

WENHAM BOARD OF SELECTMEN
Meeting of Tuesday, July 6, 2010~7 PM
Wenham Town Hall, 138 Main Street

APPROVED BY
BOARD OF SELECTMEN
AT THEIR MEETING OF

Aug. 3, 2010

With a quorum present, Ms. Martins called the meeting to order at 7PM.
Selectmen Present: Molly Martins, Chair; John Clemenzi, Vice Chair; Harriet Davis, Secretary
Also Present: Jeff Chelgren, Town Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used:
BOS Board of Selectmen
HW Hamilton Wenham

Public information;
Agenda

WELCOME AND OVERVIEW OF AGENDA

ANNOUNCEMENTS

4th Annual Kite Day

Mrs. Martins announced that there will be a 4th annual kite event occurring on Saturday, August 21st. The event is sponsored by the Wenham COA in conjunction with the HW and Beverly Recreation Departments; pre registration is requested.

Affordable Home Ownership

Mrs. Martins announced that the Wenham Affordable Housing Trust has two homes for sale through an affordable housing lottery process; applications and information are available at the library, town Hall and on line. The deadline for submitting an application is Sept 16, 2010. The open houses are August 10, 2010. There is a local preference for people with ties to Wenham.

PRESENTATION BY GUESTS OR STAFF

Mrs. Martins asked if there were any presentations by Guests or Staff. Trudy Reid, Town Clerk, announced that the 2010 Street Listing book was now available at the Town Clerk Office; \$10 for residents and \$20 for non residents.

Beverly Airport Discussion

Mrs. Martins also acknowledged Mr. Hutchins and asked if he had anything that he would like to say. Mr. Hutchins, Burley Street resident, stated that he contacted the FFA in Washington DC regarding the on-going Beverly Airport Commission aviation easement process. The Director replied with a letter and it was identified that someone from the FFA would contact Mr. Hutchins in order to set up a site visit. No information has been received from Beverly Airport regarding the height of the trees on his property that are in violation. Mr. Hutchins reiterated that he believes that the goal of this easement process is to allow for a higher use of the Beverly Airport.

Mrs. Martins requested that Mr. Hutchins keep the town informed ..

STATEMENTS OR QUESTIONS BY PUBLIC

Gerry Donnellan, Topsfield Road, identified that he recently read in the paper that Wenham was joining the newly proposed Regional ECO and that he was concerned because he had not heard of any opportunity for the public to have input. Mrs. Martins explained the recent turn of events, the letter to Hamilton, and the on-going review of this option by the Town. She went on to assure Mr. Donnellan that there would be a

public input opportunity(s) prior to the Selectmen making any decisions. Mr. Donnellan thanked the board for this information.

OLD BUSINESS

125 Pleasant Street

Mrs. Martins asked Mr. Chelgren to speak to the next issue, which had to do with land considerations related to the property at 125 Pleasant Street. Mr. Chelgren identified that the Town has received proposed Sale and Easement documents related to the reconfiguration of the land located at the subject address. He explained that the last Town Meeting had authorized this set of actions and that the estate attorney, James Kroesser, had provided the documents and was asking that the Selectmen approve and sign both. Mr. Chelgren went on to identify that he has reviewed these documents with Town Counsel, Jim Kroesser, Estate Attorney, and Emilie Cademartori, (ConCom and Planning Board assistant) and all parties are recommending approval by the Board. Therefore, Mr. Chelgren would ask that the BOS vote to approve the signing of the documents by the Chairman of the BOS.

Ms. Davis made a motion to approve the papers provided by Attorney Kroesser for the easement and for the deed that finishes the work started at (the 2010 Annual) Town Meeting referencing 125 Pleasant Street. Mr. Clemenzi seconded and the motion carried by unanimous vote.

Operational Audit/Intermunicipal Agreement

Mrs. Martins identified the next agenda item and asked Mr. Chelgren to provide an overview. Mr. Chelgren gave a brief overview explaining that the Town Meeting approved a citizen petition for an operational audit of the schools. He said that the overall cost is expected to not exceed \$90,000, of which Wenham's would be responsible for approximately \$30,000. Mr. Chelgren identified that the Finance Committee has suggested that the sum could be paid for through a Reserve Fund Transfer and then an encumbrance carrying the amount from FY10 to FY11. He went on to explain that the related intermunicipal agreement would serve as an invoice, of sorts, which would allow for the encumbrance to occur. Mr. Chelgren then asked that the Board vote to agree with this process by voting to authorize the encumbrance of the funds for this purpose.

Ms. Davis made a motion to encumber fund sufficient to pay Wenham's share not to exceed \$30,000.00 for the School Operational Audit and to encumber the funds from FY10 to FY 11. Mr. Clemenzi seconded and the motion carried unanimously.

