



**SELECT BOARD  
AGENDA  
February 06, 2024  
6:00 PM**

**This is an in-person meeting.**

**138 Main Street, Wenham, MA 1<sup>st</sup> Floor,**

**As a convenience to the public, it is available electronically via the zoom link below, or via HWCAM, for viewing and participation. In the event of a technology failure, the meeting will continue in person.**

**Join the open session meeting:**

<https://us02web.zoom.us/j/87671808310?pwd=bkdVU0RUU3kraTBDVWFxbkpqRHIBUT09>

**Webinar ID: 876 7180 8310**

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

*Please be advised that this meeting is being broadcast live via Zoom. It is also recorded for playback video on-demand viewing at [hwcam.org](http://hwcam.org)*

*Please note that, other than "Call to Order", all times are estimated.*

**6:00 PM**

**WELCOME: Call to Order**

Move to enter executive session.

Executive Sessions as follows:

Pursuant to G.L. c. 30A, §21(a)(2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel (Deputy Police Chief Contract, Fire Chief Contract)

Move to return to Open Session

**6:30 PM**

**PUBLIC INPUT: 10 Minutes is reserved for public input**

All participants wishing to address the Select Board during Public Comments may do so in person or via Zoom by "virtually raising their hand". Speakers must identify themselves by name and street address. The Select Board may not deliberate or vote on matters discussed during public comment but are not on the agenda.

**6:40 PM**

**REPORTS AND ANNOUNCEMENTS**

1. Town Administrator's Update & Town Announcements
2. Chair's Report
3. Select Board Member's Report

**7:00 PM**

**CORRESPONDENCE**

N/A

**7:00 PM**

**NEW BUSINESS**

- A. Discussion and potential vote to allow the Hamilton Wenham Garden Club to install a Little Free Library at the garden in Pingree Park
- B. Discussion and potential vote on One Day Liquor License for the Hamilton Wenham Mother's Club New Member Social at the Wenham Museum on Thursday, April 4, 2024 from 7:00 to 9:00 pm
- C. Discussion and potential vote to accept Spring Hill Farm Road and Angus Circle as a public way
- D. Discussion and potential vote to Sign letter to Don Bannon
- E. Discussion and potential vote to grant or deny a Food Service Permit to 36 Essex Street Wenham under locally adopted, at the April 2016 Town meeting, article 11, MGL Chapter 40

Section 57 - Local licenses and permits; denial, revocation or suspension for failure to pay municipal taxes or charges

- F. Discussion and potential vote to reopen the Hamiton Wenham Regional School District agreement for purposes of negotiation.
- G. Discussion and potential vote to consent to KP Law representing Wenham with regard to the Hamiton Wenham Regional School District Agreement, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct.
- H. Discussion and potential vote to appoint members to the Climate Action Committee
  - Lucy McGovern
  - Matthew DiGuiseppe
  - Tom Starr
  - Chalmers Congdon
  - Alex Moldovean
  - Sue Patroliia
  - Bob Knowles
  - Colby Stoddard
- I. Discussion and potential vote to sign letter of support for Community Preservation Committee land acquisition application
- J. Discussion on Finance Committee capital and budget recommendations
- K. Discussion and potential vote to add or remove articles from town meeting warrant
- L. Discussion and potential vote to close town meeting warrant

**OLD BUSINESS**

N/A

**CONSENT AGENDA**

MINUTES: OS 11/21/2023, 11/28/2023, 12/05/2023, 12/16/2023, 12/19/2023

**ADJOURNMENT**

8:30 PM

**From:** [Candace Martinez](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Little free library  
**Date:** Thursday, January 18, 2024 4:57:38 PM

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Dear Michelle,

I am representing the Hamilton Wenham Garden Club and we have a request. We have been working on the garden in Pingree Park for the past 7 years. It has come a long way! We are hoping to install a Little Free Library at the garden for folks to borrow/take/exchange books, books of all topics but many about gardening and plants. We are hoping to install the library box in April/May when the ground unfreezes.

We would like to request Town of Wenham permission to complete this action. We understand the selectmen will take this into consideration in a February meeting.

Thank you for your help,

For the Pingree Park Garden Committee,  
Candace Martinez  
18 Woodside Lane  
Wenham, MA



**Town of Wenham**  
**Board of Selectmen**

**Application for Special License**  
**(One Day) Liquor License**

Please note applications for a Special Liquor License must be received by the Board of Selectmen at least **30 calendar days** prior to your function. This application may **not** be used for wine tasting events.

|   |   |
|---|---|
| <b>Event Title:</b>   | Hamilton Wenham Mothers' Club New Member Social |
| <b>Date of Event:</b>   | Thurs. April 4, 2024                            |
| <b>Start Time:</b>  | 7:00 pm   |
| <b>Expected End Time:</b>   | 9:00 pm   |
| <b>Address of Event:</b>  | Wenham Museum, 132 Main St. Wenham              |
| <b># of People Expected to Attend:</b>  | 50  |
| <b>Open to Public or Private Event?</b>   | Private   |
| <b>Type of Event?</b><br><small>(fundraiser, party, golf tournament, etc.)</small>                    | Party/Social                                    |
| <b>Event Location Description:</b><br><small>(private home, public area, function hall, etc.)</small> | Wenham Museum, Burnham Hall                     |
| <b>Indoor or Outdoor Event?</b>   | Indoor  |
| <b>Bar or Liquor Service Vehicles?</b>  | No  |
| <b>Contact Name:</b>  | Michelle Granese                                |
| <b>Company/Organization Name:</b>   | Hamilton Wenham Mothers' Club                   |
| <b>Phone Number:</b>  | 978 - 766 - 7180                                |
| <b>Email Address:</b>   | mvgranese@gmail.com                             |

**Requesting a License for Sale of:**

- All Alcoholic Beverages (non-profits only) \$50       Malt and Wine (for profit companies) \$100

**The Licensed Activity or Enterprise is:**

- Non-Profit (May sell all forms of liquor)       For Profit (May sell wines and malt beverages only)

Is the license for a dining hall maintained by an incorporated educational institution authorized to grant degrees? \_\_\_\_\_

Please inform the Wenham Police Department of your function if your expected attendees will exceed 75 guests at least one week prior to your event, as a police detail may be required. All outdoor events will require a designated area for liquor consumption and a police detail if open to the general public regardless of the number of attendees.

Please include a check with your application made payable to the "Town of Wenham" for the designated license fee (\$50 non-profits / \$100 all others).

Michelle Granese  
Signature

1/31/2024  
Date

Michelle Granese  
Print Name



|   |   |
|---|---|
| AUTHORIZED REPRESENTATIVE<br>SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. | Wenham<br>138 Main Street<br>Town of Wenham<br>MA 01984 |
|---|---|

CERTIFICATE HOLDER CANCELLATION

| INSR LTR | TYPE OF INSURANCE            | ADL SUBR | INSR WVD | POLICY NUMBER | POLICY EFF (MM/DD/YYYY) | POLICY EXP (MM/DD/YYYY) | LIMITS   |
|----------|------------------------------|----------|----------|---------------|-------------------------|-------------------------|--|
| A        | COMMERCIAL GENERAL LIABILITY |          |          | NBP2562655E   | 03/12/2023              | 03/12/2024              | DAMAGE TO RENTED PREMISES (Per occurrence) \$ 50,000<br>MED EXP (Any one person) \$ 5,000<br>PERSONAL & ADV INJURY \$ 1,000,000<br>GENERAL AGGREGATE \$ 2,000,000<br>PRODUCTS - COMP/OP AGG Included<br>COMBINED SINGLE LIMIT (Per accident) \$<br>BODILY INJURY (Per person) \$<br>BODILY INJURY (Per accident) \$<br>PROPERTY DAMAGE (Per accident) \$<br>EACH OCCURRENCE \$ 1,000,000<br>AGGREGATE \$ 1,000,000 |
| A        | UMBRILLA LIAB                |          |          | XL2558428E    | 03/12/2023              | 03/12/2024              | EACH OCCURRENCE \$ 1,000,000<br>AGGREGATE \$ 1,000,000   |

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

|  |   |
|--|---|
| PRODUCER<br>Leslie S Ray Insurance Agency, Inc<br>129 Dodge Street<br>Beverly MA 01915 | INSURED<br>Hamilton-Wenham Mothers Club<br>P.O. Box 2474<br>Hamilton MA 01982 |
|--|---|

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

# SureSellNow.com

Responsible Alcohol Server Certification

This Certificate of Completion is to Certify that

**MARGUERITE DENNIS**

has met all training requirements and successfully completed the following course and/or exam

**Responsible Alcohol Server Training - Massachusetts**

Certificate Number: 51449

Completion Date: 07/14/2021

Expiration Date: 07/13/2024

*Kelley Bailey*

Authorized Signature

Diversys Learning, Inc.  
1101 Arrow Point Drive, Suite 302  
Cedar Park, TX 78613  
SureSellNow.com



# MANCHESTER-BY-THE-SEA

## BOARD OF HEALTH

TOWN HALL - 10 CENTRAL STREET

Manchester-by-the-Sea, Massachusetts 01944-1399

Telephone (978) 526-7385

FAX (978) 526-2009

October 16, 2023

Representative Ann-Margaret Ferrante  
Vice Chair House Committee on Ways and Means  
General Court of the Commonwealth of Massachusetts  
24 Beacon St. – Room 238  
Boston, MA 02133

RE: Requesting Support for  
[H823](#) An Act Relative to Paint Recycling Rep. Patricia Haddad  
[S551](#) An Act Relative to Paint Recycling Senator Patrick O'Connor  
[S542](#) An Act Establishing Safe Paint Stewardship - Senator Susan Moran

Dear Representative Ferrante:

Thank you for all you have done and are doing to support our Cape Ann municipalities with your hard work to pass meaningful legislation. Essex, Gloucester, Manchester by the Sea and Rockport - your District communities – want you to know that we wholeheartedly support H823 and S551, An Act Relative to Paint Recycling as well as the nearly identical S542, An Act Establishing Safe Paint Stewardship, and request that you consider co-sponsorship and that you help facilitate paint stewardship legislation through the Joint Ways and Means Committee to the floor for a vote. This legislation would establish a convenient statewide paint collection and recycling program for all Massachusetts residents and businesses, operated and financed by the paint industry.

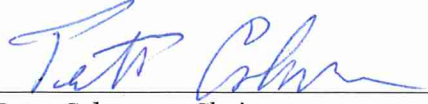
Currently, Cape Ann residents are able to bring their unwanted oil-based paint to household hazardous waste events put on by the municipality; some as often as once a year, but others less frequently. Most of what is brought to these events is paint / paint products and represent the highest cost. These events are the only convenient opportunity for Cape Ann residents to properly dispose of oil-based paint, stains, and other household hazardous waste. Latex paint is not considered hazardous, is recyclable and represents the most of the paint that is sold today, but there are no reasonable outlets for latex paint recycling. Instead, we instruct residents to dry out latex paint and discard it in the trash. The process of drying out latex paint can be cumbersome, and the material then is incinerated at a municipal waste combustor or occupies valuable disposal space in a landfill. There is a better way!

Paint Product Stewardship has been successfully implemented in 10 states, five of them are neighbors. New York state's program implemented in May of 2022 has 300 paint drop off centers and recently marked [1 million gallons of paint collected!](#) In Massachusetts this bill has industry support (American Coatings Association) bi-partisan support including **Senator Bruce Tarr**, Manchester by the Sea support (Mass Municipal Association has paint product stewardship as one of their [priority bills](#)) and Paint Retailers (such as The Home Décor Group with a store in Gloucester and in eighteen other communities.)

This bill, once implemented, would immediately help **all** Massachusetts municipalities. Can we count on you for your support?

Sincerely,

Members of the Board of Health

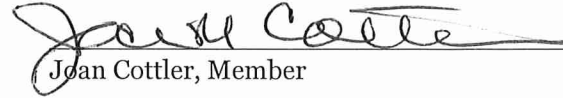


Peter Colarusso, Chair

Paula Polo-Filias, Vice Chair



Martin Hahn, MD, Member



Joan Cottler, Member



Leah Peavey, Member

Cc: Senator Bruce Tarr  
Representative Patricia Haddad  
Senator Patrick O'Connor  
Senator Susan Moran  
Sharon Byrne Kishida, Mass Product Stewardship Council

## Rockport Select Board

January \_\_\_\_, 2024

Representative Ann-Margaret Ferrante  
24 Beacon Street, Room 238  
Boston, MA 02133

Dear Representative Ferrante:

The Rockport Select Board urges you to act this session in support of Product Stewardship by passing the following Extended Producer Responsibility (EPR) legislation that will greatly benefit Rockport and other Massachusetts municipalities.

[H823](#) [S551](#) , [S542](#): Paint Product Stewardship  
[H881](#), [H916](#), [S513](#): Mattresses Product Stewardship  
[S471](#): Printed Paper and Packaging Product Stewardship

EPR is a mandatory type of Product Stewardship that includes, at a minimum, the requirement that the producer's responsibility for their product extends to Post-Consumer management of that product and its packaging. There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging. This approach, when thoughtfully put into law and enforced, incentivizes design of products that are more durable, easier to repair and recycle, and less toxic.

The Massachusetts Municipal Association passed a resolution which explicitly supports passage of these EPR bills for paint, mattress, and paper + packaging. This resolution was sought in response to the escalating costs that municipal governments have seen in recent years for both trash and recycling.

Paint and Mattress EPR legislation have industry support, have been successfully implemented in other New England States and face little to no opposition. Eleven states have passed paint EPR laws including five of our neighboring states (MA and NH are the exceptions). New York state is the most recent state to implement (May 2022) and in October reached 1 million cans of paint collected! With MassDEP's recently implemented ban on the disposal of mattresses, municipalities and taxpayers have been paying much more than our CT and RI counterparts who have mattress EPR laws. That needs to change. A Paper and Packaging EPR law will effectively cover all of our dual stream recyclables (containers, mixed paper and cardboard), and would be a real game-changer.

EPR creates jobs and economic development in direct proportion to the amount of material recycled, while businesses that provide take-back opportunities for their customers or participate in EPR programs can create customer loyalty and enhance the image of their brand.

We urge you to support these bills that **will reduce** our waste and would immediately help all Massachusetts municipalities and taxpayers by reducing management and disposal/ recycling costs.

We thank you for your service and your leadership, as well as all that you have done and are doing to support your constituent communities to pass meaningful legislation.

Sincerely

cc: Senator Bruce Tarr



Wenham Select Board

January \_\_\_\_, 2024

Senator Bruce Tarr  
Representative Sally Kerans  
Representative Jerry Parisella  
24 Beacon Street  
Boston, MA 02133

Re: Pending MA Legislation

[H823](#) [S551](#) , [S542](#): Paint Product Stewardship  
[H881](#), [H916](#), [S513](#): Mattresses Product Stewardship  
[S471](#): Printed Paper and Packaging Product Stewardship

Dear Senator Tarr and Representatives Kerans and Parisella:

The Wenham Select Board respectfully asks that you act this legislative session in support of product stewardship by passing the above referenced Extended Producer Responsibility (EPR) legislation, which will greatly benefit Wenham and other Massachusetts municipalities. Product stewardship is the act of minimizing the health, safety, environmental, and social impacts of a product and its packaging, while also maximizing economic benefits. EPR is a mandatory type of product stewardship that includes, at a minimum, the requirement that the producer's responsibility for their product extends to post-consumer management of that product and its packaging. The Massachusetts Municipal Association passed a resolution explicitly supporting passage of these EPR bills for paint, mattress, and paper + packaging. This resolution was sought in response to the escalating costs that municipal governments have seen in recent years for both trash and recycling.

There are two related features of EPR policy: (1) shifting financial and management responsibility, with government oversight, upstream to the producer and away from the public sector; and (2) providing incentives to producers to incorporate environmental considerations into the design of their products and packaging. This approach, when thoughtfully put into law and enforced, incentivizes design of products that are more durable, easier to repair and recycle, and less toxic. EPR also creates jobs and economic development in direct proportion to the amount of material recycled, while businesses that provide take-back opportunities for their customers or participate in EPR programs can create customer loyalty and enhance the image of their brand.

Paint and mattress EPR legislation have industry support, have been successfully implemented in other New England states, and face little to no opposition. Eleven states have passed paint EPR laws including five of our neighboring states (MA and NH are the exceptions). New York state is the most recent state to implement (May 2022) and in October reached 1 million cans of paint collected. With MassDEP's recently implemented ban on the disposal of mattresses, municipalities and taxpayers are paying much more than our Connecticut and Rhode Island counterparts who have mattress EPR laws in place. Additionally, a paper and packaging EPR law will effectively cover all of our dual stream recyclables (containers, mixed paper and cardboard), and would be a real game-changer.

Wenham is facing a staggering 100% increase in trash and recycling costs, an increase that is unsustainable in a small town such as ours. We need rapid and comprehensive action to do everything possible to reduce this burden. We urge you to support these bills that will reduce waste and will immediately help all Massachusetts municipalities and taxpayers by reducing management and disposal/ recycling costs.

We thank you for your service and your leadership, as well as all that you have done and are doing to support your constituent communities to pass meaningful legislation.

Sincerely,

Town of Wenham Select Board

**From:** [Margaret Hoffman](#)  
**To:** [Steve Poulos](#)  
**Cc:** [Michelle McGovern](#); [Joseph Pessimato](#); [Kate Mallory](#)  
**Subject:** Spring Hill Farms  
**Date:** Tuesday, January 30, 2024 11:16:24 AM  
**Attachments:** [Spring Hill Farm Subdivision Street Acceptance request 1-5-24.pdf](#)  
[Spring Hill Farm Rd As Built sht 1-Dec-8-23.pdf](#)  
[Spring Hill Farm Rd As Built sht 2-Dec-8-23.pdf](#)  
[Spring Hill Farm Rd Street Acceptance Form D.pdf](#)  
[Spring Hill Farm Road Legal Description Dec 2023.pdf](#)  
[KP-#724429-v1-KP ATM Memo on Public Way Layout.pdf](#)  
[KP-#497971-v2-Roadway Layout Procedures \(Discussion Summary\).pdf](#)

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Hi Steve,

Could you please add the Spring Hill Farms Subdivision Street acceptance on the Select Board agenda for next Tuesday? I am attaching the letter from the developer requesting that it be submitted to the warrant along with the plans they submitted, the designer's certificate (Form D) and the legal description of the property. If the Select Board could vote to submit this to the Planning Board then the Board can do the necessary work to determine whether it should be submitted to the warrant and send that recommendation back to the Select Board after their February 8<sup>th</sup> meeting.

I have been in touch with Shirin at KP Law and she sent us 2 documents(attached) that spell out the process for street acceptance.

Thank you and please let me know if you need any further information.

Margaret

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Ph: 978-468-5520 Ext 8

Email: [mhoffman@wenhamma.gov](mailto:mhoffman@wenhamma.gov)

Website: [www.wenhamma.gov](http://www.wenhamma.gov)

## Public Street Layout and Acceptance Procedures for Town Ways

Outlined below are the general procedural requirements for layout and acceptance of a public way by a town, as provided by statute.

### 1. Layout

The basic requirements for the layout and acceptance of a town way are found in G.L. c.82, §§17 through 32. It is important to distinguish between "laying out" and "accepting" a town way. The "laying out" process merely establishes the metes and bounds and physical location of the way; it does not, by itself, constitute either the acquisition of an interest in the underlying land or acceptance of the way as a public way. The laying out process is, however, an essential prerequisite to the formal vote of acceptance by a Town Meeting.

The laying out of a town way may be initiated by the Board of Selectmen, the Road Commissioners, or through petition to the Selectmen or Road Commissioners by one or more inhabitants of the town. (c.82, §§17 and 21).

A layout plan should be prepared, showing the metes and bounds of the roadway and should also show the drainage, access, or other easements that the Town needs to acquire. A new layout plan is not necessary if there is already a plan on record that shows the metes and bounds of the way (and the way as constructed on the ground matches that description) and the easements, if any.

The proposed layout (and send the layout plan) must be referred to the Planning Board for a non-binding recommendation. The Planning Board has 45 days after such reference in which to make its report, if any. (c.41, §§81G and 81I). The next step cannot be taken until the Planning Board has submitted its recommendation or 45 days lapse without the filing of a recommendation.

The Selectmen must consider whether to lay out the roadway as a public way at a public meeting; if they vote to lay out the roadway, the Selectmen adopt an order of layout. A public hearing is not required. However, before this meeting can occur, the Town must comply with an important step.

At least seven (7) days prior to laying out the way, notice of the meeting at which the layout will be considered must be given to owners of any land or easements to be taken for the roadway, including any slope or drainage easements. The statute merely requires that such notice be left at the usual abode of the owner(s) or be delivered to the owner in person or to his tenant or authorized agent. If the owner does not live in the town and has no known tenant or agent, the notice is to be posted in a public place in the town. (c.82, §22). There is no statutory requirement for publishing notice or for giving notice to other abutters of the way. However, local by-laws may have more stringent notice requirements which need be followed. Many municipalities choose to send such notices by certified mail, return receipt requested. Furthermore, while the statute does not prescribe the contents of the meeting notice, we suggest that, in addition to stating the time and place of the layout meeting, the notice either contain a metes and bounds description of the proposed road and



any easements to be acquired, or, if layout plans have been prepared in advance, the notice should also advise of the place and times where the plans may be viewed.

Although the statute states that notice of the meeting at which the laying out is required if the town intends to take the fee to or easements in the way by eminent domain, it is recommended that notice be sent to all property owners from whom the town may need an easement. At the point at which such notices are sent, it is often too early to determine if owners will or will not grant the easements voluntarily. Custom or local by-law should also control in such instances. A title search or update should be done to discover the names of the landowners for purposes of giving such notice.

Once the meeting has been held concerning the layout, the Selectmen or Road Commissioners may vote to adopt the layout as shown on the metes and bounds plan. The layout description as voted, including any plan, must then be filed with the Town Clerk (c.82, §§22 and 23), who must record such description in a book kept for this purpose within ten days. (c.82, §32).

## 2. Acceptance

“Acceptance” is the procedure whereby the local legislative body (in towns, the Town Meeting) votes to recognize and accept responsibility for the street layout adopted by the Selectmen or Road Commissioners. Acceptance of a town way should not be confused with acquisition of the land underlying the way.

Acceptance and acquisition are two separate actions, subject to different procedures, as discussed below.

In order for Town Meeting to act on a street acceptance, the Selectmen's layout vote and the layout plan must have been filed with the Town Clerk at least seven days earlier. (c.82, §23). Acceptance requires a two-thirds vote of Town Meeting unless the way has already been approved by the Planning Board under the Subdivision Control Law, in which case only a majority vote is needed. (G.L. c.41, §81Y). However, if acquisition of land or easements for the way is intended to be by purchase or eminent domain, a two-thirds vote is required to appropriate funds for that purpose. (G.L. c.40, §14). Therefore, if the street acceptance motion also seeks approval of a purchase or an eminent domain acquisition and seeks money for such an acquisition, it requires a two-thirds vote, even if the way was approved under Subdivision Control. The alternative is to have separate motions: one for acceptance of the way as a town way and authorization of eminent domain acquisitions, and one for appropriations. The former would require a simple majority vote, while the latter motion would require a two-thirds vote.

Contrary to popular belief, there is no legal requirement for recording of an accepted street layout in the Registry of Deeds. Recording is required, however, if there has been the acquisition of land or easements in connection with the layout.

### 3. Acquisition of Necessary Land or Easements

It should be noted that it is neither necessary nor advisable, in most instances, to acquire the fee interest in the land contained within a public way layout. In fact, ownership of the fee in the way could lead to liability exposure in certain instances such as where there has been contamination of the land by hazardous waste. An easement acquired for public way purposes is entirely sufficient to provide the public with all necessary rights of travel and associated use of the way, including installation of utilities. Therefore, we recommend that a town acquire only an easement, if at all possible, rather than the underlying fee.

If a town will needs to acquire land or an easement in the way or any necessary easements associated with the way, such as slope or drainage easements, the Selectmen or Road Commissioners must, within 120 days after the termination of the Town Meeting at which the public way was accepted, either: (1) acquire the land by gift or purchase, or (2) adopt an order of taking under G.L. c.79, or (3) institute proceedings for a taking under G.L. c.80A. (c.82, §24). If an order of taking is adopted under G.L. c.79, that order must be recorded in the registry of deeds of the county in which the land lies within thirty days of such adoption. (c.79, §3).

It has been our experience that many towns do not acquire easements through formal procedures, believing that the vote to accept the way in and of itself gives the town ownership of the land or creates the easement. While the law is ambiguous as to whether formal acquisition of an easement to use the way for public purposes is necessary, we recommend that a town obtain and record a written easement, if at all practicable, to avoid any doubt about the town's rights in the future.

#### A Final Word

The above-described statutory requirements are not mere procedural technicalities. If they have not been fully complied with, the way never actually acquires the legal status of a "public way", notwithstanding the intention of the town as evidenced by Town Meeting Vote. Loriot v. Keene, 343 Mass. 358, 361 (1961).

The most difficult procedural step for towns seems to be that of acquiring the necessary land or easements within 120 days of the Town Meeting at which a way is accepted. This is often because of problems such as the failure of the landowner to timely supply the Town with a proper deed, or because the necessary acquisition, authorization or appropriation was not voted at the time the way was accepted. It is our recommendation, therefore, that to the extent possible, all acquisition issues be resolved with the landowner(s) prior to the Town Meeting vote or, indeed, prior to the layout vote, and that the warrant article seeking acceptance of the way, also seek any needed appropriations and authority to purchase, accept as a gift, or take by eminent domain, the land or easements needed.

If the landowner intends to give the land or easements to the Town as a gift, the executed deed, together with the assents of any mortgagees, should be given to the town for review prior to the Town Meeting vote. In addition, the Town Meeting warrant should seek, either in the street

acceptance article or in an accompanying article, an authorization for acceptance of the land or easements as a gift.

If the landowner intends to sell the land or easements to the town or agrees to a "friendly" taking procedure, the price should be established before the way is accepted. The votes of Town Meeting, either under the street acceptance article or under a separate article, will appropriate the necessary sum and authorize acquisition by purchase or eminent domain.

If eminent domain is anticipated, but agreement has not been reached with the landowner as to the value of the land or easements, the town should obtain an appraisal and vote to appropriate money sufficient to cover a pro tanto payment, in addition to voting authorization for the eminent domain taking.

By taking these measures, a town should be able to meet the 120 day deadline for acquisition of the necessary land or easements, and avoid any need to repeat the layout and acceptance procedures.

In order to further assist you in the street layout and acceptance process, I have attached to this memorandum a two-page, chronological checklist of the various items which need to be addressed before and after a town votes to accept a town way.

**PUBLIC STREET LAYOUT AND ACCEPTANCE  
PROCEDURAL CHECKLIST FOR TOWN WAYS**

I. LAYOUT

- A. The Board of Selectmen receives a petition to lay out a way as public or starts the process on its own initiative. Petition submitted to the Selectmen must provide a layout plan, or, if at the Town's initiative, the Town prepares a layout plan.
  
- B. A layout plan is a plan that shows the metes and bounds of the roadway as it exists on the ground. A street acceptance plan will suffice, although a plan already on record may serve as a layout plan if the metes and bounds of the roadway, as shown on the plan, match the dimensions of the roadway as constructed on the ground. The layout plan, or an already-recorded plan, needs to depict the dimensions of any easements that the town may need on abutting property.
  
- C. Selectmen refer the petition and plan to the Planning Board.
  - 1) Planning Board has 45 days from referral to report.
  - 2) The Town cannot proceed to the next step until it has the Planning Board's report or 45 days have passed since the referral.
  
- D. The Select send written notice of their intent to lay out a way as public to any owners of land to be taken for the way – that is, to abutters and others that may be near the road.
  - 1) The written notice must be sent at least 7 days prior to meeting at which layout will be voted.
  - 2) The Town may leave the notice at the usual place of residence of land owner or deliver it to the owner's tenant or authorized agent if an owner does not reside in the town. If the owner not reside in the Town, the Town has no address for the owner, and the owner has no known tenant or agent, then notice of the meeting must be post in a public place in the town.
  - 3) No statutory requirement for notice to others – but check local charter or by-laws.
  - 4) Notice should contain a metes and bounds description of the land within the proposed layout and of any other land to be taken, as well as the date, time and place of the meeting at which the layout will be adopted. Alternatively, if a plan has been prepared, reference may be to the plan and where it may be viewed.

- E. Selectmen hold a public meeting and vote to approve the layout as shown on the metes and bounds plan. A public hearing is not required unless otherwise specified in the local charter or by-laws.
- F. The vote approving the layout and the metes and bounds plan of the layout are filed with the Town Clerk, who, within 10 days, must record the description in a book kept for this purpose. This needs to be done at least 7 days in advance of any Town Meeting action on the question of acceptance of the way.
- G. If possible, establish the anticipated acquisition costs at this point, either by negotiation or by appraisal.

## II. ACCEPTANCE

- A. Selectmen place an article on the Town Meeting warrant regarding acceptance of the way. If land or easement acquisition is necessary, the acceptance article or a separate article should authorize the acquisition and, if appropriate, seek an appropriation of funds for the purchase or taking.
- B. Not less than 7 days after the layout vote and plan have been filed with the Town Clerk, the Town Meeting may vote to accept the way.
  - 1) A majority vote is needed to accept a way which has been approved as part of a subdivision.
  - 2) A two-thirds vote is needed to accept any other way.
  - 3) A majority vote is required to authorize the easement acquisition, and a two-thirds vote is required to appropriate funds for the acquisition. Actions on items B1, B2, and B3 can be taken under one article.

## III. ACQUISITION

- A. Within 120 days after termination of Town Meeting, the Selectmen either:
  - 1) Acquire necessary land by purchase or acceptance of a gift; or
  - 2) Adopt an order of taking under c.79; or
  - 3) Institute proceedings for a taking under c.80A.
- B. If an order of taking is adopted, the order must be recorded in the Registry of Deeds of the county in which the property lies within 30 days of the order.

June 25, 2020

MEMORANDUM TO MUNICIPAL CLIENTS

TO: BOARD OF SELECTMEN/MAYOR/TOWN AND CITY COUNCIL/  
TOWN MANAGER/TOWN ADMINISTRATOR/EXECUTIVE SECRETARY  
PLANNING BOARD

Re: City and Town Ways - Layout, Acceptance, and Acquisition

This Memorandum discusses the steps a municipality must take to create a public way. The first step is the “layout process,” whereby the municipality establishes the physical boundaries (or the layout) of the way. The city council and the board of selectmen (or the road commissioners, if a separate entity) have the authority to lay out public ways. The second step is the “acceptance process.” The city council or town meeting votes to accept the layout of the way as a public way. The third and final step is the “acquisition process,” whereby the municipality acquires the right to use the land within the layout of the way and, if required, easements in lots abutting the way, for public way purposes, including, without limitation, for drainage, access, or other related purpose. Each step is discussed in greater detail below and each step must be completed in full compliance with statutory requirements to legally create a public way. This Memorandum also discusses several issues related to the municipality’s acquisition of public way rights.

Attached to this Memorandum is the “Public Way Layout and Acceptance Procedural Checklist” that outlines the foregoing steps. Charters, bylaws, ordinances, and, where applicable, special legislation, should also be reviewed to determine if they contain any additional requirements.

It should be noted that the procedures to alter the layout of a public way and to relocate a public way are the same as the procedures to lay out a way as public.<sup>1</sup> This Memorandum does not expressly refer to layout alterations or relocations, but it should be understood that the layout procedures set forth herein apply also to the alteration and relocation of a public way.

I. LAYOUT PROCESS

The steps to lay out, accept, and acquire rights in a public way are set forth in G.L. c.82, §§21-24. It is important to distinguish between these three processes, or steps, that make up this procedure. The “layout” process serves to establish the metes and bounds, or the physical location and dimensions, of the proposed public way.

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<sup>1</sup> The process to change the dimensions or location of a public way is referred to as an “alteration of layout.” If the boundaries of a public way are uncertain, a way can also be relocated (that is, its boundaries may be established).

## MEMORANDUM TO MUNICIPAL CLIENTS

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The process of establishing the physical layout of the way does not, on its own, create a public way. However, the layout process is a legal prerequisite to the vote to be taken by the city council or town meeting to accept the way as public. Similarly, the acceptance of a way as public by the city council or town meeting does not establish a way as public until the municipality obtains the legal right to use the land within the layout of the way for public way purposes (unless the municipality already has such rights). All three steps must be followed to properly establish a way as public.

### *A. Petition to Lay out Way as Public*

The layout process begins with a petition submitted by one or more residents to the city council or the board of selectmen or road commissioners.<sup>2</sup> Alternatively, the layout may be initiated by the municipality. G.L. c.82, §21.

### *B. Layout Plan and/or Description*

Whether the process is initiated by petition or on its own initiative, the city council or the board of selectmen must have a layout plan showing the metes and bounds of the proposed public way. A new survey or as-built plan is not necessary; a municipality may rely upon a plan that is already on record provided that the boundaries of the way as shown on the recorded plan are the same as the dimensions of the way as constructed on the ground.<sup>3</sup> Often, easements need to be acquired on abutting or nearby lots for drainage, utility, access and/or other related purposes. If the municipality needs to acquire easements on such lots, the plan on record should also show the boundaries of the easement areas, or, alternatively, a separate easement plan may be prepared, to be used with the layout plan. A municipality may refer to or use a legal description of a way in lieu of a layout plan. It is common for persons petitioning the municipality to accept a way as public to provide the necessary plan and/or description.

### *C. Referral to Planning Board*

Once the layout plan or description is ready, the city council or board of selectmen votes its intention to lay out the way as a public way. In municipalities having a planning board, the layout and the plan must then be referred to the planning board for its review. G.L. c.41, §§81G and 81I. The planning board has forty-five days after the referral to submit its non-binding report (which may be made verbally or in writing) to the city council or the selectmen. The planning board is not required under G.L. c.41, §§81G or 81I to hold a public hearing; however, a public hearing may be held if desired or if it is customary for the planning board to hold a hearing in such circumstances, and a hearing must be held if required by charter, ordinance, or bylaw.

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<sup>2</sup> Where the authority over town ways is vested in the road commissioners, the reference to the board of selectmen in this Memorandum should be taken to mean such commissioners.

<sup>3</sup> *Practice Tip:* When seeking to lay out and establish an existing way as public, care should be taken to ensure that the layout plan shows the dimensions of the way as it exists on the ground. An as-built plan is useful for this purpose.

## MEMORANDUM TO MUNICIPAL CLIENTS

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The lack of a planning board report or a negative report does not affect whether the process may proceed. However, the next steps cannot be taken until the planning board has made its report or forty-five days have elapsed since the referral without a report from the planning board, whichever is earlier.

### D. *Layout Meeting*

#### 1. *Towns*

In a town, the next step is for the board of selectmen to vote to lay out the way as a public way at a public meeting.

Under G.L. c.82, §22, a town must give written notice of the date, time, and place of the board of selectmen's layout meeting at least seven days in advance to all landowners from whom the town intends to acquire land and/or easements by eminent domain for public way purposes, including any related easements. The statute requires such notice to be left at the usual residence of the owner, or delivered to the owner in person or to the owner's tenant or authorized agent. If the owner does not live in the town and has no known tenant or agent, then the required notice must be posted in a public place in the town at least seven days prior to the layout meeting.

While G.L. c.82, §22 does not mandate the remaining contents of layout meeting notice, we recommend that it include a copy of the plan and/or contain a legal description of the proposed layout. If the layout plan or description is already on record, the notice may refer instead to the registry of deeds' book and page numbers. A copy of the layout plan or description, whether or not on record, should be placed on file with the town clerk, and the notice should state the place and time where the plan or description may be viewed. The notice should specify, either by reference to the street address and/or assessors map and parcel numbers, the lots on which the town needs to take an interest in land, or state that the municipality intends to acquire rights in the land within the layout of the way and/or abutting lots by eminent domain for public way purposes.

The selectmen are not statutorily required to provide notice of the layout meeting if the town does not intend to take land or easements by eminent domain in the course of establishing the public way. If a local charter, bylaw, and/or custom direct otherwise, those procedures must be observed. However, unless the town already owns the land or has acquired the necessary easements, we recommend, as a best practice, that the town provide written notice of the layout meeting to all the owners from whom the town needs to acquire land or easements, as the need for an eminent domain taking may not become apparent until later in the layout process.

If the board of selectmen decides that the way should be a public way, the board must vote, at or after the layout meeting, to adopt the layout of the way as shown on the layout plan or as described and then place the matter on the town meeting warrant.



## MEMORANDUM TO MUNICIPAL CLIENTS

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G.L. c.82, §23 requires towns to file the layout description and/or plan with the town clerk. Town meeting may not vote on the public way acceptance unless at least seven days have passed since the filing.

### 2. *Cities*

As mentioned above, the city council must refer the layout to the planning board and cannot take next steps until the planning board has submitted a report or forty-five days have elapsed, whichever is earlier. Certain layout steps do not apply to cities. A city is not required under G.L. c.82, §22 to give written notice of the city council meeting at which the layout is to be considered to persons from whom the city may take land and/or easements by eminent domain. Cities are also not required file the layout with the clerk prior to the city council vote to accept the layout. The city council must, however, vote to adopt the layout as shown on the layout plan or as described. G.L. c.82, §21.

## II. ACCEPTANCE

### A. *Vote of Acceptance*

Once the layout process has been completed, the next step, referred to as the “acceptance process,” is for the city council or town meeting to vote to recognize or “accept” the way as public. This is. In a city, the council may vote to lay out a way and to accept the way as public at the same meeting, and even in the same order or motion, unless a local charter or ordinance provides otherwise.

The legislative vote to accept a way as public way should not be confused with the acquisition by the municipality of the right to use the land on which the way lies for public access or easements on abutting lots. Acceptance and acquisition are two separate actions and are subject to different procedures, as set forth below.

Municipalities are not required to record an accepted layout description and/or the layout plan with the registry of deeds. However, the layout plan and/or descriptions are recorded if the municipality needs to acquire rights in the way and/or any of the abutting lots, unless the municipality is relying on an already-recorded plan.

### B. *Quantum of Acceptance Vote; Filing*

If the way to be accepted is shown on a subdivision plan approved by the planning board, the acceptance is accomplished by a majority vote of the city council or the town meeting. If the way to be accepted is not shown on an approved subdivision plan, a two-thirds vote of the legislative body is necessary to accept the way as public. G.L. c.41, §81Y.

## MEMORANDUM TO MUNICIPAL CLIENTS

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Under G.L. c.82, §32, after the legislative body has accepted the way as public, the city or town clerk must record such description in a book kept for this purpose within ten days.

### III. ACQUISITION OF INTERESTS IN LAND

To complete the process of making a way public, the municipality must acquire property rights in the land within the layout of the way sufficient to allow for the requisite public and municipal use. G.L. c.82, §24 states, in relevant part, that: “If it is necessary to acquire land for the purposes of a...[public way] which is laid out...such officers shall, within one hundred twenty days after” [the close of the town meeting at which the way is accepted]...acquire such land....” At the same time the municipality should also consider acquiring such easements in abutting lands or nearby lots for drainage, access, utility, slope, and/or other purposes as are needed to properly support and maintain the way.<sup>4</sup>

Acquisition of either the “fee interest” (that is, full ownership) in the land within the layout of the way, or an easement to use the way for public way purposes, will provide the municipality and the public the requisite rights. However, we recommend that a municipality acquire an easement for public way purposes in a layout as opposed to the fee interest, if possible. Ownership of the fee interest in the land within the way, unlike an easement in the same land, carries with it liability for the existing condition of the land. For example, a fee owner of land contaminated by hazardous waste is, as a rule, strictly liable under G.L. c.21E for such contamination, regardless of who caused the contamination (unless certain exceptions apply). An easement acquired for public way purposes is entirely sufficient to provide the municipality and the public with all necessary rights of travel and associated use of the way, including the installation of utilities.

A vote of the city council or town meeting is required to authorize the acquisition of rights in the land within the layout of the way and, as necessary, certain rights in abutting land. A majority vote of the legislative body is sufficient to grant such authorization, while a two-thirds vote is required to appropriate funds, if required, for the acquisition of these interests in land. G.L. c.40, §14. If the appropriation vote is combined with the public way acceptance vote, the entire vote must pass by a two-thirds vote, even if the way is shown on an approved subdivision plan. Alternatively, the municipality may have separate motions: one to accept the way as public and authorize the acquisition of the land and/or easements (majority vote if the way is shown on an approved subdivision plan), and one to appropriate the funds (two-thirds vote)

We recommend that the city council or town meeting vote to authorize the acquisition of such rights by gift, purchase, and/or eminent domain, so that the municipality has the flexibility as to the method of acquisition. We also recommend that the legislative body authorize the acquisition of rights at the same time it votes to accept the way as public.

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<sup>4</sup> Acquisition of these related easements is not mandatory, and is not subject to the one hundred twenty-day requirement for acquisition of rights within the layout.

## MEMORANDUM TO MUNICIPAL CLIENTS

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While both cities and towns must acquire sufficient property rights within a layout in order to complete the process of making a way public, towns must do so within a certain period of time. Under G.L. c.82, §24, a town must acquire an interest in the land within the layout of the way no later than one hundred twenty days from the termination of the town meeting at which the public way was accepted, either by: (a) acquiring the land/easements by gift or purchase, or (b) adopting and recording an order of taking, taking such rights by eminent domain under G.L. c.79, or (c) instituting proceedings for a taking under G.L. c.80A.<sup>5</sup> Cities are not required under G.L. c.82, §24 to acquire rights in land within the one hundred twenty-day period.

Once all necessary rights within the layout are obtained and recorded, the public way process is complete and the way is public.

It is important to note that the above-described statutory requirements are not mere formalities, but must be followed strictly. See Jeffries v. Swampscott, 105 Mass. 535, 536 (1870) (the layout procedures “lay down the indispensable conditions” that a municipality must follow to lawfully acquire the right to use private property for public use). If such steps have not been complied with fully, the way never becomes a public way; even subsequent legislation enacted by the General Court to correct procedural defects cannot cure a “failure to comply with substantive provisions of existing statutes.” See Loriol v. Keene, 343 Mass. 358, 363 (1961).

We are aware that some municipalities choose not to acquire land or easements through formal procedures, relying on the belief that the vote of the city council or town meeting to accept the way as public is sufficient to automatically confer upon the municipality and the public the right to use the land within the way. There is no support for this practice in the statutes or caselaw, in our opinion. The acceptance vote, at best, creates a license to pass and repass that can be revoked by the landowners at any time. See Morse v. Stocker, 1 Allen 50 (1861).

Unless the way is located on land that the municipality already owns, the acceptance vote is not sufficient to vest in the municipality and members of the public the legal right to use the private land within the layout of the way. To complete the process of making a way public the municipality must acquire, in a lawful manner, property rights within the layout of the way sufficient to allow for the requisite public and municipal use.

#### IV. PRACTICAL CONSIDERATIONS

##### A. *Delays; Title Research*

In our experience, it is often difficult for towns to acquire rights in land within one hundred twenty days from the close of the town meeting at which the way was accepted. A delay may occur

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<sup>5</sup> G.L. c. 80A permits municipalities to adopt an intention to take land and/or easements by eminent domain, establish the value of such rights and amount of betterments, if any, in a court of law, and then proceed with the taking. This time-consuming procedure is rarely used.

## MEMORANDUM TO MUNICIPAL CLIENTS

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if town meeting fails to timely authorize the board of selectmen to acquire the necessary rights and/or appropriate the requisite funds. More commonly, delays occur because petitioners fail to provide the municipality with signed documents in a timely manner. It can also take time to establish who owns the land within the layout of the way so that the municipality acquires rights in the way from the correct parties. As a rule, only the owners of land can grant rights in land to others. Rights in land may also be granted by a developer who has properly reserved such and has the ability to assign the same.

In order to ascertain who owns the land within the layout of the way, it is often necessary to review the title to both the way itself and all the land abutting the way. By operation of G.L. c.183, §58, known as the Derelict Fee Statute, there is a presumption that each owner of a lot abutting a way owns the fee to the centerline of the way, as it abuts his or her lot. However, this presumption may not be valid. The presumption can be defeated, for instance, if a prior owner expressly reserved the fee in the way in a deed or separate document. The current owner may only have easement in, but not own, the land within the public way layout.

Determining who owns the land within the layout of a way often involves researching the title to the way back to the point in time when the fee in the way and the fee in the abutting lots were owned by the same person. Deeds by which the original owner/developer conveyed each lot, and subsequent deeds to each lot, should be reviewed. If the municipality needs to obtain drainage or other easements in abutting lots, the title to such lots should also be reviewed.

It has been our experience that, more often than not, the original owner/developer did not reserve the fee interest in the land within the layout of the way and/or drainage or related easements in the abutting lots. The municipality must, therefore, acquire rights in the way from the abutting lot owners. It may take considerable time and effort to obtain the requisite interests in land from each owner.

Often, petitioners fail to supply the necessary title information or to provide signed documents in a timely manner. To avoid delay, we recommend that title issues be addressed when a municipality is first asked to accept a way, and that signed deeds and/or easements be provided to the municipality promptly after the city council or town meeting acceptance vote.

### C. *Recording Fees; Costs*

While a municipality may conduct the foregoing title research itself to determine the parties from whom it needs to acquire the necessary rights, such research often requires considerable staff time and/or review by municipal counsel, and can be costly and time consuming.

It is preferable (and less expensive for the municipality) to have persons petitioning for the acceptance of the way provide the municipality with a title certification from an attorney licensed in Massachusetts, confirming that the municipality will obtain good title to the land and/or easements.

## MEMORANDUM TO MUNICIPAL CLIENTS

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Municipal counsel may be asked to confirm the certification. It is also expensive to record deeds, easements, orders of taking, and plans.

We recommend that a municipality ask the petitioners (usually, the abutting lot owners) to pay the municipality's legal and recording fees. While G.L. c.82, §§21-24 do not require such payment, abutting lot owners are often willing to incur such costs because, once a way has been made public, the owners are relieved of the responsibility, and the considerable cost, of maintaining the way, including removing snow and ice from the way.

### D. *Eminent Domain*

A full discussion of eminent domain is not within the scope of this Memorandum. However, since some municipalities prefer to acquire rights in the land within the layout of a way and/or abutting lots by eminent domain, this Memorandum addresses some of the basic eminent domain procedures.

G.L. c.82, §24 expressly authorizes municipalities to acquire land and/or interest in land for public way purposes by eminent domain. Persons affected in their property by a taking are entitled to damages caused by the taking (which are valued just prior to the date of the taking) and to obtain an appraisal of such damages. G.L. c.79, §§6 and 12. A municipality intending to acquire land or easements by eminent domain must obtain at least one appraisal of the damages prior to adopting an order of taking, unless the landowner has waived his or her right to an appraisal and/or damages. G.L. c.79, §7A.

If damages are to be awarded, the city council or town meeting must appropriate money sufficient to provide for the payment of those damages. Damages must be awarded at the time the municipality adopts an order of taking. G.L. c.79, §§6 and 12. As soon as the order of taking is recorded, the municipality obtains title to the land and/or easement and the obligation to pay damages promptly. G.L. c.79, §7B. An owner, lender, or other person having an interest in the land taken has three years from the date the order of taking was recorded to file a petition for an assessment of damages. G.L. c.79, §16.

Some municipalities take land and/or easements by eminent domain powers only if the landowner refuses to grant the municipality the necessary rights voluntarily.

Some municipalities prefer to take rights in the way and/or easements in the abutting lots by a "friendly" eminent domain taking if the municipality needs such rights from several landowners. It is often time consuming to acquire individual easements, as each easement must be signed, notarized, and recorded. The municipality may, instead, execute and record a single order of taking, acquiring all the easements from the various lot owners in one document. To ensure that the taking is "friendly," the municipality should obtain a waiver signed by each affected owner prior to the taking, waiving the owner's rights to damages for the taking and an appraisal of damages. Alternatively, if the municipality has agreed to pay the landowner, the municipality should obtain a

## MEMORANDUM TO MUNICIPAL CLIENTS

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waiver from the landowner, waiving the owner's right to damages in excess of the agreed-upon sum. Such waivers are typically not recorded and thus do not need to be notarized.

Other municipalities choose to take rights by eminent domain if the subject land is subject to a mortgage. If a municipality intends to acquire rights in mortgaged land from the owner through a voluntary grant, it is advisable to have the lender subordinate its mortgage to the easement in writing. If the lender has signed a subordination of mortgage, a foreclosure of the mortgage will not terminate the municipality's easement. In the absence of a subordination, however, the municipality's rights are extinguished upon foreclosure. While the risk of foreclosure may be small in any particular case, it may not be advisable for a municipality to assume that risk, particularly if the municipality is acquiring an easement on a large portion of a lot (which may significantly reduce its value). Further, most lenders prohibit lot owners from granting easements without the lenders' consent.

While it is advisable to obtain a subordination from the lender, as a practical matter it is often difficult and time-consuming to obtain a signed consent from the lender, particularly if it is a large national lender. Some municipalities choose to acquire rights in mortgaged property by eminent domain because a municipality is not required to obtain the lender's consent to take interests in land. A foreclosure of a mortgage cannot terminate an easement acquired by the municipality by eminent domain. A waiver of appraisal and damages should be obtained from the landowner.

However, unless a lender has waived its rights under G.L. c.79 prior to the taking, the lenders may have a viable claim for damages if the taking negatively impacts the value of the mortgaged property. A claim for damages by a lender (or, for that matter, by a landowner) may be uncommon if the municipality acquires an easement only in the abutting way, as the cost of litigation can be steep. Further, the amount of damages, if awarded, may be minimal if the burden of the easement is outweighed by the benefit of having a lot with frontage on a public way and/or having the municipality, rather than the lot owner, be responsible for the maintenance of the way.

There are various factors involved in the decision to acquire the necessary rights by eminent domain. However, it is often useful for a municipality to have the legal authority to take such rights, even if the municipality ultimately decides not to exercise its eminent domain powers. We recommend that the city council or town meeting authorize the acquisition of rights by gift, purchase, and/or eminent domain.

### E. Betterments

A detailed discussion of betterments is beyond the scope of this Memorandum. However, we note that if a city or town wishes to undertake roadway improvements to a way being made public, the city or town has the authority under G.L. c.80 to assess betterments on the landowners to recover all or a portion of the cost of such improvements.

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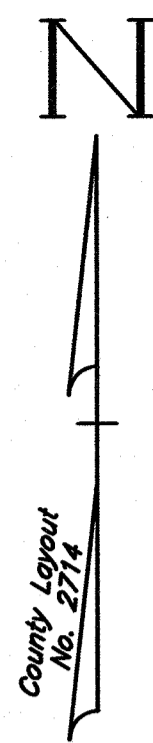
Please note that this Memorandum and the attachment are provided for informational purposes only. For legal advice regarding particular matters, we recommend you seek the assistance of your city solicitor or town counsel.

Very truly yours,



Shirin Everett

724429/KP/0005



**LEGEND:**  
 SBDHS STONE BOUND DRILL HOLE SET BY CONTRACTOR

**ZONE:**  
 RESIDENTIAL DISTRICT  
 MIN. FRONTAGE: 170'  
 MIN. LOT WIDTH: 100'  
 MIN. LOT AREA: 40,000 S.F.  
 MINIMUM SETBACKS:  
 FRONT=20'  
 SIDE=15'  
 REAR=15'

**NOTES:**

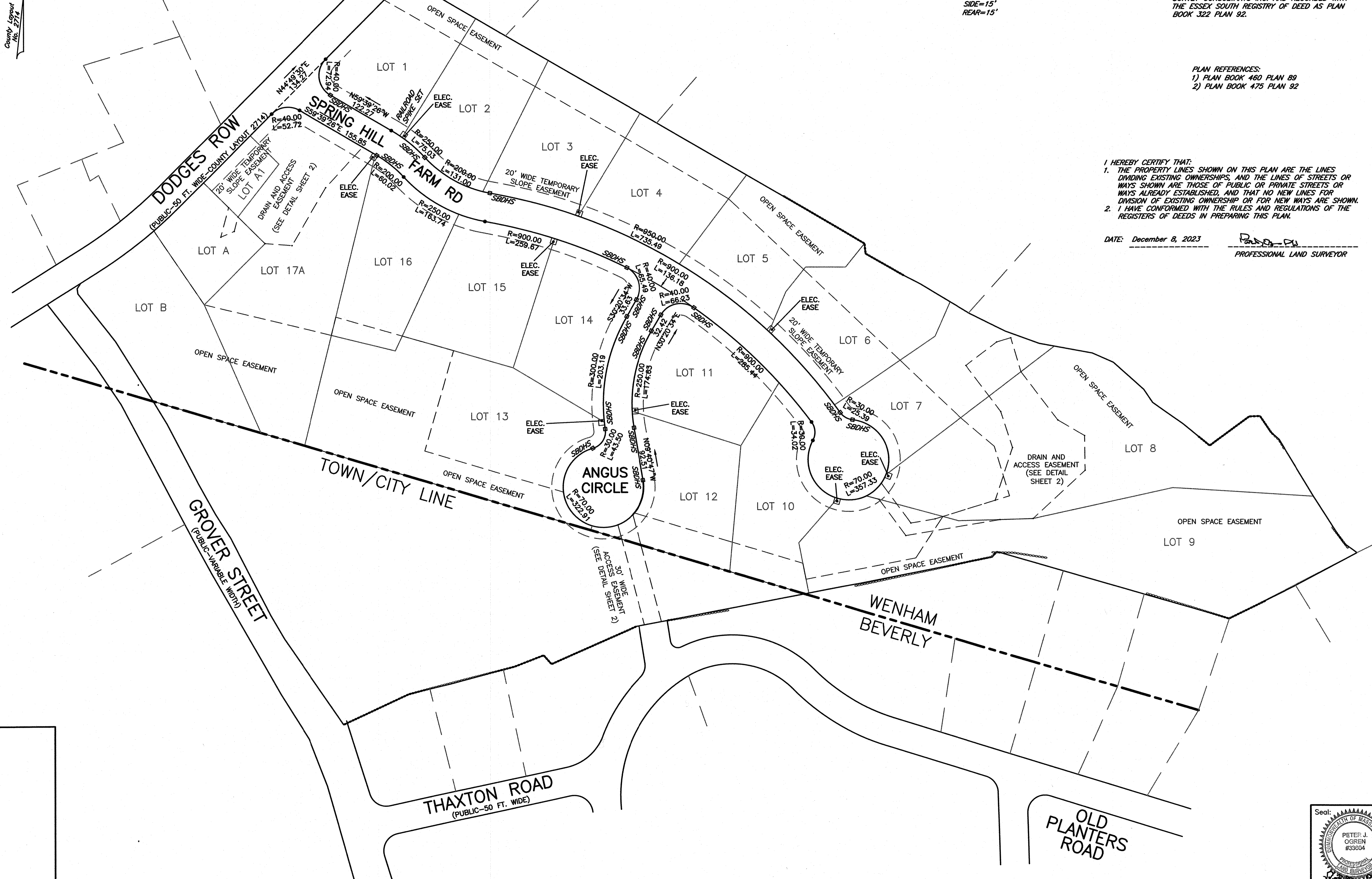
- PERIMETER INFORMATION TAKEN FROM A PLAN TITLED "PLAN OF LAND AT DODGE'S ROW IN WENHAM, MASSACHUSETTS" DATED DECEMBER 29, 1997 PREPARED BY ATLANTIC ENGINEERING & SURVEY CONSULTANTS INC. AND RECORDED WITH THE ESSEX SOUTH REGISTRY OF DEED AS PLAN BOOK 322 PLAN 92.

**PLAN REFERENCES:**  
 1) PLAN BOOK 460 PLAN 89  
 2) PLAN BOOK 475 PLAN 92

I HEREBY CERTIFY THAT:  
 1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW WAYS ARE SHOWN.  
 2. I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

DATE: December 8, 2023

*Peter J. Ogren*  
 PROFESSIONAL LAND SURVEYOR



Prepared For:

Applicant:  
 Spring Hill Ventures  
 54 Dodge Street  
 Beverly, MA 01915

Prepared By:

*Hayes*  
 Hayes Engineering, Inc.  
 603 Salem Street  
 Wakefield, MA 01880  
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Design By: PJO  
 Drawn By: REB  
 Checked By: PJO  
 Project File: WEN-0048  
 Comp. No: WEN33  
 Issued For Permit  
 Issued For Review  
 Issued For Bid  
 Issued For Construction  
 Not For Construction

| No. | Revision | Date |
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 Date: December 8, 2023

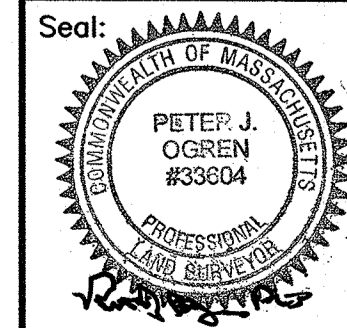
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STREET ACCEPTANCE PLAN  
 SPRING HILL FARM ROAD &  
 ANGUS CIRCLE  
 WENHAM, MASS.

Drawing No.:

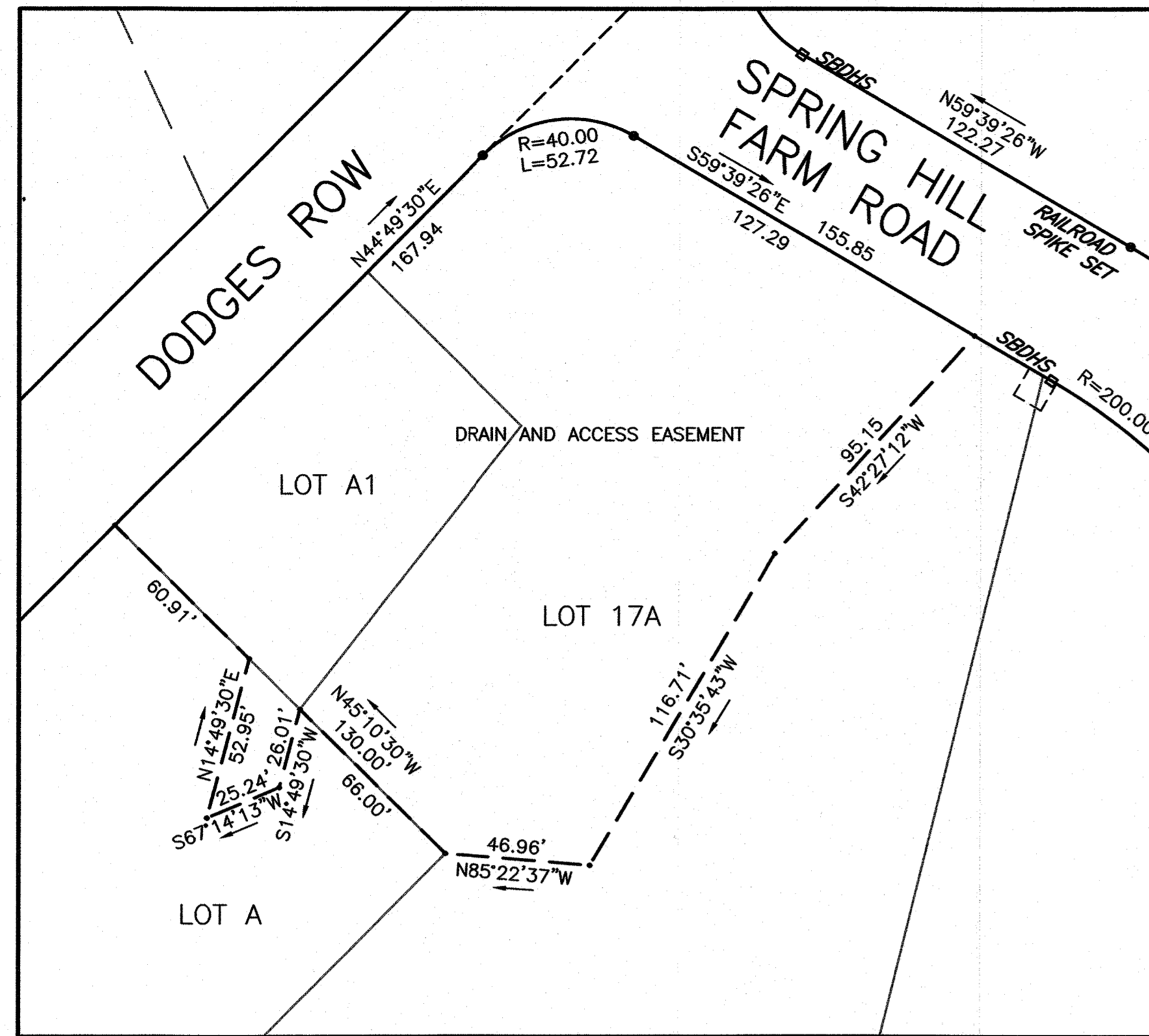
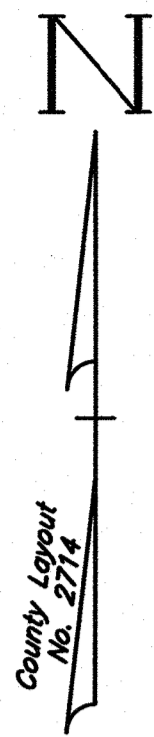
ACC1

SHEET 1 OF 2

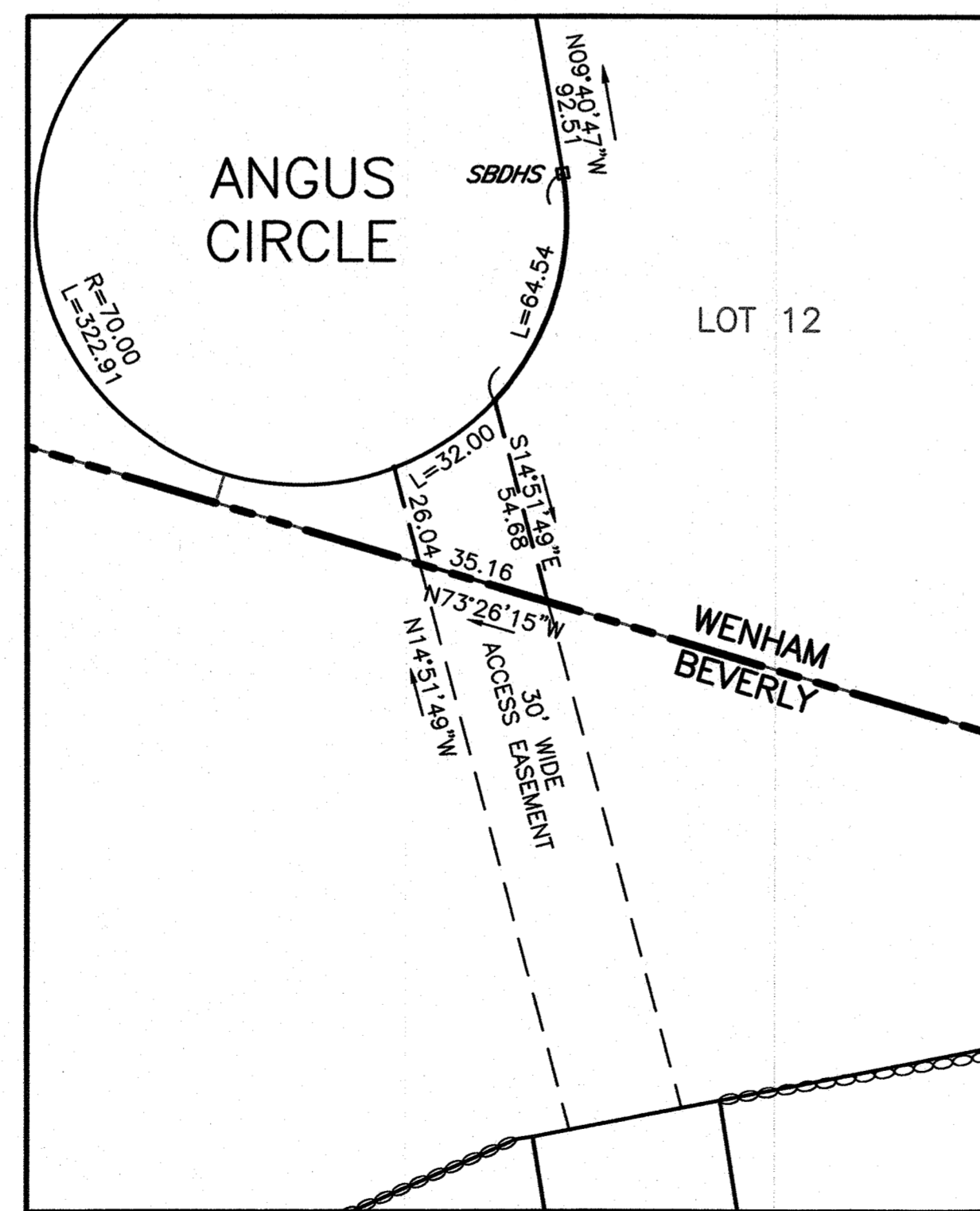


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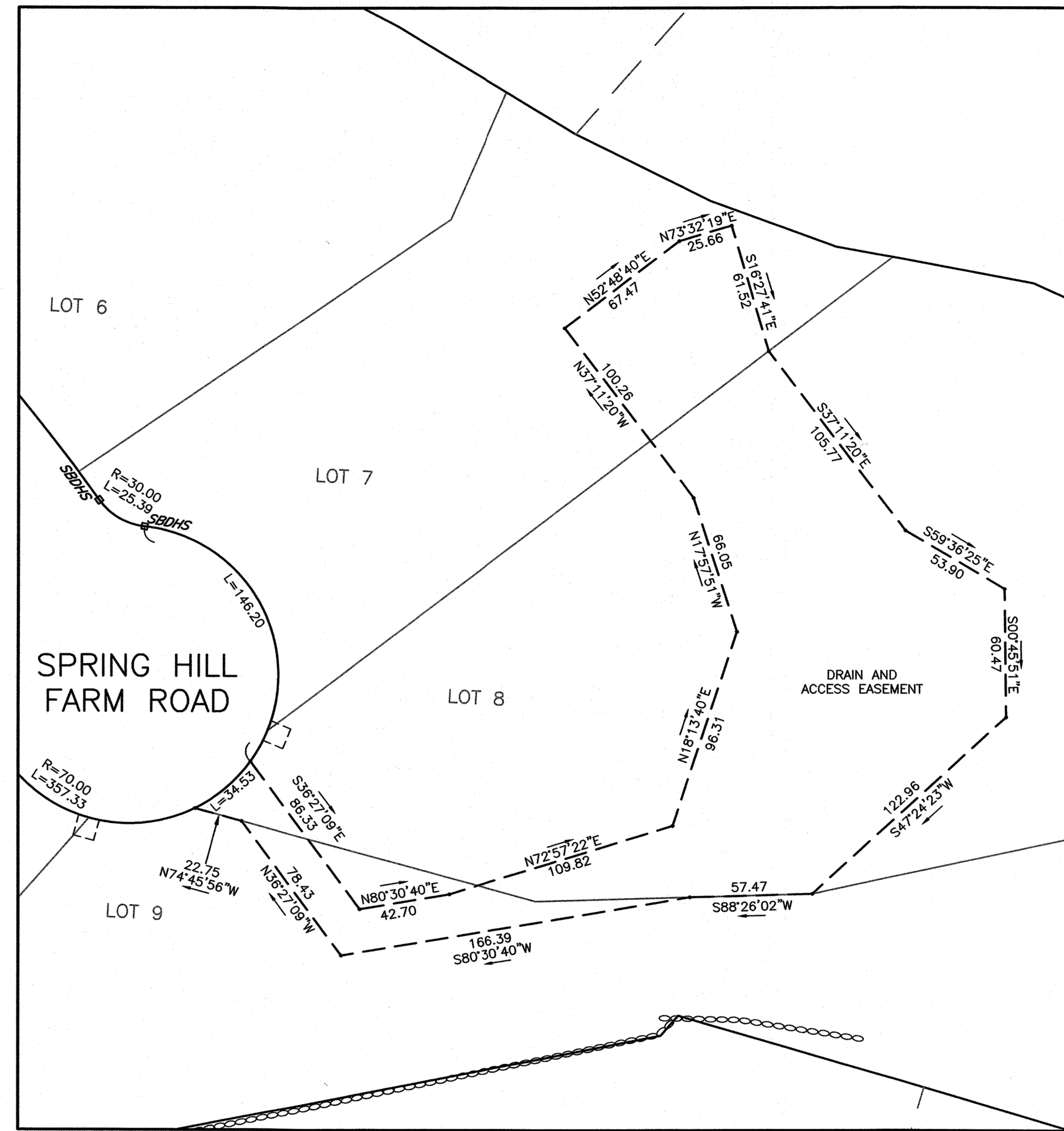




DRAIN AND ACCESS EASEMENT DETAIL:



ACCESS EASEMENT DETAIL:

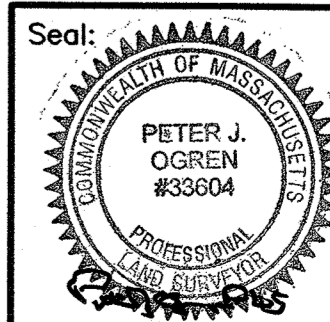


DRAIN AND ACCESS EASEMENT DETAIL:

I HEREBY CERTIFY THAT:  
 1. THE PROPERTY LINES SHOWN ON THIS PLAN ARE THE LINES DIVIDING EXISTING OWNERSHIPS, AND THE LINES OF STREETS OR WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED, AND THAT NO NEW LINES FOR DIVISION OF EXISTING OWNERSHIP OR FOR NEW LINES ARE SHOWN.  
 2. I HAVE CONFORMED WITH THE RULES AND REGULATIONS OF THE REGISTERS OF DEEDS IN PREPARING THIS PLAN.

DATE: December 8, 2023

*Peter J. Ogren*  
 PROFESSIONAL LAND SURVEYOR



Prepared For:

Applicant  
 Spring Hill Ventures  
 54 Dodge Street  
 Beverly, MA 01915

Prepared By:

*Hayes*  
 Hayes Engineering, Inc.  
 603 Salem Street  
 Wakefield, MA 01880  
 Ph: 781.246.5266  
 Fax: 781.246.5268  
 www.hayeseng.com

Design By: PJO  
 Drawn By: REB  
 Checked By: PJO  
 Project File: WEN-0048  
 Comp. No: WEN33  
 Issued For Permit  
 Issued For Review  
 Issued For Bid  
 Issued For Construction  
 Not For Construction

| No. | Revision | Date |
|-----|----------|------|
| 10  |          |      |
| 9   |          |      |
| 8   |          |      |
| 7   |          |      |
| 6   |          |      |
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| 4   |          |      |
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| 2   |          |      |
| 1   |          |      |

Scale: 1"=40'  
 0' 20' 40' 80'  
 Date: December 8, 2023

Drawing Title:

STREET ACCEPTANCE PLAN  
 SPRING HILL FARM ROAD &  
 ANGUS CIRCLE  
 WENHAM, MASS.

