

TOWN OF WENHAM
Board of Selectmen
Meeting of April 2, 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 April 2, 2019 at 5 pm in the Selectmen Chambers, first floor.

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 5:33 pm
Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair; Jack Wilhelm, Clerk
Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary
John Petrin, Interim Town Administrator

Public Information

The meeting was recorded by HWCAM with permission
Meeting packet

- **Executive Session** Library Director DPW Director Fire Captain Maple Woods

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 in regards to the following contracts and to return to open session. The motion carried unanimously by roll call vote.

The BOS returned to open session at 6:20 pm. Ms. Harrison called for a 10 minutes recess.

Public Input

Bessie Buker student Zoey Ting was present representing EarlyAct. EarlyAct is organizing a textile drive (clothing, bedding, pocketbooks, etc.) to benefit the Community House. Donations are asked to be in 13-gallon size bags or larger and may be dropped off at Buker School through May 29, 2019. This year's goal is 250 bags.

Announcements

- Solicit Letters of Interest for Town Administrator Screening Committee

The Board of Selectmen is looking for up to 7 town residents who would like to participate on a Town Administrator Screening Committee. Please send a letter of interest to on or before April 22, 2019. The commitment for this committee will likely include attending a few evening meetings lasting 1-2 hours and one Saturday meeting lasting approximately 7-8 hours. These meetings will likely be held in May or June.

- 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

Check-in with the Board of Registrars will begin at 12:00pm, so come early for check-in and join the Wenham Village Improvement Society for their annual Town Luncheon in the Multi-Purpose Room.

New this year.... Seat cushions will be available to rent during Town Meeting for a donation to the Albert E. Dodge Memorial Tree Fund established to support planting of new trees throughout Wenham.

- 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

Property Exclusion from Mosquito Spraying - As good weather quickly approaches, the Board of Health would like to remind residents of the procedure for excluding their property from mosquito spraying. Residents who wish to be **excluded** if a spraying were to occur **must request to be excluded every year**. Residents can submit the form online or mail the exclusion form into the state **on a rolling basis. Requests will go into effect fourteen (14) days after the exclusion request is received**. More information can be found on the Board of Health website on the Mosquito Information page, by emailing or calling 978-468-5520 ext. 4. Jackie Bresnahan spoke further on this process and answered questions.

Reports

- Chairman- Ms. Harrison announced that although Mr. Lombardi's last day will be April 12, this was Mr. Lombardi's last BOS meeting and recognized him for his work and ethics as Town Administrator the past five years and wished him well. Mr. Lombardi thanked the Board for the opportunity and reflected on his experience saying it has been great and the staff is outstanding.

There is a drop-in reception for Mr. Lombardi on Tuesday April 9 at Burnham Hall; all are welcome.

Consent Agenda

Vote: Mr. Clemenzi moved to approve the consent agenda as presented and it was unanimous to do so.

A. One Day Liquor License Request, K. Feldman

Wenham Museum, Attic Treasures First Dibs Shop 'n Sip, 132 Main Street, Friday, April 26, 2019 6:00pm – 8:00pm

- One Day Liquor License Application
- Event Flyer
- Certificate of Insurance
- Tips Certification
- Check for \$50
- Email recommendation from Tom Perkins, Chief, March 29, 2019
- Email recommendation from Jeff Baxter, WFD Captain, March 29, 2019
- Email recommendation from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, March 29, 2019

New Business

- Appointments
 - Cemetery Commission: Harriet P. Davis
 - Email regarding appointment from Harriet Davis, February 27, 2019

Vote: Mr. Wilhelm moved to appoint Harriet P. Davis to the Cemetery Commission for a term beginning April 12, 2019 and ending June 30, 2022 and it was unanimous to do so.

- Inspector of Buildings: Brian M. Leathe
 - M.G.L. c. 143, s.3 Inspector of Buildings or Building Commissioner, Local Inspectors; Employment and Designation; Qualifications; City or Town Without Local Inspectors

Vote: Mr. Wilhelm moved the Board of Selectmen jointly appoint Brian M. Leathe as Building Inspector for a term expiring March 31, 2020 and it was unanimous to do so.

