



**Town of Wenham  
BOARD OF SELECTMEN**

**AGENDA**

**October 6, 2020**

**5:30 PM**

**Wenham Town Hall – 138 Main Street**

*Notice of public meeting as required by M.G.L. Chpt.30A §18-28*

**VIRTUAL MEETING VIA ZOOM**

**Join the meeting:** <https://us02web.zoom.us/j/83876646997>

**Meeting ID:** **838 7664 6997**

**Call to Join:** 1-929-205-6099

*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 differ from those listed below. Other items not listed may also be brought up for discussion to the extent permitted by law.*

<b>5:30 PM</b>	<p><b>WELCOME:</b> Call to Order</p> <p>Executive Session #3 under M.G.L. Ch. 30A, § 21 (a)(3) – To discuss strategy with respect to litigation as an open meeting may have a detrimental effect on the litigating position of the public body as declared so by the chair</p> <p>Executive Session #2 under M.G.L. Ch. 30A, § 21 (a)(2) – To conduct strategy in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (Finance Director) as declared so by the chair</p>	<b>JW</b>
<b>6:30 PM</b>	<b>WELCOME:</b> Call to Order	
<b>6:45 PM</b>	<p><b>ANNOUNCEMENTS:</b> <i>For more information, visit <a href="http://wenhamma.gov">wenhamma.gov</a></i></p> <ol style="list-style-type: none"> <li>1. Mandatory Water Ban Extended</li> <li>2. Drive Thru Flu Clinic at Buker School (Requires Registration) – October 14, 3pm – 6pm</li> <li>3. Special Town Meeting at Pingree Park – Saturday, October 17, 10am</li> <li>4. Early Voting at Town Hall – October 17 through October 30</li> <li>5. Bagged Leaf Collection – November 21 &amp; December 5</li> </ol>	<b>JW</b>
<b>6:50 PM</b>	<p><b>REPORTS</b></p> <ol style="list-style-type: none"> <li>1. TOWN ADMINISTRATOR</li> <li>2. CHAIRMAN</li> <li>3. SELECTMEN</li> </ol>	<b>JW</b>
<b>6:55 PM</b>	<p><b>CONSENT AGENDA</b></p> <ol style="list-style-type: none"> <li>A. Meeting Minutes:</li> </ol>	<b>GC</b>
<b>7:00 PM</b>	<p><b>NEW BUSINESS</b></p> <ol style="list-style-type: none"> <li>B. Reorganization of the Board of Selectmen</li> <li>C. COVID-19 – Public Health Update             <ul style="list-style-type: none"> <li>• Halloween</li> </ul> </li> <li>D. Discussion and potential approval to accept a \$5,000 Grant from the Center for Tech and Civic Life (Town Clerk)</li> <li>E. Discussion and potential approval to award the contract for the Longfellow Road Widening Project</li> <li>F. October 17, 2020 Special Town Meeting             <ol style="list-style-type: none"> <li>1. Citizens Petition (update)</li> <li>2. Discussion and potential approval to purchase Electronic Voting System</li> <li>3. Overview of the set up for Special Town Meeting</li> </ol> </li> <li>G. Discussion and vote to execute warrant for State Election on November 3, 2020</li> <li>H. Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only)</li> </ol>	<b>JW</b> <b>JC</b> <b>GC</b> <b>JC</b> <b>GC</b> <b>JC</b>
<b>8:00 PM</b>	<b>ANTICIPATED ADJOURNMENT</b>	

## Board of Selectmen Meeting Announcements – October 6, 2020

Jack Wilhelm

### 1. Mandatory Water Ban Extended

At their September 23, 2020 meeting based on a statewide declaration of Level 2 Significant Drought, as advised by the Massachusetts Drought Management Task Force, the Water Commission voted to extend the water ban limiting all non-essential outdoor water use until further notice. The Water Commission will provide an update on this advisory after their next meeting in two weeks.

### 2. Drive Thru Flu Clinic at Buker School (Requires Registration) – October 14, 3pm – 6pm

The Wenham Board of Health will hold its Annual Flu Clinic on Wednesday October 14 from 3-6 pm as a Drive-Thru at Buker Elementary School and by appointment only. To request an appointment, submit your name and information via the Google form available at [wenhamma.gov/flu](http://wenhamma.gov/flu) or by calling the Board of Health 978-468-5520 ext. 4. Appointment requests will receive a response within 48 hours and are not guaranteed based on number of available doses, so residents are urged to request appointments as soon as possible.

### 3. Special Town Meeting at Pingree Park – Saturday, October 17, 10am

The town will hold a Special Town Meeting on Saturday, October 17 at 10:00am under a tent in Pingree Park. Visit [wenhamma.gov/townmeeting](http://wenhamma.gov/townmeeting) for all the details including the warrant for the town meeting. Warrants will be delivered to all households via USPS mail later this week, and the warrant will be held virtually via Zoom on Tuesday, October 13 at 7:00pm. Contact the Town Administrator's Office at 978-468-5520 x.2 with questions.

### 4. Early Voting at Town Hall – October 17 through October 30

In person early voting begins October 17 at Town Hall and continues through October 30. Please visit [wenhamma.gov/elections](http://wenhamma.gov/elections) or for the complete schedule and all the November 3 election information. Contact Town Clerk Dianne Bucco at 978-468-5520 x.1 or [dbucco@wenhamma.gov](mailto:dbucco@wenhamma.gov) with any questions.

### 5. Bagged Leaf Collection – November 21 & December 5

Wenham has partnered with Casella for 2 rounds of bagged leaf collection this fall on Saturday, November 21 and Saturday, December 5. Please contact the DPW with questions at 978-468-5520 x6.

- Leaves must be placed in brown paper lawn and leaf bags or loose in barrels
- Bags or barrels must be on the curb by 7:00am on collection days
- Do not use plastic bags for collection
- Do not mix brush and sticks in with the leaves
- Loose leaves on the curb, without being contained in a paper bag or barrel, will not be collected



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**

**October 6, 2020**

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## Reports

- Town Administrator (*visit the TA page at [wenhamma.gov](http://wenhamma.gov)*)
  - Chairman
  - Selectmen
-



# Town of Wenham

## Board of Selectmen and Town Administrator Memorandum

**TO:** Board of Selectmen  
**FROM:** Anthony M. Ansaldi, Jr., Town Administrator  
**DATE:** October 6, 2020  
**RE:** Town Administrator Report

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### Administration

#### Director of Administrative Services – Jackie Bresnahan

The Board of Health continues normal operations for all of its statutory responsibilities including Title V, food, wells, and infectious disease tracking. Septic has been especially busy due to a number of septic redesigns either due to change in ownership or increasing the capacity for an addition. COVID-19 response continues and Maribeth Ting will be at the meeting to provide an update. The Public Health Nurse and Director of Administrative Services have also been working with Police, Fire, regional Public Health, and the Medical Reserve Corp in preparation of the Annual Flu Clinic which will be a drive thru at the Buker on October 14 from 3-6 pm (appointment in advance required).

The Building Department continues normal operations and inspections seem very busy and on track for this time of year. Sometime in October, we will provide a look at summer permitting revenues and volume in comparison to prior years.

Finally, the Director of Administrative Services has been managing a wide variety of board and committee Zoom meetings, overseeing the completion and printing of the STM Warrant Book, booking the CPC annual public hearing, working with the Executive Assistant and TA on updating the social media, sending out the budget documents to the various departments, assisting board and committee meetings with Zoom IT support, overseeing the Longfellow Road procurement and bid opening and working with Weston & Sampson to provide the documentation needed for the BOS, overseeing the cell tower procurement that will be due to the Town soon and scheduling the RFP review team, writing grants for the TA's office and Board of Health, preparing for the drive thru flu clinic by creating the registration and appointments system for approx. 300 doses in a 3 hour window, invoicing and collecting permit fees, processing permits, and ensuring there is coverage to the Permitting Counter when Town Hall is open.

#### Executive Assistant to the Town Administrator's Office – Nicci Roebuck

Highlights since the September 22 meeting:

- Additions to the website including Board of Selectmen Zoom meeting information, meeting agendas, public hearing details, meeting packets, recent news updates and priority organizing, etc.
- Edited social media and website graphics for Water Ban Extension, Special Town Meeting, Household Hazardous Waste Day, Halloween
- Processed 1 AP Warrant
- Coordinated with IT provider on new email accounts for committee members, as requested
- Continued coordination with remote IT provider for priority order of laptop installation
- Mail merge and printing of letters to Wenham Veterans from the Veterans Committee

- Finalizing plans with vendors for A/V and outdoor STM facilities
- Assisted the Town Administrator with BOS meeting agenda and meeting packet preparation, including Announcements, Consent Agenda and assembly of the TA Report

### Assessors – Steve Ozhowski, Principal Assessor

Time has been spent on researching land owned by the Salem-Beverly Water Board.

Together with Margaret Hoffman from planning, we had a zoom meeting with our mapping company that was informative.

Data continues to be entered regarding the new homes that have been completed this year.

The estimated roll-back taxes for the Burnett property were computed. (at the request of Harborlight).

The conversion to Patriot is on-going.

### Council on Aging – Jim Reynolds, Director

- Continue providing local area elder service info & resources Mon – Fri, 9am – 4pm.
  - The medical equipment exchange and distribution continues to be very busy due to Beverly, Peabody and Danvers Senior Centers being closed.
  - Our social service and wellness calls are remote and average 10 per week.
  - Our rides per week dropped from 60 last week to 40 this week.
  - We have 8 online Zoom classes per week (2 new Parkinson’s classes): (1) Writing Class, (2) Balance Yoga chair exercise classes, (2) Balance in Motion Parkinson’s classes, (1) Art & Reflections class & (2) Yoga Stretch & Meditation classes.
- Wenham Transit.
  - Van runs the last 2 weeks include: Gurley Eye Care, Salem Five, Market Basket (Rowley), Shaws, Marini Farm, CVS, Acord Food Pantry, YMCA Sterling Center, Podiatrist at Cumming Center, Crosby’s, Stop and Shop, and the RMV. Medical trips to Beverly Oncology and Lahey Primary Care in Ipswich.
- Bi-weekly conference calls continue with Seniorcare 3pm, October 1st and Northern Essex County district through the office of Senator Tarr happens once a month. We also have Regional MCOA teleconferences and Regional District meeting every two weeks. These phone/Zoom meeting are critical to staying informed. Wenham unlike many (Beverly, Peabody, Salem, & Danvers) has been open throughout the pandemic.
- Director/Outreach Coordinator phone calls – we make dedicated calls to homebound senior every week. 1 hour/day.
- *The Rotary Club* delivered 2 iPads to the COA last week. We consider the training piece critical and found an excellent trainer Dr. Paul Theriault who recently retired, moved to Wenham and trained older folks where he lived in CT. He should be recruited for a role in town.
- Attending to needs of public housing residents making use of Seniorcare’s *information & referral* line for Options Counseling, rides to Boston Hospitals and other services.
- We average one referral per week to the nutrition department *Meals on Wheels* at Seniorcare.
- Jenn distributes her weekly *E-Wenhamite* – newsletters every Monday at noon. We just added the Selectman to the distribution list. It’s wonderful and with our Zoom classes has been the lifeblood of the COA throughout COVID-19.
- The October **Wenhamite** newsletter was mailed this week.
- Set goals for FY2021 as part of Annual Review. I plan to review it with the Town Administrator in the coming weeks..
- The Formula Grant was sent last week, as promised by *Executive Office of Elder Affairs* and I am working on getting in by the end of this week.
- Will present at the MCOA conference which runs from Oct 21<sup>st</sup> – Oct 25<sup>th</sup>. We will present at a workshop presentation dealing with the topic of isolation.

- Held my 1<sup>st</sup> Board Meeting since the pandemic and I am pleased to announce that Karen D'Amour was elected Chair and Dorothy Goudie, Vice Chair. We are still down 1 member.

## **DPW – Bill Tyack, Director**

The DPW has been busy with downed trees and branches from Wednesdays storm and have also been busy cleaning and organizing the DPW yard to be compliant with MS4 regulations in regards to stormwater runoff on wetlands. We have also been mowing and trimming trees and shrubs at the schools, we hope to finish catch basin rebuilds and do some more paving before Fall cleanups start.

## **Finance Department**

### **Interim Finance Director/Town Accountant – Chris Holak**

As Finance Director/Town Accountant this week I reviewed and processed AP and Payroll Warrants, as well as posted all cash receipts we have received to the GL. I also worked with the Treasurer/Collector on finishing reconciling cash as of 6/30/20 and getting the auditors the information they need to complete their audit. I worked on putting together all of our CARES expenses through 6/30/20 and submitted to the Commonwealth's Executive Office for Administration and Finance (A&F). I am always checking and answering emails and any voicemails I may receive and helping and answering any questions that other departments have.

### **Treasurer/Collector – Sherrie LeBlanc**

REALLY Busy couple weeks again here in the finance office. September 21<sup>st</sup> I was out not feeling well. Tuesday September 22<sup>nd</sup> I had to help Janet figure out why the payroll wasn't tying out. Once we figured that out we submitted then I did my "treasurer" piece. I then print all the reports that need to be printed in Harpers and input them onto an offline excel spreadsheet to use to send proper funding to the banks for payroll and our payroll tax accounts. Once all that was complete I then have to send the proper reports to our benefit companies and retirement. The rest of the day I spent with Chris doing the adjustments for the audit. Wednesday September 23<sup>rd</sup> I funded the AP, posted payments, etc Thursday September 24<sup>th</sup> I did the empower payments, I did excise refunds, and went through emails. Friday September 25<sup>th</sup> I was out sick again. All of the week of September 28<sup>th</sup> –October 2<sup>nd</sup> Janet has been out sick so I have been running the office. I have been processing payments, posting payments, processing turnovers, posting turnovers, processing all MLCs that have come in all while manning the counter for residents who have come in and/or whom have called. I have also processed the payroll for the paycheck dated October 8<sup>th</sup> and it is ready to be submitted we are just waiting on the PD OT and details to come in over the weekend then I will submit first thing Monday morning. I sent out RE/PP bills Oct 1<sup>st</sup> so next week will be a REALLY busy week in the finance department I am hoping that Janet will be feeling well enough to be back in action. Wishing her nothing but the best, really miss her here. Overall, very productive yet stressful week but we got it done. Thx

## **Fire – Steve Kavanagh, Chief**

The department has been very busy with the increase in sale and transfer inspections and new construction inspections continue to be steady. Buker School had a full fire inspection prior to the arrival of students this week. I also had a safety meeting with the Regional School District members, Wenham Police, Hamilton Fire and Hamilton Police to discuss any safety concerns prior to opening the schools. The department has responded to several fire alarms and medical calls with six of those calls being Covid related. The department also responded mutual aid to the Town of Topsfield to secure a landing zone for Medflight due to a motor vehicle accident.

On September 30, 2020, Leonard K. Tuneburg retired from the Wenham Fire Department after serving 35 years. Lenny is going to be a great loss to the department, he played a key role as one of our daytime responders. All members of the department congratulate and wish Lenny the best of luck in his retirement.

I continue to have zoom meetings to discuss the Covid-19 pandemic with the Town Administrator, Director of Administrative Services, Board of Health and the Police. I am also meeting with the Town Administrator, Director of Administrative Services and the Police to plan for the Special Town Meeting.

The four Provisional Call Firefighters have all been appointed and will have orientation with the Massachusetts Firefighting Academy on October 19, 2020 and will start training with the academy on November 2, 2020.

To ensure firefighter safety the department continues to wipe down all surfaces and handles throughout the station with clorox wipes and the station and vehicles are all sanitized with the fogging gun.

### **Library – Kim Butler, Director**

- In Library services continue by appointment. In the month of September we had 259 people browse the collection, 84 people use a computer, and 11 people use the scanner, photocopier or fax machine.
- The holds pick-up window is still going strong, we served 2,068 patrons in the months of July, August, and September. The busiest hour for pick-ups is between 3:00-4:00pm. We are developing a contingency plan for pick-up during the cold winter months in case it becomes too cold to keep the pick-up window open.
- We are working on a plan to re-open the Children's Room for browsing by appointment sometime in mid-October. The second floor of the Library was re-opened for browsing on September 28. We have also increased the number of appointments allowed per hour from 10 to 15.
- The Friends of the Library hosted a successful pop-up Grab and Go book sale on Saturday, September 26. They made \$800 in five hours.
- The Children's Room will be offering a series of in-person outdoor programs called "Together on Tuesdays" for the month of October. These programs will take place outside under the tent by the rec. center. Attendance will be limited, sign up is required, and masks are mandatory. Thank you to Sean Timmons at the rec. center for sharing his tent space with us. More information and links to sign up are on our website.
- The Library has new automatic water faucets in all bathrooms! This allows proper handwashing for staff and patrons without having to touch a handle. The new fence in front of the library was also stained and looks lovely on these beautiful fall days. A huge thanks to Mike Hrdy for coordinating these projects.

### **Police – Kevin DiNapoli, Deputy Chief**

- The structure and set-up has already begun on the accreditation files for the next three-year accreditation cycle. This will enable a seamless transition of the necessary documents/required proofs being obtained moving forward.
- Intense effort has been put into the preparation for the entry-level oral board interviews scheduled for next week. The questions, scoring sheets, grading system and schedule is ready-to-go for Tuesday and Wednesday of next week.
- We worked with Jackie Bresnahan this week to assist with the preparation for the drive-thru flu clinic scheduled for October 14th. We also have three officers already assigned to assist with a smooth event.
- Policy modifications have already began based on recommendations made by the assessment team during our on-site assessment.
- Planning has already started for a cruiser graphic layout based on the transition to a more traditional black/white design starting with our next new cruiser.

