

WENHAM BOARD OF SELECTMEN
Meeting of Tuesday, April 1, 2014
Town Hall, 138 Main Street

APPROVED 5.6.2014

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 was held on April 1, 2014 at 7 PM in the Selectmen Chambers.

WELCOME & OVERVIEW OF AGENDA

With a quorum present, Chairman Whittaker called the Board of Selectmen meeting to order at 7 PM
Selectmen Present: Ken Whittaker, Chair; Patrick Wilson, Vice Chair; Jack Wilhelm, Clerk
Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary
This meeting was recorded, with permission, by HWCAM.

Abbreviations used
BOS Board of Selectmen
TA Town Administrator

Public Information
Agenda
Photos submitted by David Reid
Proclamation – L. Stephens/Boy Scouts
Reynolds Farm Lease
Maple Street
Town Administrator’s Contract
Minutes: March 17, 2014

PUBLIC INPUT

David Reid, Topsfield Road was first to request to speak under public input but agreed to hold his comment to accommodate others with scheduling conflicts.
Town Counsel/ Moderator Paul Weaver addressed public comment regarding a group home on Route 97 saying they are essentially exempt under the Dover Amendment as an educational institution; there are no additional requirements e.g. permits, from the Town. He suggested the BOS provide the public with an update regarding group homes at the next meeting.

Planning Board Chair David Geikie stated he had another engagement and could not stay for the meeting to discuss the proposed Maple Street project. He spoke briefly saying this is a “friendly” 40b project. He gave an overview of MGL Chapter 40b saying once the Maple Street Plan is submitted, the Town can hold all subsequent comprehensive permit applications. He summarized that because Wenham currently has less than 10% affordable housing (currently 8.5 %) the Town must allow a proposed 40B development that provides 25% of the units as affordable housing. The Town has no say on 40b projects. Mr. Geikie stated that the Planning Board supports the Maple Street concept, noting phase one provides about 30 affordable units and therefore fills the affordable unit deficit of the town. He went on to say that even though this is a 40b project, the developer is willing to work with the Town. The process for this development is just beginning and meetings and public hearings will be scheduled.

David Reid returned to the podium. He provided printed photos of campaign signs for Patrick Wilson on Cedar Street property owned by the Hamilton Wenham Open Land Trust property, held under a 501 3c. He said while trying to contact the Trust regarding this matter, he found that the address for the Trust comes up as Selectman Whittaker’s home address. He referenced the IRS laws stating that that “no Charitable Trust can campaign indirect or directly”. Mr. Whittaker acknowledged that he is an Officer, Clerk, and Treasurer for the Trust and placed the signs there. He stated he was unaware of these campaign laws, and would remove the signs immediately following the meeting. Mr. Reid also noted that he has observed that some appointed officials in town are making public statements using their appointed title and this is prohibited by standard Massachusetts campaign guidelines.

He stated his concern that campaign guidelines are not being followed and respectfully requested that the laws be reviewed and followed.

PRESENTATIONS BY GUESTS ANNOUNCEMENTS

A Volunteer is needed as an alternate member of the Zoning Board of Appeals
The ATM is this Saturday, April 5, 2014 at 1 PM in the Bessie Buker School.
Town Election is held Thursday, April 10, 2014 in Town Hall.
Turn Off Your Digital Devices - Family Night at the Library April 7, 2014.

NEW BUSINESS

A. Presentation of Resolution

Mr. Wilhelm read a Proclamation in honor of Laurie Stephens who was a Bronze Medalist at the 2014 Paralympics Winter Games. Ms. Stephens was unable to attend and her parents John and Donna were present in her stead to accept the proclamation.

B. Recognition of the dedicated work of the Boy Scouts - to deliver 1300 copies of the Annual Town Report and Warrant Book. Mr. Wilhelm read a Proclamation in recognition to the Boy Scouts of Troop 28 for their assistance, dedication, and devotion to their duties.

C. Reynolds Farm Lease Endorsement

Conservation Commissioner Phil Colarusso and James Harrison, North Shore Director of The Food Project were present.

Mr. Colarusso summarized that every five years the lease for the Reynolds Farm is renewed through the RFP (Request for Proposal) process. Four responses were received this year. After careful consideration, the Conservations Commission accepted the bid by the non-profit group "The Food Project".

Mr. Harrison talked about The Food Project saying it has been active on the North Shore for ten years, encouraging youth development through the farming of fresh food. Teenagers from all over the North Shore participate. In addition, the Food Project has 31 acres in Beverly. On average, 250,000 pounds of produce is grown, much of which is sold locally at Farmer's Markets. It was noted that for long-term fertility of the land, the 15 acres on the west side of Larch Row would be used for cover crops this year. This will be beautiful with lots of flowers but will not be farmed this year to allow the land to rest.

D. Financial Policies was held for additional changes by the TA

F. Maple Street Affordable Housing

Josh Anderson, Chair of the Affordable Housing Trust, and Andrew D'Franza, Executive Director of Harborlight Partners, were present to talk about the proposed "40 b" project on Maple Street and answer questions. MGL Chapter 40 section b allows developers to build in towns that do not currently have a least ten percent affordable housing, and forgo the town's permitting regulations by providing affordable units within the development. Currently it is estimated that Wenham is 21 affordable housing units short of the ten percent required by the state to stave off 40 b developments. Although the proposed affordable housing project on (4 acres) of the Burnett's 50-acre property on Maple Street is only in the beginning stages, Mr. Whittaker introduced the subject as an information discussion. He summarized that the proposed project is supported by the Town to maximize affordable housing and stop other 40b projects. Because the developer is willing to work with the town, it is referred to as a friendly 40b project.