- Local Inspector: Richard P. Maloney
 - Resume for Richard P. Maloney

Vote: Mr. Wilhelm moved to appoint Richard P. Maloney as Local Inspector for a term beginning April 2, 2019 and ending March 31, 2020 and it was unanimous to do so.

- Review and Potential Approval of Employment Agreements with Library Director and DPW Director

- Library Director
 - Draft MOA between the Library Trustees and Kimberly Butler, April 29, 2019-June 30, 2022

Vote: Mr. Wilhelm moved to approve an employment agreement with Kimberly Butler to serve as the Library Director for a 3-year term commencing April 29, 2019, an initial probationary period through December 31, 2019, and at a starting annual salary of \$76,840.40 for FY19 and it was unanimous to do so.

Under discussion, the BOS asked to meet with the new Library Director and that Ms. Butler be invited to a BOS meeting. Retired Library Director Jan Dempsey was recognized for her work as Director and was wished well in her retirement. Ms. Harrison observed the Trustees were thorough their process and decision and noted that Ms. Butler would be a good fit for Hamilton / Wenham.

- DPW Director
 - Draft MOA between the Town of Wenham & Bill Tyack, DPW Director, July 1, 2019-June 30, 2022

Vote: Mr. Wilhelm moved to approve the proposed terms of the DPW Director Contract for a period from July 1, 2019 – June 30, 2022 and to include cost of living increases of 2% each fiscal year. The motion carried unanimously.

- Review and Potential Approval of Affordable Housing Trust Loan Agreement with Habitat for Humanity North Shore for 40 Hull Street Project
 - Email regarding Habitat Purchase 40 Hull Street from Shirin Everett, Esq., KP Law, April 2, 2019

Approved April 30, 2019

- Proposed Affordable Housing Trust Loan Agreement between the Town of Wenham, acting by and through the Wenham Affordable Housing Trust Fund, and Habitat for Humanity – North Shore, Inc.

Don Preston, Habitat for Humanity was present.

The BOS approved the recommendation from Affordable Housing Trust to grant Habitat for Humanity \$230,000 for the Hull Street affordable housing project contingent to a grant agreement of the terms and conditions; this agreement was written as a loan. The Hull Street project received a Comprehensive Permit from the Zoning Board of Appeals for 2 units.

Vote: Ms. Harrison moved to approve the proposed loan agreement for \$230,000 between the Town of Wenham, acting by and through the Wenham Affordable Housing Trust Fund, and Habitat for Humanity – North Shore, Inc. to be used for the project at 40 Hull Street, Wenham. The motion carried unanimously.

Under discussion Mr. Clemenzi questioned if Habitat for Humanity could go forward with the Hull street project in the event that the Town Meeting did not approve the grant. Mr. Preston confirmed that if funding falls short, the project stops until funding is received. He also mentioned that Habitat for Humanity was ready go, contingent to on-site control and Town Meeting approval for CPA funding. Habitat for Humanity has also applied to Home Consortium for funds.

Mr. Lombardi noted that all applicants for Community Preservation Funds were asked the same question if the funding was not approved it the project would go forward.

- Status Update on Main Street Traffic Project

- Memo regarding Status Update on Main Street Traffic Improvement Project from P. Lombardi, March 29, 2019
- Proposed Agreement for Professional Engineering Services between the Town of Wenham and Bayside Engineering, Inc. for the Route 1A Traffic Intersections Project, Design Services
- Agreement for Professional Engineering Services between the Town of Wenham and Bayside Engineering, Inc. for the Route 1A Traffic Intersections Project, Supplementary Field Survey, December 18, 2018

Mr. Lombardi updated the BOS on the status of the proposed Main Street project to install traffic signal(s) on Main Street and reported the surveyors have been on Main Street. Bayside Engineering was engaged in January to begin phase one and were ahead of schedule to be done in May and present their report to Town. Chapter 90 roadwork funds were used for the first phase of engineering at a cost of \$60,000.