## Recreation Department – Sean Timmons, Director

- In the middle of our Fall programming – Currently we over 300 participants
- Continue to work with our Fall Sports; both Youth and High School
- Conducted an air quality test at the Recreation Center In preparation to offer indoor classes this winter
  - Air Quality test came back with no issues
- Starting to work on our Winter Program Brochure by offering programming that fits within guidelines put forth by the state
- Working with the Town Clerk and DPW to prepare the Recreation Center for the upcoming Presidential Election
- Worked with Town officials on public outreach for Halloween in the two town's
- Preparing for our socially distant Pumpkinfest where folks will carve pumpkins at home and place them around the pond for our staff to illuminate

## Town Clerk – Dianne Bucco

1. I celebrated the Jewish New Year outside with my parents and it was very nice.
2. State Primary went well. Great turnout. Great organization and great work by many people including Mike Hrdy, Buker staff, and many election officials. Results and turnout is all on the website under elections 2020.
3. It has been 22 months from the 2018 state elections, so I was able to dispose of all those materials that have been retained in the basement vault.
4. Preparations are in full swing for both the STM 10/17/2020 and the General Election 11/3/2020. Election officer trainings were started. Requests for mail in ballots are coming in very steadily as are registrations. Also consistently happening are new state regulations and guidelines that I am trying to keep on top of.
5. Thankfully, the HWRSD School Committee approved the use of Buker for 11/3 on September 30th. I know need the BOS to vote on that when they sign the warrant.
6. I was chosen to be a part of a working group to help assist LHS Associates to get the poll pad certified for election use.
7. October has a Monday holiday so I have sent out a reminder to all elected & appointed officials about posting meetings around that date. November also has 3 vacation days which will affect meeting postings so another memo will be sent at the start of that month.
8. The office has been quite busy with election inquiries and all other things Clerk related; dpw recycling, dogs, public records, business certificates, vital certificates, notarial duties, plus phone calls about anything & everything related to Wenham.

### **Fall 2020 Election Season Information**

- We have an amazing amount of new volunteers to help with all the election events this season.
- Vote by mail ballots can be requested until 10/28. Ballots can be returned by mail without a stamp, or brought to the Town Clerks office of left in the drop box to the right of Town Hall doors.
- Special Town Meeting at Pingree Park on 10/17 at 10am will have check in starting at 9am.
- Early voting will be held at Town Hall from Saturday 10/17-Friday 10/30 during the following hours:  
Saturdays 10/17 & 10/24 2pm-4pm  
Sundays 10/18 & 10/25 10am-noon  
Mondays 10/19 & 10/26 9:30am-4:00pm  
Tuesdays 10/20 & 10/27 9:30am -7pm  
Wednesdays 10/21 & 10/28 9:30am-4:00pm

Thursdays 10/22 & 10/29 9:30am-4:00pm

Fridays 10/23 & 10/30 9:30am-1pm

- Election Day voting will be at The Buker School gym from 7am-8pm.
- Results will be unofficial until Monday Nov 9 because ballots mailed by 11/3 and received by Nov 6 must be tallied and added to the results which we will do in Wenham on Saturday November 7.

### **Water Department – Erik Mansfield, Water Superintendent**

The Water Department has been performing our daily testing and well checks. String trimming around hydrants, tanks and the wells is ongoing. Even with the recent rain, the water ban remains in place until the State Drought Management Task Force lowers the drought advisory below a level 2 - Significant Drought. MassDEP conducted a sanitary survey of our system this week and I expect the results of that in the not too distant future. A sanitary survey is routine for all water systems and is required every three years.



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020

A  
Gary

## Consent Agenda – **Nothing to Consider**

Requested by: Town Administrator

Action Sought: Approval

Proposed Motion(s)

Additional Information

No minutes to approve.

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020

**B**

Jack

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## New Business – Board of Selectmen Reorganization Election of Chair, Vice Chair & Clerk

Requested by: TA

Action Sought: Procedural

### Proposed Motion(s)

Discussion Dependent

### Additional Information

This is the first meeting of the Board of Selectmen since the June 25, 2020 Annual Election the Board approved Selectmen Cheeseman to replace outgoing clerk Selectmen Harrison. Further reorganization of the Board was scheduled to take place after the annual Town Meeting on July 11, 2020. This agenda item is to reorganize the board through the annual Town Election on May 6, 2021.

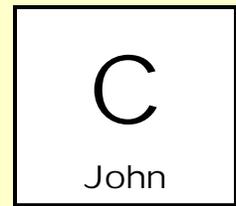
### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020



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## New Business – COVID-19

### Update from the Board of Health & Public Health Nurse

Requested by: BOH, Public Health Nurse

Action Sought: Update and approval

#### Proposed Motion(s)

Discussion Dependent

#### Additional Information

Board of Health Chairman Dr. Andrew Ting or Wenham Public Health Nurse Maribeth Ting will be providing an update to the BoS.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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## EMERGENCY ALERTS

**Coronavirus Update**

Stay informed about COVID-19: Latest on cases, guidance, regulations *Sep. 27th, 2020, 4:00 pm*

[Read more](#) 

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Travel Order: Requirements for individuals entering Massachusetts *Aug. 1st, 2020, 12:00 am*

[Read more](#) 

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Reopening Massachusetts: Learn more about the phased approach *Aug. 7th, 2020, 12:00 pm*

[Read more](#) 

HIDE ALERTS



Mass.gov

## NEWS

# Halloween During COVID-19

9/24/2020

Department of Public Health

## Tips for a Safe and Healthy Halloween

As a reminder, the following COVID-19 prevention and mitigation standards apply to all activities in Massachusetts, including Halloween activities. Residents should adhere to

each of the following:

- Wear a face mask or face covering. For more information on face masks and face coverings, please see the state's [Mask Up MA \(/news/mask-up-ma\)](/news/mask-up-ma) webpage.
- Observe good hand hygiene, including hand washing and use of alcohol-based sanitizers with at least 60% alcohol. Carry hand sanitizer and use it often, especially after coming into contact with frequently touched surfaces and before eating candy.
- Refrain from touching your face.
- Stay home and refrain from Halloween activities, including handing out Halloween treats, if:
  - you feel unwell;
  - you have tested positive for COVID-19;
  - you have been exposed to someone with COVID-19; or
  - you have traveled to or from a state that is not classified as lower risk within the last 14 days. For more information on lower risk states, please see the state's COVID-19 [Travel Order \(/info-details/covid-19-travel-order\)](/info-details/covid-19-travel-order) webpage.
- Maintain social distancing of at least 6 feet of physical distance from all other participants who are not members of the same household.

## Halloween Activities

Residents and communities should follow the [Halloween activity guidance released by the Centers for Disease Control and Prevention \(https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/holidays.html\)](#) to understand alternative ways to participate in Halloween that may limit the risk of exposure to COVID-19. As a reminder, any Halloween activities are subject to the current [gathering size limits \(/doc/revised-gatherings-order-august-7-2020/download\)](#) as well as applicable [sector-specific workplace safety standards \(/resource/reopening-sector-specific-protocols-and-best-practices\)](#).



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**150 YEARS**  
OF ADVANCING  
**PUBLIC**  
**HEALTH**

**Department of Public Health** (</orgs/department-of-public-health>)

DPH promotes the health and well-being of all residents by ensuring access to high-quality public health and healthcare services, and by focusing on prevention, wellness, and health equity in all people.

**More** (</orgs/department-of-public-health>)

# Halloween

Many traditional Halloween activities can be high-risk for spreading viruses. There are several safer, alternative ways to participate in Halloween. If you may have COVID-19 or you may have been exposed to someone with COVID-19, you should not participate in in-person Halloween festivities and should not give out candy to trick-or-treaters.

## Lower risk activities

These lower risk activities can be safe alternatives:

- Carving or decorating pumpkins with members of your household and displaying them
- Carving or decorating pumpkins outside, at a safe distance, with neighbors or friends
- Decorating your house, apartment, or living space
- Doing a Halloween scavenger hunt where children are given lists of Halloween-themed things to look for while they walk outdoors from house to house admiring Halloween decorations at a distance
- Having a virtual Halloween costume contest
- Having a Halloween movie night with people you live with
- Having a scavenger hunt-style trick-or-treat search with your household members in or around your home rather than going house to house

## Moderate risk activities

- Participating in one-way trick-or-treating where individually wrapped goodie bags are lined up for families to grab and go while continuing to social distance (such as at the end of a driveway or at the edge of a yard)
  - If you are preparing goodie bags, [wash your hands](#) with soap and water for at least 20 second before and after preparing the bags.
- Having a small group, outdoor, open-air costume parade where people are distanced more than 6 feet apart
- Attending a costume party held outdoors where protective masks are used and people can remain more than 6 feet apart
  - A costume mask (such as for Halloween) is not a substitute for a cloth mask. A costume mask should not be used unless it is made of two or more layers of breathable fabric that covers the mouth and nose and doesn't leave gaps around the face.
  - Do not wear a costume mask over a protective cloth mask because it can be

dangerous if the costume mask makes it hard to breathe. Instead, consider using a

Halloween-themed cloth mask.

- Going to an open-air, one-way, walk-through haunted forest where appropriate mask use is enforced, and people can remain more than 6 feet apart
  - If screaming will likely occur, greater distancing is advised. The greater the distance, the lower the risk of spreading a respiratory virus.
- Visiting pumpkin patches or orchards where people use hand sanitizer before touching pumpkins or picking apples, wearing masks is encouraged or enforced, and people are able to maintain social distancing
- Having an outdoor Halloween movie night with local family friends with people spaced at least 6 feet apart
  - If screaming will likely occur, greater distancing is advised. The greater the distance, the lower the risk of spreading a respiratory virus.
  - Lower your risk by following CDC's recommendations on [hosting gatherings or cook-outs](#).

## Higher risk activities

Avoid these higher risk activities to help prevent the spread of the virus that causes COVID-19:

- Participating in traditional trick-or-treating where treats are handed to children who go door to door
- Having trunk-or-treat where treats are handed out from trunks of cars lined up in large parking lots
- Attending crowded costume parties held indoors
- Going to an indoor haunted house where people may be crowded together and screaming
- Going on hayrides or tractor rides with people who are not in your household
- Using [alcohol or drugs](#), which can cloud judgement and increase risky behaviors
- Traveling to a [rural](#) fall festival that is not in your community if you live in an area with community spread of COVID-19



# HALLOWEEN 2020

## HAMILTON & WENHAM

**TRICK OR TREAT**  
**SATURDAY, OCTOBER 31ST**  
**5:00 - 8:00PM**

If your household does not wish to participate in Trick-or-Treat, please shut your outdoor light **OFF**. Please respect those houses who choose not to participate.

### Halloween Activity Guidance

from the Centers for Disease Control (CDC) & Commonwealth of Massachusetts



**Low  
Risk**

- Carving Pumpkins
- Decorating your house or apartment
- Physically Distant Halloween Scavenger Hunt
- Halloween movie night with your household
- Virtual Costume Contest



**Moderate  
Risk**

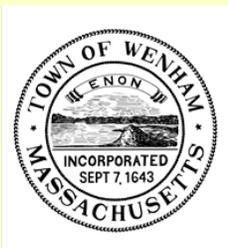
- Trick or Treat in the yard/driveway
  - Set up individually wrapped goodie bags outdoors for easy grab and go
- Small group, outdoor costume parade
- Physically distant outdoor costume party
- Visit a pumpkin patch / orchard, wear a mask and stay physically distanced from other groups



**High  
Risk**

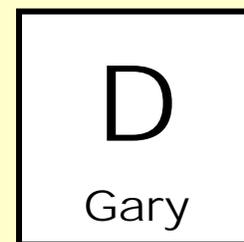
- Traditional trick-or-treat, knocking on doors reaching into a communal bowl of candy
- Indoor costume / Halloween parties
- Walking through an indoor haunted house
- Group hayrides / tractor rides





Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**

October 6, 2020



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## New Business – Grant Acceptance

### Acceptance of Grant from the Center for Tech and Civic Life

Requested by: Dianne Bucco, Town Clerk    Action Sought: Grant Acceptance & Execute Contract

#### Proposed Motion(s)

MOVE that the Board of Selectmen accept the Grant award in the amount of \$5,000 from the Center for Tech and Civic Life and authorize the Chair to execute the contract on behalf of the Board.

#### Additional Information

The Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code (“IRC”) section 501(c)(3),. These grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Wenham during 2020. Town Clerk Dianne Bucco submitted the successful application for this grant.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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CENTER FOR  
TECH AND  
CIVIC LIFE

September 25, 2020

Wenham Town, Massachusetts  
Board of Selectmen  
138 Main Street  
Wenham, MA 01984

Wenham Board of Selectmen:

I am pleased to inform you that based on and in reliance upon the information and materials provided by Wenham Town, the Center for Tech and Civic Life (“CTCL”), a nonprofit organization tax-exempt under Internal Revenue Code (“IRC”) section 501(c)(3), has decided to award a grant to support the work of Wenham Town (“Grantee”).

The following is a description of the grant:

**AMOUNT OF GRANT:** \$5,000.00 USD

**PURPOSE:** The grant funds must be used exclusively for the public purpose of planning and operationalizing safe and secure election administration in Wenham Town in 2020 (“Purpose”).

Before CTCL transmits these funds to Grantee, CTCL requires that Grantee review and sign this agreement (“Grant Agreement”) and agree to use the grant funds in compliance with the Grant Agreement and with United States tax laws and the laws and regulations of your state and jurisdiction (“Applicable Laws”). Specifically, by signing this letter Grantee certifies and agrees to the following:

1. Grantee is a local government unit or political subdivision within the meaning of IRC section 170(c)(1).
2. This grant shall be used only for the Purpose described above, and for no other purposes.
3. Grantee has indicated that the amount of the grant shall be expended on the following specific election administration needs: Ballot drop boxes, Poll worker recruitment funds, hazard pay, and/or training expenses, and Temporary staffing. Grantee may allocate grant funds among those needs, or to other public purposes listed in the grant application, without further notice to or permission of CTCL.

4. Grantee shall not use any part of this grant to make a grant to another organization, except in the case where the organization is a local government unit or political subdivision within the meaning of IRC section 170(c)(1) or a nonprofit organization tax-exempt under IRC section 501(c)(3), and the subgrant is intended to accomplish the Purpose of this grant. Grantee shall take reasonable steps to ensure that any such subgrant is used in a manner consistent with the terms and conditions of this Grant Agreement, including requiring that subgrantee agrees in writing to comply with the terms and conditions of this Grant Agreement.
5. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs may be applied to the grant. The Grantee shall expend the amount of this grant for the Purpose by December 31, 2020.
6. Grantee is authorized to receive this grant from CTCL and certifies that (a) the receipt of these grant funds does not violate any Applicable Laws, and (b) Grantee has taken all required, reasonable and necessary steps to receive, accept and expend the grant in accordance with the Purpose and Applicable Law.
7. The Grantee shall produce a brief report explaining and documenting how grant funds have been expended in support of the activities described in paragraph 3. This report shall be sent to CTCL no later than January 31, 2021 in a format approved by CTCL and shall include with the report a signed certification by Grantee that it has complied with all terms and conditions of this Grant Agreement.
8. This grant may not supplant previously appropriated funds. The Grantee shall not reduce the budget of the Town Clerk (“the Election Department”) or fail to appropriate or provide previously budgeted funds to the Election Department for the term of this grant. Any amount supplanted, reduced or not provided in contravention of this paragraph shall be repaid to CTCL up to the total amount of this grant.
9. CTCL may discontinue, modify, withhold part of, or ask for the return all or part of the grant funds if it determines, in its sole judgment, that (a) any of the above terms and conditions of this grant have not been met, or (b) CTCL is required to do so to comply with applicable laws or regulations.
10. The grant project period of June 15, 2020 through December 31, 2020 represents the dates between which covered costs for the Purpose may be applied to the grant.

Your acceptance of and agreement to these terms and conditions and this Grant Agreement is indicated by your signature below on behalf of Grantee. Please have an authorized representative of Grantee sign below, and return a scanned copy of this letter to us by email at [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org).

On behalf of CTCL, I extend my best wishes in your work.



CENTER FOR TECH & CIVIC LIFE  
233 N. MICHIGAN AVE., SUITE 1800  
CHICAGO, IL 60601  
[HELLO@TECHANDCIVICLIFE.ORG](mailto:HELLO@TECHANDCIVICLIFE.ORG)

Sincerely,

*Tiana M. Johnson*

Tiana Epps Johnson

Executive Director

Center for Tech and Civic Life

GRANTEE

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_



CENTER FOR TECH & CIVIC LIFE  
233 N. MICHIGAN AVE., SUITE 1800  
CHICAGO, IL 60601  
[HELLO@TECHANDCIVICLIFE.ORG](mailto:HELLO@TECHANDCIVICLIFE.ORG)

## Anthony Ansaldo

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**From:** Dianne Bucco  
**Sent:** Monday, September 28, 2020 7:16 AM  
**To:** Anthony Ansaldo  
**Cc:** Nicole Roebuck  
**Subject:** FW: Approved: CTCL COVID-19 Response Grant  
**Attachments:** Wenham Town, Massachusetts agmt.pdf

**From:** grants@techandcivicliflife.org [mailto:grants@techandcivicliflife.org]  
**Sent:** Saturday, September 26, 2020 12:20 AM  
**To:** Dianne Bucco  
**Subject:** Approved: CTCL COVID-19 Response Grant

Dear Dianne Bucco,

I'm pleased to share that Center for Tech and Civic Life has reviewed your COVID-19 Response Grant application and has approved a grant award totaling **\$5000** USD.

We look forward to promptly disbursing funds, but first we need two things from you:

1. **Disbursement information:** Please provide payment instructions using the CTCL Grant Disbursement Form here: <https://airtable.com/shrnj1ueWISCmnPec>. Note: a member of the CTCL COVID-19 Response Grants team will verify payment details before transmitting funds.
2. **Signed grant agreement:** To release funds CTCL must have a signed copy of your jurisdiction's grant agreement. Please find the agreement for signature attached. Return a signed copy to [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org) at your earliest convenience. Note: Would you prefer a grant for **less** than the amount CTCL has awarded? Simply respond to this email with your preferred total grant amount and we will update your agreement accordingly.

