

TOWN OF WENHAM
Board of Selectmen
Meeting of September 25, 2018
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 September 25, 2018 at 6 pm in the Selectmen Chambers.

Welcome & Call to Order

With a quorum present, Ms. Harrison called the BOS meeting to order at 6:04 pm

Selectmen present: Catherine Harrison, Chair (2020); John Clemenzi, Vice Chair (2021)

Not Present: Jack Wilhelm, Clerk (2019)

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

Public Information

Meeting packet

Executive Session – Wenham Call Firefighters Association

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

The Board returned to open session at 6:37 pm

Public Input- There was none.

Announcements

- Fall 2018 BOH Free Flu Vaccine Clinics in Hamilton & Wenham - Hamilton and Wenham Boards of Health are offering 3 flu clinics:
 1. October 3, at the Hamilton Senior Center
 2. October 17 at the Wenham Bessie Buker School
 3. November 30 at the Hamilton Senior Center

Report

Town Administrator

- Personnel - We have hired a new DPW Driver/Operator, Jonathan Keyes, who is set to begin work next week. This week, we are conducting interviews with a number of candidates to fill the part-time Finance Assistant & Payroll Coordinator and two full-time Police Officer positions and hope to fill those vacancies as early in October as possible.
- Enon One Ceremony - Our historic hand pumper was delivered this past weekend. Landscaping work around the new structure will be completed in the next 2 weeks. To commemorate its return to Town, a formal ribbon cutting ceremony is set to take place at its new home behind Town Hall on Saturday October 13.
- Pingree Park Public Garden - Last week, the Hamilton-Wenham Garden Club completed their initial planting work at the Pingree Park Public Garden. Our DPW did a tremendous amount of site work, including preparing the soil, excavating the paths, installing the edging and boulders, clearing brush, and running a new water line down from the maintenance building. Our Tree Warden coordinated removing several trees, completing safety pruning, and planting a few new trees. It has been an outstanding group effort to date! More plantings and some additional site amenities such as benches and a picnic table are planned for next spring.
- Municipal Vulnerability Preparedness -The Town was originally awarded \$20k in grant funding in May 2018 through this program to go through the Municipal Vulnerability Preparedness planning process and to update our Hazard Mitigation Plan. The state recently approved an increase in our grant award to \$25k to fully cover all project costs. After reviewing consultant submittals and conducting interviews, we have selected Weston & Sampson to take the lead on this work over the next several months. Once we have attained the MVP designation and have an approved HMP in place, we will then be eligible for both MVP Action and FEMA grant funding for priority infrastructure projects to address the priorities identified through this process.
- Positive West Nile Vims Mosquito Tests - We had 1 new positive mosquito test for West Nile Virus at the Iron Rail property last week. Previously, we had 2 such positive tests at this location at the beginning of the month. The Board of Health continues to encourage all residents to take preventative action against mosquito bites through the end of the season (until after the first hard frost) as the entire state remains at the Moderate risk level. Mosquito prevention information has been posted at BOS 9.25.18

Pingree Park Playground and parking lot; Iron Rail fields and tenant parking; WVIS Tennis Courts and playground; and the Buker fields and playground; and all relevant school officials have been notified. The Board of Health will be meeting on this matter in Town Hall tomorrow morning at 8AM.

Consent Agenda

1. Approval of Minutes
 - o Open Session: September 11, 2018
 - o **Executive Session: September 11, 2018 (1); September 11, 2018 (2) – This agenda item was held for review.**
2. Acceptance of 375th Anniversary Donations - \$1245

Vote: Ms. Harrison moved to approve the Consent Agenda of September 25, 2018 with the exception of the executive session minutes of September 11, 2018 which would be presented at a subsequent meeting and it was unanimous to do so.

New Business

Consideration of Request from Middlewood Drive Residents for Town Removal of Snow and Provision of Refuse Collection on a Private Way

- Email re Cost for Potential Middlewood Trash Collection J. Manning, Division Manager, Casella, September 24, 2018
- Email re BOS Agenda to Discuss Potential Middlewood Snow Plowing and Possible Trash Pick-Up from John LeLacheur and P. Lombardi, August 17, 2018
- Meeting Minutes of the Board of Selectmen, December 5, 2017
- Memo re Follow Up Discussion of Proposed Policy for Snow Removal on Private Ways-P. Lombardi, December 1, 2017
- Letter to Residents of Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive and Batchelder Park regarding Snow Removal Policy on Private Ways from P. Lombardi, January 3, 2018
- Letter to Residents of Toppan Lane and Nathaniel Circle regarding Snow Removal Policy on Private Ways, January 3, 2018
- M.G.L., c.40, § 6C: Powers and Duties of Cities and Towns: Removal of Ice and Snow from Private Ways; Conditions
- Email re Middlewood Plowing Request from Bill Tyack, DPW Director, October 12, 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. For a Comprehensive Permit pursuant to G.L. c.40B, §§ 20-23 With respect to property located at 70 Burley Street, Filed with the Town Clerk, July 7, 2004
- Email re Middlewoods Peer Review from Margaret Hoffman, Planning Coordinator, August 21, 2018
- Email re Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 21, 2018
- Letter re Detention Pond and Catch Basic Repairs for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 8, 2018
- Letter re As-Built Plans for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., December 26, 2017

