

**ANNUAL TOWN MEETING**  
**WENHAM, MASSACHUSETTS**  
**Saturday, April 11, 2015**  
Perkins Auditorium, Bessie Buker School

Prior to the opening of the meeting, Senator Bruce Tarr and Representative Brad Hill addressed the body and spoke about the upcoming budget process at the state level in which they will work to maintain local priorities. They presented a citation to Kenneth Whittaker who has chosen not to run again for office. Mr. Whittaker was thanked for his many years of service to the Town of Wenham as a member of the Conservation Commission, the Government Study Committee, the Affordable Housing Trust as well as a member of the Board of Selectmen.

Moderator Paul D. Weaver called the meeting to order at 1:06 pm with the quorum of 127 voters being met. A final tally showed 250 registered voters present. Betsy Lebel and Roseann Brozenske checked in voters. Don Luxton, Julie Dodge, Judy Bubriski and Peter Hersee served as floor tellers.

The non-voters and guests present were Kristin and Elliot Noon, Sean Timmons, Tom Scarlata, Edward Bryce Morris, Jan Dempsey, Walker Goodridge, Kimberly Jackson, Andrew DeFranza and Theresa Petronzio.

The Moderator thanked the Boy Scout Troop 28 for delivering the annual reports and the warrants, the Wenham Village Improvement Society for providing the luncheon and the family of Hilda Rice Ayer for donating the flowers in her memory.

Moderator Weaver paid respect to the following Wenham residents who have served the town and passed away recently: Terry Hart, Wenham's Veteran's Agent, Howard Morong, Veteran's War Memorial Committee, Herb Cheeseman, Community Preservation Committee, Nancy Brown, Town Accountant, Bill Shailor, Selectman, Marion D'Ambrosio, Wenham Police Department Administrative Assistant and Albert (Albie) Winslow Dodge, Selectman, HW School Committee Member, Tree Warden, Iron Rail Commission. Moderator Weaver noted that Albie Dodge was perhaps "the most passionate follower of all things Wenham".

**MOTION** by Moderator Weaver was seconded and carried by majority vote to recess the Annual Town Meeting to allow for the Special Town Meeting. The Annual Town Meeting was declared recessed at 1:24 pm. Moderator Weaver re-opened the Annual Town Meeting at 1:26 pm.

Mike Lucy, Chair of the Finance and Advisory Committee introduced their members; Rick Quinn, Hilly Ebling, Ned Flynn, Mike Therrien as well as the new Finance Director, Angel Wills. Hilly Ebling was recognized for his two terms on the committee. Mr. Lucy also introduced Bill Wilson, Chair of the School Committee, Mike Harvey, the Superintendent of Schools, and the Assistant Superintendent for Finance and Administration, Jeffrey Sands. There was no interest in hearing the school department presentation.

**ARTICLE 1:                    Budget appropriations**

To see if the Town will determine what sum of money may be necessary to defray the towns expenses of the twelve month period (Fiscal Year 2016) beginning July 1, 2015 and ending June 30, 2016 and to make appropriations for the same and to determine the source thereof. Or take any other action relative thereto

**MOTION by Mike Lucy:** The Finance and Advisory Committee moves that the Town raise and appropriate, or transfer from available funds, the following sums totaling \$16,212,173 for the specific purposes designated, and that the same be expended only for such purposes for the fiscal year ending June 30, 2016; provided in the case of sums designated to fund the Town's share of operating joint (non-school) inter-municipal programs with the Town of Hamilton, that Hamilton votes to approve and fund its share as provided under applicable agreements; all expenditures to be under the direction of the respective officers, boards, and committees of the Town.

There were no holds or discussion warranted on the roll call of the budget lines.

**VOTE:                    Article 1 was seconded and carried by unanimous vote**

**CONSENT CALENDAR FOR WARRANT ARTICLES 2-8**

A consent calendar is a device that speeds the passage of what is thought of as uncontroversial matters.