Once you've (1) submitted payment instructions using the CTCL Grant Disbursement Form and (2) returned a signed grant agreement to [grants@techandcivicliflife.org](mailto:grants@techandcivicliflife.org), CTCL will process a single payment for the full grant amount within 2-4 business days.

Thank you for all you do on behalf of Massachusetts voters!

All the best,

Tiana and the Center for Tech and Civic Life Team

--

Tiana Epps-Johnson | Founder & Executive Director, Center for Tech and Civic Life | [tiana@techandcivicliflife.org](mailto:tiana@techandcivicliflife.org) | she/her



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020

E  
John

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## New Business – Longfellow Road Improvements Project Construction Service Contract with Tasco Construction, Inc.

Requested by: Town Administrator

Action Sought: Discussion/Potential Approval

### Proposed Motion(s)

MOVE that the Board of Selectmen award the contract with Tasco Construction, Inc. for Longfellow Road Improvement Project construction services in the amount \$199,810.

### Additional Information

Attached find the documents from Town's engineering service contractor Weston and Sampson recommending the contract be awarded to Tasco Construction, Inc.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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September 30, 2020

Anthony Ansaldi, Town Administrator  
Jack Wilhelm, Chairman  
John Clemenzi, Vice Chairman  
Gary Cheeseman  
138 Main Street  
Wenham, MA

Re: Longfellow Road Widening

To Whom It May Concern,

Four bids were received and opened on September 24, 2020 for the Longfellow Road Widening Project. The three low bidders and their bids are as follows:

Contractor	Total of Base Bid	Alternate No. 1	Base Bid plus Bid Alternate No. 1
Tasco Construction, Inc.	\$164,000.00	\$21,100.00	\$185,100.00
JJ Phelan & Son Co., Inc.	\$175,150.00	\$24,660.00	\$199,810.00
Linsky Excavating Co.	\$186,675.00	\$17,160.00	\$203,835.00

Enclosed is a complete itemized tabulation of bids. The Town of Wenham has accepted the withdrawal of the apparent low bidder Tasco Construction, Inc.

Accordingly, we have checked the bonding references for JJ Phelan & Son Co., Inc. and have found them to be in order. Based on the project references provided, we have found that their history of performance and workmanship is acceptable. Accordingly, we recommend that the Town of Wenham issue a letter of intent to award the contract in the amount of \$199,810.00 (Base Bid plus Alternate 1) to JJ Phelan & Son Co., Inc.

Assuming that our recommendation is accepted, the Town of Wenham should send a "Notice of Intent to Award" to the Contractor plus copy this office. Enclosed please find a draft letter to that effect. Upon receipt of a copy of such notice you should send copies of the contract documents to the Contractor for their signing. The Contractor will be directed at that time to obtain the required completed bonds and insurance and return all documents to your office to be checked for compliance.

Very truly yours,  
WESTON & SAMPSON



Andrea David  
Construction Services Coordinator

Enclosures

Cc: Jackie Bresnahan, Director of Administrative Services

DRAFT

September 30, 2020

Joseph J. Phelan III, President  
JJ Phelan & Son Co., Inc.  
120 Lumber Lane  
Tewksbury, MA 01876

Re: Longfellow Road Widening  
Notice of Intent to Award

Dear Mr. Phelan,

This is to inform you that the Town of Wenham intends to award the Longfellow Road Widening Project to your firm in accordance with your bid submitted in the amount of (Base Bid plus Alternate 1), subject to the approval of the Agreement, Payment Bond, Performance Bond, and Insurance Certificates.

You will be receiving shortly from us the necessary contract documents, which need to be completed by you in order to establish the contract between us. Please execute these documents on your behalf and return them within ten days. Please do not date any of the forms since the official date of execution will be the date on which the Town will sign all documents.

Very truly yours,

cc: Andrea David - Weston & Sampson



# Town of Wenham

Town Hall  
138 Main Street  
P. O. Box 576  
Wenham, MA 01984

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Board of Selectmen and Town Administrator

TEL 978-468-5520 x2

FAX 978-468-8014

September 30, 2020

Joseph J. Phelan III, President  
JJ Phelan & Son Co., Inc.  
120 Lumber Lane  
Tewksbury, MA 01876

Re: Longfellow Road Widening - Notice of Intent to Award

Dear Mr. Phelan,

This is to inform you that the Town of Wenham intends to award the Longfellow Road Widening Project to your firm in accordance with your bid submitted in the amount of (Base Bid plus Alternate 1), subject to the approval of the Agreement, Payment Bond, Performance Bond, and Insurance Certificates, and subject to approval of the Board of Selectmen at their meeting on October 6, 2020.

You will be receiving shortly from us the necessary contract documents, which need to be completed by you in order to establish the contract between us. Please execute these documents on your behalf and return them within ten days. Please do not date any of the forms since the official date of execution will be the date on which the Town will sign all documents.

Very truly yours,

Anthony M. Ansaldi, Jr.  
Town Administrator  
Town of Wenham

cc: Andrea David - Weston & Sampson

Town of Wenham  
Longfellow Road Widening  
BID SUMMARY  
BID DATE: September 24, 2020



	<b>Contractor</b>	<b>Total of Base Bid</b>	<b>Alternate No. 1</b>	<b>Base Bid plus Bid Alternate No. 1</b>
1	Tasco Construction, Inc.	\$164,000.00	\$21,100.00	\$185,100.00
2	JJ Phelan & Son Co., Inc.	\$175,150.00	\$24,660.00	\$199,810.00
3	Linsky Excavating Co.	\$186,675.00	\$17,160.00	\$203,835.00
4	T Ford Company, Inc.	\$394,450.00	\$37,000.00	\$431,450.00

\\wse03.local\WSE\Depts\CSD\Bid Tabulation\2020\[Wenham Longfellow Road Widening .xls]Bid Summary

Town of Wenham  
 Longfellow Road Widening  
 BID DATE: September 24, 2020



			Tasco Construction Belmont, MA		JJ Phelan & Son Tewksbury, MA		Linsky Excavating Danvers, MA		T Ford Co. Salem, MA	
ITEM NO.	CONT. QUAN.	DESCRIPTION	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
<b>Base Bid</b>										
101.000	0.25	Clearing and grubbing per acre	\$25,000.00	\$6,250.00	\$10,000.00	\$2,500.00	\$80,000.00	\$20,000.00	\$10,000.00	\$2,500.00
102.510	1	Individual tree protection, each	\$400.00	\$400.00	\$500.00	\$500.00	\$200.00	\$200.00	\$100.00	\$100.00
103.000	15	Tree removed- diameter under 24 inches, each	\$1,000.00	\$15,000.00	\$800.00	\$12,000.00	\$700.00	\$10,500.00	\$500.00	\$7,500.00
120.100	470	Unclassified excavation, per cub yd	\$40.00	\$18,800.00	\$45.00	\$21,150.00	\$85.00	\$39,950.00	\$100.00	\$47,000.00
151.000	210	Gravel borrow, per cub yd	\$40.00	\$8,400.00	\$45.00	\$9,450.00	\$40.00	\$8,400.00	\$60.00	\$12,600.00
156.000	80	Crushed stone, per ton	\$50.00	\$4,000.00	\$50.00	\$4,000.00	\$40.00	\$3,200.00	\$60.00	\$4,800.00
170.000	370	Fine grading and compacting- subgrade area, per sq yd	\$20.00	\$7,400.00	\$25.00	\$9,250.00	\$20.00	\$7,400.00	\$5.00	\$1,850.00
402.000	50	Dense graded crushed stone for sub-base, per cub yd	\$50.00	\$2,500.00	\$50.00	\$2,500.00	\$45.00	\$2,250.00	\$60.00	\$3,000.00
482.300	110	Sawing asphalt pavement, per lin ft	\$5.00	\$550.00	\$10.00	\$1,100.00	\$2.00	\$220.00	\$20.00	\$2,200.00
504.000	30	Granite curb type VA4-Straight, per lin ft	\$100.00	\$3,000.00	\$80.00	\$2,400.00	\$75.00	\$2,250.00	\$100.00	\$3,000.00
504.100	70	Granite curb type VA4-curved, per lin ft	\$100.00	\$7,000.00	\$85.00	\$5,950.00	\$75.00	\$5,250.00	\$100.00	\$7,000.00
620.130	130	Guardrail, TL-3 (single fenced), per lin ft	\$60.00	\$7,800.00	\$90.00	\$11,700.00	\$55.00	\$7,150.00	\$200.00	\$26,000.00
646.048	130	48 inch chain link fence (pipe top rail) vinyl coated (line post option) mounted on guardrail, per lin ft	\$50.00	\$6,500.00	\$85.00	\$11,050.00	\$55.00	\$7,150.00	\$100.00	\$13,000.00
698.300	30	Geotextile fabric for separation, per sq yd	\$30.00	\$900.00	\$100.00	\$3,000.00	\$2.00	\$60.00	\$50.00	\$1,500.00
748.000	1	Mobilization, lump sum	\$7,000.00	\$7,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$5,000.00	\$171,000.00	\$171,000.00
751.000	50	Loam borrow, per cub yd	\$60.00	\$3,000.00	\$70.00	\$3,500.00	\$65.00	\$3,250.00	\$60.00	\$3,000.00
765.000	150	Seeding, per sq yd	\$10.00	\$1,500.00	\$10.00	\$1,500.00	\$2.70	\$405.00	\$10.00	\$1,500.00
767.121	200	Sediment control barrier, per lin ft	\$10.00	\$2,000.00	\$10.00	\$2,000.00	\$8.00	\$1,600.00	\$20.00	\$4,000.00
767.125	70	Erosion control blanket, per sq yd	\$30.00	\$2,100.00	\$10.00	\$700.00	\$5.00	\$350.00	\$50.00	\$3,500.00
769.000	130	Pavement milling mulch under guardrail, per lin ft	\$20.00	\$2,600.00	\$45.00	\$5,850.00	\$8.00	\$1,040.00	\$30.00	\$3,900.00
832.000	10	Warning-regulatory and route marker, per sq ft	\$30.00	\$300.00	\$35.00	\$350.00	\$15.00	\$150.00	\$100.00	\$1,000.00
852.000	50	Safety signing for traffic management, per sq ft	\$30.00	\$1,500.00	\$30.00	\$1,500.00	\$15.00	\$750.00	\$50.00	\$2,500.00
860.106	300	6 inch reflectorized white line (painted), per lin ft	\$3.00	\$900.00	\$4.00	\$1,200.00	\$1.50	\$450.00	\$10.00	\$3,000.00
983.200	450	Riprap, per cub yd	\$100.00	\$45,000.00	\$100.00	\$45,000.00	\$110.00	\$49,500.00	\$100.00	\$45,000.00
996.330	120	Segmental block retaining wall, per sq ft	\$80.00	\$9,600.00	\$100.00	\$12,000.00	\$85.00	\$10,200.00	\$200.00	\$24,000.00
<b>Base Bid Total</b>				<b>\$164,000.00</b>		<b>\$175,150.00</b>		<b>\$186,675.00</b>		<b>\$394,450.00</b>
<b>Alternate Bid No. 1</b>										
450.230	40	Superpave surface course-12.5 (SCC-12.5), per ton	\$200.00	\$8,000.00	\$230.00	\$9,200.00	\$160.00	\$6,400.00	\$300.00	\$12,000.00
450.320	60	Superpave intermediate course-19.0 (SIC-19.0), per ton	\$200.00	\$12,000.00	\$230.00	\$13,800.00	\$160.00	\$9,600.00	\$300.00	\$18,000.00
452.000	20	Asphalt emulsion for tack coat, per gal	\$5.00	\$100.00	\$8.00	\$160.00	\$8.00	\$160.00	\$100.00	\$2,000.00
453.000	500	HMA joint sealant, per lin ft	\$2.00	\$1,000.00	\$3.00	\$1,500.00	\$2.00	\$1,000.00	\$10.00	\$5,000.00
<b>Total of Alternate Bid No. 1</b>				<b>\$21,100.00</b>		<b>\$24,660.00</b>		<b>\$17,160.00</b>		<b>\$37,000.00</b>
<b>Total of Base Bid plus Alternate Bid No. 1</b>				<b>\$185,100.00</b>		<b>\$199,810.00</b>		<b>\$203,835.00</b>		<b>\$431,450.00</b>

\\wse03.local\WSE\Depts\CSD\Bid Tabulation\2020\Wenham Longfellow Road Widening .xls\Bid S

SECTION 00 11 13

ADVERTISEMENT FOR BIDS

Town of Wenham, Massachusetts  
(Owner)

Sealed bids for construction of Longfellow Road Widening for the Town of Wenham, Massachusetts, will be received at the Wenham Town Hall, 138 Main Street, Wenham, MA 01984 until 1:00 pm prevailing time, on September 24, 2020 at which time and place said bids will be publicly opened and read aloud.

The scope of work for the widening of Longfellow Road includes clearing and grubbing, tree removal, full depth pavement reconstruction, granite curbing, guardrail, chainlink fence, segmental retaining wall, rip rap placement, signage, pavement markings, loaming and seeding, and other work as shown on the bid plans.

Bid Security in the form of a bid bond, cash, certified check, treasurer's or cashier's check payable to the Owner, is required in the amount of five percent of the bid, in accordance with Section 00 21 13, INSTRUCTIONS TO BIDDERS.

The Instructions to Bidders, Form of General Bid, Agreement, Plans, Specifications, Performance and Payment Bond, and other Contract Documents may be examined at the following:

Accent Printing, Inc., 99 Chelmsford Road, North Billerica, Massachusetts

Contract Documents may be viewed and downloaded as a Portable Document Format (PDF) file free of charge at [www.accentblueprints.com](http://www.accentblueprints.com). Copies may be obtained for a fee by completing an order online or by calling 978-362-8038 for each set. Completed orders may be picked up at the office of Accent Printing located at 99 Chelmsford Road, North Billerica, MA 01862 (978-362-8038), from 9 a.m. to 4 p.m. Copies may also be shipped to prospective bidders for an additional charge to cover handling and mailing fees. All payments for printing and shipping are nonrefundable. For addition to the project plan holder's list to guarantee receipt of addenda, it is recommended interested bidders obtain the Contract Documents directly from Accent. Interested bidders will be prompted to register an email address with Accent to access the documents.

The selected contractor shall furnish a performance bond and a payment bond in amount at least equal to one hundred percent (100%) of the contract price as stipulated in Section 00 72 00 GENERAL CONDITIONS of these specifications.

A Prebid Conference will be held on September 16, 2020 at 11:00 am at the project site. Prospective bidders are asked to park at the beginning of Longfellow Road and await representatives from the Town of Wenham. Any request for interpretation of plans and specifications may be submitted in writing at that time.

All bids for this project are subject to applicable bidding laws of Massachusetts, including General

Laws Chapter 30, Section 39M as amended.

Prevailing Wage Rates as determined by the Director of the Executive Office of Labor and Workforce Development under the provisions of the Massachusetts General Laws Chapter 149, Section 26 to 27H, as amended, apply to this project. It is the responsibility of the Bidder, before bid opening, to request if necessary, any additional information on Prevailing Wage Rates for those trades people who may be employed for the proposed work under this contract.

By submission of a bid, the Bidder agrees that this bid shall be good and may not be withdrawn for a period of 30 days, Saturdays, Sundays and legal holidays excluded after the opening of bids.

The Owner reserves the right to waive any informalities in bids and to reject any or all bids.

TOWN OF WENHAM, MASSACHUSETTS

BY ITS

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Weston & Sampson Engineers, Inc.  
Foxboro, Massachusetts

P:\MA\Wenham, MA\2200291 Longfellow Road\Specifications\Division 00\00 11 13 Advertisement.docx





Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
326-0378  
MassDEP File #

eDEP Transaction #  
Wenham  
City/Town

### A. General Information (cont.)

6. Property recorded at the Registry of Deeds for (attach additional information if more than one parcel):  
Essex  
a. County  
6894  
c. Book  
b. Certificate Number (if registered land)  
022  
d. Page  
9/2/2020
7. Dates: 8/5/2020 8/31/2020  
a. Date Notice of Intent Filed b. Date Public Hearing Closed c. Date of Issuance
8. Final Approved Plans and Other Documents (attach additional plan or document references as needed):  
Longfellow Road Widening  
a. Plan Title  
Weston & Sampson  
b. Prepared By  
August 4, 2020  
d. Final Revision Date  
Laurence Keegan Jr.  
c. Signed and Stamped by  
1:10  
e. Scale  
f. Additional Plan or Document Title  
g. Date

### B. Findings

1. Findings pursuant to the Massachusetts Wetlands Protection Act:  
Following the review of the above-referenced Notice of Intent and based on the information provided in this application and presented at the public hearing, this Commission finds that the areas in which work is proposed is significant to the following interests of the Wetlands Protection Act (the Act). Check all that apply:
- a.  Public Water Supply    b.  Land Containing Shellfish    c.  Prevention of Pollution  
d.  Private Water Supply    e.  Fisheries    f.  Protection of Wildlife Habitat  
g.  Groundwater Supply    h.  Storm Damage Prevention    i.  Flood Control
2. This Commission hereby finds the project, as proposed, is: (check one of the following boxes)

**Approved subject to:**

- a.  the following conditions which are necessary in accordance with the performance standards set forth in the wetlands regulations. This Commission orders that all work shall be performed in accordance with the Notice of Intent referenced above, the following General Conditions, and any other special conditions attached to this Order. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, these conditions shall control.