Drawing No.:

ACC1

SHEET 2 OF 2

FORM D

DESIGNER'S CERTIFICATE

December 29, 2023

TO THE PLANNING BOARD OF THE TOWN OF WENHAM:

In preparing the Plan entitled Street Acceptance Plan of Spring Hill Farm Road and Angus Circle, Wenham, Massachusetts, dated December 8, 2023, I hereby certify that the above-named Plan and accompanying data is true and correct to the accuracy required by the current Rules and Regulations Governing the Subdivision of Land in Wenham, Massachusetts, and required by the rules of the Massachusetts Registries of Deeds and my source of information about the location of boundaries shown on said Plan were one or more of the following:

1. Deed from R. Angus West and Gifford S. West, not individually but as Trustees of West 1997 Realty Trust; R. Angus West and Gifford S. West, not individually but as Trustees of 79 Dodges Row Trust and R. Angus West and Gifford S. West, not individually but as Trustees of Beverly Wenham Land Trust, to Spring Hill Ventures, LLC dated October 31, 2017 and recorded in the Essex South District Registry of Deeds in Book 36297, Page 298.
2. Confirmatory Deed from Deed from R. Angus West and Gifford S. West, not individually but as Trustees of West 1997 Realty Trust, R. Angus West and Gifford S. West, not individually but as Trustees of 79 Dodges Row Trust and R. Angus West and Gifford S. West, not individually but as Trustees of Beverly Wenham Land Trust, to Spring Hill Ventures, LLC, dated April 29, 2019 and recorded with Essex South District Registry of Deeds in Book 37488, Page 56.

(Seal of Surveyor)



Signed: Peter J. Ogren

(Registered Land Surveyor)

Hayes Engineering, Inc.

Address

603 Salem Street  
Wakefield, MA 01880

Address

(Seal of Professional Engineer)



*Peter J. Ocren*

Signed: *Peter J. Ocren*  
(Registered Professional Engineer)

Hayes Engineering, Inc.

Address

603 Salem Street  
Wakefield, MA 01880

Address

Spring Hill Farm Road

A certain parcel of land situated in the Town of Wenham, County of Essex, Commonwealth of Massachusetts, shown as "Spring Hill Farm Road" on a "Street Acceptance Plan" by Hayes Engineering, Inc. dated December 8, 2023, described as follows.

Beginning at the intersection of the southeasterly sideline of Dodges Row with the northerly sideline of Spring Hill Farm Road; thence running

S44°49'30"W along the southeasterly sideline of Dodges Row a distance of 134.27 feet; thence turning and running

Easterly along the southerly sideline of Spring Hill Farm Road on a curve turning to the right with an arc length of 52.72 feet, with a radius of 40.00 feet; thence running

S59°39'26"E along said sideline a distance of 155.85 feet; thence running

Southeasterly along said sideline on a curve turning to the right with an arc length of 60.02 feet, with a radius of 200.00 feet; thence running

Southeasterly along said sideline on a reverse curve turning to the left with an arc length of 163.74 feet, with a radius of 250.00 feet; thence running

Southeasterly along said sideline on a reverse curve turning to the right with an arc length of 259.67 feet, with a radius of 900.00 feet; thence running

Southeasterly along said sideline on a compound curve turning to the right with an arc length of 136.18 feet, with a radius of 900.00 feet; thence running

Southeasterly along said sideline on a compound curve turning to the right with an arc length of 285.44 feet, with a radius of 900.00 feet; thence running

Southeasterly along said sideline on a compound curve turning to the right with an arc length of 34.02 feet, with a radius of 30.00 feet; thence running

Southeasterly, northerly and westerly along said sideline on a reverse curve turning to the left with an arc length of 357.33 feet, with a radius of 70.00 feet; thence running

Westerly along the northerly sideline of Spring Hill Farm Road on a reverse curve turning to the right with an arc length of 25.39 feet, with a radius of 30.00 feet; thence running

Northwesterly along said sideline on a reverse curve turning to the left with an arc length of 735.49 feet, with a radius of 950.00 feet; thence running

Northwesterly along said sideline on a reverse curve turning to the right with an arc length of 131.00 feet, with a radius of 200.00 feet; thence running

Legal Description for Street Acceptance plans – Spring Hill Farm Road & Angus Circle, Wenham, MA

Northwesterly along said sideline on a reverse curve turning to the left with an arc length of 75.03 feet, with a radius of 250.00 feet; thence running

N59°39'26"W along said sideline a distance of 122.27 feet; thence running

Northerly along said sideline on a curve turning to the right with an arc length of 72.94 feet, with a radius of 40.00 feet, to the point of beginning.

Containing an area of 72,231 Square Feet, or 1.6582 Acres.



Angus Circle

A certain parcel of land situated in the Town of Wenham, County of Essex, Commonwealth of Massachusetts, shown as "Angus Circle" on a "Street Acceptance Plan" by Hayes Engineering, Inc. dated December 8, 2023, described as follows.

Beginning at the intersection of the westerly sideline of Angus Circle with the southerly sideline of Spring Hill Farm Road; thence running

Southeasterly along the westerly sideline of Angus Circle on a curve turning to the right with an arc length of 65.49 feet, with a radius of 40.00 feet; thence running

S30°20'34"W along said sideline a distance of 33.63 feet; thence running

Southerly along said sideline on a curve turning to the left with an arc length of 203.19 feet, with a radius of 300.00 feet; thence running

Southerly along said sideline on a reverse curve turning to the right with an arc length of 43.50 feet, with a radius of 30.00 feet; thence running

Southwesterly, easterly and northerly along said sideline on a reverse curve turning to the left with an arc length of 322.91 feet, with a radius of 70.00 feet; thence running

N09°40'47"W along the easterly sideline of Angus Circle a distance of 92.51 feet; thence running

Northerly along said sideline on a curve turning to the right with an arc length of 174.63 feet, with a radius of 250.00 feet; thence running

N30°20'34"E along said sideline a distance of 32.42 feet; thence running

Northeasterly along said sideline on a curve turning to the right with an arc length of 66.23 feet, with a radius of 40.00 feet to a point on the southerly sideline of Spring Hill Farm Road; thence turning and running

Northwesterly along the southerly sideline of Spring Hill Farm Road on a reverse curve turning to the left with an arc length of 136.18 feet, with a radius of 900.00 feet, to the point of beginning.

Containing an area of 31,910 Square Feet, or 0.7326 Acres.

Drain and Access Easement on Lots A, A1 & 17A

A certain easement area situated in the Town of Wenham, County of Essex, Commonwealth of Massachusetts, shown as “Drain and Access Easement” on a “Street Acceptance Plan” by Hayes Engineering, Inc. dated December 8, 2023, described as follows.

Beginning at the easterly corner of the easement herein described at a point on the southerly sideline of Spring Hill Farm Road; thence running

S42°27'12"W a distance of 95.15 feet; thence turning and running

S30°35'43"W a distance of 116.71 feet; thence turning and running

N85°22'37"W a distance of 46.96 feet to the easterly corner of Lot A; thence turning and running

N45°10'30"W along the northeasterly lot line of Lot A a distance of 66.00 feet to the southerly corner of Lot A1; thence turning and running

S14°49'30"W a distance of 26.01 feet; thence turning and running

S67°14'13"W a distance of 25.24 feet; thence turning and running

N14°49'30"E a distance of 52.95 feet to a point on the northeasterly lot line of Lot A; thence turning and running

N45°10'30"W along the northeasterly lot line of Lot A a distance of 60.91 feet to a point on the southeasterly sideline of Dodges Row; thence turning and running

N44°49'30"E along the southeasterly sideline of Dodges Row a distance of 167.94 feet to a point on the southerly sideline of Spring Hill Farm Road; thence running

Easterly along the southerly sideline of Spring Hill Farm Road on a curve turning to the right with an arc length of 52.72 feet, with a radius of 40.00 feet; thence running

S59°39'26"E along said sideline a distance of 127.29 feet to the point of beginning.

Containing an area of 36,821 Square Feet.

Drain and Access Easement on Lots 7, 8 & 9

A certain easement area situated in the Town of Wenham, County of Essex, Commonwealth of Massachusetts, shown as "Drain and Access Easement" on a "Street Acceptance Plan" by Hayes Engineering, Inc. dated December 8, 2023, described as follows.

Beginning at the westerly corner of the easement herein described at a point on the sideline of Spring Hill Farm Road; thence running

S36°27'09"E a distance of 86.33 feet; thence turning and running

N80°30'40"E a distance of 42.70 feet; thence turning and running

N72°57'22"E a distance of 109.82 feet; thence turning and running

N18°13'40"E a distance of 96.31 feet; thence turning and running

N17°57'51"W a distance of 66.05 feet; thence turning and running

N37°11'20"W a distance of 100.26 feet; thence turning and running

N52°48'40"E a distance of 67.47 feet; thence turning and running

N73°32'19"E a distance of 25.66 feet; thence turning and running

S16°27'41"E a distance of 61.52 feet; thence turning and running

S37°11'20"E a distance of 105.77 feet; thence turning and running

S59°36'25"E a distance of 53.90 feet; thence turning and running

S00°45'51"E a distance of 60.47 feet; thence turning and running

S47°24'23"W a distance of 122.96 feet; thence turning and running

S88°26'02"W a distance of 57.47 feet; thence turning and running

S80°30'40"W a distance of 166.39 feet; thence turning and running

N36°27'09"W a distance of 78.43 feet; thence turning and running

N74°45'56"W a distance of 22.75 feet to the westerly corner of Lots 8 & 9 on Spring Hill Farm Road; thence turning and running

Northeasterly along the sideline of Spring Hill Farm Road a curve turning to the left with an arc length of 34.53 feet, with a radius of 70.00 feet, to the point of beginning.

Containing an area of 36,567 Square Feet.



Access Easement on Lot 12

A certain easement area situated in the Town of Wenham, County of Essex, Commonwealth of Massachusetts, shown as "30' Wide Access Easement" on a "Street Acceptance Plan" by Hayes Engineering, Inc. dated December 8, 2023, described as follows.

Beginning at the westerly corner of the easement herein described at a point on the sideline of Angus Circle; thence running

Northeasterly along the sideline of Angus Circle on a curve turning to the left with an arc length of 32.00 feet, with a radius of 70.00 feet; thence turning and running

S14°51'49"E a distance of 54.68 feet to a point on the Wenham / Beverly Town Line; thence turning and running

N73°26'15"W along the Wenham / Beverly Town Line a distance of 35.16 feet; thence turning and running

N14°51'49"W a distance of 26.04 feet to the point of beginning.

Containing an area of 1,172 Square Feet.

# Spring Hill Ventures, LLC

January 5, 2024

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984


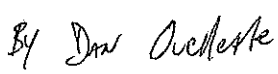
**Re: Spring Hill Ventures, LLC**

Dear Margaret,

On behalf of Spring Hill Ventures, LLC, I respectfully request that the Town of Wenham undertake such measures deemed necessary to accept Spring Hill Farm Rd and Angus Circle as public ways in the Town of Wenham. Enclosed please find: the Street Acceptance Plans, The Form D, and a draft deed to the Town of the streets, utilities and easements contained on the plan.

Thank you for your assistance with this street acceptance.

Sincerely,

 , By   
Jeffrey J. Krugman, Manager



# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Selectmen / Town Administrator

TEL 978-468-5520

FAX 978-468-8014

February 06, 2024

Mr. Don Bannon  
11 Pleasant Street  
Wenham, MA 01984

RE: Thank you for your service to the Town of Wenham

Dear Don,

The Wenham Select Board would like to take this opportunity to express our sincere appreciation for your service to the Town. Throughout your twenty years of volunteer service to Wenham as a member of the Historic District Commission 2007-2024, Long Range Planning Committee 2004-2006, Town Hall/Police Station Building Committee 2005-2013, Community Preservation Committee 2008-2009, and the Building Committee 2014-2015, you made many lasting and important contributions towards preserving and protecting the Town's distinctive characteristics, including its buildings, architecture, and historically significant places in Wenham. In recognition of your magnanimous efforts, the Wenham Select Board wishes you will accept a framed photograph of the renovated Wenham Town Hall for which you gave talent and time.

On behalf of all the citizens of Wenham, Thank you.

TOWN OF WENHAM SELECT BOARD:

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Dianne K. Bucco

---

Deirdre T. Pierotti

---

Peter M. Clay

---

Benjamin B. Tymann

---

Gary R. Cheeseman

**Part I**

ADMINISTRATION OF THE GOVERNMENT

**Title VII**

CITIES, TOWNS AND DISTRICTS

**Chapter 40**

POWERS AND DUTIES OF CITIES AND TOWNS

**Section 57**

LOCAL LICENSES AND PERMITS; DENIAL, REVOCATION OR  
SUSPENSION FOR FAILURE TO PAY MUNICIPAL TAXES OR  
CHARGES

Section 57. Any city or town which accepts the provisions of this section, may by by-law or ordinance deny any application for, or revoke or suspend a building permit, or any local license or permit including renewals and transfers issued by any board, officer, department for any person, corporation or business enterprise, who has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges, including amounts assessed under the provisions of section twenty-one D or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate whose owner has neglected or refused to pay any local taxes, fees, assessments, betterments or any other municipal charges. Such by-law or ordinances shall provide that:

(a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, and may periodically, furnish to each department, board, commission or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges, and that such party has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

(b) The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers of any party whose name appears on said list furnished to the licensing authority from the tax collector or with respect to any activity, event or other matter which is the subject of such license or permit and which activity, event or matter is carried out or exercised or is to be carried out or exercised on or about real estate owned by any party whose name appears on said list furnished to the licensing authority from the tax collector; provided, however, that written notice is given to the party and the tax collector, as required by applicable provisions of law, and the party is given a hearing, to be held not earlier than fourteen days after said notice. Said list shall be prima facie evidence for denial, revocation or suspension of said license or permit to any party. The tax collector shall have the right to intervene in any hearing conducted with respect to such license denial, revocation or suspension. Any findings made by the licensing authority with respect to such license denial, revocation or suspension shall be made only for the purposes of such proceeding and shall not be relevant to or introduced in

any other proceeding at law, except for any appeal from such license denial, revocation or suspension. Any license or permit denied, suspended or revoked under this section shall not be reissued or renewed until the license authority receives a certificate issued by the tax collector that the party is in good standing with respect to any and all local taxes, fees, assessments, betterments or other municipal charges, payable to the municipality as the date of issuance of said certificate.

(c) Any party shall be given an opportunity to enter into a payment agreement, thereby allowing the licensing authority to issue a certificate indicating said limitations to the license or permit and the validity of said license shall be conditioned upon the satisfactory compliance with said agreement. Failure to comply with said agreement shall be grounds for the suspension or revocation of said license or permit; provided, however, that the holder be given notice and a hearing as required by applicable provisions of law.

(d) The board of selectmen may waive such denial, suspension or revocation if it finds there is no direct or indirect business interest by the property owner, its officers or stockholders, if any, or members of his immediate family, as defined in section one of chapter two hundred and sixty-eight A in the business or activity conducted in or on said property.

This section shall not apply to the following licenses and permits: open burning; section thirteen of chapter forty-eight; bicycle permits; section eleven A of chapter eighty-five; sales of articles for charitable purposes, section thirty-three of chapter one hundred and one; children work permits, section sixty-nine of chapter one hundred and forty-nine; clubs, associations dispensing food or beverage licenses, section twenty-one E of chapter one hundred and forty; dog licenses, section one hundred and

thirty-seven of chapter one hundred and forty; fishing, hunting, trapping license, section twelve of chapter one hundred and thirty-one; marriage licenses, section twenty-eight of chapter two hundred and seven and theatrical events, public exhibition permits, section one hundred and eighty-one of chapter one hundred and forty.

A city or town may exclude any local license or permit from this section by by-law or ordinance.

**ARTICLE 11:           Acceptance of MGL Chapter 40, Section 57:  
Collection of Delinquent Local Taxes, Fees,  
Assessments, and Betterments Due to the Town**

To see if the Town will vote to accept the provisions of MGL Chapter 40, Section 57, and to amend the Town Bylaws to add a new Chapter XXVI that enables the Town to deny permits to landowners who are delinquent in local taxes, fees, and assessments, in the form set forth in Appendix A.  
Or take any other action relative thereto.

*Commentary: This article seeks to enable the Town to take advantage of a statutory provision intended to assist the Town in collecting delinquent local taxes, fees, and assessments. Under MGL Chapter 40, Section 57, a town may enact a bylaw that allows the town to refuse to issue or renew, or to revoke, certain licenses and permits if applicable local taxes, fees, and/or assessments are not currently paid by the owner. The cost to the Town, in time and expense, to collect unpaid accounts can be considerable; the right to withhold benefits to owners who are 12 or more months delinquent may provide the town with effective leverage to obtain payment. The article calls for the Town to vote to accept Section 57, and to adopt a bylaw effectuating the statutory rights. Appendix A sets forth the full text of the proposed bylaw, and it explains the detailed operation of the program.*

**Recommendation of the Board of Selectmen: Favorable Action (3-0-0)**  
*Vote needed: Simple Majority*

*See Appendix A*

**ARTICLE 12:           Bylaw Amendment: Zoning Board of Appeals**

To see if the Town will vote to amend the Town Bylaws, Chapter X - Board of Appeals, by deleting Sections 1 and 2 in their entirety, and substituting the following: "Chapter X - Zoning Board of Appeals. Section 1. A Zoning Board of Appeals, established pursuant to Chapter 41 of the General Laws, is as set forth in Section 13.2 of the Protective Zoning Bylaw of the Town".  
Or take any other action relative thereto.

*Commentary: As a result of the recent Legal Base Study update, a conflict was discovered between the general bylaws and the zoning bylaws, with respect to the number of associate members that may be appointed to the Zoning Board of Appeals (ZBA). The zoning bylaw allows up to 3 associate members, in accordance with the Massachusetts zoning statutes, whereas the older general bylaw limited associate member appointments to one. Because the newer statutes also call for the ZBA to be part of the zoning bylaw, this Article proposes to cure this conflict by deleting the ZBA section of the general bylaws, Chapter X, and substituting a cross reference to section 13.2 of the zoning bylaw where the authority of the ZBA resides.*

**Recommendation of the Board of Selectmen: Favorable Action (3-0-0)**  
*Vote needed: Simple Majority*



*allowable amount of this exemption has been adjusted upward by the state to account for increases in cost of living expenses. This article raises the Wenham annual maximum per person from the \$1,000 currently provided to the new \$1,500 limit.*

***Recommendation of the Board of Selectmen: Favorable Action (3-0-0)***

***Recommendation of the Finance & Advisory Committee: Favorable Action (5-0-0)***

***Vote needed: Simple Majority***

## **ARTICLE 14: Bylaw Adoption: Veterans Exemptions Extended to Spouses**

To see if the Town will vote to accept the provisions of MGL Chapter 59, Section 5, Clause Twenty-Second G, rendering the spouse of a veteran or a deceased veteran with title to the veteran's domicile, eligible for an exemption.

Or take any other action relative thereto.

*Commentary: The Municipal Modernization Act passed by the state legislature earlier this year gave the local option to municipalities under Massachusetts General Law Chapter 59, Section 5, Clause Twenty-Second G to extend eligibility for the existing real estate tax exemption to veterans' spouses in certain circumstances. The Board of Assessors has traditionally granted about a dozen veterans exemptions each year, totaling several thousand dollars, for which the Town receives a partial reimbursement from the state.*

***Recommendation of the Board of Selectmen: Favorable Action (3-0-0)***

***Vote needed: Simple Majority***

## **ARTICLE 15: Bylaw Amendment: Collection of Delinquent Local Taxes, Fees, Assessments, and Betterments Due to the Town**

To see if the Town will vote to amend the Town Bylaw Chapter XXVI adopted pursuant to MGL Chapter 40, Section 57, which statute allows municipalities to deny licenses and permits, among other things, when the applicant or owner of the property to which the license or permit relates owes municipal taxes or fees, to bring such bylaw into accord with the law as revised by the Municipal Modernization Act, with the text to be inserted set forth in bold and the text to be deleted shown in strikethrough, as follows:

- (a) The tax collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the tax collector, shall annually, **and may periodically**, furnish to each department, board, commission, or division, hereinafter referred to as the licensing authority, that issues licenses or permits including renewals and transfers, a list of any person, corporation, or business enterprise, hereinafter referred to as the party, that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less~~

~~than a twelve month period~~, and that has not filed in good faith a pending application for an abatement of such tax or a pending petition before the appellate tax board.

Or take any other action relative thereto.

*Commentary: This article seeks to make a modification to the bylaw approved by Town Meeting last year that allows the Town to refuse to issue or renew, or to revoke, certain licenses and permits if applicable local taxes, fees, and/or assessments are not paid by the owner. The cost to the Town, in time and expense, to collect unpaid accounts can be considerable; the right to withhold benefits to owners who are delinquent may provide the Town with effective leverage to obtain payment. Consistent with the provisions of the Municipal Modernization Act, this article eliminates the previous requirement for such delinquency to be 12 or more months in duration in order for the Town to take action.*

**Recommendation of the Board of Selectmen: Favorable Action (3-0-0)**

*Vote needed: Simple Majority*

## **ARTICLE 16:            Bylaw Amendment: Civil Fingerprinting for Criminal History Checks**

To see if the Town will vote, as authorized by Chapter 256 of the Acts of 2010, codified as Massachusetts General Laws Chapter 6, Section 172 B1/2, to strike in its entirety Section 11 of Chapter V of the Town Bylaws as most recently amended on April 11, 2015, and to insert a new Bylaw, Chapter V, Section 17, entitled, "Civil Fingerprinting", enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals for the following licenses: Hawking, Peddling or other Door-to-Door Solicitors, Second Hand Dealers, Ice Cream Truck Vendors, Used Car Dealers, and Managers of Alcoholic Beverage Licenses, and to authorize adoption of appropriate policies and procedures to effectuate the purposes of this Bylaw.

Or take any other action relative thereto.

### **CIVIL FINGERPRINTING**

#### **SECTION ONE: Purpose and Scope**

This Bylaw authorizes the Police Department to conduct state and national fingerprint based criminal history checks for individuals applying for specific licenses in Town to enhance public safety, as authorized by Massachusetts General Laws Chapter 6, Section 172B½. To carry out the criminal history checks authorized by this Bylaw, the Police Department shall be authorized to use state and Federal Bureau of Investigation ("FBI") records, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

The Bylaw further authorizes the Board of Selectmen, in consultation with the Chief of Police, to promulgate regulations to implement this Bylaw, which may include, but shall not be limited to, establishment of submission deadlines, procedures for making recommendations to

Amended effective July 1, 2010  
Amended effective February 13, 2014

Adopted by the Hamilton-Wenham Regional  
School District Committee 4/27/00  
(Adopted by Town of Hamilton 5/15/00)  
(Adopted by Town of Wenham 5/6/00)

**Adopted by Town of Hamilton 5//20/10**  
**Adopted by Town of Wenham 5/20/10**  
**Amended July 1, 2010**

**Adopted by Town of Hamilton**  
**Adopted by Town of Wenham**  
**Amended February 13, 2014**

AMENDMENT  
TO AGREEMENT BETWEEN  
THE TOWNS OF  
HAMILTON AND WENHAM  
WITH RESPECT TO THE  
ESTABLISHMENT OF A REGIONAL SCHOOL DISTRICT  
RESTATING THE PROVISIONS OF SAID AGREEMENT

**AMENDMENT TO AGREEMENT BETWEEN THE TOWNS OF HAMILTON AND  
WENHAM WITH RESPECT TO THE ESTABLISHMENT OF A REGIONAL  
SCHOOL DISTRICT RESTATING THE PROVISIONS OF SAID AGREEMENT.**

The Agreement entered into pursuant to Chapter 71 of the Massachusetts General Laws, as amended, between the Towns of Hamilton and Wenham (together with any other towns added under Section VII hereof), hereinafter sometimes referred to as the Member Towns, is hereby amended in its entirety to read as follows:

In consideration of the mutual promises herein contained, it is hereby agreed as follows:

**SECTION I: THE REGIONAL SCHOOL COMMITTEE**

(A) NAME

The District shall be called the Hamilton-Wenham Regional School District, hereinafter referred to as the District.

(B) COMPOSITION

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee; hereinafter referred to as the Committee. The Committee shall consist of nine (9) members. All members of the Committee shall serve until their respective successors are elected and qualified.

(C) ELECTION OF MEMBERS

Members of the Committee shall be elected by all the voters of the District at an annual district election. The term of office of each member elected at the

annual district election shall be three (3) years. Except hereinafter provided in Subsection I (F), the annual district election shall be held on a day in May as selected by vote of the Committee adopted at least 90 days prior to the day so selected, which day shall not be the same as the day on which the annual town election is to be held in any member town.

(D) NOMINATIONS

Candidates for election to membership on the Committee shall be nominated by filing with the secretary of the District nomination papers which have been signed by at least forty registered voters of one or more of the member town. Such papers shall be filed not less than forty-five nor more than ninety days before the annual district election or, if the annual district election be held in more than one session, before the first session thereof. The District secretary shall annually post in at least one public place in each member town and publish in a newspaper of general circulation in the District a notice stating the dates between which nomination papers may be filed and the number of vacancies to be filled, said posting and publishing to be at least one week prior to the first date on which nomination papers may be filed. Forthwith upon receipt of nomination papers, the District secretary shall verify that such papers have been signed by the required number of registered voters using the voting lists furnished to said secretary by the registrars of voters of each member town. If the District secretary shall determine that such papers have been signed by the required number of registered voters, the candidate shall then be deemed duly nominated. In lieu of filing nominations papers, an elected member of the Committee may, within the period prescribed above, file with the secretary a written declaration of intent to be a candidate for reselection and shall thereupon be deemed duly nominated.

(E) CALLING AND CONDUCT OF DISTRICT ELECTION

Annual district elections held under this section shall be called by a warrant which shall be addressed to the registered voters of the member towns

and signed by a majority of the members of the Committee and which shall set forth the date or dates of the election, the polling place or places in each town, the hours at which the polls will be opened and closed in each town, and the number of members who are to be elected. Notice of the election shall be given by posting a copy of the warrant attested by the secretary of the Committee in at least on public place in each member town and by publishing a copy thereof at least once in a newspaper of general circulation in the District at least seven (7) days before the election or, if said election be held in more than one session, before the first session thereof. A certificate of the secretary shall be conclusive evidence of the posting and publication of the warrant. If the election is held on a single day as provided in Subsection I (C), the number and location of the polling place or places in each town shall be determined by the Committee after consultation with the Selectmen thereof, and the hours during which all the polls in the District are open shall be uniform throughout the District and shall be not less than eight nor more than thirteen consecutive hours. The Committee shall be responsible for preparing the ballots used at the election and said ballots shall not state the address or town or residence of any candidate. After the votes cast in a member town have been counted, the town clerk of such town shall certify the results of the election to the Committee which shall tabulate such results at a meeting of the Committee; and the chairman of the Committee shall thereupon announce the names of the persons elected to membership on the Committee. Thereafter the certifications of the town clerks and the tabulations of the Committee shall be kept by the secretary with the records of the District. Promptly after their election, members of the Committee shall be sworn to the faithful discharge of their duties by the District secretary or by the town clerk of the town in which they reside, and in each case a record of such oath shall be made and kept by the secretary or delivered to the secretary by the town clerk. Except as provided in this Agreement, the annual district election shall be conducted in each town in the same manner as town meetings for the election of town officers. The expenses of that part of an election under this section which is conducted in a member town shall be borne by such town.

(F) DISTRICT ELECTIONS COINCIDING WITH TOWN ELECTIONS

Notwithstanding the provisions of Subsection I (C) and I (E), in any year in which the annual town election of any member town is to be held on a day which is not more than twenty-one days following the day on which the annual

town election is to be held in the other member town, the annual district election shall be held in two sessions on those two days and said sessions collectively shall be deemed to constitute the annual district election. In the event the annual district election is to be held in two sessions as aforesaid, the day, location and number of polling places and the hours during which the polls shall be open at the session held in each member town shall be the same as for the annual town election in such town, but the names of the candidates for election to the Committee shall be contained on a separate ballot. Neither the address nor the town of residence of any candidate for election to the Committee shall be stated on said ballots. Upon the completion of the voting at the first session, the ballots cast for election to the Committee shall not be counted, but shall forthwith be packaged and sealed, impounded, and held in a safe place in the custody of the town clerk where they shall not be inspected or made available for inspection by anyone until the polls have closed at the second session. Upon completion of the voting at the second session, the ballots cast at each session of the annual district election shall be counted and the results certified to the Committee by the town clerks as provided in Subsection I (E).

(G) ORGANIZATION

At the first regular meeting of the Committee following the annual district election in each year, commencing in the year in which the members have been first elected as provided in Subsection I (C), the Committee shall organize and choose by ballot a chairman and a vice-chairman from its own membership. At the same meeting or at any other meeting, the Committee shall appoint a secretary and a treasurer who may be the same person, but who need not be members of the Committee and such other officers as it deems advisable and determine the terms of office for its officers (except the chairman and vice chairman who shall be elected as provided above).

(H) VACANCIES

If a vacancy occurs on the Committee, such vacancy shall be filled by appointment by the Board of Selectmen of the town from whose membership the vacancy occurred, and the remaining members of the Committee, acting jointly. The person so appointed shall be a resident of the town from which the vacancy

occurred and shall serve only until the next annual district election, at which election a successor shall be elected to serve the balance of the unexpired term if any.

(I) QUORUM

A majority of the Committee shall constitute a quorum, but a lesser number may adjourn any meeting from time to time.

(J) POWERS AND DUTIES

The Committee shall have all the powers and duties conferred and imposed upon regional district school committees by law and by this Agreement and any amendment or additions thereto or as may be conferred and imposed upon it by any applicable general or special law.

(K) AMENDMENT TO REGIONAL SCHOOL AGREEMENT

The agreement between the Towns of Hamilton and Wenham with respect to the establishment of a Regional School District Section 1 Paragraph (B) shall be revised to read as follows:

The powers and duties of the regional school district shall be vested in and exercised by a regional district school committee, hereinafter referred to as the Committee. All members of the Committee shall serve until their respective successors are elected and qualified. The Committee, which consisted of nine (9) members as of January 1, 2014, shall be reduced as follows to seven (7) members having staggered terms:

(a) Notwithstanding Section 1, Paragraph (H), no vacancies on the Committee shall be filled unless such vacancy would reduce the number of members below seven (7).

(b) At the district election in 2015, the number of members to be elected shall be such as to bring the Committee to a total of (8) member. Notwithstanding the preceding sentence, if vacancies reduce the number of members to seven (7) prior to the 2015 election, then the number elected in 2015 shall be such as to bring the Committee to a total of seven (7).



(c) At the district election in 2016, the number of members to be elected shall be such as to bring the Committee to a total of seven (7) members.

(d) thereafter the seven (7) MEMBERS OF THE Committee shall be elected in staggered terms, such that every third year three (3) members shall be elected and in all other years two (2) members shall be elected.

## **SECTION II: TYPE OF REGIONAL SCHOOL DISTRICT**

The regional school district shall consist of all grades, Pre-Kindergarten through Twelve. The Committee may establish and maintain vocational education courses, acting as trustees therefore, in accordance with the provisions of Chapter 74 of the General Laws and any amendments or additions thereto.

## **SECTION III: LOCATION AND LEASING OF SCHOOL FACILITIES**

### **(A) LOCATION**

Any new facility constructed for the purpose of accommodating pupils primarily from a particular member town shall be located in such town. Any new school facility constructed for the purpose of accommodating pupils in one or more grades from both member towns shall be located within the geographical limits of the District. The District shall at all times maintain at least one school facility in each member town.

### **(B) LEASING**

The Town of Wenham is hereby authorized to lease to the Regional School District all the premises and buildings presently known as the (a) the Center School Building and (b) the Bessie Buker School.

The Town of Hamilton is hereby authorized to lease to the Regional School District all the premises and buildings presently known as the (a) the

Winthrop School, and (b)the Cutler School.

Each of the leases authorized above shall be for a term of twenty (20) years and the term shall commence on the date when the Committee assumes jurisdiction of the pupils in the grades served by said schools. Each of the leases shall contain a provision for the extension of the term thereof for an additional term not in excess of twenty (20) years, renewable at any time during the term, at the option of the Committee. Each such lease shall automatically terminate, and the use of the building so leased shall revert back to the town from which it was leased in the event that the Committee decides that such building is no longer needed for the educational program of the District. Each of the leases shall contain provisions authorizing the District to insure, repair, improve, alter or remodel any of the leased buildings. No rental shall be charged to the District by any of the member towns. Each lease involving a member town shall be on such other terms as may be determined by the Selectmen thereof and the Committee, who shall execute the lease for the member town and the District, respectively.

The unpaid balance on the outstanding bonds (school bonds authorized for the purpose of constructing or improving the above-mentioned facilities) at the time of leasing of said buildings and facilities shall remain the obligation of the member towns.

#### **SECTION IV: APPORTIONMENT AND PAYMENT OF COSTS**

##### **(A) DEFINITION OF COSTS**

For the purpose of apportioning assessments levied by the District against the member towns, cost shall be divided into three categories; capital costs, special operating costs and operating costs.

(1) Capital Costs

Capital costs shall include any item of expense in the nature of capital outlay the cost of which in any one fiscal year exceeds \$25,000, such as the cost of acquiring by purchase, lease or otherwise land, buildings or equipment, the cost of construction, reconstructing, or adding to a school building or buildings, the cost of remodeling or making extraordinary repairs to a school building or buildings, the cost of constructing sewerage systems and sewage treatment and disposal facilities or the cost of the purchase or use of such systems with a municipality, and any other item of capital outlay for which a regional school district may be authorized to borrow, including without limitation the cost of original equipment and furnishings for such school buildings or additions, plans, architects' and consultants' fees, grading and other costs incidental to placing school buildings and additions, sewerage systems and sewage treatment and disposal facilities, and any premises related to the foregoing, in operating condition. Capital costs shall also include payment of principal of and interest on bonds, notes or other obligations issued by the District to finance capital costs.

(2) Special Operating Costs

Special operating costs shall include the net cost of evening, graduate and extension courses or any other types of courses, including vocational education programs, which are offered by the District to persons other than pupils attending a regular district, comprehensive school program in any of the grades PreK-12, inclusive.

(3) Operating Costs

Operating costs shall consist of all costs of the District other than capital costs and special operating costs.

(4) Operational Audit

An operational audit shall be conducted, within six (6) months after the approval of the amendment to the Agreement by the member towns by an independent, outside audit firm, to be chosen collectively by the Board of

Selectmen of the member towns, to conduct a complete and full Audit. The two Boards of Selectmen shall formulate and issue a Request for Proposal, upon consultation with the Citizen Petitioners, consisting of the specific areas to be examined by the Operational Audit to be drawn from the general areas as follows: the school facilities, the school budget, the proposed Capital Costs, Special Operating Costs and the Operating Costs, the personnel, and any and all other operational aspects of the Regional Schools; with a complete copy of the Operational Audit to be filed with the Board of Selectmen of each of the member towns and to be made available to the citizens of each of the member towns, at their request, within sixty (60) days of the completion of the Operational Audit. The Superintendent of Schools or the School Committee shall, within sixty (60) days of receipt of the Operational Audit, report to the Board of Selectmen, at an advertised Public Hearing, their response to the recommendations made in the Operational Audit. The costs and expenses of such Operational Audit shall not exceed the sum of Ninety Thousand and 11/100 (\$90,000.00) Dollars and shall be paid by the member towns according to the current fiscal year rolling average assessment percentage as follows: (1) by the Town of Wenham, 32.68%; and (2) by the Town of Hamilton, 67.32%.

