

TOWN OF WENHAM

Board of Selectmen
Meeting of July 21, 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 TUESDAY, July 21, 2015 at 5:30 PM in the Selectmen Chambers.

WELCOME AND OVERVIEW OF THE AGENDA

With a quorum present, Ms. Harrison called the Board of Selectmen (BOS) meeting to order 5:35 PM.

Selectmen present Catherine Harrison, Chair; Jack Wilhelm, Vice Chair;

Also Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

Recorded with permission by HWCAM (open session only)

Agenda

Appointments

Community Compact Application

Direct Energy Contract

Minutes- April 21, 2015; May 5, 2015 open /es; May 19, 2015 open/es

EXECUTIVE SESSION (ES)

Litigation Strategy -76 Topsfield Road pertaining to claims and appeals of Lawrence Miller and Cross Keys/ 110 Inc.

Litigation Strategy – Recovery Centers of America (RCA)

VOTE: Ms. Harrison moved the BOS go 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 to include Town Counsel, Paul Weaver, Special Counsel Mark Bobrowski, Defense Attorney Douglas Louison, and to return to open session for the regular posted meeting of the BOS. The motion was seconded and carried unanimously by roll call vote.

Paul Weaver, Mark Bobrowski, Douglas Louison left the meeting at 7:03 PM.

The Selectmen returned to open session at 7:05 PM.

Ms. Harrison reviewed that the BOS was in Executive Session to discuss litigation regarding 76 Topsfield Road, and Recovery Centers of America (RCA). She specifically noted that there would be no public discussion in open session until the appropriate time.

Ms. Harrison fielded questions and accepted comment regarding RCA and executive session in general under Public Input.

Dave Molitano, Charles Davis Dr. urged the BOS to back up the decision of the ZBA to deny RCA a special permit to operate a drug/alcohol rehabilitation center on the Mullen Property.

Ms. Harrison noted that the BOS has no input or standing in the RCA application at this time.

Jerry Moroney, Grapevine Road added that the advocates for the appropriate sale of property, have met a number of times with Mr. Mullen, and are putting efforts into trying to find the right owner for the property and generate other opportunities for Mr. Mullen in a way that serves the best interest of the Town.

Shelia Carleton, 17 Grapevine Road questioned the executive session process and was informed that during on-going litigation, strategy is discussed in private and is eventually made public when the reason for the executive session no longer exists.

ANNOUNCEMENTS

- Proclamation American with Disabilities Act (ADA) Day - Ms. Harrison read proclamation to declare July 26, 2015, the 25th anniversary of the signing of the ADA, as Americans with Disability Act Day in Wenham and recognized the efforts of the Independent Living Center of the North Shore and Cape Ann, as one of the key local organization that support persons with disabilities and their families.
- There is a Wenham opening on the HW School Committee. The deadline to submit applications is July 22, 2015. This seat is through the next annual town election in April.
- The BOS acknowledged a letter from Fanny de Lacviver, Head of the Wenham Bicycle & Pedestrian Committee, stating the committee officially disbanded. The focus of this committee over the past 18 years was to develop safer public ways for pedestrians and bicyclists while maintaining the rural character of the Town. The Committee members, and those involved, the Wenham Police Department, Department of Public Works, Town Administrator, and Selectmen, were recognized as were the many organizations and private donors that made this dream come true.
- The Board of Directors of the Eastern Essex District Department of Veteran's Services hired Karen Tyler as the Veteran's Services Director beginning July 13, 2015. Ms. Tyler will attend a BOS meeting to introduce herself.

REPORTS

Town Administrator- It was noted that the TA's Report would be posted on the Town's web site.