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

326-0378

MassDEP File #

eDEP Transaction #

Wenham

City/Town

**B. Findings (cont.)**

Denied because:

- b.  the proposed work cannot be conditioned to meet the performance standards set forth in the wetland regulations. Therefore, work on this project may not go forward unless and until a new Notice of Intent is submitted which provides measures which are adequate to protect the interests of the Act, and a final Order of Conditions is issued. **A description of the performance standards which the proposed work cannot meet is attached to this Order.**
- c.  the information submitted by the applicant is not sufficient to describe the site, the work, or the effect of the work on the interests identified in the Wetlands Protection Act. Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides sufficient information and includes measures which are adequate to protect the Act's interests, and a final Order of Conditions is issued. **A description of the specific information which is lacking and why it is necessary is attached to this Order as per 310 CMR 10.05(6)(c).**
- 3.  Buffer Zone Impacts: Shortest distance between limit of project disturbance and the wetland resource area specified in 310 CMR 10.02(1)(a) <1  
a. linear feet

**Inland Resource Area Impacts:** Check all that apply below. (For Approvals Only)

Resource Area	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement	
4. <input type="checkbox"/> Bank	a. linear feet	b. linear feet	c. linear feet	d. linear feet	
5. <input type="checkbox"/> Bordering Vegetated Wetland	a. square feet	b. square feet	c. square feet	d. square feet	
6. <input type="checkbox"/> Land Under Waterbodies and Waterways	a. square feet	b. square feet	c. square feet	d. square feet	
	e. c/y dredged	f. c/y dredged			
7. <input type="checkbox"/> Bordering Land Subject to Flooding	a. square feet	b. square feet	c. square feet	d. square feet	
	Cubic Feet Flood Storage	e. cubic feet	f. cubic feet	g. cubic feet	h. cubic feet
8. <input type="checkbox"/> Isolated Land Subject to Flooding	a. square feet	b. square feet			
	Cubic Feet Flood Storage	c. cubic feet	d. cubic feet	e. cubic feet	f. cubic feet
9. <input type="checkbox"/> Riverfront Area	a. total sq. feet	b. total sq. feet			
	Sq ft within 100 ft	c. square feet	d. square feet	e. square feet	f. square feet
	Sq ft between 100-200 ft	g. square feet	h. square feet	i. square feet	j. square feet



**Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

326-0378

MassDEP File #

eDEP Transaction #

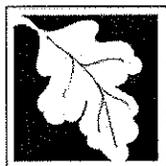
Wenham

City/Town

**B. Findings (cont.)**

**Coastal Resource Area Impacts:** Check all that apply below. (For Approvals Only)

	Proposed Alteration	Permitted Alteration	Proposed Replacement	Permitted Replacement
10. <input type="checkbox"/> Designated Port Areas	Indicate size under Land Under the Ocean, below			
11. <input type="checkbox"/> Land Under the Ocean	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
12. <input type="checkbox"/> Barrier Beaches	Indicate size under Coastal Beaches and/or Coastal Dunes below			
13. <input type="checkbox"/> Coastal Beaches	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
14. <input type="checkbox"/> Coastal Dunes	_____	_____	_____	_____
	a. square feet	b. square feet	c. nourishment	d. nourishment
15. <input type="checkbox"/> Coastal Banks	_____	_____		
	a. linear feet	b. linear feet		
16. <input type="checkbox"/> Rocky Intertidal Shores	_____	_____		
	a. square feet	b. square feet		
17. <input type="checkbox"/> Salt Marshes	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
18. <input type="checkbox"/> Land Under Salt Ponds	_____	_____		
	a. square feet	b. square feet		
	_____	_____		
	c. c/y dredged	d. c/y dredged		
19. <input type="checkbox"/> Land Containing Shellfish	_____	_____	_____	_____
	a. square feet	b. square feet	c. square feet	d. square feet
20. <input type="checkbox"/> Fish Runs	Indicate size under Coastal Banks, Inland Bank, Land Under the Ocean, and/or inland Land Under Waterbodies and Waterways, above			
	_____	_____		
	a. c/y dredged	b. c/y dredged		
21. <input type="checkbox"/> Land Subject to Coastal Storm Flowage	_____	_____		
	a. square feet	b. square feet		
22. <input type="checkbox"/> Riverfront Area	_____	_____		
	a. total sq. feet	b. total sq. feet		
Sq ft within 100 ft	_____	_____	_____	_____
	c. square feet	d. square feet	e. square feet	f. square feet
Sq ft between 100-200 ft	_____	_____	_____	_____
	g. square feet	h. square feet	i. square feet	j. square feet



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**B. Findings (cont.)**

\* #23. If the project is for the purpose of restoring or enhancing a wetland resource area in addition to the square footage that has been entered in Section B.5.c (BVW) or B.17.c (Salt Marsh) above, please enter the additional amount here.

23.  Restoration/Enhancement \*:

a. square feet of BVW

b. square feet of salt marsh

24.  Stream Crossing(s):

a. number of new stream crossings

b. number of replacement stream crossings

**C. General Conditions Under Massachusetts Wetlands Protection Act**

The following conditions are only applicable to Approved projects.

1. Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Order.
2. The Order does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
3. This Order does not relieve the permittee or any other person of the necessity of complying with all other applicable federal, state, or local statutes, ordinances, bylaws, or regulations.
4. The work authorized hereunder shall be completed within three years from the date of this Order unless either of the following apply:
  - a. The work is a maintenance dredging project as provided for in the Act; or
  - b. The time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance. If this Order is intended to be valid for more than three years, the extension date and the special circumstances warranting the extended time period are set forth as a special condition in this Order.
  - c. If the work is for a Test Project, this Order of Conditions shall be valid for no more than one year.
5. This Order may be extended by the issuing authority for one or more periods of up to three years each upon application to the issuing authority at least 30 days prior to the expiration date of the Order. An Order of Conditions for a Test Project may be extended for one additional year only upon written application by the applicant, subject to the provisions of 310 CMR 10.05(11)(f).
6. If this Order constitutes an Amended Order of Conditions, this Amended Order of Conditions does not extend the issuance date of the original Final Order of Conditions and the Order will expire on \_\_\_\_\_ unless extended in writing by the Department.
7. Any fill used in connection with this project shall be clean fill. Any fill shall contain no trash, refuse, rubbish, or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles, or parts of any of the foregoing.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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**C. General Conditions Under Massachusetts Wetlands Protection Act**

8. This Order is not final until all administrative appeal periods from this Order have elapsed, or if such an appeal has been taken, until all proceedings before the Department have been completed.
9. No work shall be undertaken until the Order has become final and then has been recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land upon which the proposed work is to be done. In the case of the registered land, the Final Order shall also be noted on the Land Court Certificate of Title of the owner of the land upon which the proposed work is done. The recording information shall be submitted to the Conservation Commission on the form at the end of this Order, which form must be stamped by the Registry of Deeds, prior to the commencement of work.
10. A sign shall be displayed at the site not less than two square feet or more than three square feet in size bearing the words,
 

"Massachusetts Department of Environmental Protection" [or, "MassDEP"]  
 "File Number            326-0378 "
11. Where the Department of Environmental Protection is requested to issue a Superseding Order, the Conservation Commission shall be a party to all agency proceedings and hearings before MassDEP.
12. Upon completion of the work described herein, the applicant shall submit a Request for Certificate of Compliance (WPA Form 8A) to the Conservation Commission.
13. The work shall conform to the plans and special conditions referenced in this order.
14. Any change to the plans identified in Condition #13 above shall require the applicant to inquire of the Conservation Commission in writing whether the change is significant enough to require the filing of a new Notice of Intent.
15. The Agent or members of the Conservation Commission and the Department of Environmental Protection shall have the right to enter and inspect the area subject to this Order at reasonable hours to evaluate compliance with the conditions stated in this Order, and may require the submittal of any data deemed necessary by the Conservation Commission or Department for that evaluation.
16. This Order of Conditions shall apply to any successor in interest or successor in control of the property subject to this Order and to any contractor or other person performing work conditioned by this Order.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

17. Prior to the start of work, and if the project involves work adjacent to a Bordering Vegetated Wetland, the boundary of the wetland in the vicinity of the proposed work area shall be marked by wooden stakes or flagging. Once in place, the wetland boundary markers shall be maintained until a Certificate of Compliance has been issued by the Conservation Commission.
18. All sedimentation barriers shall be maintained in good repair until all disturbed areas have been fully stabilized with vegetation or other means. At no time shall sediments be deposited in a wetland or water body. During construction, the applicant or his/her designee shall inspect the erosion controls on a daily basis and shall remove accumulated sediments as needed. The applicant shall immediately control any erosion problems that occur at the site and shall also immediately notify the Conservation Commission, which reserves the right to require additional erosion and/or damage prevention controls it may deem necessary. Sedimentation barriers shall serve as the limit of work unless another limit of work line has been approved by this Order.
19. The work associated with this Order (the "Project")
- (1)  is subject to the Massachusetts Stormwater Standards
- (2)  is NOT subject to the Massachusetts Stormwater Standards

**If the work is subject to the Stormwater Standards, then the project is subject to the following conditions:**

- a) All work, including site preparation, land disturbance, construction and redevelopment, shall be implemented in accordance with the construction period pollution prevention and erosion and sedimentation control plan and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Construction General Permit as required by Stormwater Condition 8. Construction period erosion, sedimentation and pollution control measures and best management practices (BMPs) shall remain in place until the site is fully stabilized.
- b) No stormwater runoff may be discharged to the post-construction stormwater BMPs unless and until a Registered Professional Engineer provides a Certification that:
- i.* all construction period BMPs have been removed or will be removed by a date certain specified in the Certification. For any construction period BMPs intended to be converted to post construction operation for stormwater attenuation, recharge, and/or treatment, the conversion is allowed by the MassDEP Stormwater Handbook BMP specifications and that the BMP has been properly cleaned or prepared for post construction operation, including removal of all construction period sediment trapped in inlet and outlet control structures;
  - ii.* as-built final construction BMP plans are included, signed and stamped by a Registered Professional Engineer, certifying the site is fully stabilized;
  - iii.* any illicit discharges to the stormwater management system have been removed, as per the requirements of Stormwater Standard 10;



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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- iv. all post-construction stormwater BMPs are installed in accordance with the plans (including all planting plans) approved by the issuing authority, and have been inspected to ensure that they are not damaged and that they are in proper working condition;
- v. any vegetation associated with post-construction BMPs is suitably established to withstand erosion.
- c) The landowner is responsible for BMP maintenance until the issuing authority is notified that another party has legally assumed responsibility for BMP maintenance. Prior to requesting a Certificate of Compliance, or Partial Certificate of Compliance, the responsible party (defined in General Condition 18(e)) shall execute and submit to the issuing authority an Operation and Maintenance Compliance Statement ("O&M Statement") for the Stormwater BMPs identifying the party responsible for implementing the stormwater BMP Operation and Maintenance Plan ("O&M Plan") and certifying the following:
- i.) the O&M Plan is complete and will be implemented upon receipt of the Certificate of Compliance, and
  - ii.) the future responsible parties shall be notified in writing of their ongoing legal responsibility to operate and maintain the stormwater management BMPs and implement the Stormwater Pollution Prevention Plan.
- d) Post-construction pollution prevention and source control shall be implemented in accordance with the long-term pollution prevention plan section of the approved Stormwater Report and, if applicable, the Stormwater Pollution Prevention Plan required by the National Pollution Discharge Elimination System Multi-Sector General Permit.
- e) Unless and until another party accepts responsibility, the landowner, or owner of any drainage easement, assumes responsibility for maintaining each BMP. To overcome this presumption, the landowner of the property must submit to the issuing authority a legally binding agreement of record, acceptable to the issuing authority, evidencing that another entity has accepted responsibility for maintaining the BMP, and that the proposed responsible party shall be treated as a permittee for purposes of implementing the requirements of Conditions 18(f) through 18(k) with respect to that BMP. Any failure of the proposed responsible party to implement the requirements of Conditions 18(f) through 18(k) with respect to that BMP shall be a violation of the Order of Conditions or Certificate of Compliance. In the case of stormwater BMPs that are serving more than one lot, the legally binding agreement shall also identify the lots that will be serviced by the stormwater BMPs. A plan and easement deed that grants the responsible party access to perform the required operation and maintenance must be submitted along with the legally binding agreement.
- f) The responsible party shall operate and maintain all stormwater BMPs in accordance with the design plans, the O&M Plan, and the requirements of the Massachusetts Stormwater Handbook.



**Massachusetts Department of Environmental Protection**  
**Bureau of Resource Protection - Wetlands**

**WPA Form 5 – Order of Conditions**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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**C. General Conditions Under Massachusetts Wetlands Protection Act (cont.)**

- g) The responsible party shall:
1. Maintain an operation and maintenance log for the last three (3) consecutive calendar years of inspections, repairs, maintenance and/or replacement of the stormwater management system or any part thereof, and disposal (for disposal the log shall indicate the type of material and the disposal location);
  2. Make the maintenance log available to MassDEP and the Conservation Commission ("Commission") upon request; and
  3. Allow members and agents of the MassDEP and the Commission to enter and inspect the site to evaluate and ensure that the responsible party is in compliance with the requirements for each BMP established in the O&M Plan approved by the issuing authority.
- h) All sediment or other contaminants removed from stormwater BMPs shall be disposed of in accordance with all applicable federal, state, and local laws and regulations.
- i) Illicit discharges to the stormwater management system as defined in 310 CMR 10.04 are prohibited.
- j) The stormwater management system approved in the Order of Conditions shall not be changed without the prior written approval of the issuing authority.
- k) Areas designated as qualifying pervious areas for the purpose of the Low Impact Site Design Credit (as defined in the MassDEP Stormwater Handbook, Volume 3, Chapter 1, Low Impact Development Site Design Credits) shall not be altered without the prior written approval of the issuing authority.
- l) Access for maintenance, repair, and/or replacement of BMPs shall not be withheld. Any fencing constructed around stormwater BMPs shall include access gates and shall be at least six inches above grade to allow for wildlife passage.

Special Conditions (if you need more space for additional conditions, please attach a text document):

**See attached Appendix A & B**

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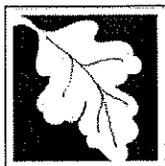


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20. For Test Projects subject to 310 CMR 10.05(11), the applicant shall also implement the monitoring plan and the restoration plan submitted with the Notice of Intent. If the conservation commission or Department determines that the Test Project threatens the public health, safety or the environment, the applicant shall implement the removal plan submitted with the Notice of Intent or modify the project as directed by the conservation commission or the Department.



**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 326-0378  
 MassDEP File #

eDEP Transaction #  
 Wenham  
 City/Town

**D. Findings Under Municipal Wetlands Bylaw or Ordinance**

1. Is a municipal wetlands bylaw or ordinance applicable?  Yes  No
2. The Wenham hereby finds (check one that applies):  
 Conservation Commission

- a.  that the proposed work cannot be conditioned to meet the standards set forth in a municipal ordinance or bylaw, specifically:

1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

Therefore, work on this project may not go forward unless and until a revised Notice of Intent is submitted which provides measures which are adequate to meet these standards, and a final Order of Conditions is issued.

- b.  that the following additional conditions are necessary to comply with a municipal ordinance or bylaw:

Town of Wenham Water Resources Protection Bylaw XVIII  
 1. Municipal Ordinance or Bylaw \_\_\_\_\_ 2. Citation \_\_\_\_\_

3. The Commission orders that all work shall be performed in accordance with the following conditions and with the Notice of Intent referenced above. To the extent that the following conditions modify or differ from the plans, specifications, or other proposals submitted with the Notice of Intent, the conditions shall control.

The special conditions relating to municipal ordinance or bylaw are as follows (if you need more space for additional conditions, attach a text document):  
 See attached Appendix A & B

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**Massachusetts Department of Environmental Protection**  
 Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
 Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
 326-0378  
 MassDEP File # \_\_\_\_\_  
 eDEP Transaction # \_\_\_\_\_  
 Wenham  
 City/Town

**E. Signatures**

This Order is valid for three years, unless otherwise specified as a special condition pursuant to General Conditions #4, from the date of issuance.

Please indicate the number of members who will sign this form.

This Order must be signed by a majority of the Conservation Commission.

The Order must be mailed by certified mail (return receipt requested) or hand delivered to the applicant. A copy also must be mailed or hand delivered at the same time to the appropriate Department of Environmental Protection Regional Office, if not filing electronically, and the property owner, if different from applicant.

9/2/2020

1. Date of Issuance

5

2. Number of Signers

Signatures:

Jeffrey A. Ham

Digitally signed by Jeffrey A. Ham  
Date: 2020.08.31 20:10:25 -0400'

by hand delivery on  
9/2/2020

Date

by certified mail, return receipt requested, on

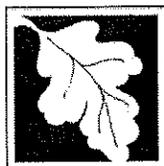
Date

**F. Appeals**

The applicant, the owner, any person aggrieved by this Order, any owner of land abutting the land subject to this Order, or any ten residents of the city or town in which such land is located, are hereby notified of their right to request the appropriate MassDEP Regional Office to issue a Superseding Order of Conditions. The request must be made by certified mail or hand delivery to the Department, with the appropriate filing fee and a completed Request for Departmental Action Fee Transmittal Form, as provided in 310 CMR 10.03(7) within ten business days from the date of issuance of this Order. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appelliant.

Any appellants seeking to appeal the Department's Superseding Order associated with this appeal will be required to demonstrate prior participation in the review of this project. Previous participation in the permit proceeding means the submission of written information to the Conservation Commission prior to the close of the public hearing, requesting a Superseding Order, or providing written information to the Department prior to issuance of a Superseding Order.

