

TOWN OF WENHAM
Board of Selectmen
Meeting of February 12, 2019
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday February 12, 2019 at 5 pm in the Selectmen Chambers.

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

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

The Board typically meets the first and third Tuesday of each month at 6:30 pm in Town Hall. The BOS meetings are posted on the Town calendar. All meetings are open to the public and may be viewed on local cable channels HWCAM.org or You Tube HWCAM

Call to Order - With a quorum present, Ms. Harrison called the BOS meeting to order at 5 pm

Selectmen present: Catherine Harrison, Chair; Jack Wilhelm, Clerk

Not present: John Clemenzi, Vice Chair

Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

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

Executive Session

- Community Preservation Act Historic Preservation Restriction

Vote: Ms. Harrison moved the BOS enter into executive session under M.G.L. Ch. 30A, § 21 (6) To consider the purchase, exchange, taking, lease or value of real property if such discussion may have a detrimental effect on the negotiating position of the governmental body and return to open session to enter into another Executive Session. The motion carried by roll call vote.

- Maple Woods

Vote: Ms. Harrison moved the BOS enter into executive session under M.G.L. Ch. 30A, § 21 (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares and to include Special Counsel, Adam Costa, and to return to open session. The motion carried unanimously by roll call vote.

Public Input- There was none.

Announcements

- Cutest Dog Contest: The Town Clerk was present and announced Patches Brown won the Cutest Dog Contest with 15% of the votes. Lisa Cain, Owner of Wags Day Care donated a gift basket. The calendar will be available March 1.
- Annual Town Elections - Town Election Day is Thursday April 11. Absentee ballots are available for this election through the Town Clerk's Office.
- Nomination papers are available and due back to the Town Clerk's Office February 21. These positions are listed on the Town's web site.

Reports

Town Administrator

- Personnel- After almost 30 years working as an officer for the Wenham Police Department, Sergeant Jon Gray will be retiring effective March 15, 2019. We thank him for his many years of service to the organization and community. To fill this vacancy, Chief Perkins has posted the position and is seeking an officer with at least 5 years of full-time experience to complement the 2 new reserves who were recently hired as full-time officers and plan to attend the Academy this spring. The posting expires on Friday February 22.
- The Library Director Screening Committee will be meeting next week to review the candidate pool (today is the submission deadline) and invite a handful of applicants in for preliminary interviews with screening Committee in the next few weeks.

Approved 06.18.19

Consent Agenda

Vote: The BOS unanimously voted to remove the December 4, 2018 minutes from the consent agenda.

Vote: The Bos moved to approve all items in the Consent Agenda as presented, including with the Executive Session meeting minutes from November 27 to be held until further notice.

A. Minutes

Removed: Open Session December 4, 2018 - Held for review

Executive Session: November 27, 2018 (3). – Held not for release

B. Acceptance of \$1,000 Donation to the Veterans Committee for Wreaths Across America

From Treasurer of Airforce Association Mike Therrien. The gift was acknowledged with gratitude

*Fire Based Ambulance Program. The agenda taken out of order with consent.

New Business

- Discussion of Potential Next Steps Re Process to Fill the Town Administrator Position on a Short & Long-Term Basis
- Memo from Catherine Harrison, Chair, Board of Selectmen

Ms. Harrison announced that Peter Lombardi accepted a Town Administrator position with the Town of Brewster and would leave Wenham in April.

The BOS discussed a transition plan including hiring an interim Town Administrator and the preferred process.

Mr. Wilhelm supported considering internal candidates as well as consider external candidates for interim Town Administrator.

The interim position should start a week prior to Mr. Lombardi leaving and extend up to 6 months.

The appointment of a permanent Town Administrator would also need to be begin and the Board agreed to use an executive recruitment firm. Mr. Lombardi informed the Board that three bids must be solicited, although they do not need to interview all three.

The Board observed a Town Administrator Screening Committee worked well previously and to go forward with this process again; Mr. Lombardi will provide the process used previously including the Committee's charge.

- Potential Revision to Wenham Connects Committee Charge
- Memo regarding Potential Revision to Wenham Connects Committee Charge from P. Lombardi, February 8, 2019
- Memo regarding Updated Charge for Wenham Connects Committee from P. Lombardi, January 2, 2019
- Memo regarding Proposed Charge for Wenham Connects Committee from P. Lombardi, December 13, 2018

Mr. Lombardi reported that eight letters of interest were received for this Committee; one interested person was a Hamilton resident who cannot be appointed to a Wenham Committee. Potentially with 7 members and 2 staff ex officio the number of members would exceed the maximum number of seven as set by the BOS in the Charge.