- Jill Laffin has been hired as the (new) Finance Assistant and Payroll Clerk; she begins August 18th
- The position of the DPW/Water Administrative Assistant has been posted. This is a full time clerical position supporting the Highway Department, Water Department, Building & Grounds, Cemetery and Tree Warden.
- Governor Baker signed the FY 16 budget with minor modifications. Funding for local aid, special education circuit breaker, regional school Transportation reimbursements and Chapter 70 have all increased. The Governor also proposed a supplemental budget to help cities/ towns with snow and Ice deficits incurred this past winter. In addition, the Town anticipates approximately \$45k in reimbursements from FEMA.
- The athletic field space is being evaluated as recommended by Gale Associates in the Master Plan. A presentation of this report will be made in late September.
- The details of the pool design have been completed. Planning continues on the specifications for the bathhouse and building design. The projects remain on schedule to go out to bid early this fall.
- Potential improvements to Route 1 Revere/ Malden/Saugus have long been a priority; funding for preliminary engineering was recently removed from the state's Transportation Improvement Plan. The North Shore Alliance for Economic Development has drafted a letter on behalf of 32 communities that have been impacted by this decision in an attempt to advocate for the reinsertion of that funding; Wenham is a part of the appeal.
- The HW Chronicle will highlight a town department once a month in the paper
- The BOS retreat is Friday July 24th; the BOS will put together goals for the year

NEW BUSINESS

Appointments

- Fire Department - Fire Chief Bob Blanchard was present to recommend John Joyce and Chris Jones be appointed as Lieutenants of the Wenham Fire Dept.
- *Vote: Mr. Wilhelm moved to promote John Joyce and Chris Jones as lieutenants of the Wenham Fire Department for a one (1) year term beginning on July 21, 2015 and ending on June 30, 2016. The motion carried unanimously.* Jack Joyce was present and pinned by his wife.
- *Vote: Ms. Harrison moved to appoint Mark Cieceta as a Wenham Provisional Firefighter for a one (1) year term beginning on July 21, 2015 and ending on June 30, 2016. The motion carried unanimously.*
- Audit Committee - The Selectmen discussed and agreed the charge for the Audit Committee be put in writing before the committee is appointed. This will be on the next meeting agenda.
- *Ms. Harrison moved, and it was second, to appoint Rosann Brozenske to the Board of Registrars for a three (3) year term beginning on September 1, 2015 and ending on August 31, 2018. The motion carried unanimously.*

- *Ms. Harrison moved, and it was seconded, to appoint the attached list of residents as **election officers for the Town of Wenham** for a one (1) year term beginning on September 1, 2015 and ending on August 31, 2016. Ms. Harrison read the list of names as submitted by the Town Clerk. The motion carried unanimously.*
- *Iron Rail Commission- The Board acknowledged a letter of interest from James Romano to serve on the Iron Rail Committee, noting he is well qualified to serve on the commission.
Ms. Harrison moved, and it was seconded, to **appoint James Romano to the Iron Rail Commission** for a two (2) year term beginning on July 1, 2015 and ending on June 30, 2017. The motion carried unanimously.
Mr. Wilhelm requested the Iron Rail Commission give the Board of Selectmen an update. It was noted that here are currently three members but up to five can be on the commission.*
- *The town is seeking (3) residents to serve as Fence Viewers.*

Community Compact Application Overview

Mr. Lombardi summarized the Community Compact program, recently launched by the Baker administration to strengthen the Governor's relationship with cities and towns by entering into a partnership to accomplish (3) specific goals; grant funding and/or technical assistance support will be available to Cities/ Towns that participate, but it is uncertain at this time of how much assistance would be made available. Mr. Lombardi will provide additional information to the Board at the retreat.

Ms. Harrison moved to table this agenda item, and reserve right to continue discussion on this at a future meeting, and it was unanimous to do so.

Direct Energy Contract Renewal

The Town Administrator talked about renewing the contract with Direct Energy that acts on behalf of non profit government entities in Massachusetts providing aggregate buying power for lower rates. The current contract expires at the end of the month July 29, 2015. The cost is based on the term of the contract. The rate of the current contract is just over \$.10 kWh; the rate varies daily but the new rate will be lower than the previous years.

Locking in a rate helps the town budget for electricity costs; Mr. Lombardi recommended a 2 year contract based on advice received. Mr. Wilhelm noted Direct Energy is available to private residential customers.

Ms. Harrison moved, and it was seconded, to approve the Direct Energy Agreement put forth by Power Options; and further authorize Peter Lombardi, as the Wenham Town Administrator to execute the agreement on behalf of the Board. The motion carried unanimously.