The request shall state clearly and concisely the objections to the Order which is being appealed and how the Order does not contribute to the protection of the interests identified in the Massachusetts Wetlands Protection Act (M.G.L. c. 131, § 40), and is inconsistent with the wetlands regulations (310 CMR 10.00). To the extent that the Order is based on a municipal ordinance or bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands  
**WPA Form 5 – Order of Conditions**  
Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

Provided by MassDEP:  
326-0378

MassDEP File #

eDEP Transaction #

Wenham

City/Town

## G. Recording Information

Prior to commencement of work, this Order of Conditions must be recorded in the Registry of Deeds or the Land Court for the district in which the land is located, within the chain of title of the affected property. In the case of recorded land, the Final Order shall also be noted in the Registry's Grantor Index under the name of the owner of the land subject to the Order. In the case of registered land, this Order shall also be noted on the Land Court Certificate of Title of the owner of the land subject to the Order of Conditions. The recording information on this page shall be submitted to the Conservation Commission listed below.

Wenham

Conservation Commission

Detach on dotted line, have stamped by the Registry of Deeds and submit to the Conservation Commission.

To:

Conservation Commission

Please be advised that the Order of Conditions for the Project at:

Project Location

MassDEP File Number

Has been recorded at the Registry of Deeds of:

County

Book

Page

for: Property Owner

and has been noted in the chain of title of the affected property in:

Book

Page

In accordance with the Order of Conditions issued on:

Date

If recorded land, the instrument number identifying this transaction is:

Instrument Number

If registered land, the document number identifying this transaction is:

Document Number

Signature of Applicant



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

DEP File Number:

Provided by DEP

**A. Request Information**

1. Location of Project

a. Street Address

b. City/Town, Zip

c. Check number

d. Fee amount

2. Person or party making request (if appropriate, name the citizen group's representative):

Name

Mailing Address

City/Town

State

Zip Code

Phone Number

Fax Number (if applicable)

3. Applicant (as shown on Determination of Applicability (Form 2), Order of Resource Area Delineation (Form 4B), Order of Conditions (Form 5), Restoration Order of Conditions (Form 5A), or Notice of Non-Significance (Form 6)):

Name

Mailing Address

City/Town

State

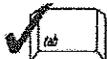
Zip Code

Phone Number

Fax Number (if applicable)

4. DEP File Number:

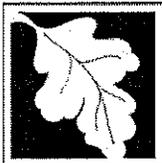
**Important:**  
When filling out forms on the computer, use only the tab key to move your cursor - do not use the return key.



**B. Instructions**

1. When the Departmental action request is for (check one):

- Superseding Order of Conditions – Fee: \$120.00 (single family house projects) or \$245 (all other projects)
- Superseding Determination of Applicability – Fee: \$120
- Superseding Order of Resource Area Delineation – Fee: \$120



Massachusetts Department of Environmental Protection  
Bureau of Resource Protection - Wetlands

**Request for Departmental Action Fee  
Transmittal Form**

Massachusetts Wetlands Protection Act M.G.L. c. 131, §40

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DEP File Number:

\_\_\_\_\_  
Provided by DEP

**B. Instructions (cont.)**

Send this form and check or money order, payable to the *Commonwealth of Massachusetts*, to:

Department of Environmental Protection  
Box 4062  
Boston, MA 02211

2. On a separate sheet attached to this form, state clearly and concisely the objections to the Determination or Order which is being appealed. To the extent that the Determination or Order is based on a municipal bylaw, and not on the Massachusetts Wetlands Protection Act or regulations, the Department has no appellate jurisdiction.
3. Send a **copy** of this form and a **copy** of the check or money order with the Request for a Superseding Determination or Order by certified mail or hand delivery to the appropriate DEP Regional Office (see <http://www.mass.gov/eea/agencies/massdep/about/contacts/>).
4. A copy of the request shall at the same time be sent by certified mail or hand delivery to the Conservation Commission and to the applicant, if he/she is not the appellant.

**APPENDIX A**  
to  
Order of Conditions/Permit  
Town of Wenham  
138 Main St.,  
Wenham, MA 01984  
D.E.P. File Number 326 – 0378

I. Decision Under Water Resources Protection Bylaw, Chapter XVII:

At the Conservation Commission meeting of August 31, 2020, with a quorum of members present, the following motion was adopted unanimously:

"...that the Conservation Commission make the Findings and grant the Order of Conditions under MGL c.131 §40 and grant the Permit under Chapter XVIII of the Town of Wenham Bylaws to the Town of Wenham, for property at Longfellow Road, Wenham, subject to the Conditions discussed and amended at this meeting and attached and made part of this document."

II. Findings:

- A. The Notice of Intent was filed on August 5, 2020. Public Hearing was advertised in the Hamilton-Wenham Chronicle on August 13, 2020 and abutters were notified by mail. The Public Hearing opened on August 24, 2020.
- B. Project site is located on Assessor's Map 7, Lot 26, 34, 35, 47, 48. A portion of the parcel, on the eastern side, is located inside of the 100-year floodplain shown as a "Zone A", on the FEMA Flood Insurance Rate Map #25009C0407F, effective July 3, 2012. The entire parcel is located outside of DEP Zone II as defined by the Massachusetts Stormwater Handbook. The entire parcel is located outside of the Town of Wenham Aquifer Protection Overlay District.
- C. The plan book entitled Longfellow Road Widening created by Weston & Sampson dated August 4, 2020 outlines the plan for the widening of Longfellow Road, and the subsequent slope stabilization.
- D. The project consists of the widening of Longfellow Rd and the stabilization of the slope leading to the wetlands. A retaining wall, highway guard and chain link fence will be installed along the new road edge and a rock fill blanket, consisting of 3' of thick riprap over 6" of thick crushed stone will be placed along the slope's new grade down towards the BVW. Erosion control will be installed as shown on the approved plans. No work is proposed to take place within the BVW.
- E. The project meets all performance standards under MA Wetlands Protection Act and or the activities are considered exempt.
- F. The Commission finds that the proposed project, when combined with its mitigation measures, is not likely to adversely impact the wetland resource area.

**END OF FINDINGS**

**APPENDIX B**  
**to**  
Order of Conditions/Permit  
Town of Wenham  
138 Main St.,  
Wenham, MA 01984  
D.E.P. File Number 326 – 0378

III. Special Conditions Under MGL c.131 §40, 310 CMR 10.00, et seq., Wenham Water Resources Protection Bylaw, Ch. XVIII and Wenham Water Resources Protection Regulations:

21. This Order of Conditions issued under MGL c.131 §40 (hereinafter referred to as the "Order") also constitutes a Wetlands Permit issued under the Town of Wenham Water Resources Protection Bylaw Chapter XVIII (hereinafter referred to as the "Permit"). Appeal to the Massachusetts Department of Environmental Protection pursuant to MGL c.131 §40 shall not operate to terminate or affect any of the provisions of said Permit.
22. This Order authorizes only the activity described on the approved plan(s) and approved documents referenced in this Order. Any other or additional activity in areas within the jurisdiction of the Commission will require separate review and approval by the Commission or its agent.

**Conditions 23 through 26 inclusive shall be completed prior to any construction activity on the site:**

23. This Order of Conditions/Permit in its entirety shall be recorded at the Registry of Deeds, Registry Grantor Index and/or registered in the Land Court Certificate of Title for the district in which the land is located, within the chain of title of the affected property, as specified in General Condition #9 on page 6 of 12 of DEP WPA Form 5 of this Order/Permit. The recording information shall be submitted either in person or by certified mail to the Wenham Conservation Commission (hereinafter referred to as the Commission) before any work is undertaken at the site, or within thirty (30) days of issuance, whichever comes first.
24. This Order/Permit shall be made a part of the Contractor's written contract. The applicant shall notify the Commission in writing of the name(s), address(es) and telephone number(s) of the on-site construction supervisor(s) authorized to coordinate construction to ensure compliance with this Order/Permit during work on the site. The applicant and all persons involved with the work must read and understand this Order/Permit.
25. It is the responsibility of the applicant to complete any review required by all agencies with jurisdiction over the activity that is the subject of this Order/Permit, and to procure all required permits and approvals. These reviews, permits and approvals may include, but not limited to, the following:
  - Review by the U.S. Army Corps of Engineers for any Category 2 or Individual Permit Activity, and procurement of any permits or approvals identified by the Corps.
  - Review by the DEP and procurement of any permits or approvals identified by the DEP.
  - Review by the Massachusetts Natural Heritage and Endangered Species Program for any projects within estimated and/or priority habitat and any permits or approvals identified by the Program.
  - Review by the Wenham Planning Board, Boards of Health, Zoning Board of Appeals, and Building Inspector, and procurement of any permits or approvals required by these

boards.

26. Applicant shall mark limits of work to minimize unnecessary disturbance of soils and vegetation. Applicant shall then notify the Commission and arrange an on-site conference including the Commission or its agent, the Contractor, and the Applicant to ensure that all of the Conditions of this Order are understood. The sign displaying the DEP file number shall not be nailed onto a living tree.

**Conditions 27 through 39 inclusive shall apply during and after construction:**

27. A copy of this Order/Permit, including all referenced documents and plans and all other approvals and directives issued by the Commission, shall be available for inspection and reference at the site during construction.
28. The provisions of this Order/Permit shall apply to and be binding upon the Applicant, its employees, and all successors and assignees in interest or control. The Commission shall be notified in writing at the time of all transfers of title on this property prior to the issuance of a Certificate of Compliance.
29. All work must conform to the final approved site plans, the Notice of Intent, and the Findings in Appendix A of this Order/Permit. The drainage on the property shall remain as it originally existed. Any deviations, additions, modifications, or revisions made or intended to be made from the plans submitted shall require the written inquiry of the Commission whether the change is substantial enough to require an amendment of the Order of Conditions.
30. If any plan, calculation, or other data presented to the Commission is in error or has omissions, and said error or omission is deemed significant by the Commission, all work will cease at the site until the discrepancies have been rectified to the Commission's satisfaction.
31. Sedimentation barriers and erosion control measures shall be placed as shown on the plan and described in the Notice of Intent narrative. No construction activity shall take place beyond the sedimentation barriers. All sedimentation barriers and limit of work markings shall remain in place, shall be inspected regularly and shall be repaired and/or augmented as necessary to prevent sedimentation of wetlands until all disturbed areas have been stabilized and the Commission or its agent has approved their removal. If hay bales are used, they shall have two stakes per bale.
32. The use of vehicles and/or machinery within the wetland area currently composing of mowed lawn or any area between the wetlands and the erosion control barrier/limits of construction shall be restricted to the minimum required. The mitigation plantings shall be done by hand. During and after construction, there shall be no discharge of or spillage of fuel, oil, or other pollutants into the resource area or buffer zone. Servicing of equipment (e.g., fueling, changing, adding, or applying lubricants or hydraulic fluids) must be done outside of the buffer zone. Equipment must be maintained to prevent leakage or discharge of pollutants.
33. If, during construction, any materials fall beyond the sedimentation barriers or limits of work, said materials shall be removed by hand within twenty-four (24) hours. Any damage or alteration of the wetlands caused by said materials shall be corrected as required by the Commission
34. All debris shall be removed from the site and disposed of properly. Stockpiled materials and exposed soils shall be prevented from eroding and causing sedimentation in the wetlands.

Any soil that will be exposed for more than twenty (20) days shall be mulched or otherwise treated to prevent erosion.

35. A tarp will be used under any work near or in the wetlands to catch fallen debris that can then be carried off site.
36. As soon as possible during construction and grading, each disturbed area shall be permanently stabilized against erosion. This shall be done either by sodding or by loaming, seeding, and mulching according to Natural Resources Conservation Service standards. Stabilization will be considered complete once the surface shows complete vegetative cover.
37. Members of the Commission and their agents reserve the right to enter the premises to inspect and evaluate compliance with the Order/Permit and state and local wetlands law, and to require the submittal of any further data or information deemed necessary by the Commission for evaluation of compliance.
38. This Order/Permit shall expire three years from the date of issuance. A request for extension of this Order/Permit shall be submitted by certified mail or hand delivery at least thirty (30) days prior to the expiration date.
39. Upon completion of the project, the applicant shall request in writing, a Certificate of Compliance from the Wenham Conservation Commission. The request for a Certificate of Compliance shall be submitted by Certified Mail and,

This request shall be accompanied by, but not limited to, a written report, signed and stamped by a Massachusetts Registered Professional Engineer or Land Surveyor stating that the work was done in accordance with the approved plan(s) and Order of Conditions. If the completed work differs from that in the original plan(s) and conditions, the report must specify how the project differs.

As-built plans for the project must be submitted. These plans shall contain the following certification:

"I certify that these plans conform to the criteria and conditions as submitted and approved. I further certify that these plans represent an as-built condition."

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R.L.S. or P.E.

40. When issued, the Certificate of Compliance must be recorded at the Registry of Deeds and/or registered in the Land Court, and evidence of same shall be submitted to the Commission within thirty (30) days.

### CONDITIONS IN PERPETUITY

The following conditions shall be in effect during the work activities described in this Permit and shall remain in effect following the issuance of a Certificate of Compliance:

1. Use of pesticides shall be consistent with product labeling specifications and shall be in compliance with all applicable Federal, State, and Wenham laws and regulations. It is the responsibility of the landowner/his or her designee(s) to learn and know what plants are invasive and, thus, may be chemically treated in the Buffer Zone, and what laws are relevant (e.g. need for licensed applicator). Fertilizers shall be slow-release organic types.
2. No waste products, grubbed stumps, construction materials, yard debris, etc. shall be stockpiled or disposed of within areas subject to jurisdiction of the Wetlands Protection Act or the Town of Wenham Water Resources Protection Bylaws.
3. Continued Vegetation Required: The owner shall be responsible for assuring the lasting integrity of vegetative cover on the site in order to prevent erosion, contamination, or other detrimental impact to on-site and off-site resources. Only non-invasive, preferably native, plant species are to be planted within the Wetland and Adjacent Upland Resource Area on this property. Additionally, no plant listed on the Massachusetts Prohibited Plant List may be planted on this property.
4. No Chemicals, Oil, or Gas: There shall be no storage or parking of any equipment that leaks oil or other petroleum products within the Buffer Zone.
5. No Pollutants: There shall be no discharge or spill of fuel, oil, or other pollutants into any area of statutory interest including the Buffer Zone. Any accidental spill shall be immediately reported to the Commission and other appropriate authorities.
6. Dumping Prohibited: There shall be no dumping of leaves, grass clippings, brush, or other debris into the wetland or stream/body of water.
7. Additional Alteration Prohibited: There shall be no additional alterations of areas under Wenham Conservation Commission jurisdiction without the required review and permit(s).

Consultants:

No.	Date	Description
1	9/18/20	FENCE CHANGE

Revisions:

No.	Date	Description
1	9/18/20	FENCE CHANGE

COA:  
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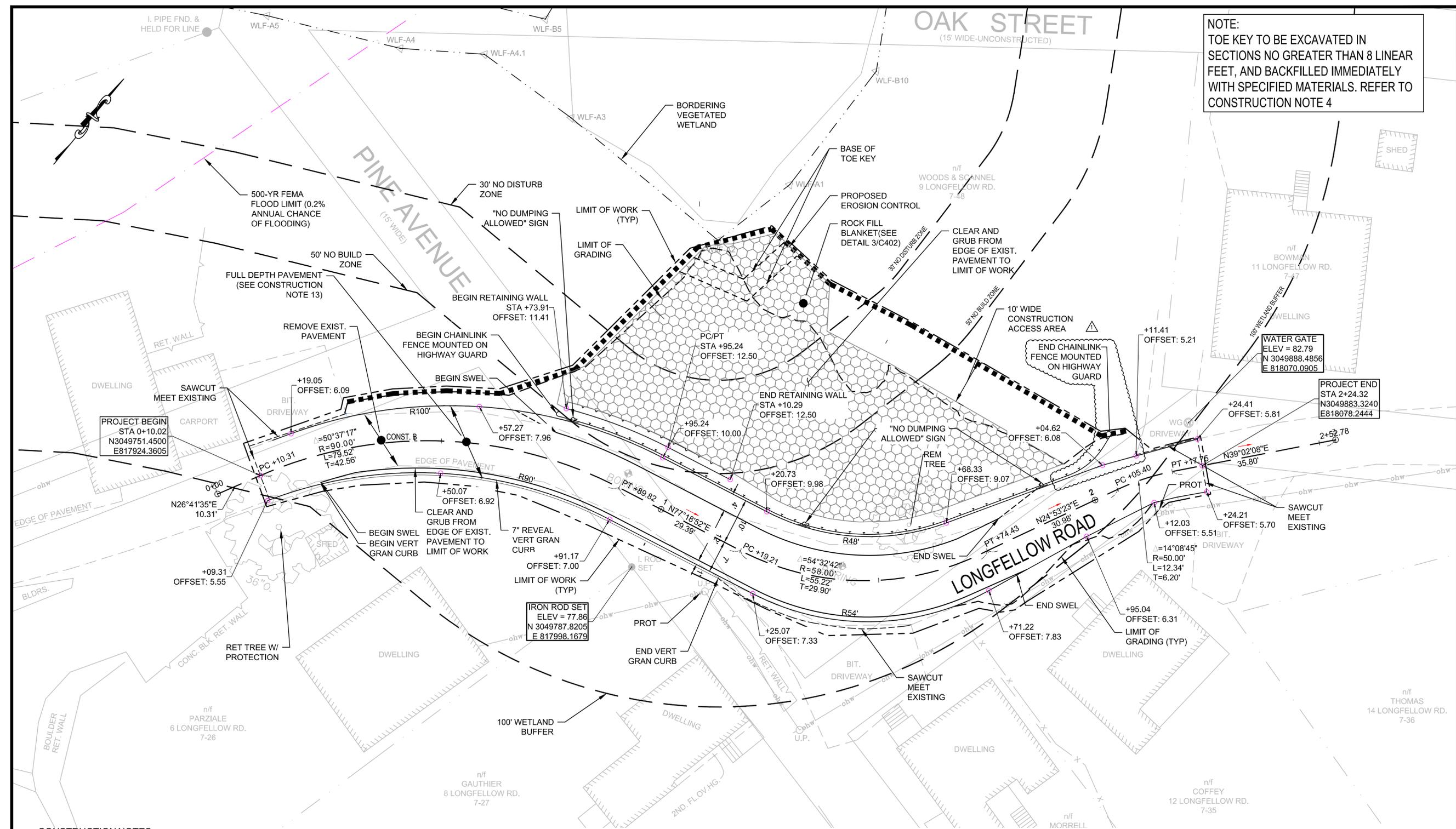
Unauthorized alteration or addition to this document is a violation of Section 209, Subdivision 2 of the New York State Education Law.

