

TOWN OF WENHAM  
Board of Selectmen  
Meeting of March 4, 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 Monday March 4, 2019 at 5:45 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 5:45 pm

Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair

Not present: Jack Wilhelm, Clerk

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

Patty Moore, Finance Director / Treasurer- Collector; Jackie Bresnahan, Permitting Coordinator and Special Projects Manager  
Trudy Reid, Town Moderator (A-6:54 pm)

#### Public Information

- Meeting packet
- The meeting was recorded by HWCAM with permission

#### Executive Session

- Maple Woods

*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 and to include Special Counsel Attorney Adam Costa and appraiser Bob Shannon. The motion carried unanimously by roll call vote.*

- Water Superintendent

*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 an open meeting may have a detrimental effect on the bargaining or litigation position of the Town and to return to open session to enter into another executive session. The motion carried unanimously by roll call vote.*

The Selectmen returned to open session at 6:35 pm.

- Water Superintendent Contract - vote

*Vote: Ms. Harrison moved the BOS approve an employment agreement with Erik Mansfield as Water Superintendent of Wenham for a term beginning a contract July 1, 2019 and ending June 30, 2022 with a base salary of \$94,000. The motion carried unanimously.*

**Public Comment** – There was none.

#### Announcements

- Warrant Hearing – Monday, April 1, 2019 7:00 pm, Buker Elementary Multi-Purpose Room
- WVIS Luncheon – Saturday, April 6, 2019 12:00 pm, Buker Elementary Multi-Purpose Room
- Annual Town Meeting – Saturday, April 6, 2019 1:00 pm, Buker Elementary Perkins Auditorium
- Annual Town Elections – Thursday, April 11, 2019 7:00 am – 8:00 pm, Town Hall

#### Consent Agenda

*Vote: Mr. Clemenzi moved to approve all items in the Consent Agenda as presented, including the release of set #2 of the Executive Session meeting minutes of January 15, 2019 and it was unanimous to so.*

- A. Minutes - Executive Session: January 15, 2018 (2)

#### New Business

- Vote to Reopen Town Meeting Warrant

*Vote: Mr. Clemenzi moved to reopen the April 6, 2019 Annual Town Meeting Warrant and it was unanimous to do so.*

- Review of Property Appraisal Report of Maple Wood Project Land - This agenda item was passed over.

## Old Business

- Final Review of and Recommendation Votes on All Warrant Articles
  - Potential 2019 ATM Warrant Articles, March 1, 2019
  - Email regarding Updated Warrant Articles from Peter Lombardi, Town Administrator, February 27, 2019
  - CPA Fund Balances FY 2020 Planning Document
  - Article 12: CPA Appropriations
    - CPC Applications
    - Maple Woods Senior Affordable Housing
    - Town Hall Debt
    - Habitat for Humanity - 40 Hull Street
    - The Community House – Heating System
    - Open Space Trail Map Project
    - Wenham Lake Cedar Street Bench
  - Article 15: Certain Acts Prohibited
  - Email regarding Water discharge into roads from Bill Tyack, DPW Director, January 23, 2019
  - Article 16-23: 2019 Zoning Bylaw Articles
  - Article 25: Bylaw Amendment: Reduction in Number of Conservation Commission Members from 7 to 5
  - Email regarding Con Com Member Reduction
  - Con Com Appointment Summary
  - M.G.L., Ch. 41, Sec. 2: Officers and Employees of Cities, Towns and Districts: Establishment of New Board or Office; Effect; Increase or Decrease in Board Membership or Number of Officers

At their meeting on February 26, the BOS voted to place some articles on the warrant and to recommend favorable action to Town Meeting. With the Finance Committee having acted on financial articles at their February 27 meeting, the Selectmen also acted on those remaining articles. The article numbers and order were not finalized.

The Selectmen on the following articles to recommend favorable action to Town Meeting on the following articles.

