

# Annual Town Meeting Minutes - April 1, 2017

## Opening

The Annual Town Meeting for Wenham 2017 began at 1pm with Trudy Reid as the new moderator. The meeting opened with a presentation of the flags by Lucas Bailey, Owen Bailey, Jon Purdy, Kolya Sims, and Christopher Maio of Boy Scout Troop 28 with assistance from Jane Starr of the Hamilton Wenham Brownie Troop 66329. Robert (BJ) Brown, Petty Officer First Class US Coast Guard, led us in the Pledge of Allegiance.

At 1:13pm we achieved the necessary 5% quorum of the 2,795 total voters or 140 voters and the meeting was called to order. In addition to the Town Clerk and Moderator, the final count was 169 voters and 17 non-voters in attendance, including members of the Board of Selectmen and the Finance and Advisory Committee. Moderator Reid assured the room that the warrant had been properly served. Ms. Reid thanked Boy Scout Troop 28 for the delivery of Town Reports and Warrants to all households and for the flag ceremony today. She thanked the Wenham Village Improvement Society for sponsoring the lunch, Fresh Foods for donating the food, and the Hamilton Wenham Garden Club for the flower arrangements donated by the Ayer Family in memory of Hilda Rice Ayer. Ms. Reid also thanked the Hamilton Wenham School District for hosting us and for the behind the scenes logistics. Lastly, the Moderator acknowledged the Town Administrator, Board of Selectmen, Finance and Advisory Committee as well as the many department heads and staff at Town Hall who helped to organize this meeting. She read the names of the thirty-seven residents who passed in 2016 and asked for a moment of silence to show our respect for them and their families.

Moderator Reid noted that she had been asked by the Town to take a straw poll on whether the residents would be interested in purchasing 64 Gallon Recycling bins for a reduced rate of approximately \$40 assuming we receive state grant funding. She asked the Meeting to place their voter cards in the Yes or No bin upon leaving the Meeting. There were 95 Yes, 45 No.

## Warrant Articles

### Article 1: Budget Appropriations

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 2018) beginning July 1, 2017 and ending June 30, 2018 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).

**Purpose:** The Town's fiscal year 2018 annual operating budget for the Town which begins July 1, 2017 is set forth in this article. All routine expenditures that provide Town services, including costs for the Town's share of the regional school districts and shared service agreements are organized by categories. The Finance and Advisory Committee, working with the Town Administrator and department heads, compiled the annual budget and presented the motion to authorize expenditures to operate the Town and provide necessary funding.

Michael S. Lucy, Chairman of the Finance and Advisory Committee thanked his committee, the Town Administrator, Board of Selectmen and Department heads for all the work they have been putting in since October. Mr. Lucy stated that the \$17, 855, 477 overall budget is an increase of \$574,312 from FY 2017.

He noted that his Committee managed to achieve this balanced budget by trimming substantially to get it in just under the levy limit leaving \$6,554 remaining and no override needed. The projected tax rate for FY2018 is \$18.87 per thousand valuation which is a \$0.54 increase from last year. The Free Cash, should all expenditures go through at this meeting, will be left at \$405,147. The three drivers of the Town's expense increase were the new refuse collection and disposal contract, employee health insurance and the Town's retirement commitment. Focused efforts were made during the budget building process to control operating costs, reduce expenses, and utilize alternative or additional revenue sources: \$238,274 in Town expenses (salaries/expenses/capital) were eliminated from the initial FY 2018 operating budget resulting in what is being recommended to Town Meeting, and another \$234,000 in Town expenses are being funded through other means in FY 2018 (Free Cash and overlay surplus). Of the \$574,312 budget increase, \$167,085 or 29% is related to municipal expenditures, while the remaining 71% is related to the regional and vocational schools. Mr. Lucy thanked the Town Administrator for all his work as the stand-in finance director controlling expenditures and utilizing additional revenue sources.

Dr. Michael Harvey, Superintendent of Schools gave his presentation on the Regional Schools. He thanked the Town Officials, School Committee and the Assistant Superintendent. He highlighted a great achievement from each school and touched on the mission statement of the district prior to delving into the budget process.