Because Middle Wood Drive is a private way, the Town is not obligated to do snow plowing at this location.

In the Planning Board's 2004 comprehensive permit decision for the Middle Woods development, contingency language allows the Town to take on plowing Middle Wood Drive, if the Town elects to do so. In December 2017 the BOS approved a policy for the removal of snow on private ways. Mr. Lombardi clarified the Town would not necessarily shut off the sand/salters when plowing Middle Wood Drive, but in the event the trucks are only salting/sanding they would not go down Middle Wood. The Town plows when there is 3 or more inches of snow. The residents present nodded in acknowledgement.

John LeLacheur, Middlewood Drive, represented the Trustees and reviewed the BOS previously stated that the Town would consider plowing Middle Wood when the as-built plans for the Middle Woods development were submitted by the contractor. These as-built-plans have been confirmed received and reviewed by DCI, the Town's peer reviewer/consultant. The DPW Director indicated in writing that he had no concerns with the layout of the road, the weight capacity of the bridge, or drainage issues.

Mr. LeLacheur remained to request the BOS/Town include Middle Woods in refuse removal. Currently the residents of Middle Woods pay privately for refuse removal. Mr. LeLacheur reasoned refuse collection is funded by property taxes which Middle Woods residents are assessed by the town.

Mr. Lombardi summarized the contract between the Town and Casella does not have specific language to address added volume. It does, however, cite the existing number of households serviced in the contract. Casella provided a per residence rate and multiplied that figure by the 20 units in Middle Woods. This would be an annual increase of \$4,500 for collection with an additional \$2,000 for trash, recycling, and composting disposal; the annual increase to the refuse budget for the added service would be about \$6,500.

Town Counsel was asked to opine on the request and responded that since there was no contingency in the contract to add new units the BOS would have to vote to approve it for the FY20-line item for refuse collection to be brought to Town

Meeting for consideration. If this appropriation was approved by town meeting, the service could begin July 1; Free Cash could be used to supplement the time prior to July 1. However, Mr. Lombardi went on to say that the comprehensive permit identified the following conditions to run with the land in perpetuity, that no refuse trash pick provided by the town for this (Middle Woods) project. A change would require the comprehensive permit be remanded back to the Planning Board for consideration and revision; this request must be made by the developer.

Mr. LeLacheur observed the developer is out of the picture and has left the site and the Trustees have taken over and are in litigation with the developer.

Ms. Harrison realized the BOS could not take any action on the trash collection until after a number of action items, and suggested the BOS take action on the snow removal.

Vote: Mr. Clemenzi moved to approve commencement of Town removal of snow from Middlewood Drive starting this (2018) winter, consistent with both the Town's Policy for Snow Removal on Private Ways adopted on December 5, 2017 and the conditions of the July 2004 Comprehensive Permit that govern this private way. The motion carried unanimously.

Consideration of Request from Middlewood Drive Residents to Impose 15 MPH Speed Limit on Private Way

- Email regarding Request for Speed Limit from Shane Yellin, Dynamic Property Management, LLC, March 15, 2016
- Letter regarding Consideration of Speed Limit at the Residences of Middlewood from Shane Adam Yellin, Dynamic Property Management, LLC, March 9, 2016
- M.G.L. c.90, §18 Motor Vehicles and Aircraft: Special Regulations, Speed and Use of Vehicles

The BOS has the authority to set a speed limit on a private way.

Mr. LeLacheur said the Trustees have concerns with the speed limit in the development especially with families with children having moved in the past 6 months. There is overwhelming support to impose a speed limit of 15 MPH. This allows the Wenham Police Department to have authority to enforce speed and parking i.e. hydrants, one side street parking, snow ban. The speed limit would be the entire length of Middle Woods Drive. Middle Woods is responsible for the signs and that they comply with current regulations.

Mr. Clemenzi asked a signature page with all resident signatures in support of the 15 MPH speed limit be on file with the Town.

