

TOWN OF WENHAM
Board of Selectmen
Meeting of February 26, 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 February 26, 2019 at 5 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. 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

- **Call to Order** - With a quorum present, Ms. Harrison called the BOS meeting to order at 5:50 pm
Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair; Jack Wilhelm, Clerk
Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

The meeting was recorded by HWCAM with permission
Meeting packet

Executive Session

- Hamilton-Wenham Youth Soccer Association & Academy at Penguin Hall - *Ms. Harrison moved to enter into Executive Session under M.G.L. Ch. 30A, § 21 (6) – To discuss the purchase, exchange, lease, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town re HWYSA and to return to open session to enter into a second executive session. The motion carried unanimously by roll call vote.*
- Maple Woods - *Ms. Harrison moved to enter into Executive Session under M.G.L. Ch. 30A, § 21 (3) – To discuss strategy with respect to litigation if the chair declares that an open meeting may have a detrimental effect on the litigation position of the Town and to include Special Counsel Adam Costa, and to return to open session. The motion carried unanimously by roll call vote.*

The Selectmen returned to open session at 6:48 pm and Ms. Harrison called for a recess until 7 pm.

Announcements

- Warrant Hearing – Monday, April 1, 2019 7:00 pm, Buker Elementary Multi-Purpose Room
- WVIS Luncheon – Saturday, April 6, 2019 12:00 pm, Buker Elementary Multi-Purpose Room
- Annual Town Meeting – Saturday, April 6, 2019 1:00 pm, Buker Elementary Perkins Auditorium
- Annual Town Elections – Thursday, April 11, 2019 7:00 am – 8:00 pm, Town Hall

Reports

- Selectman

Mr. Wilhelm presented a letter from the Veterans Committee dated February 12, 2019 requesting the BOS put together an exploratory ad hoc committee with the Town of Hamilton to consider the pros and cons of a joint Memorial Day parade between Wenham & Hamilton citing the band and political officials attend both parades.

The BOS endorsed the idea in concept and agreed their colleagues in Hamilton also have this discussion.

Mr. Lombardi will forward the letter from the Veterans Committee to the Hamilton Selectmen.

Consent Agenda

Vote: Mr. Clemenzi moved to approve all items in the Consent Agenda as presented, with all sets of Executive Session meeting minutes to be held until further notice. The motion carried unanimously

- Minutes- Open Session: January 8, 2019; January 22, 2019
Executive Session: January 8, 2019; January 22, 2019 #1; January 22, 2019 #2; January 22, 2019 #3

New Business

- Review and Potential Approval of FY19 Iron Rail Fields Sublease Agreement with Hamilton-Wenham Youth Soccer Association and the Academy at Penguin Hall – Molly Martins, APH
 - Proposed Sublease Agreement between the Hamilton-Wenham
- Ms. Harrison stated that Ms. Martins was not available and unable to attend the meeting to discuss the overdue payments for a sublease for the use of the soccer fields at Iron Rail therefore, this agenda item would be rescheduled. when Ms. Martins confirms her availability
- Discussion of Potential Back-up Dates for Town Meeting Continuance
 - Email re Buker Availability for Annual Town Meeting from C. Harrison, BOS February 21, 2019
- It was noted that in the event that Town Meeting was not completed on April 6 and needed to be continued, April 22 is the only date available for the use of the Buker School in which all participating parties may also attend.
- Mr. Wilhelm supported the meeting be continued to a Saturday but it was believed residents supported completing the meeting on a weeknight.

Old Business

- Potential Selection of Interim Town Administrator Candidate & Discussion of General Terms / Conditions of Employment
 1. John J. McGinn
 2. John D. Petrin
- Memo regarding Interim Town Administrator Candidates from Peter Lombardi, Town Administrator, February 20, 2019
- Resumes: [John J. McGinn](#) [John D. Petrin](#)

John McGinn retired recently from Marblehead and John Petrin will retire this week from Burlington.

Ms. Harrison questioned if the Board felt these were viable candidates and it was the consensus that both candidates were well qualified.

