

TOWN OF WENHAM
Board of Selectmen
Meeting of November 13, 2018
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 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 November 13, 2018 at 5:30 pm in the Selectmen Chambers.

The Town of Wenham has a three-member Board of Selectmen elected for three-year terms with one seat up for election each year. Jack Wilhelm (2019) Catherine Harrison (2020); John Clemenzi (2021)

The Board of Selectmen serve as the chief executive body of the Town. The board's duties include in part appointing the Town Administrator and other board/committee members, developing goals and policies, preparing the town report, the annual budget, and presenting the warrant for Town Meeting.

The Board typically meets the first and third Tuesday of each month at 6:30 pm in Town Hall. The BOS meetings are posted on the Town calendar. All meetings are open to the public and may be viewed on local cable channels, HWCAM.org or [You Tube HWCAM](https://www.youtube.com/watch?v=HWCAM).

Welcome & Call to Order - With a quorum present, Ms. Harrison called the BOS meeting to order at 5:42 pm
Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair; Jack Wilhelm, Clerk
Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

- Meeting packet
- Open Session was recorded with permission by HWCAM

Executive Session

- Wenham Call Firefighters Association
- AFSCME Council 93, Local 2905
- Community Preservation Act Historic Preservation Restrictions

Vote: Ms. Harrison moved to enter into executive session under M.G.L. Ch. 30A, § 21 (3) To discuss strategy with respect to collective bargaining or litigation if the chair declares than an open meeting may have a detrimental effect on the bargaining or litigation position of the Town regarding the Wenham Call Fire Fighters Association and to continue in executive session under M.G.L. Ch. 30A, § 21(3) regarding AFSCME Council 93, Local 2905 and to continue in executive session under M.G.L. Ch. 30A, § 21 (6)– To consider the purchase, exchange, taking, lease, or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body regarding Community Preservation Act Historic Preservation Restrictions and to return to open session. The motion carried unanimously by roll call vote.

The BOS returned to open session and recessed until 6:30 pm

The BOS reconvened at 6:31 pm.

Public Input - There was none.

Announcements

- Curbside Leaf Pick-up Update – Wenham Department of Public Works annual leaf collection began today November 13 in the west side of town; loose leaf followed by bagged pick up in December. The weekly route and status is updated on the town's web site.
- Notice of Public Meeting Re Proposed Main Street Traffic Improvements is November 29, 7:00pm, Wenham Town Hall
- Winter Parking Ban is Effective November 15 – March 31
- 375th Anniversary Historic Mock Town Meeting, will be held at the First Church in Wenham on December 5, 6:30pm
- Request for Wreaths Across America Sponsorships – Wenham will simultaneously place wreaths on veteran's graves in the main Street Cemetery on December 15. Donations for the wreaths are being accepted at Town Hall through November 26 or through the website until December 3.

The agenda was taken out of order.

Appointments of Police Officers*

Reports

Town Administrator

- Board of Health Proposed Tobacco 21 Regulations -Recently, the state legislature passed several new laws regarding tobacco regulation, including a statewide increase of the minimum legal sale age to twenty-one (21). As of this month, 193 MA municipalities have increased their minimum age to purchase tobacco products prior to the state law going into effect. After discussions with the region's tobacco enforcement program and the owner of the one establishment in Town to which these regulations pertain, our Board of Health is holding a public hearing on December 13 to amend their local regulations to increase our local regulations to 21 by December 30, 2018. If the Board of Health takes no action to adopt age 21 by December 30, Wenham's one establishment selling tobacco products would be required to comply with the State's tiered implementation schedule over the next three years (each year on January 1: age 19 in 2019, age 20 in 2020, and age 21 in 2021) and the Board has decided to pursue an amendment to the local regulation and thus a more direct implementation instead.
- FY20 Budget Update - On October 26, HWRSD forwarded their student enrollment data to both member communities. While net district enrollment is down more than expected (-40 students across the district), the \$165k cost impact of the enrollment shift on Wenham's FY20 assessment is very closely in line what was projected by both NESDEC and McKibben Reports and represents an approximate 50% decrease in the impact of the student enrollment shift that Wenham has experienced for each of the past 3 fiscal years (\$300+k/year).
- On October 31, the Division of Local Services certified our FY18 Free Cash balance at \$977,873.00. As previously discussed, this decrease of approximately \$250,000 in available Free Cash from FY17 was anticipated in our initial FY20 budget projections and is reflected in our need to reduce our reliance on this one-time funding source as a revenue to offset the annual operating budget. Ms. Harrison noted having Free Cash certified by October 31 was "impressive." Staff was recognized for their work.
- We are finishing our initial meetings with Department Heads to review their preliminary FY20 submissions and will have a recommended budget prepared to review at the joint Board of Selectmen and Finance & Advisory Committee meeting scheduled for December 1.
- HWRSD Teachers Union Contract - The School Committee voted on October 24, 2018 to renew a three-year contract for the HWRSD teachers. Mr. Lombardi was selected to represent both Hamilton and Wenham during negotiating as a voting member of the School Committee. Neither town felt they could financially support the amended terms and conditions in contract and Mr. Lombardi was the lone dissenting vote on the contract. The Contract is effective August 1, 2018. Two major impacts to the budget: COLA as approved: year 1 - 2.5%; year 2 - 2.75%; year 3- 2% and the addition of A Masters Plus 15 Step – net impact of an additional .75% COLA on the budget.

