



Town of Wenham
BOARD OF SELECTMEN
AGENDA

Tuesday February 13th
5:00 PM

Wenham Town Hall – 138 Main Street
Notice of public meeting as required by M.G.L. Chpt.30 §18-28

All audience members wishing to address the Board of Selectmen must go to the podium microphone and give their name & address.

- 5:00 P.M. **WELCOME:** Call to order
- PUBLIC INPUT: ITEMS NOT ON THE AGENDA**
- ANNOUNCEMENTS**
1. Wenham Annual Town Elections – Open Offices CH
- 5:05 P.M. **REPORTS**
- TOWN ADMINISTRATOR – Update
CHAIRMAN
SELECTMEN
- 5:10 P.M. **NEW BUSINESS**
- A. DPW Request for Authorization to Exceed Snow & Ice Budget JC
B. Recommended Revision to Town’s Flag Half-Staff Policy JW
- 5:20 P.M. **OLD BUSINESS**
- C. Recommended Town Hall Personnel Changes and Impact on FY19 Budget JW
D. Proposed Inspectional Services Intermunicipal Agreement with Hamilton CH
E. Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only) JW
- 6:10 P.M. **MINUTES**
- Open Session:** November 21, 2017; December 5, 2017; December 19, 2017; January 9, 2018; January 16, 2018
Executive Session: January 9, 2018 (1); January 9, 2018 (2); January 16, 2018 (1); January 16, 2018 (2)
- 6:15 P.M. **ANTICIPATED ADJOURNMENT**

BOARD OF SELECTMEN MEETING

February 13, 2018

ANNOUNCEMENTS

1. Wenham Annual Town Elections – Open Offices

CH



Annual Town Election 2018

Nomination papers for the following seats are available from the Town Clerk's office as of **Friday, January 12, 2018** and require 20 signatures of registered voters from Wenham.

- 1 – 3 year term on the Board of Assessors
- 1 – 3 year term on the Board of Health
- 1 – 3 year term on the Board of Selectmen
- 2 – 3 year term on the Hamilton Wenham Library Board of Trustees At Large
- 2 – 3 year term on the Hamilton Wenham Regional School Committee
- 1 – 1 year term as the Moderator
- 1 – 5 year term on the Planning Board
- 1 – 3 year term on the Planning Board
- 1 – 3 year term on the Water Commission
- 1 – 5 year term on the Housing Authority

Last day to submit papers back to the Clerk is **Thursday, February 22, 2018**.

Nomination papers for the following Regional School Committee Seats are available from the School District office as of **Friday, January 12, 2018** and require 40 signatures from registered voters from Hamilton and/or Wenham

- 2 – 3 year term on the Regional School Committee

Last day to submit papers back to the School Administration Office is **Monday, February 26, 2018**.

THE CLERK WILL COMPLETE THE CERTIFICATION OF ALL NOMINEES ON THURSDAY, MARCH 8, 2018 AND THE LAST DAY TO WITHDRAW ONE'S NAME IS MONDAY, MARCH 12, 2018.

Annual Town Luncheon is Saturday, April 7, 2018 at 12pm – Buker School

Annual Town Meeting is Saturday, April 7, 2018 at 1pm – Buker School

Annual Town Election is Thursday, April 12, 2018 from 7am - 8pm – Town Hall

BOARD OF SELECTMEN MEETING

February 13, 2018

REPORTS

- TOWN ADMINISTRATOR – Update
- CHAIRMAN
- SELECTMEN



Town of Wenham

Selectmen / Town Administrator
TEL 978-468-5520 FAX 978-468-8014

MEMORANDUM

TO: Board of Selectmen
FROM: Peter Lombardi, Town Administrator
RE: Town Administrator's Report
DATE: February 13, 2018

Police Department Reaccreditation

Last week, the Town received formal notification from the Massachusetts Police Accreditation Commission that the Wenham Police Department has retained their accreditation status. Based on nationally recognized best practices in the profession, this designation acknowledges the very high standards that our officers meet in providing services to the residents in our community. We are one of just a handful of accredited departments on the North Shore, a designation the Department originally attained three years ago. Since this was the first time we sought reaccreditation, the extensive review process was targeted to check to ensure that the department is in compliance with the policies and procedures that it had established. Kudos to all members of the Department for continuing to set and meet a high bar.

Dodges Row / Spring Hill Subdivision

This project was approved by the Planning Board almost two years ago but had been delayed pending the state's final conservation approvals. In May 2017, the DEP issued a Superseding Order of Conditions that reduced the number of lots in this subdivision from 18 to 17 (including 2 affordable units). The Planning Board modified their decision to reflect these changes this past summer and the project is now set to move forward. A pre-construction meeting was held several weeks ago and DEP will be on site to check on erosion control measures later this week. Tree clearing for road construction, which will be fairly extensive, is expected to begin next week.

Property Exclusions from Mosquito Spraying

With the end of winter approaching, the Board of Health would like to remind residents of the procedure for excluding their property from mosquito spraying. Mosquito spraying only can occur by a vote of the Board of Health. The Board of Health would be notified by the Northeast Mosquito Control Board if any mosquitos collected and tested in the region had a positive result for any sort of mosquito carried disease. While this occurs infrequently in Wenham, it has occurred before. Residents who wish to be excluded if a spraying were to occur must request to be excluded every year.

There is a new process for requesting those exclusions. Previously, a hard copy form was required, by certified mail, to the Town Clerk's office every year by March 30. Now, residents can submit the form online or mail the exclusion form into the state on a rolling basis. Requests will go into effect fourteen (14) days after the exclusion request is received. This service is a part of a state program that also provides the town with mosquito testing, catch basin treatment, and public information services regarding mosquitos. The Northeast Control Board has multiple collection locations in Wenham and the region that are frequently tested for disease. More information can be found on the Board of Health website, by emailing permitting@wenhamma.gov or by calling 978-468-5520 ext. 4.

BOARD OF SELECTMEN MEETING

February 13, 2018

NEW BUSINESS

- | | |
|--------------------------------------------------------------|----|
| A. DPW Request for Authorization to Exceed Snow & Ice Budget | JC |
| B. Recommended Revision to Town's Flag Half-Staff Policy | JW |

BOARD OF SELECTMEN MEETING

February 13, 2018

NEW BUSINESS

A.

DPW Request for Authorization to Exceed Snow & Ice Budget

- Letter regarding Authorization to Exceed Snow & Ice Budget from Bill Tyack, DPW Director, February 5, 2018
- Draft Motion



**Town of Wenham
Highway Department
Wenham, MA 01984**

TEL: 978-468-5520 Ext 6

FAX: 978-468-8014

February 5, 2018

**TO: The Board of Selectmen
Finance Advisory Committee**

RE: Authorization to Exceed Snow & Ice Budget

Due to the rising costs of sand, salt, ice ban and the many repairs we have had to make on plows, sanders and the sidewalk machine, I am approaching the \$70,000.00 budget set aside for our Snow & Ice Expenses Account (01-423-5200-0000)

The current balance of the Snow & Ice Expense Account is \$13,927.07 and the current balance of Snow Removal Salary & Wages after 02/05/2018 will be 16,909.69

With the upcoming storm which will require outside plowing contractors, salt and the sand I just ordered, we will be close to exceeding the Expense Budget.

We are still well within the snow season and it is expected that there will be additional expenses that will be incurred before this budget can be closed for the Fiscal Year 2018. Therefore, the Highway Department is requesting that the two boards vote to allow the expense budget to exceed the appropriation and for the excess amount possibly to be raised on the recap sheet in the next fiscal year.

Thank you for your immediate attention to this matter and we will update you with information as soon as the snow season is closed out. Please let me know if I can answer any questions.

Bill Tyack
**Bill Tyack
DPW Director**

Cc: Peter Lombardi, Town Administrator

BOARD OF SELECTMEN MEETING

February 13, 2018

DRAFT MOTION

- Vote: I move to authorize the DPW to exceed the appropriated amount of \$70,000 in the FY18 Snow & Ice Expense Budget.

Seconded / Discussion/ Vote

BOARD OF SELECTMEN MEETING

February 13, 2018

NEW BUSINESS

B.

**Recommend Revision to
Town's Flag Half-Staff Policy**

- Email regarding Wenham Flag Protocol Update from Mike Lucy, Veterans Committee, January 31, 2018
- Proposed Update to Flag Half-Staff Policy
- Draft Motion

Peter Lombardi

From: Michael Lucy <mslaenergy@verizon.net>
Sent: Wednesday, January 31, 2018 4:22 PM
To: Peter Lombardi
Cc: dped63@gmail.com
Subject: Wenham Flag Protocol Update
Attachments: Wenham Flag Half Staff Policy.1.31.18.docx

Hi Peter:

Further to our conversation I am attaching a proposed update to the 2012 Wenham flag half-staff protocol, to include the Veterans Memorial in the list of flag poles subject to the protocol. (I simply edited the existing protocol document to add the Veterans Memorial to the list of covered flag poles).

The Veterans Committee met earlier in January and agreed that the flag at the Veterans Memorial: a) should be covered by this protocol, and b) that the half staff determination that you as Town Administrator make in consultation with the BOS with regard to the flags at the Town Common, the Fire Dept and the Police Dept, etc. should also apply at the Veterans Memorial so that there are no disparities, nor any confusion.

If you agree then I assume that the next step would be to have the BOS adopt this updated protocol at an upcoming meeting.

Let me or Dean Pederson know if you have any questions, or need anything in writing from the Veterans Committee.

Regards,

Mike

Michael Lucy
mslaenergy@verizon.net



**Flag Half-Staff Policy
Town of Wenham**

Policy:

The displaying of the United States flag at half-staff is intended to be a public symbol of respect for the service and sacrifice of public officials and military personnel upon their death.

The United States flag will be lowered to half-staff at the Town Common, the Fire Station, the Police Station, the Veterans' Memorial, the Regional Library and the DPW Municipal Complex in accordance with this policy.

The Town Administrator is authorized to direct that such flags be flown at half-staff upon the death of prominent local officials consistent with the policy set, or in accordance with an order issue by the President of the United States, or the Governor of the Commonwealth.

Prominent local officials include past and present elected officials and individuals who, in the opinion of the Board of Selectmen, have contributed significantly to the betterment and welfare of the Town of Wenham. The flag shall be flown at half-staff for a period of three days with two days prior to the funeral and the funeral itself.

The U.S. Flag will also be flown at half-staff on Memorial Day, Patriots' Day, 9/11 Remembrance Day, Veteran's Day and Pearl Harbor Remembrance Day.

Signed this ____ day of _____, 2018

Jack Wilhelm, Chair

Catherine Harrison, Vice Chair

John Clemenzi, Secretary

BOARD OF SELECTMEN MEETING

February 13, 2018

DRAFT MOTION

Proposed Revision to Town's Flag Half-Staff Policy

- Vote: I move the Board of Selectmen approve the proposed revision to include the flag at Veterans' Memorial in the Flag Half-Staff Policy.

Seconded / Discussion/ Vote

BOARD OF SELECTMEN MEETING

February 13, 2018

OLD BUSINESS

C. Recommended Town Hall Personnel Changes and
Impact on FY19 Budget

JW

D. Proposed Inspectional Services Intermunicipal Agreement
with Hamilton

CH

E. Other matters, as may not have been reasonably anticipated
by the Chair (Discussion Only)

JW

BOARD OF SELECTMEN MEETING

February 13, 2018

OLD BUSINESS

C.

Recommend Town Hall Personnel Changes and Impact on FY19 Budget

- Memo regarding Town Hall Personnel Changes and Impact on FY19 Budget from Peter Lombardi, Town Administrator, February 2, 2018
- Compensation and Classification System: Town of Wenham Non-Union Employees, January 1, 2018
- Proposed Special Projects Manager & Permitting Coordinator Job Description
- Email regarding Salary Update from Dianne Bucco, Town Clerk, January 16, 2018
- M.G.L., Ch. 41, Sec. 19K



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

Selectmen / Town Administrator
TEL 978-468-5520 FAX 978-468-8014

MEMORANDUM

TO: Board of Selectmen
FROM: Peter Lombardi, Town Administrator
RE: Recommended Town Hall Personnel Changes
DATE: February 2, 2018

In order to better align the schedules and compensation of several Town Hall employees with the work that they are doing, I propose the following three personnel changes:

- Upgrade the Permitting Coordinator and Special Projects Assistant project from a Grade 8 to a Grade 6A

As you will recall, when the Permitting Coordinator and Special Projects Assistant position was originally created, it was funded at a level that worked within the limitations of the FY16 budget that had already been approved by Town Meeting in Spring 2015. Once the compensation and classification system was implemented in Winter 2016, this position received a very minor pay increase to bring it up to the bottom of the range for Grade 8 positions at the time. Split between the Permitting Department and Town Hall, this position is funded at \$44,005 in total for FY18. Since the adoption of the compensation and classification system, done just a few months after the position had been created, the duties and responsibilities of the position have significantly expanded. A redlined version of the updated job description is attached for your reference.

Based on these changes, I would recommend that the position be categorized as a Grade 6A at the minimum hourly rate of \$28.33/hour currently established for this grade. Doing so would have a bottom line impact on the FY19 budget of \$9,965, independent of the 2% COLA which has already been accounted for in the budget. If this grade change is approved, the FY19 salary for this position (including the COLA) would be \$54,847, independent of any merit increases. To make this grade change effective immediately, an RFT for approximately \$3,500 would need to be approved by the Finance & Advisory Committee.

- Increase the Town Clerk's hours from 32.5/week to 36.5/week in line with Town Hall hours of operation

The Town Clerk's salary is budgeted at \$52,546 for FY18 based on a 32.5 hour/workweek. When I began in May 2015, Town Hall employees worked a variety of schedules, ranging from 32.5 to 40 hours/week, and were compensated accordingly. Over time, we have

aimed to ensure that all offices are open to the public for the full 36.5 hours/week that Town Hall is open. When the opportunity has presented itself, we have also tried to align Town Hall employees' schedules with that of Town Hall. At this point, the Town Clerk is the only full-time employee in Town Hall who is compensated for working less than the full 36.5 hours/week. For FY19, I recommend that the hours for this position be increased from 32.5 to 36.5. Doing so would have a bottom line impact of \$6,596 on the FY19 budget, independent of the 2% COLA which has already been accounted for in the budget. If this change in hours is approved, the FY19 salary for this position (including the COLA) would be \$60,189, independent of any merit increases or supplemental pay for her duties as registrar. As part of this assessment process, the Town Clerk assembled salary and workweek data from our comparable communities. While the Town Clerk's hourly rate will continue to be on the low end of the scale relative to her peers and at the low end of her grade (6) on the compensation and classification system, her overall compensation will be closer to the median of her fellow Town Clerks based on the proposed increase in hours. It will also bring her in line with the other Clerks in that her schedule will mirror that of Town Hall.

In addition to this change, the Town Clerk is also requesting a \$1,000 annual stipend be added to her FY19 budget line as compensation for attaining certified Massachusetts municipal clerk status, which she achieved earlier this year. MGL Ch 41 Sec 19K allows separate compensation at this level to Town Clerks for such professional certification upon adoption of this local option by Town Meeting. Town Meeting approval is not necessarily required to award this stipended amount, but the Board has the option to put it on the warrant if they so choose. This certification has taken several years to attain, has involved a significant amount of training, and provides value to the Town in the level of professionalism and competency the Town Clerk now brings to the position.

- Split the Planning Coordinator's full-time position (32.5 hours/week) into two part-time positions: a 19 hour/week Planning Coordinator who would staff the Planning Board, Zoning Board of Appeals and a 19 hour/week Conservation Coordinator who would staff the Conservation Commission and Open Space & Recreation Committee

The Planning Coordinator is budgeted at \$56,885 for FY18 based on a 32.5 hour/ workweek. This position currently staffs all five land use-related boards: the Planning Board, Zoning Board of Appeals, Conservation Commission, Open Space & Recreation Committee, and Economic Development Committee. As such, a vast majority of this employee's time is spent either attending board meetings or handling all of the various tasks associated with preparing for them. In addition, as we learned when we went through the hiring process for this position a little less than two years ago, it is very difficult to find the skill set, expertise, and experience to be able to effectively staff each of these various committees, especially the Conservation Commission. In many communities, that particular committee is staffed by a part-time employee who specializes in wetlands protection. As this position has evolved over time and as these other committees have become added responsibilities, it has become apparent that it is not realistic or sustainable to staff them with a single full-time employee at 32.5 hours/week. Accordingly, I am recommending that we split this position into two part-time positions: one that would staff the Planning Board and Zoning Board of Appeals and the other that would support the

Conservation Commission and Open Space & Recreation Committee. Both positions would be funded at 19 hours/week and so would not be benefit eligible. At least one of these employees would be present at Town Hall during our hours of operation.

