

2.17.2015 APPROVED

TOWN OF WENHAM

Board of Selectmen
Meeting of Tuesday January 20 2015
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 JANUARY 20, 2015 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: Catherine Tinsley, Minutes Secretary

Public Information

The meeting was audio recorded with permission by HWCAM

Agenda

Announcements

Annual Town Meeting (ATM) Draft Warrant

Minutes- November 22, 2014; December 2, 2014 open / es; December 16, 2014; December 16, 2014

ANNOUNCEMENTS

- Nomination papers for the town election for are available at the Town Clerk's office; papers must be turned in by February 26th and can be withdrawn until March 16th
- The ATM is April 11, 2015
- The annual elections are April 16, 2015; residents can register to vote through March 20th
- Mr. Whittaker read the list of open seats on town boards/committees; this list is posted on the Town's web site. Mr. Whittaker announced he would not seek re-election to the Board of Selectman.
- A presentation on the proposed joint pool is January 22, 2015 at the Hamilton Council on Aging
- The Wenham Fire Department has two openings for on-call firefighters; applications are on the Town's web site

Chairman's announcements

- The BOS engaged Municipal Resources Inc (MRI), to assist the Town with the search for a Town Administrator. Mr. Gould recently met with the department heads and is now seeking input from the public regarding the Town Administrator for Wenham. The email address to submit comments/suggestions will be posted on the Town's web site; comments will remain anonymous. A public meeting has (tentatively) been scheduled for February 11, 2015 from 4:30-7:30 for residents to meet with MRI.
- Members for a Screening Committee are still being sought to assist with the Town Administrator's search process. Members will be asked to attend two to three evening meetings and one daytime meeting. MRI has agreed to hold the day-long meeting on a Saturday. Letters of interest are to be submitted by February 1, 2015.
- Mr. Wilhelm acknowledged he has received several complaints that the multi purpose room at the Buker School is not available for town board/committee meetings, and has a call in to the Superintendent regarding this matter; he is waiting for a return call.
- Mr. Wilhelm reported that he has received several comments/complaints regarding the limited availability of the Town's computer Tech, who resides in Arizona, and that this is not meeting the needs of the town. He opined there has been many instances when the Town would have been better served by a local person/firm and suggested the BOS consider another firm/person. He went on to suggest that a local firm do an evaluation of the Town's IT services first; the proposed estimated cost for a analysis was \$1800. This will be on an upcoming agenda.
- Mr. Wilhelm identified he is not available for the next BOS meeting on February 3, 2015. The BOS agreed to move this meeting to Wednesday, February 11, 2015.

NEW BUSINESS

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Animal Control Transition Plan

Mr. Wilhelm reported he met with Police Chief, who oversees the Animal Control Officer position, and that Stephen Kavanagh has indicated his willingness to attend the necessary classes, at no charge to the Town, but is requesting to be paid the same as an outside firm. This request has been submitted to the Finance Committee for consideration. A job description agreement is being drafted that would include the same services as proposed in the tri town agreement. Mr. Kavanagh and the Police Chief will attend a future BOS meeting to answer questions.

Donation from Fire Company – Jaws of Life Tool

Fire Chief Blanchard was present, along with Shawn McCarthy, president of the Fire Company, Jeff Baxter, and Dan Sullivan, to present to the Town, a power pack unit for the Jaws of Life tool. The new unit will replace a 34-year-old piece of equipment. The value of the unit was more than \$5,000, and was purchased through community donations and fund raising of the Wenham Fire Company.

Vote: Ms. Harrison moved, and it was seconded, to accept the gift of the power pack unit from the Wenham Fire Company, paid for by community donations. The motion carried unanimously.