The next phase is the 25% design phase; it is the responsibility of the Town to fund this phase as well, with Baystate to provide the scope of work for the timeline; the cost of this phase is \$180,000. Mr. Lombardi observed that the total cost to the Town in the beginning stage was estimated at a quarter million dollars and reiterated there was no funding for road work this year.

One important reminder was that residents asked to be kept informed and a public hearing is to be held at 15% completion of the second phase (anticipated in early fall 2019); this was added to the contract with Bayside.

Representative Hill and Senator Tarr were updated and were well aware of the project and requested state funding on behalf of the Town for \$200,000 specifically for the Main Street project to relieve the town from some of the costs.

- Status of Impact of Amended Hamilton-Wenham Regional School District FY20 Budget on Town Meeting Warrant Article and Related Ballot Question

- Email re FY20 Budget Update for HWRSD from J. Sands, Assistant Superintendent of Finance & Administration, March 28, 2019
- Hamilton-Wenham Regional School District Revised FY20 School Committee Budget, March 27, 2019
- Revised FY20 Budget Recap for Warrant Book

Mr. Lombardi referenced a question from the Warrant Hearing last night regarding the dollar amount on the ballot for OPEB / School Resource Officer (SRO) that was now \$26,244 less with the funding for the SRO removed from the HWRSD FY20 budget; the amended budget was certified by the School Committee and Article 4 override for OPEB in the amount of \$89,000.

The Selectmen had a side discussion that there was no one was present from the HWRSD at the Warrant Hearing last night to speak to the HWRSD FY20 budget and that this was disconcerting and left questions unanswered. The BOS asked to know if anyone from the HWRSD would be at the Town Meeting.

It was further noted that typically a School Committee member attends and the School Chair lives in Wenham.

- Other matters, as may not have been reasonably anticipated by the Chair

A lot of steps have been taken to start the Town Meeting on time, shorten the preamble and begin the check in process earlier with three check in stations.

Old Business

- Potential Approval of New North Shore Regional Emergency Communications Center Intermunicipal Agreement with State 911
 - Proposed Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services
 - Attachment A: Core Services for Members

Approved April 30, 2019

Mr. Lombardi noted that there was a new update and there are 5 other municipalities that are part of the RECC and indicated they planned to stay when 911 takes over. The BOS of the other towns involved, Middleton, Topsfield, and Essex have all signed off; Amesbury has not signed off to date but it was understood that they plan to. The Fire and Police Chiefs were acknowledged for their participation moving this forward.

Vote: Mr. Clemenzi moved to approve the proposed Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services between the Commonwealth of Massachusetts State 911 Department and member towns for a period beginning July 1, 2019 and ending July 1, 2029, to authorize Catherine Harrison, Board of Selectmen Chair, to execute the agreement on the Board's behalf, and to request a status update from the Police Chief, Fire Chief and Town Administrator on or before December 31, 2019 regarding their six month assessment of the North Shore RECC. The motion carried unanimously.

- Potential Approval of Common Victualler License for The Bagel Shop – Hamilton-Wenham
 - Application for Common Victualler License from Hunter Tuccio, The Bagel Shop
 - Check for \$50
 - Worker's Compensation Insurance Affidavit
 - Tax Law Compliance Attestation
 - Email re The Bagel Shop Permitting from J. Bresnahan, Permitting Coordinator & Special Projects Manager, March 29, 2019

Vote: Mr. Clemenzi moved to approve a Common Victualler License for The Bagel Shop-Hamilton-Wenham for a period beginning April 2, 2019 through December 31, 2019, contingent on receipt of all necessary Town permits and approvals. The motion carried unanimously.

- Review and Potential Approval of First Church Community Preservation Act Grant Agreement
 - Email regarding Proposed Draft Agreement from William Weihs, March 28, 2019
 - Proposed Community Preservation Act Agreement between the Town of Wenham and First Church in Wenham

Mr. Lombardi noted progress is being made with the First Church regarding the Agreement for Community Preservation funds approved in 2018 for the Town clock located in the Church tower. Church member Bill Wiehs attended the last BOS meeting and agreed to continue with negotiations.

