

**WARRANT FOR THE ANNUAL TOWN MEETING
WENHAM, MASSACHUSETTS
Saturday, April 1, 2023**

Essex, ss

To either of the Constables of Wenham, in said County,

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify the inhabitants of said Town qualified to vote in the Town Affairs and Elections. The Town Meeting will take place at the Buker Elementary School located on 1 School Street in said Town on **Saturday, the 1st of April, 2023 at 1:00 PM**. Voters of the Town are also notified to cast their votes at the Annual Town Election for the election of Town Officers to be determined by official ballot from 7:00 AM to 8:00 PM at the Wenham Town Hall, 138 Main Street, on **Thursday, the sixth day of April, 2023**.

CONSENT CALENDAR FOR ARTICLES 1-6

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.

Commentary: Clause 17D of Section 5 of Chapter 59 provides an exemption to three categories of persons who satisfy certain residency and whole estate or asset requirements: 1. Widows and widowers, 2. Minor children with one parent deceased and 3. Persons 70 years of age or older. Persons 70 or older may, alternatively, qualify for an exemption under Clause 41C which provides increased benefits but for which the eligibility requirements are stricter. See Exemption Exhibit in appendix for more information

Recommendation of the Select Board:

Recommended 3-0-0

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

Vote needed: Simple Majority

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.

Commentary: Under Clause 22F of G.L. c. 59, § 5, paraplegic veterans and their spouses and surviving spouses are eligible for a full exemption from property taxes on their domiciles and for veterans who are 100% disabled due to service-connected blindness and their spouses and surviving spouses. See Exemption Exhibit in appendix for more information

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

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.

Commentary: This law allows adjustment to the so-called Senior Tax exemption in the following four ways:

- (1) increasing the amount of the exemption to as much as 20 per cent of the average assessed value of all Class one parcels within the city or town;*
- (2) reducing the requisite age of eligibility to any person age 65 years or older; and*
- (3) reducing the residency requirements to not less than 5 years; and*
- (4) utilizing income limits on a household basis rather than on a single applicant basis for real estate tax exemptions.*

See Exemption Exhibit in appendix for more information

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

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.

Commentary: By local option and subject to annual appropriation by the community’s legislative body, seniors who qualify for the Massachusetts income tax credit called the “circuit breaker” may also qualify for an exemption. The maximum exemption is the same amount as the tax credit received in the prior calendar year. See Exemption Exhibit in appendix for more information

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

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.

Commentary: This article would impact elderly persons, blind persons and veterans with service connected disabilities. It would increase the exemption under state statute up to 100% of the exemption. Section 5C1/2 was enacted in 2014 and replaces the special legislation that previously authorized the additional exemption, section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988.

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

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

Vote needed: Simple Majority

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.

Commentary: *The FY24 budget appropriation in this Article, as recommended by the Finance & Advisory Committee, totals \$23,117,427 See financial exhibits contained within the Article 7 warrant for further details about departmental line item funding amounts. If the FY24 budget outlined in Article 1 is accepted as recommended, total revenues from local property taxation rise by \$668,113, in line with a 2.5% levy limit increase and the addition of new growth allowed under Proposition 2 1/2. This Article fully funds both municipal and Hamilton-Wenham Regional School District operations as well as the Essex North Shore Agricultural and Technical School within the Town's levy capacity. Article 10 identifies additional use of free cash for one-time capital items. The Town of Wenham's tax rate was \$19.58/1000 in FY2022 and fell to \$17.35/1000, a decrease of 11.4%, in FY2023.*

Recommendation of the Select Board:

Recommended 3-0-0

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

Vote needed: Simple Majority

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
Grand Total	\$ 445,156

Or take any other action relative thereto.

Commentary: The Town is committed to continuing our efforts to make strategic investments in our infrastructure, facilities, and equipment. To that end, we have developed an updated 5-Year Capital Improvement Program (CIP) that seeks to comprehensively address our needs in a way that is both realistic and sustainable. The items identified in this Article have been prioritized for FY23 as one-time projects as part of an annual evaluation process. Using \$445,156, or approximately 44.5%, of available certified FY23 free cash to fund annual capital needs is consistent with best practices in municipal financial planning.

