

APPROVED 7-1-2014

WENHAM BOARD OF SELECTMEN
Meeting of Monday, May 20, 2014
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 May 20, 2014 at 7 PM in the Selectmen Chambers.

WELCOME AND OVERVIEW OF THE AGENDA

With a quorum present, Chairman Wilhelm called the meeting to order at 7 PM

Selectmen Present: Jack Wilhelm, Chair; Catherine Harrison, Vice Chair; Ken Whittaker, Clerk

Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary

Abbreviations used

BOS Board of Selectmen

Public information

Agenda

Resolutions

Paving Contract – Bell & Flynn

Police Mutual Aid Agreement

Iron Rail Lease

Appointments

Minutes – 4.15.14 & 5.6.14 & 5.12.14 open/es

Johnson Controls – Report

Surplus equipment listing

PUBLIC INPUT

John Clemenzi, Stage Hill Road, announced that the memorial service for Terry Hart, the Veteran's Agent for the North Shore Communities, is Saturday May 24, 2014.

PRESENTATION BY GUESTS

ANNOUNCEMENTS

The following announcements were made:

1. The BOS must make an appointment to the Cemetery Commissioner to fill the first year of a two-year unexpired term; this will be on the 2015 ballot. Letters of Interest should be sent to the Town Administrator.
2. "Stem and Story" playgroup is Thursdays through June 26th at the Library; registration is required.
3. Resolution: Childhood Cancer Awareness Week in Wenham June 1st – 7th
Vote: Mr. Whittaker moved, and it was seconded, the BOS declare June 1-7, 2014 as Childhood Cancer awareness Week in Wenham. The motion carried unanimously.
4. Resolution: Care Dimensions (Formally Hospice of the North Shore) "We Honor Veteran's Breakfast" May 27, 2014 at the Kaplan family House, Danvers.
5. 76 Topsfield Road – Factual Inquiry

Chairman Wilhelm reviewed the controversy over a drug/alcohol rehabilitation center on Topsfield Road and if it qualifies for the so-called Dover Amendment, which would exempt the facility from zoning if it were primarily educational. The BOS received a letter from an Attorney, hired by one of the abutters, challenging if Cross Keys deserves the exemption of the Town Bylaws under the Dover Amendment. A "Factual Inquiry" is scheduled for June 5, 2014.

The BOS wished lifelong resident, Albi Dodge, a Happy 100th Birthday

NEW BUSINESS

Recommendation of Award – Injected Asphalt Stabilization Bid for Maple Street

APPROVED 7-1-2014

Bill Tyack, Highway Superintendent was present and explained borings were done on Maple Street, and the road is failing under the asphalt. The repair, which grinds up and recycles the asphalt in place, is considered a “green” process. Chapter 90 funds will be used to pay for the project. Maple Street will remain open during the construction.

Vote: Ms. Harrison moved, and it was seconded, that Bell & Flynn, Inc. be awarded the Injection Asphalt Stabilization Contract (14-0001) for \$241,402. The motion carried unanimously.

Hamilton Wenham Youth Soccer Associations (HWYSA) Lease – Review

Paul Weaver, Town Counsel, was present and reviewed that the Iron Rail Property was purchased by the Town (for future town needs) in 1974 and a five member Iron Rail Commission (IRC) was established to oversee and manage the property. State Law assumes that property owned by the Town is under the custody of the Commission or remains in the general inventory that is managed by the BOS. The IRC has participated in the disposition of the property i.e. cemetery, and routine lease / maintenance of the buildings. The Town Administrator must follow procurement (MGL Ch 30B) laws regarding the lease of the land. He recommended the BOS properly define the role of the IRC management and oversight.

Chairman Wilhelm concurred the BOS should clarify what the IRC can and cannot do. He stated he is satisfied with the soccer field lease with the HWYSA, with the exception of the term saying a 20-year lease is too long and supported a ten year lease with a clause that within 18 months of expiration of lease, negotiations will commence for renewal with the expectation that negotiations will be completed within 6 months.

Mr. Whittaker also agreed a 20-year lease is too long. He suggested a provision to allow an automatic extension unless the BOS votes to renegotiate. Ms. Harrison noted this is a response to an RFP and the need or appropriateness of continued negotiations are questionable. She agreed that at a minimum, a discussion and evaluation of the lease be done at ten years.

Don Lake, HWYSA was given the opportunity to respond and said that negotiating the lease for four years has been too long. He supported a 20-year lease, citing the need to avoid this lengthy process adding that HWYSA would not stand in the way of the Town wanting the property for another use.

Mr. Andrews was directed to revise the document to include the automatic renewal as discussed, to be finalized for approval by the BOS at the next meeting subject to the HWYSA approval.

Wenham Police Mutual Aid

Police Chief requested the Town enter into an “Agreement of Mutual Aid” with other Essex County Police Departments; the Town has had a separate Mutual Aid with abutting communities since 2004. The Essex County Mutual Aid is an expansion of this agreement and endorsed by Essex County Police Chiefs.

Vote: Mr. Whittaker moved, and it was seconded, to approve the Wenham Police Department enter into the Massachusetts Interagency Mutual Aid Agreement and further authorize Jack Wilhelm, Chairman of the Board of Selectmen to sign said agreement on behalf of the Town of Wenham. The motion carried unanimously.

ESCO (Energy Service Company) Update – Johnson Controls

Johnson Controls Christian Michel, Energy Solutions Development Engineer, and Gary Reiff, Engineering Project Manager were both present to talk about the project and answer questions.

Mr. Michel referenced a PowerPoint presentation to summarize the purpose of the performance contract to verify energy savings, which are designed to fund the project in its entirety to be verified annually.

