

TOWN OF WENHAM
Board of Selectmen
Meeting of January 22, 2019
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 22, 2019 at 5:45 pm in the Selectmen Chambers.

The Town of Wenham has a three-member Board of Selectmen elected for three-year terms with one seat up for election each year. Jack Wilhelm (2019) Catherine Harrison (2020); John Clemenzi (2021)

The Board of Selectmen serve as the chief executive body of the Town. The board's duties include in part appointing the Town Administrator and other board/committee members, developing goals and policies, preparing the town report, the annual budget, and presenting the warrant for Town Meeting.

The Board typically meets the first and third Tuesday of each month at 6:30 pm in Town Hall. The BOS meetings are posted on the Town calendar. All meetings are open to the public and may be viewed on local cable channels, HWCAM.org or You Tube HWCAM.

Welcome & Call to Order - With a quorum present, Ms. Harrison called the BOS meeting to order at 5:45 pm

Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair

Not Present: Jack Wilhelm, Clerk

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

Executive Session - Hamilton-Wenham Youth Soccer Association

Vote: Ms. Harrison moved to enter into Executive Session #3 under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to collective bargaining or litigation if the chair declares that an open meeting may have a detrimental effect on the bargaining or litigation position of the Town, and to return to open session. The motion carried unanimously by roll call vote.

PUBLIC HEARING

• Acceptance of Settlers Lane as Public Way

- Legal Notice – Public Hearing on Acceptance of Settler's Lane as Public Way published in The Salem News, Monday, January 14, 2019
- Abutter's Letter & Enclosed Public Hearing Notice from Peter Lombardi, Town Administrator, mailed January 14, 2019
- 300 Abutter's Lists for 1 Settler's Lane and 7 Settler's Lane
- Letter re Vote Recommending Settler's Lane for Street Acceptance from Ann B. Weeks, Chair, Planning Board, December 13, 2018
- Memo from Margaret Hoffman
- Email re Settlers Lane to Bill Tyack, DPW Director from Peter Lombardi, Town Administrator, October 19, 2018
- Email re Street Acceptance Procedure – Settlers Lane from M. Hoffman, Planning Coordinator, October 16, 2018
- Letter re Settlers Lane/Street Acceptance from Peter C. Gourdeau, 75 Arbor Street Development LLC, July 15, 2018
- As Built Plan & Profile for Settlers Lane, December 18, 2017
- Letter regarding Settlers Lane/Street Acceptance from Peter C. Gourdeau, 75 Arbor Street Development LLC, July 15, 2018
- Settlers Lane Quit Claim Deed Draft
- Email re Settlers Lane from Bill Tyack, DPW Director, February 20, 2018
- Email re Settlers Lane from Thomas Perkins, Chief, WPD, February 20, 2018
- Email re Settlers Lane from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, February 20, 2018
- Email re Settlers Lane from Greg Bernhard, Health Agent, February 20, 2018

Vote Mr. Clemenzi moved the Board of Selectmen open the Public Hearing for the purpose of considering public input on the acceptance of Settler's Lane as a public way. The motion carried unanimously.

Mr. Clemenzi read the public notice as published in the Salem News on January 14, 2019 and reviewed the process to bring the street acceptance to Town Meeting.

The meeting was open to the Public. Seeing no questions or comments Ms. Harrison closed the hearing.

*The Agenda was taken out of order

Potential Recommendation for Town Meeting to Accept Settlers Lane as Public Way

- Order of Layout

Motion: Mr. Clemenzzi moved that common convenience and necessity require the layout of Settler's Lane as a public way, and we hereby lay out Settler's Way as a town way, as shown on a plan dated June 1, 2007 and recorded with the Essex South District Registry of Deeds in Plan Book 423, Page 84, and recommend the acceptance of said layout to Town Meeting.

Under Discussion: Margret Hoffman spoke to this proposal to accept Settler's Lane and reviewed that Peter Gourdeau approached the Town last year to accept Settler's Lane, having met all required conditions.

It was noted that the Public Works Director requested the stormceptor (catch basin) be vacuumed and cleaned prior to Settler's Lane being accepted. Ms. Hoffman will confirm if this has been done.

Ms. Hoffman confirmed the As-built for Settler's Lane was accepted by the Planning Board.

The Planning Board voted unanimously to recommend the Settler's Lane be accepted as a public way.

Vote: The motion carried unanimously.

