

## **SPECIAL TOWN MEETING SATURDAY, OCTOBER 17, 2020 at 10:00 AM**

The Special Town Meeting on October 17, 2020 reached the necessary reduced quorum of 90 at 10:03.

Bruce Tarr gave his appreciation to the voters of Wenham for coming out to do the Town's business. He explained that due to the lost time over the spring, they are still in session. He hopes to have a budget completed by the end of November for fiscal year 2021. Both he and Representative Brad Hill are working to maintain our local aid.

Meeting was called to order at 10:16am. Interim moderator Tony Feeherry explained how it came to be that he was standing before the Meeting again. Town Clerk Dianne K. Bucco moved to nominate Anthony Feeherry to be temporary moderator. The motion was seconded and no other nominations were heard. After the thank you's and general explanation of Wenham Town Meeting, Gary Cheeseman, Chair of the Board of Selectmen had four announcements: Election information, Halloween 2020, Bagged leaf pick up and the amount of vacancies on many Town boards & Committees. Gary then read a proclamation in honor of Leonard Tuneberg's retirement from the Wenham Fire Department.

The Meeting stood for the Pledge of Allegiance.

After a few voting practices to get accustomed to the new electronic voting clickers, the Meeting heard a very clear and concise review of the warrant.

Brad Hill came by the Meeting and waved to the crowd.

### **ARTICLE 1: Use of Free Cash to Fund FY 2021 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 FY 2021 Capital Improvement Program, including the acquisition, equipping, and all other incidental and related costs, of Items A through J, as printed below:

Highway Dept.- pick-up truck with plow	\$45,000
Fire – protective gear	\$30,800
Fire – SCBA (breathing apparatus)	\$15,000
Information Tech. – replacement computers	\$10,000
Information Tech. – website upgrade	\$13,500
Iron Rail – septic system design	\$10,000
Police – replacement cruiser	\$42,000
Police – replacement rifles (5) (Year 1 of 2)	\$ 7,000
Library - server replacement	\$18,000
Library - roof replacement	\$75,000

Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

*Recommendation of the Finance & Advisory Committee: 5-0-0*

Jim Purdy, Chair of the Finance & Advisory Committee moved that the Town vote to transfer from Free Cash such sums of money to fund the Town's FY 2021 Capital Improvement Program, including

the acquisition, equipping, and all other incidental and related costs, of Items A through J, in the amounts, and for the purposes as printed in Article 1.

The motion was seconded and there was no discussion.

**Article 1 passed with a majority vote.**

**ARTICLE 2: Transfer from Water Surplus for Water-related Supervisory Control and Data Acquisition (SCADA) hardware and software**

To see if the Town will vote to transfer the sum of \$150,000 from Water Surplus for the purchase of Supervisory Control and Data Acquisition (SCADA) hardware and software, to be used for monitoring the Town's water systems, including all incidental and related expenses; provided, further, however, that if such amounts have not been fully expended by June 30, 2021, the balance of such appropriation shall close to the Water Capital Reserve Account.

Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

*Recommendation of the Finance & Advisory Committee: 5-0-0*

Jim Purdy, Chair of the Finance & Advisory Committee moved that the Town vote to transfer the sum of \$150,000 from water surplus for the purchase of Supervisory Control and Data Acquisition (SCADA) hardware and software, to be used for monitoring the Town's water systems, including all incidental and related expenses; provided, further, however, that if such amounts have not been fully expended by June 30, 2021. The balance of such appropriation shall close to the Water Capital Reserve Account.

The motion was seconded and there was no discussion.

**Article 2 passed with a majority vote.**

**ARTICLE 3: Bylaw Amendment: Recodify General Bylaws**

To see if the Town will vote to amend the General Bylaws by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete General Bylaws, and further, to amend the General Bylaws to make certain substantive amendments, all as set forth in the Final Draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk and available on the Town's website at:

[www.wenhamma.gov/townmeeting](http://www.wenhamma.gov/townmeeting); provided, however, that all bylaws currently in force and not included in the Code shall be repealed, but such repeal shall not apply to or affect any personnel bylaw. Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

Gary Cheeseman, Chair of the Board of Selectmen moved that the Town vote to amend the general bylaws by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete general bylaws, and further, to amend the general bylaws to make certain substantive amendments, all as set forth in the final draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk; provided, however, that all bylaws currently in force and not included in the Code shall be repealed, and such repeal shall not apply to or affect any personnel bylaw.

The motion was seconded and Paul Weaver, former Town Moderator and Town Counsel, was invited to speak on behalf of the Article provided there was no opposition to him addressing the Meeting as a non-resident of Wenham. There was none.

Mr. Weaver explained the background on getting our bylaws to this Code which will be more useful and accessible to our residents. General Code will be updating our bylaws as needed and keeping them in a platform that will be searchable. This Article is just a procedural step in updating our Bylaws.

