



**RECORD OF ACTION AND CERTIFICATION OF  
ANNUAL TOWN MEETING  
SATURDAY, APRIL 1, 2023  
BUKER ELEMENTARY SCHOOL**

On the afternoon of Saturday, April 1, 2023, Town Moderator Roger Smerage started the Annual Meeting by thanking the residents for coming to the meeting and informed those attending the meeting was being recorded and would be broadcast live on the local cable channel. Mr. Smerage noted that voters needed to stay within designated areas for their votes to be counted.

Mr. Smerage introduced Town Counsel, Lauren Goldberg; Assistant Town Administrator, Joseph Pessimato; Executive Assistant to the Town Administrator, Michelle McGovern; Town Administrator, Steve Poulos; and Select Board Members, Chair Gary Cheeseman, Vice-Chair Dianne Bucco, and Peter Clay. Mr. Smerage then introduced the Finance & Advisory Committee members: Chair Jim Purdy, Scott Schonberger, Dierdre Pierotti, Jeff Calder, and Dano Jukanovich along with Yeimi Colon, Finance Director and Town Accountant.

Moderator Smerage then introduced the School Committee Chair Dana Allara and committee members: Vice Chair Anna Siedzik, Jennifer Carr, Julia Campbell, David Frenkel, and Amy Kunterger, along with Hamilton-Wenham Regional School District Superintendent Eric Tracy and HWRSD Assistant Superintendent of Finance and Administration Vincent Leone.

Mr. Smerage informed residents that the large number of attendees required the use of the multi-purpose room as an overflow room while assuring them their votes would be seen and counted in that area. Mr. Smerage then appointed David Anderson of 176 Main Street as Assistant Moderator to oversee things in the multi-purpose room, confer with him on votes and procedural matters, and help ensure that the meeting would run in an orderly fashion, despite the use of overflow space.

Pursuant to Chapter 39, Section 14 of the General Laws, Mr. Smerage appointed Mr. Anderson as the day's Assistant Moderator. Mr. Smerage then asked Interim Assistant Town Clerk, Theresa Mansfield to swear in Mr. Anderson as Assistant Moderator.

At Mr. Smerage's request, all residents who were able rose for The Pledge of Allegiance.

Mr. Smerage then thanked the Town Hall Staff for helping to organize and execute another safe Town Meeting, in particular, Town Administrator Steve Poulos, Assistant Town Administrator Joe Pessimato, Executive Assistant to the Town Administrator Michelle McGovern, Assistant Interim Town Clerk Terry Mansfield, Finance Director Yeimi Colon, Director of Public Works Rich Souza, Facilities Manager Michael Hrды, the Members of the Select Board, and the Members of the Finance & Advisory Committee for the time and attention they put into preparing for the day.

Mr. Smerage also thanked the volunteers assisting with the check-in process and vote counting: Members of the Board of Registrars Roseann Brozenske and Hilly Ebling and election workers Chris Petrou, James Goudie, Dorothy Goudie, Julie Clay, Carrie Jelsma, and Kristin Crockett.

Mr. Smerage then recognized residents and town employees who have stepped down in the last year or who are completing their final term in office including: Steven Ozahowski, Assessor (7 years); Lieutenant Christopher Jones, Fire Department (20 years); Christopher Cerino, Housing Authority (14 years); Karen D'Ambrosio, Library (21 years); Lewis Parson, Library (4 years); and Jim Purdy, Finance & Advisory Committee (6 years). He thanked them for their service to the town.

Mr. Smerage then recognized the residents who had passed away during the last year, and asked for a moment of silence to show respect to the residents and their families: Lucy Angelini, Matthew W. Brown, John A. Clemenzi, Thomas F. Connerty, Randall L. Craig, Virginia Drieze, N. Louise Dupee, Anthony M. Feeherry (2023), Denis H. Foley, David R. Goodwin, Egerem Hasanaj, Lars R. Johnson, Julia Johnson, Grace Joseph, William Ballard Joyner, Idette R. Lally, William Lee, Barbara Locke, Nancy L. Mackenney, Cynthia B. McCue, Thomas F. McGaughey, Dorothy Mikos, Margaret S. Murdoch, Deborah R. Noyes, George J. O'Shea, Dona B. Pfunder, Norman W. Rand, Jr., Julia Robichau, Paul Hughson Rouse, Pauline M. Sears, Gertrude C. Silveira, Dorothy Tremblay, Jeffrey B. Tripp, Jennette E. Wilson and Mabel Him Yee.

Mr. Smerage then acknowledged Senator Bruce Tarr and Representative Sally Kerans, and thanked them for keeping the Select Board, Finance & Advisory Committee, and School Committee up to date with information from Beacon Hill and for their advocacy and support. He then invited them both to speak for five minutes to update the residents on developments from the State House.

Mr. Smerage recognized first Senator Tarr, then Representative Kerans for brief remarks.

Mr. Smerage announced that the appointing season for Fiscal Year 2024 is around the corner and openings include two seats on the Finance Committee. Interested residents should submit a letter of interest. Mr. Smerage also noted that the Master Plan process is on-going, details are on the town website.

Turning to the business of the meeting, Mr. Smerage noted that Town Bylaws require a quorum of 120 registered voters, and he has been advised by the Interim Assistant Town Clerk that the quorum was met, and the Annual Town Meeting was called to order. He omitted the Return of the Warrant, which showed that it was properly served.

The residents were informed that they were using electronic voting as the primary means of voting. They would resort to the use of voting cards in the event of a technical issue. Each voter received both a clicker and a voting card at check-in. Mr. Smerage then reminded residents of the rules of voting.

When putting a motion to vote, the moderator asked for those in favor of the motion to raise their arms and select 1 on their clicker. Then, the moderator asked for those opposed to raise their arms and select 2 on their clicker. At that point, the moderator would declare the vote based on the electronic vote tally, so long as it was consistent with the moderator's observation of the room.

The moderator then noted that the clickers have not been registered to individually identifiable voters, so no names will appear on the screen and no record of each voter's vote will be maintained. A test vote was then conducted.

Mr. Smerage then noted the empty seat on the stage indicated the vacancy of the position of Town Clerk. Although the Select Board appointed Ms. Mansfield, who is not a Wenham resident, as Interim Assistant Town Clerk for all other purposes, under Section 14 of Chapter 41 of the General Laws, if the office of Town Clerk is vacant at the time of a Town Meeting, the meeting shall elect a resident as Temporary Clerk with the Select Board presiding over the election.

The role of Town Clerk during a Town Meeting is to record the official minutes of the meeting, including all motions, summaries of deliberations, and votes as declared by the moderator. The Temporary Clerk has no additional duties other than to create and certify as accurate the minutes of the meeting.

Mr. Smerage informed the residents that the Temporary Town Clerk for the meeting must be elected by the Meeting itself, and announced that Aime Card, 130 Main Street offered to serve as the Temporary Town Clerk for the meeting, having prepared accordingly.

Mr. Smerage nominated Aime Card and asked for other nominations.

Hearing no other nominations, Mr. Smerage declared nominations closed with Aime Card as the candidate. As an election, the person with the most votes is declared regardless of the number of votes cast. For that reason, Mr. Smerage asked that the Chair of the Finance Committee cast one written vote in favor of Aime Card, and deliver the vote to the Select Board. Finance Committee Chair Jim Purdy cast the vote.

Chair of the Select Board Gary Cheeseman declared Aime Card the winner of the election, and Mr. Smerage invited her to the stage to administer the oath of office pursuant to section 107 of Chapter 41 of the General Laws.

Aime Card was sworn in as Temporary Town Clerk, and Mr. Smerage proceeded with the business set forth in the warrant.

Mr. Smerage reminded residents of the rules of Town Meeting Time, by which the meeting will be governed. Hearing no objections, Mr. Smerage declared that the rules of the meeting, including those concerning non-residents authorized to speak, had been approved by unanimous consent.

Mr. Smerage then began with the warrant overview stating that the warrant before the town presents 21 Articles including 2 consent agendas with 6 and 4 articles respectively. As the text of each article already appeared in the warrant books given to residents and would appear on the screen, Mr. Smerage proposed to waive the reading of the articles by unanimous consent.

Hearing no objections, Mr. Smerage declared the reading of the articles waived. Mr. Smerage then walked through the ground rules before proceeding with consideration of the articles. Each article advises the meeting of the topic to be addressed. Articles themselves are not motions, so for each article, Mr. Smerage would see if the board, committee, or individual advancing the article in question wished to make a motion. If a motion was made and receives a second, the

moderator would then take up any questions, comments or proposed amendments to the motion, and ultimately there would be a vote on the motion. If no motion is made, or the article is not seconded, the meeting will move on to the next article.

For clarity, Mr. Smerage asked for any amendments to be made in writing and be presented to the Town Moderator or Temporary Clerk.

With that, Mr. Smerage turned to the articles.  
Articles 1-6: Consent Agenda

Before Mr. Smerage entertained a motion under Article 1, he expressed the impression that it was possible to expedite consideration of Articles 1-6, which would allow the town to maximize its real estate tax relief programs allowed under Massachusetts General Laws and benefit seniors, veterans, surviving spouses, and certain minors. Mr. Smerage said he anticipated little or no debate, therefore he asked the meeting whether it would like to take all such articles together, referred to as a "Consent Calendar." Mr. Smerage then outlined the procedure and walked through the articles as follows:

**ARTICLE 1: Adoption of G.L. c.59, §5, clause 17F**

To see if the Town will vote to accept the provisions of G.L. c.59, §5, clause 17F, to increase the exemption amount available in clause 17D to certain minors, surviving spouses and seniors over the age of 70 by an amount not to exceed the increase in the cost of living as determined by the Consumer Price Index for such year, or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**ARTICLE 2: Adoption of last paragraph of G.L. c.59, §5, clause 22F**

To see if the Town will vote to accept the last paragraph of G.L. c.59, §5, clause 22F, which reduces the domicile requirements for otherwise eligible individuals from 5 years to one year for the exemptions available pursuant to clauses Twenty-second, Twenty-second A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E and Twenty-second F, or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**ARTICLE 3: Adoption of G.L. c.59, §5 clause 41C ½**

To see if the Town will vote to adjust the following eligibility and asset limits for the senior tax exemption available under the provisions of G.L. c.59, §5 clause 41C ½ by (1) increasing the amount of the exemption from 10% to 20% of the average assessed value of all Class one parcels within the Town; (2) reducing from 70 to 65 the requisite age of eligibility; (3) reducing the residency requirement for eligibility from 10 years to 5 years; and (4) utilizing income limits on a household basis rather than on a single applicant basis for real estate tax exemptions, or take any other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**ARTICLE 4: Adoption of G.L. c.59, §5, clause 57 Senior Circuit Breaker Exemption**

