

TOWN OF WENHAM

Board of Selectmen
Meeting of, January 26, 2016
Town Hall, 138 Main Street

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 26, 2016 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 6:30 PM
Selectmen present Catherine Harrison, Chair; Jack Wilhelm, Vice Chair; John Clemenzi, Clerk
Also Present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

Recorded with permission by HWCAM

Agenda

Appointments – AHT

FY17 Budget -draft

EXECUTIVE SESSION – Lakeview Golf Course Property

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 and to return to open session but to adjourn directly from Executive Session. The motion carried unanimously by roll call vote.

The Board returned to open session at 6:58 PM

PUBLIC INPUT- There was none

ANNOUNCEMENTS

- Appointment Openings on Town Boards/ Commissions: Mr. Clemenzi read the list of appointed openings; this information is on the Town's web site.
- Wenham Annual Town Elections are April 7, 2016: Ms. Harrison read the list of Elected positions on the ballot; this information is on the Town's web site.
- The Demolition Delay Warrant Article Presentation is planned for the BOS meeting on February 2, 2016
- Permitting Department Update – Electronic Applications
Permitting Coordinator, & Special Projects Assistant Jackie Bresnahan was present to announce the Permitting Department now has “e-permitting” for electric, plumbing / gas, and building permits.
Contractors permits can submit permit applications and pay the fee on line through the Town's web site.
The Permitting Office remains open to accept applications during regular town hall hours.
Ms. Bresnahan was asked to give the BOS an update on e-permitting in six months.

REPORTS

Town Administrator reported:

Karen Moulton was hired as the part time Assistant Finance Department; the hours have been decreased from 36.5 to between 25 and 30 hours a week.

- The Board of Health has completed the initial interview process for a new part-time Assistant Health Agent.
- The Board of Assessors are meeting with several candidates to fill the Assessor position.
- The interview process also continues for the Town Administrator's Executive Assistant position.

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- Water Management Act Permit –The Town has received formal notice from DEP that the Town’s Water Management Act permit has been indefinitely extended. Wenham will continue to work with Mass Water Works and other towns in the Ipswich Water Shed Area to review the existing regulations and potential alternative plans to better serve the towns.

Chairman – Ms. Harrison reported on the MMA conference saying she attended on Friday and briefly reviewed the seminars she attended specifically on the Governor’s newly proposed Municipal Modernization Act.

Mr. Lombardi added the Governor said any incremental increases in revenue would be passed down in unrestricted general government aid, proportionally. This worked out to about 4.6 percent increase or \$7-8,000 for Wenham. The Lt Governor announced that an additional \$ 2 million dollars was made available to the Community Compact Communities for IT infrastructure best practices; this is an area that Wenham identified as a priority. These funds will be in addition to the \$30,000 grant already awarded to the Town.

OLD BUSINESS

Lakeview – Update

Present: Attorney Tom Harrington, Special Counsel

Chairman Harrison noted there was a lot of input from the community at the Public Hearing on January 19, 2016. She went on to say that a number of questions arose during the hearing.

The Chair first opened the meeting for public comment. There was none.

Ms. Harrison summarized some of the comments/questions from the public hearing being considered:

- Can the Town continue operating Lakeview as a municipal golf course? It was noted that because the Lakeview Golf Course is private there is no financial information available related to its operation.
- What other chapter properties are in Wenham? This information will be posted on the Town’s web site along with the assessed value.
- Is there any historical significance of Lakeview?
- Can Community Preservation funds be used to purchase the property?

Regarding the potential for the property to be developed, many residents questions the impact on the town including town services and the potential for additional students to the school system. The BOS has since heard from the land owners/ proposed developer that they would be willing to include in the the Host Community Agreement (HCA) an age restriction for all the units. This takes away the question of additional cost per student.

Ms. Harrison reiterated the HCA does not indicate the BOS has made a decision. The drafting of a HCA is in parallel with looking at other options.