The Community Preservation Committee approved the use of CPA funds in the amount of \$950,000 towards the development of the Maple Street project. The BOS must authorize if the Trust can spend the money for this purpose. Mr. D'Franza gave a preliminary overview of the proposed project, noting the project has not been submitted and is only in the preliminary stage. The project is being planned in two phases for a total of 60 units. The units are one bedroom, 650 square feet, and age restricted to people 62 years and older. The project is 450 feet from the road and 265 feet from the nearest home. The estimated property tax paid to the Town was \$50,000-\$60,000.

The project must be presented to the Zoning Board of Appeals and all environmental laws must be followed.

Mr. Whittaker opened the meeting to the BOS and public for questions and comments. A very lengthy discussion followed.

Participating in the discussion was Timothy Mansfield of the ZBA. He reiterated that unless the town has 10 percent of the housing stock as affordable, the Town could not refuse a developer who is willing to provide affordable units as part of a project. He stressed the benefit to Wenham to work with Harborlight Partners, citing they are looking forward to working with the Town. Many public meetings and public hearings will be scheduled when the process begins officially.

G. HUD 2014 Home Allocations

Mr. Anderson recommended the BOS vote to accept the 2014 HUD Home Allocation.

Vote: Mr. Wilson moved, and it was seconded, to accept the HUD Home Allocations funds in the amount of \$4,003.00 for 2014 Federal Fiscal Year. The motion carried unanimously.

H. Town Administrator's Contract – Discussion and Vote

Chairman Whittaker reviewed that the BOS met in executive session with Mark Andrews on March 17, 2014 to discuss the terms of a contract to continue as Town Administrator.

Mr. Whittaker reviewed that Town Administrator's contract was similar to the previous contract.

- Term of the contract is for three years through June 30, 2017
- Salary of \$102,393 through June 30, 2014
- Two year mandatory two percent increase
- Selectmen option to increase the salary (2-3%) for exemplary performance
- Review at the end of each calendar year; December 31, 2016 review to include notice to retain or notice of non renew of contract (6 month notice)
- Provisions to cancel for cause
- Three weeks vacation with option to carry over 2 weeks; maximum vacation time per year is 5 weeks

Chairman Whittaker opened the meeting for comment from the BOS

Selectmen Wilson stated he is comfortable with the terms of the contract.

Selectman Wilhelm identified the comments he made in executive session saying that does not agree with the three-year length of the contract and supported a one year contract for the Town Administrator and that it be reviewed annually by the sitting Board of Selectmen. Mr. Wilhelm also expressed his concern that under "Duties and Responsibilities" of the contract, it appears Mr. Andrew's duties exceed the Town Administrator's ability to supervise departments heads of elected boards i.e. Board of Assessors. He referenced the hiring, firing, and training of "department heads" as stated may not be under the Town Administrator or the BOS purview. Lastly, Mr. Wilhelm disagreed that Mark Andrews as Town Administrator is tasked with providing overall management direction and policy implementation of all affairs of the Town of Wenham. He noted the other two Selectmen did not agree and his comments "did not prevail".

Chairman Whittaker added that a three-year contract is consistent with other town employee contracts.

Vote: Mr. Wilson moved, and Mr. Whittaker seconded, to approve the Memorandum of Agreement as between the Town of Wenham, represented by the Board of Selectmen and the Town Administrator, for the contract term to commence as of April 1 2014 through June 30, 2017 consistent with the terms of the contract presented at the meeting. Under discussion,

Chairman Whittaker refused the request for public comment on this matter.

The motion carried by majority vote with Mr. Wilhelm voting in the negative.

REPORTS

Mr. Andrews reported that the March 21, 2014 dedication ceremony on Cedar Street was well attended.

Senator Tarr informed Mr. Andrews that the Conference Committee has approved the State Transportation Bond Bill. If approved by the Governor, Wenham would receive \$550,000 for the Route 22 Essex Street culvert. Mr. Andrews passed along a recommendation that the BOS authorize the Chair to sign a letter to the Conference Committee urging for expeditious funding and release of the money.

Mr. Andrews provided the BOS with a chart of grant money the town is applying for and has received.

Area administrators are forming a regional association to meet quarterly for joint grant opportunities and projects.

Mr. Andrews and Selectman Wilhelm will review applications received for the Town Accountant and Finance Director. This will be on the agenda for the next meeting.

MINUTES - March 17, 2014

The Release of ES minutes are on the agenda for the April 15, 2014 meeting.

The March 17, 2014 minutes were held; no action was taken

AT&T will put a balloon or crane at the 150 ft height of the proposed cell tower on Monument Street April 5, 2014. Comments can be submitted to the BOS. It was noted that the Town's Cell Tower bylaw is for preferred sites to be on town property.

Mr. Wilson moved, and it was seconded, to adjourn at 9:35 PM