To see if the Town will vote to accept G.L. c.59, §5, clause 57, to allow the Board of Assessors to appropriate monies for and grant property tax rebates to eligible seniors in an amount not to exceed annually the amount of the income tax credit set forth under G.L. c. 62, §6(k), the so-called “senior circuit breaker”, or take any other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**ARTICLE 5: Adoption of G.L. 59 c. 5C ½ to increase Property tax exemptions**

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 59, §5C1/2 for the purpose of increasing the real estate tax exemptions by 100 percent for all persons who qualify for property tax exemptions under Clauses 17, 17C, 17C1/2, 17D, 22, 22A, 22B, 22C, 22D, 22E, 37, 37A, 41, 41B, 41C or 43 of G.L. c. 59, §5, or take other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**ARTICLE 6: Adoption of Tax Deferral and have income limit tied to circuit breaker**

To see if the Town will vote pursuant to the provisions of Massachusetts General Laws Chapter 59 Section 5, Clause 41A(2), to adopt a higher maximum qualifying gross receipts equal to the amount of income determined by the Commissioner of Revenue for G.L. c.62, §6(K) (the senior tax “circuit breaker”) not exceeding the amount of income determined by the Commissioner of Revenue for a single person who is not a head of household, to be effective for any fiscal year beginning on or after July 1, 2023, or take any other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

Jim Purdy, Chair of the Finance and Advisory Committee explained that these articles allow the Town to utilize Massachusetts General Laws to maximize its real estate tax relief programs for our residents. He stated that these programs could assist approximately 34 residents.

**CONSENT AGENDA MOTION**

Scott Schonberger, Finance & Advisory Committee Member moved that Articles 1-6 be approved as written. The motion was seconded, and there was no discussion.

**VOTE**

**The motion passed in majority. 308 in favor, 5 opposed.**

Mr. Smerage then introduced Article 7 as the annual operating budget for the Town for Fiscal Year 2024. All routine expenditures required to provide town services, including costs for the Town’s share of the Regional School District budget and shared service agreements, are organized by categories. The Finance and Advisory Committee, working with the Town Administrator, Select Board, and

Department Heads, compiled the Annual Budget and presented a motion to authorize expenditures to operate the town and provide funding therefore.  
Finance & Advisory Committee Chair Jim Purdy gave a brief overview of the budget and the town's financial condition.

HWRSD Superintendent Eric Tracy then made a presentation on the school district budget.

**ARTICLE 7: Annual Operating Budget Appropriation - Town and Schools**

To see if the Town will determine what sum of money may be necessary to defray the Town's expenses for Fiscal Year 2024 (FY24), the twelve-month period beginning July 1, 2023 and ending June 30, 2024, including expenses for the Town and Regional School Districts; make appropriations for the same and determine the source thereof. Or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**MOTION**

Dierdre Pierotti, Finance & Advisory Committee member, moved to raise and appropriate the total amount of \$23,117,427 for the 12-month period beginning July 1, 2023 and ending June 30, 2024, including expenses for the Town and Regional School Districts, all as set forth in the document entitled, "FY2024 Budget."

The motion is seconded.

Mr. Purdy then read budget line items.

There was a hold on the following line items:

Town Hall #160

Fire Department #220

Highway Department #422

**Discussion**

Town Hall #160

Alex Tsepetsis, 18 Morgan Street questioned the year over year increase on the line item Town Hall #160.

Jim Purdy, Chair Finance & Advisory Committee explained that this increase was due to three expenses: animal control moving from Police to Town Hall, negotiation bargaining buffer, and utilities increase.

**Fire Department #220**

Beth Myers, 10 Walnut Road questioned the increase in this line item #220 Fire Department. Chief Kavanagh was recognized and explained that there were three causes for this increase: cost of utilities, unknown amount for negotiations, and the need for dual band radios in the event of an emergency.

**Highway Department #422**

Michelle Bailey, 2 Remington Road questioned the need for a clock winder. Chief Kavanagh explained that the clock in the church has not been digitized and needs to be wound weekly by crank, which he does it each week.

**VOTE**

**The motion passed by a majority with 309 in favor and 20 opposed.**

Aime A. Card

**ARTICLE 8: Use of Free Cash to Fund Fiscal Year 2024 Capital Improvement Program**

To see if the Town will vote to transfer from Free Cash a sum or sums of money to fund the Town’s FY24 Capital Improvement Program, including the acquisition, equipping, and all other incidental and related costs, as printed below:

