WARRANT FOR THE ANNUAL TOWN MEETING
WENHAM, MASSACHUSETTS
Saturday
April 5, 2014

Essex, ss

To either of the Constables of Wenham, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of said Town qualified to vote in the Town Affairs and elections. The Town Meeting will take place in the Perkins Auditorium in the Bessie Buker School in said Town on Saturday, the fifth of April, 2014 at 1:00 PM. The Election of town officers to be by official ballot from 7:00 AM until 8:00 PM will take place at the Wenham Town Hall, 138 Main Street, on Thursday, April 10, 2014.

ARTICLE 1: Budget appropriations

To see if the Town will determine what sum of money may be necessary to defray the Town expenses of the twelve month period (Fiscal Year 2015) beginning July 1, 2014 and ending June 30, 2015 and to make appropriations for the same and to determine the source thereof.

Commentary: The FY 2015 budget, as recommended by the Board of Selectmen and Finance & Advisory Committee, totals $15,729,241, $306,613 of which is new municipal capital expenditures. The FY 2015 budget uses $600,000 in FY 2013 free cash (See Article 2), and $250,000 from the Education Stabilization Fund (See Article 3) to mitigate the tax rate. See financial exhibits contained within the warrant for further details. If the FY 2015 budget is accepted as recommended, overall taxation rises by $162,602. Assuming no changes in the Town's overall property valuation, the tax rate rises to $19.12, an increase of .24 or 1.28%. This translates into an increase of $122.91 to the average single family home, valued at $508,715
Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority, assuming no funds are transferred from Stabilization. Transfers to and from Stabilization requires a two-thirds majority

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

To see what sum of money, if any, the Town will vote from FY 2013 Free Cash to be used to level the tax rate for the period July 1, 2014 to June 30, 2015.

Commentary: *This article seeks to transfer the sum of 600,000 from FY 2013 free cash to the FY 2015 tax rate. The Town certified $797,322 in FY 2013 free cash on November 1, 2013, an increase of $212,977 from FY 2012. The Town used 67.5% of FY 2012 free cash to reduce the tax rate; this article seeks usage of 75.2% of FY 2013 free cash. Balance of un-appropriated free cash from FY 2012 totaled $189,345; balance of un-appropriated free cash after passage of this article is $197,322.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority, assuming no funds are transferred from Stabilization. Transfers to and from Stabilization requires a two-thirds majority

ARTICLE 3: Use of other funds to level the tax rate

To see what sum of money, if any, the Town will vote from available funds to be used to level the tax rate for the period July 1, 2014 to June 30, 2015.

Commentary: *This article seeks to transfer the sum of $250,000 from the education stabilization fund that is to be created via Article 1 of the April 5 Special Town Meeting. The fund is anticipated to accept a FY 2015 transfer of $576,964, as the Town's portion of the return of excess E & D funds from the Hamilton Wenham Regional School District. This article seeks to transfer $250,000 from the new fund in order to use school funding that was returned in FY 2014 to mitigate a portion of the tax increase required by funding the HWRSD budget at the recommended amount. There will be $326,964 in the education stabilization fund after this transfer.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority, assuming no funds are transferred from Stabilization. Transfers to and from Stabilization requires a two-thirds majority

CONSENT ARTICLES – The Moderator has termed Articles 4, 5, 6, 7 as consent articles, meaning that they are procedural articles that are voted annually at Town Meeting. Unless there is a request to separate a particular article or articles, they will be opened for consideration as a block, and decided by Town Meeting in a single vote.

ARTICLE 4: Cemetery and Other Trust Funds

To accept the Cemetery and other Trust Funds received in FY 2013, as printed in Part I of the Town Report, and on file with the Town Clerk.

Commentary: *This is a standard acceptance article.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority.

ARTICLE 5: Cemetery Maintenance Fund Transfer

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed $10,000 from the Cemetery Perpetual Care trust fund, after July 1, 2014 and before June 30, 2015, and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the two cemeteries in the Town of Wenham

Commentary: *This article seeks to transfer funds to support DPW general fund expenses for cemetery maintenance. The current balance in the cemetery sale of lots fund #23-349-3580-0491is $29,356.70.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority

ARTICLE 6: OPEB Fund Appropriation

To see if the Town will vote to raise and appropriate a sum of money for deposit in the Other Post Employment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post employment benefits to which the Town of Wenham is obligated.

