

Minutes: Annual Town Meeting

April 2, 2016

Opening

Interim Town Moderator, Anthony Feeherry, called the meeting to order at 1:07 PM. He welcomed everyone and thanked Paul Weaver for his 28 years of service as the Town Moderator. Senator Bruce Tarr and Representative Brad Hill both thanked Paul for his years of service and presented him with citations from the Senate, the House of Representatives, and Governor Baker.

After the transfer of the Town's official gavel, Mr. Feeherry explained how he came to be the Interim Moderator for this Annual Town Meeting. He agreed to the two criteria identified by the Board of Selectmen: to be available for a pre-town organizational meeting and not to run for the open seat as Town Moderator in the upcoming election. Mr. Feeherry noted that he had served as Interim Moderator in the past. He had also consulted with both Paul Weaver and the Town's current counsel, Lauren Goldberg of Kopelman and Paige on procedural and substantive issues. He asked for the voter's patience and not hearing any objections, he continued with the meeting.

Mr. Feeherry thanked Boy Scout Troop 28 for delivering the annual Town Report and Warrant, the Wenham Village Improvement Society for the lunch served prior to Town Meeting, the Ayers Family for the flowers donated in memory of Hilda Rice Ayer, and the Town Hall and Police Station Building Committee, which dissolved in December for its work completing both projects.

Dianne Bucco, Town Clerk, confirmed that the Constable had attested to the proper posting of the warrant on March 24, 2016. She also confirmed that the quorum of 5% of registered voters (133) had been met as of 1:13PM. (A final total of 194 voters and 21 non-residents were present for the meeting.) The Moderator gave an overview of the 22 articles in the Warrant and began with the first.

Warrant Articles

Article 1: Budget Appropriations

Purpose. To see if the Town will determine what sum of money may be necessary to defray the Town's expenses of the twelve month period (Fiscal Year 2017) beginning July 1, 2016 and ending June 30, 2017 and to make appropriations for the same and to determine the source thereof. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Commentary. Mr. Lucy gave an overview of the budget. After presenting the details of the budget process, he concluded by saying, "The levy limit of \$85,577 will be tight going into FY 2018 but for this year, the Committee did all they could to get the job done".

Motion. Mike Lucy, Chair of the Finance and Advisory Committee, moved on behalf of the Committee that the Town vote to raise and appropriate the total sum of \$17,281,165 to defray the Town's expenses for FY 2017, all as set forth under the column entitled "Finance Committee Budget 07/01/16 – 06/30/17" appearing in the Warrant under Article 1.

Discussion. During the reading of the budget, there were two holds: line item 199, Iron Rail, and line item 315, Hamilton Wenham Regional School District (HWRSD).

- Al Evans, 12 Porter Street, brought attention to the Iron Rail facilities' need for funding. He communicated that the building generates money for the Town but has no expense budget. Mr. Lucy responded that the Finance and Advisory Committee will look forward to discussing this in the coming year.
- Michelle Bailey, 2 Remington Road, wanted to be sure to hear the HWRSD report.

HWRSD Report. Dr. Harvey, Superintendent of the HWRSD, thanked the Board of Selectmen, the Town Administrator, and the Assistant Superintendent. He also recognized School Committee chair, Larry Swartz, for his many years of service to the children of Hamilton and Wenham. He then explained the level service budget that the District had presented to the Towns. He concluded by saying, "The District strives to do good work in supplying a world class education for the children while being responsible to the tax payers of Hamilton and Wenham."

Additional Discussion. Paul Mendonca, 38 Arbor Street, questioned the variance of \$11K he had noticed in the budget. Angel Wills, Finance Director, explained that it was due to the transfer from an expense line of the highway department to the highway street and maintenance capital fund.

Action Taken. Article 1 passed by unanimous vote.

Consent Calendar: Articles 2-7

The Moderator read each article in the consent calendar and because there were no holds, noted that the meeting could vote on all 6 articles together.

Article 2: Use of Free Cash to Balance the Budget and Level the Tax Rate

Purpose. To see what sum of money, if any, the Town will vote from FY 2015 Free Cash to be used to balance the budget and level the tax rate for the period July 1, 2016 to June 30, 2017. Or take any other action relative thereto.

Motion. The Finance and Advisory Committee moved that the Town vote to transfer the sum of \$750,000 from FY 2015 Free Cash to balance the budget and level the tax rate for the period July 1, 2016 to June 30, 2017.

Article 3: Cemetery and Other Trust Funds

Purpose. To accept the Cemetery and other Trust Funds received in FY 2015, as printed in Part I of the Town Report and on file with the Town Clerk. Or take any action relative thereto.

Motion. The Finance and Advisory Committee moved that the Town vote to accept the Cemetery and Other Trust Funds received in FY 2015 as printed in Part I of the Town Report and on file with the Town Clerk.

Article 4: Cemetery Maintenance Fund Transfer

Purpose. To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$5,000 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2016 and before June 30, 2017, 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 three cemeteries in the Town of Wenham. Or take any action relative thereto.

Motion. The Finance and Advisory Committee moved that the Town vote to authorize the Treasurer to transfer \$5,000 from the Cemetery Perpetual Care Trust Fund for use during FY 2017 for Highway Department expenditures in connection with the care and operation of the three cemeteries in the Town of Wenham.

Article 5: OPEB Fund Appropriation

Purpose. 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 (OPEB) to reduce the unfunded liability of health care and other post-employment benefits to which the Town of Wenham is obligated. Or take any other action relative thereto.

Motion. The Finance and Advisory Committee moved that the Town vote to raise and appropriate the sum of \$20,000 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.

Article 6: Road Work – Chapter 90 Funding

Purpose. To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, 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 Department of Transportation Highway Division. Or take any other action relative thereto.

Motion. The Finance and Advisory Committee moved 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, pursuant to Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F.

Article 7: H-W Grounds Maintenance Revolving Fund

Purpose. To see if the Town will vote to re-authorize a revolving fund pursuant to MGL Chapter 44, Section 53E1/2 for the following department for the specific purposes outlined below for Fiscal Year beginning July 1, 2016 and ending June 30, 2017. Or take any other action relative thereto.

Motion. The Finance and Advisory Committee moved that the Town vote to re-authorize the H-W Grounds Maintenance revolving fund pursuant to MGL Chapter 44, Section 53 E1/2, to which shall be credited fees and reimbursements from the Town of Hamilton and the Hamilton Wenham Regional School District, which funds shall be expended for paying employees, purchasing supplies, services, equipment, and miscellaneous expenses related to grounds maintenance; to be expended by the DPW; not to exceed \$20,000 during fiscal year 2017.

Recommendation on Consent Calendar. The Board of Selectmen recommended favorable action on all six articles in the Consent Calendar (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Motion on Consent Calendar. Mike Lucy, Chair of the Finance and Advisory Committee, moved on behalf of the Committee that Articles 2 through 7 be approved as printed.

Discussion. None

Action Taken. The Consent Calendar (Articles 2 through 7) passed by unanimous vote.

Article 8: Payment of FY 2015 Legal Bill

Purpose. To see if the Town will vote to appropriate a sum of money, not to exceed \$5,000, to pay a bill to the law firm of Blatman, Bobrowski, Mead & Talerman, LLC for legal work in FY 2015 related to consideration of a petition to convert Penguin Hall into an addiction treatment facility. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. Alex Begin of the Finance and Advisory Committee moved on behalf of the Committee that the Town vote to transfer from free cash \$4,434.00 to pay a bill to the law firm of Blatman, Bobrowski, Mead & Talerman, LLC for legal work in FY 2015 related to consideration of a petition to convert Penguin Hall into an addiction treatment facility.

Discussion. None

Action Taken. Article 8 passed by unanimous vote.

Article 9: Water Department – Capital Expenditure

Purpose. To see if the Town will vote to transfer a sum of money, not to exceed \$35,000, from the Water Surplus Account (29-300-3560) to the Water Capital Account (29-450-5800) for costs associated with the purchase and equipping of a light duty truck or take any other action relative thereto. Current balance in Water Surplus Account is \$160,443.29. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Motion. Ernest Ashley, Chair of the Water Commission, moved on behalf of the Commission that the Town vote to transfer \$35,000 from the Water Surplus Account (29-300-3560) to the Water Capital Account (29-450-5800) for the purchase and equipping of a light duty truck.

Discussion. None

Action Taken. Article 9 passed by unanimous vote.

Article 10: CPA Appropriations

Purpose. To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2017 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 2017 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 acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; a sum of money for the acquisition, preservation, rehabilitation, and restoration of historic resources and a sum of money for the acquisition, creation, preservation and support of community housing. Or take any other action relative thereto.

- 1) To see if the Town will vote to approve the following transfers of Community Preservation Act funds:
 - a) The sum of \$138,000, for the purpose of reserving a minimum of 10% of the total FY 2017 estimated CPA revenue to be transferred as follows:
 - i) \$46,000 to the "FUND BALANCE RESERVED FOR HISTORIC RESOURCES"
 - ii) \$46,000 to the "FUND BALANCE RESERVED FOR OPEN SPACE & RECREATION"
 - iii) \$46,000 to the "FUND BALANCE RESERVED FOR COMMUNITY HOUSING"
 - b) The sum of \$314,500 from FY 2017 estimated CPA revenue to FY 2017 BUDGETED RESERVES
- 2) The following sums to be appropriated from the indicated CPA source for the following purposes:
 - a) The sum of \$64,100 from CPA FUND BALANCE to the First Church of Wenham for renovation work on the bell and clock tower including \$14,100 for the specific purpose of repairing the clock face and hands owned by the Town.
 - b) The sum of \$131,937.50 from CPA FUND BALANCE and \$12,000 from HISTORIC RESOURCES for the purpose of paying the debt service in FY 2017 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 162 year old Wenham Town Hall Building located at 138 Main Street in accordance with the plans developed and administered by the Wenham Town Hall and Police Station Building Committee.
 - c) The sum of \$20,000 from CPA FUND BALANCE to the Friends of Winthrop School for renovation to the Winthrop Playground.
 - d) The sum of \$50,000 from CPA FUND BALANCE to the Town of Wenham to help fund the design and construction of a structure to house ENON-1 – the Town's historic 19th century fire pumper.
 - e) The sum of \$35,000 from HISTORIC RESOURCES to the Wenham Cemetery Commission for the final phase of restoration of 161 historic gravestones in the Main Street Cemetery.

- f) The sum of \$22,592.64 from CPA FUND BALANCE to the Hamilton / Wenham Recreation Committee for Wenham's share of the design and engineering of a conceptual plan for sports fields which is included in the HWRHS Recreation Master Plan. This is contingent upon Hamilton funding their portion of the total costs not to exceed \$67,240.
- g) The sum of \$10,000 from CPA FUND BALANCE to the Veterans' War Memorial Committee
- h) The sum of \$7,500 from FY 2017 estimated CPA revenue to the CPA Administrative account.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0) on the entire Article 10 as did the Finance & Advisory Committee (4-0-0).

Commentary. Harriet Davis, Chair of the Community Preservation Commission, recognized the other eight committee members: Kennon Anderson, Arthur Burt, Denis Curran, Barbara Locke, Leo Maestranzi, Virginia Rogers, Tom Starr and Patrick Waddell, who all "worked diligently over the year." Ms. Davis explained that the "state match" of CPC funds is misleading because the State does not give the Town an exact dollar for dollar match. Last year, Wenham received 60% from the State, which is the maximum allowance.

Ms. Davis noted that in FY 2015, the CPC funded nine applications that are outlined in the current Annual Report for a total of just under 1 million dollars. This year the CPC has approximately 2 million dollars available to spend. They received 9 applications by the January due date. After reading the applications, hearing the presentations and discussing the projects, the Committee voted on February 22, 2016 to recommend to Town Meeting 7 projects, although not all at their requested amounts. These total \$350K which leaves about 1.7 million for future expenditures.

Ms. Davis also noted that for clarity, she on behalf of the Community Preservation Committee would make nine motions to cover the contents of Article 10.

Motion One - Article 10 (1a, 1b, and 2h). Ms. Davis moved that the Town vote to transfer from FY 2017 Community Preservation Fund estimated annual revenues the total sum of \$138,000, as follows: \$46,000 to the Historic Resources Reserve, \$46,000 to the Open Space and Recreation Reserve, and \$46,000 to the Community Housing Reserve.

And 1(b) that the Community Preservation Committee moves that the Town vote to transfer the sum of \$314,500 from FY 2017 Community Preservation Fund estimated annual reserves to the FY 2017 Community Preservation Fund Budgeted Reserve.

And 2(h) that the Community Preservation Committee moves that the Town vote to appropriate the sum of \$7,500 from FY 2017 Community Preservation Fund estimated annual revenues to the Community Preservation Committee for FY 2017 administrative costs.

Discussion. None

Action Taken. Article 10 (1a, 1b and 2h) passed by unanimous vote.

Motion Two - Article 10 (2b). Ms. Davis moved that the Town vote to appropriate the sum of \$131,937.50 from Community Preservation Fund Fund Balance and \$12,000 from the Community Preservation Fund Historic Resources Reserve for the purpose of paying FY 2017 debt service on the \$2,151,421

supplemental borrowing for the rehabilitation of the 162 year-old Wenham Town Hall building located at 138 Main Street.

Commentary. Ms. Davis explained that this needs to be voted on yearly because it is not part of the original bonding that CPA funds. “If we don’t fund it this way, it will go on the tax rate. So this way we get some State money to help cover it.”

Discussion. None

Action Taken. Article 10 (2b) passed by unanimous vote.

Motion Three – Article 10 (2a). Ms Davis moved that Town vote to appropriate the sum of \$64,100 from the Community Preservation Fund Fund Balance as a grant to the First Church of Wenham for renovation work on the bell and clock tower with \$50,000 for the bell and clock tower, and \$14,100 for repairing the clock face and hands owned by the Town, and further, to authorize the Board of Selectmen to accept an historic preservation restriction in said bell and clock tower meeting the requirements of G.L. c.180, §§31-33.

Commentary. Ms. Davis explained that the Town owns the clock which is in the Church’s tower. The Church had to fix the tower last year because of its deplorable condition. The Church did ask for more money than the CPC is currently funding but the Committee is “delighted to do this in order to restore our historic town square.”

Discussion:

- David Geikie, 204 Larch Row, asked for clarification on the ownership of the clock and the tower and also why the CPC was paying for work that was previously completed. Ms. Davis responded that the work was done in 2014 and paid for out of the Church’s endowment and that the CPC is helping to pay their endowment back \$50K. She explained that State Law allows the CPC to pay for work previously completed for a private entity but could not do the same for a municipal one.
- Bill Weihs, 11 Kimball Avenue, spoke for the Church and explained that the Church had to do an emergency repair on the clock and tower because it was unsafe. He also explained that the cost of the repairs (\$200K) exceeded what the Church had requested from the CPC. Mr. Weihs also shared a small bit of Church history by saying that the Church served the Town as the official meeting house for over 2 centuries from 1644-1856.

Action Taken. Article 10 (2a) passed by majority vote.

Motion Four – Article 10 (2c). Ms. Davis moved that the Town vote to appropriate the sum of \$20,000 from Community Preservation Fund Fund Balance to the Friends of Winthrop School for renovation to the Winthrop Playground.

Commentary. Ms. Davis noted that Hamilton had approved the \$25K for this cause at their earlier Town Meeting.

Discussion.

- Eric Tratnyek, 17 Fiske Road, questioned whether other elementary schools would receive the same allocation and how many Wenham students were at the Winthrop School. He stated that he thinks there are many playgrounds in Town and that Pingree Park might be a better use of these funds.
- The following residents spoke in favor of the project:
 - Dana Begin, 114 Cedar Street, and Nancy Waddell, 5 Great Pond Road, spoke to the fact that many Wenham children attend the school, that residents of both Towns use the school and its grounds and that if the other elementary schools wanted to submit applications for funds they would be considered by the CPC as well.
 - Leo Maestranzi, 80 Larch Row, a CPC member, explained that he supported this request because the organization has community support and had already raised a good portion of the funds needed by private donations.
 - Jen Daniels, from the Friends of Winthrop thanked the CPC and explained that they had raised 67% of the funds needed and that the money from the CPC would cover 12% of the project cost. She also explained that the Winthrop School houses 20% of the special needs population in our towns, 12% of whom have severe disabilities, and that this CPC money would assist with rubber surfacing rather than wood chips to accommodate these children.

Action Taken. Article 10 (2c) passed by majority vote

Motion Five - Article 10 (2d). Ms. Davis moved that the Town vote to appropriate the sum of \$50,000 from the Community Preservation Fund Fund Balance for the design and construction of a structure to house ENON-1 – the Town’s historic 19th century fire pumper.

Commentary. Ms. Davis explained that Enon-1 has been in a museum in Newbury while the Town Hall and Police Station were under construction and now it is time to bring it back. Enon-1 is one of the very few pieces of 19th century fire equipment in existence. She said the intent is to display it behind the Town Hall in a structure.

Discussion.

- Leo Maestranzi, 80 Larch Row, a CPC member stated that he did not support this project because there has not been any private fundraising.
- Edmond Bertand, 28 Perkins Street, and Eric Tratnyek, 17 Fiske Road, questioned the value and ownership of Enon-1 as well as the cost for its current storage. Ms. Davis answered that the storage in Newbury was pro bono.
- Don Killam, 24 Perkins Street, a member of the original committee that raised funds to construct the building in which Enon-1 had been housed until the construction of the Police Station/Town Hall, said that he believes that “Enon-1 is an asset to the Town” and hopes the Town will help pay for its storage this time.
- Fire Chief Bob Blanchard explained that since the fundraising for the Veterans War Memorial is now complete, the working group for Enon-1 will start its fundraising as “it is a priceless piece of equipment.”

Action Taken. Article 10 (2d) passed by majority vote

Motion Six - Article 10 (2e). Ms. Davis moved that the Town vote to appropriate the sum of \$35,000 from the Community Preservation Fund Historic Resources Reserve to the Wenham Cemetery Commission for the final phase of the restoration of 161 historic gravestones in the Main Street Cemetery.

Commentary. Ms. Davis explained that this money is to complete the final phase of this restoration.

Discussion. None

Action Taken. Article 10 (2e) passed by majority vote

Motion Seven - Article 10 (2f). Ms. Davis moved that the Town vote to appropriate the sum of \$22,592.64 from the Community Preservation Fund Fund Balance to the Hamilton/Wenham Recreation Committee for Wenham's share of the design and engineering of a conceptual plan for sports fields included in the HWRHS Recreation Master Plan; provided, however, that such funds shall not be expended for the purposes set forth herein unless and until Hamilton funds its portion of the total costs in an amount of no less than \$67,240.

Commentary. Ms. Davis noted that Hamilton voted to approve its expenditure on this item at its earlier Town Meeting.

Discussion.

- Speaking in opposition to the article were Virginia Rogers, 6 William Fairfield Drive, Leo Maestranzi, 80 Larch Row, Tom Starr, 41 Pleasant Street, Edmond and Jeanise Bertand, 28 Perkins Street, and Phil Colarusso, 14 Juniper Street. They cited concerns about the safety of "turf" surfacing, the potential unknown costs to the project, assertions that it is more a "school" related project than a community one, and beliefs that the Town has spent too much money on recreational projects in the past and none on open space.
- Supporting the project were Augie MacCurrach, 6 Walnut Lane, Deb Evans, 12 Porter Street, Marty Cooke, 4 Puritan Road, Karl Nordin, 60 Topsfield Road, and Denis Curran, 32 Arbor Street. They explained that the project is needed so the community can formulate a plan for better field use for all and not just the "schools" and that the money is for design and engineering and is not yet at the point of picking the "turf" surfacing.
- Tom Tanous, 5 Eaton Road, a member of the Board of Assessors explained that the tax rate will not change based on this vote.