The BOS may amend this number and cap the Committee up to 9. Mr. Lombardi observed there is a check in point before the Committee is reappointed in 2020 and the Board may further amend the charge.

Vote: Mr. Wilhelm moved the BOS amend the Wenham Connects Committee Charge that the Committee be comprised of up to nine members. The motion carried unanimously.

Appointments

- Wenham Connects Committee
- Letters of Interest from: Marianne T. Cannon, Albert W. Dodge, Marcia Ford, LuBeth W. Kuemmerle, Martha B. Lowery, Ann M. O'Shea, Patricia A. Tremblay, Francois E. Wilhelm
- Zoning Board of Appeals: Dana M. Begin or Evan N. Campbell
- Resignation Letter from Christopher Vance, ZBA
- Recommendation from Zoning Board of Appeals

Vote: Mr. Wilhelm moved to appoint the following people to the Wenham Connects Committee for a term beginning February 12, 2019 and ending June 30, 2020: Marianne T. Cannon, Albert W. Dodge, LuBeth W. Kuemmerle, Martha B. Lowery, Ann M. O'Shea, Patricia A. Tremblay, Francois E. Wilhelm, James R. Reynolds, Peter Lombardi. The motion carried unanimously.

Ms. Harrison noted that Lt Governor Karen Polito was in Wenham for the Community Compact Grants and was quite interested in Wenham Connects and what the Town is doing for age friendly community.

- Zoning Board of Appeals: Dana M. Begin or Evan N. Campbell

Approved 06.18.19

With the resignation of one full time member, the Associate Members both submitted letters on interest as a full-time member of the Zoning Board.

Ms. Harrison noted that Mr. Campbell is the senior Associate Member and was supported by the ZBA to be appointed to fill the remaining term of Chris Vance.

Vote: Mr. Wilhelm moved to appoint Evan Campbell as a full member Zoning Board of Appeals for a term beginning February 12, 2019 and ending June 30, 2019. The motion carried unanimously.

There is now an opening on the ZBA for an Associate Member.

- Maple Woods Senior Affordable Housing Project Update
- 2019 CPA Project Funding Application for Maple Woods from Harborlight Community Partners, Inc., January 23, 2019
- Memo regarding Maple Woods Project Funding Request from Adam J. Costa, Esq., Mead, Talerman & Costa, LLC, January 29, 2019
- Memorandum of Agreement with The Shannon Company for 62 Maple Street Appraisal, Signed January 31, 2019
- Maple Woods Housing LLC Schematic Design by Siemasko & Vertbridge
- CPA Fund Balances FY 2020 Planning Document, February 6, 2019
- Review and Potential Approval of Community Preservation Act Grant Agreement and Historic
- Preservation Restriction Agreement with Wenham Museum
- Proposed Community Preservation Act Grant Agreement with the Wenham Historical Association and Museum, Inc.
- Proposed Preservation Restriction Agreement between the Wenham Historical Association & Museum, Inc. and the Town of Wenham

Ms. Harrison reported that discussions continue regarding the Term Sheet as a Settlement Agreement.

The BOS determined it is the best interest of the Town to get an appraisal of the property at 64 Maple Street being proposed for Maple Woods; Harborlight will purchase the property for \$1.8 million. This property is Chapter Land and the true value is important especially for the Right of First Refusal process under M.G.L. Chapter 61.

There is an application before the Community Preservation Committee (CPC) for \$750,000 (in part) for the acquisition of the property.

Mr. Lombardi gave a brief overview of the Community Preservation Fund balances. The total funding request is \$1,041,300. If all the applications are funded, the Historic Fund, Community Housing Fund, and Budgetary Reserve fund would all have a zero balance. Only two accounts would carry a balance being the Reserve Fund at \$98,000 & the Open Space Fund at \$677,000. The following submitted an application for CPA funding: Community House \$98,000; Habitat for Humanity (Hull Street) \$60,000; Harborlight/Maple Woods \$ 750,000; Town Hall Debt \$126,100; Town-wide Trail Map \$6,000 and a bench at Wenham Lake \$1,200.

Mr. Lombardi further explained the Term Sheet sets a standard of a million dollars of Town funding for Harborlight to move forward with a 45 unit project. The CPC may recommend additional funding for Harborlight and not fund the Community Housing and Habitat for Humanity.

The BOS were hesitant to recommend the CPC to fund the Harborlight application beyond the request.

Mr. Wilhelm identified that there is a misnomer that the town would be protected from unfriendly 40b's but Special Counsel explained once the comprehensive permit is granted the Town has protection for 1 year, then if building permit is pulled, the protection stays in place for another 18 months, at which time an occupancy certificate must be secured for those units to be counted as affordable. In total, the Town could be protected for 2 ½ years against 40b developments.

Mr. Wilhelm recalled that Mr. DeFranza stated that the project would most likely not be shovel ready for 5 years, resulting in the town being exposed another development by an unfriendly 40b.

Ms. Harrison clarified that the Affordable Housing Trust has not received an application for this project to date. She referenced the Affordable Housing Plan outlines a 5-year plan to reach the 10% affordable housing without this project.

- Review and Potential Approval of Community Preservation Agreement with Wenham Museum
- Proposed Community Preservation Act Grant Agreement with the Wenham Historical Association and Museum, Inc.
- Proposed Preservation Restriction Agreement between the Wenham Historical Association & Museum, Inc. and the Town of Wenham

Motion: Ms. Harrison moved to approve the proposed Community Preservation Act Grant Agreement and Historic Preservation Restriction Agreement between the Town of Wenham and the Wenham Historical Association, Inc. Under Discussion:

The Wenham Museum applied for a CPA funding last year for renovations to the building in the amount of \$107,000. The CPC supported and Town Meeting approved \$89,455. As part of this approval the BOS was authorized to enter into a grant agreement including a historical preservation restriction on the property. The Museum and BOS have been negotiating the Preservation Agreement. Ms. Harrison noted this Agreement has not been signed by the Museum yet.

Prior to signing the documents, Mr. Wilhelm disclosed he was a member and Trustee of the Wenham Museum but never attended any meetings when this was discussed or participated in any negotiations other than with the BOS.

Harriet Davis, Chair of the CPC, was in the audience and stated that the lease term was for 29 years.

Vote: The motion carried unanimously.

Approved 06.18.19

- Review of Regional Dispatch Feasibility Study for Danvers or Hamilton, Review of Draft Intermunicipal Agreement for North Shore 911 Center, and Discussion of Potential Next Steps
- Regional Dispatch Feasibility Study from Municipal Resources, Inc. - Placeholder
- Draft Intermunicipal Agreement for the Joint Provision of Public Safety Communication, Dispatch and Operations Services
- Letter regarding Proposed IMA for North Shore 911 Center to Matthew Moran, Undersecretary, Forensic Science and Technology, Massachusetts Executive Office of Public Safety and Security and Frank Pozniak, State 911 Department, Massachusetts Executive Office of Public Safety and Security from Peter Lombardi, Town Administrator, December 12, 2018
- Memo regarding Status Update on Regional Dispatch and Review of Proposed New Intermunicipal Agreement for the Joint Provision of Public Safety, Communications, Dispatch, and Operations Services from P. Lombardi, November 30, 2018

Mr. Lombardi reviewed that State 911 will assume management of the regional dispatch in Middleton starting July 1, 2019. State 911 drafted a new Intermunicipal Agreement and solicited comments from the communities.

Mr. Lombardi along with the Fire & Police Chiefs responded with their concerns with the IMA as drafted. The IMA was revised by State 911 and released a new iteration of the IMA with significant amendments in response to the concerns from the communities.

Noteworthy amendments included:

- Increase community involvement
- Reduction of the initial withdrawal term from 7 years with a 3-year notice to 5 years with a 2-year notice provision.
- State 911 owns all capital infrastructure and would be responsible for
- Fully funding all operations; no required contribution from participating communities— \$80,000 plus savings to Wenham
- Added language that member communities may opt out in the first 2 years

This gives the BOS more time to consider all options and get an understanding of how State 911 will operate.

The Town anticipates receiving the feasibility study from MRI regarding a shared service with other communities.

*Review of Fire-based EMS Pilot Program and Potential Decision to Continue to Provide Basic Life

- Wenham Fire Department Ambulance Report Letter from Stephen B. Kavanagh, Fire Chief, February 12, 2019
- Town of Wenham Vital Signs Report, January 1, 2018 – December 31, 2018

Captain Baxter and Captain Sullivan were present and spoke on the fire-based EMS pilot program.

Motion: Mr. Wilhelm moved, based on the overall success of the one-year pilot program and consistent with the recommendation of Fire Chief Kavanagh, to approve the continuation of providing Fire-based Basic Life Support Emergency Medical Services on a permanent basis effective March 27, 2019. Under discussion:

Captain Baxter spoke on behalf of the Fire Chief who was at training and gave an overview of the pilot ambulance program that started March 2018.

The ambulance has responded to 313 calls to date or an average of 30 calls a month. The average response time was 5 minutes 57 seconds compared to prior contracted ambulance service that responded 90% of the time in 12 minutes or less, in part due to other ambulance services responding from out of town.

Mr. Baxter reviewed the financial aspect of the service including that the reimbursement figures for a net revenue to the Town of \$201,819.68, of which Town has received approximately \$68,559.87 in payments to date.

Captain Baxter noted start-up costs were minimal to the Town due to the Fire Department Gift Account and Wenham Fire Company donating the ambulance, stair chair, stretcher, and Lucas Device totaling more than \$28,500.

There are on-going negotiations with the Union for additional time related to the ambulance transport; the current contract is up in June 2019; a side letter was negotiated for the current contact.

There is a capital expense of \$75,000 - \$100,000 for ambulance replacement in 2021.

Atlantic ALS (Advanced Life Support) responds to emergencies as needed according to protocol and with BLS (Basic Life Support) as back up.

In the Fire Chief's report, he recognized the Firefighter's dedication and professionalism to the Department and residents. The Fire Chief and Captains recommended the service continues.

Vote: The Motion carried unanimously.

• Review of Warrant Articles and Discussion on Prioritization

- General Bylaw Amendment regarding Historic District Commission (HDC)

Present: Dana Bagnell, Chair HDC; Mary Wood, Harriet Davis

Approved 06.18.19

1. Historic District Commission & Historical Commission

Due to an administrative error, the Historic District Commission and the Historical Commission bylaws were merged. These bylaws have been separated and need to be approved by town meeting.

2. General Bylaw Amendment regarding Non-Criminal Disposition

The Historic District in Wenham includes all of Main Street from the Beverly town line to the Hamilton town line. The HDC has no authoritative enforcement or means to fine offenders of the historic district bylaws and proposed a bylaw to fine offenders through the Building Inspector to impose fines up to \$100 a day the same as a non-criminal disposition with local appeal process. Currently unresolved disagreements between the HDC and homeowners goes to Superior Court.

- Review of Zoning Bylaw Amendments as Recommended by the Planning Board

- Reduction in number of Conservation Commission members from 7 to 5

A reduction of Commissioners is allowed under the statute. Currently there are 6 Commissioners. One member has not attended in more than a year due to health issues and would not ask to be reappointed. The Commissioners supported a reduced Commission to make quorum by reducing the Commission from 7 to 5.

Ms. Harrison expressed concern with the reduction of any board as it ultimately reduces the representation of the board and did not support making a permanent change to the Commission.

Ms. Lombardi observed most of these members work in this particular specific field and need to frequently recuse themselves and this also reduces quorum.

- Creation of One Associate Planning Board position

The Planning Board has historically had difficulty filling open seats and requested to add an Associate Member, specific to Special Permit application. The Planning Board is an elected position for 5 years, but an associate member would be a BOS appointed position. It was also hoped this would expose interested residents to the Planning Board to eventually run for an open seat.

Ms. Harrison reiterated the need to communicate to residents concerning open seats and the need for community involvement.

- General Bylaw Amendment Regarding Non-Criminal Disposition

This is part of the ongoing codification project when it was determined that the non-criminal bylaw doesn't cover fines that are listed in the bylaws without a way to enforce fines.

This would be a general bylaw that any fine would be under this new Non-Criminal Disposition Bylaw and provide a way for the town to impose fines. There are no proposed changes in the fee structure.

Ms. Harrison questioned being able to put all proposed articles on the warrant.

Mr. Lombardi noted there are currently 27 draft articles on the warrant.

There is a joint meeting of the Finance Committee and BOS Thursday.

- FY20 Budget Update

- FY 20 Budget Update PowerPoint, Peter Lombardi, Town Administrator, February 5, 2019

- FY20 Budget Requests Above Level Services, Aggregated BOS and FinCom Feedback – February 2019

Mr. Lombardi gave a brief overview concerning the Town's FY20 budget.

The Town could accommodate a \$135,000 increased assessment for the HWRSD in the levy limit budget.

An operating override of \$559,000 would be needed for the HWRSD budget. This is a higher amount than last year but would be a similar structure.

The Town budget will not be funding the significant needs of the Town i.e. no new capital, no new operating expenses including needed staff.

Mr. Wilhelm proposed that the OPEB (\$250,000) and School Resource Officer (\$73,000) be a separate warrant article.

Adjournment – *The BOS unanimously adjourned at 8:42 pm*

Respectfully Submitted By

Catherine Tinsley

3.4.19