

## **Wenham Annual Town Meeting – April 7, 2018**

### **Official Motions**

#### **Article 1: Budget Appropriations – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to raise and appropriate the total sum of \$18,672,060 to defray the Town’s expenses for FY 2019, all as set forth under the column entitled “Proposed Budget 07/01/18 – 06/30/19” appearing in the warrant under Article 1.

#### **Article 2: Use of Free Cash to Balance the Budget – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to transfer the sum of \$750,000 from FY 2017 Free Cash to balance the budget for the period July 1, 2018 to June 30, 2019.

#### **Article 3: Hamilton Wenham Regional School District Operating Expense Override – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to raise and appropriate the additional sum of \$331,294 for Wenham’s annual assessment for the FY 2019 Hamilton Wenham Regional School District budget; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ override allowing the Town to raise the funds appropriated hereunder outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

#### **Article 4: Debt Exclusion - Winthrop School Fire Suppression System – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote in accordance with MGL Chapter 71, Section 16(d) to approve the vote of the Hamilton Wenham Regional School District School Committee to borrow the sum of \$850,000 for the purchase and installation of a fire suppression system at the Winthrop Elementary School, located at 325 Bay Rd, South Hamilton, MA 01982, including the payment of all incidental or related costs; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters at an election of a Proposition 2 ½ debt exclusion allowing the Town to raise the money needed to repay its share of the borrowing outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

#### **Article 5: Debt Exclusion - Hamilton Wenham Regional School District Safety, Accessibility, and Critical Infrastructure –NO ACTION TAKEN**

**Motion:** The Finance and Advisory Committee moves that the Town vote In accordance with MGL Chapter 71, Section 16(d) to approve the vote of the Hamilton-Wenham Regional School District School Committee, to borrow the sum of \$2,600,000 for the purpose of paying costs of various FY19 “Safety, Accessibility and Critical Infrastructure” capital projects within the District as outlined in the District’s Five-Year Capital Plan dated February 13, 2018, including the payment of all incidental or related costs; provided, however, that the vote taken hereunder shall be expressly contingent approval by the voters at an election of a Proposition 2 ½ debt exclusion allowing the Town to raise the money needed to repay its share of the borrowing outside the limits established by Proposition 2 ½, MGL Chapter 59, Section 21C.

**Article 6: Use of Free Cash to Fund FY 2019 Capital Improvement Program – APPROVED 6A & 6B**

**Motion 6A:** The Finance and Advisory Committee moves that the Town vote to transfer \$200,500 from FY 2017 Free Cash to fund the FY 2019 Capital Improvement Program for the following eligible items and amounts, including the acquisition, purchase and equipping of capital items and all incidental and related costs for all capital items and projects:

- Town Hall – Exterior Painting \$18,000
- Fire – Portable Radios \$30,000
- Building & Grounds – Used Utility Vehicle \$ 5,000
- Highway – Portable Truck Lift \$45,000
- Highway – Road Capital \$45,000
- Highway – Front End Loader \$40,000 (lease/purchase, year 1 of 5 years)
- Police – Administrative Vehicle \$17,500 (lease/purchase, year 1 of 3 years)

**Motion 6B:** The Finance and Advisory Committee moves that the Town vote to authorize the Board of Selectmen to enter into a lease purchase agreement or other contracts for terms of up to or more than three years for the Highway Front End Loader and Police Administrative Vehicle. **2/3 vote required**

**Article 7: Water Department Capital Expenditure – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to transfer \$55,000 from the Water Surplus account to the Water Capital account for the purchase and equipping of a utility truck.

**Article 8: Creation of Water Capital Reserve Account and Transfer from Water Operating Budget – APPROVED**

**Motion:** The Finance and Advisory Committee moves to establish a new Water Capital Reserve account, in accordance with MGL Chapter 41, Section 69B, which fund shall be subject to appropriation by Town Meeting for water system capital expenditures, and, in connection therewith, to transfer \$35,000 from the FY 2019 Water operating budget into this account.

**Article 9: Revolving Funds – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to:

- (a) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following fund: Iron Rail Rental  
*Revenues collected through rental fees from tenants of the Iron Rail property for the purpose of paying for facility maintenance and capital investments; to be expended by the Iron Rail Commission.*
- (b) Amend the General Bylaws, Chapter XXVIII, Revolving Funds, to insert at the end of Section 1 the following new fund: Water Mitigation  
*Revenues collected through permitting fees for the purpose of paying for water mitigation initiatives, including but not limited to offering rebates to residents for water saving devices and appliances; to be expended by the Board of Water Commissioners.*

and further to transfer to such revolving fund the sum of \$20,900 from available funds in the Water Surplus account already collected for such purposes.