Issued For:  
**CONSTRUCTION**

Scale: AS NOTED  
 Date: 09/08/2020  
 Drawn By: MRD  
 Reviewed By: AKP  
 Approved By: LFK  
 W&S Project No.: 2200291  
 W&S File No.: -

Drawing Title:  
**LAYOUT PLAN**  
 Sheet Number:  
**C201**

**NOTE:**  
 TOE KEY TO BE EXCAVATED IN SECTIONS NO GREATER THAN 8 LINEAR FEET, AND BACKFILLED IMMEDIATELY WITH SPECIFIED MATERIALS. REFER TO CONSTRUCTION NOTE 4

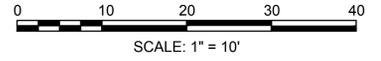


**CONSTRUCTION NOTES:**

- SLOPE REPAIR AND MODIFICATION AREAS SHALL BE CLEARED AND GRUBBED TO EXPOSE INORGANIC MINERAL SOILS. TOPSOIL, ORGANICS, AND OTHER UNSUITABLE MATERIALS (AS DETERMINED BY THE ENGINEER) SHALL BE REMOVED TO EXPOSE FIRM, STABLE, AND UNDISTURBED SOILS.
- SUBGRADE PREPARATION SHALL BE IN-THE-DRY. WATER SHALL BE CONTROLLED AND PREVENTED FROM DISTURBING SUBGRADES. SURFACE RUNOFF SHOULD BE ROUTED SO THAT IT DOES NOT RUN DOWN THE FACE OF THE SLOPES.
- EXCAVATION AND SUBGRADE PREPARATION SHALL BE COMPLETED IN SMALL SECTIONS AND PROTECTED FROM DISTURBANCE. THE GEOTECHNICAL ENGINEER SHALL OBSERVE PREPARED SUBGRADES PRIOR TO PLACEMENT OF OVERLYING MATERIALS. PLACEMENT OF OVERLYING MATERIALS INCLUDE GEOTEXTILE, BEDDING STONE, AND SOIL FILL SHALL OCCUR AS SOON AS POSSIBLE FOLLOWING SUBGRADE PREPARATION AND BEFORE PREPARING ADDITIONAL AREAS OF SUBGRADE.
- NOTIFY THE ENGINEER PRIOR TO THE START OF TOE KEY EXCAVATION. THE TOE KEY SHALL BE CONSTRUCTED SUCH THAT NO MORE THAN 8 LINEAR FEET (ALONG THE TOE) IS EXCAVATED AT ANY ONE TIME. TOE KEY MATERIALS SHALL BE PLACED IMMEDIATELY AFTER EXCAVATION, SUBGRADE PREPARATION, AND OBSERVATION BY THE GEOTECHNICAL ENGINEER. THE GEOTECHNICAL ENGINEER WILL EVALUATE THE TOE KEY SUBGRADE BY PROBING. ANY SOFT, DISTURBED, OR OTHERWISE UNSUITABLE AREAS SHALL BE EXCAVATED AND REPLACED WITH 12-INCH MIN OF COMPACTED GRAVEL BORROW (MASSDOT M1.03-D - TYPE B) OR BEDDING LAYER MATERIAL. FILL MATERIALS SHALL BE PLACED AND COMPACTED IN LIFTS AS REQUIRED IN NOTE 9. BELOW. TOE KEY EXCAVATIONS SHALL BE COMPLETED BACKFILLED AT THE END OF EACH DAY.
- THE TOE KEY, RIPRAP BLANKET, AND SLOPE CONSTRUCTION SHALL PROGRESS FROM THE BOTTOM OF THE SLOPE TO THE TOP IN ALL AREAS.
- RIPPRAP AND BEDDING LAYER MATERIALS SHALL BE TRANSPORTED AND PLACED IN A MANNER THAT PREVENTS SEGREGATION OF PARTICLE SIZES. DUMPING FROM THE TOP OF THE SLOPE, USE OF CHUTES, ETC. ARE NOT ALLOWED. TEMPORARY ACCESS ROADS MAY BE REQUIRED FOR EXCAVATION AND MATERIAL PLACEMENT AND ARE CONSIDERED INCIDENTAL TO THE WORK.
- THE BEDDING LAYER SHALL HAVE A MINIMUM THICKNESS OF 6 INCHES AS MEASURED PERPENDICULAR TO THE SLOPE FACE. BEDDING LAYER MATERIALS SHALL BE COMPACTED UNTIL DENSE AND WELL KEYED BY TAMPING WITH AN EXCAVATOR BUCKET PRIOR TO PLACEMENT OF RIPRAP.
- RIPPRAP SHALL BE PLACED IN A DENSE, STABLE CONFIGURATION TO THE REQUIRED THICKNESSES.
- LOOSE FILL MATERIALS PLACED FOR TEMPORARY HAUL ROADS OR CONSTRUCTION ACCESS SHALL BE REMOVED AND REPLACED WITH COMPACTED MATERIAL. FILL MATERIALS SHALL BE PLACED AND COMPACTED IN HORIZONTAL LIFTS AND BENCHMARKED INTO EXISTING SLOPES TO AVOID FORMATION OF A SHEAR PLANE. LIFTS SHALL BE PLACED IN LIFTS NOT EXCEEDING 10 INCHES IN UNCOMPACTED THICKNESS AND COMPACTED TO AT LEAST 92 PERCENT RELATIVE TO ASTM D1557 (MODIFIED PROCTOR).
- THE FACE OF SOIL SLOPES SHALL BE OVERBUILT AND CUT BACK INTO COMPACTED MATERIALS WITH A SMOOTH EXCAVATOR BUCKET. EROSION CONTROL BLANKETS SHALL BE PLACED ON ALL SOIL SLOPES IMMEDIATELY FOLLOWING CONSTRUCTION. THE EROSION CONTROL BLANKET SHALL CONSIST OF NORTH AMERICAN GREEN ERONET SC150 OR APPROVED EQUIVALENT. THE EROSION CONTROL BLANKET SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S REQUIREMENTS.
- CONTRACTOR SHALL REMOVE TREES AS NECESSARY WITHIN LIMIT OF WORK TO ALLOW FOR CONSTRUCTION OF IMPROVEMENTS AS SHOWN.
- THE CONSTRUCTION ACCESS AREA IDENTIFIED ON THE PLANS SHALL BE STABILIZED AFTER CONSTRUCTION WITH LOAM, AND SEED, AND EROSION CONTROL BLANKETS. DEPRESSIONS FROM TREE STUMP REMOVAL SHALL BE BACKFILLED WITH GRAVEL BORROW PRIOR TO PLACEMENT OF LOAM AND SEED.
- PAVING BASE BID TO INCLUDE PREPARATION OF SUBGRADE AS NOTED ON DETAIL 7/C402, AND INSTALLATION OF DENSE GRADE BASE. BID ALT 1 SHALL INCLUDE INSTALLATION OF BINDER COURSE AND SURFACE COURSE.
- CONTRACTOR SHALL REMOVE TREES WITHIN CONSTRUCTION ACCESS AREA AS REQUIRED TO PROVIDE ADEQUATE ACCESS TO CONSTRUCTION EQUIPMENT. EFFORT SHOULD BE MADE TO PRESERVE TREES WITHIN CONSTRUCTION ACCESS AREA TO THE EXTENT PRACTICABLE.
- CONTRACTOR MAY USE THE PARKING LOT AT PLEASANT POND BEACH FOR STAGING/STORAGE AREA. THE PARKING LOT IS LOCATED APPROXIMATELY 0.4 MILES FROM PROJECT AREA.

**SIGN SUMMARY**

SIZE	TEXT	MOUNTING/ DESCRIPTION
18" x 24"	NO DUMPING ALLOWED	MOUNTED ON CLF/ WHITE BACKGROUND, GREEN LETTERS

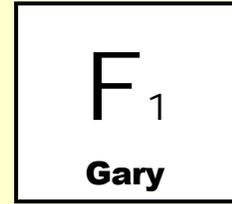


P:\Wenham\_10\202010\Longfellow\_Road\_Widening\CONSTRUCTION\_LAYOUT\_PLAN.dwg  
 9/18/2020 10:00:00 AM  
 L:\Projects\2020\Longfellow\_Road\_Widening\CONSTRUCTION\_LAYOUT\_PLAN.dwg  
 9/18/2020 10:00:00 AM  
 L:\Projects\2020\Longfellow\_Road\_Widening\CONSTRUCTION\_LAYOUT\_PLAN.dwg  
 9/18/2020 10:00:00 AM

Rev. 1.0 Date: 09/24/2019



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
**October 6, 2020**



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**New Business – Special Town Meeting (October 17, 2020)**  
**Citizen Petition - Update**

Requested by: Dan Pasquarello, resident

Action Sought: update

**Proposed Motion(s)**

Discussion Dependent

**Additional Information**

The Town Clerk notified us on Thursday, September 17, 2020 that a citizen petition (attached) has been filed with her office and certified. MGL Chapter 39 Section 10 requires *“The selectmen shall insert in the warrant for the annual meeting all subjects the insertion of which shall be requested of them in writing by ten or more registered voters of the town and in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters”*

**Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

---

**From:** [Lauren F. Goldberg](#)  
**To:** [Anthony Ansaldo](#)  
**Cc:** [Jack Wilhelm](#)  
**Subject:** Opinion re: non-binding nature of newly filed Citizens' Petition  
**Date:** Tuesday, September 22, 2020 1:33:14 PM  
**Attachments:** [citizens petition BOH STM 10.2020.pdf](#)

---

Anthony,

You have requested an opinion regarding the citizens' petition ("Petition") for submission of a warrant article to the October 17, 2020 Special Town Meeting that seeks "[t]o Require the Board of Health to Adhere to State Guidance for the Opening and Operation of Schools." Specifically, the petition seeks to "prohibit the BOH from adopting, approving, enacting, promulgating, or enforcing any guidance, metrics, rules, or instructions concerning the opening of schools in the Hamilton-Wenham Regional School District... more stringent than what DESE or DPH has promulgated or will promulgate for the Commonwealth." Further, the Petition seeks to require the Board of Health to use DESE's "key municipality" standard for assessing the district's health metrics, and to annul any guidance or rules previously issues that are more stringent than DESE's or DPH's. The Board of Registrars has certified the Petition has been signed by 119 voters in the Town.

In my opinion, the Petition complies with G.L. c. 39, s. 10, and therefore must be put on the Special Town Meeting warrant in the manner in which it was submitted. However, in my further opinion, this petition may only be viewed as a "sense of the meeting", i.e., it is directory, not mandatory.

General Laws c. 39, s. 10 states in relevant part that "[t]he selectmen shall insert... in the warrant for every special town meeting all subjects the insertion of which shall be requested of them in writing by one hundred registered voters or by ten per cent of the total number of registered voters of the town whichever number is the lesser." This language is compulsory and requires the Board of Selectmen to place any item properly petitioned on the warrant article for the upcoming Special Town Meeting. [Crowell v. Attorney General](#), 3 Mass. App. Ct. 700 (1975). In my opinion, based on the Registrars certification of voters' signatures and the form of the documents submitted here, the petition complies with G.L. c. 39, s. 10 in form and substance.

However, it is also well-established that Town Meeting cannot take or compel any action that is properly subject to the discretion of a board under the General Laws. [See, e.g., Beault v. Town of Auburn](#), 303 Mass. 424, 428-429 (1939) (Town Meeting cannot instruct Board of Health to appoint agent subject to appointment at their discretion under G.L. c. 111, s. 27). The Supreme Judicial Court has held on numerous occasions that "a town meeting cannot exercise authority over a board ... when the board is acting in furtherance of a statutory duty." [See, e.g., Twomey v. Town of Middleborough](#), 468 Mass. 260, 270 (2014) (board of selectmen not bound by town meeting vote to set insurance coverage premiums at certain rate under Chapter 32B); [Anderson v. Selectmen of Wrentham](#), 406 Mass. 508, 512 (1990) (same); [Russell v. Canton](#), 361 Mass. 727, 730-731 (1972) (town meeting can authorize but not command taking by eminent domain where Legislature delegated said power to board of selectmen).

Here, it is my opinion that Town Meeting may not compel the Board of Health to follow DESE and DPH guidelines because investigation and prevention of the spread of infectious diseases is a duty of the Board of Health under Chapter 111 of the General Laws. Sections 104 and 122 of Chapter 111 authorize the Board of Health to investigate and prevent the spread of infectious diseases and other causes of sickness, and to make regulations to protect the public health and safety from same. These provisions of the General Laws grant the Board of Health discretion to take precautionary measures and create guidelines, rules, and regulations that are appropriate for the Town to prevent the spread of disease. The petition in my opinion, seeks to bind or restrict the manner in which the Board of Health would exercise that discretion. Therefore, consistent with the above-referenced case law, it is my opinion this petition, even if approved by Town Meeting, will not be binding upon the Board of Health.

In sum, it is my opinion that the citizens' petition exceeds the scope of Town Meeting's authority. Specifically, the Petition may not limit the Board of Health's authority to issue any guidance, rules, or

regulations it deems necessary to protect the public from the spread of infectious disease. In my further opinion, where this article will have no legal consequence, the Moderator may, in his discretion, choose to notify Town Meeting that y action taken under such an article would be directory rather than mandatory.

If you have any additional questions, please do not hesitate to contact me.

Also, please note that I have blind copied all of the Board members on this e-mail in an effort to avoid any inadvertent violation of the Open Meeting Law.

Very truly yours,

Lauren

Lauren F. Goldberg, Esq.

**KP | LAW**

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654-1759

F: (617) 654 1735

C: (617) 548 7622

[lgoldberg@k-plaw.com](mailto:lgoldberg@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

(617) 556-0777

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---

**From:** Anthony Ansaldi <[AAnsaldi@wenhamma.gov](mailto:AAnsaldi@wenhamma.gov)>

**Sent:** Thursday, September 17, 2020 5:33 PM

**To:** Lauren F. Goldberg <[LGoldberg@k-plaw.com](mailto:LGoldberg@k-plaw.com)>

**Cc:** Jack Wilhelm <[JWilhelm@wenhamma.gov](mailto:JWilhelm@wenhamma.gov)>; John Clemenzi <[JClemenzi@wenhamma.gov](mailto:JClemenzi@wenhamma.gov)>;

[ultrafinepapers@yahoo.com](mailto:ultrafinepapers@yahoo.com); Gary Cheeseman <[GCheeseman@wenhamma.gov](mailto:GCheeseman@wenhamma.gov)>

**Subject:** FW: citizens petition stm 10.2020

Hi Lauren,

As discussed today, attached is the citizen petition that doesn't appear to be binding but could you render a legal opinion for the board before our meeting on Tuesday, September 22<sup>nd</sup>.

Thank you,

Anthony

---

**From:** Dianne Bucco

**Sent:** Thursday, September 17, 2020 4:02 PM

**To:** Anthony Ansaldi <[AAnsaldi@wenhamma.gov](mailto:AAnsaldi@wenhamma.gov)>

**Cc:** Nicole Roebuck <[NRoebuck@wenhamma.gov](mailto:NRoebuck@wenhamma.gov)>

**Subject:** citizens petition stm 10.2020

Please see attached

*Dianne K. Bucco, CMC/CMMC*  
*Wenham Town Clerk*  
*Justice of the Peace*  
*138 Main Street, Wenham, MA 01984*  
*978-468-5520 x1*  
[dbucco@wenhamma.gov](mailto:dbucco@wenhamma.gov)  
[www.facebook.com/WenhamTownClerk](https://www.facebook.com/WenhamTownClerk)

**Petition for Action by the Voters of the Town of Wenham**

DATE and TIME this paper received by Registrars

RECEIVED-TOWN CLERK  
WENHAM, MA 01984

2020 SEP 17 AM 8:58

Warrant Article Submission for October 17, 2020 Special Town Meeting

**ARTICLE: TO REQUIRE THE BOARD OF HEALTH TO ADHERE TO STATE GUIDANCE FOR THE OPENING AND OPERATION OF SCHOOLS**

To see if the Town will vote to require the Board of Health for the Town of Wenham ("BOH") to adhere to all guidance, metrics, rules, and instructions promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") and the Massachusetts Department of Public Health ("DPH") concerning the opening and operation of schools in the Commonwealth of Massachusetts during the 2020-2021 School Year and for the duration of the State of Emergency in the Commonwealth regarding the Covid-19 Global Pandemic.

In approving this article, the Town hereby:

1. Prohibits the BOH from adopting, approving, enacting, promulgating, or enforcing any guidance, metrics, rules, or instructions concerning the opening and operation of schools in the Hamilton-Wenham Regional School District (the "District") more stringent than what DESE or DPH has promulgated or will promulgate for the Commonwealth. Specifically, the BOH is prohibited from establishing "local metrics" that redefine the categories of the state color-coded health metric system based on aggregate average daily incidence rate more strictly (i.e., the gray, green, yellow, and red categories set forth in the color-coded charts and maps provided by DPH);
2. Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (i.e., Hamilton); and
3. Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of Wenham.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I	II	III
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	✓	17 PORTER STREET	DANIEL J. PASQUARELLO
2	✓	8 Porter Street	RODNEY J. LUCIA
3	✓	8 Porter Street	Susan Lucia
4	✓	6 PORTER Street	Andrew Belliveau
5	✓	6 PORTER STREET	Jill Belliveau
6	✓	19 Porter Street	TS Carney
7	✓	1 Porter Street	David R. Ireland
8	✓	10 Porter Street	Michael Calancercio
9	✓	10 Porter St.	KATIE Calancercio
10	✓	19 PORTER ST	CASEY Binkley
11	✓	15 Stanton St.	Cornelia Shea
12	✓	15 Stanton St	PATRICK SHEA
13	✓	17 Porter St.	Amy B. Pasquarello
14	✓	1 D'Ambrosio Way	Allison Kelley
15	✓	4 Eddel Ave	Lisa Brown
16	✓	4 Eddel Ave	Vanessa Brown



**Petition for Action by the Voters of the Town of Wenham**

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2. Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (*i.e.*, Hamilton); and
3. Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of Wenham.

