Moderator would be present at the March 10, 2015 meeting.

The BOS voted to place articles on the warrant/ make a recommendation to Town Meeting, based on the language of the articles as written in the draft warrant dated March 2, 2015.

Mr. Wilhelm observed that the Finance Committee has taken positions on the financial related articles.

ARTICLE 1: Budget appropriations

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 1 on the Warrant and it was unanimous to do so.

The BOS took no position on this article.

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

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 2 on the Warrant and it was unanimous to do so.

The BOS took no position on this article.

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

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker moved to include Article 3 on the 2015 Town Meeting Warrant and it was unanimous to do so.

The BOS took no position on this article.

APPROVED 4.7.15

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

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 3A on the Warrant and it was unanimous to do so.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 3B: Capital Expenditures from New Borrowing for Capital Expenditures Amendment

The BOS amended the article to read, "To see if the Town will vote to appropriate by borrowing, \$201,738..."

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 3B, as amended, on the Warrant and it was unanimous to do so.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting, as amended, and it was unanimous to do so.

ARTICLE 3C: Capital Expenditures from New Borrowing for a New Fire Truck (\$405,000)

The BOS amended the article to read, "To see if the Town will vote to appropriate by borrowing, \$405,000 ..."

Under discussion, Mr. Whittaker stated he talked with the Fire Chief at length about replacing the 26 year old fire truck saying he makes a compelling case citing the truck needs costly repairs (\$15-\$20,000) with no guarantee the truck would not have additional issues that could put it out of service. He opined that with interest rates low, this is a good time to bond /purchase a new fire truck. Ms. Harrison stated that although she would prefer other options be fully vetted, the town was retiring some debt this year, combined with the low interest rates, she would with reservation, vote favorable action.

Mr. Wilhelm suggested seeking cost estimates to raise the roof of the fire station to accommodate standard apparatus.

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 3C, as amended, on the Warrant and it was unanimous to do so.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting, as amended, and it was unanimous to do so.

ARTICLE 4: Cemetery and Other Trust Funds

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 4 on the Warrant and it was unanimous to do so.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 5: Cemetery Maintenance Fund Transfer - Account balance \$6,400.00

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker moved to include Article 5 on the Warrant and it was unanimous to do so.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 6: OPEB Fund Appropriation (\$20,000)

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker noted that he supported more funding to this account.

Mr. Whittaker moved to include Article 6 on the Warrant and it was unanimous to do so.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 7: Road Work Chapter 90 Funding

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker moved to include Article 7 on the Warrant and it was unanimous to do so.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 8: H-W Building Maintenance Revolving Fund

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved to include Article 8 on the Warrant and it was unanimous to do so.

The BOS HELD on taking action to recommend to town meeting.

ARTICLE 8 A: Cemetery Grave Stone Restoration Invoice - \$30,000

Article 8A would allow the BOS to petition the General Court for special legislation to exempt Wenham on a one-time basis, from procurement laws. It was noted that the funds are available in CPC.

It was noted the previous administration said the bill could not be paid since it did not go through the procurement process. The Town had been advised to petition the legislator to pass a special bill to allow this to be paid. The BOS supported that this was the right thing to do, citing the work was done.

APPROVED 4.7.15

Ms. Harrison noted she consulted with Representative Hill regarding the situation, and he would support this at a legislative hearing. Mr. Whittaker said he also spoke to Representative Hill. He noted the town did not act improperly in not paying this bill, as was required under the law, adding he was pleased a way to pay this bill is being considered.

The FinCom took no action.

Ms. Harrison moved to include Article 8A on the Warrant and it was unanimous to do so.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 9: CPA Appropriations – HELD

The CPC has not voted on the applications to date. Article 9 was held for consideration at the next meeting.

Ms. Davis noted there were nine applications considered by the committee.

ARTICLE 10: To see if the town will vote to amend the zoning by-law by adding the following provisions to section 13.5, governing site plan review

It was noted the BOS could not act on this article until the Planning Board makes a recommendation.

The Finance Committee took no action

Mr. Whittaker moved, and it was seconded, to approve sending the proposed revisions in Article 10 to the Planning Board to hold a public hearing for consideration, and make a recommendation to the BOS. The motion carried unanimously.

Mr. Whittaker moved to place Article 10 on warrant, subject to a favorable recommendation from the Planning Board. The motion carried unanimously.

Mr. Whittaker moved this motion supersede any motion made at previous meetings regarding Article 10 and it was unanimous to do so.

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

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison requested Mr. Weaver review this article, saying it seems that parts of the bylaw creates restrictions on town boards and is inconsistent with anything else i.e. length of contract and no right of removal and sole responsibility for staff positions. *BOS HELD*

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

The Selectmen voted unanimously to place Article 12 on the warrant on February 17, 2015.

The FinCom took no action.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting. The motion carried by majority vote with Ms. Harrison abstaining until reviewed by Town Counsel.

ARTICLE 12A: Acceptance of MGL Chapter 40 Section 22F - Fees

The Selectmen voted unanimously to place Article 12A on the warrant on February 17, 2015.

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so..

ARTICLE 13: Bylaw Amendment – Finance & Advisory Committee: This would reduce the Finance Committee from the current six voters to five voters.

The Selectmen voted unanimously to place Article 13 on the warrant on February 17, 2015.

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

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

The Selectmen voted unanimously to place Article 14 on the warrant on February 17, 2015.

The FinCom took no action.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 15: Bylaw Amendment – Solicitors application fee (\$2-\$20)

The Selectmen voted unanimously to place Article 15 on the warrant on February 17, 2015.

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Ms. Harrison moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 16: Bylaw Amendment – Non-resident Fingerprint Processing Fees (\$20)

BOS 3.3.15

APPROVED 4.7.15

The Selectmen voted unanimously to place Article 16 on the warrant on February 17, 2015.

The Finance Committee voted unanimously on February 25, 2015 to recommend favorable action to Town Meeting.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 17: Conversion of Cemetery Commission to an Appointed Town Board

The Selectmen voted unanimously to place Article 17 on the warrant on February 17, 2015.

The FinCom took no action.

The selectmen discussed this article noting no papers were taken out for the open seat and it was the consensus to defer this to the next meeting to give the Cemetery Commission time to opine. State law requires a Cemetery Commission but it can be either elected or appointed.

ARTICLE 18: Conversion of Tree Warden to an Appointed Town Office

The Board talked about the functions of an Arborist serving as a consultant, noting the importance of the expertise, but that the DPW could do most of the tree work under an arborist's direction. The Board supported this with a new job description and budget for the Tree Warden.

It was noted that the town is required to have tree warden, either appointed or elected.

The FinCom took no action.

Ms. Harrison moved to include Article 18 on the Warrant and it was unanimous to do so.

Mr. Whittaker moved the BOS recommend favorable action to Town Meeting and it was unanimous to do so.

ARTICLE 19: Historic Building Demolition Delay Bylaw

Mr. Whittaker moved, based on recommendation of HDC that Article 19 not be included on the Warrant and it was unanimous to do so.

ARTICLE 20: Election of Town Officers

The Selectmen voted unanimously to place Article 20 on the warrant on February 17, 2015 and it was unanimous to do so.

The FinCom took no action.

The BOS took no action.

WARRANT FOR THE SPECIAL TOWN MEETING

The BOS took no action to recommend the STM article as this time, pending action by the Finance Committee.

ARTICLE 1: FY 2015 Budget Account Appropriation Transfers

The Selectmen voted unanimously to place Article 1 on the STM warrant on February 17, 2015.

ARTICLE 2: Water Department Funding – ON warrant

The Selectmen voted unanimously to place Article 2 on the STM warrant on February 17, 2015.

ARTICLE (?) : Unpaid Obligations from Prior Fiscal Years

Mr. Whittaker noted that the Zoning Board of Appeals is holding public hearings regarding the application of RCA for the Mullen property, 36 Essex Street.

MINUTES - The minutes were held for review.

ADJOURNMENT - *Mr. Whittaker moved to adjourn at 8:44 PM and it was unanimous to do so.*

Respectfully submitted by

Catherine Tinsley

3.5.15