Results of Legal Based Study

Town Counsel, Paul Weaver was present. He gave an overview of the legal base study and updated the BOS saying:

- The intern is working with the Town Clerk cross checking records against actions of the town meeting
- Some Bylaws adopted after 1996 have been miss numbered; this has no legal consequence
- A comprehensive review of town boards/committees compared to state law vs. bylaws vs. actual practice and present encumbrances; there may be an additional article to come out of this review.
- Although the town adopted the bylaw to issue penalties in certain circumstances, the town often incurs expenses related to applications e.g. legal, advertising, printing, studies etc. the town has not adopted MGL 53 that allows the town to impose these types of costs on the applicant. This may be an article for the town meeting's consideration.
- A draft of the Legal Base Study is anticipated in February for review by the BOS and upon approval would be posted on the town's web site.
- Potential extensions for town bylaws will be recommended at Town Meeting for town owned/acquired land, that have special requirements and/or restrictions
- Previous votes taken by the Town will be itemized for easy reference
- Mr. Weaver is reviewing his legal notes; the files with future relevance will be indexed by topic
- The Town's Bylaws are outdated and should be reviewed and brought into compliance with current law and obligations of the town; Mr. Weaver offered to follow up on this after town meeting, or suggested the BOS appoint a committee to review the bylaws
- Update the bylaws to include non-criminal enforcement to allow the Town to issue a ticket/fine that if not paid goes to the district court.
- The Planning Board Subdivision Regulations are out of date. Mr. Weaver recommended funding an update in the FY16 budget
- Mr. Weaver recommended all non-controversial bylaw amendments be considered for a Consent Calendar Article on the town meeting warrant.

Discussion on upgrading Town Hall phone system

Mr. Wilhelm reviewed that the phone system in Town Hall is out of date and interferes with town hall business. He referenced an analysis done by Ronco that recommended more ports be added to avoid the phones "crashing." The proposed cost to update the system was \$9,500.

Because the report was not passed along to the BOS at that time it was completed, Mr. Wilhelm will contact Ronco to submit an updated proposal.

After a brief discussion, Mr. Whittaker and Ms. Harrison agreed that another proposal be sought to compare with Ronco. The Board was undecided if this needs to be addressed immediately but recognized an analysis is needed, as it effects the business of town hall.

Mr. Wilhelm will get another bid and confirm the Ronco proposal. This will be on the next meeting agenda for discussion including funding work/upgrades on the town hall phone system.

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Town Administrator Screening Committee

The BOS acknowledged five Letters of Interest, to serve on the Screening Committee, have been received to date. The Board agreed the committee be made up of five to seven members; the selection process will be on the next meeting agenda for discussion.

Ms. Harrison offered, and it was agreed, to post an announcement to seek Letters of Interest on Face Book.

There was a brief discussion that Letters of Interest be numbered in the order received, and that the Selectmen receive a copy of each letter to review, categorize the letters by preference, and discuss in the next open session.

Preliminary Discussion of Potential Annual Town Meeting (ATM) Articles

Paul Weaver, Town Moderator/ Town Counsel gave a brief overview of potential draft warrant articles for the ATM 2015.

The draft articles are a part of these minutes.

The first nine articles are traditionally the same each year:

- ARTICLE 1: Budget appropriations
- ARTICLE 2: Use of Free Cash to level the tax rate
- ARTICLE 3: Use of other funds to level the tax rate
- ARTICLE 4: Cemetery and Other Trust Funds
- ARTICLE 5: Cemetery Maintenance Fund Transfer
- ARTICLE 6: OPEB Fund Appropriation
- ARTICLE 7: Road Work – Chapter 90 Funding
- ARTICLE 8: H-W Building Maintenance Revolving Fund

A. H-W Building Maintenance

B. H-W Grounds Maintenance

ARTICLE 9: CPA Appropriations

ARTICLE 10: Zoning Bylaw Amendment

Item 1. At the end of Section 13.5.1, add language

Item 2. At the end of Section 13.5.3, add language

Item 3. At the end of Section 13.5.6, add language

Item 4. At the end of Section 13.5.7, add language

ARTICLE 11: Bylaw Amendment – Finance Director

ARTICLE 12: Bylaw Amendment – Legal Affairs—Board of Selectmen

ARTICLE 13: Bylaw Amendment – Finance & Advisory Committee

ARTICLE 14: Bylaw Amendment – Renumbering Bylaws adopted after May 4, 1996.

