

TOWN OF WENHAM

Wenham Board of Selectmen
Meeting of January 12, 2016
138 Main Street, Town

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on TUESDAY, January 12, 2016 at 6:30 PM in the Selectmen Chambers.

WELCOME: CALL TO ORDER

With a quorum present, Ms. Harrison called the Board of Selectmen (BOS) meeting to order 6:35 PM. Selectmen present Catherine Harrison, Chair; Jack Wilhelm, Vice Chair (left 9:45 PM); John Clemenzi, Clerk Also Present: Peter Lombardi, Town Administrator; Tom Harrington, Special Counsel; Emilie Cademartori, Planning Coordinator; Catherine Tinsley, Recording Secretary

EXECUTIVE SESSION

Vote: Ms. Harrison moved, and it was seconded, the BOS enter into executive session under M.G.L. Ch. 30A, § (6) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body, and the Chair so declared, and to include Tom Harrington, Special Counsel; Emilie Cademartori, Planning Coordinator; and to return to open session. The motion carried unanimously by roll call vote.

- Lakeview Property

The Board returned from executive session to open session at 6:54 pm. The Chair called for a recess until 7 PM. The BOS reconvened at 7 pm.

PUBLIC INPUT – On items not on the agenda

Paul Weaver informed the board that for personal reasons he and his wife are now residents of Washington and he is no longer eligible to run for moderator or serve as moderator at this 2016 Annual Town Meeting.

Tony Feeherry has agreed to work with Mr. Weaver and serve as moderator for this town meeting, adding Mr. Feeherry is not interested in taking out nomination papers.

Mr. Weaver offered to work with / talk with any candidates regarding the moderator position in Wenham.

ANNOUNCEMENTS

- Appointment Openings: Fence Viewer; Affordable Housing Trust; Iron Rail Commission; Conservation Commission
- Wenham Annual Town Elections – Open Town Offices were announced and are listed on the Town’s web site.
- A Public Hearing regarding the Lakeview property will be held Tuesday January 19 2016 at the Buker School at 7 pm An email address has been set up for residents to submit comments. Lakeviewfeedback@wenhamma.gov
- Mr. Wilhelm read a letter from John Darling, Past Chair of the Town Hall & Police Station Building Committee (THPS BC). The Committee was appointed on November 29, 2005 to oversee the design and renovation of the Town Hall and the new police station. Having completed this charge, the THPS BC was dissolved on December 31, 2015. The remaining account balance of \$1,251.93 was being returned to the Town to be used by Town Meeting in accordance with MGL.
John Darling was recognized for his dedication as chair of the Building Committee as were the committee members Don Bannon, John Clemenzi, Harriet Davis, James Howard, Judy Leblanc, Bill Nichols, Tom Perkins, and Peter Lombardi serving as Town Administrator.
- Ms. Harrison announced the HW A Team Youth Cheerleaders placed second at the New England Cheer and Dance Championship. This win secured for the first time in the history of the team a place in the National High School Cheerleading Championship held at Disney World. The team needs to raise \$25,000 to go and is fundraising. There is a Go Fund Me page and donations can be made through their web site.

REPORTS

Town Administrator

The Fire Department received State grant funding for the Safe Fire Education Program for students and seniors.
Chair

Upcoming BOS meeting dates:

January 19th is the Public Hearing - Lakeview

January 26th, February 2nd, February 16th

NEW BUSINESS

Appointments – Wenham Reserve Police Officers: Lawrence Nestor & Stephen Lovely

Police Chief Perkins was present.

Mr. Wilhelm reviewed that the Police Chief is recommending the appointment of Lawrence Nestor and Stephen Lovely as Reserve Police Officers to fill the open Reserve Officer positions on the Department.

Mr. Wilhelm moved, and it was seconded, to appoint Lawrence Nestor and Stephen Lovely as Reserve Officers on the Wenham Police Department, as recommended by Chief Perkins for a term to expire June 30, 2016.

Letter of Interest from Rick Woodland

The Selectmen acknowledged a letter of interest from Rick Woodland to serve on the Affordable Housing Trust.
No action was taken at this time. The Selectmen will take action at their next regularly scheduled meeting.

Town Counsel Presentations and Selection: Kopelman & Paige and Miyares & Harrington

Mr. Wilhelm read Paul Weaver's letter of resignation from the appointed office of Town Counsel as of December 31, 2015.

Mr. Weaver will serve as consultant for FY16 and work with the selected Town Counsel to provide advice as requested.

Mr. Weaver served as Town Counsel for the past 40 years and as Town Moderator for 25 years.

The BOS accepted Mr. Weaver's Letter of Resignation with deep regret and much gratitude.