### ARTICLE 1: Budget Appropriations

*The Finance & Advisory Committee recommended favorable action (5-0-0)*

- *The Selectmen recommended favorable action 2-0-0*

### ARTICLE 2: Use of Free Cash to Balance the Budget

*The Finance & Advisory Committee recommended favorable action (5-0-0)*

- *The Selectmen recommended favorable action 2-0-0*

### ARTICLE 3: Hamilton Wenham Regional School District Operating Override (#1)

*The Finance & Advisory Committee recommended favorable action (5-0-0)*

- *The Selectmen recommended favorable action. The motion failed 0-2-0.*

The Selectmen did not vote to recommend favorable action.

Under Discussion: Ms. Harrison noted her concern that no information was provided by the HWRSD on what would be cut from the budget without this override making the override difficult to support.

### ARTICLE 4: HWRSD Operating Override (#2) (for OPEB and School Resource Officer)

The combined amount for these two items is \$116,119.

*The Finance & Advisory Committee recommended favorable action. The motion failed (1-4-0)*

The Finance & Advisory Committee did not vote to recommend favorable action.

- *The Selectmen recommended favorable action. The motion failed 0-2-0.*

The Selectmen did not vote to recommend favorable action.

The plan is to increase the OPEB contribution \$250,000 annually year over year for 5 years; this is not considered affordable for the Town of Wenham.

\*Articles Previously voted February 26.

\*ARTICLE 5: Cemetery and Other Trust Funds  
*The Selectmen recommended favorable action 3-0-0*  
*The Finance & Advisory Committee recommended favorable action (5-0-0)*

\*ARTICLE 6: Cemetery Maintenance Fund (\$7500)  
*The Selectmen recommended favorable action 2-0-0*  
*The Finance & Advisory Committee recommended favorable action (5-0-0)*

\*ARTICLE 7: Road Work – Chapter 90 Funding  
*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting (5-0-0)*  
*Recommendation of the Board of Selectmen: Favorable Action (3-0-0)*

\*ARTICLE 8: Transfer from Water Operating Budget to Water Capital Reserve Fund  
*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting (5-0-0)*  
*Recommendation of the Board of Selectmen: Favorable Action (3-0-0)*

\*ARTICLE 9: Transfer from Water Department Undesignated Fund Balance Surplus to FY19 Water Department Operating Expense  
*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting (5-0-0)*  
*Recommendation of the Board of Selectmen: Favorable Action (3-0-0)*

\*ARTICLE 10: Amend Veterans Property Tax Work-Off Program  
*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting (5-0-0)*  
*Recommendation of the Board of Selectmen: Favorable Action (3-0-0)*

\*ARTICLE 11: Bylaw Amendment: Iron Rail Rental Revolving Fund  
*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting (5-0-0)*  
○ *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

The agenda was taken out of order with consent and the discussion/vote on Article 12 was deferred to later in the meeting.

The Chair recommended skipping over Article 12 at this time and that it be discussed later tonight or at the meeting tomorrow night. ARTICLE 12: CPA Appropriations -

Mr. Lombardi suggested the BOS proceed in the order of priority noting some articles although are important are not urgent and may be held for a special town meeting for next year's annual Town Meeting. Due to the uncertainty of those articles to be placed on the warrant the following articles were not numbered, only referenced.

ARTICLE : Bylaw Amendment: Historic District Commission / Historical Commission  
*The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.*  
**The Selectmen deferred their vote to recommend.**

Under Discussion: Mr. Lombardi explained the end result of the proposed bylaw that as initially drafted to separate the duties and responsibilities of the HDC and the HC and to add ability to enforce and have a local appeal process. The current "local appeal" is to the Regional MAPC at a cost of \$1500 to start an appeal. The HDC voted to support the modified reduced scope bylaw amendment to clarify the rolls and responsibilities of the HDC from the HC. Section 1 does not reference the Historic District and Ms. Harrison requested it be added. Ms. Bresnahan spoke on the clarity of having Section 1 separate from Section 2 is to allow for other historic districts to be created in town and fall under this same bylaw. Ms. Harrison referenced section 3 that states the WVIS may submit nominees for membership.