Fire Departmental Equipment (SCBA Bottles)	\$ 22,291
Envelope/exterior/walls/downspouts for Police Station	\$ 25,000
Road Capital/supplement Ch. 90 funds for paving projects and to cover winter damage in spring	\$ 95,000
Underground storage tanks upgrade - DPW Fueling	\$ 17,000
DPW-2022 200/XP Bandit Industries Hand-Fed Chipper	\$ 49,000
DPW-2023 Chevrolet Pick-up Truck with plow	\$ 60,000
DPW-2023 Chevrolet Trailblazer SUV	\$ 27,489
POLICE-2023 Durango/Equipment and Markings	\$ 55,098
POLICE-Lease payment for 3rd year of the three-year payment plan for the administrative vehicle. (Chevy)	\$ 15,000
DPW-Year 3 lease payment on Trackless Municipal Tracker	\$ 31,000
Communication Radios- Grant Match	\$ 20,900
Replace front entry door -COA	\$ 3,542
Class A Uniforms to outfit the Wenham Police Department Honor Guard Unit and Command Staff Personnel.	\$ 8,836
Fire Station office layout alteration to maximize available space	\$ 5,000
Police Station Bathroom Renovation	\$ 10,000
<b>Grand Total</b>	<b>\$ 445,156</b>

Or take any other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**Motion**

Jeff Calder, member of the Finance & Advisory Committee moved to transfer from Free Cash the total sum of \$445,156, for the purposes and in the amounts set forth in the chart printed in the warrant, including acquisition, equipping, and all other incidental and related costs, and when a particular vehicle is specified in the warrant, to authorize the Town to acquire a like vehicle.

The motion was seconded.

Jeff Calder read through the capital items and amounts.

Fire Departmental Equipment (SCBA Bottles)	\$ 22,291
Envelope/exterior/walls/downspouts for Police Station	\$ 25,000
Road Capital/supplement Ch. 90 funds for paving projects and to cover winter damage in spring	\$ 95,000
Underground storage tanks upgrade - DPW Fueling	\$ 17,000
DPW-2022 200/XP Bandit Industries Hand-Fed Chipper	\$ 49,000
DPW-2023 Chevrolet Pick-up Truck with plow	\$ 60,000
DPW-2023 Chevrolet Trailblazer SUV	\$ 27,489
POLICE-2023 Durango/Equipment and Markings	\$ 55,098
POLICE-Lease payment for 3rd year of the three-year payment plan for the administrative vehicle. (Chevy)	\$ 15,000
DPW-Year 3 lease payment on Trackless Municipal Tracker	\$ 31,000
Communication Radios- Grant Match	\$ 20,900
Replace front entry door -COA	\$ 3,542
Class A Uniforms to outfit the Wenham Police Department Honor Guard Unit and Command Staff Personnel.	\$ 8,836
Fire Station office layout alteration to maximize available space	\$ 5,000
Police Station Bathroom Renovation	\$ 10,000
<b>Grand Total</b>	<b>\$ 445,156</b>

Discussion

There was a hold on the DPW-2022 200XP Bandit Industries Hand-Fed Chipper 49K by Rick Nardone of 9 Fairview Ave. He questioned the life span on the chipper.

Rich Souza, Director of the Department of Public Works explained that the chipper has worked more than 1,000 hours, is 25 years old, and has a number of safety concerns.



**VOTE**

The motion passed by a majority with 313 in favor and 16 opposed.

**ARTICLE 9: Funding of Stabilization Fund**

To see if the Town will vote to transfer the sum of \$50,000 from Free Cash to the Stabilization Fund, or take any action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**MOTION**

Dano Jukanovich, member of the Finance & Advisory Committee, moved to approve the article as written in the warrant.

The motion was seconded, and there was no discussion.

**VOTE**

The motion passed by a majority with 313 in favor and 7 opposed.

**ARTICLE 10: Prior Year Bills**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute, a sum of money to pay any unpaid bills incurred in prior years. Or take any other action relative thereto.

Massachusetts Municipal Association	\$320.00
Cabot Risk Strategies LLC	\$746.89
TOTAL	\$1,066.89

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

**MOTION**

Deirdre Pierotti, member of the Finance & Advisory Committee, moved to raise and appropriate the total sum of \$1,066.89 for the payment of prior year bills for the purposes and in the amounts set forth in the article as printed in the warrant.

The motion was seconded.

Ms. Pierotti read the bills as follows:

Massachusetts Municipal Association	\$320.00
Cabot Risk Strategies LLC	\$746.89
TOTAL	\$1,066.89

There was no discussion.

**VOTE**

The motion passed by a majority with 308 in favor and 11 opposed.

**ARTICLE 11: Article to fund Collective Bargaining Funding Agreements**

To see if the Town will vote, pursuant to G.L. c.150E, §7, to fund the cost items of the first fiscal year of collective bargaining agreements between the Town and AFL-CIO, COUNCIL 93, LOCAL 2905 "DPW Union" effective July 1, 2022 through June 30, 2025, THE POLICE BENEVOLENT ASSOCIATION OF WENHAM MCOP LOCAL 382 "Police" effective July 1, 2022 through June 30, 2025, THE WENHAM CALL FIREFIGHTERS ASSOCIATION effective July 1, 2022 through June 30, 2025, and the AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, AFL-CIO COUNCIL 93, LOCAL 2905 "Library" effective July 1, 2023 through June 30, 2026; and, as necessary, to raise and appropriate or transfer from available funds a sum or sums of money for such purposes. Or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 4-0-1*

#### MOTION

Dano Jukanovich, member of the Finance & Advisory Committee, moved to approve the article as printed in the warrant, with the total cost for such purposes being \$ 53,255.86, and, further, that the funding for each contract appears in the correct department or salary reserve line in the budget presented under Article 7.  
The motion was seconded and there was no discussion.

#### VOTE

**The motion passed by a majority with 300 in favor and 15 opposed.**

Mr. Smerage asked the meeting to take Articles 12-15 together as a Consent Calendar as they are annual articles that usually do not garner any discussion.