Bessie Buker/ Center School Leases

The Lease Agreement between the Town of Wenham, and the Hamilton-Wenham Regional School District (HWRSD) with respect to the Bessie Buker School, and the Center School, expired on June 30, 2015.

The term of the original twenty year lease of June 30, 1975 was extended for another 20 years in 1995.

The proposed *Short Term Lease Agreement* was through July 31, 2015 with an option to extend it another five months through the end of the calendar year.

Mr. Wilhelm moved, and it was seconded, to approve and accept the Lease Agreement Extension made by the Town of Wenham and the HWRSD for the use of Town Buildings located at 5 School Street (Center School) and lot 44 on Perkins Street Wenham (Buker School)

Ms. Harrison offered a friendly amendment to use the name of the document the Short Term Lease Agreement by the Town of Wenham. The motion carried unanimously.

Ms. Harrison moved, and it was seconded, to request that the Town Administrator provide written notification to the HWRSD to extend the short term lease agreement through December 31, 2015. The motion carried unanimously.

Mr. Lombardi reported the Hamilton Selectmen have entered into long term lease agreements with the HWRSD for the schools in Hamilton; the draft language of these agreements was provided to the Selectmen for review.

A discussion followed with the Selectmen noting that two towns share the costs of all the schools and the leases should be reviewed collaboratively.

Lyons Ambulance Contract Renewal

Mr. Lombardi stated the contract with Lyons Ambulance Service expired June 30, 2015.

Comments from the Public Safety Departments were positive, with both the Fire Chief and Police Chief confirming they have a good relationship with Lyons, and support a new contract

Mr. Lombardi revealed that this is a new contract with some clarification to rolls and responsibilities, but is based on past practices. A response time standard of less than eleven minutes, has been added in agreement. This is a "zero dollar", three-year contract, at no cost to the town, with town employees injured on the job transported at no cost. Kevin Lyons was present to answer questions, and confirmed his agreement with the new contract.

Fire Chief Blanchard reiterated the town has an outstanding relationship with Lyons, adding that some of the Firefighters also work for Lyons. Mr. Lyons was recognized his generosity in assisting the town e.g. training.

Ms. Harrison moved, and it was seconded, to approve the Lyons Ambulance Contract as written for a three year term beginning July 1, 2015 and ending June 30, 2018.

Energy Management Services Contract

The Board was presented with the Energy Management Service Agreement for consideration. This contract is with Siemen's to order the street lights and install in the Town of Wenham. The lights have a few months lead time from the time they are ordered; the goal is to begin work in October.

Mr. Wilhelm moved and it was seconded, to approve the Energy Management Service Agreement put forth by Siemens Industry, Inc.: and further authorize Catherine Harrison as Chair of the board of Selectmen to execute the agreement on behalf of the Board. The motion carried unanimously.

Wenham Museum Summer Craft Fair, Wenham Days, & Fire Department Open House - August 22, 2015

Ms. Harrison moved to approve and grant permission to conduct the Wenham Museum Craft Fair & Wenham Days on Saturday, August 22 or Sunday August 23, 2015 and it was unanimous to do so.

OTHER MATTERS – There were none.

MINUTES - April 21, 2015; May 5, 2015 open /executive session; May 19, 2015 open/ executive session; *Ms. Harrison moved to approve the BOS meeting minutes of April 21, 2015 and it was unanimous to do so.*

Ms. Harrison moved to approve the BOS meeting minutes of May 5, 2015 and it was unanimous to do so. Ms. Ms. Harrison moved to approve and hold, not for release, the executive session; minutes of May 5, 2015 and it was unanimous to do so.

Ms. Harrison moved to approve the BOS meeting minutes of May 19, 2015 and it was unanimous to do so.

Ms. Harrison moved to approve and hold, not for release, the executive session; minutes of May 19, 2015 and it was unanimous to do so.

Mr. Wilhelm reminded the Chair to review past executive session minutes to determine if the reason for which they were held in es has passed.

ADJOURNMENT

It was unanimous to adjourn at 8:14 pm.

Respectfully submitted by

Catherine Tinsley
7.28.15