Chuck Locuson of Friend Court raised a question about the backup for this data. Mr. Weaver explained that that will be the responsibility of the General Code with our annual licensing fee.

Roger Smerage of Onion River Road requested an explanation about the confusion between the Article language and Mr. Weaver's explanation of the project with regards to the "substantive" changes. Mr. Weaver explained that some wording within the Code may be changed solely to bring the bylaws up to modern day language.

**Article 3 passed with a majority vote.**

#### **ARTICLE 4: Zoning Bylaw Amendment: Recodify Zoning Bylaws**

To see if the Town will vote to amend the Zoning Bylaw by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete Zoning Bylaw, and further, to amend the Zoning Bylaw to make certain substantive amendments, all as set forth in Chapter 255 of the Final Draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk and available on the Town's website at the following address:

[www.wenhamma.gov/townmeeting](http://www.wenhamma.gov/townmeeting); provided, however, that all zoning bylaws currently in force and not included in the Code shall be repealed.

Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

*Recommendation of the Planning Board: 5-0-0*

Ann Weeks, Chair of the Planning Board moved that that the Town vote to amend the Zoning Bylaws by making ministerial, clerical amendments and grammatical corrections thereto, including a recodification and re-captioning of the complete Zoning Bylaw, and further, to amend the Zoning Bylaw to make certain substantive amendments, all as set forth in Chapter 255 of the final draft of the Code of the Town of Wenham, dated January 2020, as on file with the Town Clerk; provided, however, that all Zoning Bylaws currently in force and not included in the Code shall be repealed.

The motion was seconded and Ann Weeks, Chair of the Planning Board reiterated that there were no substantive changes in the zoning bylaws and that the change will bring the zoning bylaws into the 21<sup>st</sup> century.

**Article 4 passed with a 2/3<sup>rd</sup>s majority.**

#### **ARTICLE 5: Local Adoption: Meals Excise Tax**

To see if the Town will vote to accept the provisions of MGL Chapter 64L, Section 2(a) authorizing the imposition of a local excise in the statutory amount of 0.75% on the sale of restaurant meals originating within the Town.

Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

*Recommendation of the Finance & Advisory Committee: 5-0-0*

Jim Purdy, Chair of the Finance & Advisory Committee moved that the Town vote to accept the provisions of MGL Chapter 64L, Section 2(a) authorizing the imposition of a local excise in the statutory amount of 0.75% on the sale of restaurant meals originating within the Town.

The motion was seconded and there was no discussion.

**Article 5 passed with a majority vote.**

### **ARTICLE 6: Local Adoption: Room Occupancy**

To see if the Town will vote to accept the provisions of MGL Chapter 64G, Section 3A, authorizing the imposition of a local excise on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the Town, and, further, to set that local excise at 6%.

Or take any other action relative thereto.

*Recommendation of the Board of Selectmen: 3-0-0*

*Recommendation of the Finance & Advisory Committee: 5-0-0*

Jim Purdy, Chair of the Finance & Advisory Committee moved that the Town vote to accept the provisions of MGL Chapter 64G, Section 3A, authorizing the imposition of a local excise tax on the rental of rooms in hotels, motels, lodging houses and bed and breakfast establishments within the Town, and, further, to set that local excise at 6%.

The motion was seconded and open for discussion.

Thomas Lancaster of Larch Row questioned whether there are any establishments in Town that would generate any revenue for the Town.

Jim Purdy responded that there is no burden on the Town to enact this law. We have not received any estimate of revenue from the Department of Revenue on this tax but Article 5 is anticipated to generate \$15,000.

**Article 6 passed by a majority.**

### **ARTICLE 7: Easement for National Grid on Town of Wenham property**

To see if the Town will vote to transfer the care, custody and control of a portion of the Town property located on Larch Row and described in a deed recorded with the Essex South Registry of Deeds in Book 6118, Page 416 from the Conservation Commission for conservation purposes to the Board of Selectmen for utility purposes and for the purpose of granting a utility easement in said portion, which portion is approximately shown on a plan entitled "National Grid Easement" and on file with the Town Clerk, and to authorize the Board of Selectmen to convey said easement on such terms and conditions as the Board deems appropriate.

Or take any other action relative thereto.

*Recommendation of Board of Selectmen: 3-0-0*

*Recommendation of Conservation Commission: 5-0-0*

Jeff Ham, member of the Conservation Commission moved that the Town vote to transfer the care, custody and control of a portion of the Town property located on Larch Row and described in a deed recorded with the Essex South Registry of Deeds in Book 6118, Page 416 from the Conservation Commission for conservation purposes to the Board of Selectmen for utility purposes and for the purpose of granting a utility easement in said portion, which portion is approximately shown on a plan entitled "National Grid Easement" and on file with the Town Clerk, and to authorize the Board of Selectmen to convey said easement on such terms and conditions as the Board deems appropriate.

The motion was seconded and no discussion.