(B) APPORTIONMENT OF CAPITAL COSTS

All capital costs apportioned for the fiscal years commencing on and after July 1, 1983 shall be apportioned among the member towns on the basis of each town's pupil enrollment on October 1 of the three preceding fiscal years. Each member town's share for each such fiscal year shall be determined by computing to the nearest one hundredth of one percent the ratio which that town's aggregate pupil enrollment in the regional district schools on October 1 of the three fiscal years next preceding the commencement of the fiscal year for which the apportionment is determined bears to the aggregated total pupil enrollment from all the member towns on the same three dates.

The provisions of the foregoing paragraph shall apply to the apportionment of capital costs consisting of payments of principal and interest on bonds, notes or other evidences of indebtedness authorized by vote of the Committee before January 1, 1995. All other capital costs shall be apportioned annually to the member towns, one-half on the basis of each town's pupil

enrollments on October 1 of the three preceding fiscal years and one-half on the basis of the total of each town's assessed valuations for the three fiscal years preceding the fiscal year for which the apportionment is determined. Each member town's share for each fiscal year shall be determined by computing to the nearest one-hundredth of one percent the sum of (1) one-half of the ratio which that town's aggregate pupil enrollment in the regional district schools on October 1 of the three fiscal years next preceding the beginning of the fiscal year for which the apportionment is determined bears to the total pupil enrollment from all of the member towns on the same three dates and (2) one-half of the ratio, which the total of the assessed valuations used for the purpose of computing that town's tax rates for the three fiscal years preceding the fiscal year for which the apportionment is determined bears to the aggregate total of the three assessed valuations so determined for all the member towns.

For the apportionment of Capital Costs authorized by vote of the Committee after January 1, 2000, all such Capital Costs shall be allocated on the same basis as Operating Costs.

Provided, however, that the Committee shall consider the circumstances at the time of any proposed debt and may initiate, for acceptance by the member towns as provided in Section VI, an amendment to this Agreement calling for some other apportionment formula for the specific capital cost.

(C) APPORTIONMENT OF SPECIAL OPERATING COSTS

Special operating costs shall be apportioned to the member towns on the basis of the ratio which the enrollment of pupil hours of residents of each member town in courses described in paragraph 2 of Subsection IV(A) for the fiscal year next preceding the fiscal year for which the apportionment is determined bears to the total enrollment of pupil hours in such courses from residents of all member towns on such dates. Enrollment in such courses shall be determined on the basis of those pupils enrolled in each of the said courses as of the first Tuesday after the first Monday of the week that said courses commence.

(D) APPORTIONMENT OF OPERATING COSTS

Operating Costs apportioned to each of the Member Towns for fiscal years commencing on and after July 1, 2000 shall be determined as follows:

- (1) The District shall determine its net allocation of Operating Costs, which shall be the District's total operating budget, net of any estimated state assistance for Operating Costs of the District and any other funds applied thereto. Operating Costs shall then be allocated to each of the Member Towns on the basis of each such Member Town's average enrollment in the District determined as of October 1 of each of the last three years immediately preceding the fiscal year for which such allocation is to be determined.
  
- (2) The District shall determine the allocation of Capital Costs with respect to indebtedness issued by the District after January 1, 1985 and prior to the July 1, 2000 of this amendment, as if such allocation had been made on the same basis as Operating Costs as set forth in paragraph one of this section (net of any estimated state assistance for Capital Costs). If the resulting calculation results in an allocation of these Capital Costs that differs from the calculation of the actual allocation of these Capital Costs otherwise called for by the terms of the Agreement in effect at the time that the indebtedness was issued, then the difference between the two calculations shall be added or subtracted, as appropriate, to each Member Town's allocated share of Operating Costs.

(D) TIMES OR PAYMENT OF APPORTIONED COSTS

a. Capital Costs

At least fifteen (15) days before the date on which any indebtedness (consisting of interest or principal and interest on bonds or notes) incurred by the District to finance capital costs is payable, each member town shall pay to the District its respective share of the amount which is so payable by the District on said date. All other capital costs not consisting of

payments on account of indebtedness as aforesaid shall be paid in the same manner as operating costs.

b. Special Operating Costs and Operating Costs

Each member town shall pay to the District in each fiscal year its proportionate share, determined as provided in Subsections IV(C) and IV (D), of the special operating costs and operating costs. The annual share of each member town shall be paid in twelve (12) equal installments at such time that each installment except the first shall be paid on or before the first day of each month of the fiscal year, and the first such installment shall be paid on or before the fifteenth day of the first month of the fiscal year.

**SECTION V: TRANSPORTATION**

School transportation shall be provided by the Regional School District in accordance with the General Laws, and the cost thereof shall be apportioned to the member towns as an operating expense.

**SECTION VI: AMENDMENTS**

This Agreement may be amended from time to time in the manner hereinafter provided, but no amendment shall be made which shall substantially impair the rights of the holders of any bonds or notes or other evidences of indebtedness of the District then outstanding, or the rights of the District to procure the means for payment thereof, provided that nothing in this section shall prevent the admission of a new town or towns to the District and the reapportionment accordingly of capital costs of the District represented by bonds or notes of the District then outstanding and of interest thereon.

Any proposal for amendment, except a proposal for amendment providing for the withdrawal of a member town (which shall be acted upon as provided in Section VIII), may be initiated by a majority vote of all the members of the Committee or by a petition signed by ten percent (10%) of the registered voters of any one of the member

towns. In the latter case, said petition shall contain at the end thereof a certification by the Town Clerk of such member town as to the number of registered voters in said town according to the most recent voting list and the number of signatures on the petition which appear to be the names of registered voters of said town and said petition shall be presented to the secretary of the Committee. In either case, the secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each of the member towns that a proposal to amend this Agreement has been made and shall enclose a copy of such proposal (without the signatures in the case of a proposal by petition). The Selectmen of each member town shall include in the warrant for the next annual or special town meeting called for this purpose, an article stating the proposed amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid.

#### **SECTION VII: ADMISSION OF ADDITIONAL TOWNS**

By an amendment of this Agreement adopted under and in accordance with Section VI above, any other town or towns may be admitted to the District upon adoption as therein provided of such amendment and upon acceptance by the town or towns seeking admission of the Agreement as so amended and also upon compliance with such provisions of law as may be applicable and such terms as may be set forth in such amendment.

#### **SECTION VIII: WITHDRAWAL**

The withdrawal of a member town from the District may be affected by an amendment to this Agreement in the manner hereinafter provided by this Section. Any member town seeking to withdraw shall, by vote at an annual or special town meeting, request the Committee to draw up an amendment to this Agreement setting forth the terms by which such town may withdraw from the District, provided (1) that the town seeking to withdraw shall remain liable for any unpaid operating costs which have been certified by the District treasurer to the treasurer of the withdrawing town, including



the full amount so certified for the year in which such withdrawal takes effect, and (2) that the said town shall remain liable to the District for its share of the indebtedness, other than temporary debt in anticipation of revenue, of the District outstanding at the time of such withdrawal, and for interest thereon, to the same extent and in the same manner as though the town had not withdrawn from the District, except that such liability shall be reduced by any amount which such town has paid over at the time of withdrawal and which has been applied to the payment of such indebtedness, and (3) that lease or leases on any schools leased to the District by the withdrawing town shall be terminated and the amendment providing for withdrawal of such town shall provide for any adjustments in the apportionment of payment of capital costs or payments to be made to the District on account of improvements made by it to the leased premises. The clerk of the town seeking to withdraw shall notify the Committee in writing that such town has voted to request the Committee to draw up an amendment to the Agreement (enclosed a certified copy of such vote). Thereupon, the Committee shall draw up an amendment to the Agreement setting forth such terms of withdrawal, as it deems advisable, subject to the limitation contained in the first paragraph of Section VI. The secretary of the Committee shall mail or deliver a notice in writing to the Board of Selectmen of each member town that the Committee has drawn up an amendment to the Agreement providing for the withdrawal of a member town (enclosing a copy of such amendment). The Selectmen of each member town shall include in the warrant for the next annual or special town meeting called for this purpose, an article stating the proposed amendment or the substance thereof. Such amendment shall take effect upon its acceptance by all of the member towns, acceptance by each town to be by a majority vote at a town meeting as aforesaid. The withdrawing town's annual share of any future installment of principal and interest on bonds or notes outstanding on the effective date of its withdrawal shall be fixed at the percentage prevailing for such town at the last annual apportionment made net prior to the effective date of the withdrawal. The remainder of any such installment after subtracting the shares of any town or towns which have withdrawn shall be apportioned to the remaining member towns in the manner provided in Subsection IV (B), or as may be otherwise provided in the amendment providing for such withdrawal.

Upon the effective date of withdrawal, the terms of office of all members serving on the Committee who reside in the withdrawing town shall terminate.

Money received by the District from the withdrawing town for payment of

funded indebtedness or interest thereon shall be used only for such propose and until so used shall be deposited in trust in the name of the District in the manner provided by law for the deposit of funds of regional school district.

#### **SECTION IX: AUTHORIZATION OF DEBT**

The incurring of indebtedness by the District, other than temporary debt in anticipation of revenue, shall be authorized pursuant to the provisions of Chapter 71, Section 16(d), of the General Laws and this Section IX, and no such debt shall be incurred unless written notice of the amount of the debt and the general purposes for which it was authorized shall be given to the board of selectmen of each member town, nor until the expiration of sixty days from the date on which the Committee votes to authorize said debt. If, during said sixty-day period, any member town holds a town meeting for the purpose of expressing approval or disapproval of the proposed indebtedness and less than two-thirds of the voters present and voting at said meeting vote to approve the amount of the indebtedness authorized by the Committee, such debt shall not be incurred.

#### **SECTION X: BUDGET**

Not less than thirty days prior to the date on which the Committee adopts its final budget for the ensuing fiscal year, the Committee shall annually prepare a tentative operating and maintenance budget including therein provision for any installment of principal or interest to become due in such year on any bonds, notes or other evidence of indebtedness of the District. The said budget shall be in reasonable detail, including the amounts payable under the classification of expenses as recommended by the Massachusetts Department of Elementary and Secondary Education. Copies of such tentative budget shall be mailed to the chairman of the

finance or advisory committee and the chairman of the board of selectmen of each member town. Additional copies of such tentative budget shall be made available at the office of the Superintendent of Schools of the District for examination by the public during normal business hours.

Not later than fifteen days following the date on which copies of the tentative operating and maintenance budget are mailed to the chairman of the finance and advisory committee and the chairman of the board of selectmen of each member town as aforesaid, the Committee shall hold a public hearing with in the District, after posting in at least two public places in each member town, at least seven (7) days in advance of the hearing, a notice stating the time, place and purpose of the hearing and giving such further notice as may be required by law. At such hearing, the Committee shall adopt an annual operating and maintenance budget on or before the latest date therefore permitted by law, but in no event later than March 31. Said budget shall include debt and interest charges and other capital costs as separate items, for the ensuing fiscal year, and the said Committee shall apportion the amounts necessary to be raised in order to meet the said budget in accordance with the provisions of Subsection (B), (C) and (D) of Section IV. The amounts so apportioned to each member town shall, not later than thirty days following adoption of the final annual budget, be certified by the District treasurer to the treasurer of such member town, and each member town shall, at its next annual town meeting, appropriate the amounts so certified to it.

The District shall in each month mail to the chairman of the finance or advisory committee and the chairman of the board of selectmen of each member town a copy of its more recent monthly financial statement.

#### **SECTION XI: TUITION STUDENTS**

The Committee may accept for enrollment in the regional district schools pupils from towns other than the member towns on a tuition basis and on such terms as it may determine. Income received by the District from tuition pupils shall be deducted from the total operating costs in the next annual budget to be prepared after the receipt thereof, prior to apportionment under Section IV (D) to the member towns.

**SECTION XII: EMPLOYMENT OF TEACHERS**

Any teacher whose position is superseded by reason of the establishment and operation of the District and is serving at the discretion (tenure) of a local school committee of a member town on the June 1 next preceding the year in which the District assumes jurisdiction of the pupils in the grades being taught by such teacher, shall be employed by the Committee to serve at its discretion (on tenure). Any teacher in any of the grades from Pre-Kindergarten through Grade Twelve who is employed by a local school committee of a member town on the June 1 next preceding the year in which the District assumes jurisdiction of the pupils in the grades being taught by such teacher, shall be given preferred consideration for a similar position in the District schools to the extent that such positions exist.

**SECTION XIII: EFFECTIVE DATE AND JURISDICTION**

This amended Agreement shall take effect upon the affirmative vote of each of the Towns of Hamilton and Wenham at town meeting held in each such town, and shall thereupon supersede the District Agreement executed as of May 2, 1959, as amended through 1995 and in 2000. This Amendment shall become effective on July 1, 2010, providing that this Amendment has been approved by the Committee, accepted by the Member Towns, and approved by the Commissioner of Elementary and Secondary Education.

January 17, 2024

**Thomas W. McEnaney**  
tmcenaney@k-plaw.com

BY FIRST CLASS MAIL AND  
BY ELECTRONIC MAIL - [dianne.bucco@wenhamma.gov](mailto:dianne.bucco@wenhamma.gov)

Hon. Dianne Bucco  
and Members of the Select Board  
Wenham Town Hall  
138 Main Street  
Wenham, MA 01984

Re: Determination and Consent Pursuant to Massachusetts Rules of Professional Conduct, Rule 1.7 - Representation of the Towns of Hamilton and Wenham  
Amendment of Hamilton Wenham Regional School District Agreement

Dear Members of the Select Board:

We have been requested to provide advice and assistance relative to the negotiation of amendments to the Hamilton Wenham Regional School District Agreement (“Agreement”). As you know, this firm represents both Hamilton and Wenham as Town Counsel.

Our relationship with Wenham and Hamilton creates interests that require disclosure pursuant to the Rules of Professional Conduct of the Massachusetts Bar, which mandate that we obtain the express permission of the Appointing Authority of each of our client towns/cities before we can represent the other Town. The purpose of this letter is to make such disclosure and to request that you determine whether you will permit such representation. In addition, while the State Ethics Commission has determined that KP Law, P.C. and its individual attorneys are not “municipal employees” pursuant to the Conflict of Interest Law, we provide this letter to dispel any appearance of a conflict on the firm’s behalf in this matter.

MULTIPLE REPRESENTATION DISCLOSURE

The representation of multiple clients is regulated under the Massachusetts Rules of Professional Conduct. The relevant provision, Rule 1.7, states that an attorney may not represent multiple clients if the interests of one client are directly adverse to those of another client, or if his representation of one client may be materially limited by his responsibilities to another client or his own interests. If, however, the attorney reasonably believes that the representation of either client will not be adversely affected and each of the clients consent after consultation, the attorney may represent the client in such a situation.

Hon. Dianne Bucco  
and Members of the Select Board  
January 17, 2024  
Page 2

DETERMINATION

It is our belief that our position as town counsel for the Town of Hamilton, for the purposes and under the conditions described in this letter, does not create a concurrent conflict of interest and will not affect the exercise of our independent professional judgment on behalf of Wenham with regard to the Agreement or any other matter. It is our further belief that even if a conflict exists, our ability to provide competent and diligent representation to the Town of Wenham will not be negatively impacted by our role as Town Counsel for the Town of Hamilton in this matter. The only risk I would note would be in the event that negotiations over the Agreements or any matter related to the Agreements breaks down between the parties, to the point where one municipality seeks legal redress from the other(s). Under these circumstances, KP Law, P.C. would likely have to cease representing all parties with regard to the Agreements. It is, however, for you to determine, as the Appointing Authority, whether the representation described herein will not impair the integrity of this firm's services to Wenham.

Accordingly, I request that the Board, as Appointing Authority, consent to our representation of the Town of Wenham notwithstanding the firm also serves as counsel to the Town of Hamilton, with regard to the Agreement. Should you so consent, I ask that you sign the enclosed determination as required by the Rules of Professional Conduct. Please sign two originals, return one copy to this office, and retain one copy for your records.

Thank you for your consideration. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Thomas W. McEnaney

TWM/jmp

Enc.

cc: Town Clerk

899467/WENH/0001

DETERMINATION

It is determined, pursuant to Rule 1.7 of the Massachusetts Rules of Professional Conduct, that the Wenham Select Board consents to KP Law, P.C. representing the Town of Wenham with regard to the Hamilton Wenham Regional School District Agreement, as disclosed in a letter to the Town dated January 17, 2024, notwithstanding that KP Law, P.C. also serves as Town Counsel for the Town of Hamilton.

TOWN OF WENHAM,  
By its Select Board

Dated: \_\_\_\_\_

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DETERMINATION

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TOWN OF WENHAM,  
By its Select Board

Dated: \_\_\_\_\_

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**From:** [lucy\\_mcgovern](#)  
**To:** [Michelle McGovern](#); [admin](#)  
**Subject:** Climate Action and Sustainability Committee  
**Date:** Thursday, January 4, 2024 9:07:48 AM  
**Attachments:** [McGovern CV 2024.docx](#)

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I filled out an application for the Climate Action and Sustainability Committee. I am open to considering other committees where there is need.

I want to get involved with local government and to better understand how my town government works.

In my online application I noted that I would submit my resume. It is attached for your review and consideration.

Thank you,

Lucy McGovern  
781-439-1640

| Timestamp     | First Name | Last Name | Address      | Best Phone Number | Town Board or Committee of Interest                                      | Present Business Affiliation & Work   | Previous Business Experience, Education & Special Training               | Town Office Held in Wenham (or elsewhere) | Appointment or Re-Appointment Request | Email Address          | Middle Name or Initial | General Meeting Availability (Day/Night)           | What interests you about this position(s)?  |
|---------------|------------|-----------|--------------|-------------------|--|---|--|---|---------------------------------------|------------------------|------------------------|--|---|
| 1/4/2024 8:57 | Lucy       | McGovern  | 39 Larch Row | 781-439-1640      | Conservation Commission, Council on Aging Board, Zoning Board of Appeals | I am an independent consultant - fundraising, project management, marketing | will send resume.. executive director, business development, fundraising | no  | Appointment                           | lucymcgovern@yahoo.com | A                      | I work from home and am very flexible for meeting. | I was interested in the Climate Action and Sustainability Committee but will consider another position, where there might be great need. I have lived in Wenham for ten years, and have never joined a government committee. I am very interested in learning more about how the town works as well as being more engaged with the Wenham community. My interest in climate and sustainability specifically stems from my experience working in the renewable energy sector and in emergency response. I have learned how climate impacts the community. I would be very interested in using this knowledge in my for Wenham. I will send my resume via email. The other committees are also of interest to me. |

## LUCY McGOVERN, MBA

39 Larch Row  
Wenham, MA 01984

+1 781-439-1640  
lucymcgovern@yahoo.com

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A strategic thinker with 25 years of professional experience contributing effective leadership, management, analytics, fundraising, and communication. My strength is my ability to lead teams, coordinate resources, and inspire stakeholders to achieve success.

### Experience:

#### **National Association for Armenian Studies and Research (NAASR) Belmont, MA**

*Development Consultant, 11/22 – present*

- Work with Executive Director to develop multi-year fundraising strategy and work plan.
- Advise with membership program, donor engagement, board development and issues with CRM.
- Provide individual and institutional donor mapping, research, analytics, and summary reports.

#### **Clearview Energy, Dallas, TX (remote)**

*Director of Business Development, 5/19 – 11/22 full time, 11/22-present as project based consultant*

- Support President of renewable energy company with special projects and initiatives to improve business processes, expand visibility, and retain client base in effort to sell renewable energy.
- Research industry and marketplace to develop and launch innovative products and programs such as the purchasing of carbon offsets and the incentivizing of customers for electric vehicle adaptation.
- Manage philanthropic relationships with climate research institutions and other community-based organizations.

#### **International Catholic Migration Commission, Inc. (ICMC, Inc.), Boston, MA**

*Executive Director, 4/2015 – 11/2018*

- Responsible for U.S. fundraising office for Geneva based NGO, ICMC, with a mission to protect and serve refugees, migrants, and trafficked people regardless of race, ethnicity, religion or nationality. ([www.ICMC.net](http://www.ICMC.net))
- Developed and implemented fundraising strategy reporting directly to ICMC, Inc. Board of Directors.
- Ensured the financial, legal, and ethical compliance U.S. donations regranted to international entities.
- Managed vendors, consultants, volunteers and directly supervised 2 fulltime employees.
- Raised over \$2M from individuals through major gifts, planned-giving, direct mail, and annual giving programs.
- Launched donor engagement initiatives such as storytelling, newsletters, membership programs, and surveys.
- Used data to measure results and customize engagement efforts, communication, and messages.

#### **Oxfam America, Boston, MA**

*Sr. Funding Advisor for Humanitarian Response, 11/2010 – 3/2015*

- Promoted to Sr. Funding Advisor to support Oxfam's emergency response department director in the development and implementation of department's strategy as well as the monitoring of financials.
- Oversaw the timely implementation and financial compliance of all restricted funds raised in support of department and ongoing emergency programs; Program budgets ranging from \$250,000 - \$30,000,000.
- Led and coached staff in the development of program budgets, proposals, grant management, and reporting.
- Supported field staff and sector experts to identify key indicators, deliverables, outcomes, and impacts.
- With program team, solved problems and adapted programs strategies and budgets to changing situations.
- Advised individual and institutional fundraisers on strategies and messaging for communications.
- Demonstrated skills in leadership, coaching, conflict resolution, and facilitation as Oxfam Unite Here Local 73 Union Co-chair and Steward. (These are elected volunteer positions in addition to full time workload)

*Development Officer, 1/2008 - 10/2010*

- Successfully communicated needs, activities, and proposed impacts resulting in over \$20 million revenue; Grants ranging from \$50,000 to \$2.5M with one grant totaling \$14M.
- Researched and cultivated new and existing foundations and corporate institutional relationships managing a portfolio of over 30 private foundations and corporate donors.
- Wrote emergency proposals which required: working across multiple departments, researching situational reports, meeting tight deadlines, adhering to donor requirements, and responding to donor and media inquiries.

## LUCY McGOVERN, MBA

39 Larch Row  
Wenham, MA 01984

+1 781-439-1640  
lucymcgovern@yahoo.com

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### Clearview Energy, Dallas, TX

*Manager of Business Development, 3/2007 – 12/2007*

- Supported the establishment of a national electric retail company by researching the industry deregulation practices and successfully filing applications and setting up processes to be a commercial electricity retailer in USA.

### The Food Project, Lincoln, MA

*Development Coordinator, 2005-2/2007*

- Raised funds for a \$3 million Boston area, youth development/sustainable agriculture program.
- Wrote letters of interest, proposals and reports securing funding and maintaining partnerships with a portfolio of 30 private and family foundations, corporations, and government agencies.
- Managed bi-annual direct mail campaign; Developed and implemented cultivation and stewardship events for individual and corporate donors.

### Society of African Missions (SMA), Washington DC

*Program Manager (US-based), 2003-2005*

- Promoted to member of management team to create vision, set goals and policies, fundraise and oversee all aspects of a \$500,000 program to send volunteers to Africa.
- Led team in all financial matters including budgeting, fundraising, financial reporting, monitoring expenses, disbursing monies to overseas volunteers; and was responsible for human resources.
- Provided support and guidance to volunteers working overseas solving problems remotely.
- Presented organization's mission, goals, and needs to large (400+) and small (10+) groups of individuals at churches and community group meetings in effort to raise funds.

*Field Based Program Director (Liberia), 2000-2003*

- Lived with Liberian community during post war situation.
- Managed a \$50,000 program for 200+ disadvantaged youth in Liberia, West Africa overseeing daily operations.
- Raised over \$120,000 over 3 years including \$30,000 for the construction of a youth center that served a community with population of over 15,000.

### The Food Project, Lincoln, MA

*Office Manager/Financial Assistant, 1999*

### Deloitte & Touche LLP, Boston, MA

*Litigation Support Consultant, 1997-1998*

### Booz, Allen & Hamilton, Bedford, MA

*Litigation Support Consultant, 1991-1996*

### Education:

**Masters of Business Administration (MBA)** University of Massachusetts, Lowell, MA, 1996

**Bachelor of Arts (BA), History** University of Massachusetts, Amherst, MA, 1990

**Certified Fund Raising Executive (CFRE)** January 2019-2022

### Other:

Participated in various leadership and fundraising training workshops and conferences.

English as Second Language (ESL) volunteer tutor for 10 years

**From:** [Matthew DiGuiseppe](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Climate Action & Sustainability Committee  
**Date:** Thursday, January 18, 2024 5:35:36 PM

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Good evening,

I just submitted my interest in being appointed to the Wenham Climate Action and Sustainability Committee. However, it was not an option to select on the google form, so I'm covering my bases with this email. As you can tell I am very interested in the opportunity, but I did need to get approval from my employer PriceWaterhouseCoopers (PwC) before submitting my interest, which I received today.

I have over 15 years of experience in ESG & Sustainability, as an individual, investor, corporate leader and advisor to management and boards. I have a passion for doing the right thing in a manner that is fiscally responsible and fundamentally believe that is possible in this space. I would love to bring my passion to the town that my wife and I will raise our family in.

You can find my relevant experience in the below profile and I included some other links in the google form submission.

With Thanks,  
Matt



Matt DiGuiseppe - PwC  
[linkedin.com](#)

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Matt DiGuiseppe

| Timestamp       | First Name | Last Name  | Address                            | Best Phone Number | Present Business Affiliation & Work  | Previous Business Experience, Education & Special Training  | Town Office Held in Wenham (or elsewhere) | Appointment or Re-Appointment Request | Email Address            | Middle Name or Initial | General Meeting Availability (Day/Night)  | What interests you about this position(s)?  |
|-----------------|------------|------------|------------------------------------|-------------------|--|---|---|---------------------------------------|--------------------------|------------------------|---|---|
| 1/18/2024 17:24 | Matthew    | DiGuiseppa | 38 Maple St,<br>Wenham MA<br>01984 | 917-208-8636      | PriceWaterhouseCoopers (PwC), where I have several relevant roles, including leading the drafting of our Director's Guide to Overseeing ESG/Sustainability and advising boards on the same.<br><a href="https://www.pwc.com/us/en/services/governance-insights-center/library/esg-corporate-directors-guide.html">https://www.pwc.com/us/en/services/governance-insights-center/library/esg-corporate-directors-guide.html</a> | Launched the Diligent ESG Center of Excellence and was part of the acquisition and integration of climate data collection and reporting software, Head of Americas Asset Stewardship for SSGA and similar role at Nuveen (f/k/a TIAA/TIAA-CREF). I have also had residential solar installed on my previous and current home.<br><br><a href="https://www.businesswire.com/news/home/20210810005588/en/Diligent-Introduces-the-Most-Comprehensive-ESG-Solution-on-Modern-GRC-Platform">https://www.businesswire.com/news/home/20210810005588/en/Diligent-Introduces-the-Most-Comprehensive-ESG-Solution-on-Modern-GRC-Platform</a><br><br><a href="https://www.energyintel.com/0000017b-a7d6-de4c-a17b-e7d692740000">https://www.energyintel.com/0000017b-a7d6-de4c-a17b-e7d692740000</a> | N/A                                       | Appointment                           | mattdig@gmail.com        | W                      | Generally available, especially virtually. I do travel, but have flexibility in setting my work schedule. | I have spent my career working in the environmental, social and governance (ESG) industry including efforts at the start of the push for better disclosure from large corporations because I believe that we have a responsibility to address the risk climate change poses both locally and globally AND that it is financially prudent to do so. I want to bring my expertise and passion to support the towns effort to responsibly embrace its role in the global conversation. |
| 1/27/2024 8:26  | Colby      | Stoddard   | 25 porter st<br>Wenham MA          | 7207716512        | Director of Innovation - Fermatix  |   | Non                                       | Appointment                           | Colbydstoddard@gmail.com | D                      | Night/weekend   | Climate and sustainability  |

**From:** [Tom Starr](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Re: Climate committee  
**Date:** Tuesday, January 23, 2024 11:24:52 AM  
**Attachments:** [image001.png](#)  
[CV Starr 2023.pdf](#)

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Michelle,

Thanks for the information on the Climate Action and Sustainability Committee. I would like to be considered for this committee.

For the past several years I have been engaged in an ongoing public art/science project dealing with climate change on the local level. My project has been funded by grants from MAPC and the Essex County Community Foundation, focusing on Metro Boston and Essex County, respectively. In the process of working with many coastal municipalities in the county I have become familiar with the challenges facing the area due to climate change. I would bring this knowledge of what neighboring communities are doing to Wenham.

I currently serve on the OSRC where I have served since its inception. I was also a member of the CPC for many years.

Thanks,

Tom

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**From:** Michelle McGovern <MMcGovern@wenhamma.gov>  
**Sent:** Tuesday, January 16, 2024 9:14 AM  
**To:** Tom Starr <tom-starr@hotmail.com>  
**Subject:** RE: Climate committee

Good Morning Tom!

The Climate Action & Sustainability Committee news is on the front page and the committee is still accepting volunteers. Resume and cover letters can be emailed to me. The deadline is January 25, 2024.

Please let me know if you have any questions!

Best,  
Michelle

[https://www.wenhamma.gov/newsdetail\\_T2\\_R905.php](https://www.wenhamma.gov/newsdetail_T2_R905.php)

Related

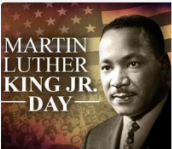
Initiatives

Information


ts

ortunities


## RECENT NEWS



JAN 11, 2024  
**Wenham Town Hall will be closed on Monday, January 15, 2024**  
 Wenham Town Hall will be closed on Monday, January 15, 2024, in observance of Martin Luther King, Jr. Day.



JAN 10, 2024  
**You are invited to attend Wenham's Planning Board meeting on Thursday, January 11th at 7PM!**  
 The topics include the Master Plan strategies presentation and a MBTA Communities discussion. The meeting will be held in person at Town Hall and via Zoom. Please see agenda for more infor...



JAN 03, 2024  
**Climate Action & Sustainability Committee Volunteers Needed!**  
 Please consider volunteering to serve on the newly formed Climate Action & Sustainability Committee!

[SEE ALL NEWS](#)

## UPCOMING EVEN

JANUARY 2024

| S  | M  | T  | W  |
|----|----|----|----|
| 31 | 1  | 2  | 3  |
| 7  | 8  | 9  | 10 |
| 14 | 15 | 16 | 17 |
| 21 | 22 | 23 | 24 |
| 28 | 29 | 30 | 31 |

JAN 16

Select Board

JAN 16

Finance Committee joint with

JAN 17

Affordable Housing Trust

[SEE ALL EVE](#)

**From:** Tom Starr <tom-starr@hotmail.com>  
**Sent:** Tuesday, January 16, 2024 9:06 AM  
**To:** Michelle McGovern <MMcGovern@wenhamma.gov>  
**Subject:** Climate committee

Michelle,

Over the holidays I saw an electronic message at the fire house about a Climate or resiliency committee but I could not find any info on the website. Is that committee still looking for members?