**MOTION by Mike Lucy:** The Finance and Advisory Committee moves that the Town accept Articles 2, 3, 4,5,6,7 and 8 as written in the official motion list.

**ARTICLE 2:                    Use of Free Cash to level the tax rate**

To see what sum of money, if any, the Town will vote from FY 2015 Free Cash to be used to level the tax rate for the period July 1, 2015 to June 30, 2016. Or take any other action relative thereto.

**ARTICLE 3:                    Use of other funds (Excess Bond Proceeds)**

To see what sum of money, if any, the Town will vote in accordance with MGL Chapter 44 Section 20 to appropriate from the Excess Bond Proceeds, representing the balance of proceeds borrowed for certain projects that are now completed and for which no liability remains, for the purchase of the following eligible capital items during the period July 1, 2015 to June 30, 2016.

Council on Aging - handicap ramp	\$10,000
Iron Rail – renovate bathrooms to handicap accessible	\$10,000

Police - fingerprint scanner	\$30,000
Highway - street maintenance	\$100,000
Highway - leaf vacuum	\$30,000
Fire - SCBA Replacement	\$30,000
Fire - gear extractor	\$10,000
Water – pipe locator	\$3,000

Or take any other action relative thereto.

**ARTICLE 4: Cemetery and Other Trust Funds**

To accept the Cemetery and other Trust Funds received in FY 2014, as printed in Part I of the Town Report and on file with the Town Clerk.

**ARTICLE 5: Cemetery Maintenance Fund Transfer**

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$5,000 from the Cemetery Perpetual Care trust fund, after July 1, 2015 and before June 30, 2016, and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the two cemeteries in the Town of Wenham. Or take any action relative thereto.

**ARTICLE 6: OPEB Fund Appropriation**

To see if the Town will vote to raise and appropriate a sum of money for deposit in the Other post-employment Benefits Liability Trust Fund to reduce the unfunded liability of health care and other post-employment benefits to which the Town of Wenham is obligated. Or take any other action relative thereto.

**ARTICLE 7: Road Work – Chapter 90 Funding**

To see if the Town will vote from available funds, under Chapter 246B on the Acts of 2002, a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Highway Department, pursuant to Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Section 26-27F; said work to conform to the requirements of the Massachusetts Highway Department. Or take any other action relative thereto

**ARTICLE 8: H-W Grounds Maintenance Revolving Fund**

To see if the Town will vote to re-authorize a revolving fund pursuant to M.G.L., Chapter. 44, Section 53 E1/2 for the following department for the specific purposes outlined below for Fiscal year beginning July 1, 2015 and ending June 30, 2016. Or take any other action relative thereto

H-W Grounds Maintenance:

Fees and reimbursements from the Town of Hamilton and the Hamilton Wenham Regional School District for the purpose of paying employees, purchasing supplies, services, equipment, and miscellaneous expenses related to grounds maintenance; to be expended by the DPW; not to exceed \$20,000 during fiscal year 2016.

There were no requests to split up the consent calendar, so the motion remained on the table.

MOTION by Mike Lucy: The Finance and Advisory Committee moves that the Town accept Articles 2, 3, 4,5,6,7 and 8 as written in the official motion list.

**VOTE: Consent Calendar of Articles 2-8 was seconded and carried by unanimous vote**

**ARTICLE 9: Cemetery Grave Stone Restoration Invoice**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition, or take any other action relative thereto:

An Act Authorizing the Town of Wenham to Pay a Certain Unpaid Bill

Section 1. The treasurer of the town of Wenham may pay from sums appropriated for such purposes an unpaid bill incurred by the town in the amount of \$30,000 to Fannin & Lehner for gravestone repair and restoration at the Town Cemetery, notwithstanding the failure of the town to comply with the laws relative to procurement and competitive bidding in the awarding of the contract.

Section 2. This act shall take effect upon passage.

