

TOWN OF WENHAM
Board of Selectmen
Meeting of May 5, 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 April 28, 2020 at 5:30 pm virtually on zoom.us meeting ID 912 5028 8512.

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 via Zoom and recorded for playback 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 participants wishing to address the Board of Selectmen must indicate so in the Zoom meeting chat.

Call to Order - With a quorum present, Mr. Wilhelm called the meeting to order at 5:32 pm.

Selectmen present: Jack Wilhelm, Chair; John Clemenzi, Vice Chair; Catherine Harrison, Clerk (L-7:34pm)

Also present: Anthony Ansaldi, Town Administrator; Jackie Bresnahan, Director of Administrative Services; Catherine Tinsley, Recording Secretary

Dianne Bucco Town Clerk; Chris Holak, Interim Finance Director; Sherrie LeBlanc, Treasurer/Collector; Janet Sacco, Asst. Treasurer Collector/ Payroll Benefits Coordinator; Public Nurse Maribeth Ting; Board of Health Chair Dr. Andrew Ting; Police Chief Perkins and Captain DiNapoli; Fire Chief Kavanagh and Deputy Chief Baxter; Jim Reynolds, Council on Aging Director; Steve Ozahowski, Assessor; Kim Butler, Library Director; Library staff; Gary Cheeseman, selectman candidate

In response to the Covid19 Virus pandemic, the Massachusetts Governor closed all non-essential businesses and issued stay at home advisory. To comply with the Governor's orders that there be no gatherings, this meeting took place virtually. It was confirmed all could be heard and votes would be taken by roll call.

Announcements

- Town hall is "lit up green" for Children's Mental Health Awareness Week May 3 – 9.
- Simple Recycling Collection was resumed Monday, May 4; this is the use of pink bags for textiles recycling that are put out weekly for collection on the same day as trash pickup.

Reports

Town Administrator

- The Departmental weekly updates during COVID-19 Crisis, memo dated May 5, 2020

Chair

Update on the Legislative Round Table

Mr. Wilhelm reported that there was a legislative round table on zoom with Senator Bruce Tarr and Representative Brad Hill who spoke on the current crisis, anticipated impacts to the state budget and legislative actions.

Mr. Wilhelm summarized that the state is anticipating reduction in revenue of 20%, which will impact local aid across the board. Ms. Harrison noted of interest they were told during the meeting that there may be a single (House/Senate) budget presented to the governor or a 1/12 or quarterly budget.

Mr. Clemenzi said the meeting was insightful and expressed concern that this will also impact the budget for the next 3 to 5 years and the town needs to be very conservative.

Approved 06.02.20

Mr. Ansaldi reported that he met with the Library Trustees regarding the Library budget for FY20 and further discussions with Hamilton may be warranted. Mr. Wilhelm spoke further on the library and explained that the town of Wenham is the lead community for the library and Hamilton is the lead community for the Recreation Department. The Hamilton Town Manager was also in attendance for the Library Trustee meeting. The Town of Wenham would not make any decisions without the full support of the town of Hamilton. The Town of Hamilton has expressed a desire to have a joint meeting but Mr. Wilhelm said he wants a meaningful agenda with substance to talk about.

Ms. Harrison noted that this had not been an agenda item for the Wenham Board of Selectmen, and encouraged the Wenham BOS to add such an agenda regarding possible choices about the library before meeting with Hamilton.

Mr. Clemenzi agreed this needed to be looked at including details with the Director advising the Board of cuts.

Consent Agenda

*VOTE: The BOS voted unanimously by roll call vote to approve the consent agenda including the open session minutes of January 21, 2020; January 29, 2020 Joint All Boards; **And Release** the Executive Session minutes of March 15, 2016; August 23, 2016; September 20, 2016; January 16, 2018 #1; July 24, 2018; August 21, 2018; September 25, 2018; October 23, 2018; November 27, 2018; December 4, 2018; December 11, 2018; January 8, 2019; January 15, 2019; January 22, 2019 #1; January 22, 2019 #2; March 5, 2019; and March 26, 2019.*

New Business

COVID-19 Discussion

- Update from the Public Health Nurse

Ms. Ting reported the positive COVID19 case count in Wenham is now at 14; most people have recovered.

The Public Nurse participates in meetings during the week with the Town Administrator and Public Safety. Guidelines for communication has been established for Public Safety responding to addresses with known or suspected COVID.