**INSTRUCTIONS TO SIGNERS:**

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

	I	II	III
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	✓ <i>Amy DeSimone</i>	15 Porter Street	Amy DeSimone
2	✓ <i>Marisa Bartlett</i>	17 Pleasant St	Marisa Bartlett
3	✓ <i>Meghan Arvidson</i>	13 Lake Ave	Meghan Arvidson
4	✓ <i>Amy Koland</i>	4 Bruce Lane	Amy Koland
5	✓ <i>Deborah Evans</i>	12 Porter Street	Deborah Evans
6	✓ <i>George Needham</i>	8 William Fairfield	George Needham
7	✓ <i>Holly K Gamber</i>	16 Juniper St	Holly K Gamber
8	✓ <i>Ashley Hopkins</i>	19 Juniper Street	Ashley Hopkins
9	✓ <i>Jeffrey Hopkins</i>	19 Juniper St	Jeffrey Hopkins
10	✓ <i>Paul Gamber</i>	16 Juniper St	PAUL GAMBER
11	✓ <i>John F. DeSimone</i>	15 Porter St	John F. DeSimone
12	✓ <i>Carolyn Bye Morris</i>	18 Cedar St	Carolyn Bye Morris
13	✓ <i>Nicole Ireland</i>	1 Porter St	Nicole Ireland
14	✓ <i>Deborah Evans</i>	12 Porter St	Deborah Evans
15	✓ <i>Kristin Noble</i>	36 Monument St	Kristin Noble
16	✓ <i>Semifer Caulfield</i>	25 Juniper St	Semifer Caulfield

(OVER) →

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Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
17	✓ <i>SM Jov</i>	11 Monument St	SCOTT JAMES
18	✓ <i>Patricia E. Jank</i>	11 Monument St	Patricia E JANK
19	✓ <i>Stephen Cote</i>	2 Nathaniel Cir	Stephen Cote
20	✓ <i>Angela Cote</i>	2 Nathaniel Cir	Angela Cote
21	✓ <i>Marc Liphardt</i>	58 Arbor street	Marc Liphardt
22	✓ <i>Tracy Liphardt</i>	58 Arbor street	Tracy Liphardt
23	✓ <i>Chad Caufield</i>	25 Juniper St.	CHAD CAUFIELD
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50	✓ <i>[Signature]</i>		

Instructions to Registrars

You must time-stamp or write in date and time these papers are received.

Check the name of qualified voter to be certified. For names not certified, use the codes opposite.

- N: no such registered voter at that address.
- S: unable to identify signature or address as that of.
- W: wrong district or community.
- T: already signed this petition.

CERTIFICATION OF SIGNATURES

We certify that (23) twenty three signatures checked are names of voters of the Town of Wenham and are qualified to sign this petition.

(At least three registrars names must be signed or stamped below)

*Ramon Brzozala*

*Charles M. Burns*

*[Signature]*

Registrars of Voters of the Town of Wenham

**Petition for Action by the Voters of the Town of Wenham**

DATE and TIME this paper received by Registrars

RECEIVED-TOWN CLERK  
WENHAM, MA 01984

2020 SEP 17 AM 8:58

Warrant Article Submission for October 17, 2020 Special Town Meeting

**ARTICLE: TO REQUIRE THE BOARD OF HEALTH TO ADHERE TO STATE GUIDANCE FOR THE OPENING AND OPERATION OF SCHOOLS**

To see if the Town will vote to require the Board of Health for the Town of Wenham ("BOH") to adhere to all guidance, metrics, rules, and instructions promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") and the Massachusetts Department of Public Health ("DPH") concerning the opening and operation of schools in the Commonwealth of Massachusetts during the 2020-2021 School Year and for the duration of the State of Emergency in the Commonwealth regarding the Covid-19 Global Pandemic.

In approving this article, the Town hereby:

1. Prohibits the BOH from adopting, approving, enacting, promulgating, or enforcing any guidance, metrics, rules, or instructions concerning the opening and operation of schools in the Hamilton-Wenham Regional School District (the "District") more stringent than what DESE or DPH has promulgated or will promulgate for the Commonwealth. Specifically, the BOH is prohibited from establishing "local metrics" that redefine the categories of the state color-coded health metric system based on aggregate average daily incidence rate more strictly (i.e., the gray, green, yellow, and red categories set forth in the color-coded charts and maps provided by DPH);
2. Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (i.e., Hamilton); and
3. Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

**SIGNERS STATEMENT** - We are qualified voters of the Commonwealth of Massachusetts and of the Town of Wenham.

**INSTRUCTIONS TO SIGNERS:**

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	I	II	III	
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name	
1	✓	Ken O'Shea	1 Speakers Lane	Kevin O'Shea
2	✓	Patricia O'Shea	1 Speakers Lane	Patricia O'Shea
3	✓	[Signature]	13 Morgan Street, Wenham	Robert Wallace
4	✓	Kristen Danaher	44 William Fairfield Drive	Kristen Danaher
5	✓	Kathleen Goelzer	4 Speakers Lane	Kathleen Goelzer
6	✓	Keegan O'Shea	1 Speakers Lane	Keegan O'Shea
7	✓	Stephan Goelzer	4 Speakers Ln	Stephan Goelzer
8	✓	Felix S. Riccio	30 Pleasant Street	Felix S. Riccio
9	✓	Thomas Riccio	30 Pleasant St	Thomas Riccio
10	✓	Moira Riccio	30 Pleasant St.	Moira Riccio
11	✓	Marsken Wehls	11 Kimball Ave	Marsken Wehls
12	✓	[Signature]	8 Kimball Ave	[Signature]
13	✓	[Signature]	15 Kimball Ave	Dina M. Coffey
14	✓	[Signature]	15 Kimball Ave	Jeremy Coffey
15	✓	[Signature]	13 Morgan Street	Jennifer Welbes
16	✓	Penelope S. Coates	4 Morgan St.	Penelope S. Coates
17	✓	[Signature]	39 William Fairfield Dr.	Jennifer F. Whitman

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Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
17	✓ <i>Ben P G</i>	4 Morgan St	Benjamin Coates
18	✓ <i>Stephanie Mark</i>	38 William Fairfield Dr	Stephanie Mark
19	✓ <i>Jordan N Chapelaine</i>	15 Puritan Rd	Jordan N Chapelaine
20	✓ <i>Leslie Chapelaine</i>	15 Puritan Rd	Leslie Chapelaine
21	✓ <i>David Page</i>	24 William Fairfield	David Page
22	✓ <i>Caitlin Bard</i>	31 William Fairfield Dr	Caitlin Bard
23	✓ <i>Halle Britton</i>	29 William Fairfield Dr	Halle Britton
24	✓ <i>Jennifer Perkin</i>	46 William Fairfield Dr	Jennifer Perkin
25	✓ <i>Nicole Woney</i>	188 Cherry St.	Nicole Woney
26	✓ <i>Heidi Dearborn</i>	72 Cedar St	Heidi Dearborn
27	✓ <i>D. Christopher Dearborn</i>	11 11	D. Christopher Dearborn
28	✓ <i>Gina Gulla</i>	33 William Fairfield Dr	Gina Gulla
29	✓ <i>Matteo Gulla</i>	33 William Fairfield Dr	Matteo Gulla
30	✓ <i>James Mark</i>	35 Wm Fairfield Dr	James Mark
31	✓ <i>Scott Hughes</i>	12 Wm Fairfield Dr	Scott Hughes
32	✓ <i>Nancy Hughes</i>	12 Wm Fairfield Dr	Nancy Hughes
33	✓ <i>Moby Hughes</i>	12 Wm Fairfield Dr	Moby Hughes
34	✓ <i>Peter T. Whilman</i>	39 William Fairfield	Peter T. Whilman
35	✓ <i>Greg Britton</i>	29 William Fairfield	Greg Britton
36	✓ <i>Marlaine Almeida</i>	10 William Fairfield Dr	Marlaine Almeida
37	✓ <i>Rob Almeida</i>	10 William Fairfield Dr	Rob Almeida
38	✓ <i>Matt Bard</i>	31 Wm Fairfield	Matt Bard
39	✓ <i>Len Dolan III</i>	16 Howard St. Wenham	Len Dolan
40	✓ <i>Lynnie Dobson</i>	202 Main St Wenham	Lynnie Dobson
41	✓ <i>Martin J Cooke</i>	4 Puritan Rd. Wenham	Martin J Cooke
42	✓ <i>Anthony Bisio</i>	15 FRICND CT WENHAM	Anthony Bisio
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Instructions to Registrars

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 For names not certified, use the codes opposite.

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 S: unable to identify signature or address as that of.  
 W: wrong district or community.  
 T: already signed this petition.

<p><b>CERTIFICATION OF SIGNATURES</b></p> <p>We certify that <u>43</u> <u>only three</u> signatures checked are names of voters of the Town of Wenham and are qualified to sign this petition.</p>	<p>(At least three registrars names must be signed or stamped below)</p> <p><u><i>James Bezenale</i></u></p> <p><u><i>Christina M. Evans</i></u></p> <p><u><i>[Signature]</i></u></p> <p>Registrars of Voters of the Town of Wenham</p>
--	---

**Petition for Action by the Voters of the Town of Wenham**

DATE and TIME this paper received by Registrars

RECEIVED-TOWN CLERK  
WENHAM, MA 01984

2020 SEP 17 AM 8:58

Warrant Article Submission for October 17, 2020 Special Town Meeting

**ARTICLE: TO REQUIRE THE BOARD OF HEALTH TO ADHERE TO STATE GUIDANCE FOR THE OPENING AND OPERATION OF SCHOOLS**

To see if the Town will vote to require the Board of Health for the Town of Wenham ("BOH") to adhere to all guidance, metrics, rules, and instructions promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") and the Massachusetts Department of Public Health ("DPH") concerning the opening and operation of schools in the Commonwealth of Massachusetts during the 2020-2021 School Year and for the duration of the State of Emergency in the Commonwealth regarding the Covid-19 Global Pandemic.

In approving this article, the Town hereby:

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2. Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (*i.e.*, Hamilton); and
3. Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

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	I	II	III
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
1	✓ <i>Jacqueline M Cooper</i>	2 Princemere Ln	Jacqueline M Cooper
2	✓ <i>Michelle Gilpin</i>	13 Parsons Hill Rd.	Michelle Gilpin
3	✓ <i>Carleen Rivers</i>	3 Princemere Lane	Carleen Rivers
4	✓ <i>Gail Noonan</i>	18 Parsons Hill Rd.	Gail Noonan
5	✓ <i>Stacey Metternick</i>	3 Dexter Ln.	Stacey Metternick
6	✓ <i>Scott Metternick</i>	3 Dexter Ln	Scott Metternick
7	✓ <i>James Cooper</i>	2 Princemere Ln.	James Cooper
8	✓ <i>Gabriella Cooper</i>	2 Princemere Lane	Gabriella Cooper
9	✓ <i>Sarah Winch</i>	25 Parsons Hill Rd.	Sarah Winch
10	✓ <i>Peter Winch</i>	25 Parsons Hill Rd	Peter Winch
11	✓ <i>Alison Hawkins</i>	112 Larch Row	ALISON HAWKINS
12	✓ <i>Maurice Mooney</i>	116 Grapevine Rd	MAURICE MOONEY
13	✓ <i>Joelle Mooney</i>	116 Grapevine Rd	JOELLE MOONEY
14	✓ <i>Abigail Schibbi</i>	188 Main St	Abigail Schibbi
15	✓ <i>Legal Schibbi</i>		
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	Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
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- W: wrong district or community.
- T: already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that (14) (return) signatures checked are names of voters of the Town of Wenham and are qualified to sign this petition.

(At least three registrars names must be signed or stamped below)

*Ramon Berzade*

*Christina M. Burns*

*[Signature]*

Registrars of Voters of the Town of Wenham

**Petition for Action by the Voters of the Town of Wenham**

DATE and TIME this paper received by Registrars

RECEIVED - TOWN CLERK  
WENHAM, MA 01984

Warrant Article Submission for October 17, 2020 Special Town Meeting

2020 SEP 17 AM 8:50

ARTICLE: **TO REQUIRE THE BOARD OF HEALTH TO ADHERE TO STATE GUIDANCE FOR THE OPENING AND OPERATION OF SCHOOLS**

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	I	II	III
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1	✓	40 Mayflower Dr Wenham MA	Kate Stockbridge
2	N	" " "	Keith Stockbridge
3	✓	7 Puritan Rd.	Alexandra Mahan
4	✓	" "	Gerald Mahan
5	N	11 Puritan RD	DAN ORLANDINO
6	✓	23 MAYFLOWER DR	HERIBERTO RIVAS
7	✓	28 Mayflower Tr.	Lindsay Whitman
8	✓	28 mayflower	Craig Urch
9	✓	36 Mayflower	Ashley Forster
10	✓	23 Mayflower Dr.	Laura Rivas
11	✓	38 Mayflower Dr.	Roy Rodriguez
12	✓	38 Mayflower Pr.	Verabell Ortiz
13	✓	11 Puritan Rd	Dan Orlandino
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	I	II	III
Check	Signatures to be made in person with name substantially as registered (except in case of physical disability as stated above)	Now Living At (Street and Number)	Printed Name
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- T: already signed this petition.

**CERTIFICATION OF SIGNATURES**

We certify that (11) eleven signatures checked are names of voters of the Town of Wenham and are qualified to sign this petition.

(At least three registrars names must be signed or stamped below)

\_\_\_\_\_  
*[Signature]*  
 \_\_\_\_\_  
*Christine M. Burns*  
 \_\_\_\_\_  
*[Signature]*

Registrars of Voters of the Town of Wenham



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020

F<sub>2</sub>  
Gary

---

## New Business – Special Town Meeting (October 17, 2020) Discussion and potential approval to purchase Electronic Voting System

Requested by: Town Administrator

Action Sought: approval

### Proposed Motion(s)

MOVE that the Board of Selectmen approve the purchase of the Electronic Voting System from Meredia Interactive Solutions using the CARES Act funds.

### Additional Information

During and after the planning process for the Annual Town Meeting, there were several comments about other communities using electronic voting for Town Meeting. Working with the Town of Hamilton, we investigated various models including checking references and proposing the Town purchase electronic voting system for Town Meeting. The state has approved this purchase using the CARES Act funds.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

---

**From:** [Tim Olson](#)  
**To:** [Anthony Analdi](#); [Joe Domelowicz](#)  
**Subject:** Quotes for Audience Response Systems  
**Date:** Monday, September 14, 2020 2:42:25 PM  
**Attachments:** [Meridia Electronic Voting System Pricing and Info.pdf](#)  
[Town of Hamilton - Wenham Cooperative Bid.pdf](#)  
[Hamilton-Wenham RFQ Cover Letter.pdf](#)  
[Responses to Questions for Electronic Audience Response System - Turning Technologies.pdf](#)  
[Town of Hamilton-Wenham - 1,250 Seat LCD System.pdf](#)  
[Towns that currently use TurningPoint for electronic voting - as of Sept 11 2020.pdf](#)

---

Hi Joe and Anthony,

I received two quotes, OMBEA could not provide technical service during the Town Meeting and had no references in Mass.

Meridia is low quote and has several Mass communities as reference.

Please let me know how you would like to proceed.

Thanks

Tim

**Timothy J. Olson**

Director of Public Works  
Town of Hamilton  
PO Box 429  
577 Bay Road  
Hamilton, MA 01936  
Ph. 978-626-5227  
[tolson@hamiltonma.gov](mailto:tolson@hamiltonma.gov)

When writing or responding, please remember that the Secretary of State's Office has determined that email is a public record and is subject to requests under MGL c.66 §10. This communication may contain privileged or other confidential information. If you are not the intended recipient, or believe that you have received this communication in error, please indicate to the sender that you have received this email in error, and delete the copy you received. Please do not print, copy, retransmit, disseminate, or otherwise use the information.

**From:** [Sean McPeak](#)  
**To:** [Tim Olson](#)  
**Cc:** [Peter Babel](#)  
**Subject:** Meridia Electronic Voting System Pricing and Info  
**Date:** Sunday, August 23, 2020 1:27:22 PM  
**Attachments:** [City of Hamilton \( EZ-VOTE 5 \) qty 1000.pdf](#)

---

Hi Tim,

Thanks so much for taking the time to chat with us on Friday afternoon. Per your request I have included pricing for a 1,000 keypad EZ-VOTE 5 system. This is the same system that is owned by the towns listed below...

- Town of Stow, MA
- Town of Leicester, MA
- Town of Rutland, MA
- Town of Uxbridge, MA
- Town of Bellingham, MA
- Town of Charlton, MA
- Town of Sterling, MA

The system is extremely easy to setup and easy to us. As we outline on our website , the EZ-VOTE platform is license free and subscription free, so it can be downloaded on any computer without additional costs or yearly sign up fees. **No annual subscriptions required !**

If you would like to learn more about our EZ-VOTE platform, you can schedule a demo/training using the following link ... <https://www.meridiaars.com/training>

To see how our current customers are using the system go to ...  
<https://www.meridiaars.com/audience-response-reviews/>

Included with your system purchase is unlimited training and lifetime phone and email support from our team of instructors. Your success is our goal, so we hope you take advantage of our best practice instruction, live tutorials, and self-help resources. To move forward with your purchase simply go to [www.meridiaars.com/pay](http://www.meridiaars.com/pay) . Upon receipt, your system will be prepared, programmed and shipped out within 3 business days. If you are interested in taking advantage our keypad customization program check out the link below.