Commentary: *This article seeks to raise and appropriate the sum of $20,000 to the OPEB Stabilization fund that was established with funding of $5,000 at the April 12, 2012 Annual Town Meeting. The Town's current OPEB liability, according to the latest audit, conducted is $4,006,093. While the Town lacks resources to fully fund its current forecast liability, the rating agencies look favorably on continued local efforts to address it. Additionally, the Town is awaiting assistance from the Legislature via retirement benefits reform which is currently being debated on Beacon Hill.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple Majority

ARTICLE 7: Road Work – Chapter 90 Funding

To see if the Town will vote from available funds, under Chapter 246B on the Acts of 2002, the sums for road work and other projects, subject to conditions detailed by the Massachusetts Highway Department, pursuant to Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F; said work to conform to the requirements of the Massachusetts Highway Department, and to be fully reimbursed by the Massachusetts Highway Department.

Commentary: *Annual article which allows the Town to expend funds in anticipation of reimbursement through the Chapter 90 program. The actual amount of funding available to the Town will not be confirmed until the Legislature completes the state budget process in June.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority

ARTICLE 8: H-W Building Maintenance Revolving Fund

To see if the Town will vote to re-authorize a revolving fund pursuant to M.G.L., Chapter. 44, Section 53 E1/2 for the following department for the specific purposes outlined below for Fiscal year beginning July 1, 2014 and ending June 30, 2015.

A. H-W Building Maintenance
Fees and reimbursements from the Town of Hamilton and the Hamilton Wenham Regional School District for the purpose of paying employees, purchasing supplies, services, equipment, and miscellaneous expenses related to building maintenance; to be expended by the DPW; not to exceed $67,000 during fiscal year 2015

B. H-W Grounds Maintenance
Fees and reimbursements from the Town of Hamilton and the Hamilton Wenham Regional School District for the purpose of paying employees, purchasing supplies, services, equipment, and miscellaneous expenses related to grounds maintenance; to be expended by the DPW; not to exceed $67,000 during fiscal year 2015

Commentary: *Continuation of two revolving funds to be used to further expand the concept of a regional infrastructure management entity serving Hamilton, Wenham and the HWRSD.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: Favorable Action (5-0-0)
Vote Needed: Simple majority

ARTICLE 9: CPA Appropriations

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2015 Community Preservation budget; to appropriate from the Community Preservation Fund a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2015; and to approve the appropriation to expend or set aside the following amounts as recommended by the Community Preservation Committee: A sum of money for the acquisition, creation and preservation of open space; a sum

of money for recreational use; a sum of money for the preservation of historic resources; and a sum of money for the creation, preservation and support of community housing.

Commentary: *Annual warrant article for appropriations by the Community Preservation Committee.*

Recommendation of the Board of Selectmen: To be given at Town Meeting
Recommendation of the Finance and Advisory Committee: To be given at Town Meeting
Vote Needed: Simple majority

ARTICLE 10: CPA Appropriation – Patton Park Pool

To see if the Town will vote to appropriate from the Community Preservation Fund a sum of money for the purpose of restoration of the Patton Park pool

Commentary: *To be provided by the CPA Committee at Town Meeting*

Recommendation of the Board of Selectmen: To be given at Town Meeting
Recommendation of the Finance and Advisory Committee: To be given at Town Meeting
Vote Needed: Simple majority

ARTICLE 11: CPA Appropriation – Affordable Housing

To see if the Town will vote to appropriate from the Community Preservation Fund a sum of money for the purpose of providing partial funding of a senior affordable housing building in the rear of 62 Maple Street.

Commentary: *Project Detail: To be managed by Harborlight Community Partners, a local non-profit developer and manager of housing. Project would create sixty senior only one bedroom affordable housing units in a single building, in two phases. The addition of these sixty affordable housing units would put the Town's housing inventory over the MGL Chapter 40B minimum requirements, which would keep future development within existing zoning regulations.*

Recommendation of the Board of Selectmen: To be given at Town Meeting
Recommendation of the Finance and Advisory Committee: To be given at Town Meeting
Vote Needed: Simple majority

ARTICLE 12: Reduction of Hamilton Wenham Regional School Committee from Nine to Seven Members

To see if the Town will vote to amend the Agreement between the Towns of Hamilton and Wenham with respect to the establishment of a Regional School District so as to reduce the size of the regional district school committee from nine (9) to seven (7) members, and more specifically to revise Section I, Paragraph (B) thereof to read as follows:

"The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter referred to as the Committee. All members of the Committee shall serve until their respective successors are elected and qualified. The Committee, which consisted of nine (9) members as of January 1, 2014, shall be reduced as follows to seven (7) members having staggered terms:

(a) Notwithstanding Section I, Paragraph (H), no vacancies on the Committee shall be filled unless such vacancy would reduce the number of members below seven (7).