Note: Mr. Wilhelm moved, and it was seconded, the BOS accept Paul Weaver's resignation as Town Counsel effective December 31, 2015 with regret. The motion carried unanimously.

Mr. Lombardi stated that a *Request For Information* was issued in November for a Municipal Town Counsel and that he and Paul Weaver met with several firms. After a lengthy process, two firms are being recommended to the BOS to be considered to serve as Town Counsel to the Town of Wenham; Kopelman & Paige and Miyares & Harrington.

The two firms selected were invited to give an oral presentation to the Board of Selectmen.

Each firm provided in advance a detailed overview of experience and a proposal of services.

Kopelman & Paige

Present: Lauren Goldberg and Darren Klein were present for Kopelman & Paige. Mark Reich, also a part of the team for Wenham could not be present.

Information highlighted in the Kopelman & Paige presentation:

- Is a private law firm that works with municipalities
- Has more than 40 years' experience and is well established
- Uses a team approach and draws on the experience of the (40) Attorneys in the office
- Their team approach is effective and efficient
- Does not represent private entities against municipalities
- Does not make decisions for the Town but assures the Town has significant information to make a decision that will be supported/ defended
- Provides seminars to the Town (no additional charge)
- Has expertise within the office to provide comprehensive advice and avoid litigation
- Has access to Labor and Employment practice
- Has worked with Paul Weaver and understand his approach
- Has worked with Peter Lombardi and has a good working relationship

Approved 5.3.16

The meeting was open to the Board for comments and questions.
Ms. Goldberg and Mr. Klein thanked the Board and left the meeting.

Miyares & Harrington

Present: Tom Harrington, Chris Heep, and Jennie Merrill were present for Miyares & Harrington
Information highlighted in the Miyares & Harrington presentation:

- Is strictly a municipal public law firm
- Has (9) Attorneys in the office – “not too big and not too small”. At this part of the presentation, Mr. Harrington disclosed that one of his partners, Donna Brewer, is Counsel for the Town of Hamilton. He suggested this would be advantageous, but if a conflict occurred the Town(s) would have the option of using Special Counsel
- Represents seven towns
- Has a good working relationship with Wenham; Wenham (would be) an important client and treated accordingly.
- Provides timely answers
- Will work closely with Paul Weaver in the beginning
- Will visit each Board/ Committee
- Work with the Town to prevent any problems
- Helpful, prompt, knowledgeable, and pleasant

The meeting was open to the BOS for questions.
Tom Harrington, Chris Heep, and Jennie Merrill left the meeting.

The Selectmen asked the Town Administrator, as the one who would work closely with Town Counsel, to give his overall opinion. Mr. Lombardi stated he has experience working with both firms and both would serve the town well but that Kopleman & Paige are the larger firm and have the capacity to draw on extensive experience. Mr. Lombardi acknowledged he had less experience with Miyares and Harrington until recently he has been working extensively with Tom Harrington, who has been incredibly responsive and available. Mr. Lombard provided the Board with a memo regarding his thoughts on both firms.

Paul Weaver was also asked for his thoughts and responded that he was impressed with the three primary firms that were interviewed and has positive experience with both firms, and in his opinion, “neither (firm) would be a wrong decision.”

Mr. Clemenzi agreed the Town would benefit with either firm, but noted his concern that Wenham and Hamilton use the same firm.

Mr. Wilhelm reiterated this is more of an important decision to the Town Administrator and his comfort of the firm style. He agreed if there were to be a problem with the Town of Hamilton, Wenham would have to get outside Counsel, but added if the Town is not pleased, they could change counsels.

Mr. Wilhelm said he favored Kopleman & Paige’s approach, as a matter of style.

Ms. Harrison noted the Selectmen also need a comfort with Town Counsel and that Miyares and Harrington is similar to Paul Weaver’s approach and is impressed with Tom Harrington’s response but also shared the concern that one of the partners is Counsel for Hamilton.

She had some reservation that Kopelman & Paige is a larger firm, but would be very pleased with Lauren Goldberg as the lead Attorney, who herself does not have a lot of clients.

Mr. Lombardi said he spoke to other small communities that have Kopleman & Paige as Town Counsel and got good feedback specifically regarding Lauren Goldberg.

Mr. Lombardi reiterated he has many years experience with Kopleman & Paige, but that both would serve the Town well, and Miyares and Harrington are similar to the style Wenham is used to.

Mr. Weaver reiterated if this decision does not work out as planned, it is a six-month commitment and can be changed.

Vote: Mr. Wilhelm moved, and it was seconded, the BOS appoint Kopleman & Paige as Town Counsel for the Town of Wenham, effective immediately. The motion carried unanimously.