Thanks,

Tom



**Thomas Starr**  
Department of Art + Design  
Northeastern University  
Boston MA 02115  
617 372 0977

#### EDUCATION

- 1994 **Yale University School of Art** MFA, Graphic Design  
1991 **Yale Summer Program in Graphic Design** Brissago, Switzerland  
1974 **Parsons School of Design** BFA, Industrial Design

#### ACADEMIC POSITIONS

- 2009- **Northeastern University** Professor  
2002-9 **Northeastern University** Associate Professor  
2003-4 **Northeastern University** Interim Chair, Department of Visual Arts  
1997-02 **Northeastern University** Assistant Professor *Graphic Design*  
1997 **Yale School of Art** Visiting Artist *Graphic Design*  
1997 **Rhode Island School of Design** Adjunct Faculty *Industrial Design*  
1996-7 **Massachusetts College of Art** Visiting Assistant Professor *Graphic Design*  
1995-6 **Rhode Island School of Design** Assistant Professor *Industrial Design*  
1995 **Rhode Island School of Design** Adjunct Faculty *Industrial Design*  
1994 **Massachusetts College of Art** Visiting Instructor *Multidisciplinary Design*

#### PROFESSIONAL POSITIONS

- 1995- **Principal, The Cultural Construction Co.** Boston ma  
*Graphic Design*  
1981-92 **President, Thomas Starr & Associates, Inc.** New York NY  
*Graphic Design*  
1974-81 **Principal, Thomas Starr & Associates** Greenwich CT  
*Graphic Design*  
1972-74 **Freelance** New York, Connecticut, Hawaii  
*Graphic and Industrial Design*  
1969-72 **Partner, Schackner, Scarcella & Starr** New York NY  
*Industrial Design*

## AWARDS FOR DESIGN/RESEARCH WORK (JURIED)

- International 2007 **SEGD Annual Design Awards** Society for Environmental Graphic Design (A lot with a Little)  
*Remembering Boston's Children 1980-2005*
- One Show One Club** (Merit)  
*Remembering Boston's Children 1980-2005*
- 1991 **International Poster Festival** Chaumont, France (Third Prize)
- National 2001 **American Institute of Graphic Arts** [105 selected from a field of 4400]  
*I Reflect* (100% my writing; 50% my design work)
- 1997 **Design Review ID Magazine** (Design Distinction)  
**American Institute of Graphic Arts** 1995, 1991, 1979, 1978
- 1994 **Design Review ID Magazine** (Best of Environments Category)
- 1991 **100 Show** American Center for Design
- 1976 **The Bicentennial in Print** Federal Design Council, Washington, DC
- 1972 **Design Review ID Magazine**
- Regional 2012 **Regional Annual Print Magazine** (national competition juried by region)  
"We the Designers" Exhibition Catalog
- 2011 *Interventions*
- 2009 *The Kingdom of Infinite Space*
- 2007 *Haunted by Parents; Ponary Diary*
- 2007 **Best of New England** American Institute of Graphic Arts/Boston (Best of Show)  
*Remembering Boston's Children 1980-2005*
- 2005 **Best of New England** American Institute of Graphic Arts/Boston (Best of Show)  
*Weiderspahn Achitecture; William Gregory Interior Design*
- 1999 **Best of New England** American Institute of Graphic Arts/Boston (Best of Show)
- Connecticut Art Directors Club** 1991, 1985
- Art Directors Club of New York** 1988, 1980, 1977, 1976
- Art Directors Club of Boston** 1986, 1985, 1983, 1982, 1980, 1979, 1978
- 1980 **Advertising Club of Chicago**

## GROUP EXHIBITIONS OF DESIGN/RESEARCH WORK (JURIED)

- International 2017 **AIGA 50 Books/50 Covers** AIGA Design Conference, Minneapolis, October 12-14  
originated: Scholastic Auditorium, New York, NY, September 14  
*Database of Dreams*
- 2007 **One Show** Chelsea Art Museum, New York, July 12-21  
*Remembering Boston's Children 1980-2005*

- 1993 **Biennale of Theatre Posters** Rzeszow, Poland
- International Poster Biennale** Warsaw, Poland, 1990, 1978, 1976
- Biennale of Graphic Design** Brno, Czech Republic, 1982, 1980, 1978
- National
- 2017 **AAUP Book, Jacket, and Journal Show** Association of American University Presses  
Traveled to the National Gallery of Art and 48 university presses nationwide  
originated: Association of American University Presses Conference, Austin TX, June 11-13  
*Database of Dreams*
- 2008 **AAUP Book, Jacket, and Journal Show** Association of American University Presses  
Travelled to 42 university presses nationwide
- 2007 originated: Association of American University Presses Conference, Minneapolis, June 14-17  
*Haunted by Parents*
- 2001-2 **American Institute of Graphic Arts** (50% my work)  
Boston Architectural Center, June 5, 2002  
originated: AIGA National Design Center Gallery, New York NY, December 6-February 8  
"I Reflect"
- Regional
- 2019 **New England Book Show** Bookbuilders of Boston, Symphony Hall, Boston, May 7  
*Packing My Library*
- 2017 **New England Book Show** Bookbuilders of Boston, Symphony Hall, Boston, May 9  
*Database of Dreams* Best General Trade Cover
- 2013 **Best of New England** American Institute of Graphic Arts/Boston biennial exhibition,  
808 Gallery, Boston University, June 20-July 20  
"We the Designers" exhibiton catalog; "Exploded View"
- 2011 **Best of New England** American Institute of Graphic Arts/Boston biennial exhibition,  
Hartford CT, The Design Center, December 8-22  
Brockton MA, Massasoit Community College, October 24-November 16  
originated: 808 Gallery, Boston University, June 9-30  
"Art+Design Faculty Exhibition" poster
- 2008 **New England Book Show** Bookbuilders West, Oakland Convention Center,  
Oakland CA, January 31
- 2007 originated: Bookbuilders of Boston, Copley Plaza Hotel, Boston, May 7  
*The New Psychology of Love*
- 2007 **Best of New England** American Institute of Graphic Arts/Boston biennial exhibition,  
Bakalar Gallery, Massachusetts College of Art, June 7-August 30  
"Remembering Boston's Children 1980-2005"
- Best of New England** American Institute of Graphic Arts/Boston biennial exhibition,  
2006 City Hall, Portland me, June 5-16; NoHo Center for the Arts, Northampton, ma, May 25
- 2005 Boston, AIGA National Design Conference, September 15-17;  
Providence RI, RISD Design Center, October 6-11; Burlington vt, October 28-November 5;  
Storrs CT, University of Connecticut, November 7-12

originated: Bakalar Gallery, Massachusetts College of Art, June 6-July 29  
 “Weiderspahn Achitecure” and “William Gregory Interior Design”

GROUP EXHIBITIONS OF DESIGN/RESEARCH WORK (CURATED)

- International 2020-21 **World Peace** Westport MoCA, Westport, CT, October 8-January 17  
 “Vote for Science” and “In Equal Measure” (25% my work)
- 2004 **Volvelles: The Magnificent Art of Circular Charting**, Grolier Club, New York NY, feb 25-April 24  
 “The Designer Implicates Intentionally/The Reader Constructs Unwittingly”
- National 2024 **Sheila Levrant de Bretteville: Community, Activism, and Design** Yale Art Gallery,  
 February 16-June 23 (25% my work)
- 2019 **Untold Possibilites at the Last Minute** Cambridge, MA, Gallery 344, May 2-October 4  
 “Science is Patriotic” (20% my work) “Remembrance of Climate Futures”
- 2005-6 **Trigger: Projects Initiated by Graphic Designers** Center Gallery, Fordham University,  
 Lincoln Center, New York NY, December 14-February 3  
 “Remembering Boston’s Children 1980-2005;” “1,000 Lives; “1,000 Lives, Again;”  
 “Spotlight on Guns”
- 2002-03 **What’s Your Problem? Graphic Design with a Conscience**, Center Gallery, Fordham University,  
 New York NY, December 12-February 1 (20% my work)  
 “Spotlight on Guns”
- 2002 **Wordspace: Experiments in Visual Language** The Art Institute of Boston, nov. 12-jan. 15  
*The Third Person;* “The Designer Implicates Intentionally/The Reader Constructs Unwittingly;”  
 “Heads/Tails”
- Regional 1996 **Designer as Author: Voices and Visions** University of Northern Kansas
- 2007 **Visual Dialogues** Clark University, Worcester ma, March 12-April 20  
 “Remembering Boston’s Children 1980-2005”
- Violence Transformed** Massachusetts State House, April 23-27  
 “Remembering Boston’s Children 1980-2005”
- 2003 **Playland**, Revolving Museum, Lowell, ma, February 14-July 27  
 “The Origin of Their World”

SOLO EXHIBITIONS OF DESIGN/RESEARCH WORK (INVITED)

- 2003 **Your Message Here** (Class Action Retrospective) Atrium Gallery, University of Connecticut,  
 April 2-25, (20% my work)

GROUP EXHIBITIONS OF DESIGN/RESEARCH WORK (INVITED)

- International 2012 **Yards Work!** Bolivar Gallery, Santa Monica CA, October 22-November 10
- 2007 **Not for Profit** Aughinbaugh Art Gallery, Messiah College, Grantham pa, February 2-March 4
- 2006 Central Michigan University Art Gallery, Mount Pleasant mi, January 11- February 10

- 2005 originated: Laband Art Gallery, Loyola University, Los Angeles, March 3-April 17  
 “Are You Subsidized;” “The Under[writer] Class (Mean Wages);” “Spacing (How Many?)”
- 1997 **Design Beyond Design** Jan van Eyck Academie, Maastricht, The Netherlands
- 2019 **Complicit – Erasure of the Body** Yale Divinity School, March 1-31, (20% my work)  
 “Vote for Science” (20% my work)
- 2013 **We the Designers: Reframing Political Issues in the Obama Era** New York, AIGA National Design Center, March 5-April 5 “Exploded View;” “I Am a President”
- 1998-99 **The Next Word** Neuberger Museum, Purchase, NY
- 1998 **Between Representation and Reality** Northeastern University
- 1996 **Re: defining design** Westfield State College, MA

## CURATORIAL ACTIVITY

- 2019 **Untold Possibilities at the Last Minute**  
 Cambridge, MA, Gallery 344 (co-organized and designed) May 2-October 4
- 2013 **We the Designers: Reframing Political Issues in the Obama Era**  
 New York, AIGA National Design Center, (curated, organized and designed) March 5-April 5
- 2012 St. Paul, Goldstein Museum of Design, University of Minnesota, September 28-December 30  
 Washington, National Press Club, January 16-February 11
- 2011 originated: Northeastern University, September 29-December 15

## ARTICLES (REFEREED)

- 2002 “Separated at Birth: Text and Context of the Declaration of Independence,”  
*Proceedings of the American Antiquarian Society*, vol 110, part 1, p 153-199
- 1994 “Gendered Masculine: Representation in The New York Times,” *Zed*, NO. 1, Richmond:  
 Virginia Commonwealth University, p 39-52

## ARTICLES (NON-REFEREED)

- 2022 “Recusal,” *Provincetown Independent*, March 24, 2022 (25% my work)
- 2008 “4,000 and Counting,” *The Boston Globe*, March 26, Opinion, p a15 (dissemination 360,695)
- 2006 “Counting Ribbons,” *The Boston Globe*, December 22, Opinion, p a17 (dissemination 379,288)
- 2005 “1,000 lives, again” *The Boston Globe*, October 27, Opinion, p a13 (dissemination 474,845)  
 “Making space for the homeless,” *The Boston Globe*, Opinion, April 16, 2005, p. a11
- 2004 “1,000 lives,” *The Boston Globe*, September 14, Opinion, p a19
- 2003 “The Real Declaration,” *The Boston Globe*, June 29, Ideas, p d5
- 1998 “Fabricating the Image of the Declaration of Independence,”  
*American Institute of Graphic Arts Journal*, vol. 16, no. 3, p 18-23

1995 "Staying Hungry," *American Institute of Graphic Arts Journal*, vol. 13, no. 1, p 39

## ARTICLES (REPRINTED)

2008 "The Real Declaration," in *Convergences*, third edition, Robert Atwan. Bedford/St. Martin's

2008 "1,000 Lives" and "4,000 and Counting," in *Writing in the Works*, second edition, Susan Blau and Katie Burak. Houghton Mifflin

2005 "The Real Declaration," in *Convergences*, second edition, Robert Atwan, p 306. Bedford/St. Martin's (dissemination 15,000 first printing; life of edition 25,000)

2005 "1,000 Lives" in *Writing in the Works*, Susan Blau and Katie Burak, p 484. Houghton Mifflin (dissemination 14,000 first printing)

## BROADCAST

2020 "Class Action Collective Plans Protest Action," Scott Harris, *Counterpoint*, WPKN Bridgeport, CT, live interview, October 2, 7:55-8:15 pm

2021 "Vote for Science 2021," WABE Atlanta, GA, *All Things Considered*, live interview, January 5, 6:23

2020 "Vote for Science 2020," WPKN Bridgeport, CT, interview, October 12, 12:12-12:27

"Remembrance of Climate Futures," *Yale Climate Connections* radio program (>700 affiliates) and podcast, recorded interview, April 17

"Remembrance of Climate Futures," The Climate Museum, January 10

2019 "Historical Markers 'Remember' Durham's Climate Future," New Hampshire Public Radio, *All Things Considered*, recorded interview, November 6, 4:44

"Remembrance of Climate Futures," Cape Ann TV (1623 Studios) *Now We're Here*, live interview, September 27

2003 "The Populist Declaration," Lynn Neary, *Talk of the Nation*, National Public Radio, live interview, July 3

"Declaring: The Message is the Medium," *To the Best of Our Knowledge*, WAMC Northeast Public Radio, (NPR affiliate), recorded reading, July 4. Syndicated nationally.

## PAPERS AND LECTURES (REFEREED)

2005 "The Educated Designer: Form vs. Function in a University Environment or How to Produce Graphic Designers Who are Not a Danger to Society," Revolution: Philadelphia PA, AIGA National Education Conference. (50% my work)

1999 "Separated at Birth: Text and Context of the Declaration of Independence," Society for the History of Authorship, Reading & Publishing Conference, July 17, 1999

## PAPERS AND LECTURES (INVITED)

- 2023 “Remembrance of Climate Futures,” Essex National Heritage Area Annual Fall Commissioners Meeting, Topsfield, MA, October 12  
 “Remembrance of Climate Futures,” Preservation in a Changing Climate Conference, Peabody Essex Museum, Salem, MA, September 12
- 2021 “Remembrance of Climate Futures,” Public presentation, Fox Library, Arlington, MA October 30  
 “Remembrance of Climate Futures,” *Redefining Heritage: Art for Awareness*, Essex National Heritage Area, July 21
- 2020 “Remembrance of Climate Futures,” Yale College class talk, February 20
- 2019 “Untold Possibilities at the Last Minute,” Gallery Talk to American Society of Adaptation Professionals, June 19  
 “Public Art of Class Action Collective,” Rotary, Wilton, CT, April 19 (50% my work)
- 2017 “We the Designers: Design for Public Art,” Fitchburg State University, March 1  
 “Art as Activism,” Westport Arts Center, Westport, CT, March 31 (50% my work)
- 2015 “Class Action Collective,” *Rebellion And Grace: The Graphic Workshop*, MassArt, September 17
- 2013 “50 Years Under the Gun: 1963-2013,” AIGA Boston, February 28
- 2003 “Critical Issues in Society and in Design,” RISD, December 10
- 2002 “What, Not How, to Design,” North Carolina State University, feb 15  
 “Mouthing Off,” Voice: aiga National Design Conference, Washington dc, March 21-23 (20% my work)  
 “Truth revealed,” *Wordspace* exhibition gallery talk, Art Institute of Boston, December 4  
 “Activist Design: From Collective to Client,” RISD, December 11
- 2001 “Design for Social/Political Concerns,” Art Institute of Boston, October 2
- 2000 “Separated at Birth: Text and Context of the Declaration of Independence,” Harvard University, Program in History and Literature, February 16

## EDITORIAL CONTRIBUTIONS

- 2015 “Sunday Dialog – Public Art,” *The New York Times*, June 28

## CONFERENCE ACTIVITY

- 2013 **Association of American University Presses** National Conference, Boston, June 22  
 Presenter and panelist: “Redesign a Classic.”
- 2005 **Revolution** AIGA National Education Conference, Philadelphia  
 Panelist: “The Role of Writing in Design Education.”

- 2005 **Design AIGA National Conference, Boston**  
Created session: “Designers Without Clients: Civic Projects in Boston” (20% my work)

## GRANTS (INTERNAL FUNDED)

- 2018 **CAMD Faculty Research Development**  
Funding for pilot installation of “Remembrance of Climate Futures” – \$4,675
- 1999 **Northeastern University Research and Scholarship Development Grant**  
Funding to study the relationship between urban violence and public art memorials

## GRANTS (EXTERNAL FUNDED)

- 2021 **Metropolitan Area Planning Council Accelerating Climate Resiliency**  
Funding to create “Remembrance of Climate Futures” in Arlington – \$17,500  
**Essex County Community Foundation Creative County Initiative**  
Funding to create “Remembrance of Climate Futures” in Essex coastal communities – \$20,000
- 2019 **Union of Concerned Scientists**  
Funding to create “Science is Patriotic,” a pair of public art billboard installations to reframe climate change in moral and patriotic terms. \$5,000
- 2018 **Union of Concerned Scientists Art for Science Rising**  
Funding to create “Vote for Science,” a series of public art billboard installations in advance of the midterm elections. \$17,000
- 2001-6 **National Endowment for the Arts Creativity Design Grant**  
Funding to create “Remembering Boston’s Children 1980-2005” a public art project.  
In coordination with Dorchester House, a community service organization.  
April 2001-September 2006. \$20,000.
- 2004 **National Endowment for the Arts/National Park Service/New England Foundation for the Arts**  
Art & Community Landscapes partnership. Funding to prepare a proposal for the Chelsea Creek Rail Trail Project. \$1500. (33% my work)
- 2003 **University of Connecticut**  
Funding to create an exhibition of the work of Class Action in the Fine Art Department’s Atrium Gallery. \$3500. (20% my work)
- 1997 **Rhode Island School of Design Faculty Development Grant**  
Funding to self-publish *The third person*, an artist’s book.

## FELLOWSHIPS

- 1999-00 **Northeastern University CEA Faculty Fellow**

## DESIGN/RESEARCH WORK COLLECTED BY

- 2020 **The Climate Museum New York, NY, Pathways to Climate digital collection**  
“Remembrance of Climate Futures”



- 2002 **Zurich Design Museum** Zurich, Switzerland, Poster Collection  
“The Kill-Off”
- 1997 **Wellesley College** Clapp Library Special Collection
- 1993 **Yale University** Sterling Library, Arts of the Book Collection  
**The University of Connecticut** Storrs, Poster Collection
- 1976 **The Library of Congress** Bicentennial Collection

## DESIGN/RESEARCH WORK REVIEWED IN

- 2021 *Art in America*, “Give Peace a Chance,” review of Westport MoCA Exhibition, “Vote for Science”  
February 12
- 2006 *The Boston Globe*, Critic’s Notebook, “Artist turns bus into a truly moving memorial,”  
November 4, p D1
- 1998 *The New York Times*, Westchester Weekly, December 6, p 26  
*The New York Times*, October 16, p B38
- 1994 *Hartford Advocate*, December 15, p 39
- 1993 *The New York Times*, Connecticut Weekly, November 21, p 26  
*New Haven Register*, October 31, p D1

## DESIGN/RESEARCH WORK PUBLISHED IN

- 2023 *Art New England*, “The Future is Coming and It’s Not Far Away,” September-October, p 42-45
- 2022 *DesignObserver.com*, April 1  
“Recusal” (20% my work)
- 2021 *Message Journal*, COVID-19 Special Issue, University of Plymouth Press, UK, p 171-174  
UCS-Funded Science Public Art Campaigns (25% my work)
- Glossary of Undisciplined Design*, Leipzig: Spector Books, p. 100-101 (15% my work)  
“Interpretation of Human Bodies”
- 2020 *PrintMagazine.com*, The Daily Heller, “Science is Nonpartisan. Knowledge is Universal. Vote!,”  
October 16. “Vote for Science” (25% my work)
- 2019 *Catalyst*, Cambridge, MA: Union of Concerned Scientists, Vol. 19, Winter, p 16 (20% my work)  
“Vote for Science” (20% my work)
- 2018 *DesignObserver.com*, September 12  
“Vote for Science” (20% my work)
- 2017 *Communication Arts Typography Annual* 7, January/February  
“Indexical Design” Symposium Poster (50% my work)
- New England Book Show*, Boston: Bookbuilders of Boston, p 194  
*Database of Dreams*
- AIGA 50 Books/50 Covers*, DesignObserver.com

*Database of Dreams*

*AAUP Book, Jacket, and Journal Show*, Association of American University Presses, p 173

*Database of Dreams*

- 2016 *9/11 Memorial Visions*, Levine, Lester, Jefferson, NC: McFarland, p33-34  
9/11 Memorial Design Competition submission (50% my work)
- 2012 *AIGA Boston Best of New England Design*, Boston: American Institute of Graphic Arts Boston, p 102-106, "We the Designers" Exhibiton Catalog, and *Exploded View*  
"Civics Lesson," *Print Magazine*, February, p 16  
"We the Designers" Exhibiton Catalogue  
*Print Magazine*, December, p 154-155  
"We the Designers" Exhibiton Catalogue
- 2011 *Print Magazine*, December, p 149  
"Interventions" Lecture Series Poster  
*AIGA Boston Best of New England Design*, Boston: American Institute of Graphic Arts Boston, p 46, "Art + Design Faculty Exhibition" Poster
- 2008 *One Show Design: The Year's Best Design Communications*, vol 1, New York: One Club Publishing, p 204. "Remembering Boston's Children 1980-2005"
- 2007 *Print Magazine*, November/December, p 257, 258  
*Haunted by Parents; Ponary Diary*  
*New England Book Show*, Boston: Bookbuilders of Boston, p 50  
*The New Psychology of Love*  
*Signs of the Times Magazine*, no 11, November, p 42  
"Remembering Boston's Children 1980-2005"  
*SEGD Design Magazine*, no 17, p 82  
"Remembering Boston's Children 1980-2005"  
*AIGA Boston Best of New England Design*, Boston: American Institute of Graphic Arts Boston, p 11  
"Remembering Boston's Children 1980-2005"
- 2005 *AIGA Boston Best of New England Design*, Boston: American Institute of Graphic Arts Boston, p 18, 19 "Weiderspahn Architecure;" "William Gregory Interior Design"
- 2002 *Typotecture: Typography as Architectural Imagery*,  
Zurich: Zurich Design Museum & Lars Muller, p 47 (70% my work) *The Kill-Off*  
365 *AIGA Year in Design 22*  
New York: American Institute of Graphic Arts, p 298-99 (50% my work)  
"I Reflect"  
*Journal of AIGA Boston*  
Boston: American Institute of Graphic Arts Boston, vol 02/01, p 29 (50% my work) *I Reflect*
- 2001 *Print Magazine*, sept-oct, p 285  
*The Lonely Crowd*

- 1999 *Billboard: Art on the Road*, MASS MoCA, Cambridge: MIT Press, p 72
- 1998 *Design Beyond Design*, Jan van Toorn, ed., Maastricht, The Netherlands: Jan van Eyck Academie Editions, p 114, 117, 129, 131
- 1997 *Sphere*, New York: World Studio Foundation, p 2  
*Statements*, American Center for Design vol. 11, no. 2, p 24  
*From Suffragettes to She-Devils*, Liz McQuiston, London: Phaidon, p 17, 154-5, 172-3
- 1996 *ID Magazine*, January-February, p 30  
*That's Entertainment*, Steven Heller, Anne Fink, eds., Glen Cove NY: PBC, p 56
- 1995 *American Institute of Graphic Arts Journal*, vol. 13, no. 1, P. 38  
*Statements*, American Center for Design Winter/Spring, p 14-19
- 1994 *Graphis T-Shirt*, Zurich: Graphis Press, p 172  
*Print Magazine*, June, p 112  
*Emigre*, no.30, 31 (unpaginated)  
*ID Magazine*, p 77
- 1993 *American Institute of Graphic Arts Journal*, vol. 11, no. 4, P. 12  
*New Typo Graphics*, Tokyo: Pie Books, p 74
- 1992 *Affiche Magazine*, The Netherlands, no 3-4, p 37
- 1991 *Eye Magazine*, UK, no. 4, vol. 1, p 84  
*Print Magazine*, July-August, p 274  
*Foundations of Graphic Design*, Worcester: Davis Publishing, p 68
- 1990 *Graphis Posters*, Zurich: Graphis Press, p 75
- 1988 *Trademarks and Symbols of the World*, Yasaburo Kuwayama, ed., Tokyo: Kashiwashobo  
 U.S. edition: Rockport: Rockport Publishing, vol. 1, p 58, 87; vol. 2, p 110  
*Adweek Magazine*, October 3, p AD 46
- 1979 *Graphis Posters*, Zurich: Graphis Press
- 1978 *Print Casebooks: The Best in Covers*, Washington DC: RC Publications, p 50-1
- 1976 *ID Magazine*
- 1975 *ID Magazine*, September-October, p 17  
*The Book of American Trademarks, Vol 3*, David E. Carter, ed, Ashland KY: Century Communications

## RESEARCH WORK IN NEWS ARTICLES

- 2023 “Commemorating the Future as the Past: Stewardship in a Changing Environment,”  
*National Park Service Region 1 Newsletter*, March 27 Vol. 10, No. 13  
 “Students Protest Book Bans, *New Haven Independent*, November 7 (25% my work)  
 “New Haven Students Rally for ‘Freedom to Read’,” *Yale Daily News*, November 3 (25% my work)
- 2022 “Recusal,” *Yale Daily News*, April 8 (25% my work)
- 2020 “Turbulence of 2020 is at the heart of new World Peace art exhibit at Westport MoCA,”

- Wilton Bulletin, Wesport News, CT Post*, October 8 (25% my work)
- 2019 “Our view: Scenes of future past,” Editorial: North of Boston Media Group (*The Salem News, The Daily News of Newburyport* and *The Eagle-Tribune*), October 21
- “Artist Uses ‘Historic’ Markers to Raise Climate Awareness,” Associated Press: published nationally in 135 news outlets including *New York Times, Washington Post*, Fox News, ABC News, The Weather Channel, October 19
- “The Ticket: Our Critics’ Picks for the Upcoming Week,” *The Boston Globe*, August 11, p N2
- “Art Project Highlights Climate Change in Essex,” *Gloucester Daily Times*, August 5, front page
- 2018 *Indiana Star*, October 20 (20% my work)
- “Vote for Science” (20% my work)
- New Haven Register*, New Haven, CT, September 23, front page
- “Vote for Science” (20% my work)
- 2006 “Grief given crosstown route,” *The Boston Globe*, October 25, front page
- “The Super 8,” *The Boston Globe*, December 7, p e1
- “Bus drives home message on youth violence,” *Boston Herald*, October 25, p 4
- “Bus designed as memorial to city’s slain children,” *Metro Boston*, October 23, p 4
- “Remembering victims,” *Metro Boston*, October 25, front page
- “Professor’s bus to combat youth violence introduced,” *Northeastern News*, October 25, p 15
- “Professor takes stand against violence,” *Northeastern News*, April 15, 2006, front page/p 15
- “Bus memorializes slain children,” *Northeastern Voice*, October 24, p 6
- “Wrap of remembrance,” *Northeastern Alumni Magazine*, winter, p 6
- “Mobile memorial honors children lost to violent Boston streets,” *Daily Free Press* (Boston University), October 30, front page
- “Mobile memorial,” *Daily Free Press* (Boston University), editorial, October 30, p 6
- “In the News,” *Positive Teens*, vol 8, issue 5, p 4
- “Music with your T,” *The Boston Globe*, April 8, front page
- 2005 “The word on the street,” *The Boston Globe*, December 18
- 2004 Eileen McCluskey, “Thomas Starr: Designing Social Responsibility,” *Northeastern University Arts and Sciences Chronicle*, summer
- 1995 *New Haven Register*, October 7; p A14, October 5, p A11

## RESEARCH WORK IN NEWS BROADCASTS

- 2006 “MBTA bus memorializes young violence victims,” wchs-TV-4, October 24, 12:00pm
- WLVI-TV-7, October 24, 10:00pm

“Moving memorial on the mbta,” WBUR, November 21

2003 *Fox 61 News at 10*, WTIC-TV Hartford CT, April 8, 10-10:30pm (20% my work)

#### RESEARCH WORK AS THE BASIS OF

2002 David S. Broder, “A Living Text of Liberty,” *The Washington Post*, July 2, p a23  
Syndicated nationally in 70 newspapers.

1999 John Yemma, “Good Copy,” *The Boston Globe Magazine*, July 4, p a23

#### RESEARCH WORK CITED IN

2022 “ARPA Fact Sheet: Leveraging the Arts,” *NLC Delivers*, National League of Cities, July, pp. 5-6

2013 Steven McCarthy, *The Designer as Author*, Amsterdam: B/S Publishing, p 9, 32-33, 39, 208

2012 Meredith Davis, *Graphic Design Theory*, New York: Thames & Hudson, p 25-26

2012 Denise Gonzales Crisp, *Typography*, New York: Thames & Hudson, p 54

2006 “Exquisite typographic memorial,” *Design Observer*, November 8, home page

2005 *Re-Reading Perspecta*, Robert A.M. Stern, Peggy Deamer, Alan Plattus, eds., Cambridge, ma:  
MIT Press, 2005, p 696, 697, 787, 790, 803, 805, 807

2004 *Design Observer*, www.designobserver.com, October 23

2003 Design Observer, www.designobserver.com, July 14

2002 David Armitage, “The Declaration of Independence and International Law,”  
*The William and Mary Quarterly*, January, 2, n 11

#### RESEARCH PROJECTS

2023 “Remembrance of Climate Futures,” site-specific public art installation.  
Lynn, MA, 5 sites; Salisbury, MA, 9 sites; Beverly, MA, 6 sites; Ipswich, 7 sites;  
Arlington MA, 7 sites

2022 Arlington MA, 16 sites; Salem, MA, 11 sites; Salem Maritime NHS, 3 sites;  
Saugus Ironworks NHS, 3 sites; Salem State University, 7 sites; The Trustees, 15 sites

2021 Newburyport, MA, 3 sites; Rockport Art Association & Museum, 2 sites

2019 Essex, MA, 6 sites; Durham, NH, 11 sites

2011 “We the Designers: Reframing Political Issues in the Obama Era,” curated exhibition of  
designer-authored political graphics. Wrote, edited and designed exhibition catalog,  
edition of 2500. Travelled through 2013.

2006-7 “Remembering Boston’s Children 1980-2005” Massachusetts Bay Transportation Authority  
A public art project funded by the National Endowment for the Arts.  
Working MBTA bus #252, circulating every route throughout Boston, October-June

2005 “Haves/Have Nots,” a series of installations on the topic of homelessness created for the  
exhibition Not for Profit.

- 1997 *The third person*, artist's book self-published with funding from Rhode Island School of Design. A "concrete book" that implicates the reader in the process of gender stereotyping.

#### **Class Action Collective**

Class Action is a design collective that identifies and acts on community issues, creating messages to advocate social change. Working outside of the traditional designer/client relationship, the group also operates distinctly from the pro-bono paradigm by developing its own agenda and generating projects pro-actively. As an author-producer, the collective conceives, writes, designs and publishes its own work. Formed in 1992; I have been a member since 1993.

- 2023 **Performance** "Reading the Signs"  
Poetic street March involving public school students, teachers and librarians in support of the freedom to read. Created in conjunction with the Yale Beinecke Rare Book and Manuscript Library, New Haven, CT, November 2 (25% my work)
- 2020-21 **Installation** "In Equal Measure"  
Created social distancing installation for World Peace exhibition, Westport MoCA, Westport, CT, October 8-January 17 (25% my work)
- Union of Concerned Scientists**
- 2021 **Installation** "Vote for Science 2021"  
Created a digital billboard message sequence for the Georgia Senate run-off election. Installed in Norcross GA, December 20-January 5
- 2020 **Installation** "Vote for Science 2020"  
Created a new sequence of billboards for the presidential election. Installed in Connecticut, Phoenix, Indiana and Florida.
- 2019 **Installation** "Science is Patriotic"  
Created digital billboards that reframe climate science in terms of moral and patriotic duty. Timed to coincide with Easter, Earth Day and, for New Englanders, Patriot's Day. Installed in Boston metro interstates I-93 Methuen; I-95 Canton, April 1-28
- 2018 **Installation** "Vote for Science"  
Art of Science Rising initiative of the Union of Concerned Scientists sought public art to promote science during the midterm election cycle. Class Action created a highly visible billboard sequence along Interstate 95. The project received thoughtful local press and the award was increased to fund installations in three other locations — Indiana, Florida, and DC. This work is included in For Freedoms' 2020 Awakening, an initiative for creative civic engagement.
- 2005 **Grants Initiative** "Designers Without Clients: Civic Projects in Boston"  
Proposed and developed the first RFP for civic design projects for the American Institute of Graphic Arts. The project required AIGA to establish a fund to award grants coinciding with its 2005 conference in Boston. Organized a diverse panel of judges to referee submissions. Mentored grantees through progress presentations/critiques. Coordinated exhibition and presentation of their work at the conference. Two of the three funded projects, became subjects of articles in *The Boston Globe* (20% my work)

- 2003 **Exhibition** “Your Message Here”  
The five members of the collective assigned their students a project dealing with the impending war in Iraq. The best from each of the five schools were included alongside Class Action’s work from the last ten years. (20% my work)
- 2002 **Workshop** “Mouthing Off”  
Voice: aiga National Design Conference, Washington, dc, March 23. The 9th biennial American Institute of Graphic Arts Conference is the major conference of the graphic design profession in North America. Workshop following our lecture. (20% my work)  
**Intervention** “[Thinking of] Voice”  
Created a satirical publication that was distributed at the Voice: aiga National Design Conference to challenge aiga to align the criteria for their annual competitions for the year’s best design with the new direction begun by this conference. (20% my work)
- 2001 **Workshop** “Seen Enough Flags Lately?”  
Yale School of Art, New Haven, CT, October 6 (50% my work)
- 1999 **Workshop** “Bell-Bottoms Again: How to Tell the 90s from the 60s”  
New England Artists’ Trust Artists Congress, New Haven, CT, June 18 (50% my work)
- 1998 **Lecture** “1968:1998 = Action:Information”  
Envision 24 Conference, Sacramento, CA, April 23-5 (20% my work)  
Juxtaposed activism in 1968 to corporate appropriation of activist language in 1998.  
International ‘Debate’ Project  
Class Action was among one hundred design organizations worldwide invited to participate in a project foregrounding the role of design in society.  
“Consumption/Aura/ Abuse,” analyzed the phenomenon of relationship abuse in the circumstances leading to Princess Diana’s death. (50% my work.)  
**Intervention** “Dear Newt,” New York City, April 27  
The Indigo Girls performed at a concert organized to protest the tobacco industry’s co-opting of music as a tool to reach young people. Our project provided concert-goers the means to send a visceral message from their communities to House Speaker Newt Gingrich – the pivotal person with regard to tobacco legislation (25% my work)
- 1997 **Exhibition** Design Beyond Design, Conference, Jan van Eyck Academie, Maastricht, The Netherlands. Created an exhibition of Class Action projects (33% my work)  
**Publication Insert** “NEA Funding Project”  
At the invitation of the editors of *Sphere* magazine, we authored and designed a two-page insert that called attention to – and provided a vehicle for – readers to take political action about the funding of the NEA (25% my work)
- 1996 **Intervention** “NEA Funding Project,” College Art Association Conference, Boston, MA  
At the annual CAA conference, we wrote, designed and distributed a set of slides to each speaker. Each slide consisted of a message about the effect that the loss of NEA funding will have on academic artists and art historians. Lecturers were encouraged to add the slides to their talks at this, and subsequent, conferences (25% my work)
- 1995 **Billboard** “He Hits me, He Hits Me Not” New Haven, CT  
A message designed to communicate specifically to victims who have been psychologically unreachable through traditional public service messages. Provided new statewide hotline to seek assistance. Installed on Interstate 95 (25% my work)
- 1997 **Proposal** “He Hits me, He Hits Me Not” Postage Stamp  
Design for a U.S. Postal Service stamp featuring the then newly legislated National Domestic Violence Hotline. Senator Edward M. Kennedy championed the proposal and with encouragement from President Clinton, he assembled a bi-partisan



- senatorial group to urge the Postmaster General to produce a domestic violence stamp. As a direct result, the Postal Service printed the National Domestic Violence Hotline on its 1997 edition of 200 million first class stamp booklets.
- 1993 **Installation** "Women's Stories," Artspace, New Haven, CT  
AIDS was quietly migrating from being predominantly male oriented New Haven had one of the highest rates in the country of AIDS-related illnesses among women. The installation gave women a (literal) voice about their social and medical treatment by reproducing their testimonials as both audio and text.
- Lectures and Workshops:**  
Proposed and conducted workshops at the International Design Conference in Aspen (1994) and at Ohio University (1995); presented at the CAA/MLA Advocacy Conference (1996), Aspirin Design Conference at Cooper Union (1995), CAA Annual Conference (1996); lectured Fordham University (1998), School of the Museum of Fine Arts Boston (1997), Art Institute of Boston (1997), Ohio University (1995), University of Hartford (1995), Rhode Island School of Design (1994), Yale School of Art (1994). Panelist and presenter at the New England Artists' Trust Artists Congress (1999) and the Innovations in Domestic Violence Interventions Conference, University of Connecticut (1997)

## RESEARCH (COMMISSIONED)

- 2016-23 **William Gregory & Associates** Identity design for interior design firm, Lincoln, MA
- 2020-21 **The Warehouse** Identity design for an art collection becoming a public museum, Atlanta, GA
- 2018 **Real** Identity design for a restaurant, Lincoln, MA
- 2014-16 **Park Watershed** Identity design for non-profit environmental organization
- Carr Foundation**
- 2007 Logo for a writers event in Sun Valley, Idaho
- 2003 *Refuge: Past > Present > Future*, publication created to accompany Peter Sellars' production of *The Children of Herakles* by Euripides at the American Repertory Theatre, Cambridge, ma. This pamphlet, commissioned by a human rights organization, complemented and expanded upon the play which was staged to highlight the timelessness of the current worldwide refugee crisis.
- 2000-2 Identity design for The Market Theater, a non-profit theater in Cambridge MA. Design of all graphic applications that constitute identity: interior and exterior signage, programs, tickets, advertising, brochure and posters for each production. Dissemination per season (brochure): 50,000.
- Industrial Designers Society of America / Library of Congress**
- 2001 *Sounds are the Things I See*, a poster addressed to design schools and inviting submissions to a competition concerning design for audio technology for the blind, was distributed to Industrial Design programs in colleges nationwide. Dissemination: 600. (50% my work)
- MIT**
- 2007 *Do you want to change...the world?*, Technology + Policy Program brochure
- 2004 Logo for Technology + Policy Program
- Northeastern University Department of Architecture**
- 2003 *The New Urban Geography*, poster for Northeastern Department of Architecture /Harvard Design School Conference



**Yale University Press**

Design of interpretive book covers for academic publisher. Dissemination: 2500-5600 ea.

- 2017 *Packing My Library*
- 2016 *Database of Dreams*  
*Dangerous Years*
- 2008 *The Kingdom of Infinite Space*
- 2006 *The New Psychology of Love*  
*Leo Strauss*  
*Haunted by Parents*
- 2005 *Theory of Value*  
*Ponary Diary*
- 2004 *Science and the Trinity*
- 1997-99 *The Least Dangerous Branch: The Supreme Court at the Bar of Politics*  
*The Computer and the Brain*  
*From Biology to Sociopolitics: Conceptual Continuity in Complex Systems*  
*God and Philosophy*  
*A History of Gay Literature*  
*An Unconventional Family*  
*Care of the Psyche*  
*Building Lives*  
*A Religious History of the American People*
- 1997-99 **Civic Education Project** recruitment materials for central european universities program
- 1998-9 **SAP America** Design of pages and links for integration into SAP website
- 1998 **Children's Museum, Boston** Information design for museum donor wall
- The MIT Press** Design of *Perspecta 29: The Yale Architecture Journal*  
Forged a newly collaborative association with editors, expanding design's role to include conducting primary research and contributing editorial content. (50% my work)
- Sacred Space** Spiritual Life Office, Northeastern University  
Naming and identity of the former chapel reconceived as a multifaith spiritual center. Proposal to transform the corridor leading to the Sacred Space also implemented.
- 1997 **Cambridge Publications** Mapping new information structure website design (50% my work).  
**Civic Education Project**, Design of Annual Report.

**VISITING CRITIC**

- 2018 **University of Connecticut** Senior Projects Review, March 19
- 2007 **University of Connecticut** Graphic Design Thesis Projects, March 20
- 2003 **Rhode Island School of Design** Graphic Design Critical Issues Studio final review, dec 10
- 2002 **Rhode Island School of Design** Graphic Design Critical Issues Studio final review, dec 11
- 2001 **Rhode Island School of Design** Graphic Design Critical Issues Studio final review, dec 14
- 1999 **Wentworth Institute of Technology** Industrial Design directed studies critique  
**Rhode Island School of Design** Industrial Design class critique  
**Rhode Island School of Design** Graphic Design class critique
- 1997-98 **University of Massachusetts, Dartmouth** Graphic Design class critique
- 1995-97 **Art Institute of Boston** Graphic Design class critique; Senior portfolio review

- Massachusetts College of Art Graphic Design class critique; lecture  
 1996 Yale School of Art Graphic Design graduate thesis review  
 1995-96 Rhode Island School of Design Graphic Design sophomore year-end review

## NORTHEASTERN UNIVERSITY SERVICE

## DEPARTMENTAL LEVEL

- 2023-24 Student Awards Committee  
 Mentor student Lindsey Henriques to design exhibition brochure for Mira Cantor's "Dig"
- 2022- Co-Chair, T&P Committee
- 2021-22 Co-Chair Search Committee NTT
- 2021 Chair, T&P Committee  
 Mentor student Caroline Stenzel to design exhibition catalog for Mira Cantor's "Woven"  
 RISE Expo Coordinator
- 2020-21 DEIB Committee
- 2020 Mentor grad student Todd Linkner to design annual poster for IDV Grad Program  
 Global Art Program Committee  
 Full Professor Promotion Committee, Pearce  
 Design Lecture Series co-organizer  
 Design Program Co-coordinator
- 2019 NTT Promotion Committee, Kate Terrado  
 Acting Program Head, Design  
 Lecture, reception and dinner organized at Northeastern with Simmons College and Swissnex:  
 Michael Renner, Basel School of Design, April 9
- 2019-20 Mentor student to design poster for Alberto Cairo joint lecture – Information Design  
 and Visualization Program with Journalism Media Advocacy Program
- 2019 Mentor student to design annual poster for IDV Grad Program
- 2017-21 Curriculum Committee
- 2018 Search Committee, Teaching Professor
- 2016-17 Executive Committee
- 2016 Grad Council
- 2016- Curriculum Committee
- 2016 Mentor to student Eric Lee to design poster for Department of Music
- 2017 Mentor to student Jon Polen to design logo for Harvard School of Public Health  
 Mentor to student Irene De La Torre to design annual poster for IDV Grad Program
- 2015-16 Chair, Experience Design Search Committee
- 2013-17 Merit Committee
- 2014-15 Chair, Journalism/Information Design Search Committee
- 2012-13 Chair, Information Design Search Committee
- 2011-12 Chair, Department Chair Search Committee
- 2023- T&P Mentor to Jose Menendez
- 2016-23 T&P Mentor to Pedro Cruz
- 2013-17 T&P Mentor to Dietmar Offenhuber
- 2011-15 T&P Mentor to William Kaizen
- 2006-7 Chair, Search Committee
- 2005-7 Chair, T&P Committee
- 2005-8 Merit Committee
- 2005-6 Curriculum Committee

- 2003- Co-Mentor to Assistant Professor Meirelles
- 2005- Co-Mentor to Assistant Professor McDonald
- 2004-5 T&P Mentor to Chair Kali Nikitas
- 2003-5 Co-Mentor to Assistant Professor Walsh
- 2002-6 Executive Committee
- 2002-3 Admissions Portfolio Review Committee
- T&P Committee
- Aesthetics Committee
- 2001-3 Ad-hoc Adjunct Faculty Recruitment
- 2001-2 Wrote Graphic Design Semester Transition (50% my work)

## NORTHEASTERN UNIVERSITY SERVICE

## COLLEGE LEVEL

- 2023- CAMD Impact Group: Climate Change and Public Communication
- 2020-21 Social and Racial Justice Advisory Board
- 2020 SXSU Committee
- Dean's Restructuring Department of Art + Design Committee
- 2019-21 Academic Affairs Committee
- 2018 Executive Committee, Architecture Full Professor promotion, Tim Love
- 2012-16 Executive Committee
- 2011-15 Academic Affairs Committee
- 2013 Incentive Grants Committee
- 2004 Department of Architecture, Tenure & Promotion Committee, College of Arts and Sciences
- 2004-8 Head Advisor, Department of Visual Arts/Art + Design, College of Arts and Sciences
- 1998-03 Head Advisor, Department of Art and Architecture/Visual Arts, College of Arts and Sciences

## NORTHEASTERN UNIVERSITY SERVICE

## UNIVERSITY LEVEL

- 2019 Chair, Faculty Senate Ad hoc Grievance Committee
- University Undergraduate Curriculum Committee
- 2007-8 Chair, Faculty Senate Information Technology Policy Committee
- 2007-8 Advisor to Creative Services on design of Northeastern identity
- 2006-7 Faculty Senate Academic Policy Committee
- 2005-8 Faculty Senate
- 2006 Participant, Research & Technology Scholarship Expo
- Panelist, Student Media Roundtable, February 16
- 2005-6 Committee to Evaluate Industrial and Mechanical Engineering Department Chair
- Hameed Metghalchi
- 2004 CoChair, Chair Search Committee, Department of Visual Arts
- Participant, Research & Technology Scholarship Expo
- 2003 Chair, Chair Search Committee, Department of Visual Arts
- 2003 Coordinator "Profit by Design" symposium, jointly hosted by the College of Business and the Department of Visual Arts. Program by the American Institute of Graphic Arts, Boston Chapter and the Corporate Design Foundation. April 15.

- 2002-3 Search Committee, Chair, Department of Visual Arts  
 2001-2 Search Committee, Chair, Department of Art and Architecture

## SERVICE TO THE DISCIPLINE/PROFESSION

- 2023- Board of Directors, Alliance of Climate and Environmental Stewards, Newburyport, MA  
 2023-24 Co-Organize Boston Kids Comic Festival annually on Northeastern Campus,  
 Curry Center, June 3, 2023; ISEC, June 8  
 2023 Juror, Graphic Design Year End Exhibition, University of Illinois, Chicago  
 Advisor to PhD student Marissa Chann, Harvard School of Public Health  
 2022 Cover blurb for *Critical Visualization: Rethinking the Representation of Data*, London: Bloomsbury  
 2021 External Evaluator, Tenure Track Search finalists (4) Aalto University, Finland  
 Juror, 1/6 Memorial Design Competition  
 Juror, Graphic and Industrial Design student exhibitions, University of Illinois, Chicago  
 2020 External Evaluator, Tenure & Promotion—Associate Professor on entry, BU College of Fine Arts  
 2018 Pro bono poster design, Boston Kids Comics Festival  
 2017 Pro bono logo design, Town of Wenham, Open Space and Recreation Plan  
 Pro bono book design and production, Girl Scouts of Eastern Massachusetts  
 Pro bono postcard design, Women’s Rights Exhibition, Gallery 360  
 External Evaluator, Full Professor Promotion, Rutgers University  
 2016 Organize AIGA Boston Fellows induction ceremony of faculty colleague Douglass Scott  
 at Fenway Center, December 13  
 Grant Reviewer, Design Faculty Research Grants, AIGA Design Educators Community  
 Speaker/Reviewer, Get Out the Vote: Poster Design-A-Thon, AIGA Boston, May 21  
 2015 Juror, Swissnex, Boston  
 1998-15 Northeastern Liaison, American Institute of Graphic Arts  
 2014 Reviewer, University of Illinois, Chicago  
 2013 External Evaluator, Tenure & Promotion—Associate Professor, University of Washington, Seattle  
 2011 External Evaluator, Tenure & Promotion—Full Professor, Old Dominion University, Norfolk  
 2008 External Evaluator, Tenure & Promotion—Associate Professor, Rutgers University, Camden  
 2006-8 Reviewer, book proposals and manuscripts, Laurence King Publishing Ltd, London  
 2007 External Evaluator, Tenure & Promotion—Full Professor, Connecticut College  
 Co-advisor, Independent Study student project, Boston Architectural College  
 Visiting Lecturer, “Designing with Communities,” Clark University,  
 Graphic Design Studio, April 3  
 Visiting Lecturer, “Structures of Printing,” School of Architecture, Studio 5, March 26  
 2006 External Evaluator, Tenure & Promotion—Associate Professor, University of Connecticut, Storrs  
 External Evaluator, Tenure & Promotion—Associate Professor, Loyola Marymount University,  
 Los Angeles  
 2004 Visiting Faculty, RISD Graphic Design Department, Visiting Designer program, October 1  
 Junior/senior workshop, “The Opinionated Designer.”  
 2003 Review Committee, Graphic Design Department 5-year Review,  
 The Art Institute of Boston, nov 6-7  
 Chair, Review Committee, Graphic Design Department 10-year Review,  
 Rhode Island School of Design, April 13-16  
 1999-21 Advisory Board Member, Brudnick Center on Conflict and Violence, Northeastern University  
 1999 Consultant, *Positive Teen* Magazine

- Recruited and mentored Northeastern graphic design student to redesign magazine
- Juror, New Hampshire Creative Club Annual Exhibition, February 5
- Reviewer, New Hampshire Creative Club Annual Portfolio Review, April 29
- Lecturer, "Typographic Form and Content: Mining the Font of Meaning,"  
Interactive Factory Lecture Series, March 5
- 1998-99 Co-Chair, Media Working Group, Community Education Subcommittee,  
Governor's Commission on Domestic Violence
- 1998 Media Working Group, Community Education Subcommittee,  
Governor's Commission on Domestic Violence
- Lecturer, Violence Prevention Through the Arts,  
Massachusetts Department of Public Health, April 7
- Assessor, "Graphic Design and Visual Communication Program Review and Evaluation,"  
University College, Northeastern University
- 1991-93 Northeastern Representative, American Institute of Graphic Arts Educators Group

**From:** [Chalmers Congdon](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Resume and Cover Letter for Chal Congdon  
**Date:** Wednesday, January 24, 2024 1:39:21 PM  
**Attachments:** [Chalmers C. Congdon Resume - Climate Action Committee.docx](#)  
[Wenham Cover Letter - Chal Congdon.docx](#)

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Hi Michelle,

Attached are my cover letter and resume in support of my interest in becoming a member of the Climate Action and Sustainability committee.

Please get back to me with any questions.

Sincerely,

Chal Congdon

978-500-1452

January 23, 2024

To: Michelle McGovern, Town of Wenham

Re: Participation in the Wenham Climate Action and Sustainability Committee

Dear Michelle,

Please accept this letter of interest in participating in the Wenham Committee for Climate Action and Sustainability.

Concerns about global warming and the resulting environmental changes have led our family to do what we can to decrease our carbon footprint. This includes conversion from oil heat to energy efficient heat pumps, the installation of solar panels, and the purchase of a used plug-in hybrid car.

I am excited that the town is moving forward with this committee as it presents opportunities to scale up the efforts of individuals, thus ensuring a better future for our residents. It would be wonderful to create an actionable plan (such as Salem's) that is comprehensive and addresses both residential and non-residential properties (such as schools, town buildings, and businesses).

As an experienced project manager, I have worked with teams of people from many different backgrounds and roles. I am known as a collaborative, calm presence who can consider all sides of issues, anticipate potential snags, and take both high-level and detail-oriented approaches as needed.

Should all committee vacancies be filled, perhaps I can help in other ways.

I look forward to hearing from you.

Best regards,

Chal Congdon

70 Arbor Street

[chalcongdon@gmail.com](mailto:chalcongdon@gmail.com)

(978) 500 1451

# Chalmers C. Congdon (Chal)

70 Arbor Street, Wenham, MA 01984 •

978-500-1452 •

chalcongdon@gmail.com •

## OBJECTIVE

- Contribute to the town by participating in the Wenham Climate Action and Sustainability Committee
- Help to develop and promote a promising action plan with sustainability goals consistent with both state and local initiatives
- Use my educational background, work experience and recent experience with climate-related home improvements to support the success of the committee

## WORK EXPERIENCE

### Software Development and Software Quality Engineering, 1982 - 2023

- TD Bank - Portland, ME
- Mass Mutual Insurance - Springfield, MA
- Nuance - Burlington, MA
- Boston Communications Group, Inc. - Burlington, MA
- Oak Technology - Woburn, MA
- Xionics - Burlington MA (spinoff from Phoenix)
- Phoenix Technologies - Cambridge MA
- AGFA Corporation - Wilmington, MA
- Quadex - Cambridge, MA

### High School and Collegiate Mathematics Teaching Experience, 1976 - 1982

## EDUCATION

### Brown University - Providence, RI

ScB Applied Mathematics

### University of Maryland - College Park, MD

MA in Applied Mathematics

Masters Thesis - *Mathematical Model of Routing and Scheduling of Computer Networks*

### Salem State College - Salem, MA

Post-graduate classes in education in support of K-12 teacher certification

## PERSONAL

- Wenham resident since 1997; prior to that, Hamilton resident since 1979
- Retired (August 2023)
- Married with four adult children and four grandchildren
- Former Director of Hamilton Wenham Youth Soccer
- Former H/W Youth Soccer coach



**From:** [Alex Moldovean](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Climate Action and Sustainability Committee Interest  
**Date:** Thursday, January 25, 2024 7:02:44 PM

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Hello,

My name is Alex and I am currently a Junior at Pingree. I am very passionate about climate and living a sustainable life. I live on Pleasant Pond, so preserving the nature around me has always been important to me as well as composting and re-using whatever I can. I would love to contribute to our town in order for both adults but also youth in the community to have the same passion of battling the climate crisis.

Please reach out with any questions.

Thank you and I look forward to hearing from you.

Best,  
Alex Moldovean  
36 Batchelder Pk  
Wenham MA  
978-468-7621

**From:** [Steve Poulos](#)  
**To:** [Michelle McGovern](#)  
**Subject:** FW: Wenham Climate and Sustainability Committee  
**Date:** Monday, January 29, 2024 12:38:14 PM

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**From:** Sue Patroliia <sue.ermisc@gmail.com>  
**Sent:** Friday, January 26, 2024 3:02 PM  
**To:** Steve Poulos <SPoulos@wenhamma.gov>  
**Subject:** Wenham Climate and Sustainability Committee

Hi Steve,

Please allow this email to relay my interest in joining Wenham's new climate and sustainable committee,

My relevant experience and education are briefly detailed here:

Founding Member: Hamilton Wenham Green 2004-2012

Hamilton Wenham Sustainability Coordinator 2010- 2014

Led/ Worked on, among others:

- Green Communities Status in first round
- many grants and funding rounds for municipal building energy upgrades
- Organic recycling and trash changes
- Streetlight conversion grant.

MBA in Organizational and Environmental Sustainability 2010 Antioch University

Founding Member: Hamilton Wenham Climate Action Committee

Member: Wenham Master Plan Committee

Thank you for your and the Select Board's consideration of my application.

Sincerely,  
Sue Patroliia

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**From:** [Steve Poulos](#)  
**To:** [Michelle McGovern](#)  
**Subject:** FW: Climate Committee - Expression of Interest  
**Date:** Monday, January 29, 2024 12:37:41 PM  
**Attachments:** [favicon.ico](#)

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**From:** bknowles remenergyco.com <bknowles@remenergyco.com>  
**Sent:** Friday, January 26, 2024 9:36 AM  
**To:** Steve Poulos <SPoulos@wenhamma.gov>  
**Subject:** Climate Committee - Expression of Interest

Dear Steve,

Thanks for your time this morning, this email will serve as my expression of interest in Wenham's new climate and sustainable committee, my brief bio can be found in the following link:

[Renewable Energy Massachusetts, LLC |](#)  
[Our Team | Cambridge, MA](#)  
[remenergyco.com](#)



Additionally, I am a founding member of the HW Climate Action Team - HWclimateaction.org - a 501-c3 mission-driven non-profit, re-formed after 8 years of dormancy, instrumental in drafting and submitting both town's Climate Change Resolutions passed two years ago, with pledges of carbon neutrality by 2040 goals as the backbone of both Resolutions.

Thank you for your and the Select Board's consideration of my application.

Sincerely,  
Bob Knowles

Robert M. Knowles  
REM LLC  
617-650-3557 m  
REMenergyco.com

[Our Team](#)

[REM Projects](#)

[News](#)

[Contact](#)



## **About Renewable Energy Massachusetts LLC**

Renewable Energy Massachusetts LLC (REM) is a Massachusetts-based solar energy development company founded in 2009 that has developed several large-scale operating solar projects in Massachusetts. REM is a member of the Northeast Clean Energy Council, has been an active participant in the Massachusetts DOER and DPU solar energy policy making process, and is currently developing several megawatt-scale municipal and community shared solar energy projects in the Commonwealth.

## **OUR TEAM**



### **ROBERT M. KNOWLES, PARTNER & CO-FOUNDER**

Bob Knowles is a Partner of REM, the company he co-founded in 2009, for the sole purpose of bringing as much large utility-scale clean solar energy to Massachusetts and the region as possible. His core responsibilities, aside from assisting in setting the general strategic direction of the company, are generating new business, site acquisition, project development & permitting, as well as energy off-take sales prospecting. Bob is a senior executive with over twenty-five years of business experience, and prior to REM held roles as Director of Sales & Marketing and Business Development at Project Adventure, Inc., at the time a \$10 million in revenue fee-for-service non-profit. Earlier in his career Bob was a key member of the management teams of two innovative consumer packaged goods start-up companies in both the pediatric pharmaceutical and premium beverage categories, having assisted in the negotiations for the successful sale of each company in 1997 and 2002 respectively. Bob acts in advisory and board capacities for various for-profit and non-profit start-up and emerging-stage companies in the Boston area, and received his BA from Ohio Wesleyan University in 1985.

| Timestamp       | First Name | Last Name  | Address                            | Best Phone Number | Present Business Affiliation & Work  | Previous Business Experience, Education & Special Training  | Town Office Held in Wenham (or elsewhere) | Appointment or Re-Appointment Request | Email Address            | Middle Name or Initial | General Meeting Availability (Day/Night)  | What interests you about this position(s)?  |
|-----------------|------------|------------|------------------------------------|-------------------|--|---|---|---------------------------------------|--------------------------|------------------------|---|---|
| 1/18/2024 17:24 | Matthew    | DiGuiseppa | 38 Maple St,<br>Wenham MA<br>01984 | 917-208-8636      | PriceWaterhouseCoopers (PwC), where I have several relevant roles, including leading the drafting of our Director's Guide to Overseeing ESG/Sustainability and advising boards on the same.<br><a href="https://www.pwc.com/us/en/services/governance-insights-center/library/esg-corporate-directors-guide.html">https://www.pwc.com/us/en/services/governance-insights-center/library/esg-corporate-directors-guide.html</a> | Launched the Diligent ESG Center of Excellence and was part of the acquisition and integration of climate data collection and reporting software, Head of Americas Asset Stewardship for SSGA and similar role at Nuveen (f/k/a TIAA/TIAA-CREF). I have also had residential solar installed on my previous and current home.<br><br><a href="https://www.businesswire.com/news/home/20210810005588/en/Diligent-Introduces-the-Most-Comprehensive-ESG-Solution-on-Modern-GRC-Platform">https://www.businesswire.com/news/home/20210810005588/en/Diligent-Introduces-the-Most-Comprehensive-ESG-Solution-on-Modern-GRC-Platform</a><br><br><a href="https://www.energyintel.com/0000017b-a7d6-de4c-a17b-e7d692740000">https://www.energyintel.com/0000017b-a7d6-de4c-a17b-e7d692740000</a> | N/A                                       | Appointment                           | mattdig@gmail.com        | W                      | Generally available, especially virtually. I do travel, but have flexibility in setting my work schedule. | I have spent my career working in the environmental, social and governance (ESG) industry including efforts at the start of the push for better disclosure from large corporations because I believe that we have a responsibility to address the risk climate change poses both locally and globally AND that it is financially prudent to do so. I want to bring my expertise and passion to support the towns effort to responsibly embrace its role in the global conversation. |
| 1/27/2024 8:26  | Colby      | Stoddard   | 25 porter st<br>Wenham MA          | 7207716512        | Director of Innovation - Fermatix  |   | Non                                       | Appointment                           | Colbydstoddard@gmail.com | D                      | Night/weekend   | Climate and sustainability  |

**From:** [Colby Stoddard](#)  
**To:** [Michelle McGovern](#)  
**Subject:** Re: Climate Action & Sustainability Committee  
**Date:** Monday, January 29, 2024 5:57:22 PM  
**Attachments:** [221202\\_Stoddard\\_resume.docx](#)

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Hi Michelle -

Please see my CV attached. I didn't fill out much for my current job but I figured that didn't matter much. I'm happy to update if needed.

Also, I love ChatGPT and asked it to write a cover letter based on a few bullet points, please see below. While it writes a nice cover letter in 15 seconds I'm happy to discuss my views/previous experiences pushing conservation programs forward.

If you need anything else then please let me know.

Thanks,  
Colby

Dear Hamilton/Wenham Climate Change and Sustainability Committee,

I am writing to express my sincere interest in the Climate Change and Sustainability Committee position at Hamilton/Wenham, as advertised. With a strong background in scientific research and a proven track record as an eco-leader dedicated to minimizing physical waste and energy consumption, I am confident in my ability to contribute significantly to your organization's commitment to sustainability.

In my previous roles, I have actively pursued initiatives aimed at reducing environmental impact, demonstrating a steadfast dedication to fostering sustainable practices. As an experienced scientist, I possess a comprehensive understanding of the scientific principles underlying climate change, providing me with a solid foundation to analyze and address the challenges associated with sustainability.

One of my key achievements as an eco-leader was the successful implementation of strategies to reduce physical waste and energy consumption within my team. By spearheading initiatives such as waste reduction campaigns, energy-efficient practices, and the promotion of sustainable alternatives, I was able to substantially decrease our environmental footprint while fostering a culture of responsibility and awareness.

Moreover, my experience has equipped me with a keen awareness of greenwashing practices, enabling me to discern between superficial changes and impactful, meaningful actions. This critical skill is essential in the decision-making process regarding sustainable practices, ensuring that initiatives are not merely symbolic but contribute effectively to the organization's environmental goals.

I am particularly drawn to Hamilton/Wenham's commitment to sustainability and its dedication to making a positive impact on climate change. Joining your Climate Change and Sustainability Committee would allow me to leverage my scientific expertise and practical experience as an eco-leader to contribute meaningfully to your organization's objectives.

Thank you for considering my application. I am excited about the opportunity to contribute my skills and passion for sustainability to Hamilton/Wenham and its esteemed Climate Change and Sustainability Committee.

I look forward to the possibility of discussing my application further in an interview.

Sincerely,

Colby Stoddard

On Mon, Jan 29, 2024 at 9:50 AM Michelle McGovern <[MMcGovern@wenhamma.gov](mailto:MMcGovern@wenhamma.gov)> wrote:

Hi Colby,

Thank you for your interest in serving on the Climate Action & Sustainability Committee!  
Could you please forward a short cover letter and resume to me?

Thanks!

Michelle

**Michelle McGovern**

Executive Assistant, Town Administrator's Office

Town of Wenham

138 Main Street

Wenham, MA 01984

978-468-5520 x2

# Colby Stoddard, Ph.D.

colbydstoddard@gmail.com / 25 Porter St. Wenham, MA / 720-771-6512

## SUMMARY

Over 20 years of experience performing cutting edge research in synthetic biology, biochemistry, genome engineering, and microbiology. Demonstrated success in the ideation and execution of federally funded scientific programs that contribute to economic and national security.

## EDUCATION

- |  |                    |
|--|--------------------|
| <b>Ph.D., Biochemistry</b><br>University of Colorado, Boulder<br>Department of Chemistry and Biochemistry    | <b>2004 - 2009</b> |
| <b>B.S., Microbiology / Medical Technology</b><br>University of Montana<br>Department of Biological Sciences | <b>1997 - 2001</b> |

## EXPERIENCE

- |  |                           |
|--|---------------------------|
| <b>Director of Innovation</b><br><b>Fermatix</b> | <b>Jul 2023 - Present</b> |
|--|---------------------------|

Focus: Guiding the development and commercialization of novel enzymes for molecular biology applications

- |   |                             |
|---|-----------------------------|
| <b>Business Development Manager</b><br><b>New England Biolabs (NEB)</b> | <b>Dec 2018 – June 2023</b> |
|---|-----------------------------|

Focus: Identification of novel technologies to maximize product development pipeline while managing contract manufacturing operations for over 70 products.

- Developed a scientific evaluation team to identify technology and intellectual property opportunities that can augment the NEB portfolio.
- Negotiated all intellectual property and biological material licensing agreements for bacterial strains and cell imaging products.
- Identified the need to fully internalize manufacturing of DNA purification products and led a multi-year effort to create a fully automated manufacturing process.
- Sourced and managed key manufacturing partners during the SARS CoV-2 pandemic to ensure operational efficiencies were maintained.
- Developed investment plan to obtain BARDA funding for manufacturing *in vitro* transcription enzymes at bulk scales.

- |   |                              |
|---|------------------------------|
| <b>Senior Scientific Advisor (Top Secret Clearance)</b><br><b>Defense Advanced Research Projects Agency (DARPA)</b><br>Biological Technologies Office | <b>April 2017 - Dec 2018</b> |
|---|------------------------------|



Focus: Provide scientific and management support to programs focused on metabolic engineering and genome engineering. Ensure DOD investment goals are met through efficiently identifying, monitoring, and evaluating scientific research totaling over \$230 million.

- Assist in the ideation and communication of new DARPA programs; recent efforts led to successful funding of a genome editing program for the generation of novel medical countermeasures.
- Anticipate scientific/management challenges on funded research and provide a range of solutions that ensure operational excellence.
- Provide technical assessments of new research proposals and provide funding recommendations to Program Managers based on potential to advance the technological state of the art.
- Direct initial contract negotiations to ensure appropriate investment staging that is tied to quantitative technical performance metrics.
- Actively manage contract-modifications process to prevent unanticipated research events from negatively impacting program goals.

**Scientific Advisor** (Top Secret Clearance)

**March 2015 – April 2017**

**Defense Advanced Research Projects Agency (DARPA)**

Biological Technologies Office

- Interviewed scientific experts to scope projects and customize research approaches while ensuring effective research partnering strategies.
- Generate technical and programmatic briefings that synthesize technical accomplishments in a manner that is relevant to a non-scientific audience.
- Facilitate performer engagement through calls and site visits ensuring the delivery of quality data in a timely manner.

**AAAS Science and Technology Fellow**

**Sept. 2013 – March 2015**

**Department of Energy**

Office of Energy Policy and Systems Analysis (EPSA)

Focus: Completed analyses of financial and policy levers to advance the deployment of domestic energy infrastructure. Led team to develop analytical products that inform baseline evaluations of the electricity and fossil fuel sectors and provide clear, concise policy recommendations for the Quadrennial Energy Review (QER).

- Provided the Secretary of Energy Advisory Board with a framework for financial incentives that can be utilized along the research, development, demonstration and deployment phases of a technology.
- Evaluated the technical and business merits of research proposals applying for Small Business Innovative Research (SBIR) funding at DOE.
- Synthesized in-depth baseline documents, forward looking issue papers, and whitepapers with policy recommendations.
- Identified critical components of technical analyses and briefed senior leadership on policy options and consequences.

**Research Fellow**

**July 2010 - July 2013**

## **Harvard Medical School / Wyss Institute**

Advisor: Dr. Pamela Silver

Research focus: Applied principles of synthetic biology to facilitate the use of microorganisms as a production platform for liquid transportation fuels and therapeutics.

- Gained significant exposure to various biotechnologies and the commercialization process essential to translating basic science into marketable products as part of the Wyss Institute.
- Conceived, designed, and executed an experimental approach for the biological production of multiple chain length fatty acids and alkanes from methane, methanol, and formate feedstocks in bacteria.
- Acted as the primary lead in crafting a scientific proposal and business development plan for an Advanced Research Projects Agency-Energy (ARPA-E) funding opportunity announcement.
- Broad knowledge of microbial physiology and metabolic regulation for common and exotic microorganisms.
- Extensive experience in laboratory techniques that facilitate the genetic modification of microorganisms for the production of proteins and small molecules.
- Contributed to research efforts directed towards engineering central carbon metabolism in *Escherichia coli* to allow the utilization of carbon dioxide as the sole carbon source.
- Successfully engineered yeast to produce the first two intermediates in the lysergic acid metabolic pathway with the intention of developing migraine therapeutics.

## **Graduate Research Assistant University of Colorado, Boulder**

**August 2004 - June 2010**

Advisor: Dr. Robert Batey

Department of Chemistry and Biochemistry

Thesis committee: Dr. Norman Pace, Dr. Rob Knight, Dr. Art Pardi, and Dr. Amy Palmer.

Research focus: Structural, kinetic, and thermodynamic characterization of metabolite binding by bacterial regulatory RNAs that control the expression enzymes central to metabolism.

- Utilized a bioinformatics approach to identify the structural basis for functional diversity in purine riboswitch aptamer domains. Verified the functional importance of conservation trends by measuring association and dissociation rate constants, ligand binding affinities, and ligand-dependent repression of fluorescence expression *in vivo*.
- Characterized the structural basis for regulating gene expression upon metabolite binding by the SAM-I, B-12, and purine binding riboswitch aptamer domains. Utilized multiple chemical probing techniques, electrophoretic mobility shift assays, and x-ray crystallography to elucidate the bound and unbound structural states of aptamer domain RNAs.
- Resolved functionally distinct conformations of the unbound purine riboswitch aptamer domain using stopped-flow fluorescence spectroscopy and mathematical modeling.
- Utilized a computational, biochemical, and biophysical approach to identify conformational heterogeneity in the unbound SAM-I riboswitch aptamer domain RNA.
- Validated single molecule measurements for P4-P6 tetraloop-tetraloop receptor docking of the group-I intron using an ensemble FRET-based kinetic analysis.
- Supervised 6 postdoctoral, Ph.D., and undergraduate researchers.

- General Chemistry Laboratory and Teaching Assistant

Sept. 2004 - May 2005

### Research Assistant

July 2002 - June 2003

**Roche Pharmaceuticals**, Berkeley, California

Molecular Diagnostics Division

Research focus: Assay optimization for the detection of single nucleotide polymorphisms (SNP) implicated in patient susceptibility to multiple sclerosis, rheumatoid arthritis, and diabetes.

- Performed cord blood DNA extractions and amplified specific genomic loci.
- Developed novel probes for SNP identification using DNA hybridization assays coupled to enzymatic-based colorimetric verification.
- Generated, interpreted, and managed genotype data for population studies in collaboration with the Children's Hospital of Oakland.

### PUBLICATIONS

#### Research publications

- 1) **CD Stoddard**, J Widmann, JJ Trausch, JG Marcano-Velázquez, R Knight, RT Batey. (2013). Nucleotides adjacent to the ligand-binding pocket are linked to activity tuning in the purine riboswitch. *Journal of Molecular Biology*. 425(10):1596-611.
- 2) **CD Stoddard**, RK Montange, SP Hennelly, RP Rambo, KY Sanbonmatsu, and RT Batey. (2010). Free state conformational sampling of the SAM-I riboswitch aptamer domain. *Cell Structure*. 14;18(7):787-97.
- 3) **CD Stoddard**, SD Gilbert, and RT Batey. (2008). Ligand-dependent folding of the Purine riboswitch. *RNA*. 14(4): 675-684
- 4) SD Gilbert\*, **CD Stoddard\***, SJ Wise, and RT Batey. (2006). Thermodynamic and kinetic characterization of ligand binding to the purine riboswitch aptamer domain. *Journal of Molecular Biology*. 359(3): 754-68.
- 5) CD Downey, JL Fiore, **CD Stoddard**, JH Hodak, DJ Nesbitt, and A Pardi. (2006). Metal ion dependence, thermodynamics, and kinetics for intramolecular docking of a GAAA tetraloop and receptor connected by a flexible linker. *Journal of Biochemistry* 21;45(11): 3664-73.

#### Review Publications

- 6) RD Wegrzyn, AH Lee, AL Jenkins, **CD Stoddard**, and AE Cheever. (2018). Genome Editing: Insights from Chemical Biology to Support Safe and Transformative Therapeutic Applications. *ACS Chemical Biology*. 13(2): 333-342
- 7) **CD Stoddard** and RT Batey. (2009). Beyond Crystallography: Investigating the Conformational Dynamics of the Purine Riboswitch. Walter, Woodson, and Batey. *Non-Protein Coding RNAs*. Springer Series in Biophysics 13.
- 8) SD Gilbert, RK Montange, **CD Stoddard**, and RT Batey. (2006). Structural studies of the Purine and SAM binding riboswitches. *Cold Spring Harbor Symposium on Quantitative*

Biology 71: 259-268

- 9) **CD Stoddard** and RT Batey. (2006). Mix-and-match riboswitches. *American Chemical Society: Chemistry and Biology*. 1(12): 751-4

## Michelle McGovern

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**From:** Abby Velo <info@abbyvelo.com>  
**Sent:** Sunday, February 4, 2024 5:36 PM  
**To:** Michelle McGovern  
**Subject:** Climate Action & Sustainability Committee

Good afternoon,

My name is Guenther Anger and am a resident of Wenham. I'm currently on the Open Spaces & Recreation Committee, but am interested in also volunteering for the Climate Action & Sustainability Committee. After speaking to Diane Buoco, she recommended I email you. My wife and I are the proud parents of Abigail Anger, who is 7 years-old and a student at Buker Elementary. She is also a member of a local Girl Scouts troop. We are also owners of Abby Velo Mobile Bike & Ski Services. In addition to being passionate about our open spaces, protecting and maintaining the local trail network, I am also eager to show Abby the importance of climate control and how we can pave the way for a more sustainable community. Please let me if you need any additional information. Thank you!

Best,

Guenther Anger

**Phone:** (781) 400-6600

**Email:** [info@abbyvelo.com](mailto:info@abbyvelo.com)





# Town of Wenham

Town Hall  
138 Main Street  
Wenham, MA 01984

Select Board and Town Administrator

TEL 978-468-5520 x2

FAX 978-468-8014

## MEMORDANDUM

DATE: February 1, 2024

TO: Select Board, Finance and Advisory Committee

FROM: Steve Poulos, Town Administrator

SUBJECT: Town Meeting Preparation

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The objective of this memo is to ensure everyone is informed and on the same page in the lead up to town meeting by covering the following:

- Provide a summary of the recent weeks' budget process and outline the upcoming month.
- Address the finalization of the 2024 Annual Town Meeting Warrant through our print date.
- Request the Finance and Advisory Committee to review and offer recommendations to the Select Board to aid in the allocation of our free cash balance.