Board of Selectmen

- Mr. Clemenzi noted the Community House hosted the Harvest Dinner at which two individuals from Wenham were recognized: Connie Gourdeau was awarded the Joanne Holbrook Patton Award and Len Dolan was awarded the Volunteer of the Year Award. The BOS congratulated both recipients.
- The Community House also had an evening to recognize World War 1 veterans from Hamilton /Wenham. Many of these veteran's families donated the money for the Community House to be built.
- Mr. Clemenzi also recognized those that made the Veteran's Day ceremony a successful service.
- Mr. Wilhelm congratulated Representative Hill on his successful campaign and being voted into another term as State Representative for the 4th Essex District.

Consent Agenda

- Minutes
- Donation Form
- One Day Liquor License Application
 - Event Flyer
 - Certificate of Insurance
 - Tips Certification
 - \$50 Check to the Town
 - Email recommendation from K. DiNapoli, WPD Captain; J. Baxter, WFD Captain; J. Bresnahan, Permitting Coord. & Special Projects Manager

Vote: Ms. Harrison moved to approve items A, B, and C on the Consent agenda and it was unanimous to do so.

- A. Minutes: Open Session: September 25, 2018; October 2, 2018; October 9, 2018
Executive Session: September 18, 2018 – Release
- B. 375th Anniversary Committee Donation Acceptance from 375th Committee
- C. One Day Liquor License Request – Holiday Shop n Sip Wenham Museum 132 Main Street Sunday November 25, 2018

New Business

*Appointments

- Police Officers: Mia Cefalo and Amanda Cecchini
 - Letter from Chief Thomas Perkins, WPD
 - Resumes: Mia Cefalo & Amanda Cecchini

Mia Cefalo & Amanda Cecchini were both present.

Police Chief Perkins & Captain DiNapoli were present and spoke on the recommendation to appoint Mia Cefalo and Amanda Cecchini to the Wenham Police Department.

Captain DiNapoli reviewed the process used during the interviews which lead to the recommendation of Reserve officers Mia Cefalo and Amanda Cecchini to full time officers of the WPD.

These appointments are conditional based on requirements as outlined.

Vote: Ms. Harrison moved to appoint Mia Cefalo as Police Officer for a term beginning December 1, 2018 and ending June 30, 2019 and Amanda Cecchini as Police Officer for a term beginning February 5, 2018 and ending June 30, 2019, with both appointments conditioned upon successful completion of the PAT (Physical Abilities Test) required for entrance into the Police Academy. The motion carried unanimously.

Potential Approval of Side Letter of Agreement with Wenham Call Firefighters Association for Additional Compensation during Fire-based Emergency Medical Services Pilot Program

- Memo regarding Proposed Side Letter of Agreement to Increase Minimum BLS Transport Compensation for Duration of Fire-based EMS Pilot Program from Peter Lombardi, November 8, 2018

Motion: Mr. Wilhelm moved to approve the proposed side letter of agreement with the Wenham Call Firefighters Association to increase minimum BLS transport compensation for the duration of the Fire-based EMS Pilot Program.

Under discussion, Mr. Wilhelm reviewed that the minimum compensation has been increased to those Firefighters providing the EMS transport as outlined in the letter.

Vote: The motion carried unanimously.

Review & Potential Approval of Minor Modification to Memorandum of Agreement with Cataldo Ambulance Service for ALS Back-up

- Proposed Revised Agreement with Cataldo Ambulance Service for ALS Back-up – Redlined Version
- Summary of Revenue Under Current Agreement vs. Proposed Agreement

Mr. Lombardi summarized the transition to the Fire based MES pilot program, Cataldo agreed to provide ALS back up ambulance service at a rate of \$400. This proposed modification is for 50% of the fees collected.

Vote: Mr. Wilhelm moved to approve the proposed fee for services modification to the Memorandum of Understanding with Cataldo Ambulance Service, Inc. for ALS Back-Up and authorize Peter Lombardi as Town Administrator to execute the agreement. The motion carried unanimously.

Potential Approval of Side Letter of Agreement with AFSCME Regarding On-call Phones

- Memo on Proposed Side Letter of Agreement Re DPW On-Call Phones from Peter Lombardi, Town Administrator, October 30, 2018
- This action would approve a side letter to provide town cell phones to DPW employees on call for sanding/salting.

Motion: Mr. Clemenzj moved to approve the proposed side letter of agreement with AFSCME Council, Local 2905 regarding DPW on-call phones. The motion carried unanimously.

Review and Potential Approval of Minor Modifications to Longfellow Road and South Street Road

- Repair Home Rule Petition
- Email regarding Potential Amendments to S.2662 Home Rule Petition from Hiram Shah, MA Senate, October 30, 2018
- Proposed Amendment to Longfellow Road and South Street Road Repair Home Rule Petition

The Board has the authority to make minor modifications. No proposed changes have significant impact as initially drafted; these changes have been vetted by Town Counsel without issue.

Vote: Ms. Harrison moved to approve the proposed language amendments in the Longfellow Road and South Street Repair Home Rule Petition

Review of Conservation Commission's Original Order of Conditions and Reconsideration of Decision for Town to Plow Middlewood Drive

- Memo re Burley Street Comprehensive Permit 2004 from P. Lombardi, Town Administrator, November 8, 2018
- Wenham Conservation Commission, Burley Street, LLC, Proposed Townhouse Development, Notice of Intent Decision and Record of Proceedings Under the Massachusetts Wetlands Protection Act
- Email re Cost for Potential Middlewood Trash Collection from Jack Manning, Division Manager, Casella, September 24, 2018
- Email regarding BOS Agenda to Discuss Potential Middlewood Snow Plowing and Possible Trash Pick-Up from John LeLacheur and P. Lombardi, Town Administrator, August 17, 2018
- Meeting Minutes of the Board of Selectmen, December 5, 2017

- Memo regarding Follow Up Discussion of Proposed Policy for Snow Removal on Private Ways from P. Lombardi, Town Administrator, December 1, 2017
- Letter to Residents of Longfellow Road, South Street, Woodside Lane, D'Ambrosio Way, Patch Avenue, Hickory Lane, Laurel Drive and Batchelder Park re Snow Removal Policy on Private Ways from Lombardi, Town Administrator, January 3, 2018
- Letter to Residents of Toppan Lane & Nathaniel Circle re Snow Removal Policy on Private Ways, January 3, 2018
- M.G.L., c.40, § 6C: Powers and Duties of Cities and Towns: Removal of Ice and Snow from Private Ways; Conditions
- Zoning regarding Middlewood Plowing Request from Bill Tyack, DPW Director, October 12, 2017
- Zoning Board of Appeals Decision of the Application of Burley Street, L.C.C. For a Comprehensive Permit pursuant to G.L. c.40B, §§ 20-23 With respect to property located at 70 Burley Street, Filed with the Town Clerk, July 7, 2004
- Email regarding Middlewoods Peer Review from Margaret Hoffman, Planning Coordinator, August 21, 2018
- Email regarding Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 21, 2018
- Letter regarding Detention Pond and Catch Basic Repairs for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., February 8, 2018
- Letter regarding As-Built Plans for the Residences at Middlewood from Michael F. Clark, P.E., Associate, Design Consultants, Inc., December 26, 2017

Motion: Mr. Clemenzzi moved the BOS rescind its vote of October 25, 2018 based on the conditions outlined in the Order of Conditions, the Town will not remove snow from Middlewood Drive.

Under Discussion: Mr. Lombardi explained the comprehensive permit was reviewed and there was nothing regarding snow management but in the Order of Conditions issued by the Conservation Commission, there are two specific provisions related to snow management:

(1) That a maximum 10% salt mix be used in this area. There is no reasonable way for the town to provide a special truck with a 90/10 mixture as there are only two such vehicles on the fleet.

(2) The other condition stated that snow shall not be plowed into wetlands at any time. Realistically there is no way for the plows not to push snow into the wetlands.

The BOS has full discretion to plow private ways, and although the Board approved this private way, it does not comply with the Towns' Conservation Commissions Order of Conditions. A private contractor may be able to provide snow removal vs plowing and a different salt mixture as required.

Vote: The motion carried unanimously.

Proposed Modification to Town Hall Holiday Schedule

- Memo regarding Town Hall Holiday Schedule from P. Lombardi, Town Administrator, November 8, 2018

Mr. Wilhelm read the memo proposing the holiday schedule.

Vote: Mr. Wilhelm moved to approve the proposed 2018 Town Hall holiday schedule, including closures on Christmas Eve and New Year's Eve and extended hours the first 3 Fridays in January 2019. The motion carried unanimously

Old Business

Approval of Intermunicipal Agreement with City of Lawrence for Transfer of Buker School Playground Equipment

- Memo regarding Review of Intermunicipal Agreement with City of Lawrence for Transfer of Old Buker School Playground Equipment from Peter Lombardi, Town Administrator, October 5, 2018
- Proposed Intermunicipal Agreement Between the Town of Wenham and The City of Lawrence For Disposition of Surplus Playground Equipment
- Description and Photos of Surplus Playground Equipment from Buker Elementary Playground
- Application for Community Preservation Act Funding to the Community Preservation Committee from the Hamilton-Wenham Regional School District for a new Buker Playground, January 6, 2017
- Description, Photos and Map of Donovan Park, the City of Lawrence the Proposed Playground Equipment Location

Vote: Mr. Clemenzzi moved to approve the proposed Intermunicipal Agreement between the Town of Wenham and the City of Lawrence for Disposition of Surplus Playground Equipment. The motion carried unanimously.

The next regular scheduled BOS meeting is November 27.

Adjournment – The BOS unanimously adjourned at 7:38pm

Respectfully Submitted By
Catherine Tinsley
12.3.18