Preliminary Article Review: Annual Town Meeting Warrant

Approved 5.3.16

Paul Weaver was present to speak to the 2016 Annual Town Meeting Warrant saying he has been working closely with the Town Administrator in preparing a draft warrant and stated there were no changes in the first eight articles from the last year. Mr. Weaver reviewed the remaining Warrant Articles and will clarify the draft wording and commentary.

Presentation – FY 2017 Administration’s Budget

Angel Wills Finance Director was present to speak to the FY 2017 Administration’s Budget.

Budget changes to the overall budget have been made based on conversations / feedback from department heads.

- \$35,000 added into capital highway budget to pay for lease of medium duty dump truck
- Capital Improvement Program is now fully funded
- \$15,000 Town wide tree study
- Regional School District budget adjusted (increased) \$150,000
- Salary wage adjustment for non-union employees
- Finance Assistant position reduced from 36.5 hours to 30 hours per week.

Ms. Wills spoke to the details of the budget and observed that revenue is increasing at half the rate of expenses.

- To balance this (FY 2016) budget, \$500,000 of excess levy capacity will be used
- Increase of local receipts projected at \$72,000
- Use of \$750,000 in Free cash; \$683,000 to balance the budget and \$67,000 to mitigate tax rate leaving the Free Cash balance at \$300,000. This is consistent with the financial policy minimum.

Expenditures driving the increase:

- 1 percent COLA: \$40,000 (place holder during contract negotiations)
- Non-union new salary classification adjustments: \$10,000
- School enrollment shift (1.36%) to Wenham: \$329,000
- School operating increase: \$370,000 (3.5 percent budget increase)
- School debt service: \$63,000
- Highway capital: \$85,000 (equipment)
- Town debt service: \$92,000
- Medical insurance / pension legal: \$79,000

Budget implications:

- The use of \$750,000 of Free Cash reduces the reserves to 4.77 percent of the total operating budget (target range 5-10% of total operating budget)
- Decreasing levy capacity (by \$467,000) limits ability to deal with future budget increases and could adversely affect credit rating
- Recent one-time funding sources such as tax lien, collections overlay surplus are no longer available
- Local receipts are estimated conservatively; FY 2018 is looking “very challenging”

Suggestions:

- Examine viability of amending school assessment formula
- Determine the best use of Town’s surplus properties
- Conclude analysis of Permitting Department fee structure
- Continue to examine feasibility of regionalizing services and seek grant funding where available
- Create and adopt more comprehensive Capital Improvement Program that integrates infrastructure needs into annual budget process

The meeting was open for comments.

Mr. Wilhelm stated he was not prepared to vote, citing the “huge” tax increase, lowered reserves, and a potential override in the near future.

Mr. Clemenzi requested to look closely at spending.

Ms. Wills responded there was no additional funding explaining that 3.75 percent of the increase was due to the use of one-time funds used last year to reduce the budget.

Approved 5.3.16

BOS suggested meeting jointly with FinCom after budget presentation.
The BOS took no action at this time

Mr. Wilhelm left the meeting 9:45 PM

Update on Lakeview property

Present; Attorney Tom Harrington, Special Counsel

MOTION: Ms. Harrison moved, and it was seconded, the Selectmen execute the Host Community Agreement for the Lakeview Property located at 56 to 60 Main Street.

Under discussion: Ms. Harrison explained the Town received notice of the intent of the owners to convert the Lakeview property from its present recreation use to residential use. The proposed developer is Tambone Atlantic.

As part of the due diligence, the town issued an RFP for an appraisal of Lakeview property. The Shannon Company completed the appraisal and the value of the Lakeview property was \$2,750,000.

Should the Town opt not to exercise their right of first refusal to purchase the property, the BOS is working with the owners of Lakeview and the developer on development options that are most advantageous to the town through a Host Community Agreement (HCA).

Some things included in the HCA

- Cluster Housing
- Minimum of 40% contiguous open space
- Water use restrictions
- Wetlands consideration
- Minimum 10% Affordable Housing
- Site development in pre-determined location
- All development will be set back 500 feet from Main Street

The Board was prepared to vote on a draft HCA. Ms. Harrison noted a HCA does not preclude the Town from purchasing the property. If the project is not permitted, the process would start again and the Town does not lose control of options.

VOTE: The motion carried unanimously.

The Public Hearing on the Lakeview Property is January 19, 2016.

Ms. Harrison read a statement from the Tambones.

In summary, there will be a presentation of the details of their plan at the January 19th hearing.

The Selectmen answered general questions from one of the abutters.

Adjournment

The BOS unanimously adjourned at 10:04 pm

Respectfully submitted by

Catherine Tinsley

4.21.16