- Status Update on Selection of Consulting Firms for Town Administrator Recruitment
 - Request for Qualifications, Executive Search Consultant for the Wenham, Town Administrator, March 13, 2019
 - Response to RFQ, Town of Wenham, Executive Search Consultant for Town Administrator, MRI, March 2019

Ms. Harrison noted that a Request For Quotes was issued for an Executive Search Consultant and the Town received 3 responses and interviews were held last Thursday. Selectmen Clemenzi was not present at this meeting.

- Collins Center for Public Management
- Community Paradigm Associates
- Municipal Resources, Inc. (MRI)

Selectmen Harrison and Wilhelm deliberated and voted to move forward with MRI for the executive recruitment service for the Town Administrator position. Since this vote, Ms. Harrison spoke with Finance Director and was told a Reserve Fund Transfer would be required to meet the contracted fee for services as proposed.

Vote: Ms. Harrison moved to approve a contract with Municipal Resources, Inc. for executive recruitment services for the Town Administrator position in an amount not to exceed \$14,800 subject to availability of funds. The motion carried unanimously.

Under discussion: Mr. Wilhelm observed all three firms had a similar approach with different nuances and any of the three would serve the Town but he observed that the Town has worked with MRI previously and Allen Gould.

Mr. Clemenzi spoke about his support to do the search in house to save money, and observed that the Interim Town Administrator has a good understanding of this field and encouraged the Selectmen to reconsider. Mr. Clemenzi added that if he had to choose one of the firms he would have voted for Paradigm.

Ms. Harrison reiterated that an outside firm's ability to recruit from a network of people and that MRI would begin the process the moment the contract is signed. Ms. Harrison added that Mr. Petrin is only in town hall for 25 hours a week and his time would be limited.

Mr. Wilhelm stressed the importance of the background check provided by the firms, observing MRI Allen Gould was a former Police Chief.

- Maple Woods Senior Affordable Housing Project Update

Ms. Harrison reviewed that there was a fair amount of discussion and questions at the warrant hearing last night regarding Maple Woods. She noted that with the lack of Settlement Documents the exact project was unknown.

There was a Term Sheet indicating the willingness of the parties to negotiate but more detailed information in the settlement document is anticipated and has been requested to be finalized before town meeting

Approved April 30, 2019

With the complexity of having it Saturday it was proposed this be presented by Friday

Vote: Ms. Harrison moved that unless a fully executed Settlement Agreement between Maple Woods and the Plaintiffs was not received in the Town Administrator Office by noon on Friday, April 5, 2019, the BOS make a motion on town meeting floor to pass over Article 12, motion 8. The motion carried unanimously.

Under Discussion: A fully executed Settlement Agreement must be in the Town Administrator's office by noon April 5, 2019 or the BOS will make a motion on Town Meeting Floor to pass over Article 12, motion 8.

Both sides will be informed of this motion by the BOS.

Mr. Willem mentioned that Mr. DeFranza said he would "pull" the application if the Settlement Agreement was not signed.

Mr. Wilhelm supported no action be taken if the agreement is not submitted Friday.

Harriet Davis, Community Preservation Committee (CPC) Chair, stated that she was astounded that the BOS did not consult with the CPC and that Mr. DeFranza was hopeful to have the signed Settlement Agreement. Ms. Davis supported that if Mr. DeFranza pulls the article it be done permanently and did not support the BOS make a motion on Town Meeting floor to pass over the article as it would be more disruptive.

Mr. Wilhelm noted that there have been assurances from DeFranza along the way but only four days away from Town Meeting the BOS needed to be prepared and the CPC and BOS have used its authorization to do the right thing for the Town.

A lengthy discussion ensued with Ms. Davis and the BOS regarding the proposed action that the BOS make a motion on Town meeting floor to pass over the Harborlight Article if there is not a signed Settlement Agreement.

It was noted that a Special Town Meeting could be considered if Harborlight is not ready for Town Meeting.

Ms. Davis asked that the CPC be informed of the BOS proposed motion by email prior to Town Meeting.

Adjournment – *The BOS unanimously adjourned at 8:46 pm.*

Respectfully Submitted By

Catherine Tinsley

4.13.19