Dr. Harvey explained his level service budget as being a continuation of all current programs and staff without adding more. Their operating budget has an increase of 4.1% but after taking into account several offsets including reducing capital projects and using the excess and deficiency funds the result is a 1.3% increase to the Towns. The biggest cost drivers to the Schools are their health care and retirement costs as well as out of district special education tuition and transportation costs.

Dr. Harvey also explained that \$339,057 (or 72%) of Wenham's FY18 assessment is due to the enrollment shift, independent of the school's 1.3% net operating increase. He explained the volatility of the three year rolling average. He stated that the School Committee has been studying new ways to apportion the costs and has made plans to discuss with the Board of Selectmen of both Towns. Although that is great progress and will assist both Towns in the future, it will not change the operating budget for FY 2018 nor the amount Wenham owes.

**Motion:** Michael S. 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 \$17,855,477 to defray the Town's expenses for FY 2018, all as set forth under the column entitled "Proposed Budget 07/01/17 – 06/30/18" appearing in the warrant under Article 1.

Mr. Lucy read the budget line by line and there were no holds.

**Discussion:** None

**VOTE:** Article 1 passed unanimously.

## **Consent Calendar: Articles 2-7**

**Purpose:** The Moderator asked to put Articles 2 through 7 into a "consent calendar" because they are routine and do not usually necessitate any discussion. Ms. Reid read Articles 2 through 7 and because there were no holds, noted that the meeting could vote on all six articles as one.

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

To see what sum of money, the Town will vote from FY 2016 Free Cash to be used to balance the budget and level the tax rate for the period July 1, 2017 to June 30, 2018. 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 2016 Free Cash to balance the budget and level the tax rate for the period July 1, 2017 to June 30, 2018.

### **Article 3: Cemetery and Other Trust Funds**

To accept the Cemetery and other Trust Funds received in FY 2016, as printed in Part I of the Town Report and on file with the Town Clerk. Or take any other 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 2016 as printed in Part I of the Town Report and on file with the Town Clerk.

### **Article 4: Cemetery Maintenance Fund Transfer**

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2017 and before June 30, 2018, 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 \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account for use during FY 2018 for Highway Department expenditures in connection with the care and operation of the three cemeteries in the Town of Wenham.

### **Article 5: Use of Free Cash to Fund OPEB Trust Fund**

To see what sum of money, the Town will vote from FY 2016 Free Cash 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. Or take any other action relative thereto.

**Motion:** The Finance and Advisory Committee moved that the Town vote to transfer \$30,000 from FY 2016 Free Cash 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**

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 MGL 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 or any other applicable statute.

## **Article 7: H-W Grounds Maintenance Revolving Fund**

To see if the Town will vote pursuant to the provisions of MGL Chapter 44, Section 53E½, as most recently amended, to reauthorize the following revolving fund and establish the spending limit for FY18 as set forth below, and amend the General Bylaws by inserting a new bylaw for such purposes, specifying the departmental receipts to be credited to the fund, the departmental purposes or programs for which the fund may be expended, and the entity authorized to expend each fund, to provide as follows:

### **CHAPTER XXVIII REVOLVING FUNDS**

#### **SECTION 1**

There is hereby established in the Town of Wenham pursuant to the provisions of G.L. c.44, §53E½, the following Revolving Fund:

#### 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 Department of Public Works;

#### **SECTION 2**

Expenditures from the revolving fund set forth herein shall be subject to the limitation established by Town Meeting, or any increase therein, all as may be authorized in accordance with G.L. c.44, §53E½.

And further to set the fiscal year spending limit for such revolving fund as follows:

H-W Grounds Maintenance: Not to exceed \$20,000. 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 M.G.L., 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 2018; and to amend the General Bylaws by inserting a new bylaw for such purposes, specifying the departmental receipts to be credited to the fund, the departmental purposes or programs for which the fund may be expended, and the entity authorized to expend each fund as printed in Article 7 of the warrant.

**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:** Michael S. 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

**VOTE:** The Consent Calendar of Articles 2-7 passed unanimously.

## **Article 8: Use of Free Cash to Fund FY 2018 Capital Improvement Program**

To see what sum of money the Town will vote from FY 2016 Free Cash to fund the FY 2018 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:

- Highway - Wing Plow \$16,000
- Highway - Road Capital \$35,000
- Police – Portable Radios \$55,000
- Library – Computers \$5,000
- Town Hall – Exterior Painting \$18,000
- Council on Aging – Passenger Van \$12,000

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).