**MOTION by Paul Weaver:** The Board of Selectmen moves to petition the General Court for special legislation as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Authorizing the Town of Wenham to Pay a Certain Unpaid Bill

Section 1. The treasurer of the town of Wenham may pay from sums appropriated for such purposes an unpaid bill incurred by the town in the amount of \$30,000 to Fannin & Lehner for gravestone repair and restoration at the Town Cemetery, notwithstanding the failure of the town to comply with the laws relative to procurement and competitive bidding in the awarding of the contract.

Section 2. This act shall take effect upon passage.

There was no discussion warranted.

**VOTE: Article 9 was seconded and carried by unanimous vote**

**ARTICLE 10: Use of other funds (Education Stabilization Fund) to level the tax rate**

To see what sum of money, if any, the Town will vote from the Education Stabilization Fund to be used to level the tax rate for the period July 1, 2015 to June 30, 2016. Or take any other action relative thereto.

**MOTION by Mike Lucy:** The Finance and Advisory Committee moves that the Town vote to transfer the sum of \$328,026.57 from Education Stabilization Fund, established at the April 5, 2014 Special Town Meeting, to level the tax rate for the period July 1, 2015 to June 30, 2016.

There was no discussion warranted.

**VOTE: Article 10 was seconded and carried by unanimous vote**

**ARTICLE 11: Capital Expenditures from New Borrowing for Capital Expenditures**

To see if the Town will vote to appropriate by borrowing \$201,738 to pay the costs of the following capital expenditures: two Highway Trucks with plow and sander (Total \$97,000); Finance and Police Department computer hardware and software upgrades (Total \$104,738); including the payment of all other costs incidental and related thereto for the foregoing capital items; or take any other action relative thereto.

**MOTION by Mike Lucy:** The Finance and Advisory Committee moves that the Town vote to appropriate by borrowing \$201,738 to pay the costs of the following capital expenditures: two Highway Trucks with plows and sanders (Total \$97,000); Finance and Police Department computer hardware and software upgrades (Total \$104,738); including the payment of all other costs incidental and related thereto for the foregoing capital items.

There was no discussion warranted.

**VOTE: Article 11 was seconded and carried by unanimous vote**

**ARTICLE 12: Capital Expenditures from New Borrowing for a New Fire Truck**

To see if the Town will vote to appropriate by borrowing \$405,000 for a new replacement Fire Truck; or take any other action relative thereto

**MOTION by Mike Lucy:** The Finance and Advisory Committee moves that the Town vote to appropriate by borrowing \$405,000 for a new replacement Fire Truck including the payment of all other costs incidental and related thereto.

There was no interest in the Fire Department's report or any discussion.

**VOTE: Article 12 was seconded and carried by unanimous vote**

Harriet Davis, Chair of the Community Preservation Committee introduced their members; Arthur Burt, Barbara Locke, Denis Curran, Leo Maestranzi, Tom Starr, Patrick Waddell and Kennon Anderson. She noted that they had many spirited discussions over the requests before them. She noted that the pool request was not unanimous but that the committee felt the residents of Wenham should have the opportunity to vote on it.

**ARTICLE 13: CPA Appropriations**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2016 Community Preservation budget; to appropriate from the Community Preservation Fund a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2016 and to approve the appropriation to expend or set aside the following amounts as recommended by the Community Preservation Committee: A sum of money for the acquisition, creation and preservation of open space; a sum of money for recreational use; a sum of money for the preservation of historic resources and a sum of money for the creation, preservation and support of community housing; or take any other action relative thereto.

The town vote to approve the following transfers of CPA funds:

1 a) The sum of \$120,000, for the purpose of reserving a minimum of 10% of the total FY 2016 estimated CPA revenue to be transferred as follows:

\$40,000 to the "FUND BALANCE RESERVED FOR HISTORIC RESOURCES"

\$40,000 to the "FUND BALANCE RESERVED FOR OPEN SPACE"

\$40,000 to the "FUND BALANCE RESERVED FOR COMMUNITY HOUSING"

1 b) The sum of \$272,000 from FY 2016 estimated CPA revenue to FY 2016 BUDGETED RESERVES

The following sums to be appropriated from the indicated CPA source for the following purposes:

2 b) The sum of \$150,722 from HISTORIC RESOURCES for the purpose of paying the debt service in FY 2016 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 154 year old Wenham Town Hall Building located at 138 Main Street in accordance with the plans developed and administered by the Wenham Town Hall and Police Station Building Committee.