ARTICLE : Acceptance of Settlers Lane as a Public Way  
This development is complete and this request was too late to be on the 2018 warrant. All requirements have been met.

- *The Selectmen unanimously voted to place this Article on the April 6, 2019 Annual Town Meeting Warrant.*
- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

(Article: Bylaw Amendment: Reduction in Number of Conservation Commission Members from 7 to 5)

- *The motion to place this article on the 2019 Annual Town Meeting Warrant failed. 2-0-0*

This article was not put on the warrant.

Under Discussion: The Conservation Commission may have a membership of 3 to 7 members.

One member has not been in attendance for more than a calendar year and the Commissioner requested to reduce the membership of the Conservation Commission to 5.

After a lengthy discussion Ms. Harrison supported that the BOS, the appointing body, try and recruit other members before making a permanent change.

Article : Bylaw Amendment: Penalties

- *The Selectmen voted to place this article on the Town Meeting Warrant 2-0-0*
- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

Under Discussion: There are a number of bylaws that do not have a way for the Town to institute penalties for violations, this article provides ability to enforce the bylaw and for residents to appeal a fine.

(Article: Bylaw Amendment: Certain Acts Prohibited “Snow, Ice and Water onto or Across Public Property”)

- *The motion to place this article on the 2019 Annual Town Meeting Warrant failed. 2-0-0*

This article was not put on the warrant.

Under Discussion: This is an amendment to an existing bylaw. There is no proposed alternative for those that need to pump out their basements and water into public ways icing up is only limited to specific times of year. This article was not ready for Town Meeting.

ARTICLE : Bylaw Amendment: New Associate Planning Board Member

- *The Selectmen voted to place this article on the Town Meeting Warrant 2-0-0*

The Board will take a position at tomorrow night’s meeting based on the language from Town Counsel.

Under Discussion: This article applies only for when the Planning Board is acting on a Special Permit granting authority; this is an appointed position.

ARTICLE : Zoning Bylaw Amendment: Site Plan Review Applicability

*The Selectmen voted to place this article on the Town Meeting Warrant 2-0-0*

*The BOS voted to recommend favorable action to Town Meeting 2-0-0*

Under Discussion: This is a reference in the bylaw pointing to the Planning Board Regulations.

ARTICLE : Zoning Bylaw Amendment: Signs

- *The Selectmen voted to place this article on the Town Meeting Warrant 2-0-0*
- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

Under Discussion: Ms. Harrison asked that the phrase “public way” be defined. The public way is considered roads and sidewalks. The BOS has discretion in these areas under the Town Bylaw section 7.2 a & b and 7.3 of temporary noncommercial signs the type, size, number location, duration of a sign.

After a lengthy discussion the remaining articles were deferred and no action was taken to place them on the 2019 Annual Town Meeting Warrant with the objective to consider a special town meeting:

Article: Zoning Bylaw Amendment: Small and Medium Ground Mounted Solar Photovoltaic Installations

Article: Zoning Bylaw Amendment: Amend Section 4.0 Table of Use Regulations

Article: Zoning Bylaw Amendment: Section 2.2 Definitions

Article: Zoning Bylaw Amendment: Section 4.2 Principle Uses

Article: Zoning Bylaw Amendment: Amend Section 4.3.6.3 Parking & Storage of commercial or recreational vehicles

Article: Zoning Bylaw Amendment: Site Plan Review Applicability

ARTICLE 12: CPA Appropriations

Article 12 consisted of separate motions for each required transfer and grant application recommended to Town Meeting by the Community Preservation Committee.

The BOS voted at the February 26 meeting to place the motions, with the exception of Harborlight, on the Town Meeting Warrant, however, the Board did not make a recommendation for Town Meeting on the grant requests.

**1. Move that the Town vote to transfer** from the Community Preservation Fund 2019 estimated annual revenues the additional sum

*The CPC recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

**2. Move that the Town vote to transfer** from the Community Preservation Fund FY 2020 estimated annual revenue the total sum of \$119,490.

