

Approved 9.3.13

WENHAM BOARD OF SELECTMEN
Meeting of Tuesday August 6, 2013
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 was held on Tuesday, August 6, 2013 at 7 pm. With a quorum present, Mr. Whittaker called the Board of Selectmen meeting to order at 7:02 pm.
Selectmen Present: Ken Whittaker, Chair; Patrick Wilson, Vice Chair; Jack Wilhelm, Secretary
Also Present: Mark Andrews, Town Administrator; Catherine Tinsley, Minutes Secretary

Public Information
Meeting Packet
Agenda
Minutes

Abbreviations used
BOS Board of Selectmen

Welcome and Overview of Agenda

Presentation by Guests

Mike Lucy, Chairman of the Finance Committee, reported that the work for Fiscal 2013 has been completed. He noted it was a challenging year and thanked the BOS and Administrator Andrews for their support, and recognized the Finance Committee and Department Heads for their work.

Announcements

Mr. Wilson made the following announcements:

- o Council on Aging Ice Cream Social - August 27, 2013
- o There are two open seats on the Historic District Commission, and one open seat on the Conservation Commission. Interested residents should contact the Town Administrator's office.
- o The BOS is finalizing a new appointment process.

New Business

Council on Aging (COA) Director

Selectman Wilhelm introduced Jim Reynolds, the new Director of the Wenham Council on Aging and Senior Outreach Services.

Mr. Wilhelm reviewed that Mr. Reynolds was one of 25 applicants for the position and was unanimously recommended as the new Director for Wenham COA.

Mr. Reynolds was present and spoke briefly about his goals to work with the other departments to work together to serve the seniors in town and get programs started. Mr. Reynolds is a life time resident of Wenham and is looking forward to serving the community.

Pleasant Pond Recognition Program – Police Sergeant Foley was present to award a Proclamation to the Pleasant Pond Gate Keepers for their work to maintain and upgrade the Pleasant Pond area, in conjunction with the Town Departments. The Gate Keeper program commenced in 2008.

Proclamations were given to the following Gate Keepers:

Zach Baker
Dan Becket
Brian Ropes
Sean O'Keefe

Regina Baker, Pleasant Street Association, gave a brief overview in her closing comments saying the beach area has come to fruition with more residents using the beach; this has been a great experience.

She recognized Sergeant Foley for his work and commended the Gate Keepers for a job well done.

Police Accreditation - Police Chief Tom Perkins was present and updated the Board regarding the Police Accreditation. He reviewed that the Accreditation process began last year. The Police Department recently underwent a three-day inspection by the State, and as a result of a positive report, they are recommending in favor of Certification. The Town has reached a level of certification in the Accreditation Process to be awarded September 12, 2013. The "full" Accreditation Certification will transpire over the next year. Captain Toby, the Accreditation Manager, was recognized for his work and dedication. The BOS commended and congratulated the Police Department for this accomplishment. Administrator Andrews also publicly recognized Chief Perkins, Captain Toby, and the Department for their work and accomplishment.

Draft Gift Policy – This was held for final review and deferred to the next BOS meeting, August 20, 2013.

17th Annual Cycle for Life – Mr. Wilhelm read the letter requesting permission to hold the 17th Annual Cycle for Life ride through sections of Wenham on September 7, 2013. This request has been reviewed by the Police Department.

Vote: Mr. Wilhelm moved, and it was seconded, to approve the request to participate through Wenham as requested on September 7, 2013. The motion carried unanimously.

Discussion and vote on Request For Proposal (RFP) – Mr. Wilson reviewed the RFP for Town Accounting Services went out on July 3, 2013 and with a submission date by July 24, 2013.

Mr. Andrews said this was published on the State's Goods and Services Board, and in the Massachusetts Municipal Association publication The Beacon.

A qualified proposal was received from Baystate Municipal Accounting Group (BMAG) for accounting services for August 1, 2013 through July 31, 2014. The proposal is \$65 per hour for off site work and \$95 per hour on site work with a total cost not to exceed \$54,925. Mr. Andrews recommended the town contract with BMAG as proposed.

Mr. Wilhelm noted his previous proviso on accepting this contract was that the town receives invoices of the hours on site and off site, noting that it was previously explained that the town would receive the same monthly invoice (\$54,925 divided by 12). He asked that the Town try again to hire a permanent, on site Town Accountant, testing the market in February/ March 2014.

Mr. Andrews noted that since working with BMAG, the Town had gone to a weekly warrant. This allows the Town to pay bills quicker and keep the accounts payable process "tight" and helps with audit trail reports with regard to spending, compared to the previous biweekly system. He went on to say the knowledge of BMAG has helped the Town put FY 2013 in solid shape for the audit, but also going forward into 2014 a strong record of accomplishment. BMAG has received positive response from the Town Departments.

