

Feb. 23, 2010

Wenham Board of Selectmen  
Meeting of February 2, 2010 ~ 7 PM  
Town Hall, 138 Main Street

With a quorum present Mr. Swartz opened the meeting at 7:01 PM  
Selectmen Present: Lawrence Swartz, Chair; Harriet Davis, Vice Chair; John Clemenzi, Secretary  
Also Present: Jeff Chelgren, Town Administrator; Catherine Tinsley

**WELCOME AND OVERVIEW OF AGENDA  
STATEMENTS OR QUESTIONS BY PUBLIC  
ANNOUNCEMENTS**

Unsung Heroine Nomination Sought

Ms. Davis announced that the Town is accepting nominations to be submitted for Massachusetts Unsung Heroine Award. The information is on the Town's web site. Nominations will be accepted until February 12, 2010

Commendation for the Pleasant Pond Rescue

Mr. Swartz read a letter of Commendation from the Hamilton Selectmen for the assistance of the Wenham Police Chief Walsh and Sergeant Mark Frasier for participating in the rescue a man off the ice on Pleasant Pond f. December 21, 2009.

**PRESENTATIONS BY GUESTS OR STAFF**

Bond Anticipation Notes

Present: Sarah Johnson, Finance Director

Ms. Johnson reported that on January 26, 2010 Wenham Sold \$927,000 of six month Bond Anticipation Notes at a net cost of approximately 0.8% due to a premium received. She said that these notes were for culvert work from 2006 not covered by the federal government in the amount of \$656,811 and the painting of the Burnham Road water tower for \$270,189. She said that when the bonds come due in August, she would go out for permanent bonding adding the \$145,000 for the DPW dump truck, sander, and plow IF that purchase is approved at the ATM in May..

Mr. Clemenzi made a motion as Clerk of the BOS of the Town of Wenham, Massachusetts, that the BOS approve the sale of a \$927,000 1.25 percent General Obligation Bond Anticipation Note of the Town dated February 5, 2010 and payable August 6, 2010 (the "Note") to Eastern Bank at par and accrued interest, plus a premium of \$1,892.26. Further voted that in connection with the marketing and sale of the Note, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 19, 2010 and final Official Statement dated January 26, 2010, each in such form as may be approved by the Town Treasurer, be and herby are ratified, confirmed approved and adopted. Further voted that the consent to the financial advisor bidding for the Note, as executed prior to the bidding for the Note is hereby confirmed. Further voted that the Town Treasurer and the Board of Selectmen be, and herby are, authorized to execute and deliver a material events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Note for the benefit of the holders of the Note from time to time. Further voted that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and herby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Ms. Davis seconded and the motion carried by unanimous vote.

The Board signed the Bonds and Certifications.

## **OLD BUSINESS**

### Liquor License Review— On-going

Present: Emma Roberts, The Exchange at Wenham Tea House; Barbara Locke, Wenham Village Improvement Society (WVIS)

Mr. Swartz stated that the Exchange has requested to change their liquor license.

He reviewed the history saying that in 2006 Town Meeting approved a license for the Exchange to sell alcohol for on premises consumption, and in 2008 the Town Meeting approved the Exchange to store on site for a catering business, and in 2009 Town meeting passed an article which would have combined two licenses for an on premises license and off premises license for restaurants with at least 50 seats. This license was never passed by either branch of the legislature.

Mr. Swartz reviewed that the Exchange is asking to sell bottles of wine, and with this license Ms. Roberts could sell wine through her catering business for profit.

The Alcohol Beverage Control Commission (ABCC) has indicated concern with the language of this combined license.

He reiterated that this is a complex issue and no language has been drafted to date. He also stated that Town Counsel is recommending the amended license approval go before Town Meeting.

Mr. Swartz noted there maybe the opportunity for the Town to amend the language while it is in legislature at the State.

Ms. Locke reiterated the urgency of obtaining a license, and that it is unfair to the Exchange and the WVIS after waiting two years for due process and emphasized that the Tea House is in financial danger of closing.

The Chairman took comment from the Selectmen.

Ms. Davis stated her support and that she does not foresee any problem but that she also does not see how to avoid a Town Meeting.

Mr. Clemenzi said he has no concerns with Ms. Roberts' business practice. He also agreed that in spirit the matter was approved at the last town meeting , even if the language has changed.

Mr. Swartz opened the meeting for public comment.

Many residents spoke in support of the Tea House, saying that it is a great neighbor while others noted some concerns with possible increased traffic and the creation of a future business zone.

Seeing no further public comment, the BOS discussed proceeding to craft language here or to look for help from the community as an Ad Hoc Committee and asked that anyone interested contact the Town Administrator.

### Sign Policy – On-Going Discussion

Mr. Swartz stated that the BOS is beginning to draft a policy on posting signs in town.

Mr. Swartz said that the BOS talked about the process of the policy at the last meeting, which was not televised and that an Ad Hoc Committee is being considered.

He opened the meeting to public comment.

It was the spirit of those in attendance to support sign guidelines but that a policy is not necessary. Signs are an important part of the community and of the nonprofit organizations' ability to get information out. Several spoke passionately about the need for signs but resisted any attempt to curtail the size, shape, and printing on the signs as too expensive.

Ms. Davis provided a copy of a letter from the Historic District Commission dated January 22, 2010 supporting any efforts to control the number of signs and the appearance of the signs in the car barn lot. The Commission feels that the long term goal should be to discontinue the placement of all signs in that lot.

*The BOS agreed that a time limit may be most important.*

*The Draft policy will be posted on the Web site for review and opportunity for comments so the BOS has input of the community.*

*Mr. Clemenzi supported adopting the policy as it is written.*

*The BOS will vote on this matter March 2, 2010.*

#### **NEW BUSINESS**

*May 1, 2010 Annual Town Meeting - Vote to call annual town meeting*

*Ms. Davis made a motion to call the Annual Town Meeting for May 1, 2010 at the Buker School at the hour of 1 PM. Mr. Clemenzi seconded and the motion carried by unanimous vote.*

*Mr. Swartz announced that with the opening of the warrant, citizen's petitions for warrant articles can be submitted for the town meeting warrant; the closing date for citizen petition is March 9, 2010.*

*Ms. Davis made a motion to open the Warrant for the May 1, 2010 for the annual Town Meeting. Mr. Clemenzi seconded and the motion carried by unanimous vote.*

#### **Authorization to Exceed Snow and Ice Budget**

*Mr. Swartz explained that M GL Chapter 44 Sec 31 D allows Municipalities to exceed the snow and ice budgets and put it on the recap in the fall after the June 30, 2010 Fy ends.*

*Ms. Davis made a motion to allow the town to exceed the snow and ice budget expense budget line Item no. 423 -5200 in accordance with MGL Chapter 44 Section 31D. Mr. Clemenzi seconded and the motion carried by unanimous vote.*

*The Finance Committee has approved this.*

*A Joint Selectmen meeting with Hamilton Selectmen was scheduled for Monday February 22<sup>nd</sup> at Wenham Town Hall.*

#### **EXECUTIVE SESSION (ES)**

*Ms. Davis made a motion to enter into ES: To consider the purchase, exchange, lease or value of real property, if such discussions may have a detrimental effect on the negotiating position of the governmental body and a person, firm or corporation and that Molly Martins, Chair of the Affordable Housing Trust is included and to only return to open session for the purpose of adjournment. Mr. Clemenzi seconded and the motion carried by Roll Call vote.*

*10:16 PM The BOS returned to open session and on a motion by Ms. Davis to adjourn, it was unanimous to do so.*

*Respectfully submitted by*

*Catherine Tinsley*