ARTICLE 15: Bylaw Amendment – Winter Parking Ban

ARTICLE 16: Bylaw Amendment – Winter Parking Ban

ARTICLE 17: Bylaw Amendment – Solicitors

ARTICLE 18: Bylaw Amendment – Non-resident Fingerprint Processing Fees

ARTICLE 19: Bylaw Amendment – Fire & Intrusion Alarm Policy

ARTICLE 20: Election of Town Officers – Ballot vote, Thursday, April 16, 2015

Moderator, one year term; Town Clerk, three year term; Selectman, one position, three year term; Assessor, one position, three year term; Planning Board, one position, five year term; Tree Warden, one position, one year term; Board of Health, one position, three year term; Cemetery Commissioner, one position, three year term; one position for two years-to fill an unexpired term; Water Commissioner, one position, three year term; Wenham Housing Authority, one position, five year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term, one at large position for one year – to fill an at-large position; Hamilton Wenham School Committee, three positions, three year term, and one position for one year – to fill an unexpired term.

WARRANT FOR THE SPECIAL TOWN MEETING

ARTICLE 1: Unpaid Obligations from Prior Fiscal Years

ARTICLE 2: FY 2015 Budget Account Appropriation Transfers

- Mr. Weaver stated he would be available remotely to answer questions at the next BOS meeting
- The Finance Director issued a statement that not all previous bond proceeds (\$200,000) have been spent and included a list of how these funds could be spent. A town meeting vote is anticipated to be necessary to appropriate this money; Mr. Weaver was directed to work with the Finance Director and prepare a draft article for the ATM warrant
- The BOS requested the DPW Director attend a meeting to discuss the HW Building Maintenance program

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- The BOS requested Police Chief Perkins attend a meeting and explain the amendments he submitted concerning the winter parking ban.

Mr. Weaver reiterated that he is available to assist residents with the language for citizen petition articles.

Follow up Discussion - Regarding National Grid contract for streetlight purchase

Mr. Whittaker reviewed the contract and raised a number of questions. Mr. Tyack and Ms. Masone have a meeting scheduled with the proposed contractor for the lights. They will be asked prepare a comprehensive report on cost, comparisons, and risk of the proposed purchase.

Hiltz Disposal Contract – Discuss option to extend current contract

Ms. Harrison reported the Town has been offered an extension option to the contract with Hiltz, for trash pick up services, for an additional two years. The option is to renew or re-bid the contract.

It was noted the Town is satisfied with the services of Hiltz. The BOS requested that Mr. Tyack attend the February meeting and make a recommendation to the Board.

Mr. Wilhelm suggested the Town consider a bylaw to govern what time and for how long trash barrels can be at the curb.

MINUTES – November 22, 2014; December 2, 2014 Open/ES; December 16, 2014; January 6, 2015

Ms. Harrison observed that the Selectmen had asked the (previous) Town Administrator to identify action items from the meetings and provide a follow up. Ms. Morong was asked to review the BOS meeting minutes of the past couple of months and create an action item list and circulate it to the BOS.

Ms. Harrison also suggested a review of votes taken by the BOS that were contingent on specific action.

*Mr. Whittaker moved, and it was seconded, to accept the minutes of **November 22, 2014** and it was unanimous to do so.
Mr. Whittaker moved, and it was seconded, to accept the open meeting minutes of **December 2, 2014** and it was unanimous to do so.*

*Mr. Whittaker moved, and it was seconded, to accept, and hold not for release, the **executive session** minutes of **December 2, 2014** and it was unanimous to do so.*

*Mr. Whittaker moved, and it was seconded, to accept the minutes of **December 16, 2014** and it was unanimous to do so.*

*Mr. Whittaker moved, and it was seconded, to accept the minutes of **January 6, 2015** and it was unanimous to do so.*

EXECUTIVE SESSION– Litigation

VOTE: Ms. Harrison moved 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; This is to discuss litigation related to Cross Keys Retreat, 76 Topsfield Road, and to include Town Counsel, Paul Weaver, and return to open session for the purpose of adjourning. The motion was seconded and carried unanimously by roll call vote.

The BOS returned to open session and on a motion by Mr. Whittaker, it was unanimous to adjourn at 9:55 PM

Respectfully submitted by

Catherine Tinsley

1.28.15