ANNOUNCEMENTS

Wenham Town Election 2019 Open Seats

The 2019 Annual Town Election will be held Thursday, April 11, 2019. There are twelve open seats this year. Nomination papers are currently available in the Town Clerk's Office and are due back, with the signatures of at least 21 registered voters, by Thursday, February 21, 2019.

Nomination papers for the Regional School Committee seats are available in the District Administration Office at 5 School Street in Wenham. Papers should be returned there with the signatures of at least 40 registered voters from your town.

The last day to withdraw from the election will be Monday, March 11, 2019. Voters must be registered by Friday, March 15, 2019 in order to vote in the town election.

Open Seats: The complete list and term is on the Town's web site.

Board of Assessors
Board of Health
Board of Library Trustees
Moderator
Planning Board

Regional School Committee
Board of Selectmen
Water Commissioner
Wenham Housing Authority

Burn Permits Now Available from Fire Department

Burn season runs from Tuesday, January 15th through Wednesday, May 1st. Please visit the Wenham Fire Department at 140 Main Street or wenhamfd.org to register for your permit. Contact the Fire Department with questions at 978-468-5508.

REPORTS

Town Administrator

2017 Annual Town Report & FY19 Budget Document Receive Prestigious Awards

At the Massachusetts Municipal Association's Annual Meeting this past weekend, the Town was awarded 3rd place in the small community category for its 2017 Annual Report, which can be found. Judging criteria for this statewide contest include: attractiveness of the report cover and layout, material arrangement, presentation of statistics and data, summary of the year's achievements, evidence of local planning for the future, and the report's practical utility. Based on our records, the last time the Town received this award was in 1970.

Earlier today, the Town received notice that we have been awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association for our FY19 Budget document. This award reflects the Town's commitment to creating a budget document that is comprehensive, strategic, and accessible, and in line with national best practices. Attaining this designation has been a priority goal for the past several years, as we strive to enhance the information we provide to residents about the budget and the services we provide. Just 26 local governmental entities from Massachusetts won this award last year, only 1 of which was a town with a population of less than 10,000 residents.

Congratulations and special thanks to Special Projects Manager, Jackie Bresnahan, for her tremendous efforts in taking the lead on both of these important documents! Her dedication and diligence in working to improve these documents each year to the point where they now meet these standards has been exceptional. I also want to recognize the efforts of all of our Department Heads as well as the staff in the Finance Office and Town Administrator's Office in particular for their work in assembling these documents it has been a true team effort!

The 2017 Annual Report and the FY19 Budget Document can be found on the Town website:

The Town Administrator recognized Jackie Bresnahan for her work on the Town Report as the Special Projects Manager.

The Board acknowledged both the Town Administrator and Ms. Bresnahan for their dedication and hard work.

Ms. Bresnahan also thanked the Department Heads and interns from local colleges that worked closely with her on the Town Report.

CONSENT AGENDA

Vote: Mr. Clemenz moved to approve all items in the Consent Agenda as presented and it was unanimous to do so.

Minutes: Open Session: December 13, 2018; December 17, 2018

NEW BUSINESS

*Potential Recommendation for Town Meeting to Accept Settlers Lane as Public

This agenda item was addressed earlier in the meeting.

Review and Potential Approval of Local Action Unit Application to the Department of Housing and Community Development for Unit at Spring Hill

- Local Initiative Program Application for Local Action Units
- Local Initiative Program Regulatory Agreement & Declaration of Restrictive Covenants for Ownership Project – Developer’s Draft
- Local Initiative Program Regulatory Agreement & Declaration of Restrictive Covenants for Ownership Project – Town Counsel’s Draft
- Town of Wenham Planning Board Certificate of Decision on a Definitive Subdivision Plan: Spring Hill Farms

Margaret Hoffman, Planning Coordinator was present and spoke to the affordable unit for the Spring Hill development off Dodge Row and summarized that part of the Planning Board’s decision in 2014 was to work with the developer to provide an affordable unit. The developer is renovating a small dwelling at 83 Dodge Row, which was part of the original property; this requires the recommendation from the BOS. There is no building permit for 83 Dodge Row to date. The developers have discussed donating lot 17 of Spring Hill to Habitat for Humanity to build a 2 unit duplex without any town funding as this is part of the requirements of the permit.

Ms. Hoffman noted that there is no time frame for when the affordable units must be in place. The affordable unit(s) would be administrated by the Wenham Affordable Housing Trust or other designated organization i.e. Habitat for Humanity, and available for Wenham’s affordable housing inventory.

Ms. Harrison noted that there were blank sections in the documents to be signed and that those sections need to be completed prior to the execution of the application.

