

TOWN OF WENHAM
Board of Selectmen
Meeting of February 25, 2020
Town Hall, 138 Main Street

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 February 25, 2020 at 6 pm in the Selectmen Chambers, first floor.

The Town of Wenham has a three-member Board of Selectmen elected for three-year terms with one seat up for election each year. Catherine Harrison (2020); John Clemenzi (2021); Jack Wilhelm (2022)
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 YouTube HWCAM.

Please be advised that this open meeting is being broadcast live and recorded by HWCAM for playback on Comcast channel 8 and Verizon channel 36. It will also be available for on-line, video on-demand viewing at hwcam.org. The listings of matters are those reasonably anticipated by the Chair 48 hours before said meeting, which may be discussed at the meeting. Not all items listed may in fact be discussed. Items may be taken out of order and at times that differ from those listed below. Other items not listed may also be brought up for discussion to the extent permitted by law. All audience members wishing to address the Board of Selectmen must go to the podium microphone and give their name and address.

Call to Order - With a quorum present, Mr. Wilhelm called the meeting to order at 6 pm.
Selectmen present: Jack Wilhelm, Chair; John Clemenzi, Vice Chair; Catherine Harrison, Clerk
Also present: Anthony Ansaldi, Town Administrator; Catherine Tinsley, Recording Secretary
Jackie Bresnahan, Permitting Coordinator & Special Project Manager

Executive Session • Permitting Coordinator and Special Projects Manager

The Selectmen voted unanimously by roll call vote to enter into executive session under M.G.L. Ch. 30A, § 21 (2) – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel and return to open session.

The selectmen returned to open session at 6:22 pm.

Abbreviations used

FY Fiscal Year

HWRSD Hamilton Wenham Regional School District

Announcements

- Presidential Primary Voting at Town Hall, March 3, 7:00am – 8:00pm
- Early Voting During Town Hall Hours Through February 28
- Resident Satisfaction Research Survey Online Through March 6 by Greatblue Research, Inc.
- Resident Budget Forums, March 7 & March 18, 10:00am at the Council on Aging
- Long time resident Stuart Corning recently passed away.

Reports

The Town Administrator will post his report on the Town web site

Consent Agenda

- Hamilton-Wenham Friends of the Arts - Request to Use Wenham Streets for 25th annual Melody Miles Road Race – Saturday, May 23, 2020
 - Application

Vote: The BOS voted unanimously to approve all items in the consent agenda including the Hamilton Wenham Friends of the Arts request to use Wenham streets for the 25th annual melody miles road races Saturday May 23, 2020.

New Business

- FY21 Budget
 - Override Structure

School Committee members present: Michelle Bailey, Stacey Metternick, Michelle Horgan

Finance Committee member Jim Purdy was present.

The option is for a single article which would include the override for both the town and schools or two separate articles, one for the town and one for the schools.

The selectmen previously voted that the town's portion of the override was \$361,640 and the school's portion was \$723,722.

Ms. Bailey was present to answer questions on behalf of the school committee. She informed the selectmen that it was the unanimous consensus of the school committee for there to be one override and that the school committee supported the amounts as voted by the BOS.

Ms. Bailey went into detail reiterating that the school has past issues to address and the need for additional staff to assist students with disabilities and lower the cost for out of district placement. Ms. Bailey noted both the town and school would be impacted if the overrides do not pass with cuts in staff and services.

Ms. Bailey observed there is a lot on the ballot this year with the override(s) and debt exclusions, and one question for the override would simplify the process.

It was noted that if the school budget fails, the school committee may present the towns with another budget.

Overrides and debt exclusions are a lot for a ballot and one operational override and 2 debt exclusions are preferred

Ms. Harrison asked for clarification if the town could present an amended budget at a special town meeting if the town override did not pass. There was a difference in opinion in interpretation of the law and Ms. Harrison requested legal counsel opine in writing.

Mr. Wilhelm questioned the school's anticipated operating budget increase next year and questioned if delayed expenses as referenced in the newspaper article would require another override next year, reiterating the base budget would be increased by this override and subsequent years and noted his concerns.

Ms. Bailey was asked to explain how school choice impacts the budget and explained that the HWRSD is reimbursed \$5000 per school choice student. School choice is a blind lottery and if a student is a special education student, the town receives a differential of \$6,000 - \$9,000. The home town of the student would cover the cost should that student need to be educated at a specialized school. Ms. Bailey acknowledged that out of district placements drive the budget. The goal is to educate students in district. The most recent teachers' contract also added a "lane" for master's degree plus 15 years of teaching has increased the budget and should not happen again next year.

Jim Purdy was recognized as a finance committee member and was asked if the finance committee had taken a position on the override.

Mr. Purdy said the finance committee had a brief and informal discussion but the override was not an agenda item as they were not aware of the override amounts. The finance committee has a meeting posted for tomorrow night with a possible vote.