Mr. Wilhelm observed the different personalities of the two candidates and opined Mr. Petrin was a better fit for Wenham. Mr. Clemenzi also thought both candidates would serve the Town well and observed Mr. McGinn was strong in finance and Wenham does not need this area strength with a new Finance Director and Mr. Petrin had a vast amount of experience from the Town of Harvard which is similar to Wenham and supported Mr. Petrin be hired as Interim Town Administrator.

Ms. Harrison thanked Mr. Lombardi for providing two good candidates for interim Town Administrator.

She reviewed that Mr. McGinn lived on the north shore and worked in a north shore town of Marblehead for a short period of time and had some experience with Schools and that Mr. Petrin had broad experience including experience with regional schools, which would be useful, as well as other experiences and belonged to quite a few organizations.

Ms. Harrison stated that based on input and general skill set, Mr. Petrin may be the best match for Wenham.

The Board continued in a general discussion on the candidates that that the BOS vote would be contingent on successful contract negotiation and a reference check.

It was anticipated the interim Town Administrator would be in Wenham for a minimum of 4 to 6 months. The BOS agreed the initial term in the contract be 4 months with a month to month extension for another 3 months and the candidate be obliged to stay during this time.

Ms. Harrison will work on the draft contract for the Interim Town Administrator for the Boards review/ approval at the next meeting. This would include that the Interim Town Administrator would spend time with Mr. Lombardi prior to his leaving. Specific dates will be inserted during the contract negotiations.

Mr. Lombardi clarified that Mr. Petrin intends to work for one of the consulting firms, Paradigm Associates as a sub consultant. Mr. Petrin would work for the Town while in Wenham and not for the consulting firm.

Vote: Ms. Harrison moved, and it was seconded, to tender a conditional offer of employment of Interim Town Administrator for the Town of Wenham to John Petrin, subject to successful contract negotiations and reference checks. The motion carried unanimously.

Maple Woods Senior Affordable Housing Project Update

The Town has not yet received the independent appraisal of the Maple Street property. Special Counsel reported that there was no update regarding the Settlement Agreement.

It was anticipated that there would be discussions on the Warrant Article for Maple Woods with the Community Preservation Committee (CPC) recommending favorable action to Town Meeting to award \$750,0000 of Community Preservation Funds and the contingencies.

Mr. Wilhelm questioned if Mr. DeFranza should be asked to the Warrant Hearing to answer any potential questions that may arise from the CPC application as the BOS is not in the position to answer questions that may arise through information in the CPC application. Mr. DeFranza will be notified of the Warrant Hearing and asked if he would like to attend.

FY20 Budget Update

Updated summary for FY 20 budget was provided to BOS which included an increased adjustment on revenues based on an increase in Hamilton's assessment for the library, specifically one-time payments for sick leave buy-back in FY19 and FY20 for long time retiring library employees. The net effect of that revenue increase reduced the school operating override from \$655,000 to \$615,264.

The FinCom meets tomorrow night to review the budget and make recommendations on the financial articles in the Fy20 budget.

The Chair invited comments and questions from the Board on the budget.

Town of Wenham FY 20 Recommended Budget February 22, 2019

With the number of warrant articles at 28, the BOS discussed reducing the number of articles in an effort to have Town Meeting run efficiently and possibly hold a Special Town Meeting in the Fall for non-financial articles.

The Selectmen decided that of the 8 proposed Zoning Bylaws, that 3 should go on the warrant.

Ms. Harrison commented that by not putting all the articles on the warrant, does not take away from the time an effort that has gone into the preparation of these articles by the Planning Board and staff.