BMAG has been asked to help the Town get Free Cash certified in the fall, before going into the budget season, as opposed to the spring time, which has been the custom in the past.

Mr. Wilson commented that BMAG has been doing well, and providing the Town with capable services. . He suggested that as the year progresses, BMAG help analyze the role of the Town Accountant. He supported approving the proposal.

Mr. Whittaker has asked Mr. Andrews to put together a detailed formal presentation of the Finance Department by the end of the year.

Vote: Mr. Wilson moved, and it was seconded, to approve the contract proposal with BMAG for Town Accounting Services. August 1, 2013 through July 31, 2014 at a contracted, rate, not to exceed \$54,925.00. The motion carried unanimously.

Discussion and Vote on Contracts for Town Employees - Mr. Whitaker reviewed that three – year contracts for the "second" in command for the Fire and Police Departments are in final draft form for signing, noting past practice has the Town Administrator signing the contracts, subject to BOS approval.

It was the consensus of the Board to review the final draft and defer the approval / signing of the contracts to the next meeting.

Mr. Andrews noted there is a timing issue, and asked that if after reviewing the contracts, if there are no changes or edits, that he be authorized to sign the contracts on a verbal approval of the Board.

Vote: Mr. Whittaker moved, and it was seconded, to approve contracts with Jeff Baxter, Fire Department, and Jeff Toby, Police Department subject to final concurrence of terms and verbal approval of the BOS to Mark Andrews. The motion carried unanimously

Vote: Mr. Wilson moved and it was seconded, that upon BOS agreement of the contracts, the Town Administrator be authorized to sign on behalf of the Town, the contracts for Jeff Baxter and Jeff Toby. The motion carried unanimously.

Affordable Housing Trust - Mr. Wilson explained that there are a number of affordable housing units in Wenham and one of those units has recently come up for sale.

Selectman Wilhelm recused himself citing a conflict of interest with a relative involved in the sale, and left the room. Mr. Wilson went on to say that when an affordable unit is placed for sale there are certain regulations that govern the procedures and determination of the amount that such a unit may be resold by the owner. This is a complex process. Mr. Wilson read a summary of this process according to MGL. DHCD will administer the resale of this unit. This is a great help to Wenham.

This unit will remain affordable. Wenham currently has 8.5 % of its housing stock as affordable housing; the goal is to achieve 10%.

VOTE: Mr. Wilson moved and it was seconded, the BOS grant the authority to the Town Administrator to work with DHCD to coordinate the sale of the affordable housing unit at 2b Stockwell Lane, Wenham, under the condition that this unit remains part of the units counted towards state housing inventory pursuant to Chapter 40b. The motion carried unanimously.

Mr. Wilhelm returned to the meeting.

11 Friend Court, unit 2- Mr. Wilson reviewed that this unit was purchased by the Affordable Housing Trust and recently changed from an ownership unit to a rental unit; this unit counts as part of the affordable housing stock. It has been advised to give the Trust the authority to review this unit in 15 years (2028) and to possibly change the unit status to revert to market rate.

Vote: Mr. Wilson moved, and it was seconded, to grant the Chair of the BOS the authority to sign and approve this action. The motion carried unanimously.

Town Administrator Contract - Mr. Whittaker made the statement that he had no issue with Mr. Andrews pursuing an Administrative position in the Town of Maynard, citing that Mr. Andrews' contract extension with Wenham is limited to April 2014. He went on to say that in his opinion, Mr. Andrews is doing a very good job for the Town of Wenham. He went on to suggest that it is in the best interest of the Town, to keep Mr. Andrews through the budget season. He stated he has received strong support for Mr. Andrews, and acknowledged he is aware there is non-support as well.

He asked the BOS consider extending Mr. Andrews contract through June 2014, and that the BOS schedule an immediate performance review of the last year and a half, and further revisit the review after the budget season (after Town Meeting April 2014). In exchange, Mr. Andrews has agreed not to pursue another job during this time period. If the decision is to not keep Mr. Andrews in the position after the second review, he will be given approximately 5 to 6 months notice.

Mr. Wilson agreed with the evaluation and to extend the contract the additional two months, and if the town chose not to continue with his services he be given the additional time to seek employment.

Mr. Wilhelm stated he has ambivalence going forward with this plan citing that the previous Board made the promise to the town there would be a search for a Town Administrator. He referenced a citizen petition a couple months ago calling for the BOS to do a search, observing this has not been done to date. He went on to say that it would be another 3 to 4 months before the town could get someone in the position and because this would be after the start of the budget season, he agreed with the plan to review the Town Administrator's performance and extend the contract to June 30, 2014. He asked for more discussion regarding the extended length of time being suggested for a "severance period". He strongly urged the BOS follow through on its commitment to review the performance of the Town Administrator next spring.