Johnson Controls began in May 2010 with a twelve-year contract through 2022. The goal was to cut energy costs, provide capital upgrades, and increase energy efficiencies. However, during the 2012/2013 reviews, the lack of savings on the utility bills was identified. Some repairs/work have been done but an analysis affirmed some permanent shortfalls that cannot be rectified. Year one shortfall in energy cost savings to the town was \$9,704; Year two shortfall was \$11,989. The total shortfall owed to the town over the period of the contract is \$155,261.

The two options before the Town is to 1. Take an annual settlement from Johnson Controls or 2. Have Johnson Controls perform additional work to the value of the shortfall e.g. assisting the town with installing LED light fixtures in the street lamps. Johnson Controls would prefer to do additional work. Monthly monitoring of the Town’s energy bills is being done. Future work would be rolled into other services and included with efforts to pursue guaranteed energy savings.

Mr. Whittaker noted that energy savings would continue after the contract has ended in 2020 and supported looking at the details of work, noting Johnson Controls is a leading company.

The Town Administrator will prepare a recommendation for the BOS.

Appointments – Town Officials, Boards and Committees

Chairman Wilhelm noted Public Safety was previously appointed as level one. He went on to say as part of the process, appointees are asked to affirm their desire to be reappointed.

It was noted that those employees that have a contract with the Town and do not otherwise have a statutory obligation to be appointed, do not need to be appointed. The list will be updated.

*Vote: Ms. Harrison moved, and it was seconded, to appoint M. Lucy, A. Andrews, J. Wilhelm to the **Audit Committee** for a one year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint F. de Lacvievier, P. Cavanaugh, W. Charman, W. Tyack, A. Dodge, JR., H. Davis to the **Bicycle Pedestrian Advisory** Committee for a one-year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint P. Purdy, B. Armington, E. Armington, M. Bailey, B. Blanchard, D. Goudie, J. Dodge, L. Erhard, D. Gallant, P. Hersee, S. Herrick, C. Kelley, J. Lund, D. Luxton, P. Mendonca, M. Miceli, D. Morong, J. Richardson, Lauren Swartz, T. Tanous, C. Tinsley, E. Wright to the **Election Officers** for a one-year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint R. Blanchard, D. Marsh, T. Perkins to the **Emergency Management** for a one-year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint C. Harrison, K. Whittaker, J. Wilhelm as **Fence Viewers** for a one-year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint B. Blanchard, P. Hersee, R. Blanchard, A. Dodge, S. Kavanagh, D. Pedersen, J. Perkins, T. Tanous, H. Morong, W. Tyack to the **Veteran's War Memorial Committee** for a one-year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint the J. Toby as the **Liquor Agent** and M. Andrews as the **Parking Clerk** for a one year term beginning on July 1, 2014 & ending on June 30, 2015. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint the following member, D. Bucco to the **Board of Registrars** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint K. Moran and K. Wiersma to the **HW Cultural Council** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint J. Howard, H. Davis to the **Historic District Commission** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint E. Batchelder to the **Iron Rail Commission** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint J. Pederson, T. Tanous, M. Ting, M. Whitman to **WISSH** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

*Vote: Ms. Harrison moved, and it was seconded, to appoint the following member, J. Coffey to the **Board of Zoning Appeals** for a three-year term beginning on July 1, 2014 & ending on June 30, 2017. The motion carried unanimously.*

Chairman Wilhelm announced two vacancies on the Finance and Advisory Committee.

Update of Town Accountant Applicant – Discussion, Review & Consideration for Appointments Pending Salary & Benefit Negotiations

Chairman Wilhelm reviewed that the town received 60 resumes in response to the Town Accountant and Finance Director positions. Candidates were screened and one, Angel Wills, has been brought forward for consideration as the Finance Director/Town Accountant.

The meeting was open for discussion. The Board concurred Ms. Wills is a strong candidate and pending contract negotiations, supported Ms. Wills for the position. Mr. Wilhelm noted the salary is \$72,000 and Ms. Wills is requesting to start with three weeks vacation.

Vote: Ms. Harrison moved, and it was seconded, to appoint Angel Wills to the full time (37.5 hours a week) position of Finance Director / Town Accountant for the Town of Wenham, effective July 1, 2014, subject to a successful negotiation

APPROVED 7-1-2014

of a salary not to exceed \$72,000 annually, and further subject to passing other standard personal management procedures. The motion carried unanimously.

It was the consensus of the BOS to authorize the Town Administrator to work out a detailed transition plan with Baystate Municipal Accounting Group (BMAG) and adjust the scope of services, including VADAR training, for Ms. Wills. This contract with BMAG is through July 31, 2014. Ms. Harrison suggested any additional contract with BMAG be flexible, to provide support to Ms. Wills transition into the position.

Mr. Andrews recommended that BMAG close out fiscal year 2014 and Ms. Wills begin her work in fiscal year 2015.

Departmental Designated Surplus Town Equipments – Vote to declare Surplus

The Board was asked to declare miscellaneous town owned equipment i.e. a vehicle, lawnmower, computer equipment be declared surplus for the purpose of disposal (sale).

Vote: Ms. Harrison moved and it was seconded, to approve the surplus equipment and fixed asset listing attached and authorize the proper disposal under general laws and regulation. The motion carried unanimously.

REPORTS

Town Administrator - It is the recommendation of the Memorial Day Parade Committee to end the parade at the cemetery for this year. The BOS supported this recommendation but encouraged return transportation be available.

Chairman

War Memorial Ground Breaking was Monday, May 12, 2014 and was well attended.

MINUTES - April 15, 2014; May 6, 2014; May 12, 2014 open/ES

All minutes were held for review.

Mr. Wilhelm asked for a list of minutes not approved.

ADJOURNMENT

Vote: Mr. Whittaker moved to adjourn at 9:04 PM and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
5.25.14