Ms. Ting observed that guidance continues to change, e.g. isolation for individuals that test positive for COVID with no symptoms, went from 7 to 10 days. Ms. Ting stressed the importance to wear a face covering to prevent the spread of the virus.

- Discussion and Potential vote for Annual Town Meeting Warrant Articles

Mr. Wilhelm reviewed that there is legislation anticipated regarding changes to town meeting venue and quorum.

He reviewed that the town of Wenham has a quorum of 120 registered voters. It is possible that legislation that may allow boards of selectmen to reduce quorum to no less than 10% of the usual quorum and to allow towns to vote on financial articles only. The board continues to wait for a response /guidance from Governor Baker to realistically plan town meeting.

Mr. Clemenzi agreed the town has a lot to consider for town meeting and voting, but also the FY21 town budget with guidance from the finance committee. Mr. Clemenzi opined that the finance committee needs to review what is going on and make recommendation to the selectmen to make decisions.

Ms. Harrison noted so many legislative actions are incomplete at this time i.e. changes to accommodate town meetings and elections and there is likely to be further legislation to address needs of the towns although the state budget is also in flux. With no idea about a state budget, the town could consider multiple scenarios at this time to do some initial planning.

A few weeks could make a big difference going forward for town meeting and elections and budget planning.

Mr. Clemenzi said that the town should not wait for governor and legislature but to go forward with decisions that are best for the town and that waiting for the governor is a mistake. He believed the town should be considered a business as it has obligations to meet and make decisions accordingly, regardless of what the governor says.

Mr. Wilhelm noted the town needed more definitive information going forward and to understand how it can proceed especially regarding the FY21 budget considering all that has changes since the FY21 budget was first proposed, including state aid.

The finance committee is responsible for presenting the town budget and the board of selectmen needs to be in step with the finance committee.

- Discussion and Potential vote for Annual Town Election

Mr. Wilhelm explained that there is no quorum requirement for a town election and the applications for elected positions closed in March and elected boards and committees are waiting for the election to happen. Mr. Wilhelm proposed the town elections be held at the Buker gymnasium to accommodate physical distancing and proposed elections be held June 4, 2020 and made the following motion drafted with the assistance of the Town Clerk:

VOTE: Move that the annual town election for 2020 be held at the Buker School gymnasium due to the Corona Virus social distancing regulations and so forth, and must be made public by roughly May 15th to comply with the 20 days. There was no second to this motion.

A lengthy discussion followed.

Mr. Wilhelm went on to say, that if a (June 4) election was approved tonight, the 20 days was attainable, pending the Governors actions over the next couple weeks, but the town could easily hold elections and get it done with. He asked the Town Clerk how many people have asked for absentee ballots and was told 157 residents have requested and been sent ballots; this is about 37% of the number of residents that historically vote.

Mr. Wilhelm said that if an override passes on the ballot but does not get approved at town meeting when it is held, the vote would be moot. Note: After the meeting, this information was verified to be incorrect by Town Counsel)

Mr. Clemenzi clarified the motion that the elections would be held before town meeting to help resolve local elections and whoever is on the ballot would prevail. He noted concern that town meeting can possibly get passed because it can be divided by 12 and he was concerned about renegeing on the voting rights of people which the town has done so far and supported the motion to hold elections on June 4.

Ms. Harrison spoke on her concerns with the motion that the town has not restricted residents voting for an arbitrary reason, but elections would create serious health concerns due to the pandemic. Ms. Harrison mentioned that there was only one contested race on the school committee and that the town has wanted to be in sync with Hamilton and recently discussed with Hamilton to hold elections June 25. If Wenham is not voting on the same day and holds an election on June 4, and Hamilton holds their election on June 25, this means there is no school committee election results until Hamilton votes. Note; After the meeting it was verified that it is illegal to have elections for school committee members on separate days for each town.

Ms. Harrison referenced that there was a town override and a school override on the ballot, and without knowing if there would still be overrides or if the towns would be able to hold town meetings Ms. Harrison was concerned about the lack of communication to voters about the overrides before voting may lead to confusion and unintended consequences.

Ms. Harrison requested in writing from town counsel the scenarios regarding ballot/town meeting votes and summarized that one does not preclude the other and if the override passed at the ballot, it increases the levy limit by the override amount. The town meeting appropriates that money which is a separate situation.