To move forward with this change, I would suggest that we post for the part-time Conservation Coordinator position later this month and seek to fill the position by May. At this time, the incumbent is interested in staying on as the Planning Coordinator in a part-time role. If we do not attract the level of applicants for the part-time Conservation Coordinator position that we are seeking, we will need to re-evaluate how to properly structure these roles, including potentially moving to a full-time, salaried Town Planner position who would work at least 36.5 hours/week. By splitting these positions as I have recommended, the maximum bottom line impact on the FY19 budget would be \$9,819, independent of the 2% COLA which has already been accounted for in the budget. However, that figure assumes that the new part-time hire would be compensated at the same hourly rate as the incumbent Planning Coordinator, whose salary falls in the top third of the range for her grade (6A). It also assumes that both positions would work 19 hours/week, which would be the maximum amount budgeted. Given the timing of this potential staffing change, I would anticipate limited impacts to the FY18 budget so an RFT would likely not be needed.

**Compensation and Classification System: Town of Wenham Non-Union Employees
01.01.18**

PROPOSED GRADE	Position Title	Wenham FY 18 Actuals			Wage Range by Grade (25%)			Wage Range by Grade (25%)		
		Work Week			Recommended Hourly Rate			Recommended Annual Salaries*		
		Hourly	Hours	Annual	Min	MidPt	Max	Min	MidPt	Max
1	Town Administrator	\$54.92	40.0	\$114,239.84	\$51.51	\$57.95	\$64.39	\$107,140.80	\$120,533.40	\$133,926.00
2	Police Chief	\$59.29	40.0	\$123,312.99	\$46.36	\$52.16	\$57.95	\$96,428.80	\$108,482.40	\$120,536.00
2	Fire Chief	\$48.11	40.0	\$100,060.48				\$96,428.80	\$108,482.40	\$120,536.00
3	DPW Director	\$49.64	40.0	\$103,241.84	\$41.21	\$46.36	\$51.51	\$85,716.80	\$96,431.40	\$107,146.00
4	Water Superintendent	\$39.78	40.0	\$82,747.81	\$36.06	\$40.57	\$45.08	\$75,004.80	\$84,380.40	\$93,756.00
	Finance Director & Treasurer/Collector	\$39.23	40.0	\$81,598.40				\$75,004.80	\$84,380.40	\$93,756.00
5	Police Captain	\$49.98	40.0	\$103,958.40						
5	Fire Captain	\$43.64	40.0	\$90,779.52						
6	Town Accountant	\$35.31	40.0	\$73,439.81	\$30.91	\$34.77	\$38.64	\$64,292.80	\$72,329.40	\$80,366.00
6	Assessor	\$34.00	20.0	\$35,360.00				\$28,931.76	\$32,548.23	\$36,164.70
6	Town Clerk	\$31.09	32.5	\$52,545.99				\$52,237.90	\$58,767.64	\$65,297.38
6A	Planning Coordinator	\$33.66	32.5	\$56,885.40	\$28.61	\$32.19	\$35.76	\$48,350.90	\$54,394.76	\$60,438.63
6A	Council on Aging Director	\$28.44	32.5	\$48,063.60				\$48,350.90	\$54,394.76	\$60,438.63
7	Facilities Manager	\$32.20	40.0	\$66,976.00	\$25.76	\$28.98	\$32.20	\$53,580.80	\$60,278.40	\$66,976.00
7	DPW Foreman	\$30.74	40.0	\$63,944.82				\$53,580.80	\$60,278.40	\$66,976.00
8	Executive Assistant to Town Administrator	\$28.34	36.5	\$53,781.73	\$23.18	\$26.08	\$28.98	\$43,995.64	\$49,495.10	\$54,994.55
8	Permitting Coord./Special Projects Asst.	\$23.19	36.5	\$44,005.13				\$43,995.64	\$49,495.10	\$54,994.55
8	Firefighter	\$23.67	40.0	\$49,241.92				\$48,214.40	\$54,241.20	\$60,268.00
9	Executive Secretary to Assessors	\$26.15	18.0	\$24,476.40	\$20.60	\$23.18	\$25.75	\$19,281.60	\$21,691.80	\$24,102.00
9	Administrative Asst. DPW/Sewer	\$23.46	36.5	\$44,527.08				\$38,106.00	\$42,869.25	\$47,632.50
9	Finance Assistant - Payroll Coordinator	\$20.60	30.0	\$32,136.00				\$39,098.80	\$43,986.15	\$48,873.50

* Salary ranges are based on current work week hours by position which may vary over time

SPECIAL PROJECTS MANAGER & PERMITTING COORDINATOR
PERMITTING COORDINATOR/SPECIAL PROJECTS ASSISTANT

DEFINITION

Responsible for all administrative and clerical tasks related to the provision of inspectional services: Board of Health, Electrical Inspections, Plumbing and Gas Inspections, Building Inspections, ~~and Weights and Measures~~. This position shall also manage and maintain all related software packages and databases (GEOTMS & Accela Civic Platform) and maintain the routing and distribution of information needed to facilitate the permit review process. Shall provide administrative and clerical support to land use boards as needed, as well as support DPW/Water administrative and clerical functions as needed, ~~and perform special projects as assigned by the Town Administrator.~~

Responsible for all special projects, as assigned by the Town Administrator, including, but not limited to: citizen engagement strategies; annual budgeting documents; grant writing; annual reports documents; internal studies; management analysis; procurement; policy research; and support of standing and ad-hoc committees as needed.

ESSENTIAL FUNCTIONS

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

- Facilitating the permit review process, including all necessary data entry, scanning, process monitoring and facilitation, and providing coordination between various Town Departments, Boards, and the Town Administrator
- Reviewing all permit applications for accuracy and completeness, and for compliance with tax payments
- Scheduling inspections and tracking progress on applications
- Coordinate all inspectional service agent schedules, ensuring that applications are acted on as efficiently as possible through each stage of the permitting process
- Responding to telephone and counter inquiries and providing information and assistance to residents, contractors, and professional consultants
- Maintaining all Permitting Office files and databases, including GEOTMS, establishing new files, and scanning, copying, and filing documents on a timely basis
- Typing, copying, and preparing notices, order letters, records, handouts and miscellaneous correspondence
- Processing monies received for permits and maintaining records on such receivables
- Processing all bills for payment of inspectional services: Board of Health, Building, Electrical, Plumbing & Gas, ~~and Weights & Measures~~

- Logging all complaints and requests for information
- ~~Providing administrative assistance on special projects as directed by the Town Administrator as needed, including but not limited to: developing and refining a comprehensive budget document, updating policy documents, assembling strategic planning documents, improving the Town's website content, evaluating alternative communication platforms, etc.~~
- Assisting the Planning Office with the coordination of meeting schedules, distribution of legal notices, and any additional administrative supports needed to help the land use boards
- Organizing and coding all existing files and data, and inputting all historical data into system
- Performing other related duties as assigned, including cross training in and support of DPW/Water/Cemetery/Tree Warden administrative and clerical functions, and recording meeting minutes for various boards and commissions as necessary.
- Support of Historic District Commission and Historical Commission, including, but not limited to: town hall coverage; application processing; payables processing; and coordination between HDC, HC, and the Building Inspector on related activities.
- Provide administrative assistance to the Town Administrator's office as needed
- Develop and execute Annual Citizens' Leadership Academy, including coordinating staff, sessions, content, marketing, registration, and evaluation.
- Staff standing and ad-hoc committees as needed (i.e. 375th Anniversary Committee) with agenda assistance; policy implementation; record keeping; procurement; and communication with other boards and committees and town staff.
- Develop annual GFOA Budget document under guidance of Town Administrator and Finance Director.
- Coordinate and develop Annual Town Report under guidance of the Town Administrator's office, including content development; outreach to departments, boards, and committees; editing; soliciting quotes and selecting a printer; creating a web based copy; and updating annual delivery list.
- Assist with updating and creating other Town publications, including flyers; informational handouts; and press release.
- Manage the creation of the working budget books under the direction of the Town Administrator and Finance Director.
- Provide research and analysis for internal studies and reviews as needed (i.e. fee studies, personnel studies, and budgetary analysis)

SUPERVISION RECEIVED

Under general direction of the Town Administrator, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently with specific instruction. The supervisor provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee refers unusual situations to the

supervisor for advice and further instructions.

ACCOUNTABILITY

The nature of the work means that errors in administrative work are not easily detected. Consequences of errors, including inaccurate information, could impact other departments and result in monetary loss, interruption of service and poor internal or external customer service.

JUDGMENT

The work requires examining, analyzing and evaluating facts and circumstances surrounding individual problems, situations or transactions, and determining actions to be taken within the limits of standard or accepted practices. Guidelines include a large body of policies, practices and precedents, which may be complex or conflicting, at times. Judgment is used in analyzing specific situations to determine appropriate actions. Employee is expected to weigh efficiency and relative priorities in conjunction with procedural concerns in decision-making. Requires understanding, interpreting and applying federal, state and local regulations.

COMPLEXITY

The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

NATURE AND PURPOSE OF CONTACTS

Relationships are primarily with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and employees of outside organizations. More than ordinary courtesy, tact and diplomacy may be required to resolve complaints or deal with hostile, uncooperative or uninformed persons.

CONFIDENTIALITY

Employee has access to some confidential information in the performance of their duties.

EDUCATION AND EXPERIENCE

~~High school diploma~~ Bachelor's degree and two to three years of experience in office management a related field or any equivalent combination of education and experience.
~~Additional coursework towards an Associate's~~ Master's degree or administrative certificate

preferred. Experience with the application of local regulations and the operation of municipal government preferred. Experience with customer service preferred.

KNOWLEDGE, ABILITY, AND SKILLS

Knowledge: Working knowledge of office administration, procedures and practices. Ability to prioritize tasks and deal effectively with interruptions. Proficiency with computers, including Microsoft Office Suite and database technology (GEOTMS or similar permitting software experience preferred).

Abilities: Ability to establish and maintain effective and harmonious working relationships... Ability to analyze information, and develop and present appropriate recommendations to supervisors. Ability to understand, interpret, and explain Town policies related to the operations of the department. Ability to communicate clearly and concisely both verbally and in writing with a variety of internal and external constituencies. Ability to use the Town's Financial Management System with training. Ability to become familiar with and proficient in Town zoning bylaws and other applicable land use regulations. Ability to understand, interpret, and explain existing policies related to the operations of the departmental offices

Skill: Skill in operating computers and applicable word processing and statistical applications. Excellent customer service skills. Must possess excellent organizational skills and interpersonal skills. Proficient in Microsoft Office Suite. Strong time management skills to effectively coordinate and manage multiple project assignments between multiple departments. Skill in analyzing information, and developing and presenting appropriate recommendations to supervisors, including any new systems or policies that support improved permitting and inspectional service efficiencies

WORK ENVIRONMENT

The work environment involves everyday discomforts typical of offices, with occasional exposure to outside elements. Noise or physical surroundings may be distracting. Incumbent may be required to work beyond normal business hours in response to emergency situations or to attend evening meetings.

PHYSICAL, MOTOR, AND VISUAL SKILLS

Physical Skills

Minimal physical demands are required to perform most of the work. The work principally involves sitting, with intermittent periods of stooping, walking, and standing. May be required to lift objects such as files, boxes of papers, office supplies, and office equipment weighing up to 30 pounds.

Motor Skills

Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, using office equipment, including but not limited to telephones, personal computers, handheld technology, and other office equipment.

Visual Skills

Visual demands require routinely reading documents for general understanding and analytical purposes.

DRAFT

Peter Lombardi

From: Dianne Bucco
Sent: Tuesday, January 16, 2018 4:12 PM
To: Peter Lombardi
Subject: RE: salary update

With some minor tweaks, I believe I now have all the information requested.

	SALARY	HOURS	STIPENDS	OFFICE HELP		hourly		TH hours	
MANCHESTER	78000	37	-	19		\$40.54		37	M-W8:30-5, H8:30-6:30
BOXFORD	60866	34	-	19		\$34.42		34	M-H8-4:30
HAMILTON	66748	37.5	400	37.5	registrar	\$34.23		40.5	MWH8-4:30 T8-6:30F8-12:30
CARLISLE	61949	35	--	24		\$34.04		30	M-F 9-3
MERRIMAC	61027	35		20		\$33.53		35	M 9-7, T-H 9-4, 9-1
NEWBURY	58307	35	1250	19	REGISTRAR & LONGEVITY	\$32.04		35	MTW8-4, H8-7
WENHAM	52500	32.5	165	10	REGISTRAR	\$31.06		36.5	MWH9-4:30, T9-7, F9-1
TOPSFIELD	61672	40	400	19	registrar	\$29.65		36	M-H8-4, F8-12
ROWLEY	53143	38	4000	12	registrar, RAO, CMC	\$26.90		31	M-H 9-4, F 9-12

Dianne K. Bucco, CMC, CMMC
Wenham Town Clerk
Justice of the Peace
Nemci Class of 2017

138 Main Street, Wenham, MA 01984
978-468-5520 x1
dbucco@wenhamma.gov
www.facebook.com/WenhamTownClerk

Part I ADMINISTRATION OF THE GOVERNMENT

Title VII CITIES, TOWNS AND DISTRICTS

Chapter 41 OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

Section 19K ADDITIONAL COMPENSATION FOR TOWN CLERK

Section 19K. In any town, that accepts this section, a town clerk who has completed the necessary courses of study and training, and has been awarded a certificate by the Massachusetts Town Clerks' Association as a certified Massachusetts municipal clerk, shall receive as compensation from such town, in addition to the regular annual compensation paid by such town for services in such office, an amount equal to 10 per cent of such regular annual compensation, but not more than \$1,000 per year. In order to qualify for such additional compensation, a town clerk shall submit to the board of selectmen of such town proof of the award of such certificate. The additional compensation provided in this section shall be prorated for any 12 month period in which an eligible person does not hold the office of town clerk for 12 consecutive months. Such additional compensation shall discontinue when certification is discontinued or withdrawn.

BOARD OF SELECTMEN MEETING

February 13, 2018

OLD BUSINESS

D.

Proposed Inspectional Services Intermunicipal Agreement with Hamilton

- Summary Note on Shared Inspectional Services (Building Department) between the Town of Wenham and Town of Hamilton, February 1, 2018, MAPC
- Shared Inspectional Services Final Model Projections for Wenham-Hamilton, February 2, 2018, MAPC
- Proposed Intermunicipal Agreement between the Towns of Wenham and Hamilton for Shared Inspectional Services
- Letter requesting for support of Regional Inspectional Services study through Technical Assistance Program from Peter Lombardi, Wenham Town Administrator, Michael Lombardo, Hamilton Town Manager and Gregory Federspiel, Manchester-by-the-Sea Town Administrator to Jennifer Erickson, Manager of Technical Assistance Programs, Metropolitan Area Planning Council, May 22, 2017

Shared Inspectional Services (Building Department) Town of Wenham – Town of Hamilton

Summary Note
February 1, 2018

In 2017, the chief administrators from Wenham, Hamilton and Manchester (the "Towns") requested the Metropolitan Area Planning Council's ("MAPC") assistance in developing a model for sharing inspectional services functions, including in the areas of building, electrical, plumbing and gas and code enforcement. After analysis of options developed by MAPC and Town officials, the Wenham Administrator and Hamilton Manager agreed to pursue a shared inspectional services or building department.

Rationale

A building commissioner's primary obligation is public safety. The position has administrative responsibilities and enforcement authority by law that no one else possesses; powers that are fundamental to maintaining a safe and enjoyable community in which to live and work. Such a role is difficult to perform well on a part-time basis, for example: understanding and enforcing zoning by-laws, which can be a time-consuming process; working effectively with other town boards and departments (such as Planning, ZBA, Assessors, Conservation, Health, Fire, Police, DPW); recommending appropriate-level fee schedules; and ensuring that estimated costs on permit applications are accurate and generate the appropriate permit revenue to the town. Both communities have faced recurring frustrations with inspectional service delivery in recent years. Given these challenges, it is felt that hiring a shared building commissioner on a full-time basis to provide regular oversight of all inspectional services will improve the effectiveness of operations, attract and retain strong personnel, enhance customer service, ensure greater consistency in enforcement and increase overall productivity levels.

Project Activities and Findings

The project was launched in July 2017. MAPC conducted several meetings and interviews with Town personnel to better understand current challenges. MAPC staff also reviewed the Towns' building department operations and their FY2017 and FY2018 (first six months only) staffing (*i.e.*, number of personnel, hours worked per week, and compensation paid), expenditures, permit volume, and revenues generated. MAPC also looked at the departmental data of several other towns for comparison. MAPC findings for the Towns included that:

- All inspectors work on a part-time basis only;
- Code enforcement is not provided consistently;
- There is insufficient time for staff to complete all work;
- There is an inability to find backup inspectors when core inspectors are ill, on vacation, or otherwise unavailable;
- Potential retirements of existing inspectors would create service gaps; and
- Variable permit volume and compensation levels exist between the Towns.

Based on these findings, MAPC prepared a series of potential models for shared inspectional services between the Towns. The models presented various full- and part-time inspector employment options and various cost-sharing options based on equal splits, population, permit volume, payment of a base amount, and multiple combinations thereof. After further conversations and meetings, the consensus between Wenham and Hamilton was that there is a pressing need for a full-time building commissioner/zoning enforcement officer, overseeing part-time inspectors for electrical and plumbing and gas. It was also determined that current administrative staff should be kept in-house as they often perform roles for other departments and are vital to ensuring direct customer services for each Town. Ultimately, Manchester decided that its current arrangements were satisfactory for now but will consider joining the shared service if their situation changes. MAPC therefore worked with Wenham and Hamilton to develop the attached shared services model, see Appendix A, and inter-municipal agreement ("IMA"), at Appendix B.

Proposed Model

In organizing a shared service arrangement, certain aspects must be understood: who does what and when, and how are costs to be allocated. Key provisions of the IMA include that:

- Wenham shall serve as the lead municipality for administrative purposes (employment, payroll, provision of office space, etc.).
- The initial term of the IMA is for two years, with a built-in option to extend the agreement for ten one-year terms.
- The total cost of the shared services arrangement is shared by the Towns, based on the agreed fee structure and budget, both of which will be reviewed, adjusted and agreed by the Towns annually.
- Inspectors are hired with the mutual agreement of the Towns. Inspectors are required to perform all duties for both Towns.
- A specific shared Inspectional Services operating plan will be developed to address items such as office hours and availability for inquiries, emergencies, and permit review and approval timelines.

Legal Authority

An IMA is the primary tool for formalizing shared service arrangements between two or more municipalities. IMA's are authorized in Massachusetts per MGL c. 40 § 4A. Additionally, MGL c. 143 § 3, which mandates that "[t]he chief administrative officer of each city or town shall employ and designate an inspector of buildings or building commissioner as well as such other local inspectors", also states that two or more cities or towns may combine and share expenses in the appointment of any building commissioner or inspector of buildings and local inspectors.

Next Steps

The authority to approve an IMA in municipalities with a town meeting form of government rests with the Board of Selectmen. Approval of the appropriations required to support the shared inspectional services must of course come from town meeting.



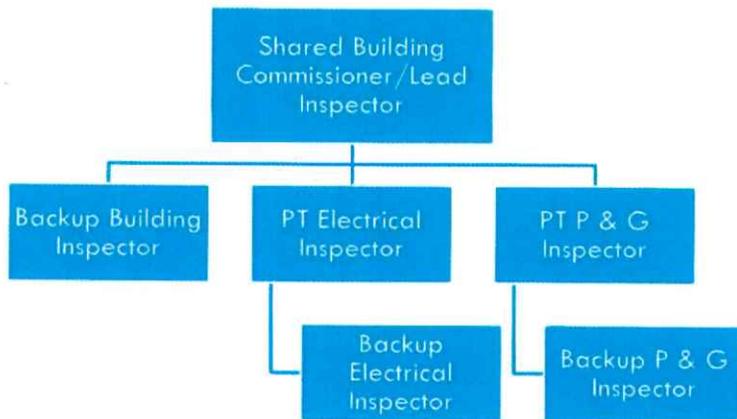
Shared Inspectional Services

FINAL MODEL PROJECTIONS

WENHAM - HAMILTON

FEBRUARY 2, 2018

Shared Service – Two Town Model



Option TT		
Position	Salary	w/Benefits
Bldg. Commissioner	\$68,316	\$87,739
Backup Bldg. Inspector	\$2,475	NB
PT Electrical Inspector	\$24,000	NB
PT Plumbing/Gas Ins	\$10,800	NB
Backup Electrical Ins	\$3,000	NB
Backup P/G Ins	\$2,400	NB
Totals	\$110,991	
Totals with Benefits		\$130,414
Projected Expenses	\$13,500	
Total Projected Expenditure		\$143,914

Assumptions
 28.5% benefit rate
 Salary based on compensation study
 \$33 hourly rate assumption,
 75 hrs per year
 \$30hr, 800 hrs per year
 \$24hr, 450 hrs per year
 \$30hr, 100 hrs per year
 \$24hr, 100 hrs per year

Two Town – Split and Differential

	2017 Population	%	CY17 Permit Volume	%
Wenham	5025	37	483	37
Hamilton	8291	63	812	63
Totals	13316		1295	

The agreed formula for determining municipal contributions in an upcoming fiscal year was that it should be based half on previous calendar year population and half on previous calendar year permit volume. For FY19 that would mean the following contribution levels for the Towns.

Option TT Final - Straight 50% Population and 50% Permit Volume				
\$143,914 Total Projected Expenditure				
\$71,957 Half TPE				
	Pop%\$	Permit%\$	Totals	
Wenham	\$26,624	\$26,624	\$53,248	
Hamilton	\$45,332	\$45,332	\$90,664	

Two Town Final		50/50 split	
		Wen	Ham
Current Costs/Expected Costs		\$53,248	\$90,664
Wenham	\$44,458	*\$8,790	
Hamilton	\$63,828		\$26,836

* Wenham will be hosting, housing and providing a vehicle for the shared building commissioner

**INTERMUNICIPAL AGREEMENT BETWEEN THE
TOWNS OF WENHAM AND HAMILTON
FOR SHARED INSPECTIONAL SERVICES**

THIS AGREEMENT dated as of _____, 2018 ("Agreement") by and between the **TOWN OF WENHAM**, a Massachusetts municipal corporation having a usual place of business at 138 Main Street, Wenham, Massachusetts 01984, acting by and through its Board of Selectmen (also referred to as "Wenham") and the **TOWN OF HAMILTON**, a Massachusetts municipal corporation having a usual place of business at 577 Bay Road, Hamilton, Massachusetts 01936, acting by and through its Selectmen (also referred to as "Hamilton") (collectively, Wenham and Hamilton shall be referred to as the "Parties").

WHEREAS, each of the Parties is empowered to staff and maintain an inspectional services/building department for the administration and enforcement of the Massachusetts State Building Code, Electrical, Plumbing and Architectural Access Codes, the zoning by-laws and general by-laws of its town;

WHEREAS, pursuant to MGL c. 143 § 3, two or more cities or towns may combine and share expenses in the appointment of any building commissioner or inspector of buildings and local inspectors;

WHEREAS, each of the Parties has determined that it is mutually beneficial to share between them the services and costs of common inspectional and code enforcement services as more fully described hereinafter, thereby providing increased consistency and efficiency in operations, proper oversight and enhanced customer service in each Party;

WHEREAS, Wenham is willing and capable of hosting shared inspectors and serving as the lead Party; and

WHEREAS, each Party has authority to enter into this Agreement pursuant to M.G.L. c. 40, s. 4A and has obtained authorization by vote of its Board of Selectmen as attested to by certified copies thereof attached hereto in Appendix A.

NOW, THEREFORE, the Parties, in mutual consideration of the covenants contained herein, intending to be legally bound thereby, agree under seal as follows:

1. PURPOSE

The purpose of this Agreement is to establish a contractual relationship between the Parties for a shared building commissioner and inspectional services, electrical inspectional services, plumbing and gas inspectional services, and code enforcement services, and for shared costs and expenses therein.

2. LEAD PARTY

- A. The Parties hereby designate Wenham as the lead Party (hereinafter the "Lead Party").
- B. The Lead Party shall:

- 1. Employ or contract, through its standard personnel practices, a full-time Inspector of Buildings/Building Commissioner ("Commissioner"), and such other part-time local building inspectors, electrical/wiring inspectors, and plumbing and gas inspectors

(collectively with the Commissioner, the "Inspectors") in accordance with the staffing model attached hereto in Appendix B as may be amended from time to time by mutual agreement of the Parties (the "Staffing Model"). All necessary steps in the hiring process of the Inspectors and maintenance of employee records shall be the responsibility of the Lead Party.

2. Provide all benefits to which the Inspectors are entitled under contract or the standard personnel practices of the Lead Party.
 3. Provide office space for the Inspectors;
 4. Maintain separate, accurate, and comprehensive records of all services performed for each Party and all funds received from the Parties;
 5. Issue financial reports for each fiscal year to the Parties by December 31 of the following fiscal year.
- C. Any property owned by the Lead Party which is used by the Inspectors shall remain the property of the Lead Party.

3. THE INSPECTORS

- A. The Inspectors shall perform for each of the Parties the duties and have the responsibilities listed in the respective job descriptions attached hereto in Appendix C ("Shared Inspectional Services"). Changes to job descriptions shall not be made without the approval of each Party.
- B. The Inspectors shall have enforcement jurisdiction in each of the Parties concerning any applicable laws and codes, zoning by-laws and general by-laws as may be in effect from time to time in that Party.
- C. All Inspectors shall be hired by the Lead Party with the mutual agreement of the Parties, including the opportunity to comment on candidates' resumes and participate in candidate interviews. The Commissioner shall be supervised in the manner specified in the job description. An annual performance evaluation of the Commissioner will be prepared by the Lead Party with input from designees in the other Parties. Any disciplinary action involving suspension or termination of the Commissioner or any other Inspector shall be by the Lead Party in accordance with the standard personnel practices of the Lead Party, but such decisions shall be made in consultation with the Parties.
- D. The Shared Inspectional Services shall be provided under the administrative direction of the Commissioner, who shall develop and submit to the Town Manager/Administrator of each Party a Shared Inspectional Services operating plan for the current or upcoming fiscal year outlining such items as the Inspectors' office hours and availability for inquiries, emergencies, and timelines for permit review and scheduling/performance of inspections that are in compliance with applicable state laws and local by-laws (the "Operating Plan"). The Parties shall determine when the annual Operating Plan should be prepared and submitted.

4. ALL PARTIES

- A. Notwithstanding any other provision of this Agreement, each Party shall continue to maintain and staff at its own cost and expense an administrative building department in its Party for the acceptance and processing of all permit applications and any other departmental forms and paperwork, issuance of approved permits and certificates, and the payment and collection of fees for that Party.
- B. Each Party shall provide and maintain its own permitting software, applications, forms and certificates, and other supplies at its own cost and expense. Fee schedules shall be determined by each Party, and each Party may use its collected fees at its own discretion as permitted by

law. Each Party shall be responsible for its own audit of its building-department related fees and finances.

- C. Each Party shall supply the Inspectors with complete copies, including supplements and revisions, of its respective local codes and by-laws.
- D. All files, including closed and inactive files, records and support documents shall be permanently stored at the office of the generating Party.
- E. The Parties agree to allow the Inspectors to enjoy such vacation, sick and personal days and other leave as they may be entitled to receive under the standard personnel practices of the Lead Party. No Party shall make any demand on the Inspectors or take any action with respect to them that is in violation of their rights under standard personnel practices of the Lead Party or under any applicable legislation.
- F. Any hearings resulting from the actions of the Inspectors shall be held by the Board of Selectmen or another appropriate authority in the Party in which the action originated. Similarly, any proceeds from enforcement actions shall be paid to the Party in which the enforcement action took place. Any costs, such as legal fees, shall be paid by the Party in which the hearing or enforcement action took place.
- G. Complaints received concerning the action of the Commissioner shall be resolved by the Town Manager/Administrator in the Party in which the complaint originated in consultation with the Lead Party as appropriate. Complaints received concerning the action of any other Inspector shall be resolved by the Commissioner in consultation with the Town Manager/Administrator in the Party in which the complaint originated in consultation with the Lead Party as appropriate.
- H. If during the term of this Agreement a Party requires an increased demand for Shared Inspectional Services due to a large-scale development, activity or an event that cannot reasonably be accommodated under the Operating Plan, such Party shall bear the responsibility, cost and expense of hiring additional inspectors as needed in consultation with the Commissioner.

5. **TERM/TERMININATION**

- A. The initial term of this Agreement shall be July 1, 2018 through June 30, 2020 (the "Initial Term"). This Agreement may be renewed for ten (10) additional one (1)-year terms ("Extended Terms") by vote of each Party through its respective Board of Selectmen by January 15 of the then current term, beginning January 15, 2020.
- B. In the event that any one Party does not vote to renew this Agreement during either the Initial Term or an Extended Term, this Agreement shall terminate effective June 30th of that year. All Parties shall continue to perform all obligations under this Agreement until the effective date of termination. The Lead Party shall prepare a full statement of the Parties' outstanding financial obligations for the remainder of the then current fiscal year with any final payments due within thirty (30) days of the end of the current fiscal year.
- C. If a Party defaults on payment of any assessment or otherwise breaches this Agreement during either the Initial Term or an Extended Term, the Lead Party shall prepare a full statement of the Parties' outstanding financial obligations for the remainder of the then current term (whether it is the Initial Term or an Extended Term) with payment thereof due within thirty (30) days thereafter, and this Agreement shall terminate, in which case each party shall thereafter be solely responsible for the provision of inspectional services within its jurisdiction.
- D. Termination or breach of this Agreement shall not relieve any Party from any obligations of indemnification that may have arisen hereunder prior to such termination or breach nor from any financial obligations that by agreement extends beyond the termination date.

6. BUDGET/FEE STRUCTURE/PAYMENTS

- A. The Lead Party shall establish for each fiscal year the annual operating cost for the provision of Shared Inspectional Services that supports the Staffing Model (the "Budget"). The Budget shall include, but not be limited to, the cost of the Inspectors' wages and salaries, taxes, benefits (retirement contributions, health insurance, life insurance, unemployment compensation, workers compensation, paid time off, etc.), liability insurance, stipends, recruitment costs, seminars, professional development, dues, cell phones, mileage reimbursement, training costs, and any other costs related to the proper functioning of this Agreement. If there are any costs to borne by the Lead Party in equipping or housing the Inspectors, the Lead Party will account for and document those costs in the development of the Budget and adjust accordingly, including the contributions required by each of the Parties.
- B. The Parties shall proportionally share the cost of the total Budget based on the fee structure attached hereto in Appendix D (the "Fee Structure") as may be amended from time to time by mutual agreement of the Parties.
- C. Each Party shall be assessed on July 1 its share of the Budget for the current fiscal year, which shall be automatically due and payable to the Lead Party in that fiscal year without further notice in equal quarterly installments on July 1, October 1, January 1, and April 1.
- D. By January 15 of each fiscal year, the designees of the Parties shall meet to agree on the Budget for the next fiscal. The Budget and Fee Structure shall be reviewed and adjusted, if necessary.
- E. Notwithstanding any other provision in this Agreement to the contrary, the Parties agree that they shall be responsible after dissolution or termination of this Agreement for continuing their shared respective contribution for an Inspector's retirement, unemployment or workers' compensation benefit that accrued while the Party was a party to this Agreement.

7. INDEMNIFICATION

- A. This Agreement is by and between the Parties which have executed it with the understanding that it is intended for their mutual benefit and is not intended to confer any express or implied benefits on any other person or entity. This Agreement is not intended to confer third-party beneficiary status on any person or entity.
- B. It is expressly understood that the services provided hereunder are deemed for public and governmental purposes and all privileges and immunities from liability enjoyed by the Parties shall extend to their participation hereunder and to the activities so undertaken to the fullest extent provided by law.
- C. Notwithstanding the final sentence of G.L. c. 40, s. 4A, to the extent permitted by law, each Party (the "Indemnifying Party") separately agrees to indemnify the Lead Party, including all officials, officers, employees, agents, servants and representatives, from and against any claim arising out of the duties performed by the Inspectors pursuant to this Agreement in or on behalf of the Indemnifying Party for any claim of liability, loss, damages, costs and expenses for personal injury or damage to real or personal property by reason of any negligent act or omission by the Inspectors while performing services for the Indemnifying Party. As to any claim or occurrence, the express indemnification set forth above shall be limited to the services provided by the Inspectors for the specified Party.
- D. An Indemnifying Party's obligation to indemnify under this Section shall be limited to and benefited by the immunities or limitations of damages which may be extended to them by operation of law. Furthermore, the Indemnifying Parties shall not be liable for any claims arising from:
 - a) Violations of state or federal civil rights statutes;
 - b) Violations of state or federal discrimination statutes;

- c) Wrongful termination claims;
- d) Violations of any state or federal statute dealing with employment practices; and
- e) Claims that are covered by any insurance policy.

8. ASSIGNMENT

No Party shall assign or transfer any of its rights or interests in or to this Agreement, or delegate any of its obligations hereunder, without the prior written consent of the other.

9. CONFLICT RESOLUTION

The Town Managers/Administrators of the Parties shall confer periodically to address matters of policy, operations and logistics as may be necessary. The Parties may hold additional meetings to discuss and resolve any conflicts that may arise including, but not limited to, disagreements regarding the needs of each Party and changes to the Staffing Schedule or Fee Schedule. Any unresolved issues shall be decided by the Town Manager/Administrator of the Lead Party.

10. AMENDMENTS

Except as otherwise expressly in Section 8, this Agreement may be amended only by the unanimous written consent of all of the Parties as of the date of the Amendment. A proposed amendment must be approved by the governing body of each Party to be effective.

11. SEVERABILITY AND COMPLIANCE WITH APPLICABLE LAW

Should any term, portion, or provision of this Agreement or the application thereof to any person or circumstances be in conflict with any local, state or federal law or otherwise be rendered unenforceable or ineffectual the validity of the remaining parts terms portions or provisions or the application thereof to other persons or circumstances shall be deemed severable and shall not be affected thereby. The Parties further intend for this Agreement to be modified to comply with any applicable local, state or federal law should it be determined not to be in compliance and to remain binding between them as so modified. In particular, but without limiting the generality of the foregoing, the Parties intend for this Agreement to remain binding against each of them notwithstanding any legal requirement that would alter the term hereof or change the way in which any party is required to pay its share of assessments. The Parties will remain bound hereunder subject to such modified terms.

12. NOTICES

Any notice permitted or required hereunder to be given or served on any Party shall be in writing signed in the name of or on behalf of the Party giving or serving the same. Notice shall be deemed to have been received at the time of actual receipt of any hand delivery, upon the date of verified delivery by courier or package delivery service, or three (3) business days after the date of any properly addressed notice sent by mail as set forth below:

For Wenham: Town of Wenham, 138 Main Street, Wenham, MA 01984
ATTN: Town Administrator

For Hamilton: Town of Hamilton, 577 Bay Road, Hamilton, MA
ATTN: Town Manager

13. MISCELLANEOUS PROVISIONS

- A. Entire Understanding: This Agreement represents the entire understanding of the Parties with respect to its subject matter.
- B. Governing Law: This Agreement shall be governed by the laws of the Commonwealth of Massachusetts and venue for any action shall be in the Superior Court of Essex County.
- C. Binding Effect: All of the terms and provisions of this Agreement shall be binding on and inure to the benefit of and be enforceable by the respective Parties hereto, their successors and assigns.
- D. Headings: The headings used herein are for convenience only and shall not be considered in any interpretation of any disputes over the terms of this Agreement.
- E. Joint Drafting: Each Party acknowledges that it has participated equally in the drafting of this Agreement and that each has or had consulted with legal counsel of its own choosing in entering into this agreement.

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IN WITNESS WHEREOF, the Parties have caused this agreement to be executed and attested by their proper officers hereunto duly authorized and their official seals to be hereto affixed as of the day and year first above written.

For the TOWN OF WENHAM,

By: _____ Date: _____

By: _____ Date: _____

By: _____ Date: _____

Approved as to Form Only

By: _____ Date: _____
Town Counsel

Approved as Availability of Appropriation

By: _____ Date: _____
Town Accountant

For the TOWN OF HAMILTON,

By: _____ Date: _____

Approved as to Form Only

By: _____ Date: _____
Town Counsel

Approved as Availability of Appropriation

By: _____ Date: _____
Town Accountant



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

Selectmen / Town Administrator
TEL 978-468-5520 FAX 978-468-8014

May 22, 2017

Jennifer Erickson, Manager of Technical Assistance Programs
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Dear Ms. Erickson,

The Towns of Wenham, Hamilton, and Manchester-by-the-Sea are seeking MAPC support through your Technical Assistance Program to assist in completing a study on Regional Inspectional Services. After discussions between the leadership of all three communities, Wenham, Hamilton, and Manchester-by-the-Sea provide the following information in response to your call for project concepts for Spring 2017:

1. Town of Wenham Lead Contacts:

Peter Lombardi, Town Administrator; plombardi@wenhamma.gov; 978-468-5520 ext. 2
Michael Lombardo, Town Manager; mlombardo@hamiltonma.gov; 978-626-5202
Gregory T. Federspiel, Town Administrator; federspielg@manchester.ma.us; 978-526-2000

2. Project Description/Context: Hamilton, Manchester-by-the-Sea, and Wenham are located contiguously on the North Shore, with populations of approximately 7,500, 5,100, and 5,000 residents, respectively. All three communities provide inspectional services with part-time staff at this time, with Hamilton and Wenham sharing inspectors informally, and Manchester sharing their Building and Plumbing Inspectors with other North Shore communities. After an initial review of the permitting activity and aggregate workload in all three communities, town leadership is interested in exploring the possibility of hiring a shared full-time Building Inspector and part-time Electrical and Plumbing Inspectors.

The goal of this study would be to determine how a formal shared inspectional service model would work from an operational and financial perspective for these three communities, including: assessing the workload needs of each community; hiring and managing staff; reviewing other shared inspectional service models; and determining appropriate/competitive compensation levels for inspectors and alternates for each inspection type.

About a year ago, Wenham and Hamilton reached out to a number of other area communities to explore their interest in a shared inspectional services model and identified Manchester as the most viable potential partner. Wenham's Finance & Advisory Committee is actively involved in reviewing the cost savings associated with various shared services options. Hamilton's Finance & Advisory Committee has expressed similar strong interest in looking at the feasibility of working with other communities to realize economies of scale. In 2009, the MA DOR completed a study, including a merger of Hamilton and Wenham Inspectional Services, but the study found no significant savings from a merger of just the Hamilton and Wenham Departments. By including Manchester, Hamilton and Wenham would hope to develop a more cost-effective model that also addresses current quality of service issues. While Manchester has not done a formal study on

regional inspectional services, the town has been a part of several regional initiatives, including successfully sharing Animal Control and Veterans' services. It was determined by each community that a shared services model could be beneficial to the Towns and Inspectional Services staff. This study would address how to bring that concept into practice.

3. Project Need & Alignment with Goals: Locally, this study would help all three communities provide more effective, professional customer service for inspectional services and more efficient management of staff and resources. It would also help define a model for formal, shared inspectional services that benefits residents and the inspectors employed by the Towns.

The study would complement MAPC's priority to partner with municipalities to promote regional collaboration. It would also promote "enhanced effectiveness and increased efficiency," per MAPC's 2015-2020 Strategic Plan (as adopted in October 2014) by creating a practical model for shared inspectional services that could be adopted by the applicant communities and adapted to other smaller communities that struggle with similar issues. The project also reflects the goals of the Community Compact Cabinet including efficiency and regionalization, as both Wenham and Manchester signed Community Compacts with the state (December 2015 and February 2016, respectively).

4. Project Deliverables/Outcomes:

-Report would include data collected from all three towns on historical and projected permitting activity and recommendations on appropriate staffing levels for all three inspectional positions.

-Project would provide the facilitation and development of practical approaches to quality of service issues that meet the needs of all three communities.

-Draft Inter-municipal agreement (IMA) outlining the logistics for the formal, shared model would be created for the applicant communities, including recommendations for hiring staff, minimum personnel qualifications, customer service expectations, e-permitting, scheduling and data tracking, and any other departmental functions that effect inspectional staff.

-Model should reduce or maintain costs, or recommend alternatives that would ensure those results.

5. Community Engagement: Local officials in all three communities find surveys to be an effective tool for gathering information from stakeholders. Elected officials, Town management, and department staff from all three communities will be involved in the research and planning processes, including department heads, assistants, and inspectors.

6. Project Timeline:

May 2017 – Submit DLTA application.

Summer 2017 – Receive support and develop scope of work with MAPC.

August 2017 – Begin outreach to departments.

November 2017 – Draft study due to communities.

December 2017 – January 2018 – Communities provide feedback and prepare any budgetary or Annual Town Meeting items.

February 2018 – Deliver final report, and finalize and approve IMA. Recommendations made to all BOS/FinCom for spring 2018 Town Meetings in April and budgeting for July 1, 2018 (FY2019) to make implementation feasible.

7. Municipal Commitment: All three communities are committed to both studying the feasibility of this shared services model and looking for practical means of implementation. Hamilton BOS and FinCom have both urged the Town Manager to explore opportunities of regionalizing. Wenham's FinCom already has a working group focused on shared inspectional services, including the financial side as well as maintaining and improving current services. Manchester

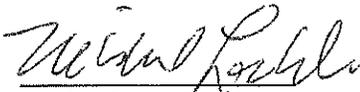
BOS and FinCom have made exploring regionalization a high priority. Wenham, Manchester, and Hamilton, as smaller communities, have a focus on finding affordable solutions for funding quality services for residents.

8. Municipal Contribution: The Towns will provide in-kind staffing support to this project and may be able to make some limited financial commitment if necessary. Hamilton's Planning Director, Buildings and Inspections Assistant, and Town Manager will participate. Manchester can provide assistance from the Town Administrator and Inspectional Services staff. Wenham can provide the assistance of the Town Administrator as well as dedicated staff time from the Permitting Coordinator and Special Projects Assistant.

We appreciate your consideration and look forward to working with your staff on this project. Please contact us at any time if you have questions about our request.



Peter Lombardi
Town Administrator
Town of Wenham
Lead Community



Michael Lombardo
Town Manager
Town of Hamilton



Gregory T. Federspiel
Town Administrator
Town of Manchester-by-the-Sea

BOARD OF SELECTMEN MEETING

February 13, 2018

OLD BUSINESS

E.

**Other matters, as may not have been
reasonably anticipated by the Chair
(Discussion Only)**

BOARD OF SELECTMEN MEETING

February 13, 2018

**OPEN SESSION MINUTES
DRAFT MOTION**

➤ Vote: I move to **approve** the Board of Selectmen meeting minutes of:

November 21, 2017

December 5, 2017

December 19, 2017

January 9, 2018

January 16, 2018

Seconded / Discussion/ Vote

JC

TOWN OF WENHAM
Board of Selectmen
Meeting Minutes of November 21, 2017
138 Main Street, Town Hall

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday November 21, 2017 at 6:30 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, Mr. Wilhelm called the Board of Selectmen meeting to order at 6:31 pm

Selectmen present: Jack Wilhelm, Chair; John Clemenzi, Clerk

Not present: Catherine Harrison, Vice Chair

Also Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information:

November 21, 2017 Meeting Packet

This meeting was recorded with permission by HWCAM.

Public Input – There was none.

Announcements

- Winter Parking Ban Reminder – According to town bylaws, no vehicles are to be parked on the street from midnight to 6 am. Vehicles may be towed if they obstruct snow removal.
- Town Hall Thanksgiving Hours - Town Hall is closing at 12 noon Wednesday and closed for the Thanksgiving Holiday on November 23 & 24
- Loose Leaf Collection Update - This information is updated daily on the Town's web site.
- Open Space & Recreation Plan Survey: The survey is accessible on the Town's web site as well as hard copies at Town Hall, Library and COA through December 4th

The agenda was taken out of order.

Recognition of Retired Reserve Police Officer Robert Breaker

Present: Chief of Police Thomas Perkins, Senator Bruce Tarr, Representative Brad Hill

Officer Breaker was congratulated and thanked for his dedication and service of 17-years on the Wenham Police Department and recognized as a Veteran of the United States Coast Guard.

Both Senator Tarr and Representative Hill spoke briefly and honored Mr. Breaker for his public service with presented him with citations from the Commonwealth of Massachusetts State Senate, House of Representatives, and Governor Baker /Lt. Governor Polito.

The Town's Public Service Departments were recognized for their commitment to the Town of Wenham.

Mr. Breaker responded with a speech of gratitude, and recognized his family, his fellow Officers and the Chief for their support over the years.

Although Mr. Breaker reached the maximum age allowed by the Commonwealth to serve as a police officer, Mr. Breaker will continue to serve the town on as an advisor in an emergency management capacity.

Appointments:

- Reserve Police Officers – Reini Perez, Amanda Cecchini, Travis Kneeland
 - Memo from Chief Thomas Perkins 11.15.17

Police Chief Perkins and Police Captain DiNapoli were present to recommended the appointment of three patrol reserve officers to the Wenham Police Department.

Vote: Mr. Clemenzi moved and it was seconded, conditionally appoint Reini Perez, Amanda Cecchini and Travis Kneeland as Reserve Police Officers for a term beginning November 21, 2017 and ending June 30, 2018. The motion carried unanimously.

Zoning Board of Appeals Associate Member – Dana M. Begin

This agenda item was deferred to a future meeting to allow time for the Board to speak with the candidate.

One Day Liquor License – Trudy Reid, 375th Anniversary Committee, Silent Auction & Cocktail Hour

Wenham Museum, Thursday, November 30, 2017, 6:30pm – 8:30pm

- Application from T. Reid, Chair 375th Anniversary Committee
- Certificate of Liability Insurance
- TIPS Certification Email Approvals from Police Chief Perkins, Fire Captain Baxter, Permitting J. Bresnahan

Mr. Lombardi mentioned that this is a town event and the BOS have the authority to waive the application fee.

Vote: Mr. Clemenzj moved, and it was seconded, to approve a One-Day (All Alcoholic Beverages) Liquor License for Trudy Reid, Chair of the 375th Anniversary Committee for their Silent Auction & Cocktail Hour Fundraiser being held at the Wenham Museum, 132 Main Street from 6:30pm – 8:30pm on Thursday, November 30, 2017 and to waive the \$50 application fee. The motion carried unanimously.

375th Anniversary Committee Donation Acceptance

- Gift & Donation Form
- Memo re Acceptance from 375 Anniversary Committee Treasurer, H. Davis 11.16.17

Vote: Mr. Clemenzj moved and it was seconded, to accept gift certificates and items valued at approximately \$7,500 in total from the 375th Anniversary Committee to be used as auction items for the 375th Anniversary Kick-Off event. The motion carried unanimously.

First Church Letter Regarding Community Preservation Act Funds

- Letter re CPA Funds from D. DeBlock, Moderator, First Church 11.1.17

Reverend Duda was present on behalf of the First Church to officially decline the Community Preservation Act Funding grant of \$50,000 awarded in 2015 for the preservation of the church steeple as a historical building.

Reverend Duda stated the church leaders were thankful for the money, but could not accept the required conditions in perpetuity for future congregations.