Final Review of and Recommendation Votes on All Warrant Articles

- Potential 2019 ATM Warrant Articles, February 26, 2019
- Article 9: Transfer from Water Department Undesignated Fund Balance Surplus to FY19 Water Department Operating Expense
- Memo regarding Water Department Warrant Article from Erik Mansfield, Water Superintendent, February 20, 2019
- Email regarding Water Department Warrant Article from Chris Holak, Town Accountant, February 25, 2019
- Article 12: CPA Appropriations
- Anticipated Motions/CPC Recommendations

Abbreviations used

HWRSD- Hamilton Wenham Regional School District

SRO – School Resource Officer

OPEB – Other Post-Employment Benefits

Mr. Wilhelm observed there was no Consent Article. Mr. Lombardi responded that the amount of time to explain 4 articles in the Consent Agenda may take more time to explain than just leaving these 4 as stand-alone articles as they are traditional and non-controversial.

The Selectmen elected to defer recommendation for financial articles until the Finance & Advisory Committee made their recommendations which included the following articles:

Article 1 - FY20 Budget Appropriation

Article 2 - Use of Free Cash to Balance Budget

Article 3 - HWRSD Operating Override \$615,264

Article 4 - Potential Separate HWRSD Overrides for OPEB and /or SRO \$116,119

Article 6 - Cemetery Maintenance Fund Transfer

Article 1 – FY20 Budget Appropriation

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

Article 2-Use of Free Cash to Balance Budget

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The Town has the statutory obligation to present the HWRSD Budget in its entirety.

It was noted that the School's Budget included two controversial Financial items as funding OPEB at \$250,000 for next year and a new School Resource Officer and that these two items be a separate override.

Even though Hamilton does not need an override they may mirror Wenham and place these in separate articles.

The Selectmen supported that there be two override articles for the HWRSD.

Mr. Lombardi will finalize the language for the two override articles with Town Counsel.

Article 3 – HWRSD Operating Override

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

Article 4- Potential Separate HWRSD Overrides for OPEB / SRO

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

(Potential Consent Agenda Articles 5-10) Standard Articles to accept Trust funds from FY20

Article 5 – Acceptance of Cemetery & Other Trust Funds

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 6 – Cemetery Maintenance Fund Transfer

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

(The Selectmen voted to place articles 1-4 on the warrant)

Article 7- Chapter 90 Road Work Funding (\$150k)

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 8- Annual Appropriation of Commonwealth Transportation Infrastructure Fund Balance \$541.90

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 9 – Transfer of \$35k from Fy20 Water Operating Budget to Water Capital Reserve Fund

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 10 – Amend Veterans Tax Work Off Abatement Amount from \$1000k to \$1500 /year

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 11 – Bylaw Amendment Iron Rail Building Rental Revolving Funds Spending Limit from \$25k to \$30k/ year

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Article 12 – CPA (Community Preservation Act) Commission Appropriations

Mr. Lombardi left the meeting to confirm if the BOS were required to place the CPA articles on the warrant.

1. Required Transfers due to Reserve Balances last year having been under-estimated; not enough allocated from annual revenue

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

2. Administrative Transfers - Traditional CPA article to allocate 10% to each fund with the balance of CPA revenue goes to budgetary reserve

The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.

The BOS unanimously voted to recommend favorable action.

Ms. Bresnahan spoke to the CPA articles and further explained the required allocations as presented in 1 & 2 and that the articles were all grant allocations for applications received.

If all funded at amounts recommended, there would remain a balance of just under \$50,000 in CPA Fund Balance; \$677,000 in Open Space; \$50,000 in Budgetary Reserve.

Mr. Lombardi summarized Town Counsel's response that the BOS may omit articles requested by multiple member bodies and a motion to amend CPC recommendations may not make a project different than what was recommended or increase the amount of appropriation in what was recommended.

The BOS concurred that the words "in detail" be removed from the CPA motions.

3. Maple Woods Grant for 45 units of affordable housing \$750,000

Ms. Harrison read the draft article in which the CPC recommended \$750,000 to Harborlight Community Partners for the acquisition of land and the creation of forty-five units of housing for seniors over age of 62.

The BOS questioned and noted their concern that the Harborlight's CP application on file was not updated to the mediated terms especially, 45 units, and reduced to 2 stories in height.

Ms. Bresnahan responded that the grant application motion that the site application needed to be referenced as submitted and the contingency clarifies the term

The contingencies as voted by the CPC and reviewed by Town Counsel.