Leo Maestranzi was recognized by the Chair and said that previously he was in favor of the Town purchasing the property in part due to the impact on the town / schools but with the newly proposed age restricted development, he would consider supporting the town not purchase the property, citing the Town need positive tax revenue.

FY 17 Administration Budget

Mr. Wilhelm reviewed the memo in the BOS packet from the Town Administrator explaining a reduction in the budget of \$270,000 and observed that although this is impressive, the budget still contains significant increases. The BOS will work closely with the Finance Committee on the budget.

He further explained Municipalities are allowed to increase the budget every year by 2 ½ percent plus new growth for a total 3 to 3 ½ percent increase possible for FY18.. The gap between spending and the levy limit for FY18 will be reduced and it may not be possible to fund a level services budget within the proposition 2 ½. The Board is watching this closely.

NEW BUSINESS

Lakeview Advisory Committee Charge and Appointments

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Ms. Harrison reported that a number of residents submitted letters of interest to serve on an ad hoc committee to look at the best uses for the Lakeview property.

Ms. Harrison read the charge for the committee to identify potential municipal uses for the Lakeview property including the financial / operation analysis to determine viability of suggested uses and Projected fiscal impact. This Committee is to present the initial findings to the Board of Selectmen no later than February 16, 2016. The committee will conduct more thorough report if the BOS opt to exercises the Town's Right of First Refusal.

MOTION: Mr. Wilhelm moved, and it was seconded, to accept the Lakeview Advisory Committee Charge.

Under discussion the Board agreed to appoint everyone who applied, noting eleven residents volunteered and it was agreed to amend the charge to read "the committee not exceed twelve members". VOTE: The motion carried unanimously.

VOTE: Ms. Harrison moved, and it was seconded, to approve the eleven people as read to the Lakeview advisory Committee for a term not to exceed June 30, 2016. The motion carried unanimously.

Rob Bossler; Arthur Burt; Phil Colarusso (ConsCom); Mike Lucy (FinCom); Paul Mendonca (Water Commissioner) Kevin O'Shea; Sandy Belock-Phippen; Linda Smith; Tom Starr (CPC); JoAnn Vizziello; Patrick Waddell (CPC)

Appointments

Affordable Housing Trust (AHT) - Rick Woodland

The AHT has recommended Rick Woodland be appointed to the AHT.

VOTE: Mr. Clemenzì moved the BOS appoint Rick Woodland to the Affordable Housing Trust to fil the open seat effective immediate through June 30 2017

Appeal of Solicitation Permit Denial: Eugene Gordon

Present: Police Chief Perkins

Mr. Lombardi summarized a Beverly resident applied for Solicitation License through police Department as required through the Town's bylaw. This application was denied. The applicant, Eugene Gordon requested to be heard and was present.

Chief Perkins gave a brief overview of the appeal saying Mr. Gordon applied for a solicitor's permit to sell solar panels in Town. A background check is done as part of this process. Based on documentation provided through this process the Chief determine that it was not in the Town of Wenham's best interest to issue Mr. Gordon a permit under the authority and duty of the Town's Bylaw Ch. 5 sect 90, noting that privacy laws make it difficult to discuss the specifics of this decision based on the CORI Check (Criminal Offender Record Information).

The Chief respectfully asked the BOS to uphold his decision, noting this is only the second application he has denied.

Mr. Gordon was present and addressed the BOS saying the issue keeping him from getting a solicitor's permit goes back 20 years ago. He now carries a security clearance from the TSA, and has solicitor's permits from surrounding towns.

He asked for consideration of the Board so he can "get on with his life" noting this is his livelihood.

Chief confirmed this information but added that some events were as recent as 10 years ago that were based on his decision.

The general consensus of the Board was without detailed private information, was to support the Police Chief's decision as the authority and responsibility for the community.

VOTE: Mr. Clemenzì moved, and it was seconded, the BOS uphold the Police Chief's denial for a solicitors Permit (for Eugene Gordon) in the Town of Wenham. The motion carried unanimously.