Vote: Ms. Harrison moved authorize the Chair, Catherine A. Harrison on behalf of the Selectboard to execute the Local Action Unit Application to the Department of Housing and Community Development for a unit in the Spring Hill subdivision Contingent upon completion of attached documents. The motion carried unanimously.

BOS requested to be kept updated on the progress of the affordable units.
The BOS requested an update on Wenham Pines; this will be on the next meeting agenda

OLD BUSINESS

One Day Liquor License Request – Molly Martins, Academy of Penguin Hall, 36 Essex Street, Essex County Community Foundation Membership Council Meeting & Workshop, Monday, January 28, 2019, 4:00pm – 8:30pm

- Draft Motion
- Completed Application
- Certificate of Insurance
- ServeSafe Certification
- Check for \$50
- Email recommendations – Jeff Baxter, Captain, WFD; Kevin DiNapoli, Chief, WPD; Jackie Bresnahan, Permitting Coordinator & Special Projects Manager

This application was before the Board at their previous meeting and no action was taken as the applicant had outstanding debt with the Town.

Mr. Lombardi confirmed a check for that debt of \$12,000 was received for the past two years lease of the Iron Rail Soccer Fields by the Academy at Penguin Hall.

Vote: Mr. Clemenz moved to approve a One-Day (All Alcoholic Beverages) Liquor License for Molly Martins for the Essex County Community Foundation’s Membership Council Meeting to be held at the Academy at Penguin Hall, 36 Essex Street, Monday, January 28, 2019 from 4:00pm – 8:30pm and it was unanimous to do so.

Review of Warrant Articles

- Potential 2019 ATM Warrant Articles, January 16, 2019
- Article 5: Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift and Related Operation Override
- Special Purpose Stabilization Funds, Division of Local Services, MA Department of Revenue, February 2016
- MGL Ch. 40 Sec. 5B Stabilization Funds; Establishment
- Additional Budget Impact Due to Enrollment Shift, December 4, 2018
- Article 13: Increase in Veterans Tax Work-Off Abatement Amount from \$1,000 to \$1,500/year
- Town of Wenham Veterans Property Tax Work-Off Program, April 18, 2017
- Press Release: Gov Baker Signs BRAVE Act to Strengthen Services & Supports for Commonwealth's Veterans, Mass.gov, 8/28/2018
- Town of Wenham Senior Citizen Property Tax Work-Off Program
- Article 14: Local Acceptance of MGL Ch. 40 Sec. 13D re. Establishment of Compensated Absences Reserve Fund & FY20 Appropriation (\$25k) to new Reserve Fund
- M.G.L. Chapter 40, Section 13D: Reserve Fund for Future Payment of Accrued Liabilities for Compensated Absences Due Employee or Officer of Town Upon Termination of Employment
- Article 15: Increase in Iron Rail Building Rental Revolving Funds Spending Limit (from \$25k to \$30k/year)
- Email regarding Wenham BAN Borrowing from Leslie Davidson, Former Finance Director & Treasurer/Collector, May 14, 2018
- Competitive Note Sale Worksheet, Hilltop Securities, May 14, 2018
- Article 21: General Bylaw Amendment – Prohibiting Discharge of Water from Private Property onto Public Ways (Chapter V)
- Email regarding Water Discharge into Roads from Lauren Goldberg, December 31, 2018
- Article 22: Zoning Bylaw Amendment: Definitions (2.2)
- Article 23: Zoning Bylaw Amendment: Table of Use Regulations (4.0)
- Article 24: Zoning Bylaw Amendment: Principle Uses (4.2)
- Article 25: Zoning Bylaw Amendment: Parking and Storage of Commercial & Recreational Vehicles (4.3.6.3)
- Article 26: Zoning Bylaw Amendment: Site Plan Review Applicability (13.5)
- Article 27: Zoning Bylaw Amendment: Signs (7)
- Article 28: Small and Medium Scale Ground Mounted Solar Photovoltaic Installations
- Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift and Related Operating Override
- Increase in Maximum Abatement Amount for Veterans Tax Work-Off Program
- Adoption of Compensated Absences Reserve Fund Local Option and FY20 Appropriation
- Increase in Iron Rail Building Rental Revolving Fund Spending Limit
- General Bylaw Amendment to Prohibit Discharge of Water from Private Property onto Public Ways
- Various Proposed Zoning Bylaw Amendments – Margaret Hoffman

Abbreviation used: FY- Fiscal Year

Patty Moore, Finance Director, Town Accountant was present for the review of the financial articles.
Margaret Hoffman, Planning Coordinator was present for the proposed Zoning Bylaw Amendments

Mr. Lombardi reviewed an updated preliminary listing of warrant articles for the ATM, currently numbered at 31. He noted that discussions would be ongoing and would include prioritizing the proposed articles and which articles would remain on the warrant, and which articles could be deferred to next year.