- (c) Establish fiscal year limitations on expenditures for the revolving funds established by Section 1 of Chapter XXVIII of the General Bylaws, Revolving Funds, and as approved hereunder, with such limitations to remain applicable from fiscal year to fiscal year until such time as they are later amended:
  - H-W Grounds Maintenance: \$20,000
  - Iron Rail Rental: \$25,000
  - Water Mitigation: \$10,000

**\*CONSENT AGENDA: ARTICLES 10-13**

**Motion:** The Finance and Advisory Committee moves that the Town vote to approve Articles 10, 11, 12, and 13 as written.

**Article 10: Cemetery and Other Trust Funds – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to accept the Cemetery and Other Trust Funds received in FY 2017 as printed in Part I of the Town Report and on file with the Town Clerk.

**Article 11: Cemetery Maintenance Fund Transfer – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to authorize the Treasurer to transfer \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account for use during FY 2019 for Highway Department expenditures in connection with the care and operation of the three cemeteries in the Town of Wenham.

**Article 12: Road Work – Chapter 90 Funding – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to accept such funds as are made available by the commonwealth of Massachusetts under the so-called Chapter 90 program or any other federal or state grant program and transfer from available funds sums necessary for road work and other projects, subject to and in conformance with conditions detailed by the Massachusetts Department of Transportation Highway Division.

**Article 13: Rescission of Authorized, but Unissued Debt – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to rescind the authorized, but unissued debt of the Town approved under Article 11 of the April 11, 2015 Annual Town Meeting in the amounts of \$23,000 for DPW Equipment and Finance and Police Department Server and \$14,738 for Software Upgrades and under Article 10 of the May 1, 2010 Annual Town Meeting in the amount of \$260,955 for an Energy Savings Performance Contract (ESCO), which borrowing authority is no longer required for the purposes originally approved.

**Article 14: Authorize Borrowing - Iron Rail Capital Needs – APPROVED**

**Motion:** The Finance and Advisory Committee moves that the Town vote to appropriate \$245,000 to pay costs of remodeling and improving the Iron Rail facility, including, but not limited to, replacing the roof, gutter, and

fascia, repairing masonry, repaving the entrance road and paving the parking lot, and also including the payment of costs incidental or related thereto; that to meet this appropriation, the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under and pursuant to MGL Chapter 44, or any other enabling authority and to issue bonds or notes of the Town therefor; that the Board of Selectmen and any other appropriate Town officials are authorized to take any other action necessary or convenient to carry out this vote; that any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount. **2/3 vote**

**Article 15: CPA Appropriations – APPROVED**

**FIRST MOTION AT TOWN MEETING UNDER ARTICLE 15 – APPROVED**

**Motion 1(a):** The Community Preservation Committee moves that the Town vote to transfer from FY 2019 Community Preservation Fund estimated annual revenues the total sum of \$117,000, as follows:

- \$39,000 to the Historic Resources Reserve,
- \$39,000 to the Open Space and Recreation Reserve, and
- \$39,000 to the Community Housing Reserve.

**Motion 1(b):** The Community Preservation Committee moves that the Town vote to transfer the sum of \$265,500 from FY 2019 Community Preservation Fund estimated annual revenues to the FY 2019 Community Preservation Fund Budgeted Reserve.

**Motion 1(c):** The Community Preservation Committee moves that the Town vote to appropriate the sum of \$7,500 from FY 2019 Community Preservation Fund estimated annual revenues to the Community Preservation Committee for FY 2019 administrative costs.

**SECOND MOTION AT TOWN MEETING UNDER ARTICLE 15 – APPROVED**

**Motion 2(a):** The Community Preservation Committee moves that the Town vote to appropriate the sum of \$2,500 from Community Preservation Fund Balance to the Town of Wenham Cemetery Commission for the purpose of the Fairfield Cemetery Restoration Project, as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.

**Motion 2(b):** The Community Preservation Committee moves that the Town vote to appropriate the sum of \$9,500 from Community Preservation Fund Balance to the Town of Wenham Cemetery Commission for the Main Street Cemetery Gravestone Preservation Project as described in detail in the application submitted to the Community Preservation Committee, including all incidental and related expenses.