Vote: Mr. Clemenzi moved to approve the request from residents of Middlewood Drive to impose a speed limit of 15 miles per hour on this private way, consistent with MGL Chapter 90 Section 18, upon installation of appropriate signage in conformance with the most current uniform traffic control standards by the residents at their own expense. The motion carried unanimously.

Letter of Support for 40 Hull Street Habitat for Humanity Project and Authorization to Execute Comprehensive Permit Application to DHCD

- Letter regarding Support from the Board of Selectmen for 40 Hull Street Habitat for Humanity Project - 40 Hull Street Comprehensive Permit Application to DHCD

Don Preston, Habitat for Humanity, was present to answer any questions.

The Chair of the Affordable Housing Trust Chair and the signature (s) of the chief executor officials, which is the BOS in Wenham, were required to sign the Comprehensive Permit application.

Ms. Harrison read the Letter of Support for the two unit Habitat for Humanity project planned for 40 Hull Street and that the Wenham Affordable Housing Trust (WAHT) recommended to the BOS that \$230,000 be provided in soft debt financing from WAHT funds. Margaret Hoffman, Planning Coordinator, was present and concurred she had no issues with the application. Once this application is submitted to the state, the Town will receive a Letter of Eligibility, typically within 30 days.

Mr. Preston was recognized for working with the Town on the application.

Vote: Ms. Harrison moved to approve the Letter of Support and authorize Catherine A. Harrison on behalf of the Selectboard to execute the Letter of Support and the Comprehensive Permit Application to DHCD for the Habitat for Humanity Project at 40 Hull Street. The motion carried unanimously.

Review of Fiscal Year (FY) 2020 Budget Guidelines

- Wenham Budget Forecast: Preparing for FY20 (& Beyond) Power Point, Peter Lombardi, Town Administrator, September 18, 2018
- Town of Wenham FY20-24 Budget Projections, September 20, 2018
- FY20 Budget Preparation & Town Meeting Schedule, September 18, 2018

Mr. Lombardi gave a brief overview of the Budget Forecast for Fy20 presentation made to the Finance Committee on September 18.

The policy direction to approach the budget building process begins with a number of assumptions, as has been done the past few years.

Using these assumptions on the \$19 million budget, the FY20 begins with a \$150,00 deficit; this assumes \$650,000 used in available Free Cash for revenue.

Property tax, which is the major driver for revenue, was more than projected. With larger developments coming on line new growth doubled from \$100,000 to \$200,000.

On the expense side, the enrollment shift impact based on projections is dropping by 50% from \$300,000 to \$150,000, pending actual enrollment numbers in November.

Mr. Lombardi stressed it will be a lot of work to present a balanced budget within the levy limit.

He recommended the BOS follow process as in the past years to have Department Heads develop an initial level service budget, no additional staffing, and compelling rationale for increases.

Mr. Clemenzi re-enforced the importance of communication and cooperation with the School Department to understand the Town can only spend what they have the ability to spend.

The Town Administrator noted he sent copies of the presentation and back up materials to the HWRSD Superintendent with the request to schedule a tri board meeting to start initial discussion of all the budgets.

Ms. Harrison supported the usual conservative nature of the Department Heads budgets but also encouraged them to bring forward any critical recommendations for consideration. She reiterated the Town can only put into the budget what the town can afford, and cannot cut the town budget to support increases at the School District.

With a joint Executive Session with the Zoning Board of Appeals (ZBA) next on the agenda, the Selectmen recessed until the ZBA members arrived.

The BOS returned to open session at 7:39 pm.

Executive Session – 253 Larch Row; Maple Woods

Vote: Ms. Harrison moved the BOS enter into Executive Session under M.G.L. Ch. 30A, § 21(3) – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares and to include Town Counsel Amy Kwesell, Zoning Board members Anthony Feeherry, Chair; Jeremy Coffey; Associate Members Dana Begin & Evan Campbell, Planning Coordinator Margret Hoffman, and Town Administrator Peter Lombardi, and to adjourn directly from ES. The motion carried unanimously by roll call vote.

Zoning Board of Appeals

With a quorum present, Mr. Feeherry called the meeting to order at 7:41 pm.

Board members present: Anthony Feeherry, Chair; Jeremy Coffey; Associate Members Dana Begin & Evan Campbell Begin

Not present: Chris Vance

Executive Session – 253 Larch Row; Maple Woods

Vote: Mr. Feeherry moved the ZBA enter into Executive Session under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares and to include Town Counsel Amy Kwesell, Selectman Catherine Harrison & John Clemenzi, Planning Coordinator Margret Hoffman, and Town Administrator Peter Lombardi and to adjourn directly from ES. The motion carried unanimously by roll call vote.

Respectfully Submitted by

Catherine Tinsley

9.28.18