Ms. Harrison agreed the school committee's reasons for a single override was valid and she declared her support for a single override and that the school and town should continue to work closely to reduce the budget to a number that was more sustainable.

Ms. Harrison also observed the ballot can be confusing to voters that don't attend town meeting.

Mr. Wilhelm said he was asked by a resident why the town goes line by line and the school does not present a detailed budget.

Ms. Bailey responded that as a regional school district, the law is for the school to present the budget which is available on-line in its entirety, line by line, and printed copies are available at the superintendent office and library.

Mr. Wilhelm and Mr. Clemenzi supported two separate override articles for the town/school to give residents a choice.

Vote: The board of selectmen voted 2-1 to insert two override articles on the warrant for the April 4, 2020 annual town meeting, one for the town in the amount of \$361,640 and one for the HWRSD in the amount of \$723,722. Ms. Harrison opposed the separate override articles.

- Proposed Article – Loose Leaf

- Article: Shall the town of Wenham be allowed to assess an additional \$ XXXX in real estate and personal property taxes for the purpose of funding loose leaf pickup for the FY beginning July 1, 2121.

Mr. Wilhelm stated that "residents are more interested in loose leaf pick up than any other subject in town."

The DPW will begin state mandated stormwater testing at a cost of \$40,000-\$50,000, about the same as the cost of loose-leaf pick-up. Therefore, an additional appropriation is needed to continue loose leaf pickup, at an inhouse estimated of \$50,000. Mr. Clemenzi agreed.

Ms. Harrison believed it to be fiscally irresponsible for the BOS not to make the loose-leaf pickup contingent on the override passing, and explained that potentially if the operating override does not pass the town would cut \$361,640 from the budget, yet town meeting could still vote to spend XXXX on loose leaf pickup and possibly not have the staff to do the work. Ms. Harrison proposed the loose-leaf article be contingent on the town override passing.

Note: The selectmen voted unanimously to insert the article for loose leaf pickup on the warrant for the April 4, 2020 annual town meeting, contingent on the town override passing.

- Discussion and potential approval to set hearing to update policies in the Employee Handbook
 - Family Medical Leave Act Policy

Note: The BOS voted unanimously to conduct a Public Hearing to adopt and/or make changes to the following Town's Personnel Policies:

- *Equal Employment Opportunity, Anti-Discrimination and Harassment (including Sexual Harassment) Policy*
- *Electronic Communications and Information Technology Acceptable Usage Policy*
- *Family Medical Leave Act*

Said hearing to be held on Tuesday, March 17, 2020 at 6:30 pm in the Selectmen's Conference Room at Wenham Town Hall, 138 Main Street, Wenham MA. 01984

- Iron Rail Soccer Field Use Agreement Renewal
 - 2019 Lease Town of Wenham & Hamilton Wenham Youth Soccer HWYS

Section 2 of the lease states "Term. This Agreement is for a period of one (1) year, commencing on September 1, 2019 and terminating on August 31, 2020. Beginning in 2020, on or before March 1st each year; the Wenham Board of Selectmen (BOS) will notify HWYSA in writing if it intends to not approve a further sublease with (Landmark) (Academy at Penguin Hall) for the following annual term absent revision of the payment terms or other material terms of this Agreement, which revision(s) such BOS notice shall specify. If the BOS does not so notify HWYSA, and unless terminated by either party as described in Paragraph 8, this agreement shall continue for the subsequent annual term without further notice of intent to extend the Agreement required."

Mr. Wilhelm summarized there is a clause in the lease that the town can renegotiate the contract if the BOS does not intend to approve a further sublease of the Iron Rail soccer fields with Academy at Penguin Hall for non-payment. The Academy at Penguin Hall remains delinquent in spite of the town reducing the fee. According to the agreement the BOS must notify HWYSA in writing with their intention to no approve further sublease agreements with Landmark School and the Academy at Penguin Hall after August 31, 2020.

Note: The BOS voted unanimously to notify the Hamilton Wenham Youth Soccer Associations of the BOS' intent to not approve the further sublease agreements with the Landmark School and the Academy at Penguin Hall beyond August 31,2020 for failure to comply with the payment terms as defined in Section 4 subsection A of said agreement.

Adopt Changes to the Zoning Bylaw

- Recodification (Renumbering and Re-Captioning) Zoning Bylaw Changes
- General Code (General Bylaw 1, 2) Changes to text and substance of the Zoning Bylaw

Paul Weaver, former Town Counsel/Moderator, was present and gave an extensive overview of the update of the 2010 Legal Base Study. The purpose of this work is to organize and make all town by-laws consistent. There are no substantive changes proposed. In 2016/ 2017 General Code was contracted to digitalize and standardize all town by-laws on an electronic platform. In 2019 the review was completed and it is now ready to go forward and put into a format for the internet. Much of Mr. Weavers' institutional/ historical knowledge of the town law/bylaws is now cataloged.