Mr. Lombardi noted that Town Counsel is drafting an agreement for the maintenance of the Town Clock, located in the Church Steeple. The agreement will memorialize what has been in place since 1930's to allow the Town access to the clock in the church steeple. Mr. Lombardi added that \$14,100 of CPA funding awarded for the repair of the clock would be included with the agreement and released to the church.

Authorization to Notify Group Insurance Commission of Town's Intent to Withdraw

- Memo re Town's intent to withdraw from Group Insurance Commission (GIC) from P. Lombardi 11.16.17
- NFP – Request For Proposal (RFP) results
 - Blue Cross Blue Shield through MIIA
 - Harvard Pilgrim Health Care

Mr. Lombardi explained that this decision to leave the GIC is a cost-effective move for the town and employees to save money. Municipalities have the opportunity to opt out of the GIC every three years.

The Public Employee Committee unanimously voted to opt out of the GIC effective July 1, 2018 and to contract with Harvard Pilgrim for health insurance.

Vote: Mr. Clemenzj moved, and it was seconded, to authorize Peter Lombardi as Town Administrator to notify the Group Insurance Commission of the Town's intent to withdraw effective June 30, 2018. The motion carried unanimously.

Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)

OLD BUSINESS

Proposed Policy for Snow Removal on Private Ways

Request for Town to Take Responsibility for Snow Removal on Middlewood Drive

The Chairman deferred these agenda items to a future meeting for discussion by a full board.

MINUTES

- Open Session: Joint FinCom August 22, 2017; Joint FinCom October 10, 2017
- Executive Session: August 22, 2017 #1; August 22, 2017 #2

Vote: Mr. Clemenzi moved to approve and hold (not for release) the Board of Selectmen Executive Session meeting minutes of August 22, 2017 ES #1 & August 22, 2017 ES #2 and it was unanimous to do so.

Vote: Mr. Clemenzi moved to approve the Joint Board of Selectmen / Finance Committee meeting minutes of August 2, 2017 & October 10, 2017 and it was unanimous to do so.

Updates

Town Administrator

- School Athletic Field Project - This proposed project has been approved by the Hamilton Planning Board and Conservation Commission. These approvals would not materially alter from the current field locations and footprint, do allow for lighting until 9PM, and are based on a maximum potential scope of work which is not necessarily what will ultimately go forward now that all necessary local permits are secured. As a reminder, the project as currently proposed is divided into three distinct phases, expected to cost \$3.6M, \$3.1M, and \$2.0M respectively. At this stage, preliminary design work has been completed and the \$67k in CPA funding approved by Wenham and Hamilton Town Meetings in 2016 has been expended. In the interest of trying to determine appropriate next steps, the Joint Recreation Committee sent correspondence to the School Committee last month seeking further guidance regarding project scope and budget, fundraising goals and timeline, and communication/ coordination between town and school officials. At their November 8 meeting, the School Committee took the matter up and ultimately voted in favor of moving forward with a \$3.6M debt exclusion to be proposed at next spring's Annual Town Meetings. Based on the cost estimates provided by the design consultant, this amount would fully fund the first phase of the project which includes a comprehensive upgrade of the game field to synthetic turf and the installation of a new track surface along with a number of other related site amenities. The Recreation Committee then met with the School Committee liaison at their meeting last week and expressed their reservations about seeking this level of public funding support without first soliciting private donations. Next steps have yet to be determined, but have significant financial implications as we continue to work through the FY19 budget process, particularly since HWRSD also needs to address required sprinkler system upgrades at the Cutler School to bring that building up to fire code and will likely propose a separate debt exclusion for that work at next spring's Annual Town Meetings as well.

Mr. Wilhelm questioned the impact of this project to the tax rate, if approved and if the Board is obligated to put this on the town meeting warrant. Mr. Lombardi said this would be discussed in detail at the joint meeting with the school Committee/Hamilton BOS in December and consult with Town Counsel.

- The Town is once again offering 64-gallon blue recycling barrels to all Wenham residents. The reduced cost per cart is \$40 – there is a limit of one per household. Starting next week, carts can be pre-ordered through the Town Clerk's office and they will be delivered by the DPW in December.
- Flu Clinic - Wenham vaccinated 68 individuals at our first flu clinic, which was held at the Bessie Buker Elementary school on Wednesday November 8. We were able to offer high dose vaccine for seniors, doses supplied from the MA DPH Vaccine Unit for students under 19 years old, and intradermal doses for individuals aged 19 to 64. Due to a variety of administrative challenges in the weeks leading up to the clinic, we did not heavily advertise the event, but plan on conducting more outreach to attract increased participation in future years. The activation of the Emergency Dispensing Site will also be counted as an Emergency Preparedness deliverable.

Many thanks to Wenham Public Health Nurse Maribeth Ting for taking the lead in coordinating this first-time event and to Jackie Bresnahan for her invaluable administrative support. The following individuals also made key contributions: Chassea Robinson, Peabody Public Health Nurse; Nancy Stevens, Hamilton Board of Health; Alyson Preston, Wenham resident and former Board of Health member; Lea Tabenkin, Hamilton-Wenham High School Nurse; and all members of the Board of Health: Dr. Andrew Ting, Gerry Donellan, and Regina Baker.

Adjournment – *The Board unanimously adjourned at 7:17 pm*

Respectfully Submitted By
Catherine Tinsley
11.22.17

TOWN OF WENHAM
Board of Selectmen
Meeting Minutes of December 5, 2017
138 Main Street, Town Hall

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday December 5, 2017 at 6:30 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, Mr. Wilhelm called the BOS meeting to order at 6:30 pm

Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair

Not present: John Clemenzi, Clerk

Also, Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information:

This meeting was recorded with permission by HWCAM

- Meeting Packet

PUBLIC INPUT: Items not on the agenda

ANNOUNCEMENTS

- Loose Leaf Collection Update - The DPW will begin the second pass of loose leaf pick up on Thursday.
- Updates are posted on the Town's web site.
- Recycling Bins Available for Purchase - The 64-gallon recycle carts are available again at a cost of \$40; there is a limit of one per household.
- The Annual Town Hall Holiday Open House is Wednesday, December 20, 2017 from 3:00 – 4:30pm

The agenda was taken out of order.

Appointments*

Memorandum of Agreement with Cataldo Ambulance Service for ALS (Advanced Life Support) Back-up*

Proposed Wenham Fire Department Ambulance Fee Schedule*

REPORTS

Town Administrator

Mr. Lombardi noted HWCAM updated the cameras in the Selectmen's Meeting Room high definition cameras. Viewers may find the picture clearer.

- Robert J. Brown Playground at Pingree Park - The structures from Themed Concepts were delivered, assembled, and installed last week. The engineered wood fiber (synthetic mulch) is scheduled to be delivered and set at the end of this week. While additional aesthetic site work will take place next spring, along with a formal rededication ceremony, we expect to be open to residents in the coming days. I'd like to recognize the entire Pingree Park Playground Committee; Sean Timmons; Bill Tyack, Jim Politano, and the DPW staff; and numerous other volunteers who helped bring this project together. As a reminder, \$65k of the funding for this project came from Hamilton & Wenham CPA Funds, \$5k was provided from the Joint Recreation Revolving Account, and the \$73k balance was raised by members of the Pingree Park Playground Committee through private donations.
- Resident Survey - Having been awarded up to \$20k in funding through this year's Community Compact program to cover the costs of a resident survey, we recently issued an RFP and expect bid submissions in by December 18. The solicitation was structured broadly enough that we can work with the selected consultant to refine the scope of work based on their proposal and the Town's input. We expect to begin work on this project in January, with results to be presented by the end of the fiscal year.

DRAFT

- Main Street Traffic Signal Assessment - Last week, MassDOT began the next round of data collection, assessing the need and feasibility of installing a traffic signal at one of three intersections on Main Street: Cherry Street, Monument Street, and Arbor Street/Friend Court. By conducting a Functional Design Report under this phase of work, the Central Transportation Planning Staff will determine if a signal is warranted based on traffic volume, turning counts, and accident rates. If the data does support moving forward, MassDOT will then recommend a preferred location and will also complete preliminary engineering and design for that selected intersection. The preliminary preferred location seems to be Cherry St.

Chair

Mr. Wilhelm mentioned that cell phone service is non-existent in areas of town, in particular West Wenham. Town Administrator acknowledged this had been an ongoing problem. Recently, he has had a few preliminary meetings with a cell tower vendor. There are not many parcels in the overlay district with good elevation for a cell tower. The runways from Beverly Airport limit the structures height within the area. The vendor will provide a map of the overlay district and what parcels they are interested in.

NEW BUSINESS

*Appointments:

- Call Firefighter – Elizabeth McNeil
- Letter from Acting Chief Stephen Kavanagh, December 5, 2017

Acting Fire Chief Kavanagh was present to recommend Elizabeth McNeil as a probationary firefighter contingent on a CORI background check and a passing physical. Ms. McNeil is a certified EMT and has firefighter experience.

Vote: Mr. Harrison moved, and it was seconded, to conditionally appoint Elizabeth McNeil as Call Firefighter for a term beginning December 5, 2017 and ending June 30, 2018. The motion carried unanimously.

Annual Liquor License Renewals:

- Fresh Foods, LLC, DBA Wenham Tea House, Chris Keohane – 4 Monument Street
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Restaurant, All Alcohol
- Application for Common Victualler's License
- Restaurant Layout
- 2017 Food Service Permit
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance
- Tips Certifications
- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Certificate from Charles Brett, Building Inspector
- Inspection Email from Captain Jeff Baxter, WFD
- Email from C. Keohane re Liquor License Renewal Question from P. Lombardi, December 5, 2017

Ms. Harrison explained that she would need to recusing herself from this agenda item as a member of the WVIS, owner of the Tea House, to avoid the appearance of a conflict. Therefore, with Selectman Clemenzi not present, the Board did not have a quorum to vote and held this to the December 19 meeting when a quorum was anticipated.

- Grassy Roots, LLC, Jenny Grammas – 152 Main Street
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Package Store, Wines & Malt
- Application for Common Victualler's License
- 2017 Food Service Permit
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance

DRAFT

- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Email from Captain Jeff Baxter, WFD
- Inspection Certificate from Charles Brett, Building Inspector
- Letter regarding Grassy Roots inspection from Charles Brett, Building Inspector, December 5, 2017
- Email from Bobbie Cody, Assistant Health Agent

Due to a schedule conflict of the owner Ms. Grammas there was no one present for Grassy Roots.

Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees, the Board of Selectmen renew the Wine and Malt Beverages, Retail Liquor License held by Grassy Roots, LLC located at 152 Main Street, through December 31, 2018.

Under discussion: There were no comments or questions.

The motion carried unanimously.

- 97 Market, Inc., Albert Abdelmalak – 143 Topsfield Road
- Checklist for Annual Renewal
- ABCC Retail License Renewal – Package Store, Wines & Malt
- Proof of Employer's Liability Insurance
- Proof of Worker's Comp. Insurance
- Tips Certifications
- Check for \$1,500
- Inspection Letter from Chief Thomas Perkins, WPD
- Inspection Certificate from Charles Brett, Building Inspector
- Inspection Email from Captain Jeff Baxter, WFD

Mr. Abdelmalak present.

Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees, the Board of Selectmen renew the Wine and Malt Beverages, Retail Liquor License held by 97 Market, Inc. located at 143 Topsfield Road through December 31, 2018.

Under discussion: There were no comments or questions.

The motion carried unanimously.

Used Car Dealer License Renewals – Burnett's Garage; Fallon's Auto Service; Freeman's Garage

Mr. Lombardi informed the BOS as the local licensing authority, they have the option to limit sales to specific classes of vehicles. Ms. Harrison noted the license as printed is a Class II license but the town does not define what "cars" are and supported this be considered going forward for clarity and the definition of what a vehicle is be standardized. The Board may individualize each Used Car Dealer License.

- Burnett's Garage Inc. 60 Maple Street Class II Used Car Dealer License- Don Burnett
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Worker's Comp. Insurance
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment
- Flammable Certificate Permit from the WFD
- Waste Oil Permit from the WFD
- Check for \$100
- Inspection Letter from Charles Brett, Building Inspector
- Email from Jeff Baxter, Captain, WFD
- Copy of 2017 License

Present: David Burnett

Motion: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees the Board of Selectmen renew the Class II Used Car Dealer License held by Burnett's Garage located at 60 Maple Street through December 31, 2018.

DRAFT

Under discussion.

Mr. Burnett confirmed he sells/works on mainly standard class D passenger vehicles and light trucks. There was no comments or questions from the public.

Vote: The motion carried unanimously.

- Fallon's Auto Service, Inc., 233 Main Street- John Fallon
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Worker's Comp. Insurance
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment (placeholder)
- Flammable Certificate Permit from the WFD
- Waste Oil Permit from the WFD
- Check for \$100
- Certificate of Compliance Reinstatement, MA DOR, September 11, 2017
- Certificate of Compliance Revocation, MA DOR, September 7, 2017
- Inspection Letter from Charles Brett, Building Inspector
- Email from Jeff Baxter, Captain, WFD
- Copy of 2017 License

Present: John Fallon

Vote: Mr. Wilhelm moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees the Board of Selectmen renew the Class II Used Car Dealer License held by Fallon's Auto Service, Inc. located at 233 Main Street through December 31, 2018.

Under discussion there was no public comment.

The motion carried unanimously.

- Freeman's Garage 34 Arbor Street- Edward Freeman
- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment
- Inspection Letter from Charles Brett, Building Inspector
- Copy of 2017 License
- WPD Officer Report for Incident 17WE04427, 03.17.17
- Kopelman and Paige Automobile Dealer Licensing Guide

Present: Edward Freeman

Mr. Wilhelm reported that prior to the meeting the BOS received a complaint and additional time is needed to review the reports before proceeding with the application.

The Selectmen deferred action to the December 19th meeting and confirmed that Mr. Freeman can attend that meeting. A hard copy of the complaints was provided to Mr. Freeman.

Mr. Freeman was asked if he dealt with Class D passenger vehicles. Mr. Freeman stated he did sell mostly passenger cars with the occasional class M (motorcycle).

The Building Inspector reported a school bus on the property. Mr. Freeman said the bus was a trade in for a specific request and he would not typically be selling busses.

One Day Liquor License

Kathy Feldman, Keefe Feldman Family 70th birthday party Wenham Museum, Saturday December 16, 2017

Vote: Mr. Wilhelm moved, and it was seconded, to approve a One-Day (Wine & Malt Beverages) Liquor License for Kathleen Feldman for the Keefe-Feldman 70th Birthday Party to be held at the Wenham Museum, 132 Main Street from 4:00pm – 7:00pm on Saturday December 16, 2017.

The motion carried unanimously.

DRAFT

***Memorandum of Agreement with Cataldo Ambulance Service for ALS (Advanced Life Support) Back-up**

- Memo re Proposed Memorandum of Agreement with Cataldo Ambulance Service from P. Lombardi, December 1, 2017
- Proposed Memorandum of Agreement with Cataldo Ambulance Service for ALS Back-Up
- Agreement with Cataldo Ambulance Service, Inc. for ALS and BLS Service, September 6, 2017 – August 31, 2020

The Town has a 3-year contract with Cataldo Ambulance to provide emergency medical services for ALS calls Wenham Fire is involved in once the pilot program has begun. This is a supplemental agreement that the Town will bill the insurance company, at Cataldo rates of \$1350 and pay Cataldo \$400.

This is not expected to be a common occurrence.

Note: Ms. Harrison moved, and it was seconded, to approve the proposed 3-year Memorandum of Understanding with Cataldo Ambulance Service, Inc. establishing payment procedures for ALS transports involving Wenham Fire Department Response and authorize Peter Lombardi as Town Administrator to execute the Agreement. The motion carried unanimously.

***Proposed Wenham Fire Department Ambulance Fee Schedule**

- Memo regarding Feasibility of Initiating Fire-based Basic Life Support Emergency Medical Services from Fire Chief Bob Blanchard, June 15, 2017
- Proposed Fire-Based EMS Rate Sheet, December 2017
- Cataldo Ambulance Service, Inc. & Atlantic Ambulance Service 2017 Private, MA Medicare & MassHealth Rates, 12.29.16

Acting Chief Kavanagh said he anticipates the Fire Department ambulance service to go live right after the holiday on January 2. The Department has all their medical procedures completed.