(b) At the district election in 2015, the number of members to be elected shall be such as to bring the Committee to a total of eight (8) members. Notwithstanding the preceding sentence, if vacancies reduce the number of members to seven (7) prior to the 2015 election, then the number elected in 2015 shall be such as to bring the Committee to a total of seven (7).

(c) At the district election in 2016, the number of members to be elected shall be such as to bring the Committee to a total of seven (7) members.

(d) Thereafter the seven (7) members of the Committee shall be elected in staggered terms, such that every third year three (3) members shall be elected and in all other years two (2) members shall be elected."

Commentary: *To be provided by the Hamilton Wenham Regional School Committee at Town Meeting.*

Recommendation of the Board of Selectmen: To be given at Town Meeting
Recommendation of the Finance and Advisory Committee: A recommendation from the Finance and Advisory Committee is not required
Vote Needed: Simple majority

ARTICLE 13: Conversion of Town Clerk to an Appointed Town Office

To see if the Town will vote, pursuant to MGL Chapter 41, Section 1B, to make the office of Town Clerk a position appointed by the Board of Selectmen, provided that approval of this article is accepted by vote of a majority of the voters at the 2015 Annual Town Election on April 9, 2015, on the following ballot question: Shall the town vote to have its elected Town Clerk become an appointed office of the town? Yes___ No ___.

Commentary: *Passage of the article would change the Town Clerk from an elected position to one that is appointed by the Board of Selectmen. This would be effective at next year's annual election, as the timing of the former Clerk's resignation was outside of the sixty-day notice required by MGL Chapter 41, Section 7.*

Recommendation of the Board of Selectmen: To be given at Town Meeting

Recommendation of the Finance and Advisory Committee: A recommendation from the Finance and Advisory Committee is not required
Vote Needed: Simple majority

ARTICLE 14: Amendment to the Zoning Bylaws – Reduction of minimum parcel size for agricultural exemption

To see if the Town will vote to amend the Town of Wenham Zoning Bylaw to reduce the minimum parcel size for commercial agricultural use from five acres to two acres as required to conform to changes in Massachusetts Zoning Act, MGL Ch. 40A Section 3, by striking the term "Agricultural use, exempt" from Section 2.2 Definitions, and adding two new definitions, the full text as described herein.

Agriculture: *Farming in all of its branches and the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural, aquacultural, floricultural or horticultural commodities, the growing and harvesting of forest products upon forest land, the raising of livestock including horses, the keeping of horses as a commercial enterprise, the keeping and raising of poultry, swine, cattle and other domesticated animals used for food purposes, bees, fur-bearing animals, and any forestry or lumbering operations, performed by a farmer, who is hereby defined as one engaged in agriculture as herein defined, or on a farm as an incident to or in conjunction with such farming operations, including preparations for market, delivery to storage or to market or to carriers for transportation to market.*
Agricultural use, exempt: *Use of land for the primary purpose of agriculture, on a parcel of five or more acres in area, or two acres or more if the sale of products produced from the agriculture use on the parcel annually generates at least $ 1000 per acre based on gross sales dollars, as set forth in M.G.L. c. 40A, s. 3.*

Commentary: Section 3 of MGL Ch. 40A (the Zoning Act) provides agricultural / farm uses with protections from local zoning. Previously, it established 5 acres as the minimum size for a farm property or operation which could enjoy such protections.
The revised section of the Zoning Act lowers the size of protected farm properties or operations from five acres to two acres, if the property meets a specific threshold of $1,000/acre in revenue from the farm activity.

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Planning Board: Favorable action
Recommendation of the Finance and Advisory Committee: A recommendation from the Finance and Advisory Committee is not required
Vote Needed: Simple majority

ARTICLE 15: Amendment to the Zoning Bylaw - Signs

To see if the Town will vote to amend the Town of Wenham Zoning Bylaw by deleting Section 7.0 Signs and replace it with a new Section 7.0 Signs, the full text of which is on file with the Town Clerk.

Commentary: *The proposed revisions to Section 7.0 Signs clarify the types of signs allowed by right (without a permit), versus those signs that require a special permit from the Planning Board. They also incorporate the standards applied by the Historic District Commission to all permanent signs in the Historic District.*

Recommendation of the Board of Selectmen: To be given at Town Meeting
Recommendation of the Planning Board: Favorable action
Recommendation of the Finance and Advisory Committee: A recommendation from the Finance and Advisory Committee is not required
Vote Needed: Simple majority

ARTICLE 16: Establishment of Wenham Historic District Bylaw

To see if the Town will vote to amend the Town of Wenham General Bylaws by adding Chapter XXIII, so-entitled

Chapter XXIII - WENHAM HISTORIC DISTRICT BYLAW

Section 1. This bylaw shall be known and may be cited as the Wenham Historic District Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.