Motion to Call the Question. Jared Ward, 24 Mayflower Road, called the question and the vote passed by the required two thirds.

Action Taken. Article 10 (2f) passed by majority vote

Motion 9 - Article 10 (2g). Ms. Davis moved that the Town vote to appropriate the sum of \$10,000 from the Community Preservation Fund Fund Balance to the Veterans' War Memorial Committee for landscaping for the historic Veterans' Memorial.

Commentary. Ms. Davis explained that we have already expended \$35K for the Memorial and this is a small amount compared to the \$260K raised privately for this Memorial. These funds will complete the landscaping around the Memorial in what used to be called the Car Barn Lot.

Discussion. None

Action Taken. Article 10 (2g) passed by unanimous vote.

Article 11: Acceptance of MGL Chapter 40, Section 57: Collection of Delinquent Local Taxes, Fees, Assessments, and Betterments Due to the Town

Purpose. To see if the Town will vote to accept the provisions of MGL Chapter 40, Section 57, and to amend the Town Bylaws to add a new Chapter XXVI that enables the Town to deny permits to landowners who are delinquent in local taxes, fees, and assessments, in the form set forth in Appendix A. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. Catherine Harrison, Chair of the Board of Selectmen moved on behalf of the Board that the Town vote to accept the provisions of MGL Chapter 40, Section 57, and to amend the Town Bylaws to add a new Chapter XXVI as set forth in Appendix A of the warrant that enables the Town to deny permits to landowners who are delinquent in local taxes, fees, and assessments.

Discussion. None

Action Taken. Article 11 passed by a majority vote.

Article 12: Bylaw Amendment: Zoning Board of Appeals

Purpose. To see if the Town will vote to amend the Town Bylaws, Chapter X - Board of Appeals, by deleting Sections 1 and 2 in their entirety, and substituting the following: "Chapter X - Zoning Board of Appeals. Section 1. A Zoning Board of Appeals, established pursuant to Chapter 41 of the General Laws, is as set forth in Section 13.2 of the Protective Zoning Bylaw of the Town". Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Commentary. Jack Wilhelm explained that there is a conflict between our general bylaws and zoning bylaws and this general bylaw amendment corrects this by referring ZBA matters to the zoning bylaws.

Motion. Jack Wilhelm, Vice-Chair of the Board of Selectmen moved on behalf of the Board that the Town vote to amend the Town Bylaws, Chapter X - Board of Appeals, by deleting Sections 1 and 2, in their entirety, and inserting in place thereof the following: "Chapter X - Zoning Board of Appeals. Section 1. A Zoning Board of Appeals, established pursuant to Chapter 41 of the General Laws, as set forth in Section 13.2 of the Protective Zoning Bylaw of the Town".

Discussion. None

Action Taken. Article 12 passed by a majority vote.

Article 13: Bylaw Amendment: Community Preservation Committee Terms

Purpose. To see if the Town will vote to amend Chapter XXII: Community Preservation Act / Community Preservation Committee of the Town Bylaws by amending Chapter 1 as set forth below to establish three-year terms for all members and a maximum service period of two consecutive three-year terms, and further to stagger the terms for at-large members designated by the Board of Selectmen, with the understanding that the change in term length shall occur through attrition by expiration or resignation, and that the term of no current member of the Committee shall be prematurely terminated as a result of the proposed bylaw amendment. Or take any other action relative thereto.

Amend Chapter 1, Section 2 of Chapter XXII by deleting the first and second sentence and inserting in place thereof the following sentences, and making no other changes to said Section 2:

Beginning with appointments made on or after 2016, upon the expiration of any representative member's term, that member's successor shall be appointed by the applicable commission, authority, or board for a three-year term or such shorter term for which they serve on the commission, authority, or board, which will begin on July 1 of each respective year and, in the case of at-large members appointed by the Selectmen, in order to establish a three year staggered change in at-large members, two members shall be appointed for two-year terms expiring in 2018, and two members shall be appointed for three-year terms expiring in 2019. Thereafter, all appointments shall be for three-year terms. Any member appointed for two full three-year terms shall be ineligible for reappointment until after the next succeeding annual Town Meeting.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. John Clemenzi, Clerk of the Board of Selectmen moved on behalf of the Board that the Town vote to amend the Town Bylaws, Chapter XXII: Community Preservation Act/Community Preservation Committee, Chapter 1, Section 2, by deleting the first and second sentences in their entirety, and inserting in place thereof the following:

Beginning with appointments made on or after 2016, upon the expiration of any representative member's term, that member's successor shall be appointed by the applicable commission, authority, or board for a three-year term or such shorter term for which they serve on the commission, authority, or board, which will begin on July 1 of each respective year and, in the case of at-large members appointed by the Selectmen, in order to establish a three year staggered change in at-large members, two members shall be appointed for two-year terms expiring in 2018, and two members shall be appointed for three-year terms expiring in 2019. Thereafter, all appointments shall be for three-year terms. Any member appointed for two full three-year terms shall be ineligible for reappointment until after the next succeeding annual town meeting.

provided, however, that the change in term length shall occur through attrition by expiration or resignation, and that the term of no current member of the Committee shall be prematurely terminated as a result of this amendment.