1. Pending litigation final court ruling
2. ZBA issues Comprehensive Permit for project (not appealed)
3. Project receives all necessary permits / approvals
4. Consistent with binding term sheet dated January 7, 2018 on file with Town Clerk

The Selectmen made the following amendments to the contingencies to tie them to the applicants' application:

- Be consistent with a fully executed Settlement Document (not binding term sheet) must be signed by all parties
- Contingency that would include chapter land
- Grant Agreement authorizing the BOS to negotiate and execute with Harborlight including outside of the CPC recommendation
- The motion for Town Meeting to be clear about the Grant Agreement and contingencies.
- Language / word edits
- Right of First Refusal process (62 Maple Street is currently in Forestry Chapter Land)
- Sunset Clause on grant funding and that the funding not be tied up for more than 3 years after the Comprehensive Permit is issued and that the BOS maintains the ability to extend the deadline
- Acquisition cost cannot exceed fair market value of the unpermitted property consistent with state 40b Regulations regarding developers purchase price of land.

The total number of contingencies was 9.

The BOS wanted confirmation from both parties that the extra land needed to move the project back would be provided. Concern with extra land needed be in writing.

It was noted during the meeting that Maple Woods would potentially generate about \$25,000 in property taxes annually.

As a courtesy to the CPC and Harborlight, a copy of this information will be made available in advance of Town Meeting.

4. Town Hall Debt Grant for historic rehabilitation of Town Hall– \$126,100

5. Habitat for Humanity North Shore Grant for creation of two affordable housing units at 40 Hull Street - \$60,000

Mr. Clemenzi observed that the Town already allocated funds from the Affordable Housing Funds in the amount of \$230,000 for the acquisition of the property and questioned giving additional funds for just two units.

Ms. Harrison responded that these two condo units will be owned and pay real estate taxes to the town and through real estate tax payments will "payback" that \$60,000 within a few years and create value to the Town.

- This project is in line with what the community wanted for affordable housing units within neighborhoods
- The CPC voted 5 to 4 in favor of recommending this to Town Meeting
- This project received the comprehensive permit subject to getting water/sewer from Salem Beverly Water Board

6. Community House grant to for heating system \$50,000

The full application was \$98,000 in Wenham which was recommended to be partially funded; Hamilton fully funded the \$197,000 request contingent that construction begins July 1, 2019. The BOS agreed to mirror Hamilton's language.

7. Open Space & Recreation Committee Trail Map Project – \$6,000

8. Open Space & Recreation Committee Wenham Lake Cedar Street bench - \$1,200

The Selectmen took the following action on the CPC articles:

The Selectmen unanimously voted to place the article for CPA (2) Administrative Transfers on the April 6, 2019 Town Meeting Warrant.

The Selectmen unanimously voted to place the article for Town Hall Debt on the April 6, 2019 Town Meeting Warrant.

The Selectmen unanimously voted to place the article for Habitat for Humanity on the April 6, 2019 Town Meeting Warrant.

The Selectmen unanimously voted to place the article for the Community House, with the added contingency, on the April 6, 2019 Town Meeting Warrant.

The Selectmen unanimously voted to place the article for the Trail Map on the April 6, 2019 Town Meeting Warrant.

The Selectmen unanimously voted to place the article for the Bench on the April 6, 2019 Town Meeting Warrant.

It was noted that the BOS may consider not placing the Zoning & Bylaw articles on the warrant to reduce the number of articles from 27 to a more manageable 18-20 articles and consider holding a Special Town meeting or defer these articles to next year.

The BOS agreed that due to the late hour to continue the meeting to a date to be determined.

Vote to Close Annual Town Meeting Warrant

Vote: Mr. Clemenzì moved to close the April 6, 2019 Annual Town Meeting Warrant. The motion carried unanimously.

Adjournment – *The BOS unanimously adjourned at 10:12 pm*

Respectfully Submitted By
Catherine Tinsley
3.31.19