Chairman Whittaker supported that a six-month severance if the town is not renewing the contract with Mr. Andrews is fair.

Mr. Wilhelm questioned if the six month severance means Mr. Andrews could leave during that time and still be paid for six months, noting his concern the town would be paying for two Town Administrators and asked this be clarified.

Mr. Whittaker said the intention is that Mr. Andrews could leave during this time and he be paid only for services rendered; he would be off the town's payroll upon leaving.

Mr. Whittaker will draft an agreement for review, and as part of the process will accept written comments from the public.

Mr. Andrews thanked the Board for their commitment and that he is proud to serve in any capacity to help the Town.

John Clemenzi was recognized by the Chair to make a statement.

Mr. Clemenzi, Stage Hill Road, said that he strongly disagreed with the BOS, saying he was serving on the BOS at the time Mr. Andrews was hired, and the intention was to hire an interim Town Administrator for a 4-month interim position and commit to the public to fully vet the process for a new Town Administrator. He also disagreed that there is not enough time to do a search for a Town Administrator before the budget season. He added that he has received many calls / comments that the BOS are not keeping their promise to the public to do a search. The meeting was open for other public comments. There were none.

Reports

Town Administrator

Mr. Andrews reviewed three communications from the Treasurer of the Hamilton Wenham Regional School District, Don Gallant:

1. A total of \$146,477 was found to be in excess for the towns of Hamilton /Wenham. Wenham share of \$45,000 will be returned to the town. Superintendent Harvey and the School Committee were commended for getting this done in a timely manner.
2. The school Committee approved the issuance of BANs in the amount of \$2,075,000 for phase 1 of capital projects.
3. The School Committee approved the transfer of \$765,422 from Excess/Deficiency to cover a deficiency in the Capital Account to cover underestimated costs in the schools.

A preliminary schedule for the fall town meeting has been drafted to meet the state's deadlines for the School to apply for additional state reimbursement funds through the Massachusetts School Building Authority.

Mr. Wilhelm noted that for the past few meetings, the BOS have acknowledged Hamilton has not paid Wenham as the administrating town for joint services, and asked for an update. He noted that he has heard the money has been encumbered by Hamilton, but not paid, adding that this will cause a problem with the audit.

Mr. Andrews responded the total owed to Wenham was included in the BOS packet as requested and that he is working closely with Hamilton Town Manager.

Mr. Andrews noted that Wenham came up with the indirect cost model; this needs to be finalized by the BOS and FinCom to be changed in the final agreements.

David Genereux, Interim Finance Director was present and stated that fiscal year 2014 budget still has the 10% model since there has been no vote to accept changes. Wenham has paid all assessments in full to Hamilton. Hamilton has withheld two administration fees (Library / COA van) until the agreements are reviewed. Wenham continues to honor the van agreement and pick up seniors in Hamilton. The current plan for this is to continue through November 6, 2013 as stated in the contract. Payments made after August 31st will be a miscellaneous receipt for 2014.

Mr. Wilhelm asked about the Appointment Policy not being available for approval by the BOS as discussed at the previous meeting, questioning that an appointment to the ZBA was put on hold for the appointment process policy to be voted and appointments considered for the ZBA.

The Appointment Policy and Sign Policy will be on the next agenda.

The Town's insurance company, MIAA, has issued a credit of \$23,000 for the Towns participation in specific training programs. This credit will be applied on the bill in the property/casualty line; it may be applied to the revenue by a negative appropriation to bring down the budget for Fiscal 14.

Mr. Wilhelm questioned if there were any encumbrances. Mr. Genereux responded there is a list of encumbrances and he will update the list and provide this information to the BOS tomorrow.

Mr. Andrews referenced the \$30,000 Community Innovations Grant, saying the Collins Center of the University of Massachusetts has been engaged to look at a maintenance program between the HWRSD and the towns of Wenham and Hamilton. He commented on a recent meeting saying a fair amount of work and documenting has been done. Information continues to be collected for the "descriptive profile" to improve function and an overall plan.

Minutes

Mr. Wilson asked that the July 2, 2013 minutes be held.

Vote: Mr. Wilson moved, and it was seconded to approve the executive session minutes of July 2, 2013 and they be held and not released to the public at this time. The motion carried unanimously.

Vote: Mr. Wilson move to approve the minutes of July 15, 2013 and July 16, 2013. The motion carried unanimously.

Vote: Mr. Wilson moved to adjourn at 8:42 pm and it was unanimous to do so.

Respectfully submitted by

Catherine Tinsley
8.15.13