### **Budget Process**

The Finance and Advisory Committee (Fin Com) has been meeting weekly since the budget kickoff on December 16th, 2023, to review the proposed budget from the Select Board and Town administrators. On Wednesday, January 31st, 2024, Fin Com convened to wrap up discussions and formalize recommendations for both the FY25 budget and capital plan. The following budget is endorsed by Fin Com.

| Expenditures                | BUDGET               |                      | REQUESTED            |                      | \$ Chg              | % Chg        |
|-----------------------------|----------------------|----------------------|----------------------|----------------------|---------------------|--------------|
|                             | FY24                 | FY25                 | FY24                 | FY25                 |                     |              |
| Education                   | \$ 11,969,674        | \$ 12,849,252        | \$ 11,969,674        | \$ 12,849,252        | \$ 879,578          | 7.35%        |
| General Government          | \$ 1,905,329         | \$ 2,065,042         | \$ 1,905,329         | \$ 2,065,042         | \$ 159,713          | 8.38%        |
| Public Safety               | \$ 2,881,573         | \$ 2,953,194         | \$ 2,881,573         | \$ 2,953,194         | \$ 71,622           | 2.49%        |
| Public Works & Facilities   | \$ 1,550,885         | \$ 1,591,979         | \$ 1,550,885         | \$ 1,591,979         | \$ 41,094           | 2.65%        |
| Health & Human Services     | \$ 214,426           | \$ 216,248           | \$ 214,426           | \$ 216,248           | \$ 1,822            | 0.85%        |
| Culture & Recreation        | \$ 1,146,419         | \$ 1,187,149         | \$ 1,146,419         | \$ 1,187,149         | \$ 40,730           | 3.55%        |
| Benefits                    | \$ 2,159,693         | \$ 2,285,013         | \$ 2,159,693         | \$ 2,285,013         | \$ 125,320          | 5.80%        |
| OPEB                        | \$ 90,000            | \$ 100,000           | \$ 90,000            | \$ 100,000           | \$ 10,000           | 11.11%       |
| General Insurance           | \$ 189,000           | \$ 202,230           | \$ 189,000           | \$ 202,230           | \$ 13,230           | 7.00%        |
| Water Department            | \$ 561,931           | \$ 582,810           | \$ 561,931           | \$ 582,810           | \$ 20,879           | 3.72%        |
| Debt Service                | \$ 468,907           | \$ 457,356           | \$ 468,907           | \$ 457,356           | \$ (11,551)         | -2.46%       |
| <b>EXPENDITURES - TOTAL</b> | <b>\$ 23,137,836</b> | <b>\$ 24,490,273</b> | <b>\$ 23,137,836</b> | <b>\$ 24,490,273</b> | <b>\$ 1,352,437</b> | <b>5.85%</b> |

This budget positions us approximately \$90K below our FY25 Levy Limit and includes a few adjustments from the budget initially proposed by the Select Board for review by Fin Com:

- The FY25 Salary Reserve has been raised from \$20k to \$32k to accommodate pending contracts (Town Hall Budget).
- Essex North Shore A & T will see an additional 5 students for FY25, resulting in a \$100k cost increase (+52%).
- The estimate for Essex Country regional retirement assessment has been updated with actual figures resulting in a reduction of expenditures.

Upon review of the Capital Plan, Fin Com recommends the removal of the Budget Software, Website Update, and Firearms purchase. Discussions continue regarding the Fuel Monitoring Software for the DPW, with a recommendation anticipated by February 27th.

| FY25 Project Requests with Fin Com recommendations  |          |                        |
|---|----------|------------------------|
| Project Description   | Cost     | Fin Com Recommendation |
| <b>COA (Facilities)</b>   |          |                        |
| Senior Center 1st Floor Rug Flooring Replacement  | \$10,000 | \$10,000               |
| <b>DPW</b>  |          |                        |
| Road Capital/supplement Ch. 90 funds for paving projects and to cover winter damage in spring | \$50,000 | \$50,000               |
| <b>DPW (facilities) DPW building</b>  |          |                        |
| DPW Fueling- Tracking Software  | \$25,000 | \$25,000               |
| <b>Fire Equipment</b>   |          |                        |
| Departmental Equipment (Replacement of turn out gear per NFPA 10 year life)                   | \$35,000 | \$35,000               |
| Departmental Equipment (SCBA Bottles)   | \$22,290 | \$22,290               |

|  |                  |                  |
|--|------------------|------------------|
| Communication Radios                                       | \$229,000        | \$229,000        |
| <b>Information Technology</b>                              |                  |                  |
| Budgeting Software   | \$25,000         | \$-              |
| New Town Website Migration and setup                       | \$35,000         | \$-              |
| <b>Library</b>   |                  |                  |
| Paint Exterior   | \$26,700         | \$26,700         |
| <b>Police Department Equipment</b>                         |                  |                  |
| Firearms Replacement                                       | \$22,000         | \$-              |
| <b>Recreation Center</b>                                   |                  |                  |
| HVAC Replacement   | \$87,000         | \$87,000         |
| <b>Vehicle / Equipment</b>                                 |                  |                  |
| POLICE-2023 Durango/Equipment and Markings                 | \$69,250         | \$69,250         |
| DPW-2021 Trackless Equipment Lease Payment                 | \$31,000         | \$31,000         |
| POLICE-2023 Durango/Equipment Unmarked                     | \$60,200         | \$60,200         |
| DPW-1 ton dump replacing 2002 Chevy Dump (GVW 36,000), 601 | \$115,000        | \$115,000        |
| <b>Department Requests</b>                                 | <b>\$842,440</b> | <b>\$760,440</b> |

The Town Administrator will discuss Fin Com's recommendations with the Select Board during their meeting on February 6th, 2024. The Select Board may request further information from the Town Administrator, who will provide an update at the subsequent joint session with Fin Com on February 27th. During this session, the Select Board will be responsible for finalizing the Capital Plan and FY25 Budget, with both Fin Com and the Select Board discussing finance-related warrant articles and exchanging perspectives on proposed Budget and Capital expenditures.

Leading up to the joint meeting on the 27th, Fin Com will continue its sessions to review all financial warrant articles and prepare to present their recommendations on that date. This process will include offering suggestions to the Select Board on how to allocate Free Cash, estimated to be between 2.2 and 2.3 million.

The Joint Meeting will require each board to vote on final recommendations for each article to be included in the Town Meeting warrant.

### Finalization of Warrant

|                                    |                                   |  |
|------------------------------------|-----------------------------------|--|
| <b>Wednesday, January 31, 2024</b> | <b>Finance Committee</b>          | <b><i>FinCom Meeting- Budget deliberations and FINAL recommendation vote</i></b>                             |
| <b>Friday, February 2, 2024</b>    |                                   | <b>All Committee/Board articles, commentaries due to Town Administrator's Office</b>                         |
| <b>Tuesday, February 6, 2024</b>   | <b>Select Board</b>               | <b>Select Board Final Budget and Capital Plan discussion. Discuss final warrant contents, close warrant.</b> |
| <b>Wednesday, February 7, 2024</b> | <b>TA Office/Finance Director</b> | <b>Draft Warrant document forwarded by Town Administrator's Office to Town Counsel for review</b>            |



|                             |                            |   |
|-----------------------------|----------------------------|---|
| Wednesday, February 7, 2024 | CPC Committee              | CPC: Presentations from applicants; Discussion and recommendations for Town Meeting                                   |
| Monday, February 12, 2024   | HW Regional Schools        | District Treasurer delivers adopted Final FY25 Budget to Towns  |
| Tuesday, February 13, 2024  | CPC Committee              | CPC: Awards made - Submission to SB and Town Counsel  |
| Tuesday, February 20, 2024  | Finance Committee          | Finance Committee Warrant Report due  |
| Thursday, February 22, 2024 | HW Regional Schools        | All HWRSC Warrant documents due   |
| Tuesday, February 27, 2024  | Select Board               | Joint Select Board/Finance Committee meeting - Make final recommendations to Town Meeting; Select Board signs warrant |
| Friday, March 1, 2024       | TA Office/Finance Director | Warrant Budget and Town Meeting Documents to Print  |
|                             |                            |   |

In the last 30 days leading up to the print date, a substantial amount of information and material must come together. All this material must undergo legal review, compilation and proof by staff, and presentation to the Select Board for adoption, and publication of final document.

As it stands, the Select Board is scheduled to convene twice in February. Depending on the status of a few outstanding items on the warrant, it may be necessary to schedule a third meeting in February and/or extend the print date to March 6th to ensure sufficient time for finalizing warrant article texts and commentary through legal review and adoption by the Select Board.

**Free Cash Appropriation**

Historically, and in line with the plan for FY25, the town of Wenham typically funds most, if not all, capital expenditures through Free Cash due to their one-time nature. With an estimated \$850k required for this year's capital improvements and a Free Cash balance available for appropriation ranging between \$2.2m and \$2.3m, approximately \$1.1m is available for appropriation.

After deducting 1%, an industry accepted net of appropriation amount, of FY25 expenditures and accounting for capital costs, we are left with approximately \$1.1m for appropriation.

|   |                    |
|---|--------------------|
| Free Cash Available                         | \$2,200,000        |
| less 1% of FY25 Expenditures                | \$244,903          |
| Less Capital Cost                           | \$850,000          |
| <b>Equals Free Cash left to appropriate</b> | <b>\$1,105,097</b> |

We are presenting three options for consideration:

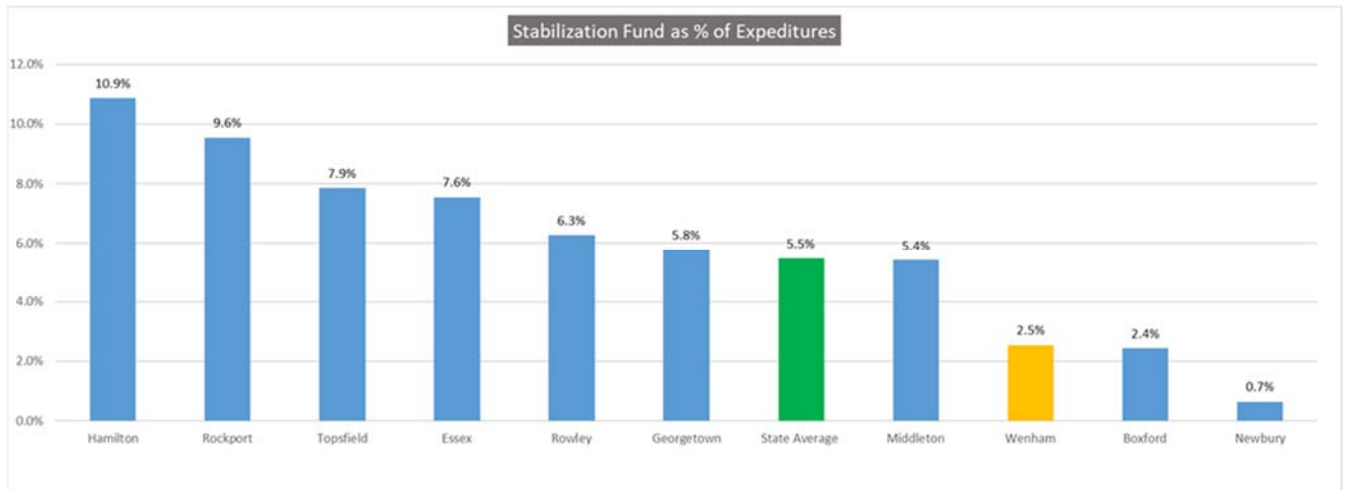
**1. Use the free cash to offset the tax rate-**

Utilizing Free Cash to offset the tax rate could aid in transitioning into the debt service associated with the School Fields Project. Each \$100k of Free Cash used for this purpose would result in an approximate 0.45% reduction in taxes for each resident. For example, a \$10,000 tax bill without any Free Cash offset would decrease to \$9,954 if \$100k of Free Cash was used to offset FY25's tax rate.

**2. Make a contribution to the Stabilization Fund –**

General Stabilization Funds serve as reserve accounts established by communities (M.G.L. c. 40, §5B) to provide emergency funds for significant events like natural disasters, uninsured losses, damage to capital assets, or prolonged revenue decreases. While such funds can be used for any lawful purpose, withdrawals should be limited to addressing emergencies or unforeseen events that exceed current general fund appropriations. The ideal balance for a general stabilization fund varies depending on factors such as the budget, experience, and other available reserves. According to the Department of Revenue's Division of Local Services, a recommended target balance typically falls within the five to seven percent range of the current operating budget.

Currently, Wenham's fund stands at about 2.5%, falling below the recommended range and at the bottom end of comparable communities. A \$600k contribution from Free Cash would elevate the fund to 5%, aligning with DOR's minimum recommendation.



**3. Other Post-Employment Benefits (OPEB) Trust Fund contribution**

#

Other post-employment benefits (OPEB) encompass all retiree benefits except pensions, primarily healthcare. These benefits create a future liability that the town has addressed by establishing an OPEB trust fund. Currently, we are about 7% funded and our outstanding liability stands at \$5,701,838. Credit rating agencies like S&P increasingly scrutinize how communities handle their OPEB liabilities. As discussed in the 2nd Quintuple meeting, the schools were

commended for their proactive OPEB trust contributions by S&P, contributing, in part, to an upgrade to a AAA rating.

The Town of Wenham follows a policy of increasing its annual contribution by an additional \$10,000 from the previous year's contribution. For instance, last year's contribution was \$90K, while this year's is \$100K. While the town is actively managing this liability, it may be prudent to consider making an additional, larger one-time contribution this year using Free Cash. Time value of money principles apply here, and substantial contribution now would likely yield greater appreciation over time.

### **Staff Recommendation for Free Cash Use**

The Town Administrator and Finance Director recommend a combination of all three suggestions. Specifically, that the stabilization fund be funded to a minimum 7% of its estimated FY25 expenditures, taking into account significant upcoming capital expenditures. The remaining funds, if any, could then be directed towards addressing the OPEB liability and/or provide a tax rate offset to the residents.

Maintaining sufficient reserves and actively addressing the OPEB liability are increasingly important to creditors. This can impact the bond rating and the interest rate costs of borrowing, especially if the town intends to issue debt for significant capital expenses in the future. Moreover, aside from enhancing creditworthiness, having adequate reserves provides budgetary flexibility to address unforeseen financial challenges, temporary revenue reductions, or a funding source for capital improvements. Use of funds in a general stabilization fund requires a 2/3rds vote at town meeting.

# Warrant for the Annual Town Meeting

April 1, 2023 at 1:00 PM



Hearing on the Warrant  
**Tuesday, April 2, 2024** via  
Zoom at 7:00 pm

Annual Town Meeting  
**Saturday, April 6, 2024**  
Buker Elementary School at 1:00 PM

Please bring this booklet with you to the Hearing and Town Meeting.

## **Note from the Town Moderator**

The conduct of Wenham Town Meeting is governed by a series of laws and rules, including Chapter 39 of the Massachusetts General Laws, Article I of Chapter 5 of the Wenham Town Bylaws, and Town Meeting Time, a set of parliamentary rules prepared by the Massachusetts Moderators Association. Below is a brief summary of how these laws and rules allow the Town Moderator to preside over Town Meeting.

### **Massachusetts General Laws**

Chapter 39 of the General Laws requires every town to hold an annual meeting within its geographic limits sometime between February and June. The Select Board is charged with determining what articles to place on the warrant for each Town Meeting, including any special meetings, along with any citizens' petitions that meet the legal requirements.

The Town Moderator presides over the Town Meeting once the warrant is issued and posted. The Town Moderator regulates the proceedings, decides questions of order, publicly declares any votes, and may administer any oaths that are necessary. No person may address Town Meeting without being recognized by the Town Moderator. If a person engages in disorderly behavior at Town Meeting after being warned by the Town Moderator to stop, the Town Moderator may order the person be removed from the meeting.

### **Town Bylaws**

Section 5-1 of the Town Bylaws sets the quorum for both annual and special Town Meeting in Wenham at 120 registered voters, provided that less than a quorum may from time to time adjourn a meeting.

Section 5-3 of the Town Bylaws requires Wenham's Annual Town Meeting to be held on the first Saturday of April unless the Select Board has voted, on or before December 31 of the preceding year, to select a different date.

Section 5-4 of the Town Bylaws establishes two rules governing motion practice at Town Meeting. First, motions for reconsideration are not permitted unless the Town Moderator determines that a compelling reason exists such as a change of circumstances or the acquisition of new information. Given these narrow

guardrails, a motion for reconsideration is rarely in order in Wenham's Town Meeting.

Second, motions to take warrant articles out of order are not permitted unless the Town Moderator determines that a change of circumstances, error, or discovery of new information has occurred since the posting of the warrant, bearing directly upon the purpose or effect of the article in question. Motions to change the order of warrant articles are never in order solely to affect the time of voting on an article. So absent compelling circumstances, our Town Meeting acts on the articles in the order they appear in the warrant.

Section 5-5 of the Town Bylaws allows the Town Moderator to declare a vote, without taking and recording a count, of motions that require a two-thirds vote in addition to those requiring a simple majority, subject to seven or more voters immediately questioning the declaration.

### **Town Meeting Time**

The rules of Town Meeting Time govern the ranking and voting on motions at Town Meeting, subject to the Town's Bylaws. The contents of TMT are too voluminous to recite here, but the Town Moderator reviews them prior to every Town Meeting.

One rule from TMT that will be recited here is that a motion to move the question—which motion is intended to stop debate and vote—is only in order when made by a person who has been recognized to speak from the speaker's microphones. Shouts of "call the question" or "call the vote" will not be acknowledged. Additionally, a motion to move the question may not be preceded by an argument or question concerning the article or pending motion, and any effort to move the question after such a speech will be ruled out of order. Although a motion to move the question requires a second and a two-thirds vote, it is not debatable.



Roger L. Smerage

Town Moderator

**WENHAM FINANCE and ADVISORY COMMITTEE**

**Fiscal Year 2024 Annual Report**

**WARRANT FOR THE ANNUAL TOWN MEETING  
WENHAM, MASSACHUSETTS  
Saturday, April 1, 2023**

Essex, ss



To either of the Constables of Wenham, in said County,

**GREETINGS:**

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of said Town qualified to vote in the Town Affairs and Elections. The Town Meeting will take place at the Buker Elementary School located on 1 School Street in said Town on **Saturday, the 6th of April, 2024 at 1:00 PM**. Voters of the Town are also notified to cast their votes at the Annual Town Election for the election of Town Officers to be determined by official ballot from 7:00 AM to 8:00 PM at the Wenham Town Hall, 138 Main Street, on **Thursday, the 11th day of April, 2023**.

*\*CONSENT CALENDAR FOR ARTICLES X-X\**

**ARTICLE : Annual Operating Budget Appropriation - Town and Schools**

To see if the Town will determine what sum of money may be necessary to defray the Town’s expenses for Fiscal Year 2025 (FY25), the twelve-month period beginning July 1, 2024 and ending June 30, 2025, including expenses for the Town and Regional School Districts; make appropriations for the same and determine the source thereof. Or take any other action relative thereto.

*Commentary: The FY24 budget appropriation in this Article, as recommended by the Finance & Advisory Committee, totals \$xxx See financial exhibits contained within the Article x warrant for further details about departmental line item funding amounts. If the FY24 budget outlined in Article 1 is accepted as recommended, total revenues from local property taxation rise by \$xxx, in line with a 2.5% levy limit increase and the addition of new growth allowed under Proposition 2 1/2. This Article fully funds both municipal and Hamilton-Wenham Regional School District operations as well as the Essex North Shore Agricultural and Technical School within the Town’s levy capacity. Article 10 identifies additional use of free cash for one-time capital items. The Town of Wenham’s tax rate was \$xxxx/1000 in FY2023 and fell to \$xxxx/1000, a decrease of x%, in FY2024.*

*Vote needed: Simple Majority*

**ARTICLE : Use of Free Cash to Fund Fiscal Year 2025 Capital Improvement Program**

To see if the Town will vote to transfer from Free Cash a sum or sums of money to fund the Town’s FY24 Capital Improvement Program, including the acquisition, equipping, and all other incidental and related costs, as printed below:

|   |           |
|---|-----------|
| Fire Departmental Equipment (SCBA Bottles)  | \$ 22,291 |
| Envelope/exterior/walls/downspouts for Police Station   | \$ 25,000 |
| Road Capital/supplement Ch. 90 funds for paving projects and to cover winter damage in spring | \$ 95,000 |

|  |                   |
|--|-------------------|
| Underground storage tanks upgrade - DPW Fueling  | \$ 17,000         |
| DPW-2022 200/XP Bandit Industries Hand-Fed Chipper   | \$ 49,000         |
| DPW-2023 Chevrolet Pick-up Truck with plow   | \$ 60,000         |
| DPW-2023 Chevrolet Trailblazer SUV   | \$ 27,489         |
| POLICE-2023 Durango/Equipment and Markings   | \$ 55,098         |
| POLICE-Lease payment for 3rd year of the three-year payment plan for the administrative vehicle. (Chevy) | \$ 15,000         |
| DPW-Year 3 lease payment on Trackless Municipal Tracker  | \$ 31,000         |
| Communication Radios- Grant Match  | \$ 20,900         |
| Replace front entry door -COA  | \$ 3,542          |
| Class A Uniforms to outfit the Wenham Police Department Honor Guard Unit and Command Staff Personnel.    | \$ 8,836          |
| Fire Station office layout alteration to maximize available space  | \$ 5,000          |
| Police Station Bathroom Renovation   | \$ 10,000         |
| <b>Grand Total</b>   | <b>\$ 445,156</b> |

Or take any other action relative thereto.

***Commentary:** The Town is committed to continuing our efforts to make strategic investments in our infrastructure, facilities, and equipment. To that end, we have developed an updated 5-Year Capital Improvement Program (CIP) that seeks to comprehensively address our needs in a way that is both realistic and sustainable. The items identified in this Article have been prioritized for FY23 as one-time projects as part of an annual evaluation process. Using \$xxx or approximately xxx%, of available certified FY24 free cash to fund annual capital needs is consistent with best practices in municipal financial planning.*

*Vote needed: Simple Majority*

## **ARTICLE : Funding of Stabilization Fund**

To see if the Town will vote to transfer the sum of \$50,000 from Free Cash to the Stabilization Fund, or take any action relative thereto.

***Commentary:** Massachusetts communities are permitted by M.G.L. Chapter 40, Section 5B, to set aside money each year to be held in a Stabilization Fund in order to provide for emergencies and unforeseen expenses. The funds can be used for any lawful municipal purpose, but a 2/3 vote of Town Meeting is required to make an appropriation from the fund.*

*Rating agencies such as Standard & Poors look at the Town's reserves, and especially the Stabilization Fund, in setting the Town's bond rating, which in turn determines the rate at which Wenham can borrow money.*

*Vote needed: Simple Majority*

**ARTICLE :                      **Prior Year Bills****

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to pay any unpaid bills incurred in prior years. Or take any other action relative thereto.

*Commentary: This Article provides for payment of a prior year bills which was not submitted prior to the fiscal year ending June 30, 2023.*

*Vote needed: 4/5 Majority*

**ARTICLE :                      **Cemetery and Other Trust Funds****

To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2023, as printed in Part I of the Town Report and on file with the Town Clerk. Or take any other action relative thereto.

*Commentary: This is a standard acceptance Article required to enable expenditure of annually accruing funds from trust donations for general or restricted purposes as provided by the terms of the gift or trust.*

*Vote needed: Simple Majority*

**ARTICLE :                      **Cemetery Sale of Lots Transfer****

To see if the Town will vote to authorize the Treasurer to transfer the sum of XXXX, from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account to the Cemetery Perpetual Care Fund for the maintenance of the three cemeteries in the Town of Wenham. Or take any action relative thereto.

*Commentary: The Sale of Cemetery Lots - Receipts Reserved for Appropriation account is restricted for expenditure for certain purposes, including costs to maintain the cemeteries. This Article seeks to transfer \$xx from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account to the Cemetery Perpetual Care Fund principal.*

*Vote needed: Simple Majority*

**ARTICLE :                      **Transfer from Water Operating Budget to Water Capital Reserve Fund****

To see if the Town will vote to transfer the sum of \$XXXX from the FY25 Water Operating Budget into the Water Capital Reserve account. Or take any other action relative thereto.

*Commentary: The Water Department is responsible for the maintenance of more than 28 miles of water main throughout Town. While most of this infrastructure is still in relatively good condition, it*

*was all installed 40+ years ago and will need to be incrementally replaced over time in the coming years. This work will come at a significant cost, requiring a debt issuance that will be authorized by Town Meeting when the time comes. The current reserve fund is to cover near term emergencies.*

*Vote needed: Simple Majority*

## **ARTICLE :                    Water Software Purchase**

*Water Department – Capital Expenditure*

*To see if the Town will vote to transfer a sum of money, not to exceed \$15,000, from the Water Surplus Account for costs associated with updating the current water meter reading software or take any other action relative thereto.*

## **ARTICLE:                    Road Work – Chapter 90 Funding**

To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Sections 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.

Or take any other action relative thereto.

***Commentary:** This annual Article allows the Town to expend funds for work on Town roads in anticipation of reimbursement through the state’s Chapter 90 program. The actual amount of funding available to the Town will not be confirmed until the state votes to appropriate funding later in the calendar year, but has historically totaled approximately \$150,000 and no major changes are anticipated for this coming year based on anticipated bond authorizations.*

*Vote needed: Simple Majority*

## **ARTICLE:                    CPA Reservations and Appropriations**

To see if the Town will vote to receive and act upon a report from the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget, and to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee,

the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, and, to reserve additional amounts based upon FY2022 actual collections; and to determine whether such sums shall be raised from the Community Preservation Fund, transferred from available funds, borrowed, or any combination thereof, as follows:

*Vote needed: Simple Majority*

## **ARTICLE:**

### **Borrowing Authorization for Town Capital Improvements**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for costs of purchasing, or leasing with an option to purchase, and equipping new and/or replacement capital items for various Town Departments including all incidental and related costs, and, further that any contracts for such purposes may be up to or in excess of three years and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow pursuant to G.L. c. 44, §§7 or 8 or any other enabling authority, and to issue bonds or notes of the Town therefor,

provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town to exempt from the limitation on total taxes imposed under G.L. c. 59, §21C(m) (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing approved by this vote.

Or take any other action relative thereto;

*Commentary: The Town is committed to continuing our efforts to make strategic investments in our infrastructure, facilities, and equipment. To that end, we have developed an updated 5-Year Capital Improvement Program (CIP) that seeks to comprehensively address our needs in a way that is both realistic and sustainable. The items identified in this Article have been prioritized for FY25 as one-time projects as part of an annual evaluation process.*

*The debt service on \$XXX borrowed is estimated to be about \$X annually over ten years and would be funded by the proposed debt exclusion. The additional annual tax burden associated with this project/debt service is about \$X per \$100,000 of assessed value.*

*Vote needed: 2/3 Majority*

## **ARTICLE:**

### **Election of Officers**

To choose the following officers and bring in their votes on the following ballot questions:

Board of Assessors, one position, three-year term; Board of Health, one position, three-year term; Select Board, one position, three year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term; Hamilton Wenham Regional School Committee, two positions, three year term; Housing Authority, one position, five year term; Planning Board, one position, five year term; Water Commissioner, one position, three year term; Town Clerk, one position, three year term.

Ballot Questions

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 March, 2023.

\_\_\_\_\_

“In pursuance of the above written warrant, I have this \_\_\_\_\_ day of March, 2023 posted the attested copies thereof as directed therein.”

**ATRUE COPY ATTEST:**

\_\_\_\_\_  
Constable of the Town of Wenham

Date:

**ARTICLE:**

**Zoning Article- Inclusionary Zoning**

Details to follow , waiting on Planning Board

**ARTICLE:**

**To move from elected Board of Health to Appointed Board of Health**

**ARTICLE:**

**To move from Elected Board of Assessors to Appointed Board of Assessors**

**ARTICLE:**

**Plastic Bag Ban for use at our commercial establishments**

**ARTICLE:**

**Community Septic Loan Program**

The Essex Board of Health offers low-interest loans to residents with failed septic systems to assist with bringing these systems into compliance, Wenham would like to do the same.

**ARTICLE:**

An article to hear a report from the Planning Board and Master Plan Advisory Committee on the status of the Master Plan

**ARTICLE:**

**Street Acceptance**

**ARTICLE:**

**Clarification of Junk yard by-law**

**ARTICLE:**

**Select Board Authorization to purchase open space parcels and issue debt against CPC funds**



## ***BOARD ADOPTS NEW REGULATION ON THE AWARD OF CALL FIREFIGHTER AND RESERVE POLICE SERVICE***

At their meeting on May 22, 2023, the Essex Regional Retirement Board voted to adopt a new regulation governing how service is awarded for those members who had call firefighter or reserve police service with a municipal unit within the retirement system. The Board adopted this regulation in order to bring the retirement system's practices in-line with its understanding of the statute governing this service and with recent court decisions. The new regulation will be submitted to the Public Employee Retirement Administration Commission (PERAC) for approval, and it is modeled on similar regulations adopted by other retirement boards.

This new regulation requires that for those members who have call firefighter or reserve police service beyond the five years Massachusetts General Law (MGL), Chapter 32, § 4(2)(b) permits, the municipality in which this service was rendered must have adopted Section 4(2)(b)'s local option provision. The local option provision permits service credit for one day of full-time service each day in any year which is subsequent to the fifth year and on which a call firefighter was assigned to and actually performed duty as a call firefighter, and for a reserve police officer to receive credit for service subsequent to the fifth year based on the current creditable service regulation. It requires a town meeting vote to adopt this local option.

The new regulation will also change the manner in which service beyond the five full years is calculated for firefighters. Rather than following the Board's creditable service regulation which awards one month of service for every 150 hours worked, the new regulation will credit one month of service for each month in which the call firefighter serves according to this schedule: **(a)** for call firefighters who do not work a scheduled shift but are on-call to respond to actual calls, responding to calls on fifteen days will be the equivalent of one month of service; **(b)** for call firefighters who work a scheduled shift, and that shift is for a pre-determined amount of hours, working fifteen shifts will be the equivalent of one month of service; and **(c)** for call firefighters who work twenty-four hour shifts, working ten shifts will be the equivalent of one month of service. Members will be permitted to combine months during which they did not work the requisite amount of shifts to receive credit for a full month of service using the applicable formula to obtain additional credit, which will be granted in monthly increments. For example, if a call firefighter who works a twenty-four hour shift works five shifts in two separate months, the member will be able to purchase an additional month of service. All service purchases pursuant to this regulation will be calculated pursuant to MGL Chapter 32, § 4(2)(c).

In addition, the regulation requires that the liability for any call firefighter or reserve police service purchased in accordance with this regulation be assessed to the municipality that has adopted the local option provision that permitted the service to be purchased.

There is only one municipality that has adopted this local option, so any call firefighter or reserve police service previously awarded may need to be recalculated. If you have received service credit that may be affected by this new regulation, you may wish to contact the retirement system to determine if your service needs to be adjusted. If any service you previously received will be rescinded, you will receive a refund of any monies you paid to the retirement system.

To the extent practicable, ERRS staff will attempt to identify those members whose award of service credit may be affected by this regulation.

**TOWN OF WENHAM  
138 MAIN STREET  
WENHAM, MASSACHUSETTS**

**MINUTES OF THE SELECT BOARD MEETING  
NOVEMBER 21, 2023, 6:30 P.M.**

**BOARD MEMBERS:**

|                         |            |
|-------------------------|------------|
| Dianne Bucco (2024)     | Chair      |
| Peter Clay (2025)       | Vice Chair |
| Gary Cheeseman (2026)   | Clerk      |
| Ben Tymann (2025)       | Member     |
| Deirdre Pierotti (2026) | Member     |

**STAFF:**

|                   |                              |
|-------------------|------------------------------|
| Steve Poulos      | Town Administrator           |
| Joseph Pessimato  | Assistant Town Administrator |
| Michelle McGovern | Executive Assistant          |

**GUESTS:**

|                  |                                |
|------------------|--------------------------------|
| Andrew Defranzer | Harborlight Homes              |
| Joanne Frascella | Master Plan Advisory Committee |
| David Anderson   | Master Plan Advisory Committee |

Minutes prepared by Jolene de Jager of Minutes Solutions Inc. from a video recording.

**CALL TO ORDER**

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Chair called the meeting to order at 6:30 p.m.

**PUBLIC COMMENT**

The Chair shared Melanie and Calin Moldovian's letter wherein they support funding the Pleasant Pond Gatekeeper and Lifeguard to ensure a safe recreation area in Wenham.

**REPORTS AND ANNOUNCEMENTS**

**Town Administrator's Update and Town Announcements:** Steve Poulos provided updates on the applications that will be reviewed on November 28, 2023 by the Community Preservation Committee. The Select Board's Office put in a request for a loan authorization with CPA funds to pay the debt service on a loan for potential land purchase.

He reported that a 24-month contract was secured with National Grid at a rate of 13 cents per kilowatt hour, which is less than the current market rate of 20 cents.

Steve Poulos noted that Jeff Soulard, Finance Director, commenced employment with the Town today. He is expecting the free cash certification from the state by the end of next week. Steve Poulos reported on the Five Chairs' meeting that heard from the Superintendent and District

Finance Director about the preliminary school budget proposal which projects a 3.7% increase in Wenham's assessment.

Steve Poulos shared that the School Building Committee consultant did a thorough review of all available town-owned sites in both Hamilton and Wenham and ultimately arrived at the Cutler and Winthrop sites to do further review on. Those two are owned by the Town of Hamilton, leased to the school district by the Select Board, and would require another long-term lease.

The Cherry Street/Eaton Road crosswalk has been repainted.

**Chair's Report:** The Chair had nothing to report.

**Select Board Members' Report:** Gary Cheeseman thanked all the residents that showed for the Veterans Day ceremonies on November 11, especially both the Girl Scouts and Boy Scouts who participated and afterward provided the luncheon. Deirdre Pierotti thanked the Audubon Society for the new opening of their Cedar Pond property, which will be a great addition to the town. She also reported on a CPC application for the rehabilitation of the Karen Wolfe Memorial Garden. Peter Clay noted the excellent signage at Cedar Pond and recommended similar signage for other Town of Wenham sites. Ben Tymann commented on and praised the well-attended MBTA Communities information session hosted by the Planning Board.

## **CORRESPONDENCE**

N/A

## **NEW BUSINESS**

### **A. Provisional Call Firefighter appointment:**

**Vote:** The Board voted unanimously to approve the appointment of Kevin Philbrook and Kerri Turmenne to provisional call firefighter status for the Wenham Fire Department for a term beginning November 21, 2023, and ending June 30, 2024, pending the successful completion of a firefighter physical and CORI check.

### **B. Maplewood's discussion and presentation:** Andrew DeFranza from Harborlight Homes provided a presentation on the affordable housing Maplewoods project. He gave an overview of the project, showed construction photos, and discussed occupancy details. Andrew mentioned that the project is nearing completion but has been delayed by a supply chain issue. The Board expressed gratitude to those involved in the project.