The Planning Board held a public hearing, reviewed, and voted unanimously to recommend to the BOS these articles be brought to town meeting and recommended favorable action to town meeting. These have different vote requirements: the zoning amendments require 2/3 vote and the general bylaw is majority vote at town meeting.

Note: BOS voted unanimously to insert two separate general code articles General Bylaw 1 & General Bylaw 2, onto the warrant for the April 4 2020 annual town meeting subject to approval as to the form by town counsel; one article to Recodify General Bylaw and one article to Recodify the Zoning Bylaw.

- Community Preservation Act (CPA) Appropriations

Patrick Waddell, vice chair of the CPA committee was present and spoke to the CPA article to recommend CPA funding for the following applications:

- \$1,200 for Wenham Canal bench
- \$124,000 Town Hall dept
- \$42,675 to the Historic Resources, Open Space & Recreation; Community Housing Reserve
- \$290,225 Budgetary Reserve
- \$8,500 Administrative Costs
- Amendment to the Community House Grant Agreement (from “in perpetuity” to 29 years)

Vote: BOS voted unanimously to insert the CPA article onto the warrant for the April 4, 2020 Annual Town Meeting, subject to approval as to form by town counsel.

Review & potential vote to place several draft articles on the warrant

- FY21 Budget Override(s)
 - School Debt Exclusion – FY 21 Capital

Vote: The BOS voted unanimously to insert the HWRSD school debt exclusion FY21 Capital Article onto the warrant for the April 4, 2020 annual town meeting subject to approval as to form and having the correct amount. (\$958,000)

- Town Debt - Authorize the Funding, Borrowing, Spending, and Purchasing of a Fire Truck

It was uncertain at the time of the meeting on the best option for Wenham. This would likely be a debt exclusion for a 10-year lease.

The article on the warrant would include the specific option to fund the fire truck.

Ms. Bresnahan spoke on the funding of the fire truck and reported that the town’s finance advisor recommended a 10-year Bond Anticipation Note (BAN) of \$475,000 for the fire truck plus interest (interest rates for bans change every year). The first-year payment is interest only in the amount of \$9500. The payment for years 2-10 is an estimated \$ 64,000 – \$71,000.

Vote: The BOS voted unanimously to insert the article to authorize the funding, borrowing, spending, and purchasing of a fire truck, subject to a debt exclusion article onto the warrant for April 4, 2020 Town Meeting, subject to approval as to form by Town Counsel.

- Citizens Petition – Increase the Selectmen from 3 to 5

The Town received a citizen petition to increase the board of selectmen from three members to five members.

Patrick Waddell, the petitioner, spoke to the citizen petition and opined a five-member board is more efficient and better form of governance. With a three-member board, if one member is sick or on vacation there is limited discussion with two people. A 5-member board would allow for more diverse discussion and reach a larger constituency, spread the work load. It is easier to achieve a quorum, and allow for discussion outside of open meeting law as two selectmen is a quorum and residential participation is high and people want to be involved.

Mr. Wilhelm questioned how many towns in Massachusetts have a three / five-member board.

Vote: BOS voted unanimously to insert the citizen petition article onto the warrant for the April 4, 2020 annual town meeting, subject to approval as to the form by Town Counsel.

- Vote to Place Override & Debt Exclusions Question(s) on the April 9, 2020 Ballot

The BOS voted unanimously pursuant to M.G.L. C.59, §21C clause E & K to insert the operating overrides and debt exclusions ballot questions on to the ballot for the April 9, 2020 annual town election.

- Final Review of and *Potential Recommendation Votes on All Warrant Articles

*The selectmen opted to not provide their recommendation on the articles at this time. As a result, the selectmen’s recommendations would not be printed in the warrant but be made at town meeting.

The selectmen discussed the order of the articles to appear on the April 4, 2020 annual town meeting as follows:

1. Levy limit budget
2. Free cash to balance the budget
3. Override Town
4. Loose leaf/bagged leaf/no leaf options contingent on 3
5. Override School
6. School debt exclusion – FY 21 capital

Approved 04.13.2020

7. Town debt exclusion – fire truck
 8. Consent agenda
 - a. Consent Cemetery- trust fund acceptance
 - b. Consent Cemetery- maintenance transfer
 - c. Consent Water reserve transfer (\$35k)
 - d. Consent Chapter 90 acceptance
 9. CPA Appropriations
 10. Transfer from water surplus for SCADA
 11. General code (general bylaw) 1
 12. General code (general bylaw) 2
 13. Water irrigation general bylaw
 14. Demolition delay general bylaw
 15. Meals tax
 16. Room occupancy tax
 17. Citizen petition
 18. Election of officers and ballot questions
- Vote to Close Annual Town Meeting Warrant
- Vote: The board of selectmen voted unanimously to close the warrant and approve the order in which articles appear on the warrant for the April 4, 2020 annual town meeting.*

Adjourn - *The Selectmen unanimously adjourned at 8:45 pm.*

Respectfully Submitted By
Catherine Tinsley
3.5.2020