Discussion. None

Action Taken. Article 13 passed by a majority vote.

Article 14: Acceptance of MGL Chapter 39, Section 23D: Member Attendance of Adjudicatory Hearings

Purpose. To see if the Town will vote to accept the provisions of MGL Chapter 39, Section 23D for the Planning Board, Zoning Board of Appeals, Conservation Commission, and Board of Selectmen, which statute provides that when a public body holds an adjudicatory hearing any member thereof shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that the member has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. Catherine Harrison, Chair of the Board of Selectmen moved on behalf of the Board that the Town vote to accept the provisions of MGL Chapter 39, Section 23D for the Planning Board, Zoning Board of Appeals, Conservation Commission, and Board of Selectmen, which statute provides that when a public body holds an adjudicatory hearing any member thereof shall not be disqualified from voting in the matter solely due to that member's absence from no more than a single session of the hearing at which testimony or other evidence is received, provided that before any such vote, the member shall certify in writing that the member has examined all evidence received at the missed session, which evidence shall include an audio or video recording of the missed session or a transcript thereof.

Discussion. None

Action Taken. Article 14 passed by a unanimous vote.

Article 15: Bylaw Adoption: Residency Requirement for Members of Appointed Multiple Member Bodies

Purpose. To see if the Town will vote to amend the Town Bylaws to add a new Chapter XXVII, Residency Requirement for Members of Appointed Multiple Member Bodies that establishes a requirement that any appointee to a member of any multiple member board, committee or commission be a resident of the Town of Wenham, with limited exceptions, in the form set forth in Appendix B. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0)

Motion. Jack Wilhelm, Vice-Chair of the Board of Selectmen moved on behalf of the Board that the Town vote to amend the Town Bylaws to add a new Chapter XXVII, Residency Requirement for Members of Appointed Multiple Member Bodies, as set forth in Appendix B of the warrant, establishing a requirement that any appointee to a member of any multiple member board, committee or commission be a resident of the Town of Wenham, with limited exceptions.

Discussion. None

Action Taken. Article 15 passed by a majority vote.

Article 16: Amend Senior Citizen Property Tax Work-Off Program

Purpose. To see if the Town will vote to amend the Senior Citizen Property Tax Work-Off Program adopted under Article 7 of the 2003 Annual Town Meeting, by increasing the abatement to \$1,000, the maximum currently allowed by law, and by reducing the minimum age from 65 to 60, the minimum allowable by law, for seniors who participate in the program under MGL Chapter 59, Section 5K. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Motion. John Clemenzi, Clerk of the Board of Selectmen moved on behalf of the Board that the Town vote to amend the Senior Citizen Property Tax Work-Off Program under the provisions of MGL Chapter 59, Section 5K, adopted under Article 7 of the 2003 Annual Town Meeting, by increasing the abatement to \$1,000, the maximum currently allowed by law, and by reducing the minimum age from 65 to 60, the minimum allowable by law.

Discussion. None

Action Taken. Article 16 passed by a unanimous vote.

Article 17: Acceptance of MGL Chapter 59, Section 5N: Tax Relief to Veterans

Purpose. To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5N to establish a program to allow veterans, as defined in MGL Chapter 4, Section 7, clause 43, or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability, to volunteer to provide services to that city or town. In exchange for such volunteer services, the Town shall reduce the real property tax obligations of that veteran on the veteran's tax bills and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,000 in a given tax year. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (4-0-0).

Motion John Clemenzi, Clerk of the Board of Selectmen moved on behalf of the Board that the Town vote to accept the provisions of MGL Chapter 59, Section 5N to establish a program to allow veterans, as defined in MGL Chapter 4, Section 7, clause 43, or a spouse of a veteran in cases where the veteran is deceased or has a service-connected disability, to volunteer to provide services to that city or town. In exchange for such volunteer services, the Town shall reduce the real estate property tax obligations of that veteran on the veteran's tax bill and that reduction shall be in addition to any exemption or abatement to which that person is otherwise entitled; provided, however, that the person shall not receive a rate of, or be credited with, more than the current minimum wage of the commonwealth per hour for the services provided pursuant to that reduction; and provided further, that the reduction of the real property tax bill shall not exceed \$1,000 in a given tax year.

Discussion. None

Action Taken. Article 17 passed by a unanimous vote.

Article 18: Zoning Bylaw Amendment: Site Plan Review

Purpose. To see if the Town will vote to amend the Zoning Bylaw Section 13.5, Site Plan Review, by deleting said section in its entirety, and inserting in place thereof a new Section 13.5 as set forth in Appendix C. Or take any other action relative thereto.

Recommendation. The Planning Board recommended favorable action (5-0-0) as did the Board of Selectmen (3-0-0).

Motion. David Geikie, Chair of the Planning Board, moved on behalf of that Board that the Town vote to amend the Zoning Bylaw Section 13.5, Site Plan Review, by deleting said section in its entirety, and inserting in place thereof a new Section 13.5 as set forth in Appendix C of the warrant.