#### **ARTICLE 12: Cemetery and Other Trust Funds**

To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2022, as printed in Part I of the Town Report and on file with the Town Clerk.  
Or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

#### **ARTICLE 13: Cemetery Sale of Lots Transfer**

To see if the Town will vote to authorize the Treasurer to transfer the sum of Twenty-One Thousand Eight Hundred Dollars, \$21,800.00, from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account to the Cemetery Perpetual Care Fund for the maintenance of the three cemeteries in the Town of Wenham. Or take any action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

#### **ARTICLE 14: Transfer from Water Operating Budget to Water Capital Reserve Fund**

To see if the Town will vote to transfer the sum of \$35,000 from the FY24 Water Operating Budget into the Water Capital Reserve account.  
Or take any other action relative thereto.

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

#### **ARTICLE 15: Road Work – Chapter 90 Funding**

To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter 149, Sections 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.

Or take any other action relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 5-0-0*

There is a hold on Article 15, but as it was not seconded, Article 15 remained in the Consent Calendar.

**CONSENT AGENDA MOTION**

Jim Purdy, Chair of the Finance & Advisory Committee moved that Articles 12-15 be approved as printed in the warrant.

The motion was seconded and there was no discussion.

**VOTE**

**The motion passed by majority with 306 in favor, and 10 opposed.**

**ARTICLE 16: CPA Reservations and Appropriations**

To see if the Town will vote to receive and act upon a report from the Community Preservation Committee on the Fiscal Year 2024 Community Preservation Budget, and to appropriate or reserve for later appropriation monies for the administrative expenses of the Community Preservation Committee, the payment of debt service, the undertaking of Community Preservation projects and all other necessary and proper expenses for the year, and, to reserve additional amounts based upon FY2022 actual collections; and to determine whether such sums shall be raised from the Community Preservation Fund, transferred from available funds, borrowed, or any combination thereof, as follows:

Ordinarily this would be presented by Harriet Davis, who was not able to be at the Meeting. Select Board Chair Gary Cheeseman read a letter written about Ms. Davis remarking on her longstanding service to the Town, and thanked her for her dedication.

Rick Woodland, Vice-Chair of the Community Preservation Committee thanked the committee members, Janet Burt, John Cusolito, Alden Drake, Leo Maestranzi, Trudy Reid, Mary Wood, and Susan L. Mehlin and explained the CPC's decision on the following projects.

CPA Purpose or Project	Funding Source	Amount	Notes
<i>Reservations to "True-up" FY 2022 based upon Actual Receipts and other adjustments:</i>			
Open Space Reserve	CPA Fund Balance	\$ 40,120	FY22 True-up for Actual Receipts
Historic Preservation Reserve	CPA Fund Balance	\$ 40,120	FY22 True-up for Actual Receipts

Community Housing Reserve	CPA Fund Balance	\$ 40,120	FY22 True-up for Actual Receipts
Budgetary Reserve	CPA Fund Balance	\$ 280,838	FY22 True-up for Actual Receipts
Open Space	Budgetary Reserve	\$ 850	To correct FY 23 ATM error
Historic Preservation	Budgetary Reserve	\$ 850	To correct FY 23 ATM error
Community Housing	Budgetary Reserve	\$ 850	To correct FY 23 ATM error
Historic Preservation	Budgetary Reserve	\$ 42,696	To correct FY 23 ATM error
<i>FY 2024 Operating Appropriation:</i>			
FY 2024 Administrative expenses of the Committee	CPA Estimated Annual Revenues	\$ 8,500	
<i>FY 2024 Reservations from Estimated Annual Revenues:</i>			
Open Space Reserve	FY 2024 Estimated Annual Revenues	\$ 57,960	
Historic Preservation Reserve	FY 2024 Estimated Annual Revenues	\$ 57,960	
Community Housing Reserve	FY 2024 Estimated Annual Revenues	\$ 57,960	
<i>Projects:</i>			
FY 2024 Debt service for Town Hall Renovation Project	Historic Preservation Reserve	\$ 98,430	
Town Hall Debt	FY2023 Budgeted Reserve	\$ 14,294	
Affordable Housing Trust	Community Housing Reserve	\$ 187,513	
Affordable housing	FY2023 Budgeted Reserve	\$ 412,487	
Hamilton Wenham High School Athletics Facilities Improvement Project	Fund Balance	\$ 400,000	

Grant to Wenham Museum for A Town Common for Wenham: Fostering Community through Gathering Space	CPA Fund Balance	\$ 87,255	
West Wenham Park, Community Gathering Space	CPA Fund Balance	\$ 375,500	
Maple Woods Senior Affordable Housing	CPA Fund Balance	\$ 150,000	

*Recommendation of the Select Board: Recommended 3-0-0*  
*Recommendation of the Finance & Advisory Committee: Recommended 4-0-1*

**MOTION 1**

Rick Woodland, Vice Chair of the Community Preservation Committee, moved pursuant to the Community Preservation Act (CPA), to appropriate the sums listed in the chart printed in the warrant, in the amounts, for the purposes and from the funding sources specified, for the items listed under the first row, entitled, “Reservations to ‘True-up’ FY 2022 based upon Actual Receipts and other adjustments” and including all items through the second item listed under the row labeled “Projects”, both of which appropriations are for the payment of debt service, all as written in the warrant, and further to insert another row after the three reserves, with \$414,200 from FY24 estimated receipts to be placed in the FY24 Budgeted Reserve.  
The motion was seconded.