**Purpose:** This article proposes appropriations for this year's portion of the updated and comprehensive five-year capital improvement program that identifies facility, equipment, and infrastructure needs across all Town departments. While some ongoing capital obligations are included in the FY2018 operating budget, this year's program includes the six additional priority items listed in this article to be funded through free cash.

**Motion:** Michael Lucy, Chair of the Finance and Advisory Committee, moved on behalf of the Committee that the Town vote to transfer \$141,000 from FY 2016 Free Cash to fund the FY 2018 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: Highway - Wing Plow - \$16,000, Highway - Road Capital - \$35,000, Police – Portable Radios - \$55,000, Library – Computers - \$5,000, Town Hall – Exterior Painting - \$18,000, Council on Aging – Passenger Van - \$12,000

**Discussion:** None

**VOTE:** Article 8 passed by majority.

### **Article 9: Use of Free Cash to Fund Compliance with New Federal Stormwater Regulations**

To see what sum of money the Town will vote from FY 2016 Free Cash to fund engineering and educational services related to compliance with new federal stormwater regulations that will take effect July 1, 2017, including all incidental and related costs. 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).

**Purpose:** Next year, Wenham, like many municipalities across the State is required to comply with more stringent federal regulations around stormwater. Our financial obligation for FY 2018 is \$45,000 and hopefully less in the future. This amount covers engineering services that Town staff cannot provide in-house. This proposed use of Free Cash seeks to avoid the need to absorb this increase into the operating budget or to impose a new fee as some other communities have opted to do.

**Motion:** Richard E. Quinn, Jr., of the Finance and Advisory Committee, moved on behalf of the Committee that the Town vote to transfer \$45,000 from FY 2016 Free Cash to fund engineering and educational services related to compliance with new federal stormwater regulations that will take effect July 1, 2017, including all incidental and related costs.

**Discussion:** None

**VOTE:** Article 9 passed unanimously.

### **Article 10: Creation of New Building Rental Revolving Fund for Iron Rail Property & Allocation of FY 2018 Appropriation**

To see if the Town will vote to provide for the first \$20,000 of any revenues collected from Iron Rail building rentals to be credited to a separate account to be expended without further appropriation by the Iron Rail Commission, and further, to accept the proviso of the second paragraph of Massachusetts General Law Chapter 40, Section 3 to allow any balance in such an account at the close of the fiscal year to remain available for expenditure without appropriation for such purposes in future years. 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).

**Purpose:** This article establishes a special revolving fund into which a portion of the revenues from the Iron Rail would be credited and would be available for maintaining the building and making necessary capital repairs. This article proposes to direct \$20,000 of the approximate \$140,000 in annual revenues to this new account this coming fiscal year and going forward, to avoid any further deferred maintenance. Any change to this amount in the future would require additional approval from Town Meeting. Projected local receipts for FY 2018 have already taken this reduction in available funds into account.

**Motion:** Michael G. Therrien, of the Finance and Advisory Committee, moved on behalf of the Committee that the Town vote to provide for the first \$20,000 of any revenues collected from Iron Rail building rentals to be credited to a separate account to be expended without further appropriation by the Iron Rail Commission, and further, to accept the proviso of the second paragraph of Massachusetts General Law Chapter 40, Section 3 to allow any balance in such an account at the close of the fiscal year to remain available for expenditure without appropriation for such purposes in future years.

**Discussion:** None

**VOTE:** Article 10 passed unanimously.

### **Article 11: Use of Overlay Reserves to Fund Final Phase of Assessors' Measure and List Project**

To see what sum of money the Town will vote to transfer from available Overlay Reserves to fund the final phase of the Board of Assessor's ongoing measure and list project, with such funds to be available for expenditure in FY 2017 and thereafter. Or take any other action relative thereto.

**Purpose:** The Assessors' Measure and List Project yields updated residential property data that the Town is required to the State's Department of Revenue on a regular basis. Increases in property valuations discovered in the course of this project also add to the tax base and ensure proper allocation of local property taxes.

About a third of this Town-wide review has been accomplished using the \$10,000 in funds previously approved at Town Meeting 2016. This article proposes to allocate \$22,000 needed to complete this project. The funding source is surplus overlay reserves, monies that the Board of Assessors no longer need in connection with abatements.

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

**Motion:** Michael S. Lucy, Chair of the Finance and Advisory Committee, moved on behalf of the Committee that the Town vote to transfer \$22,000 from available Overlay Reserves to fund the final phase of the Board of Assessor's ongoing measure and list project, with such funds to be available for expenditure in FY 2017 and thereafter.

**Discussion:** None

**VOTE:** Article 11 passed by majority.

### **Service Recognition**

At this time (2:10pm), the Moderator asked the Meeting to recognize the outgoing members of the Finance and Advisory Committee: Michael S. Lucy has been the Chair for five years and has served on the Committee since 2002 with a brief hiatus in 2012. Richard E. Quinn Jr. has served for a total of four years and was previously involved in in other Town capacities over the years. Edward K. (Ned) Flynn has served the last three years. On behalf of the Town, the Moderator thanked these gentlemen and noted that their service to our Town has been greatly appreciated.

## Article 12: 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 2018 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 2018 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.

**Recommendation:** The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0) on the complete Article 12.

- 1) To see if the Town will vote to approve the following transfers of Community Preservation Act funds:
  - a) The sum of \$135,000, for the purpose of reserving a minimum of 10% of the total FY 2018 estimated CPA revenue to be transferred as follows:
    - i) \$45,000 to the "FUND BALANCE RESERVED FOR HISTORIC RESOURCES"
    - ii) \$45,000 to the "FUND BALANCE RESERVED FOR OPEN SPACE & RECREATION"
    - iii) \$45,000 to the "FUND BALANCE RESERVED FOR COMMUNITY HOUSING"
  - b) The sum of \$307,500 from FY 2018 estimated CPA revenue to FY 2018 BUDGETED RESERVES
  - c) The sum of \$7,500 from FY 2018 estimated CPA revenue to the CPA Administrative account.

**Purpose:** This article proposes appropriation of the Community Preservation Act budget for the upcoming fiscal year, including reservation for each of the three purposes of the Act; Open Space and Recreation; Historic Resources; Community Housing as well as for debt service and administrative expenses of the Community Preservation Committee.

The Town adopted the Community Preservation Act in 2005. The Town assesses a 3% surcharge on the tax levy on real property for community preservation purposes and then also receives matching funds from the State. Each year, the Committee evaluates the applications that are submitted. A recommendation from the Committee is required to appropriate any funds.

Harriet P. Davis, Chair of the Community Preservation Committee, introduced the Committee (Kennon Anderson, Arthur Burt, Denis Curran, Barbara Locke, Virginia Rogers, Tom Starr, Leo Maestranzi, Patrick Waddell and their coordinator, Margaret Hoffman) and thanked them for all they do as a group. She reviewed the history of the CPC in Wenham and explained how the CPC, after a public hearing in November, is looking at how to maximize their over 2 million dollars in funds. She made note that over the years, the CPC has not spent any money on Open Space and Affordable Community Housing and given sizeable grants to Recreation (mostly for the pool) and Historic Resources (mostly for the Town Hall). The committee has decided that going forward it would like to reserve most of their funds for open space should a parcel come available and affordable housing to get Wenham over the 10% threshold to avoid further 40B developments. The Committee received four project applications and decided on February 23, 2017 to recommend them all at some level and not all unanimously. If all are approved, it would still leave more than two million dollars in their account for future use.

**Motion 1(a):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to transfer from FY 2018 Community Preservation Fund estimated annual revenues the total amount of \$135,000, as follows: \$45,000 to the Historic Resources Reserve, \$45,000 to the Open Space and Recreation Reserve, and \$45,000 to the Community Housing Reserve.

**Discussion:** None

**VOTE:** Article 12.1a passed by majority

**Motion 1(b):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to transfer the sum of \$307,500 from FY 2018 Community Preservation Fund estimated annual revenues to the FY 2018 Community Preservation Fund Budgeted Reserve.

**Discussion:** None

**VOTE:** Article 12.1.b passed by majority

**Motion 1(c):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee the Town vote to appropriate the sum of \$7,500 from FY 2018 Community Preservation Fund estimated annual revenues to the Community Preservation Committee for FY 2018 administrative costs.

**Discussion:** None

**VOTE:** Article 12.1.c passed by majority

- 2) The following sums to be appropriated from the indicated CPA source for the following purposes:
- a) The sum of \$24,400 from CPA FUND BALANCE to the Town of Wenham for the purpose of completing an updated Open Space and Recreation Master Plan.
  - b) The sum of \$135,450 from CPA FUND BALANCE for the purpose of paying the debt service in FY 2018 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 163 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 Hamilton-Wenham Regional School Committee for the improvement and rehabilitation of the Buker Playground, including all incidental and related costs.
  - d) The sum of \$40,000 from CPA FUND BALANCE to the Town of Wenham for the improvement and rehabilitation of the Richard Brown Memorial Playground at Pingree Park, including all incidental and related costs.

**Motion 2(a):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to appropriate the sum of \$24,400 from Community Preservation Fund Balance to the Town of Wenham for the purpose of completing an updated Open Space and Recreation Master Plan.

**Discussion:** None

**VOTE:** Article 12.2.a passed unanimously.

**Motion 2(b):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to appropriate the sum of \$135,450 from Community Preservation Fund Balance for the purpose of paying FY 2018 debt service on the \$2,151,421 supplemental borrowing for the rehabilitation of the 163 year-old Wenham Town Hall Building located at 138 Main Street.

**Discussion:** None

**VOTE: Article 12.2.b passed unanimously.**

**Motion 2(c):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to appropriate the sum of \$20,000 from Community Preservation Fund Balance to the Hamilton-Wenham Regional School Committee for the improvement and rehabilitation of the Buker Playground, including all incidental and related costs.

**Discussion:** None

**VOTE: Article 12.2.c passed by majority**

**Motion 2(d):** Harriet P. Davis, Chair of the Community Preservation Committee, moved on behalf of the Committee that the Town vote to appropriate the sum of \$40,000 from Community Preservation Fund Balance to the Town of Wenham for the improvement and rehabilitation of the Richard Brown Memorial Playground at Pingree Park, including all incidental and related costs.

**Discussion:** None

**VOTE: Article 12.2.d passed by majority**

### **Article 13: Amend Senior Citizen Property Tax Work-Off Program**

To see if the Town will vote to amend the Senior Citizen Property Tax Work-Off Program adopted under Article 16 of the 2016 Annual Town Meeting, by increasing the abatement to \$1,500, the new maximum amount currently allowed 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 (5-0-0).

**Purpose:** This article seeks to increase the annual exemption for seniors who choose to participate in the tax work-off program to the new State limit of \$1,500 per person. This program has been in place since the Town accepted the provisions of MGL Chapter 59, § 5k in 2003. Funding exemptions offered through this program are provided by the overlay reserve account which is set at \$135,000 next year, which is the standard amount. The Town plans to limit the total amount available through this program to \$15,000 per year which will allow residents who currently participate to continue to do so and allow others to join.

**Motion:** John Clemenzi, Chair 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, as most recently amended under Article 16 of the 2016 Annual Town Meeting, by increasing the abatement to \$1,500, the maximum currently allowed by law.

**Discussion:** None

**VOTE: Article 13 passed unanimously.**

### **Article 14: Bylaw Adoption: Veterans Exemptions Extended to Spouses**

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5, Clause Twenty-Second G, rendering the spouse of a veteran or a deceased veteran with title to the veteran's domicile, eligible for an exemption. Or take any other action relative thereto.

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

**Purpose:** Under the provisions of MGL Chapter 59, veterans are eligible to receive limited exemptions of a few hundred dollars from their personal property taxes. About a dozen or so such exemptions are granted to Wenham veterans every year by the Board of Assessors. This new provision, offered as a local option in recent State legislation, would allow these same exemptions to be extended to spouses of veterans.

**Motion:** John O. (Jack) Wilhelm, of the Board of Selectmen, moved on behalf of the Board that the Town vote to accept the provisions of MGL Chapter 59, § 5, Clause Twenty-Second G, rendering the spouse of a veteran or a deceased veteran with title to the veteran's domicile, eligible for an exemption.

**Discussion:** None

**Vote:** Article 14 passed unanimously

### **Article 15: Bylaw Amendment: Collection of Delinquent Local Taxes, Fees, Assessments, and Betterments Due to the Town**

To see if the Town will vote to amend the Town Bylaw Chapter XXVI adopted pursuant to MGL Chapter 40, Section 57, which statute allows municipalities to deny licenses and permits, among other things, when the applicant or owner of the property to which the license or permit relates owes municipal taxes or fees, to bring such bylaw into accord with the law as revised by the Municipal Modernization Act, with the text to be inserted set forth in bold and the text to be deleted shown in strikethrough, as follows:

- (a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, **and may periodically**, furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve month period~~, and that has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board. Or take any other action relative thereto.

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

**Purpose:** This article proposes to amend the bylaw adopted last year allowing any Town officer or Board to deny a license or permit if the applicant is a delinquent tax payer or the property on which work is to be done is owned by a delinquent tax payer. Delinquent tax payers may avoid such denials by entering into a tax payment agreement. The Municipal Modernization Act allows municipalities to reduce the amount of time that a tax payer is delinquent before this provision applies, and the Town is proposing a minimum delinquency period of three months. No other changes to this bylaw are being proposed.

**Motion:** Catherine Harrison, of the Board of Selectmen, moved on behalf of the Board that the Town vote to amend the Town Bylaw Chapter XXVI adopted pursuant to MGL Chapter 40, Section 57, which statute allows municipalities to deny licenses and permits, among other things, when the applicant or owner of the property to which the license or permit relates owes municipal taxes or fees, to bring such bylaw into accord with the law as revised by the Municipal Modernization Act as printed in Article 15.

**Discussion:** None

**VOTE:** Article 15 passed unanimously.

### **Article 16: Bylaw Amendment: Civil Fingerprinting for Criminal History Checks**

To see if the Town will vote, as authorized by Chapter 256 of the Acts of 2010, codified as Massachusetts General Laws Chapter 6, Section 172 B1/2, to strike in its entirety Section 11 of Chapter V of the Town Bylaws as most recently amended on April 11, 2015, and to insert a new Bylaw, Chapter V, Section 17, entitled, "Civil Fingerprinting", enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals for the following licenses: Hawking, Peddling or other Door-to-Door Solicitors, Second Hand Dealers, Ice Cream Truck Vendors, Used Car Dealers, and Managers of Alcoholic Beverage Licenses, and to authorize adoption of appropriate policies and procedures to effectuate the purposes of this Bylaw. Or take any other action relative thereto.

## **CIVIL FINGERPRINTING**

### **SECTION ONE: Purpose and Scope**

This Bylaw authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this Bylaw, the Police Department shall be authorized to use state and Federal Bureau of Investigation ("FBI") records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

The Bylaw further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this Bylaw, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing as a result of the criminal history check, procedures for assessing, correcting or amending any such record, criteria for fitness determinations, security of information obtained and penalties for failure to comply with this Bylaw.

### **SECTION TWO: Criminal History Check Authorization**

The Police Department shall, as authorized by Massachusetts General Laws Chapter 6, Section 172B½, conduct State and Federal Fingerprint Based Criminal History checks for individuals and entities for the following licenses:

- Hawking and Peddling or other Door-to-Door Solicitors
- Second Hand Dealers
- Ice Cream Truck Vendors
- Used Car Dealers
- Managers of Alcoholic Beverage Licenses

At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's criminal history records and obtain the individual's consent. After the applicant completes a consent form, provides his/her fingerprints and the appropriate fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this Bylaw to the Identification Section of the Massachusetts State Police, the Massachusetts Department of Criminal Justice Information Services ("DCJIS"), and/or the FBI or the successors of such agencies as may be necessary for the purpose of conducting fingerprint-based state and national criminal records background checks for the license applicants specified in this Bylaw.

The Town authorizes the Massachusetts State Police, the DCIS and the FBI and their successors, as may be applicable, to conduct fingerprint-based state and national criminal record background checks, including of FBI records, consistent with this Bylaw. The Town authorizes the Police Department to receive and utilize State and FBI records in connection with such background checks, consistent with this Bylaw and its implementing regulations. In accordance with its implementing regulations, the Police Department shall communicate the results of fingerprint-based criminal record background checks to the appropriate governmental licensing authority within the Town.

### **SECTION THREE: Use of Criminal Record by Licensing Authorities**

Licensing authorities of the Town shall utilize the results of fingerprint-based criminal record background checks for the sole purpose of determining the suitability of the subjects of the checks in connection with the license applications specified in this Bylaw. A Town licensing authority may deny an application for a

license on the basis of the results of a fingerprint-based criminal record background check if it determines that the results of the check render the subject unsuitable for the proposed licensed activity. The licensing authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

Licensing authorities of the Town are hereby authorized to deny an application for any license specified herein and in the implementing regulations, including renewals and transfers of said licenses, from any person who is determined unfit for the license due to information obtained pursuant to this Bylaw. Factors that shall be considered in making a determination of fitness shall include, but not be limited to, whether the record subject has been convicted of, or is under pending indictment for a crime, that bears upon the subject's ability or fitness to serve in that capacity, including any felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, or sex-related offense.

#### **SECTION FOUR: Fees**

The fee charged by the Police Department for the purpose of conducting fingerprint-based criminal record background checks shall be fifty dollars (\$50) for each fingerprinting and criminal history check. A portion of the fee, as specified in Massachusetts General Laws Chapter 6, Section 172B½, shall be deposited into the Firearms Fingerprint Identity Verification Trust Fund, and the remainder of the fee may be retained by the Town for costs associated with the administration of the fingerprinting system.

#### **SECTION FIVE: Effective Date**

This Bylaw shall take effect after compliance with Massachusetts General Laws Chapter 40, Section 32 have been met.

**Recommendation:** The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

**Purpose:** This article proposes a revised civil fingerprinting bylaw to comply with the minimum FBI requirements for access to available Federal databases in connection with the Town's issuance of specific licenses and permits. This revision will also increase the fee associated with the conducting these checks from \$20 to \$50 to account for the \$30 fee that is required to be aid to the State.

**Motion:** John Clemenzi, Chair of the Board of Selectmen, moved on behalf of the Board that the Town vote to strike in its entirety Section 11 of Chapter V of the Town Bylaws as most recently amended on April 11, 2015, and to insert a new Bylaw, Chapter V, Section 17, entitled, "Civil Fingerprinting", enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals for the following licenses: Hawking, Peddling or other Door-to-Door Solicitors, Second Hand Dealers, Ice Cream Truck Vendors, Used Car Dealers, and Managers of Alcoholic Beverage Licenses, and to authorize adoption of appropriate policies and procedures to effectuate the purposes of this Bylaw, all as printed in Article 16.

**Discussion:** None

**VOTE:** Article 16 passed by a majority.

#### **Article 17: Modification to Collector Demand Fees**

To see if the Town will charge for each written demand issued by the Collector a fee of \$15.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Law Chapter 60, Section 15, effective as of July 1, 2017.

**Recommendation:** The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

**Purpose:** This article, proposed in connection with the Town-wide fee analysis, seeks to cover the Town's administrative costs for issuing demands for payment of motor vehicle, real estate, and personal property taxes. The fee would increase from \$5 to \$15, an amount similar to that charged in local communities. The collector will still have discretion to waive the fee in its entirety in certain mitigating circumstances.

**Motion:** Jack Wilhelm, of the Board of Selectmen, moved on behalf of the Board that the Town vote to charge for each written demand issued by the Collector a fee of \$15.00 to be added to and collected as part of the tax, as authorized by Massachusetts General Law Chapter 60, Section 15, effective as of July 1, 2017.

**Discussion:** None

**VOTE:** Article 17 passed by a majority.

### **Article 18: Bylaw Amendment: Solicitor Licenses**

To see if the Town will vote to amend the Town Bylaws, Chapter 5, Section 9 (c)(10), by inserting the following language after "At the time of filing the application, each applicant shall pay a fee of twenty dollars (\$20.00)":

and, beginning July 1, 2017, shall also be required to comply with the requirements of the Civil Fingerprinting Bylaw, including payment of the fee therefor.

Or take any other action relative thereto.

**Recommendation:** The Board of Selectmen recommended favorable action (3-0-0) as did the Finance & Advisory Committee (5-0-0).

**Purpose:** This article proposes a bylaw amendment to clarify that applicants seeking a solicitor permit will still be required to pay a separate \$20 processing fee in addition to the fingerprinting fee, now set at \$50.

**Motion:** Catherine Harrison, of the Board of Selectmen, moved on behalf of the Board that the Town vote to amend the Town Bylaws, Chapter V, Section 9 (c)(10), by inserting the following language after "At the time of filing the application, each applicant shall pay a fee of twenty dollars (\$20.00)": "and, beginning July 1, 2017, shall also be required to comply with the requirements of the Civil Fingerprinting Bylaw, including payment of the fee therefor."

**Discussion:** None

**VOTE:** Article 18 passed by a majority.

### **Article 19: Citizens Petition: Joint Committee to Study the Potential Acquisition of Property on Longmeadow Way in Hamilton**

To see if the Town will direct the Selectmen to appoint a joint committee with the Selectmen of the Town of Hamilton to study the acquisition by purchase, eminent domain, or otherwise of all or a portion of parcels of land designated Lots A, B, C, and D as shown on a Plan of Land entitled Plan of Longmeadow Way dated October 15, 1980 and recorded in Essex Registry of Deeds at Plan Book 161, Plan 31 for school, recreational, and/or other municipal use and to report findings, recommendations, and proposed action, if any, to the 2018 Annual Town Meeting or such earlier town meeting as may be called to consider the issue, said committee to consist of a Selectman from each member Town, a member of the Hamilton Wenham Joint Recreation Board from each member town, a member of the Hamilton Wenham Regional School Committee from each member Town, and one resident (at large) from each member town.

Or take any other action relative thereto.

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

**Purpose:** This citizen's petition was presented to the Board of Selectmen on February 21, 2017 with the requisite number of signatures and was accordingly placed on the warrant. The same petition was brought to the Board of Selectmen of Hamilton and placed on their Annual Town Meeting warrant. Once the motion is made, William (Bill) Shields of 721 Bay Road, Hamilton one of the principal initiators of this petition will give a brief presentation.

**Motion:** Amber Woolfenden, of 367 Grapevine Road, moved that the Town request the Selectmen to appoint a joint committee with the Selectmen of the Town of Hamilton to study the acquisition by purchase, eminent domain, or otherwise of all or a portion of parcels of land in Hamilton designated Lots A, B, C, and D as shown on a Plan of Land entitled Plan of Longmeadow Way dated October 15, 1980 and recorded in Essex Registry of Deeds at Plan Book 161, Plan 31 for school, recreational, and/or other municipal use and to report findings, recommendations, and proposed action, if any, to the 2018 Annual Town Meeting or such earlier town meeting as may be called to consider the issue, said committee to consist of a Selectman from each member Town, a member of the Hamilton Wenham Joint Recreation Board, a member of the Hamilton Wenham Regional School Committee, and one or more residents from each member town, or such other membership structure and membership as the Selectmen from both towns shall mutually agree; action under this article does not call for any appropriation of funds.

**Discussion:** Bill Shields of Hamilton explained the reasoning behind this citizen's petition. The petition speaks to a 15 acre parcel that has 1,500 feet bordering the Regional School property that has been restricted to three houses until last year when two of the owners decided they wanted to sell. The three possibilities for this land are 1) to keep it as a 3 parcel subdivision as it has been since 1980, 2) to use it for educational and recreation purposes, or 3) to leave it to an "unfriendly" developer to do with it as he wishes. Mr. Shields and the other supporters feel that this is an opportunity for both Towns along with the School and Joint Recreation Department to study the land. Mr. Shields stated that the Boards of Selectmen of both Towns, the School Committee and the Joint Recreation Committee are all in favor and that Hamilton Town Meeting approved this article at their Town Meeting earlier in the day.

Edmund Bertrand, 28 Perkins Street, believes this is a case of nimbyism and a way to circumvent the system. He does not think this should be passed.

Jeanise Bertrand, 28 Perkins Street, echoed her father's opinion and believes that the land is mostly unusable. She would like to see more people move to our area rather than purchase more land.

Stacey Metternick, 3 Dexter Lane, Chair of the School Committee, explained that the school Committee did unanimously vote in favor of this study. She clarified that the petition does not ask for any financial commitment.

**VOTE:** Article 19 passed with a majority.

## **Closing**

**Motion to Adjourn:** Moderator Reid asked for a motion to adjourn the meeting to our Annual Town Election on Thursday April 6, 2017 from 7am to 8pm and to dissolve the Annual Meeting at the close of polls.

**Action Taken:** The motion was made and seconded and the meeting was adjourned at 2:37pm.