2 j) The sum of \$8,000 from FY 2016 estimated CPA revenue to the CPA Administrative account

**MOTION by Harriet Davis:** The CPC moves that the Town vote to approve the following parts of the CPC motion as printed in a single vote: Everything in part 1 a. and 1.b. of the motion and Part 2.b. and 2.j.

The town vote to approve the following transfers of CPA funds:

1 a) The sum of \$120,000, for the purpose of reserving a minimum of 10% of the total FY 2016 estimated CPA revenue to be transferred as follows:

\$40,000 to the "FUND BALANCE RESERVED FOR HISTORIC RESOURCES"

\$40,000 to the "FUND BALANCE RESERVED FOR OPEN SPACE"

\$40,000 to the "FUND BALANCE RESERVED FOR COMMUNITY HOUSING"

1 b) The sum of \$272,000 from FY 2016 estimated CPA revenue to FY 2016 BUDGETED RESERVES

2 b) The sum of \$150,722 from HISTORIC RESOURCES for the purpose of paying the debt service in FY 2016 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 154 year old Wenham Town Hall Building located at 138 Main Street in accordance with the plans developed and administered by the Wenham Town Hall and Police Station Building Committee.

2 j) The sum of \$8,000 from FY 2016 estimated CPA revenue to the CPA Administrative account

There were some questions and discussion on the administrative uses of this money. Angel Wills clarified that the CPC was allowed by law to allocate 5% (\$20K) to this and at the end of the fiscal year any unspent balances close back to the CPA fund balance.

**VOTE:** Article13, sections 1a & 1b and 2b and 2j were seconded and carried by unanimous vote

**ARTICLE 13:** CPA Appropriations (cont.)

2a) The sum of \$10,000 from HISTORIC RESOURCES for Town Clerk's document preservation. This is the town's annual contribution towards the ongoing process of protecting old town records.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 a)The sum of \$10,000 from HISTORIC RESOURCES for Town Clerk's document preservation.

No discussion was warranted.

**VOTE:** Article13, section 2a was seconded and carried by unanimous vote

**ARTICLE 13:** CPA Appropriations (cont.)

2c) The sum of \$150,722 from HISTORIC RESOURCES for the purpose of paying the debt service in FY 2016 on the \$2,151,421 supplemental borrowing under Massachusetts General Laws, Chapter 44 and 44B for the rehabilitation of the 154 year old Wenham Town Hall Building located at 138 Main Street in accordance with the plans developed and administered by the Wenham Town Hall and Police Station Building Committee.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 c)The sum of \$10,000 from HISTORIC RESOURCES and \$29,099 from CPA FUND BALANCE for the preservation of the Wenham Museum Conant Collection of 3636 glass negatives of Wenham life taken between 1890 & 1918 by Wenham resident Benjamin H. Conant.

Kristin Noon, Executive Director of The Wenham Museum explained the project in more detail.

**VOTE:** Article13, section 2c was seconded and carried by unanimous vote

**ARTICLE 13:** CPA Appropriations (cont.)

2d) The sum of \$46,260 from CPA FUND BALANCE for the Wenham Museum building restoration. This is to provide needed restoration work to Wenham's First Period historic house including windows, chimney, clapboard and drainage issues.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 d)The sum of \$46,260 from CPA FUND BALANCE for the restoration of the Wenham Museum's First Period Historic Building for chimney, clapboards, windows and drainage issues as described in the period plans submitted to the CPC.

There was no discussion warranted.

**VOTE:** Article13, section 2d was seconded and passed by majority vote

**ARTICLE 13:** CPA Appropriations (cont.)

2e) The sum of \$10,000 from CPA FUND BALANCE for the HDC-Grant Request for the Wenham Historical Commission's 50% share of a state grant. This is to provide half the cost of a survey of historical and cultural resources which is a primary responsibility of the new Wenham Historical Commission created at last year's Annual Town Meeting.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 e) The sum of \$10,000 from CPA FUND BALANCE for the Wenham Historical Commission's request for 50% of a state grant to survey the Town's Historical and Cultural Resources.

There was no discussion warranted.

**VOTE:** Article13, sections 2e was seconded and carried by unanimous vote

**ARTICLE 13:** CPA Appropriations (cont.)

2f) The sum of \$25,000 from OPEN SPACE for the War Memorial landscaping

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 f) The sum of \$25,000 from the CPA FUND BALANCE for the War Memorial landscaping

There was no discussion warranted.

**VOTE:** Article13, section 2f was seconded and passed by majority vote

**ARTICLE 13:** CPA Appropriations (cont.)

2g) The sum of \$27,217 from CPA FUND BALANCE for the Community House building restoration. This is Wenham's share for masonry and windows.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant: 2 g) The sum of \$27,217 from CPA FUND BALANCE for restoration of masonry and windows of the Hamilton-Wenham Community House.

There was no discussion warranted.

**VOTE:** Article13, section 2g was seconded and passed by majority vote

**ARTICLE 13:** CPA Appropriations (cont.)

2h) The sum of \$26,880 from OPEN SPACE for the Hamilton-Wenham Recreation Board – Pool Bid. This is to fund Wenham's share of bid documents for the proposed shared pool at Patton Park.

2 i) The sum of \$450,000 from OPEN SPACE & \$222,000 from CPA FUND BALANCE for the Hamilton-Wenham Recreation Board – Pool Construction Project. To provide funding for Wenham's share of the pool construction if the total price is approved and voted by both towns.

**MOTION by Harriet Davis:** The CPC moves that the Town Vote to approve the CPC recommended grant in the sum of \$26,880 from the CPA FUND BALANCE for the Hamilton-Wenham Recreation Board – New 6 Lane Pool & New Bathhouses Bid Documents as described in project plans submitted to the CPC. And the CPC moves that the Town vote to approve the CPC recommended grant for Wenham's share of the construction costs of the Hamilton-Wenham Recreation Board – New 6 Lane Pool and New Bathhouses in accordance with Section 2.i of Article 13 , as described in project plans submitted to the CPC, provided that the sum of \$672,000 is to be taken from CPA FUND BALANCE and that the total bid construction price to both towns does not exceed \$2,000,000, and the Town of Hamilton approves its funding commitment for the project on or before June 30, 2016.

The H-W Recreation Board made a presentation by Board member, John Cusolito from Bruce Lane. Also the architect, Tom Scarlata, explained the plan with slides of the proposal. There was 30 minutes of discussion.

**VOTE:** Article13, sections 2h and i was seconded and passed with a majority vote of 4 to 1 in favor

**ARTICLE 14:** Zoning Bylaw Amendment

TO SEE IF THE TOWN WILL VOTE TO AMEND THE ZONING BY-LAW BY ADDING THE FOLLOWING PROVISIONS TO SECTION 13.5, GOVERNING SITE PLAN REVIEW:

Item 1. At the end of Section 13.5.1, add the following:

The following types of activities and uses require site plan approval by the Zoning Board of Appeals:

3. Construction, exterior alteration or exterior expansion of, or change of use within an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3.

Item 2. At the end of Section 13.5.3, add the following:

3)In the case of site plan review of an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, the references in this Section 13.5 to the “Planning Board” or “Board” shall be construed to refer to the “Zoning Board of Appeals.” The Zoning Board of Appeals shall hold a public hearing for such site plan applications after notice is provided pursuant to G.L. c. 40A, s. 15. The decision of the Zoning Board of Appeals shall be filed with the Town Clerk within ninety (90) days of the date of application, unless such time is extended as set forth herein.

Item 3. At the end of Section 13.5.6, add the following:

In the review of an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, it is expected that a waiver or waivers will be granted as long as sufficient evidence is submitted to enable the Board to make the determination called for in Section 13.5.7.9, below.