This fee schedule has been updated that the Town will bill ALS calls at Cataldo's rates.

Note: Harrison moved I move to adopt the proposed fee structure for Fire-based Basic Life Support Emergency Medical Services for the duration of the one-year pilot program. The motion carried unanimously.

FY19 Budget Discussion

- Memo regarding Status of FY19 Administration Budget from P. Lombardi, December 1, 2017
- Email regarding Hamilton Wenham Regional School District (HWRSD) Budget Issues from P. Lombardi, December 1, 2017
- Letter from Maureen M. Marshall, Superintendent of Schools, Quabbin Regional School District to the Oakham Board of Selectmen and Finance Committee, September 14, 2011
- Letter from Jeff Wulfson, Associate Commissioner, Massachusetts Department of Elementary and Secondary Education to Raymond Riddick, Chairman, Nashoba Valley Technical School District, June 15, 2009
- Letter from Stephen J. Finnedgan, Esq., Massachusetts Association of School Committees, Inc. to Dr. Marguerite C. Rizzi, Superintendent of Stoughton Public Schools, January 11, 2011

Mr. Lombardi reviewed that the last time the FY19 budget was discussed was at a joint meeting with the Finance & Advisory Committee on October 10. At that time, based on town department budgets, the Town was \$630,000 over the levy limit. Since then some key items have changed and impacted the proposed FY19 Budget.

Mr. Lombardi went on to give a brief overview.

- Wenham's student enrollment is up as predicted; however, the Town of Hamilton's enrollment is higher than projected; this shift equates a \$110,000 savings to Wenham in FY19
- The HWRSD has surplus (FY17) Excess and Deficiency expected to be certified at \$345,000; Wenham's anticipated subsidy is \$115,000, decreasing the projected assessment.
- FY17 New Growth was certified higher than estimated; this provided an additional \$108,000 in FY19 levy capacity.
- FY17 Free Cash was certified \$232,000 higher than projected and provides alternative funding for capital needs.
- The prior year overlay surplus \$85,000 is available pending release by Board of Assessors
- The withdrawal from the GIC insurance is projected to save approximately \$100,000 of insurance premium costs

Based on these factors, the Town is now within \$208,000 of delivering a balanced budget.

The HWRSD Superintendent is due to release his preliminary budget on December 20 noting the Town's budget has a 3% increase placeholder for the School budget.

Mr. Lombardi went on to talk about budget strategy and proposed capital requests. Some capital is proposed in the operating budget and other capital would be paid for from one-time funding of Free Cash. Of importance he noted that the dependency on the use of Free Cash is problematic as Free Cash eventually would not be available.

DRAFT

Mr. Wilhelm summarized it has been debated in the past how the school district's budget has to be presented to town meeting and Town Counsel was asked to opine.

KP Law provided a lengthy opinion stating that the Town has the right to recommend a budget for the HWRSD to town meeting regardless if it does not agree with the budget adopted by the School Committee. However, the Town is obligated to publish the School's Department's recommended budget and allow the School to defend their budget at town meeting. The School's budget must then be presented in its entirety, even the budget is separated in two articles; the budget does not have to be included in Article 1, even if there is an override.

This information will be shared with the HWRSD and the Town of Hamilton.

Discussion on Identification of Prioritized Theoretical Uses for Longmeadow Way Parcels

- Email from P. Lombardi, regarding Long Meadow Use Request, August 23, 2017
- Longmeadow Study Committee Overview
- Exhibit A – Plan of Longmeadow Way
- Exhibit B – History of Ownership of Lots A, B, C, and D
- Exhibit C – Aerial View Photo
- Exhibit D – Letter regarding Proposed Development of Property Off Longmeadow Way, Hamilton to Andrew DeFranza, Executive Director, Harborlight Community Partners, Inc. from Phillip C. Wysor, Glovsky & Glovsky, LLC, 9.13.16
- Exhibit E – Letter regarding J. Kurt Miller, 3 and 5 Longmeadow Way to William W. Wilson, Chair, Hamilton Board of Selectmen from Phillip C. Wysor, Glovsky & Glovsky, LLC, April 27, 2017
- Exhibit F2 – Letter regarding Harborlight Community Partners/Longmeadow Way from Benjamin B. Tymann, Tymann, LLC, November 14, 2017
- Exhibit F3 – Proposed Memorandum of Understanding (MOU) Concerning Development of Affordable Housing at Certain Cites in Hamilton, MA and Potential Control of Certain Tract by HWRSD

The towns of Hamilton & Wenham had a study done of a parcel on Longmeadow Way in Hamilton, adjacent to the high school. A joint Committee was formed to determine viable uses; Mr. Wilhelm served on this committee and reported there was no immediate interest by either town.

Motion: Mr. Wilhelm moved, and it was seconded, to declare that the Town of Wenham has no known or anticipated municipal uses for the Longmeadow Way property currently being evaluated by the Study Committee and defers any potential uses that would be of interest or benefit to Wenham residents to those identified by the Joint Recreation Committee and/or Hamilton-Wenham Regional School Committee. If any such recreational or school uses were to be positively identified now or in the future, the Board asserts their authority to be actively involved in any related discussions, negotiations, and/or feasibility studies relative to the potential purchase of the Longmeadow Way parcel(s) should said transaction require appropriation or expenditure of any town funds.

Under discussion. Ms. Harrison referenced the proposed MOU that would allow the HWRSD to own a portion of the land on Longmeadow Way. She noted her concern that the MOU does not mention Wenham, saying the School District cannot own property Wenham doesn't pay its share for and questioned why this MOU is being discussed. Ms. Harrison also noted the joint recreation said they had no need for the land as they preferred turf fields but the towns have not approved a turf field project. Mr. Lombardi explained that purchasing that land would only have space to put in one grass field, which does not alleviate the field shortage.

Vote: The motion carried unanimously.

Proposed Policy for Snow Removal on Private Ways

- Memo regarding Proposed Policy for Snow Removal on Private Ways from P. Lombardi, December 1, 2017
- List of Unaccepted Streets Currently Plowed/Private Ways Not Plowed, DPW Department, October 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. Permit
- MGL, Ch. 40, S. 6C

Mr. Lombardi reviewed that the Town accepted M.G.L. Ch. 40 S 6 c. that allows the Town to plow private ways and went on to review the criteria for the town to provide snow and ice removal on specific private ways: if they are open to public use, provide access to two or more numbered properties, have a finished paved surface and are not subject to any additional restrictions imposed by the Planning Board or Zoning Board of Appeals. The Town is not obligated to offer snow removal, but has the option to do so and is a minimal impact to the budget.

Mr. Wilhelm moved, and it was seconded, to adopt the proposed policy for snow removal on private ways and designate the following private ways as eligible for these services: Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive, Batchelder Park, Toppan Lane and Nathaniel Circle. The motion carried unanimously.

Request for Town to Take Responsibility for Snow Removal on Middlewood Drive (Private Way)

- Memo re Request for Town to Take Responsibility for Snow Removal on Middlewood Drive from P. Lombardi, 10.12.17
- Letter re Request for Town to Take Responsibility for Snow Removal on Middlewood Drive from Middlewood Board of Trustees, September 7, 2017

Motion: Mr. Wilhelm moved, and it was seconded, to approve the request for the Town to plow Middlewood Drive subject to the receipt of as-built for the road and bridge. After discussion the Board took no action.

Under discussion it was noted the Town has requested the contractor provide the required documents numerous time over the past few years; which have not been received to date. Ms. Harrison supported this be consider once the Town has received the required documents.

One resident from 14 Middlewood Drive spoke saying the residents of Middlewood Drive have also found it difficult to work with the developer. He noted that Middlewood residents pay upward of \$160,00 in combined taxes without town services such as trash collection or plowing. He asked the Board to not hold the residents responsible for the contractor's lack of response. It was noted that the plowing policy does not include the plowing of sidewalks or salt/sanding; this remains at the discretion of the Town.

Mr. Lombardi observed there is concern about the layout and safety of the Middlewood Drive roadway and bridge. The as built plans were not what was permitted to be constructed. One reason this is a private way is because of site constraints and public safety concerns, including a narrow bridge and sloped roads.

The BOS went on to discuss the motion in detail.

The BOS asked for an opinion from the DPW Director on Middlewood Drive and the request to plow, what are the potential issues, and what are his concerns. The Board also asked about possible liabilities.

No action was taken.

MINUTES

Open Session: September 5, 2017; October 3, 2017; October 17, 2017; November 4, 2017; November 7, 2017

Executive Session (es) approve/release: October 3, 2017; October 17, 2017

Vote: Ms. Harrison moved to approve the BOS minutes of September 5, 2017; October 3, 2017; October 17, 2017; November 4, 2017; November 7, 2017 and it was unanimous to do so.

Vote: Ms. Harrison moved to approve & release the BOS es minutes of October 3, 2017; October 17, 2017 and it was unanimous to do so.

ADJOURNMENT - The Selectmen adjourned at 8:15 pm.

Respectfully Submitted By
Catherine Tinsley
1.26.18

TOWN OF WENHAM
Board of Selectmen
Meeting Minutes of December 19, 2017
138 Main Street, Town Hall

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday December 19, 2017 at 6:30 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, and in the absence of the Chairman, Ms. Harrison called the BOS meeting to order at 6:32 pm
Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; John Clemenzi, Clerk
Also, Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information:

December 19, 2017 Meeting Packet

This meeting was recorded with permission by HWCAM.

Public Input: Items not on the agenda

There were none.

EXECUTIVE SESSION – Freeman’s Garage 34 Arbor Street

The executive session scheduled at 5:45 pm for Freeman’s Used Car Dealer License Renewal was not held and was continued to the Selectmen’s January meeting.

PUBLIC INPUT – Items not on the agenda

There were none

ANNOUNCEMENTS

- o Council on Aging Soup, Cookies, & Caroling – Wednesday December 20, 2017
- o Annual Town Hall Holiday Open House – Wednesday, December 20, 2017
- o Town Hall Holiday Hours – Closed December 25 and January 1; Monday trash pick-up will be Tuesday and Tuesday’s pick up will be Wednesday.
- o Loose Leaf Pick-up Update – The DPW is wrapping up West Wenham and will be moving on to East Wenham this week.
- o Holiday Tree Recycling Drop Off at Pingree Park is through January 7 – Iron Tree has donated services to grind trees
- o Community Preservation Committee - The CPA application deadline is Friday January 5, 2018 by 12 pm in the Town Administrator Office. Applications are on the Town’s web site.
- o Affordable Housing Trust Community Forum & Free Pancake Breakfast is January 20 at 9:30 am in the Hall of the First Church. Residents are encouraged to attend and give input as the Affordable Housing Trust develops the Action Plan.

REPORTS

Town Administrator

- o FY19 Budget - Superintendent Harvey’s presentation of the preliminary HWRSD FY19 Budget has been postponed from December 20 to January 3. Accordingly, the Selectmen will not complete their review of the Town’s FY19 Budget until their January 16 meeting. The Finance and Advisory Committee will then begin their budget review process, meeting with all Department Heads, starting on January 23.
- o Tree Inventory - The Town was recently notified that we have been awarded \$5,000 in grant funding from the Massachusetts Interlocal Insurance Association to undertake a comprehensive street tree survey and risk assessment. The \$5,350 balance of the costs needed to complete this project will likely be covered by reserve funds pending review and approval by the Finance and Advisory Committee and Selectmen in the next few weeks. The goal of this work is to establish a baseline understanding of our current street tree inventory, so that we can then develop a program that both removes problem trees and provides for new and/or replacement plantings.
- o Sign Bylaw Violations - As the Town continues to struggle with many commercial entities putting their signs on town property in violation of our sign bylaw, the Building Inspector sent out warning letters to over 20 repeat offenders last week. Continued violations are subject to fines of \$300 per day. We are also working with town counsel to develop recommendations to bring to Town Meeting this spring for potential revisions to this bylaw, which will be discussed with the Planning Board and Selectmen over the course of the new two months.

NEW BUSINESS

Citizen Leadership Academy Graduation

Ms. Bresnahan, Coordinator, was present and gave a brief summary of the 2017 Citizen Leadership Academy.

The course focuses on local government, specifically Wenham. Ms. Bresnahan reported the ha a really fun year and the program went well again this year and 15 residents completed the course. Department heads, elected officials and appointed officials were recognized for their work and knowledge.

Ms. Bresnahan read the list of those that completed the course and provided them with a Certificate.

Mr. Lombardi noted that once a year the MMA has an annual conference with local officials; there are a number of workshops given and Wenham was asked to participate and talk about Wenham's leadership academy.

Ms. Bresnahan was recognized for her efforts. The Town will hold the 3rd annual academy in 2018.

375th Anniversary Committee Donation Acceptance

- Gift and Donation form for \$9,671 from the 375th Anniversary Committee
- 375th Anniversary Auction Report from 375th Anniversary Committee Chair, Trudy Reid

The 375th Anniversary Committee held a silent auction, as a fundraising event, at the Wenham Museum on November 30. The proceeds from evening will go towards the 375th Anniversary celebration.

Motion: Mr. Clemenzi moved and it was seconded, the BOS accept donations totaling \$9,671 from the 375th Anniversary Committee, proceeds from their Silent Auction, to help fund events surrounding our 375th Anniversary celebration.

Under discussion Mr. Wilhelm asked why the checks could not be cashed immediately. Mr. Lombardi referenced the Gift Policy that donations under \$500 the Town Administrator may sign off on but amounts over that BOS must accept before checks are cashed. Mr. Wilhelm suggested the Board review the policy suggesting checks being held for weeks is not good practice. The Board agreed to review the policy again.

Vote: The motion carried unanimously.

Historic Resources Survey Report and Follow-up with Historic District Commission – Meredith Hiller

- Wenham Historical Commission Community-Wide Historic Properties Survey Completion Report from James Howard, Project Manager, October 2017
- Wenham Community-Wide Historic Properties Survey for the Wenham Historical Commission, Stacy Spies & Wendy Frontiero, Historic Preservation Consultants, June 2017
- By-Laws of the Town of Wenham, Chapter XXV Wenham Historical Commission
- Wenham Historic District Commission Guidelines – Application Review Process

Dana Bagnell, Chair of the Historic Commission, gave a brief overview saying the Commission received a \$10,000 grant from the Mass Historical Society and a \$10,000 local grant from the Community Preservation Act totaling \$20,000 to complete the Community Wide Historic Property Survey. The survey included structures/ houses of interest outside the historic district. Mr. Bagnell introduced Historic District Commissioner Meredith Hiller, who is also the Commission's Attorney.

Ms. Hiller spoke briefly about the Report saying it is available on the Town's web site and hard copies are available at the Library and Town hall. She observed the Commission worked closely with the consultants and received interesting information on buildings they had not expected. Recommendations were made, including properties of greater importance that might be considered for the National Historic Registry.

The Historic District Commission is considering the best next steps for the Town and the historic buildings.

Ms. Harrison encouraged the Commission to consider the recommendations made in the report.

Proposed Memorandum of Understanding (MOU) Regarding Repairs to Longfellow Road and South Street

- Proposed MOU Between the Board of Selectmen and the Residents of Longfellow Road & South Street
- Quote from Bell & Flynn, Inc., November 14, 2017
- Memo from Bill Tyack, DPW Director regarding Longfellow Road, October 21, 2016
- Memo from Bob Blanchard, Chief, WFD regarding Longfellow Road
- Email from Tom Perkins, Chief, WFD regarding Longfellow Road, October 27, 2016
- Draft Proposal Memo regarding Evaluation of Longfellow Road – Proposed Roadway Widening, June 20, 2017.
- Letter from Peter Kane, Kane Land Surveyors re the Longfellow Road survey project, November 28, 2017

Mr. Lombardi summarized the Board approved temporary repairs be done on Longfellow Road and South Street as allowed by state statute. The DPW completed the work this past fall at a cost of about \$6,000.

The Town is prohibited from making permanent repairs on private ways.

At the first BOS meeting in November, there was a discussion around potential options for permanent repairs to be done on Longfellow Road and South Street.