Acceptance of FY 15 Annual Audit Report

Jim Powers, Powers and Sullivan, was present.

Mr. Wilhelm, as Chair of the Audit Committee, gave a brief overview of the FY15 audit saying this was a clean opinion with no Management Letter comments; there were no material weaknesses to cause concern.

The collaboration between the Auditors and the Finance Director allowed the firm to complete the audit on a timely manner.

Mr. Sullivan stated this was the best audit with Wenham as it went very smoothly ad recognized the staff for their cooperation.

The Financial condition of the Town is "sound".

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He noted that unfunded OPEB liability is over \$4 million and unfunded Essex Regional Retirement system liability is \$6.7 million.

New standards to be implemented in 2018 and the OPEB liability may go up.

The other members of the Audit Committee, Mike Lucy and Rich Jones, were recognized for their work on the Committee.

VOTE: Mr. Wilhelm moved, and it was seconded, the BOS accept the FY15 annual audit report as prepared by Powers & Sullivan and approved by the audit committee. The motion carried unanimously.

Town Administrator Performance Evaluation: Results and Discussion

The Chair read the summary of the Town administrator's evaluation.

There is a provision the Town Administrator's contract that requires an annual evaluation in the month January. This first year evaluation determines if Mr. Lombardi's probation period as Town Administrator has ceased and the contract continues.

The Evaluation Document was agreed upon by all parties and evaluates the Town Administrator in General categories:

1. General Management and Effectiveness
2. Board Relationships and Communication
3. Interpersonal Skills and Development
4. Leadership
5. BOS priority Goals for FY16 (to be reviewed as being included in future evaluations as these goals change and are on different time lines)

Each category included subcategories and were rated on a scale of 1 to 5 with 1 meaning not applicable/unable to assess as opposed to the lowest score.

In addition to the objective evaluation, this evaluation included written comments from the Board.

Mr. Lombardi's evaluation was more than satisfactory and subject to a vote by the BOS, should indicate the initial probation has ceased and his contract remain in effect through June 30, 2018.

Mr. Wilhelm added how pleased the Board is with Mr. Lombardi's management of the Town.

Ms. Harrison noted as Chair she has worked closely with Mr. Lombardi and appreciated the work

Mr. Clemenzi said Mr. Lombardi was a perfect choice / fit for Wenham.

VOTE: Ms. Harrison moved, and it was seconded, to accept the Town Administrator's (2015) annual evaluation. The motion carried unanimously

VOTE: Ms. Harrison moved, and it was seconded, the BOS notify Peter Lombardi, Town Administrator in writing that his initial probation period has ceased and the employment contract will continue to remain in effect until June 30, 2018.

Mr. Lombardi thanked the board saying he is pleased to be working in Wenham, the staff has been tremendous.

OTHER MATTERS

Mr. Clemenzi noted that Powers & Sullivan Auditors has been hired to do an audit at the Veteran's Office and requested this be on the next agenda for an update.

MINUTES – none

EXECUTIVE SESSION - Union Contract Negotiations

VOTE: Ms. Harrison moved at 8:21 PM the BOS enter into Executive Session according to MGL Chapter 30A Sec 21 for the purpose of Exemption (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares related to contract negotiations with AFSCME Council 93, Local 2905 and to return to open session to take any action and adjourn to open session. The motion carried unanimously by roll call vote.

The BOS returned to open session at 8:43 PM.

VOTE: Mr. Harrison moved, and it was seconded, to approve the AFSCME three-year contract for FY 17, FY 18, & FY19 as negotiated and presented which includes a COLA of 1 percent for FY17, 2 percent for FY18, and 2 percent for FY19 and to include amendment of \$500 annual accrued stipend for the Police Department Administrative Assistant provided the accreditation stays in place. The motion carried unanimously.

ADJOURNMENT

APPROVED 7.12.16

The Board unanimously adjourned at 8:45

Respectfully submitted by
Catherine Tinsley
5.8.16