Commentary. Mr. Geikie explained that this Bylaw change was precipitated by some legal challenges in 2014. These articles (18 & 19) put the responsibility of site plan review on the Zoning Board of Appeals who has more expertise in these legal matters. This will help to avoid potential improper decisions by either Board and will streamline the process. Mr. Geikie stated that the Planning Board held public hearings on these bylaw amendments and it recommends passage of both Articles 18 & 19.

Discussion. Residents, Jared Ward, 24 Mayflower Road and Ruth Bossler, 7 Monument Street requested clarification on whether these amendments were in conflict with Mass General Law and how the new all-girl's school would fit in. Mr. Feeherry, Chair of the Zoning Board stated that all amendments proposed are consistent with Mass General Law and that the all-girl's school came through before these amendments but if these amendments pass, all future site plan reviews will require a Public Hearing.

Action Taken. Article 18 passed by a two-thirds vote.

Article 19: Zoning Bylaw Amendment: Site Plan Review for Certain Institutional and Exempt Uses

Purpose. To see if the Town will vote to amend the Zoning Bylaw to add a new Section 13.7, Site Plan Review for Certain Institutional and Exempt Uses, as set forth in Appendix D. Or take any other action relative thereto.

Recommendation. The Planning Board recommended favorable action (5-0-0) as did the Board of Selectmen (3-0-0).

Motion. David Geikie, Chair of the Planning Board moved on behalf of that Board that the Town vote to amend the Zoning Bylaw to add a new Section 13.7, Site Plan Review for Certain Institutional and Exempt Uses, as set forth in Appendix D of the warrant.

Discussion. Jared Ward, 24 Mayflower Road, asked for further clarification on the exact exempt uses. The Moderator explained that they are written in Appendix D and are educational, religious and child care facilities that would otherwise be governed by Massachusetts State Law, but not health care facilities unless they are incorporated into an educational use. Town Counsel stressed that it is important to understand that these bylaws only create a process for site plan review and do not affect the underlying definition of an exempt use of the Dover amendment to Chapter 40a.

Action Taken. Article 19 passed by a two-thirds vote.

Article 20: Bylaw Adoption: Demolition Delay for Historic Buildings

Purpose. To see if the Town will vote to amend the Town Bylaws to add a new Chapter XXVIII, Demolition Delay for Historic Buildings, as set forth in Appendix E. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. Jim Howard, Chair of the Historic Commission, moved on behalf of the Commission that the Town vote to amend the Town Bylaws to add a new Chapter XXVIII, Demolition Delay for Historic Buildings, as set forth in Appendix E of the warrant.

Commentary. Harriet Davis, 162 Cherry Street, noted that the Bylaw had been in the works for about three years, that it pertains only to the exterior of the properties, and that there have been multiple hearings on this to which all those whose houses are included were invited.

Jim Howard gave a concise history of the Town and the Historic District Committee (HDC) as well as an overview of the powers of the Wenham Historic Commission (WHC) that were added to the HDC in 2014. He recognized the members of the Commission; Harriet Davis, Barbara Locke, Dana Bagnell, Meredith Hiller, Mary Wood and Don Bannon.

Mr. Howard explained that the demolition in 2013 of the John Perkins House at 75 Arbor Street, which is outside the historic district, was the driving force behind this bylaw. Mr. Howard explained that there are 69 properties built prior to 1860 and 21 are in the historic district which runs along Main Street from

North Beverly to South Hamilton. The HDC has the power to prevent the demolition of these houses. There are 47 historic properties outside the district which the HDC regards as “our rich heritage”.

At present, there is no effective way for the HDC to work toward the preservation of these properties. Mass State Law allows towns to implement a Demolition Delay Bylaw. It allows the HDC to implement a delay in demolishing such a property for a set time period. It is not meant to be punitive but to allow for the HDC to work with the owner to look for ways to preserve the property. But at the end of the delay, the property owner is free to do as he wishes with the property. Mr. Howard stated that more than 146 towns in Massachusetts, many surrounding Wenham, have already implemented a Demolition Delay Bylaw. He finished his presentation saying that the Historic Commission does not feel this Bylaw will come into play often because “most owners of such houses love these houses and have no intention of demolition”. He expects that such a demolition would only occur with “a developer situation”.

Amendment. Based on concerns raised within the community, Catherine Harrison, Chair of the Board of Selectmen, proposed the following amendment:

The Board of Selectmen moves to amend the main motion under Article 20 by making the following revisions to the text of the bylaw set forth in Appendix E;