Item 4. At the end of Section 13.5.7, add the following:

9) The site plan review for an educational use, religious use, or child care center, otherwise subject to G.L. c. 40A, s. 3, shall be limited in scope to the determination of “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements” as set forth in the statute.

Or to take any other action relative thereto.

David Geikie, Chair of the Planning Board explained that the Planning Board did recommend this amendment because it brings the Zoning Board of Appeals into the process as well as require a public hearing which in the past was not required.

**MOTION by David Geikie:** The Planning Board moves that the Town vote to amend the Zoning By-Law by adding the new provisions to section 13.5, governing site plan review, as printed in the form of Zoning Amendment presented to the meeting by the Planning Board, a copy of which is to be submitted to the Town Clerk.

There was no discussion warranted.

**VOTE:**            **Article Fourteen was seconded and carried by unanimous vote**

**ARTICLE 15:**            **Bylaw Amendment—Adoption of Consolidated Department of Municipal Finance**

To see if the Town will vote to amend Chapter IV- Financial Affairs of the Town Bylaws by adding a new section 6 that provides as follows: The Selectmen shall appoint a Finance Director to serve as the chief financial officer of the Town, and to determine the duties and authority of the Finance Director, including cash management, borrowing, budget annual budget development, accounting policies and procedures for all town departments and officers. The positions of Treasurer, Collector, and Accountant shall report to the Finance Director, who may also serve as either the Treasurer or Accountant with the approval of the Selectmen.

Or take any other action relative thereto.

**Motion by Jack Wilhelm:** The Board of Selectmen move that the town approve Article 15 in the form set forth in the official motion list presented to the meeting.

There was no discussion warranted.

**VOTE:**            **Article Fifteen was seconded and carried by unanimous vote**

**ARTICLE 16:**            **Bylaw Amendment – Legal Affairs—Board of Selectmen**

To see if the Town will vote to amend Chapter II of the Town Bylaws by adding a new section as follows to clarify the powers of the Selectmen to act as the Chief Executive of the Town, and to enact rules and regulations of general application to elected and appointed multiple bodies, offices and employees of the Town:

The executive powers of the town of Wenham shall be vested in a three-member board of selectmen elected for three year rotating terms. Such board shall serve as the chief executive officer and policymaking entity of the town. The board of selectmen shall continue to have and be able to exercise all the powers and duties vested in boards of selectmen under the General Laws or by vote of the Town, and such other authority as specified herein, including, but not limited to:

>Adopting policies of general application to elected and appointed multiple member bodies, officers and employees of the town, to the extent allowed by law, and enacting rules and regulations implementing the same;

>Instituting, prosecuting, compromising or defending any claim, action, suit or other proceeding in the name of the Town and authority to settle any claim, action, suit or other proceeding brought by or on behalf or against the Town;

>Appointing ad-hoc policy committees to study particular issues or provide the board with advice;

>Acting as the licensing authority of the town;

>Calling town meetings and elections and issuing warrants therefor;

>Appointing a town administrator to assist the board in carrying out its duties and responsibilities under state law or this act, establishing the duties and responsibilities of said office, and entering in an employment contract with said officer;

>Investigating the affairs of the town and the conduct of any department, office or agency thereof;

>Executing collective bargaining agreements and other contracts of the town; and

>Such other matters as may be provided for by bylaw or other vote of town meeting.

Provided, however, that it is the intention of this bylaw that the board of selectmen shall not act to derogate from the statutory authority of multiple-member bodies and other appointees of the Board and departments under its responsibility, and, to the extent allowed by law, other multiple-member bodies, officers and employees of the town.

Or take any other action relative thereto.

**MOTION by Jack Wilhelm:** The board of Selectmen move that the town vote to amend the general town bylaws pursuant Article 16 in the form set forth in the official motion list presented to the meeting.

There was no discussion warranted.

**VOTE:**            **Article Sixteen was seconded and carried by unanimous vote**

**ARTICLE 17:**            **Bylaw Amendment – Finance & Advisory Committee**

To see if the Town will vote to amend Chapter III- Finance and Advisory Committee of the Town Bylaws by amending Sections 1 and 2 as set forth below, reducing the size of the Committee from six to five voters and providing for a transition to such smaller Committee as follows, with the language to be inserted shown as bold text, and the language to be deleted shown in strike-through, with the understanding that the reduction in the size of the Committee shall occur through attrition, and that the term of no member of the Finance and Advisory shall be prematurely terminated as a result of the proposed bylaw amendment:

Section 1: There shall be a Finance and Advisory Committee consisting of five legal voters of the town, and no elected or appointed town officer or employee shall be eligible to serve on said Committee.

Section 2. The Finance and Advisory Committee shall be chosen by an appointing committee consisting of the Moderator, the Chairman of the Board of Selectmen, and the Chairman of the Finance and Advisory Committee as provided in Section 3.

Section 3. On July 1 of each fiscal year, such appointing committee or a majority of them shall appoint one or two members of the Finance and Advisory Committee for terms expiring on June 30 of the third succeeding fiscal year as may be needed to bring the total number of members to five. Any member who is appointed and serves for a second consecutive full three-year terms shall be ineligible for reappointment until after the next succeeding annual town meeting.

Whenever a vacancy occurs in the membership of the Finance and Advisory Committee such vacancy shall be filled by the appointing committee for the balance of the unexpired term. If any member of the Finance and Advisory Committee becomes an elected or

appointed town officer or employee, or is absent from five successive meetings, except in case of illness, his position shall be deemed to be vacant.

**MOTION by Mike Lucy:** The Finance & Advisory Committee moves the Town vote to amend Chapter III-Finance and Advisory Committee of the Town Bylaws by amending Sections 1 and 2 as set forth below, reducing the size of the Committee from six to five voters and providing for a transition to such smaller Committee as follows, with the language to be inserted shown as underlined text, with the understanding that the reduction in the size of the Committee shall occur through attrition, and that the term of no member of the Finance and Advisory shall be prematurely terminated as a result of the proposed bylaw amendment[as printed in Article 17 in the Warrant]

There was no discussion warranted.

**VOTE: Article Seventeen was seconded and carried by unanimous vote**

**CONSENT CALENDAR FOR WARRANT ARTICLES 18-21**

A consent calendar is a device that speeds the passage of what is thought of as uncontroversial matters.

**MOTION by Mike Lucy:** The Finance and Advisory Committee move that the Town accept Articles 18, 19, 20, and 21 as written in the official motion list.

**ARTICLE 18: Bylaw Amendment – Renumbering Bylaws adopted after May 4, 1996**

To see if the Town will vote to amend the General Bylaws of the Town to make ministerial, non-substantive revisions to the numbering of the following four bylaws adopted after XXI Water Use Restriction Bylaw so the chapter numbers are consecutive in chronological order of adoption:

Chapter XXII CPA Bylaw (adopted 5/7/05)

Chapter XXIII Canine Control Bylaw (adopted 5/7/07)

Chapter XXIV Storm Water Management Bylaw (adopted 5/3/08)

Chapter XXV Wenham Historical Commission Bylaw (adopted 4/5/14)

Or take any other action relative thereto.

**ARTICLE 19: Acceptance of MGL Chapter 40 Section 22F**

To see if the Town will vote to accept the provisions of MGL Chapter 40 section 22F, which provides that any town board or officer empowered to issue a license, permit, certificate, or to render a service or perform work for a person or class of persons, may, from time to time, fix reasonable fees for all such licenses, permits, or certificates issued pursuant to statutes or regulations wherein the entire proceeds of the fee remain with such issuing city or town, and may fix reasonable charges to be paid for any services rendered or work performed by the town or any department thereof, for any person or class of persons; provided, however, that the fixing of such fee shall be subject to the review and approval of the Board of Selectmen. This provision shall not apply to fees excluded from Section 22F by statute. Or take any other action with respect thereto.

**ARTICLE 20: Bylaw Amendment – Solicitors**

To see if the Town will vote to amend Chapter V Section 9 (c) of the Town Bylaws to add a new subsection “(10) the finger prints of all persons participating in the solicitations”; and to revise the fees for solicitation applicants from \$2 to \$20. Or take any other action with respect thereto.

**ARTICLE 21: Bylaw Amendment – Non-resident Fingerprint Processing Fees**

To see if the Town will vote to amend the General Bylaws Chapter V to add a new “Section 11: Any non-resident of Wenham who requests the Wenham Police Department to process finger prints for employment or other purposes not at the request of the Department shall pay a fee of \$20 to the Police Department for processing fingerprints under such circumstances.”

Or take any other action with respect thereto.

There were no requests to split up the consent calendar, so the motion remained on the table.

**MOTION by Mike Lucy:** The Finance and Advisory Committee move that the Town accept Articles 18, 19, 20, and 21 as written in the official motion list.

**VOTE: Consent Calendar for Articles 18, 19, 20, and 21 was seconded and carried by unanimous vote**

**ARTICLE 22: Conversion of Cemetery Commission to an Appointed Town Board**

To see if the Town will vote, pursuant to MGL Chapter 41, Section 21, and Chapter 114, Section 27 to make the Cemetery Commission a Board appointed by the Board of Selectmen, provided that approval of this article is accepted by vote of a majority of the voters at the 2016 Annual Town Election, on the following ballot question: Shall the town vote to have its selectmen appoint the Board of Cemetery Commissioners consisting of three members appointed for three years terms? Yes\_\_\_ No \_\_\_\_. Or take any other action relative thereto.

**MOTION by Ken Whittaker:** The Selectmen move that the Town vote, pursuant to MGL Chapter 41, Section 21, and Chapter 114, Section 27 to make the Cemetery Commission a Board appointed by the Board of Selectmen, provided that approval of this article is accepted by vote of a majority of the voters at the 2016 Annual Town Election, on the following ballot question:

Shall the town vote to have its selectmen appoint the Board of Cemetery Commissioners consisting of three members appointed for three years terms? Yes\_\_\_ No \_\_.

There were comments that there is a need for more education in our schools and communities on government processes. Ken Whittaker gave the recommendation of the Board of Selectmen as 2 to 1 in favor explaining that these are important positions but yet people are not stepping up to be elected.

**VOTE:** Article 22 was seconded and passed with a vote of 2 to 1 with some opposition

**ARTICLE 23:** Conversion of Tree Warden to an Appointed Town Office

To see if the Town will vote, pursuant to MGL Chapter 41, Section 1B, to make the Tree Warden an office appointed by the Board of Selectmen, provided that approval of this article is accepted by vote of a majority of the voters at the 2016 Annual Town Election, on the following ballot question: Shall the town vote to have its elected Tree Warden become an appointed Tree Warden of the town?

Yes \_\_\_ No \_\_\_

**MOTION by Jack Wilhelm:** The Board of Selectmen move that the Town vote to approve Article 23 in the form set forth in the official motion list presented to the meeting.

There was no discussion warranted.

**VOTE:** Article 23 was seconded and passed by a 5 to 1 vote with scattered opposition

**ARTICLE 24:** Election of Town Officers

Moderator, one 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 for two years-to fill an unexpired term; Water Commissioner, one position, three year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term, two at large position, three year terms; Hamilton Wenham School Committee, two positions, three year terms. Or take any other action relative thereto.

The Annual Town Election will take place on Thursday, April 16th, 2015 at the Wenham Town Hall, 138 Main Street. Polls are open from 7:00AM until 8:00PM. The moderator commented that although the candidates are running unopposed, their service does deserve your support so please remember to vote.

**MOTION:** The BOS move that the 2015 ATM adjourn until the Town Election on Thursday, April 16th, 2015 and dissolve after the close of the polls at 8PM on that day.

Respectfully submitted,  
Dianne K. Bucco  
Wenham Town Clerk  
April 22, 2015