**Motion 2(c):** The Community Preservation Committee moves that the Town vote to appropriate sum of \$46,009.87 from the Community Preservation Fund Balance Reserved for Historic Resources and the sum of \$87,240.13 from the Community Preservation Fund Balance for a total sum of \$133,250 for the purpose of paying FY 2019 debt service on the \$2,151,421 supplemental borrowing for the rehabilitation of the 164 year-old Wenham Town Hall Building located at 138 Main Street.

**Motion 2(d):** The Community Preservation Committee moves that the Town vote to appropriate the sum of \$89,455 from the Community Preservation Fund Balance as a grant to the Wenham Museum for the preservation of the historic Clafin-Gerrish-Richards House located at 132 Main Street, Wenham, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Museum Board of Trustees upon such terms and conditions as the Board of Selectmen shall deem appropriate, and to authorize said Board to accept a preservation restriction in such property.

**Article 16: Special Legislation, Appropriation, and Authorize Borrowing - Longfellow Road and South Street Road Improvements and Betterment Assessment – APPROVED**

**Motion:** The Board of Selectmen moves that the Town vote to approve Article 16 as set forth in the warrant to allow the Town to make permanent improvements to Longfellow Road and South Street, to transfer from overlay surplus the sum of \$60,000 for such purposes, and to assess betterments therefor in the manner agreed upon by the Board of Selectmen and the majority of the property owners on such roads, and, for such purposes, to petition the General Court for special legislation and take such other actions as may be necessary to effectuate the vote taken hereunder. **2/3 vote**

**Article 17: Zoning Bylaw Adoption - Marijuana Establishment Ban – APPROVED AS AMENDED (see strikethrough below)**

**Motion:** The Planning Board moves that the Town vote to amend the Wenham Zoning Bylaw by inserting a new Section 4.2.5, entitled “Marijuana Establishments”, prohibiting all marijuana establishments in the Town, as set forth in Article 17 in the warrant, and to insert after the words “marijuana-related businesses”. ~~the words, “including medical marijuana treatment centers”.~~ **2/3 vote**

**Article 18: Bylaw Adoption - Marijuana Establishment Ban – NO ACTION TAKEN**

**Motion:** The Board of Selectmen moves that the Town vote to amend the Town’s General Bylaw by inserting a new section, entitled “Marijuana Establishments”, prohibiting all marijuana establishments in the Town, as set forth in Article 18 in the warrant, and to insert after the words “marijuana-related businesses”, the words, “including medical marijuana treatment centers”, and further to authorize the Town Clerk to assign such General Bylaw an appropriate section number.

**Article 19: Zoning Bylaw Adoption - Retail Marijuana – NO ACTION TAKEN**

**Motion:** The Planning Board moves that the Town vote to amend the Wenham Zoning Bylaw to address recreational marijuana retailers by amending Section 4.0, Use Regulations, Subsection 4.1 by inserting under “Commercial”, a new use, “Marijuana Retailers”, to be allowed pursuant to a special permit issued by the Planning Board only in the Business District; and by amending Section 10.0, Special Regulations, by inserting a new Subsection 10.3 “Recreational Marijuana Retailers”, as set forth in Article 19 in the warrant, and with the following additions: inserting at the beginning of Section 10.3.3(1), the words, “Unless more strictly regulated or prohibited by another general or zoning bylaw of the Town,”; and by inserting at the end of the bylaw a new Section 10.3.9, Application, as follows, “Nothing in this section shall affect or negate the application of any other general or zoning bylaw of the Town that more strictly regulates or prohibits Marijuana Establishments.” **2/3 vote**

**Article 20: Local Acceptance - Marijuana Retailer Local Sales Tax – NO ACTION TAKEN**

**Motion:** The Board of Selectmen moves that the Town vote to accept the provisions of MGL Chapter 64N, Section 3 to impose a local sales tax upon the sale or transfer of marijuana or marijuana products by a marijuana retailer operating within the Town to anyone other than a marijuana establishment at a rate of three percent (3%) of the total sales price received by the marijuana retailer as consideration for the sale of marijuana or marijuana products.

**Article 21: Bylaw Adoption - Short term Guest Rentals in Homes Bylaw**

**Motion:** The Board of Selectmen moves that the Town vote to amend the Town’s General Bylaw by inserting a new Chapter XXX: Short term Guest Rentals in Homes, to establish an annual licensing process for short term guest rentals in homes designed to protect the health and welfare of the guests, to ensure an orderly and transparent process for operating these small-scale room rental services, to protect the tranquility of residential neighborhoods, and to ensure proper enforcement of said bylaw, as set forth in Article 21 in the warrant.