<https://www.meridiaars.com/customkeypads>

Should you have any questions or additional needs please do not hesitate to call.

I look forward to being of service to you and your team.

**Sean P. McPeak | Manager**  
**Meridia Interactive Solutions** 

***Fully Supporting Our Clients Since 1970***

5 GREAT VALLEY PARKWAY, STE 218, MALVERN, PA 19355

(P) 610.260.6800 | (F) 610. 260-6810 | (M) 484.574.3491

[www.MeridiaARS.com](http://www.MeridiaARS.com) | [smcpeak@meridiaars.com](mailto:smcpeak@meridiaars.com)

Connect with us [@meridiaars](#) (Twitter, Facebook, Instagram)

<b>Prepared for</b>		<b>Prepared by</b>	
<b>Name</b>	Tim Olson	<b>Name</b>	Sean McPeak
<b>Email</b>	tolson@hamiltonma.gov	<b>Phone</b>	610.260.6800
<b>Valid until</b>	9/30/2020	<b>Email</b>	smcpeak@meridiaars.com
<b>Phone</b>	978-626-5227	<b>Quote</b>	MQ4335
<b>Created on</b>	09/09/2020		
<b>Company</b>	Town of Hamilton / Wenham		

As part of our service to you, each keypad will be **paired with a receiver, programmed to your specification and labeled**, to make it a true plug and play system. All our products are fully supported and come with the **longest hardware warranties in the industry**.

## STANDARD FEATURES

- ✓ Display Screen
- ✓ Vote Confirmation Display
- ✓ Battery Life Indicator Display
- ✓ Connectivity Strength Display
- ✓ 3-Year Warranty
- ✓ Coin Cell Batteries
- ✓ Small Entry-Level Keypad
- ✓ Range 200ft (400x400 ft2)



# SYSTEM REQUIREMENTS

<b>Operating System Compatibility</b>	Windows Vista, 7, 8 and 10 (32 & 64 Bit)
<b>MS Office Compatibility</b>	MS PowerPoint, Word and Excel 2013, 2016, O365 (32 & 64 Bit)
For extended list of requirements go to <a href="http://www.meridiaars.com/requirements">www.meridiaars.com/requirements</a>	



# EZ-VOTE 5 SYSTEM QUOTE

Item	Quantity	Unit Price	Subtotal
EZ-VOTE 5 Keypad	1250	\$27.00	\$33,750.00
USB Receiver	4	\$295.00	\$1,180.00
50-KP Soft-Shell Bag	25	\$45.00	\$1,125.00
EZ-VOTE Software - No Subscription, No Annual Fees	1	\$0.00	\$0.00
Lifetime Support and Instructor-Led Training	1	\$0.00	\$0.00
<b>Promotion Discount</b>	<b>1</b>	<b>-\$250.00</b>	<b>-\$250.00</b>
Lanyards	1,250	\$0.00	Included
Clear Plastic Keypad Sleeve	1,250	\$0.00	Included
Two Onsite Staff for Wenham Town Meeting	1	\$2,500.00	\$2,500.00
Two Onsite Staff for Hamilton Town Meeting	1	\$2,500.00	\$2,500.00
Shipping*			\$385.00
Tax			\$0.00
<b>Total in USD:</b>			<b>\$41,190.00</b>

\*Unless otherwise specified, shipping charges are for continental U.S. only

# HOW TO ORDER

Ready to make a purchase? Head on to [www.meridiaars.com/pay](http://www.meridiaars.com/pay) to pay via credit card. Use the Quote # on page 1 to identify your order. To pay via check, electronic fund transfer (EFT), or PO, email [sales@meridiaars.com](mailto:sales@meridiaars.com) to request an invoice



# WHY CHOOSE US



5 Great Valley Parkway, Suite 218, Malvern, PA 19355

Phone: 610-260-6800, Fax: 610-260-6810, Email: [rsvp@meridiaars.com](mailto:rsvp@meridiaars.com)



## Anthony Ansaldi

---

**From:** Lanesborough Town Manager <town.manager@lanesborough-ma.gov>  
**Sent:** Tuesday, September 29, 2020 10:03 AM  
**To:** Anthony Ansaldi; stammembers@googlegroups.com  
**Subject:** RE: Electronic Voting

Hi,

Lanesborough bought Meridia voting devices. We used them for the first time for the annual town meeting held in June. They worked really well. Voting went very quickly and the 4/5ths vote was instantly tabulated as well all the 2/3's. They are lighter to carry than the paddles some towns use. The results can be seen projected to a screen if you so choose. We had only one resident complain that "now all the votes will be secret?! That's not right." Hoping for another success story at the Special in November.

Kelli

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**From:** stammembers@googlegroups.com [mailto:stammembers@googlegroups.com] **On Behalf Of** Anthony Ansaldi  
**Sent:** Monday, September 28, 2020 6:23 PM  
**To:** stammembers@googlegroups.com  
**Subject:** STAM Listserv- Electronic Voting

We are interested in purchasing the electronic voting clickers for Town Meeting using CARES Funds and wanted to know, for those that are using something similar, how it has worked for Town Meeting? The company that gave us the lowest price was:

Meridia Interactive Solutions  
5 GREAT VALLEY PARKWAY, STE 218, MALVERN, PA 19355  
(P) 610.260.6800 | (F) 610. 260-6810 | (M) 484.574.3491

And listed the following communities as references:

Town of Stow, MA  
Town of Leicester, MA  
Town of Rutland, MA  
Town of Uxbridge, MA  
Town of Bellingham, MA  
Town of Charlton, MA  
Town of Sterling, MA

Thank you,

Anthony

Anthony M. Ansaldi, Jr.  
Town Administrator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984  
978-468-5520 x2



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[Anthony Ansaldi!](#)

*"I think there's no higher calling in terms of a career than public service, which is a chance to make a difference in people's lives and improve the world"*

Jack Lew, 78<sup>th</sup> United States Secretary of the Treasury

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You received this message because you are subscribed to the Google Groups "STAMmembers" group.

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[stammembers+unsubscribe@googlegroups.com](mailto:stammembers+unsubscribe@googlegroups.com).

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## Anthony Ansaldi

---

**From:** stammembers@googlegroups.com on behalf of Genereux, David <genereuxd@leicesterma.org>  
**Sent:** Tuesday, September 29, 2020 10:07 AM  
**To:** Lanesborough Town Manager; Anthony Ansaldi; stammembers@googlegroups.com  
**Subject:** STAM Listserv- RE: Electronic Voting

Leicester has been using Meridia for the past two years. Our residents really appreciate the ease and convenience offered by the voting devices. There have been no complaints at all. We just had a special town meeting with 825 participants (School project). They worked flawlessly.

Regards,

*David A. Genereux*

David A. Genereux  
Town Administrator  
Town of Leicester  
3 Washburn Square  
Leicester, MA 01524  
Telephone: (508) 892-7000  
Fax: (508) 892-7070  
Email: [genereuxd@leicesterma.org](mailto:genereuxd@leicesterma.org)

“Please remember that the Secretary of State has determined that email is a public record”

---

**From:** stammembers@googlegroups.com <stammembers@googlegroups.com> **On Behalf Of** Lanesborough Town Manager  
**Sent:** Tuesday, September 29, 2020 10:03 AM  
**To:** Anthony Ansaldi <AAAnsaldi@wenhamma.gov>; stammembers@googlegroups.com  
**Subject:** STAM Listserv- RE: Electronic Voting

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**From:** [stammembers@googlegroups.com](mailto:stammembers@googlegroups.com) [<mailto:stammembers@googlegroups.com>] **On Behalf Of** Anthony Ansaldi  
**Sent:** Monday, September 28, 2020 6:23 PM  
**To:** [stammembers@googlegroups.com](mailto:stammembers@googlegroups.com)  
**Subject:** STAM Listserv- Electronic Voting

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<https://groups.google.com/d/msgid/stammembers/MN2PR03MB505570858A6058A6CDF1877CCB320%40MN2PR03MB5055.namprd03.prod.outlook.com>.

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## Anthony Ansaldi

---

**From:** Ross Perry <rperry@sterling-ma.gov>  
**Sent:** Tuesday, September 29, 2020 7:29 AM  
**To:** Anthony Ansaldi  
**Subject:** RE: Electronic Voting

Anthony:

Sterling used the Merida clickers for the June ATM that was held drive in movie style with everyone staying in their cars. 356 voters attended

The clickers worked great. Their support was fantastic.

Call if you have any questions. (before I retire this Friday)



Ross Perry  
Town Administrator  
978-422-8111 ext 2315 office  
978-621-6662 mobile  
1 Park St.  
Sterling MA 01564

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**From:** stammembers@googlegroups.com <stammembers@googlegroups.com> **On Behalf Of** Anthony Ansaldi  
**Sent:** Monday, September 28, 2020 6:23 PM  
**To:** stammembers@googlegroups.com  
**Subject:** STAM Listserv- Electronic Voting

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## Anthony Ansaldi

---

**From:** Denise Dembkoski <townadministrator@stow-ma.gov>  
**Sent:** Tuesday, September 29, 2020 10:49 AM  
**To:** Anthony Ansaldi  
**Subject:** RE: STAM Listserv- Electronic Voting

Hello Anthony!

We rented them for the first time for our Annual Town Meeting in July and they worked great. There were no complaints and I would recommend them.

Would you mind sharing the purchase description/bid documents you put out to solicit prices?

Please tell my former Suffolk mentee, Jackie Bresnahan I said hello! ☺

Very truly yours,  
*Denise*

Denise M. Dembkoski  
Town Administrator  
Town of Stow  
380 Great Road  
Stow, MA 01775  
(978) 897-2927

---

**From:** stammembers@googlegroups.com [mailto:stammembers@googlegroups.com] **On Behalf Of** Anthony Ansaldi  
**Sent:** Monday, September 28, 2020 6:23 PM  
**To:** stammembers@googlegroups.com  
**Subject:** STAM Listserv- Electronic Voting

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Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**  
October 6, 2020

**F**<sub>3</sub>  
Gary

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New Business – Special Town Meeting (October 17, 2020)  
Town Meeting Layout at Pingree Park

Requested by: Town Administrator

Action Sought: approval

Proposed Motion(s)

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

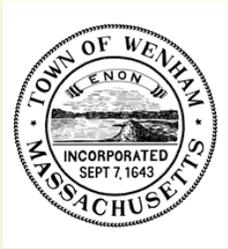
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**Wenham Special Town Meeting  
Pingree Park, 211 Main Street  
Saturday, October 17, 2020  
10:00am**



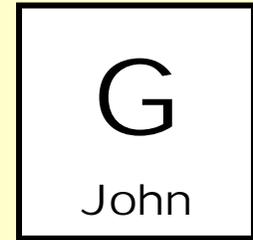
- Voter check-in begins at 9:00am
- Parking at Pingree (through 1A/Main Street entrance) and at Library
- Drop-off only at Porter Street entrance
- Contact COA for mobility concerns/reserved parking pass
- Voters, please:
  - Wear a face covering
  - Bring Warrant Books to Town Meeting

Contact the Town Administrator's Office with any questions at 978-468-5520 x.2



Wenham Board of Selectmen  
**AGENDA ACTION REQUEST**

October 6, 2020



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## New Business – Execute State Election Warrant

Discussion and vote to execute warrant for State Election, November 3, 2020

Requested by: Dianne Bucco, Town Clerk    Action Sought: Discussion & Execute Warrant

### Proposed Motion(s)

MOVE that the Board of Selectmen vote to execute the warrant for the state election to be held November 3, 2020 at Buker Elementary School, 1 School Street.

### Additional Information

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**COMMONWEALTH OF MASSACHUSETTS**

WILLIAM FRANCIS GALVIN

SECRETARY OF THE COMMONWEALTH

**WARRANT FOR 2020 STATE ELECTION**

**SS.**

To the Constables of the Town of Wenham,

**GREETINGS:**

In the name of the Commonwealth, you are hereby required to notify and warn the inhabitants of said city or town who are qualified to vote in Elections to vote at:

**The Buker School, 1 School Street, Wenham, MA 01984**

on **TUESDAY, THE THIRD DAY OF NOVEMBER, 2020**, from 7:00 A.M. TO 8:00 P.M. for the following purpose:

To cast their votes in the State Election for the candidates for the following offices:

ELECTORS OF PRESIDENT AND VICE PRESIDENT .....	FOR THESE UNITED STATES
SENATOR IN CONGRESS .....	FOR THIS COMMONWEALTH
REPRESENTATIVE IN CONGRESS .....	FOR THIS SIXTH DISTRICT
COUNCILLOR .....	FOR THIS FIFTH DISTRICT
SENATOR IN GENERAL COURT .....	FOR THIS FIRST ESSEX & MIDDLESEX DISTRICT
REPRESENTATIVE IN GENERAL COURT .....	FOR THIS FOURTH ESSEX DISTRICT
REGISTER OF PROBATE .....	FOR THIS ESSEX COUNTY

**QUESTION 1: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

**SUMMARY**

This proposed law would require that motor vehicle owners and independent repair facilities be provided with expanded access to mechanical data related to vehicle maintenance and repair.

Starting with model year 2022, the proposed law would require manufacturers of motor vehicles sold in Massachusetts to equip any such vehicles that use telematics systems — systems that collect and wirelessly transmit mechanical data to a remote server — with a standardized open access data platform. Owners of motor vehicles with telematics systems would get access to mechanical data through a mobile device application. With vehicle owner authorization, independent repair facilities (those not affiliated with a manufacturer) and independent dealerships would be able to retrieve mechanical data from, and send commands to, the vehicle for repair, maintenance, and diagnostic testing.

Under the proposed law, manufacturers would not be allowed to require authorization before owners or repair facilities could access mechanical data stored in a motor vehicle’s on-board diagnostic system, except through an authorization process standardized across all makes and models and administered by an entity unaffiliated with the manufacturer.

The proposed law would require the Attorney General to prepare a notice for prospective motor vehicle owners and lessees explaining telematics systems and the proposed law’s requirements concerning access to the vehicle’s mechanical data. Under the proposed law, dealers would have to provide prospective owners with, and prospective owners would have to acknowledge receipt of, the notice before buying or leasing a vehicle. Failure to comply with these notice requirements would subject motor vehicle dealers to sanctions by the applicable licensing authority.

Motor vehicle owners and independent repair facilities could enforce this law through state consumer protection laws and recover civil penalties of the greater of treble damages or \$10,000 per violation.

**A YES VOTE** would provide motor vehicle owners and independent repair facilities with expanded access to wirelessly transmitted mechanical data related to their vehicles' maintenance and repair.

**A NO VOTE** would make no change in the law governing access to vehicles' wirelessly transmitted mechanical data.

## **QUESTION 2: LAW PROPOSED BY INITIATIVE PETITION**

Do you approve of a law summarized below, on which no vote was taken by the Senate or the House of Representatives on or before May 5, 2020?

### **SUMMARY**

This proposed law would implement a voting system known as "ranked-choice voting," in which voters rank one or more candidates by order of preference. Ranked-choice voting would be used in primary and general elections for all Massachusetts statewide offices, state legislative offices, federal congressional offices, and certain other offices beginning in 2022. Ranked-choice voting would not be used in elections for president, county commissioner, or regional district school committee member.

Under the proposed law, votes would be counted in a series of rounds. In the first round, if one candidate received more than 50 percent of the first-place votes, that candidate would be declared the winner and no other rounds would be necessary. If no candidate received more than 50 percent of the first-place votes, then the candidate or candidates who received the fewest first-place votes would be eliminated and, in the next round, each vote for an eliminated candidate would instead be counted toward the next highest-ranked candidate on that voter's ballot. Depending on the number of candidates, additional rounds of counting could occur, with the last-place candidate or candidates in each round being eliminated and the votes for an eliminated candidate going to the voter's next choice out of the remaining candidates. A tie for last place in any round would be broken by comparing the tied candidates' support in earlier rounds. Ultimately, the candidate who was, out of the remaining candidates, the preference of a majority of voters would be declared the winner.

Ranked-choice voting would be used only in races where a single candidate is to be declared the winner and not in races where more than one person is to be elected.

Under the proposed law, if no candidate received more than 50 percent of first-place votes in the first round, the rounds of ballot-counting necessary for ranked-choice voting would be conducted at a central tabulation facility. At the facility, voters' rankings would be entered into a computer, which would then be used to calculate the results of each round of the counting process. The proposed law provides that candidates in a statewide or district election would have at least three days to request a recount.

The Secretary of State would be required to issue regulations to implement the proposed law and conduct a voter education campaign about the ranked-choice voting process. The proposed law would take effect on January 1, 2022.

**A YES VOTE** would create a system of ranked-choice voting in which voters would have the option to rank candidates in order of preference and votes would be counted in rounds, eliminating candidates with the lowest votes until one candidate has received a majority.

**A NO VOTE** would make no change in the laws governing voting and how votes are counted.

And you are hereby directed to serve this warrant by posting attested copies thereof at Town Hall, Hamilton-Wenham Regional Library, Senior Center, and on the bulletin board outside the Fire Station seven days at least before the time of the meeting aforesaid.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this \_\_\_\_ of \_\_\_\_\_, 2020.

\_\_\_\_\_

John O. (Jack) Wilhelm

\_\_\_\_\_

John Clemenzi

\_\_\_\_\_

Gary Cheeseman

“In pursuance of the above written warrant, I have this \_\_\_\_ day of \_\_\_\_\_, 2020, posted the attested copies thereof as directed therein.”

**ATRUE COPY ATTEST:**

\_\_\_\_\_

Constable of the Town of Wenham

Date:

**Warrant must be posted by October 27, 2020, (no fewer than seven days prior to the November 3, 2020 State Election).**