Ms. Harrison did not understand why Wenham would want to diverge from voting at the same time as Hamilton especially since the vote does not affect many people and asked the other that the decision not be made until more information is available and to continue talks with Hamilton about the election date.

Mr. Clemenzi responded that the vote for the school committee could be sequestered if Wenham votes before Hamilton and suggested it does not change anyone's vote and the town needs to continue moving forward with a number of positions to be decided and for discussion to continue with these people to avoid conflict. Note: it was confirmed after this meeting that it is illegal to sequester votes.

Ms. Harrison opined that there is a lot of merit to having the stability and experience of the team of people managerially in charge of the current process, including budget. She observed that only the BOS and the Planning Board would have a new person and although candidates are following the situations they don't have the same the depth of knowledge and contest. Although Ms. Harrison said that she was ready to move on, the town would be better served if the elections were not rushed.

Mr. Clemenzi acknowledged the severity of the financial situation was for the town but opined that the BOS should not be making decisions for someone that is going to have to deal with the results of the current boards/committees' decision making. He added that "the Governor keeps moving the goalpost and can't keep moving the goalpost and think we are ever going to hit it and (he) is very concerned that Wenham would suffer the consequence of the jurisdiction from above"

Mr. Wilhelm added that he was pessimistic when town meeting could be held and that he had not heard of any towns that had scheduled town meetings and coordinating an election with a town meeting, that may not be held in the near future and is a long time to wait.

Mr. Bucco stated that elections have not been talked about to the legislature and there is nothing going on to extend the June 30 date. Ms. Harrison noted that Senator Tarr and Representative Hill said differently during the legislative round table but Ms. Bucco reiterated that there was no legislation. Ms. Bucco went on to say there were things to consider regarding an election in this environment. The BOS must vote the polling location. Ms. Bucco noted that a polling location is not included in the 10 people limited gathering if they can be 6 feet apart and the Buker School gymnasium offers this space.

Ms. Bucco said other communities have scheduled town elections and town meetings for the end of June.

Ms. Bucco recommended the BOS have a date for both the town meeting and the annual elections, and one or both could be cancelled / changed, and recommended June 20 for town meeting and June 25 for the elections and that the BOS vote to hold the Elections at the Buker School and only address essential budget items be addressed at the town meeting.

Mr. Wilhelm believed that holding the town meeting in June was optimistic unless legislation comes up with the relief of the 120-quorum minimum.

Mr. Wilhelm stated this will be on the agenda again next Tuesday night for reconsideration and allow others to weigh in.

Approved 06.02.20

Mr. Wilhelm called for a vote of his motion *that the annual town election for 2020 be held at the Buker school gymnasium, that the Town clerk has recommended, do to the concerns about the social distancing rules with coronavirus. Mr. Clemenz seconded. Ms. Harrison questioned if the date of June 4, 2020 was still a part of the motion or if the motion was to set the venue and if the motion included on the possibility of the necessity to change it based on circumstances of the time.*

Vote: Mr. Wilhelm clarified the motion was for June 4, 2020 and absolutely was subject to change with compelling evidence or legislative relief to not hold it on June 4, 2020. The vote will be up for reconsideration at next week's BoS meeting. The motion carried by roll call vote 2 to 1 with Ms. Harrison voting in the negative.

Dr. Ting was recognized and spoke on his concern that there was a protocol in place to provide safety for the citizens of Wenham including staff to staff, staff to citizen, and citizen to citizen and if physical distancing can be maintained, all areas that could potentially be touched would be cleaned in a fashion that is appropriate for decontamination between voters as well as methodology for screening anyone coming into the building make sure the potentially don't have active COVID even with face mask. Regardless, the Board of Health and Public Health Nurse and Public Safety would need to figure out a way to get people in and out in a safe fashion. Even surfaces i.e. voting booths, pens, etc. need to be disinfected and that there must be an acceptable process is in place and approved protocol followed. There must be organization and coordination between all involved. Dr. Ting cautioned this may change the June 4 date.

Mr. Wilhelm suggested Dr. Ting create a committee and make a recommendation to the selectmen to address this and to include the post office that he does not see following disinfecting protocol.

Mr. Harrison left meeting at 7:34 pm.

Adjournment - *The BOS adjourned by roll call vote at 7:36 pm.*

Respectfully Submitted By
Catherine Tinsley
5.7.2020