**Article 22: Zoning Bylaw Amendment - Accessory Apartments**

**Motion:** The Planning Board moves that the Town vote to amend the Zoning Bylaw Section 4.3, Accessory Uses, by: deleting the strikethrough text and inserting the bold italic text and further by inverting the text of Sections 4.3.2.1. and Section 4.3.2.2., as set forth in Article 22 in the warrant.

**Article 23: Zoning Bylaw Amendment - Common Driveways**

**Motion:** The Planning Board moves that the Town vote to amend the Zoning Bylaw by inserting a new paragraph (6) in Section 5.2.6.5, Common Driveways, striking the word “this” and inserting in Section 5.2.6.5 a reference to Section 5.2.6, Residential Driveways, by deleting the strikethrough text and inserting the bold italic text, as set forth in Article 23 in the warrant.

**Article 24: Zoning Bylaw Amendment - Personal Wireless Service Facilities**

**Motion:** The Planning Board moves that the Town vote to amend the Zoning Bylaw to insert in Section 12.4.3.3. a missing reference to Section 12.4.5.6, with text to be inserted shown in bold italics, as set forth in Article 24 in the warrant. ***2/3 vote***

**Article 25: Local Acceptance - Municipal Veterans Assistance Fund**

**Motion:** The Board of Selectmen moves that the Town vote to accept the provisions of MGL Chapter 60, Section 3F to establish a municipal veterans assistance fund, whereby the Town may designate a place on its municipal property tax bills, motor vehicle excise bills, or mail with such bills a separate form for taxpayers to voluntarily check off, donate and pledge an amount of money for support of veterans and veterans services as authorized by the law.

**Article 26: Local Acceptance - Modification to Senior Circuit Breaker Tax Exemption Program**

**Motion:** The Board of Selectmen moves that the Town vote in accordance with MGL Chapter 59, Section 5, Clause Forty-First C½, to reduce the eligible age of seniors from 70 to 65 years, and to increase the amount of

the exemption from 5% to 10%; provided, however, that such statute must be accepted by the Town at the 2019 Annual Town Election.

**Article 27: Modification to Elderly Property Tax Deferral Program Interest Rate**

**Motion:** The Board of Selectmen moves that the Town vote to reduce the rate of interest that accrues on property taxes deferred by eligible seniors under MGL Chapter 59, Section 5, Clause Forty-First A from 8% to 4%, with such reduced rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2018.

**Article 28: Modification to Elderly Property Tax Deferral Program Income Eligibility Levels**

**Motion:** The Board of Selectmen moves that the Town vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under MGL Chapter 59, Section 5, Clause Forty First A from \$20,000 to \$40,000, with such increase to be effective for deferrals granted for taxes assessed for any fiscal year beginning on or after July 1, 2018.

**Article 29: Local Acceptance - Elderly Betterment Assessment Deferral Program**

**Motion:** The Board of Selectmen moves that the Town vote to accept the provisions of MGL Chapter 80, Section 13B, providing a mechanism for income eligible elderly residents to enter into deferral and recovery agreements for the payment of assessed betterments.

**Article 30: Local Acceptance and Bylaw Adoption - Administration of Fines**

**Motion:** The Board of Selectmen moves that the Town vote to accept the provisions of MGL Chapter 40U in its entirety, allowing for the administration of fines as a result of violations of Chapters XXI and XXX of the Town's General Bylaws and to amend the General Bylaws by adding a new Chapter XXIX, as set forth in Article 30 in the warrant.

**Article 31: Change in Moderator Term from 1 Year to 3 Years**

**Motion:** The Board of Selectmen moves that the Town vote to increase the term of the Town Moderator from one year to three years, with the office of Moderator to appear on the ballot at the 2019 Annual Town Election for a term of three years.

**Article 32: Bylaw Amendment - Change in Town Meeting Quorum Requirements**

**Motion:** The Board of Selectmen moves that the Town vote to amend Chapter I, Section 1 of the Town's General Bylaws to change the Town Meeting quorum requirement from 5% of registered voters for Annual Town Meeting and 2% of registered voters at Special Town Meeting to a fixed number of 120 registered voters for Annual and Special Town Meeting, as set forth in Article 32 in the warrant.