1. Revise section 2.10 d) (1) and d) (2) to change the quantum of vote by deleting the words (majority vote of the) and inserting (two thirds vote of the) entire Wenham Historical Commission.
2. Further revise section 2.10 d) by deleting the last sentence thereof and also deleting the list of properties in its entirety.
3. Revise section 8, “Appeals to Court” by deleting that title and text and insert in place thereof the following “Appeals” as the new title.
 - a. The owner of a structure for which the Wenham Historical Commission has issued a demolition delay may appeal from the same to the Board of Selectmen by filing a written notice of appeal no later than the 14th day following the date of the issuance of the demolition delay, but such filing shall not stay the same.
 - b. Within 21 days of such filing, the Board of Selectmen shall convene an appeal hearing. Notice of the hearing shall be sent to the Chair of the Wenham Historical Commission and to the owner. The Board of Selectmen at the hearing shall review the record of proceeding before the Wenham Historical Commission and input provided by the owner and the Wenham Historical Commission, or their agents or designees.
 - c. Notice of the hearing shall also be sent to abutters (and to abutters to the abutters) within 300 feet of the property.
 - d. Within 14 days of the conclusion of the hearing, the Board of Selectmen shall render a decision on the appeal. The decision shall be based upon the record before the Wenham Historical Commission, information provided by the owner and the Wenham Historical Commission at the appeal hearing, and the purposes of the bylaw set forth in sections 1, 2, & 10, as well as uniqueness of the structure and financial and other hardship that might be created to the owner by the demolition delay.
 - e. The appeal process set forth herein shall not limit any other remedies available in law or in equity.

Commentary. Ms. Goldberg, Town Counsel, explained the three parts of this amendment. The first part proposes increasing the quantum of vote from a majority to a two-thirds vote that would be needed on the decision to implement a delay. The second part removes the list of houses and the prefacing

statements from the bylaw to allow time for the Historical Commission's grant to make their analysis of the properties. The third part keeps the initial appeal of any delay in Wenham by giving the property owner the option to bring the appeal to their Selectmen rather than the courts, thereby keeping the decision in the hands of local officials and potentially saving them financial hardship. She added that even though this process may take some time it will not add time to the delay because it will always go back to the date of application to the building inspector.

Discussion on the Amendment. Residents David Geikie, 204 Larch Row, Patrick Wilson, 38 Larch Row, Al Evans, 12 Porter Street, Edmond Bertrand, 28 Perkins Street and Gerald Donnellan, 127 Topsfield Road spoke against the bylaw as written as well as against the proposed amendment. They questioned the process of determining which properties fit the criteria, the narrow focus of the process as written, the inconsistency of the bylaw with respect to current construction in the Town, as well as the number of changes proposed. An alternative was suggested which proposed that a bylaw more like those in nearby municipalities be presented. Two attempts to bring an end to the discussion failed for procedural deficiencies.

Action Taken. Jared Ward, 24 Mayflower Road, then asked to move the question. The vote to move the question passed by two thirds.

Action Taken on the Amendment. The vote on the amendment failed with a majority vote.

Original Motion. Win Dodge, 38 Porter Street called the question but his motion was not accepted based on a procedural concern. Michelle Bailey, 2 Remington Road, moved to take no action on this Article.

Action Taken. The motion to take no action on Article 20 passed with a majority vote.

Article 21: Special Legislation: Grassy Roots Liquor License

Purpose. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court in the form set forth below, authorizing the Board to issue an off-premises alcoholic beverages license to Grassy Roots, LLC; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general objectives of the petition:

AN ACT AUTHORIZING THE TOWN OF WENHAM TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALCOHOLIC BEVERAGES NOT TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

Section 1. Notwithstanding section 17 of chapter 138 of the General Laws relative to the number of licenses that may be granted in the town of Wenham, the licensing authority of the town of Wenham may grant 1 license for the sale at retail of wine and malt alcoholic beverages not to be drunk on the premises under section 15 of said chapter 138 to Grassy Roots, LLC, d/b/a Grassy Roots, located at 152 Main Street in said town; provided, however, that the business shall have no more than 200 square feet of retail space. The licensee shall comply with such requirements and conditions as the licensing authority shall deem appropriate. The license shall be subject to all of said chapter 138, except said section 17 relative to

the number of licenses that may be granted. The license shall be nontransferable to any other location, but it may be reissued to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid. The license shall be subject to all other provisions of said chapter 138.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same terms and conditions as specified in this section.

Section 2. This act shall take effect upon its passage. Or take any other action relative thereto.

Recommendation. The Board of Selectmen recommended favorable action (3-0-0).

Motion. Jack Wilhelm, Vice-Chair of the Board of Selectmen on behalf of the Board, moved that the Town vote to authorize the Board of Selectmen to petition the General Court in the form set forth in Article 21 of the warrant, authorizing the Board to issue an off-premises alcoholic beverages license to Grassy Roots, LLC; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general objectives of the petition.

Discussion. Keith Taylor, 24 Wallis Drive, said he believed there was already too much congestion on Route 1A and that a beer and wine license at Grassy Roots may add to that. Tyson Goodridge, 26 Arbor Street, said that he supported a local entrepreneur. Jenny Grammas, owner of Grassy Roots explained that she requested the license so she could enhance her retail section and not so that alcohol will become a focal point of the store. She is only looking to add this as “an offering to the customers”.

Action Taken. Article 21 passed by a majority vote.

Closing

Motion to Adjourn. The Moderator asked for a motion to adjourn the meeting to our Annual Town Election on April 7th, 2016 from 7am to 8pm and to dissolve the Annual Meeting at 8pm that day.

Action Taken. The motion was made and seconded and the meeting was adjourned at 4:20 PM.