### **C. Master Plan Advisory Committee update:** Joanne Frascella provided a summary of the ongoing Master Plan process in Wenham. She outlined the schedule for completing the Master Plan by Spring, including public outreach and finalizing strategies and the action plan. David Anderson, Wenham Planning Board, explained the Master Plan's high level concepts, detailed particular goals, and the strategies designed to achieve the goals. He pointed out that with the completion of the Master Plan the implementation would fall to the Select Board. He noted the extensive community engagement, the technical working groups, and listed some of the frequently expressed areas of interest. Joanne Frascella added that they were spending more effort on fiscal impact analysis and that Cambridge Econometrics was going to give the committee a more in-depth analysis looking at different development scenarios and possible implications for the future of the town.

The final draft for approval should be available at the end of March 2024. It was suggested that a presentation be made at town meeting. Residents are urged to complete the survey on the town website. Ben Tymann inquired whether the committee was confident about transitioning to implementation. David Anderson replied that there were a number of strategies that would require considerable town resources.

**D. Annual liquor license renewals:**

**Vote: The Board voted unanimously to approve the 2024 liquor license renewal for 97 Market Inc.**

**Vote: The Board voted unanimously to approve the 2024 liquor license renewal for Vin Fromage.**

**E. Request from Pamela Katsiris, 21 Longfellow Road, to use the Pleasant Pond Parking Lot for 15-20 Cars for a gathering at her residence on Saturday, December 9, 2023:** Steve Poulos pointed out that an insurance waiver will have to be provided. Questions were raised about procedures and the potential impact on abutters. Pamela Katsiris explained that there were no abutters close to the parking area and that the parking lot was gated in the off-season. In response to questions about earlier issues at the property, she stated that she has an occupancy permit and was given 90 days to do other corrective work. It was pointed out that the parking lot is not gated during the off-season. The Board agreed to wait until after the Conservation Commission meeting, where other current violations will be addressed, before deciding whether to approve the request.

**F. Presentation and request to accept a set of bleachers on the 1st and 3rd baselines of Black Field in Wenham by the Hamilton-Wenham Little League:** Lou Levesque, HWLL, presented a request for the installation of bleachers at Black Field for Hamilton-Wenham Little League games. The installation will commence at the end of February 2024 if approved.

**G. Discussion and potential vote to accept the bleachers pending approval by the Historic District Commission:**

**Vote: The Board voted unanimously to approve the acceptance of the bleachers and move forward with the installation process contingent upon the Historic District Committee's approval of the project.**

**H. Discussion on alternative operational plans for Pleasant Pond Beach:** Dianne Bucco reviewed the recent history of the town beach. She favored keeping gatekeepers. Steve Poulos raised concerns that the delta between the revenue and expenditures is about \$23,000, which comes out of the tax base. This creates a situation where all the residents of Wenham are subsidizing the use of this property for non-residents. Chief DiNapoli expressed safety concerns on having one rather than the current two employees present at all times. It was noted that the beach could operate with a "swim at your own risk" basis. There is a call box that goes directly to regional dispatch in case of emergencies.

Regina Baker, 2 South Street, raised concerns about the heavy traffic to the beach area, as it is a long, narrow road. She shared the past solutions and noted that lifeguards were preferable but gatekeepers and resident-only stickers deterred problems. Either way, the police department will continue their enhanced patrols.

Amy Parziale, 6 Longfellow Road, Referencing the beach, expressed her concern with speeding cars.

Police Chief DiNapoli pointed out that the program involves a department workload for scheduling, training, and equipping the staff, while even in busier times, there are not more than ten people there at a time. He also asked the Board to consider opting to keep the expense line for the limited amount of continued expenses that might be incurred. The Fire Chief suggested that regular patrols would handle the situation effectively. The possibility of adding security cameras was also discussed. Concerns were raised by a resident about speeding and safety for children in the neighborhood, even with patrols. It was suggested to have a discussion with Pleasant Pond Association to address these concerns and find a compromise solution. One resident proposed installing a speed indicator sign near the curve. Police Chief DiNapoli noted that they have a portable radar trailer that could be used for speeding by the pond. However, he shared that there were other ways to deter speeding, like flashing signs.

- I. **Discussion on Finalizing Draft FY2025 Budget and Distribute to Finance Committee for Review:** Steve Poulos discussed various additions and changes to the budget. He cited increased costs in the Town Clerk's department due to multiple 2024 elections and costs associated with joining the Danvers data center. He expressed the importance of IT infrastructure updates and proposed using a virtual environment and cloud solution instead of a physical data center. He also briefly discussed the additional staffing for police and fire departments, adding a Climate Action Coordinator, premium pay for frontline workers during the pandemic, and potential funding from excise tax. The budget will be distributed to the Finance Committee for review, which will allow for a thorough examination of the budget and ensure that it aligns with the town's financial goals and priorities. The Select Board was satisfied with the draft budget, which was to be reviewed by the Finance Committee.

### **OLD BUSINESS**

- J. **Discussion of Select Board Members' Input on the layout and content of proposed Committee Charge Template presented at the November 7, 2023, Select Board Meeting:** Dianne Bucco noted that not everyone on the Board had a chance to provide input on the charge template.
- K. **Potential Vote to Adopt a Uniform Committee Charge Template:** Steve Poulos explained that there were a lot of comments and edits in the template. Due to open meeting law concerns, he will complete a revised draft and bring it back to the Board.
- L. **Formation of Climate Action Committee – continued discussion on Committee Charge:** Dianne Bucco explained that she took feedback regarding the Climate Action Committee from the last Select Board meeting and combined it in the proposed charge template. The Board discussed whether the Committee should be permanent or temporary, as well as its mission, responsibilities, and membership criteria. Gary Cheeseman pointed out that appointments and removals of committee members fall to the originating authority, which is the Select Board. Dianne Bucco asked for the resignation verbiage and removal from the committee verbiage be separated. The Board agreed that the Committee would be permanent and that the originally proposed Background Section be omitted.

**Vote: The Board voted unanimously to approve the Climate Action and Sustainability Committee Charge as amended on November 21, 2023.**

### **CONSENT AGENDA**

The Board reviewed the minutes for the meetings on October 10, 2023, and October 24, 2023.

**Vote: The Board voted unanimously to approve the Select Board meeting minutes for October 10, 2023, and October 24, 2023, as presented.**

### **NEXT MEETING**

The next meeting of the Select Board will be held on November 28, 2023, at 6:30 p.m.

### **ADJOURNMENT**

***Vote: The Board voted unanimously to adjourn the meeting at 9:04 p.m.***

### **DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.

**TOWN OF WENHAM  
138 MAIN STREET  
WENHAM, MASSACHUSETTS**

**MINUTES OF THE SELECT BOARD AND BOARD OF ASSESSORS MEETING  
NOVEMBER 28, 2023, 6:00 P.M.**

**SELECT BOARD MEMBERS:**

|                         |            |
|-------------------------|------------|
| Dianne Bucco (2024)     | Chair      |
| Peter Clay (2025)       | Vice Chair |
| Gary Cheeseman (2026)   | Clerk      |
| Ben Tymann (2025)       | Member     |
| Deirdre Pierotti (2026) | Member     |

**BOARD OF ASSESSORS:**

|                        |                          |
|------------------------|--------------------------|
| John Bucco (2024)      | Chair (until 6:18 p.m.)  |
| Tom Tanous (2025)      | Member (until 6:18 p.m.) |
| Patrick Waddell (2026) | Member (until 6:18 p.m.) |

**STAFF:**

|                   |                              |
|-------------------|------------------------------|
| Steve Poulos      | Town Administrator           |
| Joseph Pessimato  | Assistant Town Administrator |
| Michelle McGovern | Executive Assistant          |

**GUESTS:**

|                  |   |
|------------------|---|
| Todd Laramie     | Director of Assessing (until 6:18 p.m.) |
| Therese Fontaine | Assistant Assessor (until 6:18 p.m.)    |
| Kate Mallory     | Conservation and Open Space Coordinator |

Minutes prepared by Anh Nguyen of Minutes Solutions Inc. from a video recording.

**CALL TO ORDER**

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Select Board Chair called the meeting to order at 6:04 p.m.

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Board of Assessors Chair called the meeting to order at 6:05 p.m.

**PUBLIC COMMENT**

There were no public comments.

## **REPORTS AND ANNOUNCEMENTS**

1. **Town Administrator's Update and Town Announcements:** There were no updates or announcements to report.
2. **Chair's Report:** The Chair announced the passing of some long-term residents who will be acknowledged at the next Select Board meeting.
3. **Select Board Members' Report:** Peter Clay and the Town Administrator attended the School Building Committee meeting on November 27, 2023, reporting the consultants will provide cost estimates for 13 different construction options at the next meeting on December 18, 2023. The Select Board noted negative sentiment expressed by some residents in Hamilton, and discussed supporting the School District by coordinating a joint Wenham and Hamilton Board statement. A survey to obtain resident feedback on the proposed elementary school will be circulated along with the town's water bill, once all the materials are finalized.

## **CORRESPONDENCE**

There was no correspondence.

## **NEW BUSINESS**

- A. **Tax Classification Hearing Presentation Joint with the Board of Assessors:** The Assessors' Office is currently working on Wenham's five-year state recertification. Wenham received a preliminary certification of the proposed fiscal 2024 values on November 27, 2023, and the proposed values must be publicly disclosed for a minimum of five business days. The proposed values are available for public review on the town website, at the town library, and at the Assessors' office, until December 5, 2023. Once final certification is received, the Select Board will be required to meet to ratify the votes.

Todd Laramie reviewed the following factors:

- **Open Space Discount:** Establishment of this class of property is the responsibility of the Assessors, and includes land maintained in an open or natural condition that contributes to the enjoyment and benefit of the public. Open space does not include land that is taxable under permanent conservation restrictions or land used to produce income. The Board of Assessors has determined that there are no vacant land parcels in Wenham meeting these criteria, and would, therefore, provide no taxpayer relief. The Board of Assessors did not recommend an Open Space Discount for this class.
- **Residential Exemption:** The average residential valuation for fiscal 2024 is approximately \$920,000, and includes condominiums, one-, two-, and three-family apartments, miscellaneous residential properties, as well as mixed use parcels on vacant land. The exemption would allow a reduction in the valuation of each qualifying residential parcel of up to 35% of mean residential valuation, which is approximately \$322,000. The net effect is to lower tax bills for all principle residential properties valued less than the mean valuation and increase tax bills for all residential properties valued greater than the mean valuation. The exemption slightly decreases the value of those properties under the median assessed value that are owner occupied; however, it shifts the burden to all properties over the median assessed value, whether owner occupied or not. The Board of



Assessors has consistently recommended that Residential Exemption not be adopted since an adoption would place an unjustified additional burden on the other residences.

- **Small Commercial Exemption:** This exemption shifts the burden within the commercial class from small businesses to larger businesses. It allows an exemption of up to 10% of the value of Class 3 commercial parcels that are occupied by a business with an average employment of no more than 10 people at all locations during the previous calendar year, and at valuations of less than \$1 million. Todd Laramie noted that the town would not see any tax relief since most businesses in Wenham are small businesses; therefore, the Board of Assessors did not recommend the adoption of the Small Commercial Exemption. Todd Laramie
- **Residential Factor:** Adoption of a Residential Factor is required for the purpose of determining the percentage of tax burden to be borne by each class of property. Adoption of a factor of 1.00 results in a single or uniform tax rate for all property classes. Adoption of any other factor would result in a lower residential tax rate and a higher commercial/industrial/personal (CIP) property tax rate, compared to a uniform tax approach. Dual tax rate structures are typically found in municipalities with a significant percentage of CIP valuation. It was noted that less than 2% of the total taxable valuation of Wenham is CIP. The Board of Assessors recommended maintaining a single tax rate by voting for a Residential Factor of 1.00.

Todd Laramie noted that the current average single family home's proposed value for 2024 is \$965,566, up from \$847,660 in 2023, for a difference of approximately 15.81%. The values are based on sales from 2022. Todd Laramie confirmed that the Select Board has voted on the same four factors in the past and that the factors remain unchanged. Todd Laramie noted that residents have the opportunity to raise any questions or concerns to the Assessors' office for consideration and any adjustments as needed. The final certification is anticipated to be received by December 8, 2023.

## **OLD BUSINESS**

- B. Request from 21 Longfellow Road to Use Pleasant Pond Parking Lot:** Kate Mallory reported that the resident at 21 Longfellow Road was brought before the Conservation Commission on November 27, 2023, due to violations with erosion control that were identified on November 15, 2023. The original notice was sent to the resident and her contractor on November 15, 2023, and requested that they appear before the Conservation Commission. On November 27, 2023, the Conservation Commission determined that the resident was required to present an engineer or wetland scientist plan for the resident's erosion controls due to the severity of the violations. The required plan is due on December 11, 2023, failing which, the Conservation Commission will issue a daily fine to the resident for the violations. Kate Mallory confirmed that she will receive the plan to be distributed to the commissioners for review before the resident takes action on the plan. Kate Mallory will also be completing site visits and overseeing the erosion controls. The resident is requesting the use of the Pleasant Pond parking lot to accommodate 15 to 20 guest vehicles for a gathering at 21 Longfellow Road on December 9, 2023. It was noted that the guests would have to be transported by vehicle on the dirt portion of Pleasant Street to Longfellow Road, and up the hill to 21 Longfellow Road, as it would be treacherous for foot traffic up the hill to the residence. The Board expressed concern that the shuttling of guests would exacerbate the sediment tracking raised in the erosion control violations reported by Kate Mallory. Kate Mallory confirmed that one violation of the site is sediment tracking from the construction site out into the street, and recommended that the Select Board require that the street be swept after the event to

mitigate additional sediment tracking, should the request be approved. The Board noted that there is limited parking available at the residence and that Longfellow Road is too narrow to accommodate the parking request. The alternative would be to park on Pleasant Street further away from Longfellow Road and Pleasant Pond, at the junction before Longfellow Road. The Chair noted that the Board has historically withheld requests if a resident is in arrears or in violation of any town bylaws. The Board discussed the request and reiterated that it is not opposed to guest parking at the Pleasant Pond parking lot, on the condition that the requestor is in good standing with the town with no unpaid fees or taxes, and no violations. The Select Board agreed to deny the request, and noted that it was beyond the purview of the Select Board to mandate street sweeping after the event, as well as to dictate where the guests will park given denied access to the public parking lot.

***Vote: The Select Board voted unanimously to deny the request of the resident at 21 Longfellow Road to use the Pleasant Pond parking lot to accommodate 15 to 20 vehicles for a gathering at 21 Longfellow Road on December 9, 2023.***

### **CONSENT AGENDA**

There were no items on the consent agenda for approval.

### **NEXT MEETING**

The next meeting of the Select Board will be held on December 5, 2023, at 6:30 p.m.

### **ADJOURNMENT**

***Vote: The Board of Assessors voted unanimously to adjourn the Board of Assessors meeting at 6:18 p.m.***

***Vote: The Select Board voted unanimously to adjourn the Select Board meeting at 6:37 p.m.***

### **DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.

**TOWN OF WENHAM  
138 MAIN STREET  
WENHAM, MASSACHUSETTS**

**MINUTES OF THE SELECT BOARD MEETING  
DECEMBER 5, 2023, 6:30 P.M.**

**BOARD MEMBERS:**

|                         |            |
|-------------------------|------------|
| Dianne Bucco (2024)     | Chair      |
| Peter Clay (2025)       | Vice Chair |
| Gary Cheeseman (2026)   | Clerk      |
| Ben Tymann (2025)       | Member     |
| Deirdre Pierotti (2026) | Member     |

**STAFF:**

|                   |                              |
|-------------------|------------------------------|
| Steve Poulos      | Town Administrator           |
| Joseph Pessimato  | Assistant Town Administrator |
| Michelle McGovern | Executive Assistant          |

**Attending Finance Committee Members:**

|                    |  |
|--------------------|--|
| Scott Schoenberger | Finance Committee Vice-Chair (until 8:00 p.m.) |
| Dano Jukanovich    | Finance Committee (until 8:00 p.m.)            |
| Finn Sprague       | Finance Committee (until 8:00 p.m.)            |

Minutes prepared by Jolene de Jager of Minutes Solutions Inc. from a video recording.

**CALL TO ORDER**

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Chair called the meeting to order at 6:30 p.m.

**PUBLIC COMMENT**

Thomas Starr pointed out that Pleasant Pond has been a tremendous asset to the town and would be a loss if it did not continue with lifeguards. He added that it was a minimal cost compared to the overall town budget. Therefore, this small investment will be significant benefit for the community. Regina Baker expressed concerns about reducing Pleasant Pond beach operations and the importance of having staff present for safety reasons. Michelle Bailey commented on the value of Pleasant Pond and the jobs it provides for teenagers.

**REPORTS AND ANNOUNCEMENTS**

**Town Administrator's Update and Town Announcements:** Steve Poulos provided updates about the CPR and AED training for all staff, boards, and committees that will be held on January 9, 2024, at the fire station. Future staff training sessions are being scheduled for harassment prevention training and town meeting preparation training. A contract draft of the scope of work

for the Iron Rail property to determine its value and the cost of necessary repairs was provided. Constructive feedback from the Board was requested by the consultants. Steve Poulos reminded the Board of the budget meeting on December 16, 2024, starting at 8:00 a.m.

Sean McCarthy resigned from his position at the DPW and has accepted a full-time position at the Wenham Fire Department. Steve Poulos shared that there have been discussions on the appointment of a part-time CPC administrative assistant to be fully funded by CPC funds. He noted that nine bids were obtained to repair and paint the exterior of the police station. Northeast Paint was the lowest bid at \$16,587.91, with a commencement date in Spring 2024.

**Chair's Report:** The Chair had nothing to report.

**Select Board Member's Report:** Gary Cheeseman expressed gratitude towards the police and fire departments for their successful recent Toys for Tots fundraiser. An empty box is in place at the fire department for toy donations until December 8, 2023.

Deirdre Pierotti acknowledged the passing of a longtime Wenham resident, Harriet Elaine Hardy, on November 22, 2023. A celebration of life will be held on December 15, 2023, in Beverly, Massachusetts. Ben Tymann added that she was a fantastic neighbor for 20 years.

## **CORRESPONDENCE**

N/A

## **NEW BUSINESS**

- A. Conduct Joint Meeting with the Finance Committee for an Annual Financial Overview Presentation by the Town Administrator:** Steve Poulos provided a finance overview presentation that highlights different areas of government services in the Town of Wenham. It emphasized that property tax is the primary revenue source, limited by Proposition 2.5, with debt exclusion and operational override options available to increase taxation if needed. The interface of the town with the budgeting process of the regional school district was covered.

Steve Poulos noted that certain communities receive significant contributions of school state aid, reducing their reliance on local taxation for funding. Various pressure points on the budget, including healthcare costs, pension assessments, labor costs, trash disposal costs, education spending, and other post-employment benefits (OPEB), were highlighted. It was confirmed that the Finance Committee wants to place \$90,000 into the OPEB fund for FY 2024 and that the fund is currently at \$515,000, while the total liability is \$6.1 million. Some taxpayers are paying relatively more property tax because of rapidly changing home values. The per capita municipal costs and tax rates do not have a direct correlation due to changing valuations.

There will be significant increases in trash collection costs in fiscal year 2027, prompting the need for new funding options such as pay-as-you-throw or private collection. Steve Poulos pointed out that many communities are struggling with increasing costs for waste management contracts, but there aren't many helpful solutions available. Approaching the Legislature for state relief hasn't been successful so far. Different vendors handle municipal waste, but there are limited options and little competition among incinerators. Other options for trash collection include flat fees and self-collection. Exploring all these options will be discussed after the budget season to plan and gather feedback from residents.

Steve Poulos discussed the topics of reserves, free cash, and debt service, highlighting the increase in free cash over the years and the importance of managing it conservatively. He also talked about the need for a substantial stabilization fund to handle unexpected expenses. It was suggested to build out a website that has the charts embedded for the citizens

***Vote: The Finance Committee voted unanimously to adjourn their meeting at 8:00 p.m.***

**B. Discussion and Potential Vote to Approve the Use of Affordable Housing Trust (AHT) Funds to Allow the AHT to Enter into a Purchase and Sale Agreement with the Owner to Ultimately Purchase the Unit at 2A Dexter Lane for an Amount not to Exceed \$220,000:**

Steve Poulos explained that the home at 2A Dexter Lane was on the verge of being foreclosed upon. The town was negotiating with the bank to purchase it and to keep it in the town's affordable housing stock. For the Affordable Housing Trust to spend the money, they need approval by the Select Board. Gary Cheeseman added that the town will purchase the property at a discount because it is currently under affordability. However, if it went through foreclosure, the town would lose it off the affordability list.

**Vote: The Board voted unanimously to approve the use of Affordable Housing Trust funds to allow the AHT to enter into a purchase and sale agreement with the owner to purchase the unit at 2A Dexter Lane for an amount not to exceed \$220,000**

**C. Discussion on the Need for a Code of Conduct Policy for Boards and Committees:**

Dianne Bucco discussed the Code of Conduct policy for boards and committees in light of recent situations. Deirdre Pierotti suggested that the policy be circulated to the boards and committees for review and feedback. Steve Poulos explained that the plan was to combine the policies with the personnel handbook and then gather signatures instead of sending them out piecemeal, as there are a number of policies, as well as the receipt of the manual itself, that require signatures. Dianne Bucco raised concerns that people cannot be held accountable if they do not know about the existence of the policy. The Board agreed that the Code of Conduct policy be distributed to the boards and committees and notify them that it is in effect; however, members can give feedback until the human resources manual is completed.

**D. Appointment: Zoning Board of Appeals (ZBA), Associate Member, Kenneth F. Whittaker:**

It was noted that the Zoning Board of Appeals has all their members, but they need one associate in the event that someone cannot make a meeting. Peter Clay added that Kenneth Whittaker has excellent capabilities, is exceedingly qualified for this position, and will be a great asset to the ZBA.

**Vote: The Board voted unanimously to approve Kenneth F. Whittaker as an associate member to the Zoning Board of Appeals for a term beginning December 5, 2023, and ending June 30, 2026.**

**OLD BUSINESS**

**E. Discussion of Potential Alternative Operations at Pleasant Pond Beach:**

Steve Poulos reported that the meeting with Pleasant Pond Association on December 5, 2023, noted concerns regarding vehicle speeding, pond weed growth, general landscaping maintenance, and expected excessive crowds without the presence of a gatekeeper. He shared that the Association expressed a willingness to work with the town; however, they did not agree with the removal of staff altogether. The potential of two gatekeepers was suggested instead of a gatekeeper and a lifeguard, as lifeguards need training and certification. A schedule of 12:00 p.m. to 6:00 p.m. was proposed, as well as doubling the fee for the pass to offset the costs. Steve Poulos pointed out

that the police strongly opposed having a solo teenage employee put in a position to call out adults at the pond. It was suggested that an online payment system or alternative methods like Venmo be implemented for fee payments.

- F. Vote to Adopt a Residential Factor of “1”, Not to Adopt an Open Space Discount, Not to Adopt a Small Commercial Exemption, and Not to Adopt a Residential Exemption:** This item was not discussed as the Board is awaiting the Assessor’s data..

### **CONSENT AGENDA**

The Board reviewed the minutes for the meetings on October 24, 2023, and November 7, 2023. The Board requested clarification on the numbering in the November 7, 2023, minutes.

**Vote: The Board voted unanimously to approve the Select Board meeting minutes for October 24, 2023, as amended.**

### **NEXT MEETING**

The next meeting of the Select Board will be held on Saturday December 16, 2023, at 8 a.m.

### **ADJOURNMENT**

***Vote: The Board voted unanimously to close the meeting at 8:30 p.m.***

### **DISCLAIMER**

The above minutes should be used as a summary of the motions passed and issues discussed at the meeting. This document shall not be considered a verbatim copy of every word spoken at the meeting.

**TOWN OF WENHAM  
138 MAIN STREET  
WENHAM, MASSACHUSETTS**

**MINUTES OF THE SELECT BOARD AND FINANCE COMMITTEE MEETING  
DECEMBER 16, 2023, 8:00 A.M.**

**BOARD MEMBERS:**

|                          |                              |
|--------------------------|------------------------------|
| Dianne Bucco (2024)      | Select Board Chair           |
| Peter Clay (2025)        | Select Board Vice Chair      |
| Gary Cheeseman (2026)    | Select Board Clerk           |
| Ben Tymann (2025)        | Select Board Member          |
| Deirdre Pierotti (2026)  | Select Board Member          |
| Jeff Calder (2024)       | Finance Committee Chair      |
| David Harnisch (2026)    | Finance Committee Member     |
| Scott Schonberger (2024) | Finance Committee Vice Chair |
| Phineas Sprague (2026)   | Finance Committee Member     |

**STAFF:**

|                  |                                      |
|------------------|--------------------------------------|
| Jeff Soulard     | Finance Director and Town Accountant |
| Steve Poulos     | Town Administrator                   |
| Todd Laramie     | Chief Assessor                       |
| Margaret Hoffman | Planning Coordinator                 |
| Kim Butler       | Library Director                     |
| Jim Reynolds     | Council on Aging Director            |
| Rich Maloney     | Building Inspector                   |

Minutes prepared by Mary-Margaret Scrimger of Minutes Solutions Inc. from a video recording.

**1. CALL TO ORDER**

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Chair called the Select Board meeting to order at 8:07 a.m.

**2. BUDGET OVERVIEW**

Steve Poulos provided a presentation covering the current town financial status and the budget process and status. He noted that the expectation is the proposed budget will be balanced without an override. He noted the cost drivers as being the estimated increases of 10% in health insurance, 8% in liability insurance, and 3% in education spending. The 3% is below the 3.5% initial school budget estimated and if the reduction is not achieved the current town budget would be impacted.

Free cash status was discussed at length as inconsistencies since 2020 continue to be addressed. Steve Poulos stated that all revenue estimates are conservative. The Board and Finance Committee discussed costs associated with running the Finance Department including staffing levels and comparisons with other towns. Jeff Soulard noted the department is level-funded, except for contractual obligations. Jeff Soulard noted that there will be changes to how

the budget development process is completed next year. The Finance Department future budget was discussed, including comments from Jeff Soulard that staffing levels were about right, but that conversion to enhanced accounting software would be needed soon. Pension and other liabilities were discussed, as were recommended reserve levels and their effect on the town's bond rating.

Todd Laramie noted that assessments are satisfactory, and many backlogged properties have been assessed on-site this past year. There was discussion regarding the GIS database and its maintenance. An increase in expenses related to accreditation and supplies for the Department was noted.

The Information Technology budget is increased as previous budgets did not adequately address aging equipment. Transfer to the Microsoft Office 365 suite is complete including insurance-mandated multi-factor authentication. The budget will fund the conversion to a fiber-optic ring to all town work centers and movement toward a virtual data center hosted by Danvers as part of the consortium. The phone system needs replacement and may be covered with remaining ARPA funds. Software purchases will be needed soon.

The multiple 2024 calendar year elections were highlighted as the major cost increase in the Town Clerk's office. Mail-in voting was noted as a cost driver. The conversion of the Town Clerk position from elected to appointment is pending state legislature action and may impact the budget.

Margaret Hoffman noted that the Land Use Department is going through many workload increases. The two part-time staff members support six committees, including the heavy Master Plan development workload. One of the staff positions is converting to full-time and potential new land development may necessitate further staff and budget increases

The budget for Iron Rail has not increased, and a contractor is preparing a best-use study for the property. Rental income exceeds \$100,000, but significant and expensive renovations are needed on the main and other buildings.

Richard Souza noted that Public Works has installed ADA compliant sidewalk ramps, repaved streets, and maintained multiple culverts, and proposes a level-funded expense department budget. State aid including the repaving of Route 97 has been essential for keeping town road maintenance on schedule. There was discussion regarding future state aid. DPW staffing shortages were discussed.

Kim Butler, Library Director, noted that circulation is up and visitor count increased 40% to over 70,000 visitors. The salary cost increase is a contract obligation. Other expense increases reflect incrementally larger costs in most areas. There was discussion regarding contractual step increases affecting this budget, but with slightly less future impact.

The Recreation Department has been successful, with approximately 6,000 unique program registrations. It provides popular programs at relatively low cost utilizing a revolving fund. Salary increases are in line with other departments. A recent HVAC failure in the recreation building will need to be addressed in the budget.

Board of Health and the Health Department budget provides for the public health nurse, the food inspector, and the septic inspector. The expense line is level-funded.



Jim Reynolds, Director and Outreach/ADA Coordinator, noted that van rides have slightly decreased, but program participation counts are up. One of the department's goals is to continue collaborating with Hamilton, providing program services more efficiently, one example being the newly shared newsletter. The replacement of the 7-year old COA van was discussed.

The Veterans' Committee is level funded. It covers major town events such as Memorial Day and Veterans Day, covers flag replacement, and certain monument maintenance.

The Water Department is self-funded through water bill revenues. The department is challenged by the difficulty in hiring an additional licensed operator. New meter reading software is a notable expense as soon will be water tank painting.

The Police Department is completing its reaccreditation. Detailed statistics on police actions were provided. Budget salary increases reflect contractual obligations. Two officer vacancies are being filled. The challenge to attract and retain staff was discussed. The police expense line is level funded.

The Fire Department currently has four full-time firefighters and 26 call firefighters. There are five firefighters at the state academy, and there are recruits for the next academy session. There is a challenge to retain staff and ensure appropriate coverage 24 hours a day.

There is approximately \$550,000 in revenue generated from ambulance operations which goes into the town's general fund. Last year there were 3,544 activities related to the fire department. The change in salaries is the 2% COLA and contractual obligations. The reduction in expenses reflects last year's non-recurring expense for new radios.

Rich Maloney, Building Commissioner, noted that the Building Department is a shared service with Hamilton. Record management has been improved and will be accessible on-line to the public soon. The department is essentially self-funded through the inspection fee schedule.

The Select Board and Finance Committee commented very favorably on the morning's presentations and thanked the Town Administrator, Department Heads, and staff for their hard work. The increasing workloads, staffing challenges, significant improvements and accomplishments in 2023 were acknowledged. It was requested that these accomplishments be widely communicated to the citizenry.

### **3. ADJOURNMENT**

***Vote: The Finance Committee voted unanimously to close the meeting at 11:20 a.m.***

***Vote: The Select Board voted unanimously to close the meeting at 11:20 a.m.***

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**TOWN OF WENHAM  
138 MAIN STREET  
WENHAM, MASSACHUSETTS**

**MINUTES OF THE SELECT BOARD MEETING  
DECEMBER 19, 2023, 4:30 P.M.**

**BOARD MEMBERS:**

|                         |            |
|-------------------------|------------|
| Diane Bucco (2024)      | Chair      |
| Peter Clay (2025)       | Vice Chair |
| Gary Cheeseman (2026)   | Clerk      |
| Ben Tymann (2025)       | Member     |
| Deirdre Pierotti (2026) | Member     |

**STAFF:**

|                   |   |
|-------------------|---|
| Steve Poulos      | Town Administrator                      |
| Joseph Pessimato  | Assistant Town Administrator            |
| Michelle McGovern | Executive Assistant                     |
| Win Mulry         | Tree Warden                             |
| Kate Mallory      | Open Space and Conservation Coordinator |

Minutes prepared by Tanya Maher of Minutes Solutions Inc. from a video recording.

**1. CALL TO ORDER**

There being a quorum present, and the Members and the public having been given adequate and proper notice of the meeting, the Chair called the meeting to order.

**2. REPORTS AND ANNOUNCEMENTS**

- A. Veterans Committee Update:** Dean Pederson, Veterans Committee Chair, provided an update. He reported that with Town Clerk coordination, the Committee was added to the distribution list of death notices, so that the Committee may contact a surviving spouse in a timely manner to honor the deceased. The Committee has constructed a comprehensive handbook on all annual events and projects providing continuity and education for new members. The repair and replacement of flags has been incorporated into the committee budget. Dean Pederson will provide a copy of the Veterans Committee handbook to the Board in February of 2024. Dean will approach Superintendent Eric Tracy after January 24, 2024, to arrange time to teach the students about Memorial Day and Veterans Day.
- B. Tree Program Update:** Win Mulry and Kate Mallory presented the Public Shade Trees Management Update. Highlights are the proposed planting of 25 native species public trees in 2024 and a proposal to integrate tree filter systems into the stormwater collection infrastructure. The tree system would help protect Wenham Swamp and associated wetlands as a groundwater drinking water source. It was proposed to upgrade catch basins with the filtration systems at an approximate cost of \$8,000 per system. The Board agreed to move this initiative forward possibly using DPW funding to install a filtration system when an appropriate catch basin requires replacement.

**Used Car Dealer's License Renewals:** The Board discussed the state of Freeman's used car dealer property at 34 Arbor Street. The question was what action could be taken relative to neighbor's complaint on the junkyard conditions there. It was agreed that the renewal of the used car dealer's license will be postponed pending further information. The Board will ask the Town Counsel for advice on what conditions can be placed on a license and what restrictions may be placed on the property.

C.

**On a motion duly made, it was resolved to approve the 2024 car dealer's license for Burnett's Garage, Inc. Motion carried.**

**On a motion duly made, it was resolved to approve the 2024 car dealer's license for Fallon's Auto Service, Inc. Motion carried.**

D. **Wenham Park Closure During Construction:** Kate Mallory provided an update on the engineering phase of West Wenham Park. The Board heard that construction begins in January of 2024, and completion is expected to be by the end of summer of 2024. It was noted that cones and tape will be installed, with signage placed throughout the park advising visitors of the construction. A "coming soon" sign and "alternate parking" sign will be created.

**On a motion duly made, it was resolved to close West Wenham Park from January 18, 2024, until the end of the summer of 2024. Motion carried.**

**Pingree Field Discussion and Potential Vote on Pickleball Play Hours Effective January 1, 2024:** An update on the Pingree Field activities was provided by Sean Timmons, Joint Recreation Director. He reported that increased numbers of people want to play pickleball. It was proposed to provide open time for people to play past 6:00 p.m. in the spring and summer seasons. It was noted that the sound of pickleball games is a concern for surrounding residents and the courts are in disrepair. Sean Timmons will draft a schedule of the activities for spring and summer 2024 for the Board to review. The Board will approach the Open Space and Recreation Committee to discuss the long-term use of Pingree Park.

**On a motion duly made, it was resolved that the pickleball playing hours are to end at 6:00 p.m. effective until March 31, 2024. Motion carried.**

E. **Discussion and Scheduling of Select Board Meeting Dates Through April 2024 Town Meeting:** The updated schedule of Select Board meeting dates from January 2024 until the April of 2024 Town Meeting will be distributed to the Board for review.

F. **General Discussion On Budget Presentations From December 16, 2023:** The budget provisions with assumptions and updates will be presented to the Board by the end of January, 2024. The capital budget, joint body budget items such as the HVAC in the recreational building, and recommendations will be included.

## 2. **OLD BUSINESS**

A. **Discussion On Rollout of the Climate Action Committee:** The Board agreed to advertise openings on the website for residents to submit their letters of interest to join the Climate Action Committee.

**On a motion duly made, it was resolved to post the Climate Action Committee openings on the website until January 25, 2024. Motion carried.**

**3. CONSENT AGENDA**

The Board reviewed the minutes for the meetings held on November 7, 2023, and December 12, 2023, with the amendments, and made minor corrections.

**On a motion duly made, the minutes of the meeting held on November 7, 2023, as amended were approved.**

**On a motion duly made, the minutes of the meeting held on December 12, 2023, as presented were approved.**

**4. NEXT MEETING**

The next meeting of the Select Board will be held on January 2, 2024.

**5. ADJOURNMENT**

***Vote: The Board voted unanimously to adjourn the meeting at 6:21 p.m.***

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