

APPROVED 7.21.2015

TOWN OF WENHAM

Board of Selectmen
Meeting of April 21, 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 TUESDAY, APRIL 21, 2015 at 7 PM in the Selectmen Chambers.

WELCOME AND OVERVIEW OF THE AGENDA

With a quorum present, Mr. Wilhelm, called the Board of Selectmen (BOS) meeting to order 7 PM
Selectmen present: Jack Wilhelm Chair/Vice Chair; Catherine Harrison, Vice Chair/Chair; John Clemenzi, Selectman Elect / Clerk

Public Information

Recorded with permission by HWCAM

Agenda

Wheelabrator Contract

HWRSD Grounds Maintenance Contract Revisions

Minutes- March 31, 2015 open*/ES; April 6, 2015; April 7, 2015 open/ES; April 11, 2015 open/ES

PUBLIC INPUT – There was none.

ANNOUNCEMENTS

Chairman Announcements

Mr. Wilhelm welcomed John Clemenzi as the newly elected Selectmen, noting he previously served (2 terms) on the Board of Selectmen. Mr. Clemenzi thanked the voters who participated in the local elections, saying it was a privilege to serve the public.

Mr. Wilhelm acknowledged Ken Whittaker for his service on the Board of Selectmen the past three years, and for his hard work and dedication to achieve the goals of the town.

Mr. Wilhelm recognized that many people were in the audience, presumably for the discussion of the proposed RCA Development Agreement as listed on the agenda, and announced this agenda item (f) would not be discussed. He explained this was on the agenda in the event there was a definitive understanding with RCA. The Attorney has informed the Board there was some modest movement in the initiatives with RCA.

Ben Tymann, Larch Row, requested the BOS take public comment on this subject, and was recognized by Mr. Wilhelm. Mr. Wilhelm cautioned that public comment could only relate to what was on the agenda due to Open Meeting Laws, and reiterated that the Board was not in the position to dialog with the public on the proposed agreement.

Mr. Tymann, clarified he would not speak to the merits of RCA's special permit application that is before the Zoning Board of Appeals. Mr. Tymann went on to talk about Federal Discrimination case and how it is not a "slam dunk" for RCA to be exempt, if they should go that route, and encouraged the Board to take their own position.

Mr. Wilhelm noted that the ZBA would make the decision and BOS is not in a position to override any vote of the ZBA, and only the Zoning Enforcement Officer could make an opposing decision and it is illegal for the BOS to influence him. Mr. Tymann provided to the Board, copies of current federal guidance from *The US Department of Justice and The Department of Housing Urban Development, Fair Housing Division* to review, adding that these laws do not preempt zoning.

Ms. Harrison commented the Selectmen do not have a default position on any project; every project/ situation is different. Should it come before the Selectmen, Legal Advice would be sought and considered.

The Board was asked if the Town has offered to help Mr. Mullen sell the property.

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Mr. Clemenzi responded that Mr. Mullen began the process to sell Penguin Hall years ago, and confirmed that he, as a Selectman, and the Town did work closely with Mr. Mullen and went to great lengths to market the property. It was noted the town cannot interfere at this time with an agreement between Mr. Mullen and RCA but this should be considered going forward and be applied to other large parcels that come up for sale.

National Grid Hearing date – New Pole Placement

The Pole Hearing is May 5, 2015 at 6:30 PM in Town Hall. The information is available on the Town's Web site and abutters will be notified.

NEW BUSINESS

Election Results – Update and Introduction

Mr. Wilhelm noted there were no contested races this year in the local elections.

The following vacant positions were filled by write in votes:

- Assessor- Michelle Bailey
- Cemetery Commission – Dana Bagnell
- Tree Warden – Winslow Mulry
- Water Commissioner – Paul Mendonca

Board of Selectmen Reorganization of Officers: Election of Chair; Vice-Chair; Clerk

- *Mr. Wilhelm nominated Catherine Harrison as Chair. Selectman Harrison accepted the nomination. The motion carried unanimously.*
Ms. Harrison thanked Selectman Wilhelm for his work as Chair and Interim Town Administrator, which was echoed by John Clemenzi who thanked both for their service.
- *Ms. Harrison nominated Jack Wilhelm as Vice Chair. Selectman Wilhelm accepted the nomination. The motion carried unanimously.*
- *Ms. Harrison nominated John Clemenzi Clerk. Selectman Clemenzi accepted the nomination. The motion carried unanimously.*

Friend of the Arts- Road Race Permission for Saturday, May 23rd

A portion of the *Friends of the Arts* road race route travels through Wenham. The WPD has reviewed the request and has no comments.

Mr. Wilhelm moved, and it was seconded, to grant permission to the Friends of the Arts road race on May 23, 2015 as described. The motion carried unanimously.

Discussion of Proposed Revised HWRSD Grounds Maintenance Agreement

Bill Tyack, DPW Supervisor was present to talk about the proposed revisions to the HWRSD Grounds Maintenance Agreement. He reported that the Facility Director for HWRSD, and the Town of Hamilton have reviewed and concurred with the changes.

Mr. Tyack reported that the DPW does not have the equipment or the manpower to efficiently to do everything outlined in the agreement e.g. maintain the schools' playing fields and do the spring/ fall cleanup. Mr. Tyack added it also takes away from work that needs to be done in town and rather than trying to continue trying to do more than can be handled, the agreement was revised that the DPW would only continue to do the mowing, tree work, catch basin cleaning, and paving/ patching for the schools; the field work and cleanups will be sub contracted out.

The exact revisions were outlined in a letter. The Selectmen requested a new agreement be written.

Mr. Wilhelm moved and it was seconded, to accept the changes as outlined in the memorandum, to be incorporate into to a revised written (HWRSD Grounds Maintenance) Agreement and signed by all parties. The motion carried unanimously.

Discussion and possible vote to renew the contract with Wheelabrator

Mr. Tyack reported the Town is in the final year of a five -year contract with Wheelabrator for solid waste disposal, that ends June 30, 2015. The Town is paying \$75 a ton in the current contract.

The new contract begins July 1, 2015 at \$60.67 per ton with a new five-year contract.

Mr. Tyack explained there are only two companies that provide this service in the area.

The other bid is \$5,587 more over the 5 years and recommended the Town contract with Wheelabrator again.

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Mr. Clemenzi moved, and it was seconded, the BOS authorize a five-year contract with Wheelabrator for solid waste as presented. The motion carried unanimously.

The Selectmen requested a presentation and cost comparison if the town agreed to allow more trash per household than the current one-barrel limit.

Interim Town Administrator Appointment

The town has a successful contract for the Town Administrator's position with Peter Lombardi, who is expected to start May 18, 2015. Until that date, the BOS must appoint an Interim Town Administrator.

Mr. Wilhelm stated he resigned as Interim Town Administrator immediately, and moved to appoint Catherine Harrison, Chair, as Interim Town Administrator until Mr. Lombardi starts as the Town Administrator, expected May 18, 2015. The motion carried unanimously.

MINUTES – March 31, 2015 open*/ES; April 6, 2015; April 7, 2015 open/ES; April 11, 2015 open/ES;
Selectmen Clemenzi was not a member of the BOS at the time these meetings were held and abstained from voting.

- *Mr. Wilhelm moved and it was seconded to **approve and release the Executive Session minutes of March 31, 2015** regarding the Town Administrator contract negotiations. The motion carried unanimously.*
- *Ms. Harrison moved to approve the minutes of **April 6, 2105** and it unanimous to do so.*
- *Ms. Harrison moved to approve the **open meeting minutes of April 7, 2105** and it unanimous to do so.*
- *Mr. Wilhelm moved and it was seconded to **approve and release the Executive Session minutes of April 7, 2015** regarding the Police Chief's contract negotiations. The motion carried unanimously.*
- *Ms. Harrison moved to approve the **open minutes of April 11, 2105** and it unanimous to do so*
- *Mr. Wilhelm moved and it was seconded to **approve and release the Executive Session minutes of April 11, 2015** regarding the Town Administrator's contract negotiations. The motion carried unanimously*

*No action was taken on the minutes of the open meeting of March 31, 2015.

ADJOURNMENT

Mr. Wilhelm moved to adjourn at 7:53 PM and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
4.23.15