Mr. Lombardi specifically noted three new warrant articles and some new additional zoning bylaws.

Mr. Lombardi gave an overview of the following articles and noted the article number and / or sequence may change.

- Article 5: Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift & Related Operating Override.

This is a conceptual account at this time but Mr. Lombardi proposed a new Special Purpose Stabilization Fund for School Enrollment Shift and Related Operating Override be used for the school enrolment shift. He went on to explain this fund was not a part of the Town budget and therefore, when funded, not a permanent increase to the budget, does not have to be funded every year or funded at the same amount.

Mr. Lombardi reviewed that Wenham's school enrollment has increased annually on average at \$177,000 for a total of \$1.4 million over the past five fiscal years, which was absorbed by the town within the levy limit.

Mr. Lombardi included the following in his overview:

- School operating estimated at 3% increased to 6%.
- Discussion followed to clarify some concerns of the Selectmen in particular if this fails at town meeting.
- This is one suggestion to create this account and some other element of the needs of the town be include in article one.
- Separate from the school budget and other overrides

The BOS agreed it was an interesting concept and agreed the Town Administrator work with Town Counsel on additional details.

- Article 13: To increase in Veteran's Tax Work-Off Abatement Amount from \$1000 to \$1500 a year
It was noted that the Senior Tax Work-off program increased to \$1500 when legislation increased the maximum abatement to \$1500. Wenham has one veteran currently in the Veteran's Tax Work -off Abatement program.
There is no cap on the number of people that may participate in the Veteran's Tax Work-off abatement but this may be addressed by the BOS anytime as a policy decision and does not need town meeting vote.
The BOS agreed this article remain on the warrant.

- Article 14; Local Acceptance of M.G.L. 40 Section 13D
This would allow the Town to create a separate reserve fund obligation for sick leave buyout for employees leaving employment to retire.
Mr. Lombardi reviewed the following statistic for this years' retiring library staff noting other planned retirements are anticipated to occur in the upcoming fiscal years.
 - FY19 & FY20 non-union employees total buyout - \$45,000; (Wenham share \$15,000)
 - Both employees have agreed for half buyback paid in FY19 and the balance in FY20
 - A reserve fund transfer will be made in FY19 for buyback payment and budgeted in FY20*The BOS were undecided on this article.*

- Article 15 – Increase Iron Rail Building Rental Revolving funds spending limit from \$ 25,000 – 30,0000
The recommendation was from the Town's financial advisors is to increase funding for small capital projects at the Iron Rail property. This has no net impact on local receipts as the 2.5 % increase in the tenant lease agreements covers the increase.

- Article 21- General Bylaw Amendment. Prohibiting Discharge of Water from Private Property onto public Ways
The article proposes an amendment or to create a new bylaw (delete old) specifically to address sump pumps.
Ms. Harrison replied there is a risk and a need to deal with this but questioned what options would be given to residents as an alternative when pumping out their home.
The Selectmen requested additional information from the DPW and Police Department.

- Various proposed Zoning Bylaw Amendments
Ms. Hoffman reviewed and spoke to the proposed amendments to the Zoning Bylaw as proposed by the Planning Board (PB).
 - Section 2.2 Definitions
 - Site Plan Review Applicability
 - Amended to clarify any change of use residential including single family to municipal institutional commercial industrial use
 - Signs - revised language
 - Ground Mounted Solar – site plan review required to include setbacks

Ms. Harrison encouraged and proposed the Town hold a Special Town Meeting for non - financial articles such as Zoning Bylaw changes/amendments.

EXECUTIVE SESSION

- Police Benevolent Association of Wenham
- Water Superintendent

Vote: Ms. Harrison moved to enter into Executive Session under M.G.L. Ch. 30A, § 21(3) – To discuss strategy with respect to collective bargaining or litigation if the chair declares that an open meeting may have a detrimental effect on the bargaining or litigation position of the Town regarding the Police Benevolent Association of Wenham and to continue in executive session under M.G.L. Ch. 30A, § 21(3) regarding the Water Superintendent and to not to return to open session but adjourn directly from executive session.

Respectfully Submitted By
Catherine Tinsley
1.28.19