**Article 7 passed by a 2/3 majority vote.**

**ARTICLE 8: Citizens' Petition 1**

Shall the Town of Wenham adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration?

Town of Wenham By-Laws, Chapter 2, Paragraph 4, Line 1

Current:

The executive powers of the town of Wenham shall be vested in a three-member board of selectmen elected for three year rotating terms.

Proposed change:

The executive powers of the town of Wenham shall be vested in a five-member board of selectmen elected for three year rotating terms.

Or take any other action relative thereto.

*Recommendation of Board of Selectmen: 0-3-0*

Patrick Waddell of 5 Great Pond Road is the petitioner and moved that the Town vote to adopt the optional form of municipal administration summarized as follows, according to the provisions of chapter forty-three C of the General Laws providing for optional plans of municipal administration. Town of Wenham By-Laws, Chapter 2, Paragraph 4, Line 1

Current:

The executive powers of the town of Wenham shall be vested in a three-member board of selectmen elected for three year rotating terms.

Proposed change:

The executive powers of the town of Wenham shall be vested in a five-member board of selectmen elected for three year rotating terms.

---

<sup>1</sup> In accordance with MGL c.39, §10, properly petitioned warrant articles must appear on the warrant in the form in which they are petitioned, as has been done here.

The motion was seconded and Mr. Waddell explained the reasoning behind the article. Mr. Waddell stated that more people make good governance. He explained that with a five member board, the work load per person could be reduced. More Selectmen might bring in more volunteers. Five member boards may be easier to call meetings. Mr. Waddell mentioned that a five member board would allow for working groups and perhaps more thoughtful debates and discussions. Wenham has many intellectual minds to draw from and the issues facing the Town will not get any easier to manage. Mr. Waddell reiterated that this would not be a binding vote.

**Article 8 passed with a majority vote**

Residents are reminded that this was a non-binding vote.

**ARTICLE 9: Citizens' Petition 2**

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

In approving this article, the Town hereby:

Prohibits the BOH from adopting, approving, enacting, promulgating, or enforcing any guidance, metrics, rules, or instructions concerning the opening and operation of schools in the Hamilton-Wenham Regional School District (the "District") more stringent than what DESE or DPH has promulgated or will promulgate for the Commonwealth. Specifically, the BOH is prohibited from establishing "local metrics" that redefine the categories of the state color-coded health metric system based on aggregate average daily incidence rate more strictly (i.e., the gray, green, yellow, and red categories set forth in the color-coded charts and maps provided by DPH);

Requires the BOH to use the DESE "key municipality" standard to determine the District's alignment to the health metric established by DPH. The "key municipality" is defined as the municipality where the greatest percentage of enrolled students in the district reside (i.e., Hamilton); and

Annuls any guidance, metrics, rules, or instructions previously adopted, approved, enacted, promulgated, or enforced by the BOH more stringent than that promulgated by DESE or DPH, including but not limited to the BOH's redefinition of the red category to lower the aggregate daily incidence rate from >8 per 100,000 people to >6 per 100,000 people.

Or take any other action relative thereto.

*Recommendation of Board of Selectmen: 0-3-0*

Daniel Pasquarello of 17 Porter Street is the petitioner and moved that the Town provide a sense of the meeting to the Board of Health and local and regional districts that Town Meeting favors adherence to all guidance, metrics, rules, and instructions promulgated by the Massachusetts Department of Elementary and Secondary Education ("DESE") and the Massachusetts Department of Public Health ("DPH") concerning the opening and operation of the schools in the Commonwealth of Massachusetts during the 2020-2021 school year and for the duration of the State of Emergency in the Commonwealth regarding the COVID-19 global pandemic as hereby further detailed in the Article.

---

<sup>2</sup> In accordance with MGL c.39, §10, properly petitioned warrant articles must appear on the warrant in the form in which they are petitioned, as has been done here.

The motion was seconded and Mr. Pasquarello thanked all the supporters of the petition, over 300 in both Towns. This petition was prompted when the School District announced on September 3 that “it was forced to switch to a fully remote model due to the guidance issued by our local Boards of Health”, which was stricter than that of the State. Mr. Pasquarello stated that our parents do not want to make it harder to get our kids back in school. This vote will allow the Superintendent of Schools to get a sense of the community’s feelings with regard to opening/closing our schools.

Peter Wolczik of Maple Street encouraged voters to vote no on this Article as it would take away the viewing metrics from surrounding Towns in any decision on the opening/closing of our schools.

**Article 9 passed with a majority vote  
Residents are reminded that this was a non-binding vote.**

Michelle Bailey requested the moderator to call the vote numbers which he did as 65 yes and 60 no.

Mr. Feeherry thanked everyone for coming. He asked voters to return the clickers and for a motion to adjourn which was moved and seconded at 11:16am.

There were 151 registered voters and 38 non-voters in attendance.

Respectfully submitted  
Dianne K. Bucco, CMC/CMMC  
Wenham Town Clerk