Mr. Lombardi reviewed it is possible to craft a Home Rule Petition to bring to the annual Town Meeting to allow both the private ways to be repaved, provide for funding to stabilize and / or widen the slope at the ravine on Longfellow, and impose a betterment formula on the residents who live on those private ways to pay for the repair costs.

On November 28, Mr. Lombard met with the residents of those streets regarding a home rule petition and has been working with Town Counsel the past few weeks to draft a MOU for consideration by the BOS.

The MOU includes that if the residents execute and pay for services, by Weston & Sampson Engineering and Kane Land Surveyors to determine what repairs can be done at what cost, the Town will work with Town Counsel to craft a Home Rule petition for town meeting. If the Home Rule petition is approved at Town Meeting it goes to the State Legislature for vote. Weston & Sampson has indicated if they execute a contract this week, they can provide a report on feasible repairs in February; this timeline is tight to assure the Home Rule petition is ready for Town Meeting in April.

Whatever money each resident provides towards the initial work would be credited toward that resident in the betterment.

Vote: Mr. Wilhelm moved, and it was seconded, to approve proposed Memorandum of Understanding between the Wenham Board of Selectmen and the Residents of Longfellow Road and South Street contingent upon receipt of signatures by all residents of these private ways and confirmation that the contracts with Weston & Sampson and Kane Land Surveyors have been executed and paid for in full by the residents.

Under Discussion

Linda Medeiros, Longfellow Road stated that although a majority of the neighbors are on board with the plan, not everyone in the neighborhood will sign the agreement. Some residents are unable to contribute to the survey and one resident can't pay for a betterment. Ms. Medeiros said she was willing to try and pay the gap between what can be contributed and what will be owed but if full participation is required, the home rule petition is "dead in the water" but noted there are enough of the neighbors that understand the risk and are willing to go forward.

Ron Gauthier, said his mother and brother live on Longfellow and South Street and was speaking on their behalf. He noted a revised MOU was provided a few hours before the meeting and they still have questions, suggesting this is going very fast, and asked what the major factor is to get this done. He also opined most of the benefit is for the houses at the end of the roads and questioned how this is going to be worked out in an equitable and fair way.

Mr. Lombardi responded the repairs to these roads has been ongoing for about a year. He said there is some general agreement that a betterment be accessed by frontage, but given the specifics of this situation, the formula would take into account both frontage and location on the street; this would be further discussed once estimates are in for the project. Ms. Harrison noted the "rush" is coming from the neighborhood that wants this done and to have the home rule petition ready for 2018 town meeting for consideration. Mr. Lombardi added there is concern for town employee safety accessing Longfellow i.e. emergency, fire, police, plowing.

Pam Katsiris, Longfellow Road, clarified that the town has no risk if this does not pass at town meeting and the cost to the Longfellow Road / South Street residents for the survey is not refunded.

Discussion continued and Mr. Lombardi suggested an amendment to the to the motion to strike the fourth line in its entirety.

Larry Oak, Longfellow Road questioned if the \$22,000 for engineering work is for the whole road or just the ravine and was told it is for a survey of the entire road but engineering work just at the ravine.

Less Plumber, Longfellow Road asked who is responsible if there is an accident on a private way and was told the Town has no liability; collectively those on that private way would be responsible. Town Counsel would be asked to clarify exactly who this encompasses specific to Longfellow Road and South Street.

Vote: The Selectmen unanimously accepted the amendment to strike line 4 and the motion carried unanimously to approve the proposed Memorandum of Understanding contingent upon and confirmation that the contracts with Weston & Sampson and Kane Land Surveyors have been executed and paid for in full by the residents.

Town Administrator Performance Evaluation Process

- Memo re Town Administrator Performance Evaluation Process from Peter Lombardi, Town Administrator, December 14, 2017
- Town Administrator Contract between the Town of Wenham and Peter Lombardi, April 14, 2015
- Wenham Town Administrator Evaluation Summary or Peter Lombardi, June 2017

Mr. Wilhelm read from the Town Administrator memo in part, dated December 14, 2017.

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The evaluation of the Town Administrator was done 6 months ago, but contractually the BOS must do another evaluation in January in order to renew his contract, ending June 30, 2018. The Board will update their last review in January. Going forward the BOS will schedule the Town Administrator evaluation with the fiscal year.

Mr. Wilhelm moved, and it was seconded, to approve the recommended performance evaluation process for Town Administrator, Peter Lombardi. The motion carried unanimously.

Old Business

Annual Liquor License Renewal

- Fresh Foods, LLC DBA Wenham Tea House, Chris Keohane, 4 Monument Street – continued from December 5, 2017
 - Checklist for Annual Renewal
 - ABCC Retail License Renewal – Restaurant, All Alcohol
 - Application for Common Victualler's License
 - Restaurant Layout
 - 2017 Food Service Permit
 - Proof of Employer's Liability Insurance
 - Proof of Worker's Comp. Insurance
 - Tips Certifications
 - Check for \$1,500
 - Inspection Letter from Chief Thomas Perkins, WPD
 - Inspection Certificate from Charles Brett, Building Inspector
 - Inspection Email from Captain Jeff Baxter, WFD
 - Email from Chris Keohane re Liquor License Renewal Question from P. Lombardi, December 5, 2017

Ms. Harrison identified herself as a board member of the Tea House and recused herself from this agenda item discussion and left the table.

Vote: Mr. Clemenz moved, and it was seconded, having met all State and Local Licensing requirements and paid all fees, the Board of Selectmen renew the All Alcoholic Beverages Restaurant Liquor License held by Fresh Foods, LLC, DBA Wenham Tea House, located at 4 Monument Street through December 31, 2018. The motion carried unanimously.

Used Car Dealer License Renewals

- Freeman Garage, 34 Arbor Street – Edward Freeman
 - Checklist for Annual Renewal
 - Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts Thereof
 - Criminal Offender Record Information (CORI) Acknowledgement Form
 - Proof of Automobile Liability Insurance & \$25,000 Bond
 - Proof of Property Tax Payment
 - Inspection Letter from Charles Brett, Building Inspector
 - Copy of 2017 License

This agenda item was held to the next BOS meeting in January.

Adjournment - The Selectmen unanimously adjourned at 7:35 pm.

Respectfully Submitted By
Catherine Tinsley
1.28.18

TOWN OF WENHAM
Board of Selectmen
Meeting Minutes of January 9, 2018
138 Main Street, Town Hall

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday January 9, 2018 at 5:30 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, Mr. Wilhelm called the Board of Selectmen meeting to order at 5:30 pm
Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; John Clemenzi, Clerk
Also Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary
Attorney Bran Riley, Town Counsel, K P Law

Public Information

- Meeting Packet
- The meeting was recorded with permission by HWCAM

EXECUTIVE SESSION – Freeman’s Garage, 34 Arbor Street

Vote: Mr. Wilhelm moved, and it was seconded, the BOS enter into Executive Session under M.G.L. Ch. 30A, § 21 (1) To discuss the reputation, character, physical condition or mental health, rather than professional competence, of an individual, or to discuss the discipline or dismissal of, or complaints or charges brought against, a public officer, employee, staff member or individual. The individual to be discussed in such executive session shall be notified in writing by the public body at least 48 hours prior to the proposed executive session; provided, however, that notification may be waived upon written agreement of the parties. And further

Vote: the BOS enter into Executive Session under M.G.L. Ch. 30A, § 21 (7) To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements, namely, M.G.L. Ch. 214, §1B and M.G.L. Ch. 6, §167 et seq. and implementing regulations and to include Attorney Brian Riley, KP Law, Police Chief Tom Perkins, Police Detective Shane Kavanagh; Edward Freeman, 34 & 36 Arbor Street / License Applicant and to return to open session

The BOS returned to open session.

ANNOUNCEMENTS

- Fire Chief Bob Blanchard’s Retirement Reception to celebrate his 38 years of service to Wenham is Wednesday January 17TH at the Danversport Yacht Club. Information to purchase tickets can be found on the Town’s web site.
- Affordable Housing Trust Community Forum & Free Pancake Breakfast is Saturday January 20 at 9:30 to discuss the future of affordable housing in Wenham.
- Wenham Connects COA Age Friendly Initiative Listening Session to build a more vibrant sense of community for older adults in Wenham on Wednesday January 24 from 10 – 11:30 am in Town Hall.
- COA Director Jim Reynolds spoke on Wenham Connects outreach program,
- Request for Wenham Photos of town buildings, open space, recreational areas or any scenic views in Wenham, past or present to be included in various town publications and on the website. Photos should be submitted to N. Roebuck by February 1. Additional information is on the town’s web site.

The agenda was taken out of order

Old Business

Used Car License Renewals

Freeman’s Garage – 34 Arbor Street, Edward Freeman

- Checklist for Annual Renewal
- Application for a License to Buy, Sell, Exchange or Assemble Second Hand Motor Vehicles or Parts thereof
- Criminal Offender Record Information (CORI) Acknowledgement Form
- Proof of Automobile Liability Insurance & \$25,000 Bond
- Proof of Property Tax Payment

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- Inspection Letter from Charles Brett, Building Inspector
- Copy of 2017 License

The BOS, along with Town Counsel, met with Mr. Freeman in executive session and expressed concerns observed by the town and neighbors, over the years, regarding his used car business. There was a discussion with Mr. Freeman regarding changes to the license.

Mr. Wilhelm opened the meeting for public comment on the application for a Used Car License for Mr. Freeman

Denis Curran, 32 Arbor Street, stated that this is not the same business as was kept by Mr. Freeman senior, years ago when it was neatly kept; it is not that way today.

Mr. Freeman was invited to comment but declined at this time.

MOTION: Ms. Harrison moved, and it was seconded, to approve a Class II Used Car Dealer's License to buy and sell second hand motor vehicles at 34 & 36 Arbor Street, restricted to operable Class D (cars) and Class M (Motorcycles) vehicles specifically, no Recreation Vehicles or Recreation Vehicle trailers. The hours of operation are limited to Monday through Saturday from 9 am to 5 pm. (effective immediately).

As the sole proprietor, Mr. Freeman will provide the names of any employees or contractors to the Board of Selectmen through the Town Administrator. Through May 15, 2018 (amended from July 1, 2018), there shall be no more than 25 (Class D and Class M) vehicles on the property with no more than 5 of those vehicles displayed on the front of the property. Effective May 15, 2018 (amended from July 1, 2018), there will be no more than 20 (Class D and Class M) vehicles on the property with no more than 2 of those vehicles displayed on the front of the property. The police department will periodically inspect the properties of all Class II Used Car Dealer's Licenses during the year for compliance to all local and state laws.

Under discussion:

Mr. Curran requested the Board consider changing the July 1 to be earlier in the spring, stating "it is a mess over there."

When asked to clarify mess, Mr. Curran said he was refereeing to trailers, junk, junk covered with tarps, scrap metal, and inoperable cars, for example. stated mess refereeing to trailers, junk under tarps, in operable cars. And asked the BOS impose a May 1 date.

Mr. Freeman responded saying the July 1 is realistic to do work and advertise to reduce his inventory and that taking 3 vehicles off his front lawn is detrimental to his sales.

John Fallon, 233 Main Street, Fallon's Auto said although obviously, mistakes have been made but this is Ed's livelihood.

It was noted some of these issues like collecting of scrap metal and junk has been ongoing and is separate from the License.

The town has worked in the past to help Mr. Freeman clean up his yard.

The BOS was advised by Counsel that the local police can make inspection of all the license holders to insure the licensees are in compliance.

The BOS discussed Mr. Curran's request to change the date from July 1.

Amendment: The Selectmen unanimously amended the motion that there be no more than 20 vehicles on the property and no more than 2 of those on the front lawn as of May 15th.

VOTE: The motion carried unanimously.

REPORTS

Town Administrator - update

Age Friendly Community Initiative - This month, the Town is planning to take the first steps toward becoming an Age Friendly Community. This initiative is based on a model developed by the World Health Organization (WHO) and the Association of Retired Persons (AARP), and is designed to foster the exchange of experiences between residents and to pay increased attention to environmental, economic, and social factors that influence the health and well-being of older adults. The Wenham COA plans to complete and submit our application for this designation later this month, and will be conducting community outreach to get resident feedback in the coming months.

In trying to build an inclusive model, we have termed this effort "Wenham Connects", and we will be hosting our first listening session on January 24 here in Town Hall. We also plan to disseminate a survey in the next few months and will hold additional public forums in the spring. Ultimately, we will seek grant funding to assist in developing an action plan to determine how to best adapt and implement this concept to make a positive impact in Wenham by improving the quality of life for our older residents.

Fire-based EMS Program - We continue to experience delays in getting necessary billing approvals from Medicare, and have accordingly pushed back the start date of this one-year pilot program. At this time, the Fire Department has completed all

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other preparations to commence providing basic life support ambulance service in-house. As soon as we secure this last approval, we will provide information to residents regarding the new start date.

Barn Regulations - The Board of Health approved new barn sanitation regulations last month establishing standards for property maintenance and animal care as well as minimum setbacks of barns, structures, and animal waste. Existing conditions are exempt from these regulations and new applicants can apply for variances through the Board of Health if necessary. The regulations also establish fines for non-compliance. Effective April 1, 2018, these new regulations have been filed with MassDEP and are posted on the Town website. All impacted residents were notified of these potential regulations during the review process and will receive a follow-up mailing later this month now that they have been finalized.

NEW BUSINESS

Open Annual Town Meeting Warrant – Vote

- FY19 Wenham Budget Preparation and Town Meeting Schedule 1.5.18
- FY19 Leadership Team Schedule, Budget Presentations to the Finance Committee

Vote: Mr. Wilhelm moved, and it was seconded, the BOS open the April 7, 2018 Annual Town Meeting Warrant. The motion carried unanimously.

Reserve Fund Transfers – Approved by the Finance Committee

- \$5,500 For Other Post Employee Benefit Actuarial Analysis
- \$6,350 for Tree Inventory
 - FY18 Reserve Fund Detail as of 12.20.17
 - \$5,500 for Other Post Employment Benefit Actuarial Analysis
 - Standard General Contract for Professional Services – OBEB Actuarial and Consulting Services
 - \$6,350 for Tree Inventory
 - Proposal from Bartlett Tree Company
 - MIIA Grant Statement – General Liability- Tree Risk Assessment

Mr. Lombardi noted these are the first Reserve Fund Transfers of the year. The Reserve Fund was reduced in FY18 to \$125,000; these reserve transfers used 9% of the Reserve Fund. Balance \$113,150

The Town applied for a \$10,000 grant through MIIA for a tree survey and received a partial grant of \$5,000. The transfer of \$6,350 is for the balance of the cost of the tree survey. It was noted that the survey is for trees on major streets.

Regarding the transfer for \$5,500, the money is to pay for the actuarial audit that the state recently mandated by done every 2 years, opposed to every three years. Therefore, the audit was not budgeted for FY18.

Zoning Board of Appeals (ZBA) Alternate - Dana Begin

- Letter of Interest from D. Begin
- Letter of Recommendation from the ZBA
- ZBA Members and Terms as of January 5, 2018

Mr. Wilhelm reviewed there are three members on the ZBA and up to three alternate members could be appointed by the BOS. There is currently one alternate serving on the ZBA.

Ms. Begin has applied for an alternate position on the ZBA.

The ZBA met with, and is recommending, Ms. Begin as an alternate member.

Mr. Wilhelm said he met with Ms. Begin and has no reservations. Ms. Begin's husband is currently on the Finance Committee and Ms. Begin has agreed, without reservation, to recuse herself should there be a conflict.

Ms. Harrison concurred Ms. Begin would be a great alternate member.

Mr. Clemenzi agreed with the appointing noting she has experience on board/ committees and is very professional.

Vote: Mr. Wilhelm moved, and it was seconded, to appoint Dana Begin as Alternate Member of the ZBA for a term beginning January 9, 2018 and ending June 30, 2019. The motion carried unanimously.

Town Administrator Performance

- Memo Re Town Administrator Performance Evaluation Process from P. Lombardi 12.14.17
- Town Administrator Contract between the Town of Wenham and P. Lombardi 4.14.15
- Wenham Town Administrator Evaluation Summary for P. Lombardi June 2017

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Mr. Wilhelm reviewed that the BOS went through a comprehensive evaluation of the Town Administrator performance noting the goals were fully accomplished.

In following Mr. Lombardi's contract, the BOS must indicate their interest in negotiating a new contract.

The BOS expresses its continued satisfaction with Peter Lombardi's performance as Town Administrator.

Vote: Mr. Wilhelm moved, and it was seconded, to commence contract negotiations for a successor agreement which goes into effect July 1, 2018. The motion carried unanimously

MINUTES— Jt. BOS Audit Committee 6.17.16

Mr. Clemenzi moved to approve the joint BOS and Audit Committee meeting of June 17, 2016 and it was unanimous to do so.

EXECUTIVE SESSION – Town Administrator Contract

Mr. Wilhelm moved, and it was seconded, to enter into Executive Session under M.G.L. Ch. 30A § 21 (2) to conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining session or contract negotiations with nonunion personnel, specifically the Town Administrator and to adjourn directly from executive session. The motion carried unanimously by roll call vote.

Respectfully Submitted By
Catherine Tinsley
1.23.18

TOWN OF WENHAM
Board of Selectmen
Meeting of January 16, 2018
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday January 16, 2018 at 6 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, Mr. Wilhelm called the BOS meeting to order at 6:04 pm
Selectmen present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; John Clemenzi, Clerk
Also, Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information:

January 16, 2018 Meeting Packet

This meeting was recorded with permission by HWCAM.

Executive Session - Hamilton-Wenham Regional Educational Association; AFSCME State Council 93, Local 2905;
Hamilton-Wenham Regional School District Office Personnel Association

Vote: Mr. Wilhelm moved, and it was seconded, to enter into Executive Session under M.G.L. Ch. 30A § 21 (3)

To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares to discuss the Hamilton-Wenham Regional Educational Association; AFSCME State Council 93, Local 2905; Hamilton-Wenham Regional School District Office Personnel Association, and to return to open session.

The Selectmen returned to open session at 6:20 and took a 10-minute recess.

Public Input: Items not on the agenda

Announcements

- Wenham Annual Town Elections -Mr. Wilhelm announced that Nomination Papers for open seats on Town Board/Committees are available from the Town Clerk's office as of Friday, January 12, 2018 with the exception of School Committee nomination papers that are available from the School District offices.
 - The last day to submit signed nomination papers to the Town Clerk is Thursday February 22, 2018.
 - The last day to submit School Committee papers back to the School Office is February 26, 2018.
 - The last day to withdraw one's name is March 12, 2018.
- The Annual Town Meeting is Saturday April 7, 2018
- The Annual Town Election is Thursday April 22, 2018.
- Mr. Wilhelm read the list of open seats noting that this information is posted on the town's web site.
 - Board of Selectmen; Board of Assessors, Board of Health, HW Library Board of Trustees at large; HW Regional School Committee; Moderator; Planning Board 5 yr. term and 3 yr. term; Water Commission; Housing Authority
- Affordable Housing Trust Community Forum & Free Pancake Breakfast - Saturday January 20th at 9:30 am at the First Church. This is a structured forum to hear back from residents regarding affordable housing in Wenham, Future priorities for use of Trust funds, local housing needs, and priority initiatives for coming years.
- Council On Aging - Age Friendly Initiative Listening Session to discuss building a vibrant age friendly community-- Wednesday, January 24, 10 am at Wenham Town Hall
- Request to residents for Wenham Photos of Town buildings, open space, recreational area's and scenic vies in Wenham, past and present to be included in various Town publications. Photos should be submitted to Nicci Roebuck by Wednesday February 1.

New Business

Presentation and Discussion on Potential Marijuana Zoning Bylaws

Attorney Lauren Goldberg, Town Counsel, K P Law

- Memo regarding Discussion on Potential Marijuana Bylaws from P. Lombardi, Town Administrator, January 12, 2018
- Email regarding Marijuana Articles/Ballot Questions from L. Goldberg, January 13, 2018
- Zoning Map of Wenham
- An Act to Ensure Safe Access to Marijuana Power Point, L. Goldberg, Esq., KP Law
- An Act to Ensure Safe Access to Marijuana; A Guide To The Revised Law Legalizing Recreational Use of Marijuana, KP Law, August 2017
- Model Moratorium Warrant Article, KP Law and
- Model Recreational Marijuana Establishment Ban Warrant Articles for Municipalities Requiring a Ballot Vote and
- Model Recreational Marijuana Establishment Ban Warrant Articles for Municipalities Not Requiring a Ballot Vote
- Guidance for Municipalities Regarding Marijuana for Adult Use, Cannabis Control Commission, January 2018

Massachusetts voters approved Question 4 in the November 2016 state elections to legalize recreational Marijuana use by adults and regulate it similar to alcoholic beverages.

Attorney Goldberg cautioned that the State Recreational Marijuana Laws and Regulations have been amended twice and may change again as they did not go through a vetting process at the Legislative level.

Attorney Goldberg referenced a PowerPoint Presentation and gave an overview of potential Zoning Bylaws and options to the Town to regulate marijuana in Wenham.

In summary, Attorney Goldberg explained that because Wenham voted against question 4, the Town is considered a “no community” and has the ability to regulate recreational marijuana facilities at the local level by adopting a Bylaw through the local legislative body of town meeting to ban or limit sales and make policy decisions.

Because the Town does not currently have zoning regulations relative to medical marijuana either, Attorney Goldberg recommended the BOS consider addressing both these issues.

The presentation was lengthy with detailed summaries of important aspects and included:

- The Timeline
- Zoning Moratoria to impose a temporary limit of the ability of applicants to located marijuana establishments within a municipality
- Local Regulation Under G.L. c 94G § 3
- Host Community Agreements
- Taxation on sale of Recreational Marijuana
- Changes to Medical Marijuana Laws currently overseen by the Department of Health
- Personal use of Recreational Marijuana - Possession; Consumption; Growing; Transporting
- General Laws
 - Applicants must contact a town 6 months in advance of submitting an application
 - Local tax option allows towns to recoup costs associated with such an operation up to 3% of sales
 - A town has 60 days to confirm Zoning Bylaws/ Ordinance compliance from the date an application is filed.
 - No retail distribution centers may be within 500 feet of a school, daycare or where children congregate
 - Marijuana may not be smoked where cigarettes are not allowed
 - On-site social consumption is a subset of retailers and is permissible unless voted at Town Meeting as not allowed.
 - Agricultural use for marijuana is not allowed “by right” and municipalities may decide

Under Federal Law, marijuana is still a classified illegal substance

The sale of marijuana is limited to cash only as credit cards are bank issued and banks are regulated by the Federal Government

The meeting was open for questions and comments.

Review Status of Fy19 Administration Budget and Determination Policy Direction on Operating Override

- Memo regarding Follow-Up on Status of FY19 Administration Budget from P. Lombardi, January 12, 2018
- Memo regarding Status of FY19 Administration Budget from P. Lombardi, December 1, 2017
- Hamilton-Wenham Regional School District, FY19 Superintendent's Budget Recommendation Excerpts, School Committee Presentation, January 3, 2018
- Email regarding Regional School District Budget Issues from P. Lombardi, December 1, 2017
- Letter to Oakham Board of Selectmen and Finance Committee from Maureen M. Marshall, Superintendent of Schools, Quabbin Regional School District, September 14, 2011
- Letter to Raymond Riddick, Chairman, Nashoba Valley Technical School District from Jeff Wulfson, Associate Commissioner, Massachusetts Department of Elementary and Secondary Education, June 15, 2009
- Letter regarding School Budget Presentation to the Town Meeting to Dr. Marguerite C. Rizzi, Superintendent of Public Schools from Stephen J. Finnegan, Esq., Massachusetts Association of School Committees, January 11, 2011
- Email regarding Regional School District Budget Issues from Lauren Goldberg, Esq., KP Law, December 19, 2017

On January 3, the School Superintendent released the Administration's Preliminary FY19 "Level Service Plus an Investment in Critical Priorities" budget for the Hamilton-Wenham Regional School District (HWRSD) and the HWR School Committee took the following action: To approve a tentative FY19 General Fund Expenditure Budget of \$33,831,569. This amount includes General Fund Operating Expenses (after Offsets) in the amount of \$31,716,294 and General Fund Debt Service Expenses in the amount of \$2,115,275.

Mr. Lombardi clarified the total net increase in the HWRSD FY19 budget is 4.8% including the Critical Priorities budget of \$399,379.

Mr. Lombardi noted that the town's budget had a 3% increase placeholder in the FY19 budget for the HWRSD and that the Superintendent and School Committee was made aware of the financial constraints early in the budget process. The HWRSD tentative FY 19 budget puts the town \$235,000 over the levy limit even with the Town's capital needs funded out of Free Cash.

With this tentative budget, the Town's total assessment for the HWRSD would increase to 8.5% in F19.

On a side note the BOS noted that the HW Chronicle article identified a 3.6% increase in the HWRSD budget and clarified the 3.6% was only for the level service budget which was not what was recommended by the Superintendent and adopted by the School Committee.

The Finance Committee begins their budget process with the Department Heads next week.

The School Committee is also beginning their process and votes on a final budget February 15 as required within 45 days of the Town Meeting.

Ms. Harrison noted the School Committee was statutorily required to prepare a tentative operating and maintenance budget within a specific timeline and would now begin their budget process/discussions and suggested that the BOS inform the School Committee how the (tentative) budget impacts Wenham's budget and is unaffordable to the Town.

The Selectmen requested the Town Administrator draft such a letter to School Committee that their tentative budget would cause the town to go over the levy limit and, if in excess of a certain number, is subject to an operating override.

Ms. Harrison also opined that the HWRSD budget may not be unreasonable, but is certainly unaffordable to the town, and added she did not recommend cuts be made in the Town Budget.

Attorney Goldberg clarified the Town does not have to approve a budget it cannot afford and has the ability to decide what Articles to put on the Warrant citing Chapter 71 does not provide a School District the authority to access the Warrant. She further explained that the BOS may present an affordable HWRSD budget to town meeting and any balance as an override. However, a vote not to approve the entire requested amount budget, is a rejection and statutorily, the School Committee must come back with an amended budget.

The date of the election must be 35 days after the Board votes to put the question on the ballot; for an April 12 election, the BOS must decide to put it on the ballot in the beginning of March.

The BOS must include the amount and the purpose of the override on the ballot question.

There is no law that says the article must be written a standard way or presented a certain way.

There are many procedural options.

The HWRSD is looking to have the full amount voted at town meeting.

Discussion on Proposed School Athletic Field Debt Exclusion

- HWRSD, FY19 Superintendent's Budget Recommendation, Capital Improvement Plan, School Committee Presentation, January 3, 2018
- HWRSD 5 Year Capital Improvement Program Summary as of January 3, 2018
- Email regarding HWRHS (Hamilton Wenham Regional High School) Athletic Field Project Background Docs from P. Lombardi, December 11, 2017
- Project Phasing Plan, Phase 1 Rendering, Gale Associates, Inc.
- HWRHS, Conceptual Design, Gale Associates, Inc.
- HWRHS, Schematic Design, Gale Associates, Inc.
- HWRHS Schematic Design – Phase 2, Gale Associates, Inc.
- Letter to Town of Hamilton Planning Board regarding Request for Amendment to the Existing Site Plan, Athletic Campus Improvements from K. D. Hervol, Project Manager, Gale Associates, Inc., August 15, 2017
- HWRHS Field Use and Lighting / Public Address System Schedule
- HWRHS Athletic Campus Improvement Project Update Presentation, S. Boyd, P.E., Gale Associates, Inc., 1.17.17
- Town-Wide Demand Summary Upon Implementation of Master Plan and Program Scheduling Revisions
- Email regarding HWRSD Budget Issues from Lauren F. Goldberg, Esq., KP Law, December 19, 2017

Mr. Lombardi observed that included in the Superintendent's operating budget presentation was a recommendation to go forward on several capital projects now in the budget for \$100,000. Separate debt exclusion for \$1 million is also anticipated to bring the fire sprinkler system at the Winthrop School to code and a \$3.6 million debt exclusion for phase one of a turf field at the high school, followed by a \$2.6 million debt exclusion for phase two next year.

In the fall (2017) the School Committee took a generally supportive, but informal position, to support the turf field. It was stressed that if 2/3 of the Regional School Committee supported the debt, the town would have 60 days to schedule a town meeting to disapprove the debt, or it automatically is approved without debt exclusion.

Town Counsel responded that if a formal vote was taken, official notice must be sent to the BOS and Finance Director and no such notice was received.

Mr. Lombardi will communicate with the School Committee that if such a vote is to be taken, it be held within the Town meeting timeline to avoid holding a special town meeting.

The BOS must vote to put this one the warrant. The BOS has the discretion to structure the wording of the article and how it is presented. The dollar amount does not need to be included in a debt exclusion but the borrowing authorization is up to a certain limit; this then goes on the ballot.

Ms. Harrison reviewed that the \$3.6 million for phase one only includes the track & field; the combination baseball field is not included in phase one as identified in the Gale Report.

It was believed the Joint Recreation Board is supportive of fund raising for the project and had indicated they would begin a year prior to bringing it to town meeting.

The Hamilton BOS/ FinCom have talked generally about the turf project but have not taken a position to date.

Preliminary Review of Potential April 2018 Town Meeting Warrant Articles
This agenda item was deferred to the next meeting on February 6

Acceptance of Pingree Park Playground Donations

- Letter re donation from L. Fall, President, Friends of Pingree Park Playground
- Gift and Donation Acceptance form for \$27,200

Mr. Clemenzi acknowledged a letter from Lisa Fall, requesting the BOS accept a financial gift of \$27,200 from the Friend of Pingree Park Playground to pay the invoice of the playground equipment. The equipment has been installed with some site work to be done in the spring. There will be a ribbon cutting in the spring. The Committee was recognized for their successful fundraising.
Total playground project cost: \$146,000

DRAFT

Private fund raising \$75,000
Wenham Community Preservation Act \$40,000
Hamilton Community Preservation Act \$25,000 (included in the \$27,200)
Recreation revolving Fund \$5,000
Old Pingree Park Playground Fund \$1000

Mr. Clemenzi moved, and it was seconded, to accept the donation of \$27,200 from Friends of Pingree Park Playground for playground equipment and surface materials at Pingree Park Playground. The motion carried unanimously.

Melody Miles Road Race Saturday May 26 – HW Friends of the Arts

- Letter regarding Request for Use of Wenham Streets for 23rd Annual Melody Miles Road Race, Saturday, May 26, 2018 from Cheryl Glosky, Melody Miles Race Director, Hamilton-Wenham Friends of the Arts, January 7, 2018
- Safety Plan for Melody Miles
- Certificate of Insurance for General & Excess Liability Coverage for the Hamilton-Wenham Friends of the Arts' Melody Miles Road Race
- Email re Melody Miles Road Race Request for Use recommendation from T. Perkins, Chief, WPD, 1.8.18
- Email re Melody Miles Road Race Request for Use recommendation from Steve Kavanagh, Acting Chief, WFD, 1.9.18

Mr. Clemenzi acknowledged a request from Melody Miles to hold their annual road race on Saturday May 26.

Mr. Clemenzi moved to authorize the HW Friends of the Arts to use the specified section of Walnut Road, Larch Row for their annual Melody Miles road race on Saturday May 26, 2018.

Executive Session – Town Administrator

Vote: Mr. Wilhelm moved, and it was seconded, to enter into executive session Under M.G.L. Ch. 30A § 21 (2) To consider strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel, specifically the Town Administrator, and to return to open session for the purpose of taking possible action to vote on the contract. The motion carried unanimously by roll call vote.

The BOS returned to open session at 9:15 p.m.

Vote: Based on the Boards' discussion in executive Session, Ms. Harrison moved, and it was seconded, the BOS approve a new three-year contract with Peter Lombardi, as Town Administrator, for the term effective July 1, 2018 through June 30, 2021 at an initial annual rate for Fy19 of \$132,000. The motion carried unanimously.

Adjournment

The BOS unanimously adjourned at 9:19 pm.

Respectfully Submitted By
Catherine Tinsley
1.22.18