*The CPC recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

\*With the discussion regarding the Harborlight motion anticipated to be lengthy, this motion was held to the end of the meeting.

**3. Harborlight (Maple Woods) - \$750,000**

*The CPC recommended 8-1-0*

*The Finance & Advisory Committee unanimously voted to make a recommendation on Town Meeting floor 5-0-0*

**4. Town Hall Debt - \$126,100**

*CPC recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

**5. Habitat for Humanity - \$60,000**

*The CPC recommended 5-4-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

Under Discussion: Mr. Clemenzi cited that this organization has already been granted funding from the Town and there are other projects in the future.

Ms. Harrison responded as the BOS representative on the Affordable Housing Trust, that this project is congruent with the Affordable Housing Trust Plan that was approved by the BOS. The funding of \$230,000 from the AHT was for the acquisition of the land and the \$60,000 would be for the construction of the two units.

The federal funding sources determine the extent of local support for affordable housing projects when considering applications; this would be the same for both Habitat for Humanity and Harborlight.

The Hull Street project is anticipated to begin in the spring.

**6. Community House - \$50,000**

*CPC Recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

Under Discussion: It is the intention of the BOS that the language mirror the Town of Hamilton's that the project must begin by July 1, 2020. The amended motion was not ready and **no action was taken at this time.**

**7. Open Space Trail Map - \$6,000**

*CPC Recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

**8. Wenham Lake Cedar Street (granite) Bench- \$1,200**

*CPC Recommended 9-0-0*

*The Finance & Advisory Committee unanimously recommend favorable action to Town Meeting 5-0-0*

- *The BOS voted to recommend favorable action to Town Meeting 2-0-0*

**\*Harborlight (Maple Woods) - \$750,000**

*The CPC recommended 8-1-0*

*The Finance & Advisory Committee unanimously voted to make a recommendation on Town Meeting floor 5-0-0*

- *The Selectmen voted to place this article on the Town Meeting Warrant as amended and presented at this meeting 2-0-0*
- *The Selectmen voted to recommend favorable action to Town Meeting 1-1-0*

This vote was not unanimous.

Under Discussion:

Ms. Harrison reviewed there was a lot of discussion regarding the addition of contingencies to protect the Town as there are a lot of variables related to the project.

The first four Contingencies included in the article were originated from the CPC.

The BOS introduced 4 additional contingencies that have now been reviewed by Town Counsel.

Town Counsel recommended the contingency language set forth by the BOS regarding the Right of First Refusal not be included in the contingencies with the comment that by not doing so the town does not wave their right of first refusal. This contingency was stricken.

5. Acquisition cost must be consistent with 40B regulations, Town Counsel confirmed the DHCD must approve the developers application. The DHCD hires an independent appraiser to determine the market value of the property “as is”, of which those acquisition costs along with carrying costs the purchase price for the land may not exceed.

6. Building Permit must be applied for and received right before the year mark to maximize the town’s protection from unfriendly 40b developments

7. The grant award would sunset 3 years after the comprehensive permit was issued by the ZBA, if COO had not been issued at this time allowing discretion to the Board to extend the deadline.

Ms. Harrison stated she is not in favor of this article noting the mediation occurred in January and a settlement agreement has not been finalized therefore the project is still in litigation. She would also not recommend an article in which she was uncertain of what the project even was and one that had so many contingencies.

Mr. Clemenzi observed the court process held this up and hoped it would be ready for Town Meeting to help meet affordable housing responsibilities to provide a place to live for (Wenham) seniors.

The Board will further discuss the order of the articles during their meeting tomorrow evening.

- **Vote to Close the Town Meeting Warrant**

*Vote: Mr. Clemenzi moved to close the April 6, 2019 Annual Town Meeting Warrant and it was unanimous to do so.*

**Adjournment** – *The Selectmen unanimously adjourned at 9:26 pm.*

Respectfully Submitted By  
Catherine Tinsley  
4.5.19