

TOWN OF WENHAM
Board of Selectmen
Meeting of March 19, 2019
Town Hall, 138 Main Street

Pursuant to the Open Meeting Law, M.G.L. Chapter 30 A, §§ 18-25, written notice posted by the Town Clerk delivered to all Board members, a meeting of the Board of Selectmen (BOS) was held on Tuesday, March 19, 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.

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

Executive Session - Contract Negotiations

Interim Town Administrator; AFSCME Council 93, Local 2905; Wenham Call Firefighters Association

Vote: Ms. Harrison moved to enter into executive session under M.G.L. Ch. 30A, § 21(3) To discuss strategy with respect to collective bargaining or litigation if the chair declares that an open meeting may have a detrimental effect on the bargaining or litigation position of the Town regarding union contract negotiations for Interim Town Administrator, AFSCME Council 93, Local 2905, Wenham Call Firefighters Association and to return to open session to enter into another executive session. The motion carried unanimously by roll call vote.

Executive Session - Maple Woods

Vote: Ms. Harrison moved to enter into executive session under M.G.L. Ch. 30A, § 21 (6) To discuss the purchase, exchange, leave, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town and to return to open session. The motion carried unanimously by roll call vote.

The Selectmen returned to open session at 5:48 pm. Ms. Harrison called for a recess until 6:30 pm.

Public Information:

The meeting was recorded by HWCAM, with permission

Public Input – There was none

The Agenda out of order with consent: *Grassy Roots

Announcements

- Municipal Vulnerability Preparedness Plan Listening Session – Thursday, March 21, 2019 at 7:00pm
- Retirement Reception for Jan Dempsey, Library Director – Library, Thursday, March 28, 2019, 4:00-7:00pm
- Warrant Hearing – Monday, April 1, 2019 at 7:00pm, Buker Elementary Multi-Purpose Room
- WVIS Luncheon – Saturday, April 6, 2019 at 12:00pm, Buker Elementary Multi-Purpose Room
- Annual Town Meeting – Saturday, April 6, 2019 at 1:00pm, Buker Elementary Perkins Auditorium
- Kids Annual Town Meeting by the HWRHS National Honor Society – Saturday, April 6, 2019, 12:45pm – 4:00pm, Recreation Center
- Candidates' Night – Wednesday, April 3, 2019 at 7:00pm, Buker Elementary Multi-Purpose Room
- Annual Town Elections – Thursday, April 11, 2019, 7:00am – 8:00pm, Town Hall

Reports

Town Administrator

- The Library Director position was posted in February and the Library Trustees appointed a Library Director Screening Committee. Mr. Lombardi was on this Committee and recalled there were between 15-20 applications of which six were

invited to interview, leading to two candidates for final interviews. The Trustees had two strong and different candidates but ultimately voted for Kim Butler, Amesbury Assistant Library Director.

- FY20 Budget – After some negotiations, the Hamilton Board of Selectmen approved an MOA and Intermunicipal Agreement relative to the School Resource Officer. This will be on the School Committee's agenda March 27. This would decrease the HWRSD budget by \$73,000 and recertified with relative apportionment for each community. Mr. Lombardi will confirm the ballot questions with Town Counsel that is already printed.
- A couple years ago the Town supported a HWRSD application for half a million dollars for upgrades to the HVAC system at the middle / high school and while this project was ongoing the town was not eligible for the Green Communities Competitive Grant Funding. At the end of this week the town will submit an application for \$150,000 /zero-dollar local match for full LED lighting conversion in all municipal buildings. This cost savings to the Town is estimated at \$20,000 annually.
- The Town received \$60,00 last year through a grant for small community culvert projects for the Hull Street culvert repair. Another application for \$59,000 grant funding will be submitted this month.

Consent Agenda

Vote: Mr. Clemenzj moved to approve all items in the Consent Agenda as presented. The motion carried unanimously.

- A. One Day Liquor License Request: Wenham Museum, Board of Trustees Meeting, April 3, 2019, 5:30pm – 8:00pm
 - One Day Liquor License Application
 - Event Flyer
 - Certificate of Insurance
 - Tips Certification
 - Check for \$50
 - Email recommendation from Kevin DiNapoli, WPD Captain, March 13, 2019
 - Email recommendation from Jeff Baxter, WFD Captain, March 13, 2019
 - Email recommendation from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, March 13, 2019

- B. Request to Use Wenham Streets: Gordon College 13th Annual Triathlon, Saturday, May 4, 2019
 - Letter from Greg Scruton, Director of Campus Recreation, Gordon College, March 6, 2019
 - Email recommendation from Jeff Baxter, WFD Captain, March 11, 2019
 - Email recommendation from Tom Perkins, WPD Chief, March 14, 2019

New Business

- Recommendation for Appointment: Police Officer: Jason Lucontoni - This agenda item was passed over.

Tony Tambone was present for the next two agenda items.

- Review and Potential Approval of Amendment to Wenham Pines Host Community Agreement – Miranda Gooding
 - Proposed Amendment to the Amended and Restated Host Community Agreement between the Trustees of the Flynn Family Enterprises Irrevocable Trust, the Town of Wenham and Wenham Pines, LLC
 - Email regarding Wenham Pines from Peter Lombardi, Town Administrator, March 18, 2019
 - Email regarding Wenham Pines from Amy E. Kwesell, Esq., KP Law, November 1, 2018
 - Email regarding Wenham Pines HCA from Amy E. Kwesell, Esq., KP Law, February 20, 2019
 - Amended and Restated Host Community Agreement between the Trustees of the Flynn Family Enterprises Irrevocable Trust, the Town of Wenham and Wenham Pines, LLC
 - Letter regarding Wenham Pines, LLC – LIP/LAU Application, February 25, 2019
 - Local Initiative Program Application for Local Action Units, Wenham Pines, LLC
 - Certified Special Permit/Site Plan Approval of the Planning Board related to 56-60 Main Street, Wenham Pines
 - Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants with for Ownership Project between the Commonwealth of MA DHCD, the Town of Wenham and Wenham Pines – Clean & Redlined
 - Local Initiative Program Affordable Housing Deed Rider – Clean & Redlined
 - Good Standing Certificate Wenham Pines LLC, William Francis Galvin, Secretary of the Commonwealth of MA, 9. 26. 2017
 - Form of Manager's Certificate Wenham Pines LLC
 - Form of Mortgagee Consent (attached to Regulatory agreement)
 - Form of Wenham Pines Condominium Master Deed
 - Form of Wenham Pines Condominium Declaration of Trust
 - Massachusetts Environmental Policy Act ENF Certification for Wenham Pines
 - Affirmative Fair Marketing and Lottery Plan
 - Copy of plans entitled "Wenham Historical Commission Submittal, 55-60 Main Street, Wenham, MA" dated July 11, 2016 depicting existing and proposed conditions for Farmhouse Building/Affordable Units

Note: Mr. Wilhelm moved to approve the proposed Amendment to the Amended and Restated Host Community Agreement between the Flynn Family Ventures, LLC, the Town of Wenham and Wenham Pines, LLC. The motion carried unanimously.

The Host Community Agreement was approved but the age restriction applied to the affordable units used did not allow Wenham to Count the two affordable units on the Town's subsidized housing units. The was to amendment to Section 2, 3A to be in accordance with DHCD guidelines and does not exclude persons 18 years of age or younger from occupying the affordable units (only) and that there be at least one person in residence who has reached the age of 55.

- Review and Potential Approval of Local Action Unit Application to the Department of Housing and Community Development for Affordable Units at Wenham Pines
 - Letter regarding Wenham Pines, LLC – LIP/LAU Application, February 25, 2019
 - Local Initiative Program Application for Local Action Units, Wenham Pines, LLC
 - Certified Special Permit/Site Plan Approval of the Planning Board related to 56-60 Main Street, Wenham Pines
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Note: Ms. Harrison moved to authorize Catherine A. Harrison on behalf of the Selectboard to execute the Local Action Unit Application to the Department of Housing and Community Development for two affordable units at Wenham Pines and the Local Initiative Program Regulatory Agreement and Declaration of Restrictive Covenants for Ownership Project. The motion carried unanimously.

The affordable units must be done before the 10th unit may have an occupancy permit; this was anticipated to be in the second phase. The Selectmen were complimentary of the appearance of the Main Street entrance at Wenham Pines.

- Discussion of proposed composition of Town Administrator Screening Committee
Mr. Wilhelm reflected on the last recruitment process for a Town Administrator and that it was a successful process with the use of a search firm and a Screening Committee.
The Board agreed the Screening Committee would be at least seven members and a maximum of nine members to be made up of members at large, town board/ committee members and possibly staff. Letters of Interest will be sought after the Consulting Firm is hired.

The Selectmen spoke in support of using a search firm with Mr. Clemenzi stressing the importance of professional services to hire a top administrative position. The BOS will be interviewing search firms in an upcoming meeting. Ms. Harrison recommended exposing the finalist to the department heads and staff for a couple hours in town hall to get additional input.

- Review and Potential Approval of Interim Town Administrator Employment Agreement
 - Draft Agreement of Interim Town Administrator between the Town of Wenham and John D. Petrin

The Selectmen have reached an agreement in executive session with John Petrin as Interim Town Administrator.

Note: Ms. Harrison moved the Board of Selectmen approve the employment agreement with John Petrin as Interim Town Administrator for the Town of Wenham, effective March 19, 2019 according to the terms and conditions outlined in the contract. The motion carried unanimously.

- Review and Potential Approval of FY20-22 Collective Bargaining Agreements Between Town and AFSCME Council 93, Local 2905 and Wenham Call Firefighters Association
 - Memo re AFSCME Council 93, Local 2905 FY20-22 Contract Negotiations from P. Lombardi, March 11, 2019
 - Memo re Wenham Call Firefighters Association FY20-22 Contract Negotiations from P. Lombardi, March 11, 2019

The Selectmen met regarding union contracts in executive session. The three union contracts expire June 30, 2019.

*Vote: Mr. Clemenzi moved to approve the **AFSCME** three-year contract for FY20-22 to include cost of living increases of 2% for FY20, 1% on July 1, 2020 and 1% on January 1, 2021, 1% on July 1, 2021 and 1% on January 1, 2022 and according to the terms as otherwise indicated in the memo dated March 11, 2019 from Town Administrator Peter Lombardi. The motion carried unanimously.*

Under discussion: The Unions were recognized for their cooperation, collaboration and participation through the negotiation process. The AFSME and Fire Union need ratification votes in support of the changes in the upcoming contracts.

*Vote: Mr. Clemenzi moved to approve the **Wenham Call Firefighters Association** three-year contract for FY20 - FY22 to include cost of living increases of 2% for FY20, 2% for FY21, and 2% for FY22 and according to the terms as otherwise indicated in the memo dated March 11, 2019 from Town Administrator Peter Lombardi. The motion carried unanimously.*

Under discussion: The Fire Department was acknowledged for their innovation and support to run an ambulance service and increase revenue to the town. The improved response times due to the fire-based ambulance service and their quality work has been noted by the residents.

- Audit Committee Report on FY18 Audit Results and Discussion on Selection Process for FY20-22
 - Auditor Contract Services Agreement

Mr. Wilhelm reported that the Audit Committee met with Powers & Sullivan regarding the annual 2018 Audit, and noted there were no adjustments and no material weakness. The Audit Committee recommended another three-year contract with Powers & Sullivan.

Ms. Harrison agreed this was not the time to change auditors with new staff in the Finance Department but that it is good practice to change firms after 5 to 6 years and the Town consider a new audit company the next contract. Mr. Wilhelm responded that the Senior Auditor for Powers and Sullivan would be changed after 5 years and new staff would provide a fresh set of eyes.

The previous three-year contract was \$23,500 annually. The new proposal is a \$2,000 increase at \$25,500 annually for the next three years.

Mr. Lombardi mentioned that Powers & Sullivan was complimentary of staff during turn over and he added that Powers & Sullivan was accommodating to the Town during this time.

Vote: Mr. Wilhelm moved to accept the Audit Committee's report as presented including the Auditors results for Fy18. The motion carried unanimously.

- Preliminary Review of Proposed Water Use Mitigation Policy
 - Memo regarding Proposed Water Use Mitigation (WUMP) Policy from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, March 12, 2019
 - Water Use Mitigation Program (WUMP) Draft Policy & Calculation Form

Jackie Bresnahan, Permitting Coordinator & Special Projects Manager was present for Erik Mansfield, Water Superintendent.

Ms. Bresnahan observed that it is the policy for Town to put something that is being done as practice, on paper and went on to explain that the Town has been collecting water mitigation fees from developers to mitigate for the burden on the Town water usage.

The money collected from the developers is deposited in the Water Use Mitigation Revolving Fund established by Town meeting in 2018 with an expenditure limit of \$10,000 annually by the Water Commission.

The water department cannot collect these fees because they are not for water services, therefore, the permitting office will be collecting these fees and the management of the Water Mitigation program. The Water Superintendent and Water Commission will oversee the programming and expenditures.

Mr. Wilhelm offered a brief explanation on our annual outside water restrictions. Regardless of the amount of rain we receive in the spring, our 2009 water restriction bylaw requires a ban on outside sprinkler use from 9:00 AM through 5:00 PM, from May 1 through September 30th. Depending on the water flow of the Ipswich River, the Wenham Water Commissioners may impose further restrictions on outside water use. We do not have a problem with either our State water use permits or our water pumping capacity.

This funding is to provide water saving devices to residents at a reduced cost.

The Commission would do an outreach to residents to sign up on a first come first serve basis for water saving devices at a reduced cost.

Ms. Harrison questioned if the water mitigation fees are lined up with what can reasonably be spent for water saving devices.

The payments made by developers is based on calculations provided to the town by Department of Environmental Protection (DEP). The balance in this account is currently over \$20,000.

The Commissioners have a list of programs such as rain barrels, reduced water devices, public outreach, programing, education on water consumption, drought tolerant plants, and rain gardens to be less reactive enforcement and more informative.

Wenham Pines and Spring Hill developers were informed this policy would be part of the fees collected.

- Potential Approval of Authorization to Exceed FY19 Snow and Ice Budget
 - Memo regarding Authorization to Exceed Snow & Ice Budget from Bill Tyack, DPW Director, March 14, 2019

Vote: Mr. Clemenz moved to authorize the DPW to exceed the appropriated amount of \$70,000 in the FY19 Snow & Ice Expense Budget. The motion carried unanimously.

The Snow & Ice Budget has not gone over budget to date.

Old Business

- Maple Woods Senior Affordable Housing Project Update - There was not update at this time.

Adjournment – *The BOS unanimously adjourned at 8 pm.*

Respectfully Submitted By
Catherine Tinsley
4.10.19