End of FY10 Actions

Mrs. Martins identified to the public that the Board has a standing agenda item, FY10 transfers, which is designed to authorize the budget transfers needed to close the accounts at the end of the fiscal year. Mrs. Martins then asked Mr. Chelgren to walk us through the latest transfers. Mr. Chelgren identified that the Board has before them a number of Line Item Transfers which are outlined in a spreadsheet dated June 22nd.

Ms. Davis made a motion to authorize the line item transfers dated June 22, 2010. Mr. Clemenzi seconded and the motion carried by unanimous vote.

Regional ECO Status Report

Mrs. Martins identified that the next agenda item related to the Regional Eco and she asked Mr. Chelgren to provide an overview. Mr. Chelgren stated that the Selectmen have sent a "termination letter" to the Town of Hamilton as a means of complying with the current H-W Regional ECO Agreement and in order to maintain our options regarding the new Regional ECO planned in Middleton. He went on to explain that this is a technical exercise and that he has spoken with the Hamilton Town Manager, Michael Lombardo, and that he completely understands why this was necessary. Mr. Chelgren also identified that Mr. Lombardo has agreed

to provide either a side letter or an amendment to the current agreement and to do so within the next 30 days.

Ms. Davis noted her concern that this is not what was agreed to at the previous meeting and that the BOS had agreed on a range of time and conditions on how the letter was to be written. Mr. Chelgren responded by stating that the letter was written in compliance with the understandings of the board and that he had spoken with the BOS Chairman, Mrs. Martins, in order to confirm this fact. He went on to state that he would look at the minutes of the meeting in order to confirm this fact.

Mr. Clemenzi stated that it is the priority of the BOS that the town is well covered with emergency services and this is the number one priority.

NEW BUSINESS

Special Town Meeting

Mrs. Martins identified the next agenda item and asked Mr. Chelgren to provide an overview. Mr. Chelgren reported that the town has recently been contacted by the School Bond Counsel notifying us that an error had occurred in the wording of the November 12, 2009 STM warrant, and that this error created a bonding process problem. Mr. Chelgren went on to explain that when Wenham was preparing for this STM and the related special election, Hamilton was not yet decided on the dates for their STM and election. Due to the timing of these discussions, Wenham set its STM but waited for Hamilton to set their dates, which occurred approximately 2 weeks after the Wenham STM was scheduled. In this turn of events the TOW chose to set the election afterwards and to leave the reference out of the STM warrant. Thus the absence of the warrant wording has made it impossible for the bonding agent to complete his work.

The agree upon remedy for this situation is to either hold another STM and election, or to file a Special Act with the Governor seeking relief from this technical requirement. Mr. Chelgren identified that time is of the essence as the Cutler HVAC project is underway and for this reason he suggested that the Special Act option was the preferred approach. As such, Mr. Chelgren asked that the Selectmen authorize him to submit the Special Act to the Governor's Office immediately

Senator Brad Hill has a copy of the letter and he advised that if the town proceeded immediately, that he felt that the matter could be resolved by the first or second week in August.

Ms. Davis made a motion to submit the special act to the Gov requesting he submit this on Wenham's behalf. Mr. Clemenzi seconded and the motion carried by unanimous vote.

Annual Cycle for Life – This is a fund raiser for Children's Floating Hospital

Mrs. Martins identified the next agenda item and turned it over to Ms. Davis to explain. Ms. Davis identified that the Annual Cycle for Life ride will start and end in Marblehead but goes through Wenham. She identified that the Wenham Police have approved this event and that the ride is scheduled for September 11th.

Ms. Davis made a motion to approve the ride. Mr. Clemenzi seconded and the motion carried by unanimous vote.

Appointment to Joint Recreation Commission – Dan Ahearn

Mrs. Martins identified that we have an appointment and that the candidate and a member of the Joint-Recreation Commission are present. She turned the discussion over to Mr. Clemenzi who identified that there is an opening on the joint Recreation Commission, that Dan Ahearn and Jay Butler, Hamilton Member, were present, and then he asked Mr. Butler to speak. Mr. Butler identified that the Commission was recommending the appointment of Mr. Ahearn and asked for the Selectmen authorization. Mr. Butler then updated the BOS on the Commission saying they are looking into the Donovan Property for field sports. The

Recreation Department is submitting for Community Preservation funds to buy the property. Because the property is in Hamilton, Wenham will not participate. Grants are also being sought.

Mr. Clemenzi made a motion to accept Dan Ahearn as new member of HW Recreation Commission.

Ms. Davis seconded and the motion carried unanimously.

Vacation Carryover

Mrs. Martins identified the next agenda item as a request for vacation carryovers. She went on to explain that Bethany Bodengraven and Catherine Gabriel had requested carry over time and that it appeared to be a justifiable request. Mr. Clemenzi and Mrs. Davis agreed. It was understood that the subject time would be used up by September 1st.

Ms. Davis made a motion to allow the vacation carryover. Mr. Clemenzi seconded and the motion carried by unanimous vote.

Resignation of Surveyor of Lumber and Measurer of Wood and Bark

Mrs. Martins identified that we have received a resignation letter and asked Ms. Davis to review the matter. Ms. Davis identified that Mr. Harold Boothroyd has been the Surveyor of Lumber and Measurer of Wood and Bark since 1971. She went on to explain that this position dates to the 1600s when settlers cut wood on town land but has not been active for decades. He has recommended that the BOS take future action to dissolve the position or to transfer the responsibility to the Tree Warden.

Mr. Boothroyd was recognized for his dedication to the town.

This will be added to the list of bylaws to be updated.

The BOS agreed that the position does not need to be filled and will be kept open.

Library Grounds Maintenance

Mrs. Martins identified that the next agenda item is related to the maintenance of the Library grounds and turned the conversation over to Mr. Chelgren for an overview. Mr. Chelgren reviewed that Wenham is the lead community of the Library and takes responsibility of the management of the building, grounds, and personnel. When the Library agreement was formed, however, it was decided that the TOW would take care of all aspects of the operation except for the grounds maintenance, and Hamilton would take that responsibility as a means of sharing the costs.

He said that the Hamilton DPW has not had the resources to keep up with the grounds maintenance and for the past 3-4 years it has left the property looking neglected. In order to correct this situation, Mr. Chelgren has engaged Mr. Lombardo, Hamilton Town Administrator, and Mrs. Dempsey, Library Director, in a series of conversations. It was generally agreed that the Town of Hamilton needed one more year in order to determine how best to resolve this issue and that it would be advisable to have Wenham take over this responsibility until next Spring, at which time it was felt that we would all have a better understanding of the problem.

Mr. Chelgren, therefore, is suggesting that we hire a part time worker for 10 hours a week for 8 weeks at a cost of \$1600.00 for this season and that we work with the Wenham DPW in order to provide a Supervisor, which has been identified as Shawn Davis of the Highway Department, for which he will receive a stipend of \$1,900 for the time period. Ms. Davis expressed concern with this concept and suggested that Hamilton be asked to fulfill their duties.

Mrs. Martins stated that the proposal appeared to offer a means of resolving the issue until a final decision could be made related to the two towns responsibilities. Mrs. Martins went on to explain that if you looked at the requested supplemental services from an annual overview perspective, that it made sense as we will ultimately be asking the Wenham DPW to be responsible for the Library grounds until winter and then the Wenham DPW will take on their designated snow removal responsibilities. Mr. Chelgren identified that the same services had been bid and that it would cost the Town approximately \$5,000 if we had a landscape company provide the same services that would now be provided by the Wenham DPW.

Ms. Davis noted her concern that this is excessive time and cost. Mr. Chelgren explained that this is paid for from the Library budget and will be an apportioned cost which will result in Hamilton paying 2/3rds of the expense. He went on to explain that he and Michael Lombardo have discussed this and it is an acceptable approach for both of them.

The Selectmen agreed to proceed with this recommendation with the understanding that this issue would be reviewed and resolved prior to the Spring season starting in 2011.

It was the consensus of the BOS for the Town Administrator to move forward.

REPORTS

Mr. Chelgren told the Board that the Town of Topsfield has a similar beach as Wenham and has an ice cream vendor, which has been successful. Mr. Chelgren questioned the BOS if they are interested in having this person come to Pleasant Pond.

The BOS has some concerns with the permitting, authorization etc but had no objectives.

DPW employee John Pews is retiring July 16, 2010. Mr. Pews has also been the Burial Agent for Wenham and is working with the Cemetery Commission to continue in this position at an annual stipend of \$3500.

Mr. Chelgren reported that a donor is requesting to place a monument memorial for Peter Burnham of a rock and a flag pole. The proposed placement is between the large doors at the DPW. The cost is covered by a donor. The BOS supported the action. A memorial service will be planned.

Mr. Chelgren reported that a company has approached the Town expressing interest in the possible re-development of portions of the Iron Rail property. As such, Mr. Chelgren is attempting to schedule a meeting between the proponent and the BOS and he was suggesting that the meeting occur on July 14, 2010 at the Cummings Center. The Board agreed and Mrs. Martins asked that the meeting be posted.

Mrs. Martins identified that the Operational Audit Committee is meeting July 7, 2010 in Wenham Town Hall. This is not a televised meeting. Ms. Davis voiced her objection that this meeting is not being televised and requested reconsideration citing the RFP is being discussed. Mrs. Martins identified that the OA Committee would be considering meeting format and the issue of televising would be discussed. The six members of the Audit Committee were identified: Jennifer Scuteri, Molly Martins, Jeff Chelgren, Michael Lombardo, Roger Kuebel, and John McWane

MINUTES

June 1, 4, 15, 22, 2010

The minutes were deferred to the next meeting.

The BOS next meeting is July 20th.

8:06 PM- Mr. Clemenzi made a motion to adjourn. Ms. Davis seconded and the motion carried by unanimous vote.

Respectfully Submitted by

Catherine Tinsley