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

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.

Commentary: Massachusetts communities are permitted by M.G.L. Chapter 40, Section 5B, to set aside money each year to be held in a Stabilization Fund in order to provide for emergencies and unforeseen expenses. The funds can be used for any lawful municipal purpose, but a 2/3 vote of Town Meeting is required to make an appropriation from the fund.

Rating agencies such as Standard & Poors look at the Town's reserves, and especially the Stabilization Fund, in setting the Town's bond rating, which in turn determines the rate at which Wenham can borrow money. The Town of Wenham has a current balance of \$540,750 in its stabilization fund and hasn't made a contribution to it on over 20 years.

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

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

Commentary: This Article provides for payment of a prior year bills which was not submitted prior to the fiscal year ending June 30, 2022.

Recommendation of the Select Board: **Recommended 3-0-0**
Recommendation of the Finance & Advisory Committee: **Recommended 5-0-0**
Vote needed: 4/5 Majority

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.

Commentary: *This article seeks to accept the terms of the collective bargaining agreements and authorize the town to fund the first year of the agreement through article 7.*

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

CONSENT CALENDAR FOR ARTICLES 12-15

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.

Commentary: *This is a standard acceptance Article required to enable expenditure of annually accruing funds from trust donations for general or restricted purposes as provided by the terms of the gift or trust.*

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

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.

Commentary: *The Sale of Cemetery Lots - Receipts Reserved for Appropriation account is restricted for expenditure for certain purposes, including costs to maintain the cemeteries. This Article seeks to transfer \$21,800 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account to the Cemetery Perpetual Care Fund principal.*

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

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:

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*
Vote needed: Simple Majority

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;

***Commentary:** The Town is committed to continuing our efforts to make strategic investments in our infrastructure, facilities, and equipment. To that end, we have developed an updated 5-Year Capital Improvement Program (CIP) that seeks to comprehensively address our needs in a way that is both realistic and sustainable. The items identified in this Article have been prioritized for FY24 as one-time projects as part of an annual evaluation process.*

The debt service on \$200k is estimated to be about \$24k annually over ten years and would be funded by the proposed debt exclusion. The additional annual tax burden associated with this project/debt service is about \$2.50 per \$100,000 of assessed value.

Recommendation of the Select Board: **Recommended 3-0-0**
Recommendation of the Finance & Advisory Committee: **Recommended 4-0-1**
Vote needed: 2/3 Majority

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.

***Commentary:** This article seeks to approve the \$15,000,000 borrowing authorized by the Hamilton-Wenham Regional School District (the “District”) 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.

Wenham's assessment for this project, net of grants and gifts, is estimated to be \$4.1m based on an estimated 1/3–2/3 split. The grants and gifts are estimated at \$2.698m (A conservative \$1m in donations and \$1.698m in districts stabilization fund contribution.) The \$4.1m assessment is further assumed to be reduced by the Wenham CPC funding of \$400k. This leaves an estimated amount to be borrowed of \$3.7m to fund Wenham's share of the project.

The debt service on \$3.7m is estimated to be about \$456k annually over ten years and would be funded by the proposed debt exclusion. The additional annual tax burden associated with this project/debt service is about \$47 per \$100,000 of assessed value.

Recommendation of the Select Board: ***Recommended 3-0-0***
Recommendation of the Finance & Advisory Committee: ***Recommended 4-1-0***
Vote needed: 2/3 Majority.

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***
Vote needed: Simple Majority

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

Vote needed: Simple Majority

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."

And you are hereby directed to serve this warrant by posting attested copies thereof at Town Hall, Hamilton-Wenham Regional Library, Senior Center, and on the bulletin board outside the Fire Station seven days at least before the time of the meeting aforesaid.

THEREOF FAIL NOT and make return of this warrant, with your doings thereon, to the Town Clerk, at the time and place of holding the meeting aforesaid.

Given under our hands this _____ of March, 2023.

Gary R. Cheeseman

Dianne K. Bucco

Peter Clay

"In pursuance of the above written warrant, I have this _____ day of March, 2023 posted the attested copies thereof as directed therein."

ATRUE COPY ATTEST:

Constable of the Town of Wenham
Date: