

**WARRANT FOR THE SPECIAL TOWN MEETING  
WENHAM, MASSACHUSETTS  
SATURDAY, OCTOBER 17, 2020 at 10:00 AM**

Essex, ss

To either of the Constables of Wenham, in said County,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of said Town qualified to vote in the Town Affairs and elections. The Town Meeting will take place at Pingree Park in said Town on Saturday, the seventeenth of October, 2020 at 10:00 AM.

**ARTICLE 1:                    Use of Free Cash to Fund FY 2021 Capital Improvement Program**

To see if the Town will vote to transfer from Free Cash a sum or sums of money to fund the Town's FY 2021 Capital Improvement Program, including the acquisition, equipping, and all other incidental and related costs, of Items A through J, as printed below:

A. Highway Dept.- pick-up truck with plow	\$45,000
B. Fire – protective gear	\$30,800
C. Fire – SCBA (breathing apparatus)	\$15,000
D. Information Tech. – replacement computers	\$10,000
E. Information Tech. – website upgrade	\$13,500
F. Iron Rail – septic system design	\$10,000
G. Police – replacement cruiser	\$42,000
H. Police – replacement rifles (5) (Year 1 of 2)	\$ 7,000
I. Library - server replacement	\$18,000
J. Library - roof replacement	\$75,000

Or take any other action relative thereto.

***Commentary:** The Town is committed to continuing our efforts to make strategic investments in our infrastructure, facilities, and equipment. To that end, we have developed an updated 5-Year Capital Improvement Program (CIP) that seeks to comprehensively address our needs in a way that is both realistic and sustainable. The items identified in this article have been prioritized for FY 2021 as part of an annual evaluation process. Using \$266,300, or approximately 27.918%, of available certified FY 2019 free cash to fund annual capital needs is consistent with best practices in municipal financial planning. Two of the items are for the HW Library and the Town would see financial support on the revenue side for these items. Approximately, \$61,000 of the total \$93,000 for Library projects would be funded by Hamilton and that revenue for those projects is based on the Joint Library Agreement and is factored into the Town's calculations for the use of Free Cash.*

*In July, the Town transferred the sum of \$499,085 from the FY 2019 certified free cash amount of \$954,005 to balance the FY 2021 budget. That article used 52% of the FY 2019 certified free cash amount, leaving a balance of \$250,000, which is consistent with the Town's Financial Policy to maintain a minimum balance of \$250,000 in free cash. The Town's annual certified free cash balances have decreased over the past few years due to more conservative budgeting, leading to less excess funds available at the end of each fiscal year. An overview of spending sources for capital projects can be found outlined in the Capital Plan in Appendix 1.*

***Recommendation of the Board of Selectmen: 3-0-0***

***Recommendation of the Finance & Advisory Committee: 5-0-0***

***Vote needed: Simple Majority for all items***

**ARTICLE 2:                    **Transfer from Water Surplus for Water-related  
Supervisory Control and Data Acquisition  
(SCADA) hardware and software****

To see if the Town will vote to transfer the sum of \$150,000 from Water Surplus for the purchase of Supervisory Control and Data Acquisition (SCADA) hardware and software, to be used for monitoring the Town's water systems, including all incidental and related expenses; provided, further, however, that if such amounts have not been fully expended by June 30, 2021, the balance of such appropriation shall close to the Water Capital Reserve Account.

Or take any other action relative thereto.

***Commentary:*** *This article seeks to move \$150,000 from Water Surplus for the purchase and installation of software and hardware that will monitor the Town's water systems. The current surplus fund has \$ 280,540. This project will have to be procured under M.G.L. Any remaining funds in this allocation, after the completion of the project, will close to the Water Capital Reserve Account. This is the same account the Town annually transfers funds to at the ATM to allow for future infrastructure costs for the Water Department, in particular to fund future replacement costs for the 28 miles of water main in Wenham.*

***Recommendation of the Board of Selectmen: 3-0-0***

***Recommendation of the Finance & Advisory Committee: 5-0-0***

***Vote needed: Simple Majority***

## **ARTICLE 3:            Bylaw Amendment: Recodify General Bylaws**

To see if the Town will vote to amend the General Bylaws by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete General Bylaws, and further, to amend the General Bylaws to make certain substantive amendments, all as set forth in the Final Draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk and available on the Town's website at: [www.wenhamma.gov/townmeeting](http://www.wenhamma.gov/townmeeting); provided, however, that all bylaws currently in force and not included in the Code shall be repealed, but such repeal shall not apply to or affect any personnel bylaw. Or take any other action relative thereto.

*Commentary: The proposed amendments to the General Bylaw are to recodify and renumber to create consistency with all other regulations for the Town. This process will make the Bylaws easier for the public to read and to search through. All other amendments are grammatical and will create consistency in references and reflect correct grammar and punctuation throughout the document. Of note, several sections were updated to reflect current M.G.L. A list of all changes and the full draft can be found on the Town's website.*

**Recommendation of the Board of Selectmen: 3-0-0**  
*Vote Needed: Simply Majority*

## **ARTICLE 4:            Zoning Bylaw Amendment: Recodify Zoning Bylaws**

To see if the Town will vote to amend the Zoning Bylaw by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete Zoning Bylaw, and further, to amend the Zoning Bylaw to make certain substantive amendments, all as set forth in Chapter 255 of the Final Draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk and available on the Town's website at the following address: [www.wenhamma.gov/townmeeting](http://www.wenhamma.gov/townmeeting); provided, however, that all zoning bylaws currently in force and not included in the Code shall be repealed. Or take any other action relative thereto.

*Commentary: The proposed amendments to the Zoning Bylaw are to recodify and renumber to create consistency with all other regulations for the Town. This process will make the Bylaws easier for the public to read and to search through. All other amendments are grammatical and will create consistency in references and reflect correct grammar and punctuation throughout the document. A list of all changes and the full draft can be found on the Town's website. The Planning Board has reviewed all changes and their recommendation can be found below.*

**Recommendation of the Board of Selectmen: 3-0-0**  
**Recommendation of the Planning Board: 5-0-0**  
*Vote Needed: 2/3 Majority*

## **ARTICLE 5:           Local Adoption: Meals Excise Tax**

To see if the Town will vote to accept the provisions of MGL Chapter 64L, Section 2(a) authorizing the imposition of a local excise in the statutory amount of 0.75% on the sale of restaurant meals originating within the Town.

Or take any other action relative thereto.

*Commentary: This article would impose a local sales tax of 0.75% on meals in the Town of Wenham. The implementation and collection of this local adoption would be handled by the MA Department of Revenue. The Town can then utilize MA Department of Revenue estimates on revenue to help fund the Town's operating budget on an annual basis. Currently, the State of MA collects a percentage on all meals, which is paid for by consumers. This article allows, under M.G.L., for municipalities to charge the additional excise through the State to the consumers. In Massachusetts, 241 communities out of the 351 have adopted this local option.*

**Recommendation of the Board of Selectmen: 3-0-0**

**Recommendation of the Finance & Advisory Committee: 5-0-0**

*Vote needed: Simple Majority*

## **ARTICLE 6:           Local Adoption: Room Occupancy**

To see if the Town will vote to accept the provisions of MGL Chapter 64G, Section 3A, authorizing the imposition of a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the Town, and, further, to set that local excise at 6%.

Or take any other action relative thereto.

*Commentary: This tax can be imposed on a hotel, lodging house, short-term rental, bed and breakfast, or motel within town limits. The tax cannot be more than 6 per cent for the total amount of rent for each occupancy. The payment due date coincides with the room operator's payment due date for the tax to the Commonwealth. All the funds collected by the commissioner will be distributed to the town by the State Treasurer on a quarterly basis when it is certified that the law has been adopted correctly. The Town can then utilize these funds to offset operating expenses. This is a common local adoption and adds no additional implementation for business owners or staff. Similar to the meals excise tax, the cost falls to the consumer rather than the establishment. In Massachusetts, 203 communities out of the 351 have adopted this local option.*

**Recommendation of the Board of Selectmen: 3-0-0**

**Recommendation of the Finance & Advisory Committee: 5-0-0**

*Vote needed: Simple Majority*

**ARTICLE 7:            Easement for National Grid on Town of Wenham property**

To see if the Town will vote to transfer the care, custody and control of a portion of the Town property located on Larch Row and described in a deed recorded with the Essex South Registry of Deeds in Book 6118, Page 416 from the Conservation Commission for conservation purposes to the Board of Selectmen for utility purposes and for the purpose of granting a utility easement in said portion, which portion is approximately shown on a plan entitled "National Grid Easement" and on file with the Town Clerk, and to authorize the Board of Selectmen to convey said easement on such terms and conditions as the Board deems appropriate.

Or take any other action relative thereto.

*Commentary: The property at 78 Larch Row (formerly known as the Reynolds Farm) is owned and managed by the Town's Conservation Commission. The property has been used as farm land and is currently leased to the Food Project for farming purposes. This article will seek an easement on Town property for National Grid for the purposes of adding an additional telephone pole on the property adjacent to Larch Row, to allow for electrical service to one outbuilding for cold storage of produce grown on the property. To reference the location of the new pole, please see Appendix 2.*

***Recommendation of Board of Selectmen: 3-0-0***

***Recommendation of Conservation Commission: 5-0-0***

*Vote needed: 2/3 Majority*

**ARTICLE 8:            Citizens' Petition<sup>1</sup>**

Shall the Town of Wenham adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?

Town of Wenham By-Laws, Chapter 2, Paragraph 4, Line 1

Current:

The executive powers of the town of Wenham shall be vested in a three-member board of selectmen elected for three year rotating term.

Proposed change:

The executive powers of the town of Wenham shall be vested in a five-member board of selectmen elected for three year rotating terms.

Or take any other action relative thereto.

***Recommendation of Board of Selectmen: 0-3-0***

---

<sup>1</sup> In accordance with MGL c.39, §10, properly petitioned warrant articles must appear on the warrant in the form in which they are petitioned, as has been done here.

## **ARTICLE 9:            Citizens' Petition<sup>2</sup>**

To see if the Town will vote to require the Board of Health for the Town of Wenham ("BOH") to adhere to all guidance, metrics, rules, and instructions promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") and the Massachusetts Department of Public Health ("DPH") concerning the opening and operation of schools in the Commonwealth of Massachusetts during the 2020-2021 School Year and for the duration of the State of Emergency in the Commonwealth regarding the Covid-19 Global Pandemic.

In approving this article, the Town hereby:

1. Prohibits the BOH from adopting, approving, enacting, promulgating, or enforcing any guidance, metrics, rules, or instructions concerning the opening and operation of schools in the Hamilton-Wenham Regional School District (the "District") more stringent than what DESE or DPH has promulgated or will promulgate for the Commonwealth. Specifically, the BOH is prohibited from establishing "local metrics" that redefine the categories of the state color-coded health metric system based on aggregate average daily incidence rate more strictly (*i.e.*, the gray, green, yellow, and red categories set forth in the color-coded charts and maps provided by DPH);
2. Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (*i.e.*, Hamilton); and
3. Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

Or take any other action relative thereto.

***Recommendation of Board of Selectmen: 0-3-0***

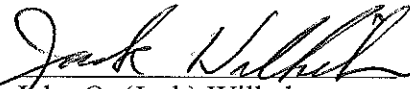
And you are hereby directed to serve this warrant by posting attested copies thereof at Town Hall, Hamilton-Wenham Regional Library, Senior Center, and on the bulletin board outside the Fire Station seven days at least before the time of the meeting aforesaid.

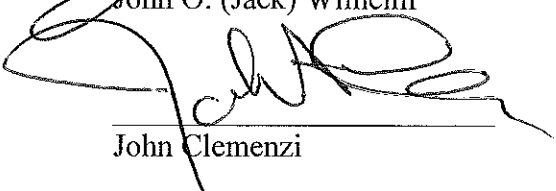
THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

---

<sup>2</sup> In accordance with MGL c.39, §10, properly petitioned warrant articles must appear on the warrant in the form in which they are petitioned, as has been done here.

Given under our hands this 1 of October, 2020.

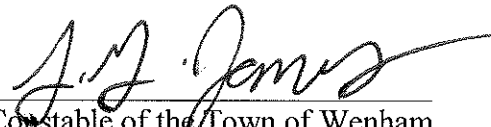
  
\_\_\_\_\_  
John O. (Jack) Wilhelm

  
\_\_\_\_\_  
John Clemenzi

\_\_\_\_\_  
Gary Cheeseman

“In pursuance of the above written warrant, I have this 1 day of OCTOBER, 2020, posted the attested copies thereof as directed therein.”

**ATRUE COPY ATTEST:**

  
\_\_\_\_\_  
Constable of the Town of Wenham  
Date: 10/1/2020