**Discussion**

Angus West, 7 Walnut Road questioned the budget reserves. Yeimi Colon, Finance Director explained that the budgetary reserves comes from the annual reserves minus estimated revenues which then 10% goes into each CPC bucket and the remainder to the budgetary reserves.

**VOTE**

**The motion passed by a majority with 304 in favor and 12 opposed.**

**MOTION 2**

Rick Woodland, Vice Chair of the Community Preservation Committee, moved to appropriate the total sum of \$600,000, with \$187,513 to come from the Community Preservation Fund Community Housing Reserve and \$412,487 from the Community Preservation Fund fund balance, as a grant to the Affordable Housing Trust for the purposes of new affordable housing projects, as described more fully in its application to the Community Preservation Committee, and, further, to authorize the Select Board to enter into a grant agreement with the Affordable Housing Trust on such terms and conditions as the Board deems appropriate.  
The motion was seconded, and there was no discussion.

**VOTE**

**The motion passed by a majority with 293 in favor and 21 opposed.**

**MOTION 3**

Rick Woodland vice chair of the CPC moved to appropriate the sum of \$400,000 from the Community Preservation Fund fund balance as a grant to the Hamilton-Wenham Regional School District for the High School Athletics Facilities Improvement Project, funds to be used for tennis courts, accessibility, and the track as described more fully in the application filed with the Community Preservation Committee and, further, to authorize the Select Board to enter into a grant agreement with the Regional School District School Committee upon such terms and conditions as the Select Board deems appropriate.

The motion was seconded, and there was no discussion.

**VOTE**

**The motion passed by a majority with 277 in favor and 39 opposed.**

**MOTION 4**

Rick Woodland, Vice Chair of the Community Preservation Committee, moved to appropriate the sum of \$87,255 from the Community Preservation Fund fund balance as a grant to the Wenham Museum located at 132 Main St, Wenham, MA 01984 for the construction on the Museum's property of what it is calling a "town common", including all incidental and related expenses and as described more fully in the application filed with the Community Preservation Committee and, further, to authorize the Select Board to enter into a grant agreement with the Wenham Museum upon such terms and conditions as the Select Board deems appropriate.

The motion was seconded, and there was no discussion.

**VOTE**

**The motion passed by a majority with 279 in favor and 38 opposed.**

**MOTION 5**

Rick Woodland, Vice Chair of the Community Preservation Committee, moved to appropriate the sum of \$375,000 from the Community Preservation Fund fund balance for the construction of a community gathering space at West Wenham Park, located on map 25 lot 28 in the assessors records, including all incidental and related expenses and as described more fully in the application filed with the Community Preservation Committee, and, further, to authorize the Select Board to enter into a grant agreement with the organization coordinating the building of the West Wenham Park upon such terms and conditions as the Select Board deems appropriate.

The motion was seconded, and there was no discussion.

**VOTE**

**The motion passed by a majority with 277 in favor and 45 opposed.**

**MOTION 6**

Rick Woodland, Vice Chair of the Community Preservation Committee, moved to appropriate the sum of \$150,000 from the Community Preservation Fund fund balance as a grant to Harborlight Community Partners Inc. for the community housing project known as "Maple Woods Senior Affordable Housing," located at 62 Maple Street, Wenham, Massachusetts, and described more fully in the application filed with the Community Preservation Committee, and, further, to authorize the Select Board to enter into a grant agreement with Harborlight Community Partners, Inc., on such terms and conditions as the Board deems appropriate.

The motion was seconded, and there was no discussion.

**VOTE**

The motion passed by a majority with 268 in favor and 52 opposed.

**ARTICLE 17: Borrowing Authorization for Town Capital Improvements**

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money for costs of purchasing, or leasing with an option to purchase, and equipping new and/or replacement capital items for various Town Departments including all incidental and related costs, and, further that any contracts for such purposes may be up to or in excess of three years and that to meet this appropriation, the Treasurer, with the approval of the Select Board, is authorized to borrow pursuant to G.L. c. 44, §§7 or 8 or any other enabling authority, and to issue bonds or notes of the Town therefor, provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town to exempt from the limitation on total taxes imposed under G.L. c. 59, §21C(m) (Proposition 2½) the amounts required to pay the principal of and interest on the borrowing approved by this vote.

Fire Station Roof	\$ 90,000
Library HVAC	\$ 110,000
Grand Total	\$ 200,000

Or take any other action relative thereto;

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 4-0-1*

**MOTION**

Jim Purdy, Chair of the Finance & Advisory Committee moved that the Town vote to transfer from Free Cash the sum of \$200,000 for the costs of refurbishing, renovating or replacing the Fire Department roof and the Library HVAC system, including all incidental and related costs, and, further, that any contracts for such purposes may be up to or in excess of three years. The motion was seconded.

**Discussion**

Michelle Bailey of 2 Remington Road said that the town stated \$1.79 in free cash and noted that school budget had an \$8.2M overage. She then asked what was contributing to the town overage, why was the free cash certification so late, why that amount, and what will be done with that funding?

Jim Purdy, Chair of the Finance and Advisory Committee, explained that there was unspent money in group insurance, fire, police, and budgeted a debt payment for FY23 that was paid in FY22 in addition the Town had carried over free cash from FY 22 to FY23.

He continued explaining that the Finance and Advisory Committee proposed using some of that Free Cash in Article 17 to avoid the additional debt service.

The additional \$500K will be held in Free Cash in anticipation of significant increases in the next years due to several potential factors: new school, trash costs, OPEC costs, and ongoing capital needs, etc.

Susan Mehlin, 18 Burnham Road remarked that she understood the cushion, but has a problem with the tax increase. She stated that there is an overpayment per household of about \$1,200 and questioned holding the money in reserve.

**VOTE**

The motion passed by a majority with 313 in favor and 7 opposed.

**ARTICLE 18:                      Borrowing Approval for School Fields**

To see if the Town will vote to approve the debt authorized by the Hamilton-Wenham Regional School Committee in the amount of Fifteen Million Dollars (\$15,000,000) for the purpose of designing, constructing, reconstructing, making improvements to and equipping the athletic and recreational facilities located at Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including the payment of all costs incidental or related thereto; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town at an election to exclude from the limits imposed by Proposition 2 ½, the amounts needed to pay for the Town's allocated share of the principal and interest on such debt, and that the total amount authorized to be expended by the Regional School District under the Regional School Committee bond authorization and this vote shall be reduced by any grants or gifts received for such purposes, or take any action thereon or relative thereto.

*Recommendation of the Select Board:*

*Recommended 3-0-0*

*Recommendation of the Finance & Advisory Committee: Recommended 4-1-0*

Before Mr. Smerage entertained the motion, he invited Superintendent Eric Tracy to deliver a brief presentation.

After the presentation, Moderator Smerage called a recess and reconvened the Meeting at 4:00pm

**MOTION**

Scott Schonberger, member of the Finance & Advisory Committee, moved that the Town approve the debt authorized by the Hamilton-Wenham Regional School Committee ("School Committee") in the amount of Fifteen Million Dollars (\$15,000,000) for the purpose of designing, constructing, reconstructing, making improvements to and equipping the athletic and recreational facilities located at Hamilton-Wenham Regional High School, 775 Bay Road, Hamilton, MA, including the payment of all costs incidental or related thereto; provided, however, that the vote taken hereunder shall be expressly contingent upon approval by the voters of the Town at an election to exclude from the limits imposed by Proposition 2 ½, the amounts needed to pay for the Town's allocated share of the principal and interest on such debt, and, further, that the expenditure of funds authorized to be borrowed hereunder shall be reduced by any grants or gifts received for such purposes and by any other amount or amounts that the School Committee may, from time to time, appropriate to the project from the District Capital Stabilization Fund, including but not limited to the \$1,690,000 the School District has indicated will be earmarked for the project in FY24

The motion was seconded.

**Discussion**

Residents in favor of the Article who spoke were Nancy Waddell, Patrick Waddell both of 5 Great Pond Road, Patrick Sullivan of 139 Cherry Street, Tyson Goodridge of 26 Arbor Street and Jennifer Carr of 5 Meridian Road. Their reasons included addressing dangerous conditions on the current fields, the public good, and the project is larger than just turf fields.



Residents who spoke about their concerns with the project were Phil Colarusso of 14 Juniper Street, Rick Nardone of 9 Fairview Ave and John Bianchi of 16 Birch Road. Their concerns ranged from safety issues to cost implications.

John Bianchi, 16 Birch Road moved to amend the motion by offering a Special exemption from the tax portion/burden created by Article 18; the following residents shall be exempt from tax increases for this article. Exemption must meet ANY two (2) of the following: Residents of a total of thirty (30) years or more residing in Wenham full time, Single residents' income of under \$125,000 annually or residents 68 years or older on fixed income under \$100,000, Household income of under \$275,000 annually or with particular reasons do not have a child in the Hamilton Wenham Regional School District.

It was seconded.

VOTE on the amendment failed with a vote of 45 yeas and 247 nos

David Anderson, 176 Main Street called the question which requires a 2/3rds vote to close debate.

VOTE passed with a 2/3<sup>rd</sup> vote of 268 in favor, 29 opposed.

VOTE

**The main motion passed with a 2/3rds vote of 218 in favor and 89 opposed.**

**ARTICLE 19: Special Act to Create Appointed Town Clerk**

To see if the Town will vote to authorize the Select Board to file with the General Court a petition for special legislation, as set forth below, creating the position of appointed Town Clerk in the Town of Wenham; provided, however, that the General Court may make changes of form only to such bill without approval of the Select Board, and, further, to authorize the Select Board to approve such revisions requested by the General Court as are consistent with the public purposes of the petition.

Or take any other action relative thereto.

**An Act Regarding Appointing the Town Clerk of the Town of Wenham**

SECTION 1. Notwithstanding any general or special law to the contrary, there shall be established in the town of Wenham the position of appointed town clerk. The town clerk shall be appointed and may be removed by the select board and shall serve at the pleasure of the select board. The town clerk shall have all the powers and duties and be subject to the liabilities and penalties imposed by law on town clerks.

SECTION 2. Upon the effective date of this act, the elected office of town clerk shall be abolished and the term of the elected incumbent terminated; provided, however, that the incumbent holding the office of town clerk on the effective date of this act shall serve for a period of 5 months thereafter as the appointed town clerk. Thereafter, appointments to the position of town clerk shall be made in accordance with section 1.

SECTION 3. This act shall take effect upon its passage.

Or take any action relative thereto.

*Recommendation of the Select Board: Recommended 2-1-0*

MOTION

Peter Clay of the Select Board moved to approve the article as written in the warrant.

The motion was seconded.

Aime A. Card

Discussion

Dianne Bucco, 73 Topsfield Road moved to amend the motion by replacing sections 2 & 3 with the following language:

Section 2: If approved by the General Court, this act shall be submitted as a ballot question to the voters of the Town of Wenham at the next Town Election in the following form: "Shall an act be passed by the General Court entitled 'An Act Regarding Appointing the Town Clerk of the Town of Wenham' be accepted?"

Below the question shall appear a summary of the act prepared by Town Counsel and approved by the Select Board.

Section 3: If a majority of the votes cast to the question is in the affirmative, Section 1 of this shall be in effect in the Town of Wenham, but not otherwise.

Section 4: Upon the affirmative vote, the elected office of the Town Clerk shall be abolished and the term of the elected official incumbent terminated; provided however, that the incumbent holding the office of Town Clerk on the effective date of the vote shall serve for a period of 5 months thereafter as the appointed Town Clerk. Thereafter, appointments to the position of the Town Clerk shall be made in accordance with Section 1.

Ms. Bucco explained that if the Meeting wants to change the status of the Town Clerk's position, going this proposed route would allow the Town to have a full year to consider it.

The motion was seconded.

Discussion:

Michelle Bailey, 2 Remington Road questioned why there are two articles doing the same thing and wanted to know from legal counsel why one way is better than the other.

Lauren Goldberg, Town Counsel explained that one way is not better than the other. One Article proposes going through the statutory mechanism and the other through a special act process. Ms. Goldberg added that with the proposed amendment, the special act would then require a ballot vote.

Patrick Waddell, 5 Great Pond Road voiced his concern that the Town Clerk will then report to the Select Board and would prefer to have the Town Administrator be a buffer between those elected officials and those who run elections.

Vote on amendment passed by majority with 104 in favor and 58 opposed.

VOTE

**Article 19, as amended, passed with a majority with 105 in favor and 67 opposed.**

**ARTICLE 20: CITIZEN'S PETITION – Conversion of Elected Town Clerk to Appointed Town Clerk pursuant to G.L. c.41, §B**

To see if the Town will vote, pursuant to MGL Chapter 41, Section 1B to make the office of the Town Clerk a position appointed by the Select Board, provided that approval of this article is accepted by vote of a majority of the voters at the 2023 Annual Town Meeting and at the 2024 Annual Town Election of April 2024 on the following ballot question: Shall the Town vote to have its Town Clerk become an appointed office of the Town? Yes \_\_\_\_\_ No \_\_\_\_\_

Or take any action relative thereto.

*Recommendation of the Select Board:*

*Recommended 2-1-0*

## Motion

Petitioner Janet Burt, 33 Arbor Street made a motion to take no action.

## Discussion

Susan Killam, 24 Perkins Street voiced her concern of confusion.

It was explained that this article was meant to follow the statutory process to change the Town Clerk's elected position to an appointed one, but was no longer needed due to the affirmative vote on the previous article.

## VOTE

**The motion passed by a majority with 146 in favor and 18 opposed.**

## **ARTICLE 21: Election of Officers**

To choose the following officers and bring in their votes on the following ballot questions:

Board of Assessors, one position, three-year term; Board of Health, one position, three-year term; Select Board, one position, three year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term; Hamilton Wenham Regional School Committee, two positions, three year term; Housing Authority, one position, five year term; Planning Board, one position, five year term; Water Commissioner, one position, three year term; Town Clerk, one position, three year term.

## Ballot Questions

### Question 1

Shall the Town of Wenham be allowed to exempt from the provisions of Proposition 2 ½, proposition two and one-half, so-called, the amounts required to pay for the Town's apportioned allocable share of the bond issued by the Hamilton-Wenham Regional School District in order to design, construct, reconstruct, make improvements to and equip athletic and recreational facilities located at Hamilton-Wenham Regional High School, 775 Bay Road, South Hamilton, MA, including the payment of all costs incidental or related thereto?

### Question 2

Shall the Town of Wenham be allowed to exempt from the provisions of proposition two and one-half, so-called, the amounts required to pay for the bond issued in order to pay costs of purchasing, and equipping new and/or replacement capital items for various Town Departments including the payment of all costs incidental and related thereto?

### Question 3 (3-5)

Shall an act passed by the General Court entitled 'An Act expanding the Select Board of the Town of Wenham' be accepted?

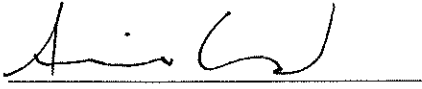
Summary of the Act- "This Act provides for the size of the Select Board to increase from 3 members to 5 members. If approved, the Town will hold a special election to elect two additional Select Board members."

## **ADJOURNMENT**

Select Board Chair Gary Cheeseman made a motion to adjourn the meeting, the motion was seconded and passed with a voice vote.

Mr. Smerage officially adjourned the meeting at 4:42pm and thanked the residents for their attendance.

A True Copy Attest



Temporary Clerk