Section 2. The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Wenham or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

Section 3. There is herby established under the provisions of Chapter 40C of the General Laws a historic district to be known as the "Wenham Historic District 1972" attached to and made part of this bylaw.

Section 4. There is hereby established under Chapter 40C of the General Laws, with all the powers and duties of a historic district commission under such statute a Wenham Historical Commission / Historic District Commission, consisting of seven members to be appointed in accordance with the provisions of such statute; provided, however, that in addition to the organizations which section four of such statute designates, the Wenham Village Improvement Society may submit nominees for membership in the Commission. The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one year; two members appointed for a term of two years; and three members appointed for a term of three years. Successors shall each be appointed for a term of three years. Vacancies shall be filled by appointment for the unexpired term.

Section 5. Notwithstanding anything containing in this bylaw to the contrary, the authority of this commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Wenham Historic District.

a. Terraces, walks, driveways and similar structures or any one or more of the them, provided that any such structure is substantially at grade level.

b. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennas and similar appurtenances, or any one or more of them.

c. The color of paint
d. The color of materials used on roofs

e. The reconstruction of substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire or storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

Section 6. ***The commission established hereunder shall have the powers and duties of an historical commission as provided in chapter 40 section eight D of the General Laws of the Commonwealth of Massachusetts and the commission shall be entitled The Wenham Historical Commission / Historic District Commission.***

Section 7. In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Commentary: *Commentary, if any, to be provided by the petitioner at Town Meeting.*

Recommendation of the Board of Selectmen: Favorable Action (3-0-0)
Recommendation of the Finance and Advisory Committee: A recommendation from the Finance and Advisory Committee is not required
Vote Needed: Simple majority

ARTICLE 17: Citizen's Petition: Repeal of Chapter 5, Section 4 of Wenham town by-laws

To see if the Town of Wenham will vote to repeal the Chapter 5, Section 4, Wenham town by-law that states, "No persons shall coast upon or across any sidewalk or street in the town, except at such times and in such places as may be from time to time be designated by the Selectmen" due to its vagueness and potential for discriminatory enforcement." This change shall be effective for the Annual Town Meeting April 5, 2014.

Commentary: *Commentary, if any, to be provided by the petitioner at Town Meeting*
Vote Needed: Simple majority

ARTICLE 18: Citizen's Petition: Town Meeting Budget Appropriation Voting Methodology

That the Town Meeting vote department budgets by Salaries and Expense, and if applicable, Contract Service and Capital at the Annual Town Meeting for the proposed Town Budget, as described in the Town of Wenham Annual Town Meeting Warrant Book, as it did prior to the 2013 Annual Town Meeting, rather than by Department totals, as it did at the 2013 Annual Town Meeting. During the course of the year, any request to spend more than the Annual Town Meeting approved Budget Line Item, for example, Salaries or Expense, would require a new town meeting appropriation of additional funds or a Finance and Advisory Committee approved Reserve Fund Transfer or, subsequent to May 15th of each year, a Selectmen and Finance and Advisory Committee approved Line Item transfer, subject to restrictions mandated by the Commonwealth, which restricts such transfers to the greater of 3% or $5,000 for each line item. The only exception would be legal deficits as allowed by Massachusetts General Law."

Commentary: *Commentary, if any, to be provided by the petitioner at Town Meeting.*
Vote Needed: Simple majority

ARTICLE 19: Election of Town Officers

Moderator, one year term; Town Clerk, three year term; Selectman, one position, three year term; Assessor, one position, three year term; Planning Board, one position, five year term; Tree Warden, one position, one year term; Board of Health, one position, three year term; Cemetery Commissioner, one position, three year term; one position for two years-to fill an unexpired term; Water Commissioner, one position, three year term; Wenham Housing Authority, one position, five year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term, one at large position for one year – to fill an at-large position; Hamilton Wenham School Committee, three positions, three year term, and one position for one year – to fill an unexpired term.

And you are hereby directed to serve this warrant by posting attested copies thereof: one at Town Hall and H-W Library; one at the Senior Center and the Bulletin Board outside the Wenham Post Office fourteen days at least before the time of the meeting aforesaid.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this 10th day of March 2014

Kenneth F. Whittaker

Patrick A. Wilson

Jack Wilhelm

"In pursuance of the above written warrant I have this 18th day of March 2014, posted the attested copies thereof as directed therein."

A TRUE COPY
ATTEST:
Frederick C. Frithsen
Temporary Town Clerk

Constable of the Town of Wenham

DATE: