



Town of Wenham  
BOARD OF SELECTMEN  
**AMENDED AGENDA**

Tuesday April 30<sup>th</sup>

5:45 PM

Wenham Town Hall – 138 Main Street

*Notice of public meeting as required by M.G.L. Chpt.30A §18-25*

All audience members wishing to address the Board of Selectmen must go to the podium microphone and give their name & address.

- 5:45 P.M. **WELCOME:** Call to order  
Executive Session #3 under M.G.L. Ch. 30A, § 21 – 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.  
• Hamilton-Wenham Youth Soccer Association
- 6:30 P.M. **PUBLIC INPUT: ITEMS NOT ON THE AGENDA**
- 6:35 P.M. **ANNOUNCEMENTS** JW  
1. Introduction of new Library Director, Kim Butler – Julie Clay, Hamilton-Wenham Library Board of Trustees Chair  
2. Hydrant Flushing Continues Through May 10<sup>th</sup>
- 6:45 P.M. **REPORTS**  
TOWN ADMINISTRATOR – Update  
CHAIRMAN  
SELECTMEN
- 6:50 P.M. **CONSENT AGENDA** JC  
A. Minutes  
Open Session: March 5, 2019; March 26, 2019; April 2, 2019; April 6, 2019  
Executive Session: February 21, 2019; March 5, 2019 #1; March 5, 2019 #2 March 26, 2019; April 2, 2019
- 6:55 P.M. **NEW BUSINESS**  
B. Appointments (5 minutes) CH  
• Local Inspector: E. Peter Swindell  
• Provisional Firefighters: Ryan Leboeuf, Roberto Oyola, Chris Swiniuch  
C. Veterans Committee: Recognition of Stuart S. Corning's Public Service (15 minutes)  
Update on Wreaths Across America, Review and Potential Change to Committee Charge (10 minutes) JW  
D. Preliminary Review of Draft Chapter 61 Right of First Refusal Policy Recommendations from Open Space and Recreation Committee – Asma Syed, OSRC Chair (20 minutes) JC  
E. Potential Approval and Execution of Settler's Lane Quitclaim Deed (5 minutes) JW  
F. Discussion and Potential Approval of Proposed Changes to Board of Selectmen Policy Regarding Appointing Residents to Boards and Committees (10 minutes) CH  
G. Review and Potential Approval of MIA FY2020 Renewal Proposal (5 Minutes) JW  
H. Affordable Housing Trust Recommendation for Funding – Administration Project (5 Minutes) CH  
I. Update on Town Administrator Search Process – Public Forums – Date for Screening Committee Letters (5 minutes) CH  
J. Other matters, as may not have been reasonably anticipated by the Chair (Discussion Only) CH
- 8:10 P.M. **OLD BUSINESS**  
K. Potential Approval of First Church Community Preservation Act Grant Agreement (5 minutes) JW
- 8:15 P.M. **BOARD OF SELECTMEN: REORGANIZATION OF OFFICERS** CH  
Board of Selectmen - Reorganization of Officers  
Election of: a. Chair, b. Vice Chair, and c. Clerk
- 8:25 P.M. **ANTICIPATED ADJOURNMENT**



# **BOARD OF SELECTMEN MEETING**

*April 30, 2019*

## **EXECUTIVE SESSION**

Hamilton-Wenham Youth Soccer Association

Vote: I move 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 the chair declares than an open meeting may have a detrimental effect on the bargaining or litigation position of the Town.

And return to open session.

Second / Discussion / Roll Call Vote



# **Board of Selectmen Meeting Announcements – April 30, 2019**

*Jack Wilhelm*

## **1. Introduction of New Library Director**

Julie Clay, Chair of the Hamilton-Wenham Public Library Board of Trustees is here to introduce our new Library Director. Welcome Julie...

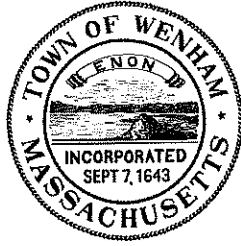
## **2. Hydrant Flushing**

The Water Department began flushing fire hydrants last week. Flushing is expected to continue thru May 10, 2019 and will be conducted between the hours of 8am and 2pm.

Please be advised that you may experience a drop in water pressure as well as some discoloration of the water during this process. The discoloration of the water is only temporary and does not indicate a problem with the water. If your water does become discolored, turn on an outside faucet to clear the water line before doing any laundry or cleaning. The Water Department will continue to monitor the water quality during this period to ensure that the water remains safe to drink.

Please check the News Feed of the Town website for updates on hydrant flushing locations and contact Erik Mansfield, Wenham Water Superintendent at (978)468-5520 ext.6 with any questions or concerns.





**WATER DEPARTMENT  
91 GRAPEVINE RD.  
WENHAM, MA 01984**

Erik G. Mansfield  
Superintendent

Telephone: (978) 468-5520 x6  
Fax: (978) 468-1009

April 12, 2019

### **HYDRANT FLUSHING NOTICE**

On Monday, April 22, 2019, the Wenham Water Department will begin flushing fire hydrants. Flushing will continue thru May 10, 2019 and will be conducted between the hours of 8am and 2pm. Please be advised that you may experience a drop in water pressure as well as some discoloration of the water during this process. The discoloration of the water is only temporary and does not indicate a problem with the water. If your water does become discolored, turn on an outside faucet to clear the water line before doing any laundry or cleaning. The Water Department will continue to monitor the water quality during this period to ensure that the water remains safe to drink. We apologize for any inconvenience this may cause, but flushing is an important part of our system maintenance. Please contact Erik Mansfield, Wenham Water Superintendent at (978)468-5520 ext.6 with any questions or concerns you may have.



# **BOARD OF SELECTMEN MEETING**

*April 30, 2019*

## **REPORTS**

- INTERIM TOWN ADMINISTRATOR – Update
- CHAIRMAN
- SELECTMEN



# **BOARD OF SELECTMEN MEETING**

*April 30, 2019*

## **CONSENT AGENDA DRAFT MOTION**

I move to approve all items in the Consent Agenda as presented, including the release of Executive Session meeting minutes of February 21<sup>st</sup> and March 5<sup>th</sup> set #1 and the Executive Session meeting minutes of March 5<sup>th</sup> set #2, March 26<sup>th</sup> and April 2<sup>nd</sup> to be held until further notice.

**CH**



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**CONSENT AGENDA**

**A.**

**Meeting Minutes**

➤ Open Session:

March 5, 2019

March 26, 2019

April 2, 2019

April 6, 2019

➤ Executive Session:

February 21, 2019

March 5, 2019 #1

March 5, 2019 #2

March 26, 2019

April 2, 2019



TOWN OF WENHAM  
Board of Selectmen  
Meeting of March 5, 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 March 5, 2019 at 5 pm in the Selectmen Chambers 1st 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 5:12pm

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

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

**Public Information**

- Ms. Harrison announced that Selectman Jack Wilhelm, due to distance, would participate remotely by telephone in accordance with Attorney General's Regulation 940 CMR29.10.

The Chair clarified the connection between all parties clearly audible and stated that all votes during the meeting would be by roll call vote.

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

There was a brief discussion regarding the amendment of the agenda and when to reschedule the Wenham Museum executive session; date to be determined.

**Executive Session** - AFSME, Police Benevolent Association of Wenham, 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 Benevolent Association of Wenham, and to return to open session. The motion carried unanimously by roll call vote.*

The Selectman returned to open session at 6:31 pm and Ms. Harrison reiterated Selectman Wilhelm was participating remotely in accordance with 940 CMR29.10.

**Public Input** - None

**Announcements**

- Municipal Vulnerability Preparedness Plan Listening Session – Thursday, March 21, 2019 at 7:00pm
- 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 - The Hamilton- Wenham Regional High School National Honor Society will again offer childcare at the library during Town Meeting.
- Annual Town Elections – Thursday, April 11, 2019 7:00 am – 8:00 pm, Town Hall - Voters must be registered by March 15th to vote in the Annual Town Election. Please contact the Town Clerk's office for information on absentee voting.

**Reports**

- Town Administrator Mr. Lombardi announced that the Wenham & Hamilton Joint Board of Health would hold a joint public hearing on March 13 at 8 pm in Wenham Town Hall to gather public input on regulations entitled "Prohibiting Tobacco Products in Schools". These regulations would include enforcement fines that could be levied against anyone using tobacco products including but not limited to cigarettes, e-cigarettes, and nicotine products on a school campus. This hearing notice was published in the Hamilton Wenham Chronicle.



## New Business

- Appointment Board of Registrars: Daniel Curran
  - Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, March 1, 2019
  - Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, February 25, 2019
  - Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, February 21, 2019
  - Email regarding Board of Registrars Appointment from Dianne Bucco, Town Clerk, March 1, 2019

*Vote: Mr. Clemenz moved to appoint Daniel Curran to the Board of Election Registrars for a term beginning on March 5, 2019 for the purpose of the voter residency complaint hearing and resolution. The motion carried unanimously by roll call vote.*

- Vote to Reopen Town Meeting Warrant

*Vote: Mr. Clemenz moved to reopen the April 6, 2019 Annual Town Meeting Warrant. The motion carried unanimously by roll call vote.*

- Vote to Place School Operating Override Questions on April 2019 Ballot

*The BOS voted unanimously by roll call vote to place the Proposed Form of Proposition 2 1/2 Operating Override questions on the on the April 11, 2019 Ballot:*

- Shall the Town of Wenham be allowed to assess an additional \$499,145 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget as adopted by the Hamilton Wenham Regional School Committee?
- Shall the Town of Wenham be allowed to assess an additional \$116,119 in real estate and personal property taxes for the purposes of funding the Town of Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District operating budget, particularly as adopted by the Hamilton Wenham Regional School Committee for Other Post-Employment Benefits and a School Resource Officer? The motion carried unanimously by roll call vote.

## Old Business

Ms. Harrison explained the following two agenda items were left on the agenda from a previous meeting in the event there was an update but there was no new information on the Appraisal Report for Maple Wood land, 65 Maple Street, or the Maple Wood project.

- Review of Property Appraisal Report of Maple Wood Project Land
- Maple Woods Senior Affordable Housing Project

- Discussion of Potential Back-up Dates for Town Meeting Continuance

In the event the Annual Town Meeting needs to be continued from April 6 to another date, the Buker School and participating officials were available Thursday April 25.

Ms. Harrison suggested to set the back update at the same time as the Town Meeting to have the dates closer together. If Town Meeting needs to be continued, the BOS set April 25 as the backup date.

- Final Review of and Recommendation Votes on All Warrant Articles

The Selectmen made final votes to recommend to Town Meeting. **All votes were done by roll call.**

- Article 4 - Town Counsel added language to Article 4 to be consistent with the ballot question to call out that the operating override is to be used to fund School Resource Officer and Other Post-Employment Benefits. No action necessary.

- Article 12 – Community Preservation Act Appropriations

6) Motion for the Community House \$50,000, was amended by Town Counsel to include language to mirror Hamilton's wording that the project must commence by July 1, 2020 or the authorization would expire. The BOS has discretion to extend the deadline.

*The Selectmen recommended favorable action 3-0-0*

- Article 13 – Bylaw Amendment HD/HDC

The new "section one" of the HDC bylaw did not reference the HDC jurisdiction was specific to the Historic District(s). Language was added by Town Counsel and accepted by the BOS.

*The Selectmen recommended favorable action 3-0-0*



DRAFT JW

o Zoning Bylaw Amendment: Signs

Mr. Lombardi identified amended language and noted these were not substantive changes.

The BOS will have the ability to create a policy for non-municipal signs on public property and defining placement, size, duration, etc.

In 7.3 General Standards for Signs, the language for public way was replaced with *paved road way or sidewalk or adjacent public between paved road and sidewalk.*

*The BOS voted unanimously by roll call to rescind the former motion relative to Zoning Bylaw Amendment Signs.*

*The BOS voted unanimously by roll call vote to place this article on the April 6, 2019 Town Meeting Warrant.*

*The Selectmen recommended favorable action to the amended motion 3-0-0*

Associate Planning Board

The change to add an associate member to the Planning Board was confirmed as a Zoning Bylaw change and a Public Hearing is required in advance of the Town Meeting. Since there has not been a Public Hearing, this article may not be placed on the warrant and would be held for another town meeting.

o Article 18 – Elections

There are 3 ballot questions in Article 18.

The order of the articles on the warrant was briefly discussed.

The financial articles were historically at the beginning of the warrant. This year the first 12 articles were financially related.

After a brief discussion the BOS settled on the following order of importance:

Article 14 - Acceptance of Settlers Lane

Article 15 - Zoning Bylaw: Site Plan Review

Article 16 - Zoning Bylaw: Signs

Article 17 - Zoning Bylaw: Penalties

Article 18 - Elections (no action by Town Meeting)

Regarding the Order of the motions in CPA Article 12, The BOS placed Harborlight/ Maple Woods as last.

Mr. Wilhelm noted he was absent from the meeting the BOS took a position on Harborlight and asked to revote this recommendation to Town Meeting.

*Ms. Harrison moved to rescind the BOS vote to recommend favorable action on Harborlight and it was unanimous to do so by roll call vote.*

*Ms. Harrison moved to recommend favorable action to Town Meeting on Harborlight \$750,0000 grant and the motion carried by roll call vote with Selectmen Wilhelm and Clemenzzi voted in the affirmative and Selectman Harrison voted in the negative. 2-1-0*

• Vote to Close Annual Town Meeting Warrant

*Vote: Mr. Clemenzzi moved the BOS close and execute the April 6, 2019 Annual Town Meeting Warrant and to authorize such revisions as recommended by Town Counsel. The motion carried unanimously by roll call vote. 3-0-0*

**Executive Session – Interim Town Administrator**

*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 an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair so declares and the BOS not return to open session but adjourn directly from executive session. The motion carried unanimously by roll call vote at 6 pm. 3-0-0*

Respectfully Submitted By

Catherine Tinsley

4.8.19



TOWN OF WENHAM  
Board of Selectmen  
Meeting of March 26, 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, March 26, 2019 at 5:30 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)

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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 5:30 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** Library Director; DPW Director; Fire Captain; Fire Chief; Police Benevolent Association of Wenham  
*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 And to include interim Town Administrator John Petrin. The motion carried unanimously by roll call vote.*

*The Selectmen returned to open session at 6:20 pm and Ms. Harrison called for a 5 min recess.*

**Announcements** - Visit the Town website for more information on these and other news items.

- Retirement Reception March 28 at the Library for Jan Dempsey, who is retiring after 14 years as our Library Director
- The Warrant Hearing for the Annual Town Meeting is April 1 at 7 pm in the Bessie Buker Multipurpose Room
- Our Annual Town Meeting is Saturday April 6 at 1:00pm in the Perkins Auditorium. ATM check-in with the Board of Registrars and the Wenham Village Improvement Society Luncheon will begin at 12:00pm.
- The Hamilton-Wenham Regional High School National Honor Society will offer a Kids Town Meeting with crafts, games and movie at the Recreation Center from 1 – 4 pm with check-in beginning at 12:45pm.
- Candidates' Night by the League of Women Voters on April 3 from 7– 9pm at Buker Elementary School in the Multi-Purpose Room.
- Our Annual Town Elections will be held at Town Hall on April 11 from 7am to 8pm.

### Reports

- Town Administrator

A post card was sent to each resident listing important dates around Town Meeting including the Warrant Hearing on April 1, Town Meeting on April 6 and Local Elections on April 11.

The Town Report/ Town Meeting Warrant are being delivered by the Scouts this weekend.

### New Business

- Review of Common Victualler License for the Bagel Shop Hamilton- Wenham (informational only)
  - 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 25, 2019

Applicants Tom Smith and Hunter Tuccio, were present and spoke on their application for a Victualler License to open an authentic New York bagel shop at 158 Main Street in mid-April.



Mr. Smith and Mr. Tuccio indicated that they had a third partner who they opened a similar shop 3 years ago at the Beverly Farms train station. Their intention is to become a part of the community, collaborate with the Fire/ Police Department, and sponsor a local sport team.

Parking concerns are being addressed to promote parking behind the store and they are working with the Historic District Commission.

The agenda out of order with permission.

\*Update on status of first church community Preservation act Grant Agreement

- Recommendation for Appointment - Police Officers: Jason Lucontoni & Reini Perez

- Jason Lucontoni – full time officer in Hudson NH – 20 years
  - Recommendation Letter from Tom Perkins, WPD Chief, March 15, 2019
  - Cover Letter and Resume from Jason Lucontoni, February 11, 2019
  - Trainings & Certifications for Jason Lucontoni
  - Internal Affairs Investigation Training
  - HSI 101
  - 47<sup>th</sup> Annual Regional Criminal Investigation School
  - 48<sup>th</sup> Annual Regional Criminal Investigation School
  - Proactive Criminal Enforcement Seminar
  - Investigating Prescription Drug Crimes
  - Trends of Terrorism
  - Asset Forfeiture
  - Pharmaceutical Drug Investigations
  - Undercover Risk Analysis
  - Concealment Areas Within A Vehicle
  - Supervising Counterdrug Operations
  - Domestic Drug Interdiction
  - NH Part-Time Police Officer
  - NH Full-Time Police Officer
  - NH Recruit Academy
  - NH Enhanced Basic Program
- Reini Perez – Wenham PD Reserve Officer promotion to full time officer
  - Recommendation Letter from Tom Perkins, WPD Chief, March 21, 2019
  - Cover Letter and Resume from Reini Perez, March 13, 2019

Police Chief Perkins and Captain DiNapoli were present.

*Vote: Mr. Wilhelm moved to appoint Jason Lucontoni as a full-time Police Officer for term beginning March 26, 2019 and ending June 30, 2019 contingent upon successful completion of physical and psychological exams and approval by the Municipal Police Training Committee (MPTC) under 550 CMR 3.03 of a petition for an exemption from the basic police recruit training provisions of MGL Ch. 41 Sec. 96B. The motion carried unanimously.*

*Vote: Mr. Wilhelm moved to appoint Reini Perez as a full-time Police Officer for a term beginning March 27, 2019 and ending June 30, 2019 contingent upon successful completion of the PAT (Physical Abilities Test) required for entrance into the Police Academy. The motion carried unanimously.*

Under Discussion: It was noted that the Police Department had two full-time officer positions and with two officers at the Police Academy the Department is stretched thin. The top candidates were recommended for appointment to fill the two positions. Both proposed candidates have an established level of training.

Mr. Clemenzi asked a variety of questions on the process and recommendation and noted his reservations that an officer was hired that knew nothing about Wenham. Chief Perkins responded that senior officers with a high level of training and experience recently left the department and this officer has that same level knowledge and training.

It was noted that the Selectmen had an opportunity to interview the candidates.

Ms. Harrison observed that the Captain came from out of Town and has acclimated and Officer Lucontoni has a lot of institutional experience.

- Review of Regional Dispatch Feasibility Study for Danvers or Hamilton & updated Intermunicipal Agreement with State 911
  - Analysis for Providing Contract Dispatch Services for the Town of Wenham, MA by Danvers and Hamilton, MA, Municipal Resources, Inc., Final Draft from State 911, March 2019
  - Updated Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services
  - Attachment A: Core Services for Members



- Memo regarding IMA for North Shore 911 to Frank Pozniał, Executive Director, State 911 Department, MA Executive Office of Public Safety and Security from Matthew Moran, Undersecretary, Forensic Science and Technology, MA Executive Office of Public Safety & Security, December 12, 2018
- Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services, Original Draft from State 911, November 2018
- Original Intermunicipal Agreement for the Joint Provision of Public Safety Communications, Dispatch and Operations Services, Original Draft from State 911

Mr. Lombardi reviewed that the Town of Wenham has been at the Regional Emergency Center in Middleton for 5 years when it was thought that State 911 would take over the Center but the details were unknown and it was uncertain where that would leave Wenham. In preparation for possible changes, Wenham hired MRI to assess other options for Wenham, specifically joining either Hamilton or Danvers. It was noted that MRI did the Operational Audit Analysis of the Middleton Dispatch Center and a feasibility study for regional dispatching for a number of local communities and therefore already had information which reduced the scope/cost to Wenham for the study.

MRI considered all aspects including estimated annual cost of regionalizing with either Hamilton or Danvers based on existing programs:

before subsidies Hamilton: \$175,000 to \$195,000; Net projected costs to transition: \$115,000 - \$130,000

before subsidies Danvers: \$130,000; Net projected cost to transition: \$75,000

One Time Capital Costs: \$300,000-\$400,000 to leave Middleton with state grants questionable since Wenham is already in a regional program.

Because State 911 is the funding agency for regional dispatch centers in Massachusetts and is taking over the Middleton program it seemed they were reluctant to work with the Town to provide grant information.

While at the Middleton Regional Dispatch Center, \$82,000 has been taken directly of Wenham's Cherry Sheet from the State to pay for costs associated with the dispatch center.

If Wenham decides to leave Middleton, MRI's recommendation was for Wenham to go to Danvers citing staffing, organization, infrastructure, and cost.

It was noted that with State 911 taking over Middleton, the Cherry Street assessment to be reduced to zero.

Mr. Lombardi added that both Hamilton and Danvers had positive feedback to Wenham joining.

Mr. Wilhelm opined financially the Town should remain at the Regional Dispatch in Middleton citing the cost savings.

The Town had concerns with potential shared frequencies with other towns, structure but State 911 responded with amendments to the Agreement to address these concerns, which included a 2-year window to opt out with 1-year notice.

Mr. Lombardi observed at the minimum it would require a year to transition and give the town time transition to state 911 in July 2019, and if there are concerns, the Town can circle back and start those conversations again

With these changes, the Town of Amesbury intends to stay in the program after having given notice to leave.

With the final IMA, State 911 wants the Board of Selectmen to sign off and this would be on a future agenda.

- Review and Potential Approval of FY20-22 Collective Bargaining Agreements Between Town and Police Benevolent Association of Wenham

Based on ES – this was not ready for approval

- \*Update on Status of First Church Community Preservation Act Grant Agreement
  - Proposed Community Preservation Act Agreement between the Town of Wenham and First Church in Wenham
  - Email regarding Proposed Draft Agreement from William Weihs, January 17, 2019

First Church representative Bill Wise was present to discuss this agenda item with the Selectmen.

In summary, the BOS reviewed the original grant agreement in December.

The Church and their Legal Counsel reviewed the draft and had input and revisions.

Mr. Weihs reviewed that this Agreement is for payment of \$14,300 from Community Preservation Funds to the Church for the refurbishing of the historical Wenham Town Clock, that although is owned by the Town, has been located in the steeple of the church for many decades. The work included resurfacing, repainting the clock face, and gold leafing the hands and numerals on the clock. The work was completed 2 ½ years ago.

Mr. Weihs went on to express the Church felt there were several challenges with the draft as it is unclear to why the terms being used were put forth and were inconsistent with the facts of the project.

This document would memorialize the undocumented arrangements between the Town and the Church for the use of the church steeple for the clock location and set forth the town's obligations to maintain and ensure the clock and the conditions for payment see unrelated to these facts.

The Historic Commission regulations do not require the clock project be reviewed by the Commission.



The church was asked to jointly acknowledge the clock is an important historic asset; this should be just the town as the owner of the clock. The Church is agreeable to continue to display the clock in the steeple and protect the clock from damage by the cell tower equipment in the belfry

The Town needs to acknowledge its obligation to maintain the clock and keep it in good repair and function

If the town wants to review invoices it should be done now and copies made and inspect the work now to be sure the town is satisfied.

Mr. Wilhelm referenced suggested revisions by the Town to the Agreement in response to the concerns.

Mr. Weihs asked for the red line version from the Town to review with the Church leaders.

- Update on Status of Request for Qualifications for Town Administrator Executive Search Consultants
  - Request for Qualifications, Executive Search Consultant for the Town of Wenham, Town Administrator, March 13, 2019
  - Scope of Work for the Town of Wenham, Town Administrator Recruitment, Edward J. Collins, Jr. Center for Public Management, March 21, 2019
  - Proposal, Executive Search Services, Wenham Town Administrator, Community Paradigm Associates, LLC, March 17, 2019
  - Response to RFQ, Town of Wenham, MA, Executive Search Consultant for Town Administrator, Municipal Resources, Inc., March 2019

Three proposals were received: 1. Municipal Resources Inc (MRI). 2. Community Paradigm 3. Edward J Collins Center  
The BOS will meet with each of these firms Thursday March 28 in open session

### **Old Business**

- Potential Approval of Proposed Water Mitigation Policy
  - Email re Water Use Mitigation, Town of Danvers, J. Bresnahan, Permitting Coordinator / Special Projects Manager, March 21, 2019
  - FixALeak Week Danvers DPW
  - Memo regarding Proposed Water Use Mitigation (WUMP) Policy from J. Bresnahan, Permitting Coordinator & Special Projects Manager, March 12, 2019
  - Water Use Mitigation Program (WUMP) Draft Policy & Calculation Form

*Vote: Mr. Wilhelm moved to approve the proposed Water Use Mitigation Policy. The motion carried 2-0-0 with Mr. Wilhelm out of the room; Mr. Wilhelm did not vote on this matter.*

**Adjournment** – *The Selectmen unanimously adjourned at 7:50 pm.*

Respectfully Submitted By  
Catherine Tinsley  
4.14.19



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.

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**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



- 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



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.



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



TOWN OF WENHAM  
Board of Selectmen  
Meeting of April 6, 2019  
Bessie Buker School, School 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 Saturday April 6, 2019 at 11:30 am Conference Room

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 quorums present, the meeting was called to order at 11:47 am

Selectmen present: Catherine Harrison, Chair; John Clemenzi, Vice Chair; Jack Wilhelm, Clerk

Finance Committee present: Alex Begin, Chair; Carrie Jelsma; David Molitano Jim Purdy; Michael Therrien

Also present: Peter Lombardi, Town Administrator; Patty Moore, Finance Director; Catherine Tinsley, Recording Secretary  
Trudy Reid, Town Moderator

Attorney Lauren Goldberg, Town Counsel, KP Law

Ms. Harrison provided a draft advertisement from MRI for the Town Administrator to be posted next week and asked for input on a salary range. The wage summary for a Town Administrator position in 2020 is \$117,000 – \$146,000.

Mr. Lombardi confirmed that the FY19 refresh on the Town Administrator salary with eight comparable communities showed this range was considered current to market. It was agreed to post the Town Administrator salary at \$120,000 - \$140,000.

On a side note, Ms. Harrison said MRI indicated they were willing to discuss the amount of the contract for the Town Administrator search. Mr. Begin mentioned that the FinCom approved a Reserve Fund Transfer for the contract with MRI towards the total amount; this left the Reserve Fund balance at zero.

- Unanticipated items related to Town Meeting warrant articles and motions

Mr. Lombardi updated the BOS that after a lengthy discussion the Finance Committee voted 5-0-0 to recommend favorable action to town meeting on Article 12 motion 8, Harborlight Maple Woods affordable housing application for \$750,000

A signed Settlement Agreement was received on April 5 and reviewed by Special Counsel and Town Counsel

There were no changes to the Settlement Agreement from the Term Sheet.

Mr. Lombardi reviewed the process and potential actions at Town Meeting.

With the Settlement Agreement having been presented, the BOS agreed they would not make a motion to pass over Harborlight.

*Vote: Ms. Harrison moved the BOS acknowledged the requirement for Harborlight to present the signed Settlement Agreement was fulfilled and the BOS would not make a motion to pass over this motion at town meeting. The motion carried unanimously.*

Regarding the potential action on Town Meeting floor to remove loose leaf pick up from the budget, the Finance Committee and BOS agreed it was in the best interest of the residents to not address this budget item at this time but to hold a public hearing on the matter before June 30, 2019 / FY20.

**Adjournment** - The Selectmen and Finance Committee unanimously adjourned to Town Meeting at 12:11 pm.

Respectfully Submitted By  
Catherine Tinsley  
4.10.19



# BOARD OF SELECTMEN MEETING

*April 30, 2019*

## NEW BUSINESS

### B.

### Appointments

*(5 minutes)*

- **Local Inspector:** E. Peter Swindell
  - Draft Motion
  - Resume for E. Peter Swindell
  
- **Provisional Firefighters:** Ryan Leboeuf, Roberto Oyola, Chris Swiniuch
  - Draft Motion
  - Letter from Stephen Kavanagh, WFD Chief



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**DRAFT MOTION**

**Local Inspector Appointment**

- Vote: I move to appoint E. Peter Swindell as Local Inspector for a term beginning April 30, 2019 and ending March 31, 2020.

Seconded / Discussion/ Vote



Elden Peter Swindell



## **Work History**

October 2018 to present  
Local inspector (alternate) Town of Danvers

June 2015 to present  
Local inspector, Town of Middleton Ma

June 1996 to present  
DBA E. Peter Swindell Carpentry & remodeling, a sole proprietor  
specializing in residential & light commercial building & remodeling  
Concurrent employment with The Home Depot (Danvers, MA June 1996 to 2001)  
Millwork & Building materials department.

June, 1980 to May 1996  
Swindell Carpenters, Danvers, MA  
Family owned carpenter/general contractor partnership specializing in residential and light commercial remodeling and new construction. Responsible for all aspects of building, including foundations, framing, interior and exterior finish. Specialize in architectural recommendations and obtaining necessary variances and permitting as required. Negotiate options with subcontractors on Customers behalf. Directly responsible for all aspects of record keeping, including accounts payable, insurance certificates, and all federal and state tax reporting.

Operate all types of equipment, including hydraulics (bobcat, backhoe, forklift), pneumatic, gas-powered and electric. Maintain and repair gas-powered, pneumatic and electric tools.  
Perform routine maintenance of vehicles.

## **Licenses & Certifications & Education**

Building official Certification (Local inspector) Commonwealth of Massachusetts BO - 1986  
Massachusetts Construction Supervisors License  
Class B CDL with Passenger and Tank Endorsements  
Massachusetts lead safe renovator certification (RRP)

North Shore Community College Certificates  
Architectural Drawing  
Introduction to Personal Computer  
New England Appliance Service School  
Certificate in major appliance and refrigeration repair.  
Danvers High School

## **Community Service**

Danvers Youth Soccer, Coach, 1992 - 1996  
Town of Danvers; Elected Town Meeting Member, 1988 - present.  
Knights of Columbus, 3<sup>rd</sup> Degree Member.

References upon request



# BOARD OF SELECTMEN MEETING

*April 30, 2019*

## **DRAFT MOTION**

### Provisional Firefighter Appointments

- Vote: I move the Board of Selectmen appoint Ryan Leboeuf, Roberto Oyola, Chris Swiniuch as Provisional Firefighters for terms beginning on April 30, 2019 and ending June 30, 2019.

Seconded / Discussion/ Vote





**WENHAM FIRE DEPARTMENT**  
**140 MAIN STREET**  
**WENHAM, MA 01984-1497**  
**"HOME OF ENON No. 1"**

Emergency 9-1-1  
Fire Prevention  
Voice 978-468-5508  
Fax 978-468-5509

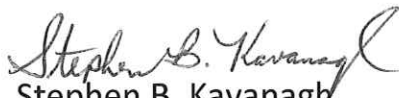
April 22, 2019

Honorable Board of Selectmen  
Town of Wenham  
Wenham Town Hall  
138 Main St.  
Wenham, MA 01984

To the Board of Selectmen,

I would like the Board of Selectmen to appoint three intern candidates to probationary firefighter status pending a firefighter physical at Quadrant Health. The interns are Chris Swiniuch, Roberto Oyola and Ryan Leboeuf. These candidates have completed the three month intern program and are now ready to move forward. Thank you.

Sincerely,

  
Stephen B. Kavanagh  
Chief



# BOARD OF SELECTMEN MEETING

*April 30, 2019*

## **NEW BUSINESS**

### **C.**

### **Veterans Committee**

- **Recognition of Stuart S. Corning's Public Service** *(15 minutes)*
  - Introduction & PowerPoint Presentation
  - Presentation of Proclamations
  - Presentation of Veterans Memorial Paver
  
- **Update on Wreaths Across America, Review & Potential Change to Veterans Committee Charge** *(10 minutes)*
  - Update & PowerPoint Presentation
  - Draft Motion
  - Proposed Update to Veterans Committee Charge





# A TRIBUTE TO COL Stuart S. Corning Jr.

By the Wenham Veterans Committee  
CAPT Dean Pedersen USN (Ret.)-Chair



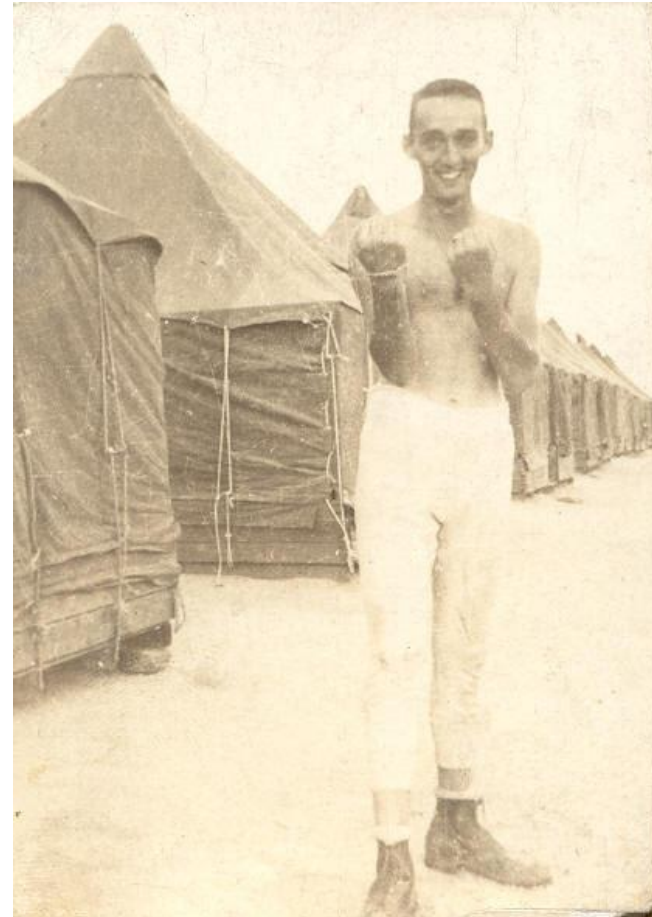
# Military Service

- **ACTIVE DUTY**

- Entered Army 3 March 1943
- Service Number 31300910
- Enlisted Promotions
  - Private First Class 13 May 1943
  - Technician 5 (CPL) 1 Dec 1943
  - Technician 4 (SGT) 1 May 1944
- Commissioned as an Officer
  - 2<sup>nd</sup> LT 12 MAY 1945
- RELEASED FROM ACTIVE DUTY MAY 1946
- Continued serving in the Army Reserves

- **RESERVE DUTY - Promotions**

- 1<sup>st</sup> LT 2 AUG 1949
- CPT 20 JAN 1956
- MAJ 23 SEP 1960
- LTC 22 SEPT 1967
- COL 21 SEPT 1972
- Departed Army Reserves 21 SEPT 1977
- RETIRED 11 NOV 1984 after 35 YEARS of MILITARY SERVICE





# World War II





# War Time Memories

The bonds  
created in  
war never  
fade.



CAMP SHELBY



HQ BARRACKS



SHELBY  
HQ. BARRACKS



ME CRAGEN MALLOY

TOP ROW - LT. PORT.  
McFEE, MILLER, MYSELF, MALLOY, KANE, STEINMILLER  
BRODERICK, CRAGEN, ROSANSKI, CHAMBERLAND  
LA POINTE, RICCIO, MACHIO



# World War II Memories



SGT Corning



# The Soldier





# 2<sup>nd</sup> LT Corning





# Home From WWII – August 1945





# Stuart Corning Sr and Jr



Wenham Memorial Day



Veterans Day 1973



# Veterans Day in Wenham





# Legion of Merit Pinning



The Legion of Merit is one of the U.S. Military's most prestigious awards, ranking just below the Silver Star and ahead of the Distinguished Flying Cross







# The COLONEL



Colonel Stuart Corning, United States Army, is one such remarkable person who has devoted 35 years to the service and the protection of our country.

THANK YOU COLONEL!!!





## Wenham Board of Selectmen Proclamation Colonel Stuart S. Corning

**WHEREAS:** The Town of Wenham strongly supports the efforts and sacrifices made by all men and women of the armed forces – active duty, reserve, National Guard and veterans – to protect the United States and preserve our way of life; and

**WHEREAS:** Stuart S. Corning enlisted as a Private during World War II serving 26 months in foreign and domestic theaters reaching the rank of Technician Grade 4 and was an Engineer Tractor Mechanic during this time; and

**WHEREAS:** Stuart S. Corning was commissioned as a 2<sup>nd</sup> LT in Europe during World War II. As an Infantry Commander he was directly responsible for the conduct, welfare, training of a forty-one enlisted men, including one Medical Aide man. During this period the average efficiency rating was “SUPERIOR”; and

**WHEREAS:** Stuart S. Corning is a graduate of the U.S. Army Command and General Staff College, The Industrial College of the Armed Forces and the Infantry School at Fort Benning, GA; and

**WHEREAS:** Stuart S. Corning left active service and joined the Army Reserves in 1946 to continue his Military Service; and

**WHEREAS:** Stuart S. Corning’s rare abilities led to several leadership positions and many promotions; he attained the rank of Second Lieutenant 1945, First Lieutenant in 1949, Captain in 1956, Major in 1960, Lieutenant Colonel in 1967, and the esteemed rank of Colonel in 1972; and

**WHEREAS:** Stuart S. Corning’s outstanding service with the United States Army has yielded numerous service medals, awards, and commendations including the Legion of Merit Medal, American Theater Medal, American Theater of Operations Medal with Bronze Campaign Star for Normandy and France, World War II Victory Medal, Army Commendation Medal, Army Reserve Component Achievement Medal, Good Conduct; and

**WHEREAS:** Stuart S. Corning’s exceptional leadership, coupled with his remarkable ability to work well with people from all walks of life, has contributed greatly to the success of his career and others; and

**WHEREAS:** Veterans deeply value their military experience and share an inimitable bond among their peers; and

**WHEREAS:** We come together to recognize Stuart S. Corning whose 35 years of dedicated Military service has allowed our nation to prosper and has allowed us all to live in freedom; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Wenham Board of Selectmen do hereby recognize Stuart S. Corning’s service. In witness whereof, We the Wenham Board of Selectmen do hereby set our hands and affix the great seal of the Town of Wenham do hereby recognize this 30th day of April 2019 as  
**COLONEL STUART S. CORNING DAY.**

### TOWN OF WENHAM

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Catherine A. Harrison, Chairman

---

John A. Clemenzi, Vice Chairman

---

John O. Wilhelm, Clerk





## Wenham Board of Selectmen Proclamation

### Colonel Stuart S. Corning

**WHEREAS:** The Town of Wenham strongly supports the efforts and sacrifices made by all men and women of the armed forces – active duty, reserve, National Guard and veterans – to protect the United States and preserve our way of life; and

**WHEREAS:** Stuart S. Corning enlisted as a Private during World War II serving 26 months in foreign and domestic theaters reaching the rank of Technician Grade 4 and was an Engineer Tractor Mechanic during this time; and

**WHEREAS:** Stuart S. Corning was commissioned as a 2<sup>nd</sup> LT in Europe during World War II. As an Infantry Commander he was directly responsible for the conduct, welfare, training of a forty-one enlisted men, including one Medical Aide man. During this period the average efficiency rating was “SUPERIOR”; and

**WHEREAS:** Stuart S. Corning is a graduate of the U.S. Army Command and General Staff College, The Industrial College of the Armed Forces and the Infantry School at Fort Benning, GA; and

**WHEREAS:** Stuart S. Corning left active service and joined the Army Reserves in 1946 to continue his Military Service; and

**WHEREAS:** Stuart S. Corning's rare abilities led to several leadership positions and many promotions; he attained the rank of Second Lieutenant 1945, First Lieutenant in 1949, Captain in 1956, Major in 1960, Lieutenant Colonel in 1967, and the esteemed rank of Colonel in 1972; and

**WHEREAS:** Stuart S. Corning's outstanding service with the United States Army has yielded numerous service medals, awards, and commendations including the Legion of Merit Medal, American Theater Medal, American Theater of Operations Medal with Bronze Campaign Star for Normandy and France, World War II Victory Medal, Army Commendation Medal, Army Reserve Component Achievement Medal, Good Conduct; and

**WHEREAS:** Stuart S. Corning's exceptional leadership, coupled with his remarkable ability to work well with people from all walks of life, has contributed greatly to the success of his career and others; and

**WHEREAS:** Veterans deeply value their military experience and share an inimitable bond among their peers; and

**WHEREAS:** We come together to recognize Stuart S. Corning whose 35 years of dedicated Military service has allowed our nation to prosper and has allowed us all to live in freedom; and

**NOW, THEREFORE, BE IT RESOLVED,** that the Wenham Board of Selectmen do hereby recognize Stuart S. Corning's service. In witness whereof, We the Wenham Board of Selectmen do hereby set our hands and affix the great seal of the Town of Wenham do hereby recognize this 30th day of April 2019 as COLONEL STUART S. CORNING DAY.

**TOWN OF WENHAM**

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Catherine A. Harrison, Chairman

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John A. Clemenzi, Vice Chairman

---

John O. Wilhelm, Clerk





# Wenham - Wreaths Across America (WAA) 2018



William Wilson

Wenham Veterans Committee

30 April 2019



# Agenda

- What is WAA
- Wenham Veterans Cemetery Statistics
- 2018 WAA Planning and Ceremony Conduct
- Goals and Objectives going forward
- Requesting Selectman's Endorsement for change in Veterans Committee Charge to support future WAA Ceremonies



# National Wreaths Across America Day

- Nationally observed annually on a Saturday in December designated by Congress
- Goal is to cover all Veterans grave markers with a Christmas wreath.
- "The willingness with which our young people are likely to serve in any war, no matter how justified, shall be directly proportional to how they perceive veterans of earlier wars were treated and appreciated by our nation."

Remember our Veterans, Honor and Teach the next Generation



# Wenham Cemeteries

- Main Street
  - Historic first town cemetery.
- Iron Rail
  - Most recently established second town cemetery.
- William Fairfield
  - Small, private and closed burial ground, left by William for his descendants.

476 Veterans are interred within Main St and Iron Rail Cemetery.  
No known Veterans at William Fairfield Cemetery



# Veteran Statistics

CEMETERY	VETERANS
MAIN ST	460
IRONRAIL	16
<b>TOTAL</b>	<b>476</b>

CONFLICT	VETERANS	TIME PERIOD
French and Indian War	2	1754-1763
Revolutionary War	31	1775-1783
War of 1812	4	1812-1815
Civil War	70	1861-1865
Mexican American War	2	1846-1848
Spanish American	6	1898
WWI	65	1917-1918
WWI/WWII	4	1918-1945
WWII	212	1941-1945
WWII/KOR	5	1945-1953
KOR	34	1950-1953
VIET	21	1955-1975
KOR/VIET	1	1953-1975
PEACE TIME	5	
UNKNOWN	2	
YES	9	
IRAQ	1	2004-2011
WWII, KOR, VIET	2	
<b>TOTAL</b>	<b>476</b>	

BRANCH	VETERANS
ARMY	221
ARMY-AF	16
ARMY/NAVY	1
NAVY	121
USMC	16
USCG	7
USAF	9
CANADIAN	1
<b>TOTAL</b>	<b>392</b>

Wenham Veterans have participated in every conflict since the French and Indian War



# 2018 Wenham WAA Background

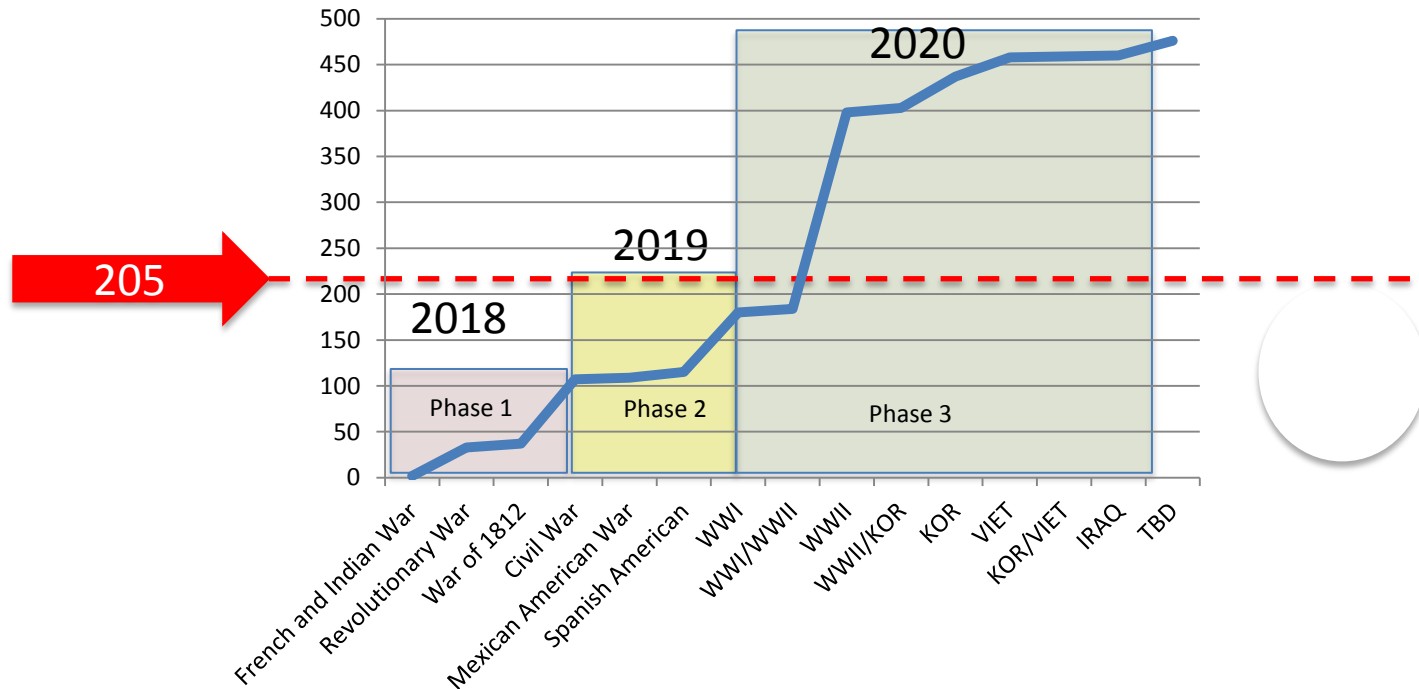
- WAA Kickoff meeting conducted 3 Oct 2018
  - Given late campaign start decision made to establish a three phase plan for Wreath Coverage of Wenham and Iron Rail Cemeteries

PHASE	YEAR	COVERAGE	GRAVES
1	2018	25%	117
2	2019	50%	235
3	2020	100%	469

Wreath coverage will be a function of donations with the goal of 100% coverage each year



# Wreath Coverage -2018



205 Wreaths funded which covered Veterans from French and Indian War through WWI (partial WWII)



# Wenham Wreaths Across America

- Ceremony was conducted 15 Dec 2018 at Wenham Cemetery
- Weather was perfect!
- Event last ~ 1 hour
- Attendance was good given short notice
  - ~+ 100 people participated distributing 205 wreaths to Veterans of the French and Indian War through World War 1.





Spectators



## Wreath Laying Ceremony







LTC Andrew Beckwith, USMC





Taps Trumpeter – Elizabeth Gasiorowski





Teaching Moment: Dean Pedersen and Scouts





Our Wenham Girl Scout Volunteers honoring Revolutionary War Veteran Richard Hood





Dean Pedersen assisting with Wreath Laying for War of 1812 Veteran COL Paul Porter





Our Wenham Girl Scouts





Our Wenham Boy Scout Volunteers





Our Wenham Boys Scout Volunteers





Honoring all Wenham Veterans



# Veterans Committee Charge

## OBJECTIVES:

- To provide a permanent Town appointed committee to organize and administer all veterans' activities and interests, in coordination with the Board of Selectmen and Town Administrator.
- To provide a central platform to exchange and disseminate information and ideas in order to address veterans' interests and needs.
- To plan and organize Memorial Day, Veterans Day and **Wreaths Across America** ceremonies.
- To provide for the maintenance of all veterans memorials with in the Town of Wenham.
- To foster and perpetuate the value of veterans' service to our country and way of life.

Seeking the Board of Selectmen's approval for the Charter  
Change highlighted in **RED**



# **BOARD OF SELECTMEN MEETING**

*April 30, 2019*

## **DRAFT MOTION**

### **Proposed Update to Veterans Committee Charge**

- Vote: I move the Board of Selectmen accept the amendments to and approve the proposed update to the Veterans Committee Charge.

Seconded / Discussion/ Vote



## Veteran's Committee Charge

**MISSION:** To promote, perpetuate and support Veterans ceremonies, events, and other activities in the Town of Wenham. To assist veterans and their families, as appropriate, in cooperation with other organizations and agencies.

### OBJECTIVES:

- To provide a permanent Town appointed committee to organize and administer all veterans' activities and interests, in coordination with the Board of Selectmen and Town Administrator.
- To provide a central platform to exchange and disseminate information and ideas in order to address veterans' interests and needs.
- To plan and organize Memorial Day, Veterans Day and Wreaths Across America ceremonies.
- To provide for the maintenance of all veterans memorials within the Town of Wenham.
- To foster and perpetuate the value of veterans' service to our country and way of life.

Deleted: and

**MEMBERSHIP:** Up to **nine (9) members** (preferably veterans), to be appointed by the Wenham Board of Selectmen, **with one Selectmen serving ex officio on this committee.** Each member will be appointed for a period of **three** years, with initial staggering of terms so that all memberships will not expire at the same time, **with three to initially expire in June 2017, another three in June 2018, and the final three in June 2019.** The Veterans Committee will become a permanent standing committee of the Town of Wenham.

### FINANCE AND ADMINISTRATION:

- The Veterans Committee should not require routine annual funding from the Town of Wenham.
- Routine maintenance and care of all veteran's memorials will come from "*Perkins Fund for the Perpetual Care of Wenham Veterans War Memorials*".
- Extraordinary maintenance and/or additions to veterans memorials will be accomplished through fund raising, donations, and Community Preservation Committee funds, as much as possible.
- Financially support veterans activities and events.
- The Veteran's Committee will annually elect a Chairman, Secretary and Treasurer from within its membership.
- The Veterans Committee shall keep minutes of all meetings.

### ACTIVITIES AND MEETINGS:

- The Veteran's Committee shall meet at least four times annually.
- The Veteran's Committee shall report annually via the Annual Town Report.
- The Veteran's Committee shall maintain a working relationship with the Eastern Essex District Department of Veteran's Service in coordination with the Town Administrator and Wenham representative to the Eastern Essex Veterans District Board.



- The Veteran's Committee shall maintain a list of Wenham veterans and ensure that all veterans are aware of benefits and activities, to the extent possible and permitted by law.



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**D.**

**Preliminary Review of Draft Chapter 61 Right of  
First Refusal Policy Recommendations from  
Open Space and Recreation Committee**

**Asma Syed – OSRC Chair**

*(20 minutes)*

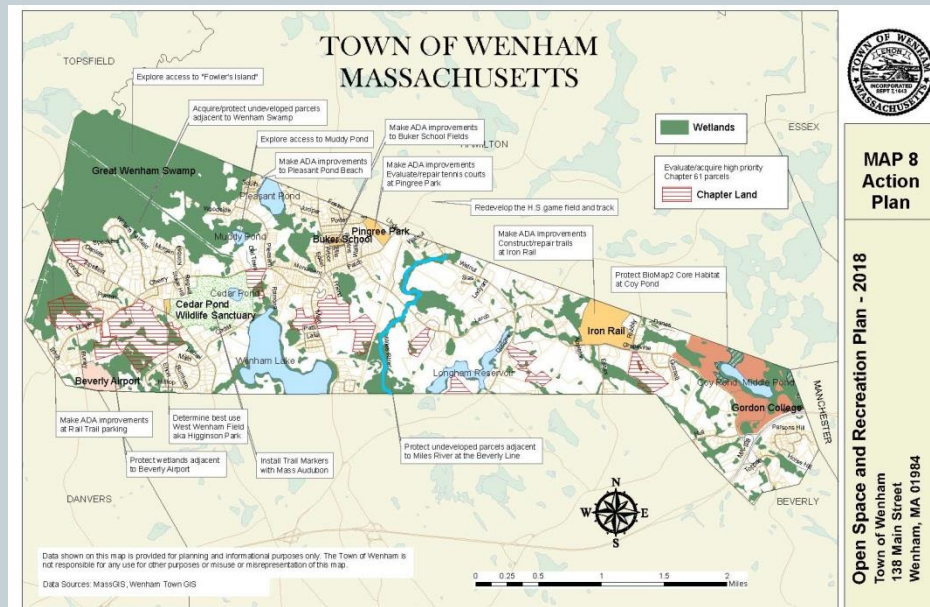
- Draft Town of Wenham Chapter 61 Right of First Refusal Policy
- Draft Town of Wenham Chapter 61 Intent to Sell Checklist
- Massachusetts General Laws Chapter 61 Policy and Procedure for the Town of Wenham PowerPoint Presentation



# Massachusetts General Laws Chapter 61 Policy and Procedure for the Town of Wenham



## FOR THE CONSIDERATION OF THE BOARD OF SELECTMEN





# Chapter 61



- Chapter 61 programs offer a property tax break for landowners willing to commit to keeping some or all of their land undeveloped for a specified period of time.
- Chapter 61 - Forestry
- Chapter 61 A - Agriculture
- Chapter 61B - Recreation
- The purpose of the Chapter 61 programs is to help keep land undeveloped; therefore when a landowner chooses to convert enrolled land to another use, the municipality's first refusal option is triggered.



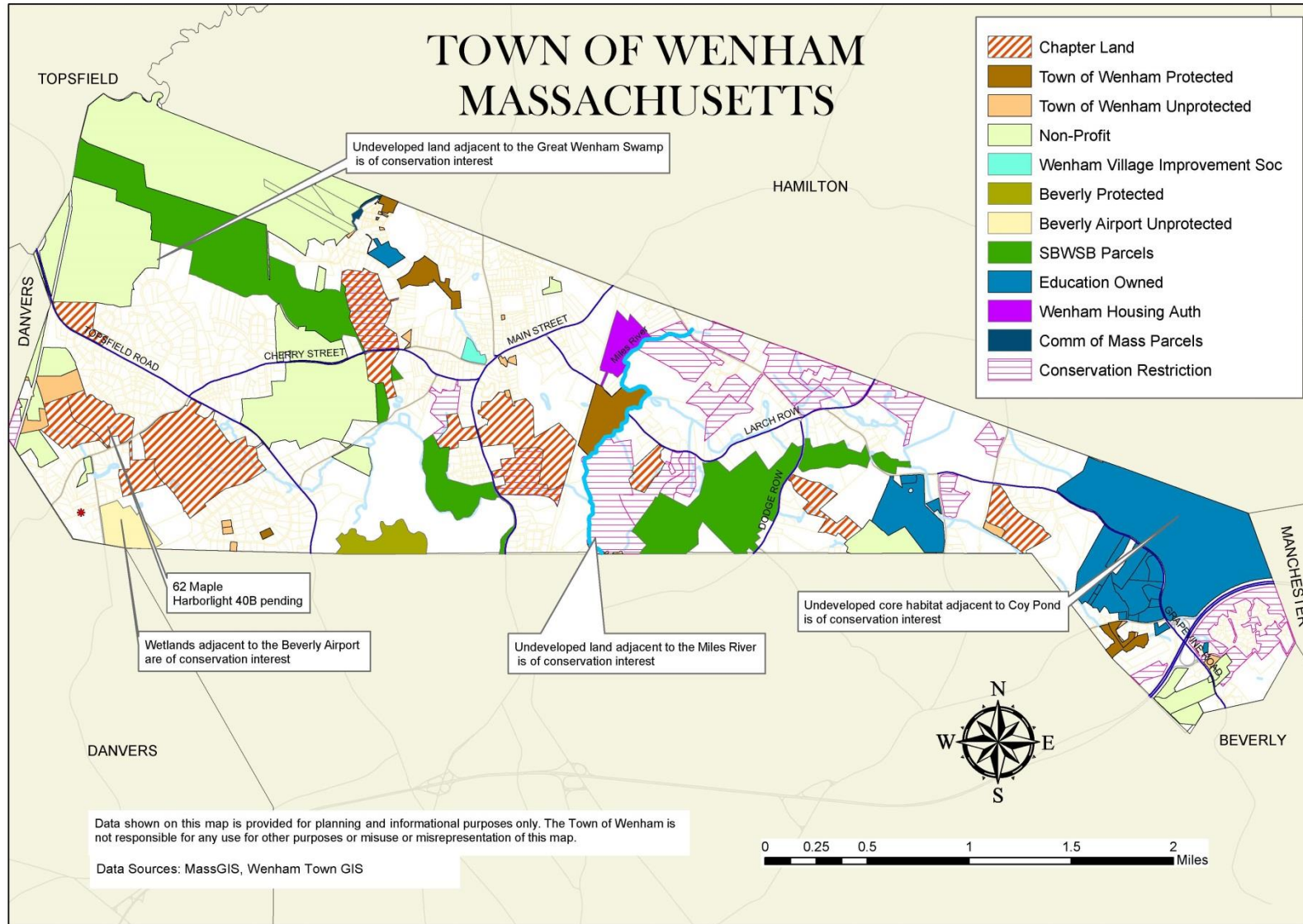
# First Refusal Option



- The first refusal option is triggered:
  - when the landowner intends to sell the land for a residential, commercial, or industrial use;
  - when the landowner maintains ownership of their land and changes the land use to residential, commercial, or industrial use; or
  - if the landowner withdraws from the program and changes the land use within 12 months or within one fiscal year of withdrawal.
- the municipality has the option to either match a bona fide offer to purchase the property at the price contained in the offer, or in the case of conversion, to purchase the property at full market value as determined by an independent appraiser.



# Wenham Chapter Land



## MAP 7 Open Space Inventory

Open Space and Recreation Plan - 2018

Town of Wenham  
138 Main Street  
Wenham, MA 01984



# Time Restrictions



- The first refusal option must be exercised by the municipality within 120 days of receiving a complete notice from the owner (in the case of a sale) or the agreement of the market value in the case of a conversion by the owner.
- After exercising the first refusal option, the land must then be acquired by the municipality within 90 days, unless an extension is agreed upon by the landowner.
- The municipality may exercise its first refusal option to buy the land or it may transfer the first refusal option to an eligible conservation organization who then must also acquire the land within 90 days.



# Open Space Committee Draft Chapter 61 Policy



- Goal 1, Objective 1, Action Item 4 from the Open Space and Recreation Seven Year Action Plan: “Develop a right-of-first-refusal policy and procedure for the Town to be poised to act quickly on Chapter 61 parcels as part of an acquisition strategy.”
- Responsible parties for this action item are listed as the BOS and OSRC
- The OSRC is now presenting a draft policy to the BOS for their review (the draft policy has been reviewed by Town Counsel)
- In preparation of this proposed policy and procedure, the OSRC researched various Chapter 61 procedures from several municipalities in Massachusetts and reviewed Massachusetts General Laws Chapter 61, 61A and 61B.
- The draft policy was designed to provide clear direction on the process that all municipalities must follow under Massachusetts General Laws, while not reiterating the actual laws verbatim, and to include recommended procedures for the Town of Wenham to implement when landowners notify the Town of their intent to convert or sell their Chapter 61, 61A or 61B land.
- Also included is a Check List which can be used in tandem with the Policy and Procedure to facilitate the process.



# Chapter 61 Policy Outline



- The Chapter 61 Policy outlines the roles of Town Counsel, the BOS, the Town Administrator, Boards, Committees and/or Commissions
- This proposed process should make it easier for the Town to manage this complex process while enhancing outreach and transparency to boards, commissions and committees as well as residents and property owners.
- This guideline to the statute would be adopted solely for the purposes of coordinating local review.
- Failure to adhere to the Wenham policies and procedures shall not affect any rights that the Town has under the Chapter Statutes.



# Roles of Town Staff and Boards



## **Town Counsel**

- Review the Notice of Intent to make sure it is proper and complete.
- Notify the Town Administrator if the Notice of Intent to sell or convert is not complete. (The 120-day period will begin only if the Notice is complete)
- Town Counsel will determine the final day of the 120 day period, and attempt to seek confirmation from the landowner or his/her representative regarding this date.
- In the event of a sale, Town Counsel will review the purchase and sales agreement to determine whether the agreement constitutes a bona fide offer and does not include any contingencies that are prohibited under the Chapter Statutes.



# Town Administrator



- The Town Administrator will contact all relevant Town Departments to review the property and assess potential impacts to the Town's natural resources, zoning, master plan, open space plans and the potential impact on Town services.
- Additionally, the Town Administrator will notify appropriate Town Departments, Boards and Committees if the Notice of Intent is insufficient.
- The Town Administrator will determine whether prior funds were authorized or appropriated for the purchase of the parcel, and inform the Board of Selectmen to his or her findings.



# Boards, Committees and/or Commissions



- Relevant Boards, Departments, or Commissions will notify the Board of Selectmen, within 30 days of receiving the Notice, of their recommendation to the Selectpersons as to whether the property should be acquired by the Town.
- The Open Space and Recreation Committee will review the parcel ranking generated using the OSRP Parcel Ranking Matrix, and recommend an action to the Board of Selectmen.



# Board of Selectmen



- The Board of Selectmen will schedule a meeting, to discuss the notice of intent and any comments from the appropriate Boards, Committees and Commissions on the purchase option.
- Per the Chapter Statutes, if the Board of Selectmen is considering exercising or assigning the right of first refusal or its option to purchase, the Board must schedule a public hearing before making that decision.
- The Selectpersons may vote at the public hearing or at any later meeting, within the 120 day timeframe, to either: a) exercise the first refusal option or option to purchase, b) assign the Town's purchase rights to a qualified nonprofit conservation organization or agency or to the commonwealth or any of its political subdivisions, OR c) decline to exercise the first refusal option or option to purchase.
- If grant funds have not previously been secured or the Town has not appropriated funds for the purchase, such funds must be appropriated by vote of Town Meeting. If the funds have not previously been appropriated at an Annual Town Meeting, the Board of Selectmen must hold a Special Town Meeting within the 120-day period.





## **Town of Wenham Chapter 61 Right of First Refusal Policy**

**PURPOSE:** Massachusetts offers preferential tax treatment to those landowners who maintain their property as open space for the purposes of timber production, agriculture or recreation. A town containing so-called Chapter Lands forgoes tax revenue that would otherwise be generated by these lands. However, the Town obtains an opportunity to purchase Chapter Lands in the event that these lands are proposed to be sold for or converted to residential, industrial, or commercial uses.

The Town of Wenham encourages owners of open lands used for forestry, farming and recreation to enroll them in these preferential tax programs to help maintain these lands in their current uses. This policy statement is adopted by the Wenham Selectpersons to confirm and state the steps that Town staff, boards, and committees will take to support the Town's purchase option, including whether the Town should exercise or assign the Town's option.

The provisions of state law governing this process are found at M.G.L. Chapter 61, Section 8, Chapter 61A, Section 14, and Chapter 61B, Section 9 (each, a "Chapter Statute"). Chapter applies to forestland. Chapter 61A applies to agricultural and horticultural land (which may also include forestland), and Chapter 61B applies to recreational land (which may also include forestland). The statute should be consulted for the exact wording of requirements to be followed by all parties – this policy statement is a guide to the process, not a restatement of the statutory requirements for the process.

### **A. Cases that activate the Town's Purchase Rights**

1. When the owner of all or part of a property classified under one of the Chapter Statutes proposes to convert or use the Chapter Land for residential, commercial or industrial use (any "Disqualifying Use") either while the land is classified under one of the Chapter Statutes or within one year after being taxed under Chapter 61. In the event of a conversion, the Town has an option to purchase the Chapter Lands at a price acceptable to the Town and the owner.
2. When the owner of all or part of a property classified under one of the Chapter Statutes proposes to sell the Chapter Land and the buyer will use the land for a Disqualifying Use, again while the land is classified under one of the Chapter Statutes or within one year after being taxed under Chapter 61. In the event of a sale, the Town has a right of first refusal to purchase the Chapter Land, that is, the Town has the right to purchase the land on the same terms and for the same price that is stated in the purchase and sale agreement between the owner and a third party. In essence, if the Town exercises its right of first refusal, the Town steps into the buyer's shoes.

Note that the Town does not have any purchase rights if land classified under one Chapter Statute is converted to another Chapter Statute classification or if the buyer does not intend to change the use of the Chapter Lands (and an affidavit is provided to the Assessor).



### **Notice of Intent**

In accordance with the Chapter Statutes, the landowner must provide a "Notice of Intent" to sell or convert Chapter Land, by U.S. certified mail or hand-delivery, to the Town Administrator, the Board of Selectmen, Planning Board, Board of Assessors, Conservation Commission, and State Forester (c/o the Commissioner of the Department of Conservation and Recreation). It is the responsibility of the property owner to make sure that the Notice of Intent completely satisfies the statutory requirements, which include at a minimum:

1. A statement of intent to sell or convert,
2. A statement of proposed use of the land,
3. The location and acreage of land as shown on a map drawn at the scale of the Assessor's map,
4. The name, address and telephone number of the landowner, and/or attorney representing the landowner,
5. In the case of an intent to sell land for a Disqualifying Use, a certified copy of an executed purchase and sale agreement specifying the purchase price and all terms and conditions of the proposed sale, which is limited only to the property classified under a Chapter Statute, and must be a bona fide offer. To be a bona fide offer, the purchase and sale agreement may not be dependent upon potential changes to current zoning or conditions or contingencies relating to the potential for, or the potential extent of, subdivision of the property for residential use, or the potential for, or the potential extent of, development of the property for industrial or commercial use.
6. Any additional agreements or a statement of any additional consideration for any contiguous land under the same ownership, and not classified under a Chapter Statute, but sold or to be sold contemporaneously with the proposed sale.

In the event that the Notice of Intent does not include the materials that are required under the Chapter, the Town must notify the landowner of the deficiency in writing within 30-days from the date of the receipt of the Notice of Intent. It is critical for the Town to review the sufficiency of a Notice of Intent soon after receipt.

### **B. The Town's Right of First Refusal**

As discussed more fully below, the Town has 120 days from the certified mailing date of a complete Notice of Intent, unless an extension of this deadline is received from both buyer and seller, to determine whether to purchase the Chapter Land. The Town's options are to:

1. Exercise its right of first refusal (matching a bona fide purchase offer), and record a Notice of Exercise at the Registry of Deeds and send the owner written notice of such exercise by certified mail and a purchase and sale agreement, all within the 120-day period, or
2. Assign its rights to a nonprofit conservation organization, or the Commonwealth or any of its political subdivisions, recorded at the Registry of Deeds within the 120-day period, or
3. Not to exercise its right of first refusal, either before or after the hearing, and notify the property owner that it does not intend to exercise its right of first refusal.
4. In the event that the Town does not respond to the landowner within the 120-day period, it is deemed that the Town has not exercised its right of first refusal.



### **C. Option to Purchase**

If the landowner intends to convert the use of the Chapter Land to a Disqualifying Use, the Town must take the following steps if it wishes to purchase the land:

1. Obtain an appraisal of the fair market value of the Chapter Land, at the Town's expense, and send the appraisal to the landowner within 30 days from the date of the Notice of Intent to convert.
2. In the event the landowner disagrees with the Town's appraisal, the owner must obtain a second appraisal, at the owner's cost, within 60 days from the date of the conversion Notice; alternatively, the owner may accept the Town's appraisal.
3. In the event that the Town disagrees with the owner's appraisal, the owner and the Town will select a mutually acceptable appraiser, who shall deliver the appraisal to the owner and the Town within 90 days from the date of the conversion Notice. The value of the Chapter Land as determined by the third appraiser is final. The owner has the right to revoke its Notice to convert at any time without recourse.
4. The Town has 120 days from the date on which the final price has been determined to decide whether to exercise its option to purchase the Chapter Land.

### **D. Procedure for Review of Notices and Evaluation of Properties: Roles of Town Staff and Boards**

#### Town Counsel

Town Counsel will review the Notice of Intent to make sure the Notice is proper and complete. If the Notice of Intent to sell or convert does not contain all of the material as described above, then Town Counsel will notify the Town Administrator, who will notify the landowner in writing, as soon as possible, but within 30 days of receipt, that the notice is insufficient. The 120-day period will begin only if and when the landowner sends in a Notice that complies with the requirements of the law listed above. Town Counsel will determine the final day of the 120 day period, and attempt to seek confirmation from the landowner or his/her representative regarding this date.

In the event of a sale, Town Counsel will review the purchase and sales agreement to determine whether the agreement constitutes a bona fide offer and does not include any contingencies that are prohibited under the Chapter Statutes (such as subdivision approval). Town Counsel will also review the purchase and sale agreement to determine if it offers a fixed purchase price. Town Counsel should consult with the Board of Selectmen and Town Administrator when the purchase and sale agreement contains contingencies which may or may not be able to be met and which may have the effect of delaying the deadline for the Town to act to purchase the property. Town Counsel or the Town should send written notice to the landowner if the purchase and sale agreement is deemed not to comply with Chapter 61 within 30 days from the receipt of the Notice of Intent.

#### Town Administrator

Upon receipt of notification, the Town Administrator will contact all relevant Town Departments to review the property and assess potential impacts to the Town's natural resources, zoning, master plan, open space plans and the potential impact on Town services. The Town Administrator may forward such notice to other relevant Town boards, commissions or committees, such as the Open Space and Recreation Committee, as appropriate. Additionally, the Town Administrator will notify appropriate Town Departments, Boards and Committees if the Notice of Intent is insufficient.



The Town Administrator will determine whether prior funds were authorized or appropriated for the purchase of the parcel, and inform the Board of Selectmen to his or her findings.

The Town or its assignees, during the 120 day period, has the right, at reasonable times and upon reasonable notice, to enter upon the land for the purpose of surveying and inspecting the land, including, but not limited to, soil testing for purposes of Title V and the taking of water samples.

**Comment [ECA1]:** If the property does not have a well, this implies that the town may drill a well to collect water samples which I expect would require disturbance and may warrant compensation.

In the case of intended or determined conversion not involving sale, the Town has the option to purchase the land at full and fair market value to be determined by an impartial appraisal performed by a certified appraiser hired at the expense of the Town or its assignee. The original appraisal is to be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality. Upon agreement of a consideration, the Town then has 120 days to exercise its right of first refusal option. At any time in the process, the landowner may withdraw his or her notice to convert with no penalty, thus withdrawing the town's right of first refusal, but is not permitted to proceed with the conversion.

#### Boards, Committees and/or Commissions

Upon receipt of notification from the Town Administrator, the Chairs of relevant Boards, Committees and/or Commissions, will bring the Notice of Intent to the attention of their members. Any such Board, Department, or Commission will notify the Board of Selectmen, within 30 days of receiving the Notice, of their recommendation to the Selectpersons as to whether the property should be acquired by the Town.

The Open Space and Recreation Committee will review the parcel ranking generated using the OSRP Parcel Ranking Matrix, and recommend an action to the Board of Selectmen.

#### The Board of Selectmen

Following the receipt of the Notice of Intent the Board of Selectmen will:

- Schedule a meeting, preferably on the next Board agenda, when the Board of Selectmen will discuss the notice of intent and any comments from the appropriate Boards, Committees and Commissions on the purchase option. The Board of Selectmen may vote at any time during the 120-day period not to exercise the Town's purchase rights; a public hearing is not required for such purposes.
- Per the Chapter Statutes, if the Board of Selectmen is considering exercising or assigning the right of first refusal or its option to purchase, the Board must schedule a public hearing with proper notice in accordance with M.G.L. Chapter 30A, Sections 18-23, the Open Meeting Law, before making that decision. These options may be exercised only after a public hearing followed by written notice signed by the Board of Selectmen, mailed to the landowner by certified mail at such address as may be specified in the notice of intent. It is recommended that abutters within 500 feet of the land be notified of the public hearing.
- The Selectpersons may vote at the public hearing or at any later meeting, within the 120 day timeframe, to either: a) exercise the first refusal option or option to purchase, b) assign the Town's purchase rights to a qualified nonprofit conservation organization or agency or to the commonwealth or any of its political subdivisions, OR c) decline to exercise the first refusal option or option to purchase.
- If grant funds have not previously been secured or the Town has not appropriated funds for the purchase, such funds must be appropriated by vote of Town Meeting. If the funds have not previously been appropriated at an Annual Town Meeting, the Board of



Selectmen must hold a Special Town Meeting within the 120-day period.

#### **E. Exercise of the Town's Purchase Rights**

The Board of Selectmen must choose one of four courses of action:

1. Exercise of First Refusal Option: If the Board of Selectmen decides to exercise the Town's first refusal or option to purchase the land at or after a public hearing, it must:
  - Unless grant funds have previously been secured or Town funds authorized, schedule a Town Meeting for the purpose of appropriating funds to purchase the property and place an article on the warrant for this purpose and schedule an override vote (if necessary) for the purpose of authorizing expenditure of funds. It is recommended that Town Meeting appropriate the funds within the Town's 120-day period, unless an extension of this deadline is received from both buyer and seller.
  - Send the landowner by certified mail a notice of the Town's exercise of right of first refusal in accordance with the Chapter Statutes and include, with the notice, a purchase and sale agreement signed by the Town that, for a sale, is on the same terms and conditions that were set forth in the agreement between the owner and the buyer, or, in the event of a conversion, the Town's form of purchase and sale agreement, all within the 120-day period.
  - The closing is to occur within 90 days after the purchase and sale agreement is endorsed by the landowner and returned by certified mail to the Town, or upon expiration of any extended period the landowner has agreed to in writing, whichever is later.
  - Record at the Registry of Deeds, within the 120-day period, a Notice of Exercise signed by the Board of Selectmen, stating that the Board voted to exercise the right of first refusal or purchase option. The Notice should include the name of the owner of the land and a description of the premises which is adequate for identification.
  - As a courtesy, provide written notification of the Selectmen's vote to appropriate Town boards, commissions and committees.
  - Close on the property by the date set forth in the purchase and sale agreement.
2. Assignment of First Refusal Option: If a vote is taken to assign the Town's purchase rights to a qualified nonprofit conservation organization or to the Commonwealth or any of its political subdivisions after a public hearing, the following steps must be completed:
  - The nonprofit must use a "major portion of the property", meaning at least 70% of the property, for any Chapter Lands purposes, but may be permitted to undertake a limited development on the balance (provided it is not larger than the area proposed to be developed by the buyer, in the event of a right of first refusal); the Board of Selectmen may place conditions on this use, for example the number of lots in the limited development can be specified, and all land other than that which may be developed is to be bound by a permanent deed restriction that meets the requirements of MGL Chapter 184.
  - The Town must notify the landowner by certified mail in accordance with the Chapter Statutes to the address specified in the landowners' Notice of Intent, of the Town's assignment of its option to a nonprofit conservation organization, stating the name and address of nonprofit organization and the terms and conditions of the assignment, within



the 120-day period.

- The Town also must cause to be recorded at the Registry of Deeds, within said 120-day period, a notice of the Board of Selectmen's vote, to include the name of the owner of the land and a description of the premises which is adequate for identification, the name and address of the organization or agency of the Commonwealth which will exercise this option and the terms and conditions of the assignment. The Assignee must exercise its purchase rights, inform the landowner of the exercise, and record a Notice of Exercise, all within the 120-day period
- As a courtesy, the Town should provide written notification to appropriate Town boards, commissions and committees of their vote.

3. Non-Exercise of First Refusal Option: If the Town decides not to exercise its purchase rights or its right to assign such rights, the Board of Selectmen will:

- Prepare and send the owner by certified mail a notice of non-exercise in accordance with the Chapter Statutes.
- Execute a recordable Notice of Non-Exercise signed by the Board of Selectmen, which contains the name of the record owner of the land and a description of the premises which is adequate for identification purposes. Any waiver of the Town's rights should specify the particular terms of the purchase, including the purchase price (for a right of first refusal), so that if the sale to the third-party buyer does not occur and a new deal is negotiated, the Town's 120-day clock will begin anew. The Notice of Non-Exercise may be recorded by the landowner or buyer.
- As a courtesy, provide written notification to appropriate Town boards, commissions and committees of the Selectpersons' vote.

4. Failure to Act: If the Town does not act within the required 120 day period (and any extensions thereof), the Town will be deemed to have failed to exercise its right of first refusal or option to purchase. Note: If the Town acts but does not record the Notice of Exercise or the Notice of Assignment within the 120-day period, the Town's option terminates and the landowner is free to convert the use of the Chapter Land or to sell said land, but only upon the original terms spelled out in the purchase and sale agreement that accompanied the owner's original Notice of Intent to sell.

This procedure is adopted solely for the purposes of coordinating local review and may be amended or waived as the Board of Selectmen deems expedient. Failure to adhere to these policies and procedures shall not affect any rights that the Town has under the Chapter Statutes.

Policy Adopted \_\_\_\_\_

Board of Selectmen Members

\_\_\_\_\_

copies to:

Planning Board  
Board of Assessors  
Conservation Commission  
Town Clerk



### **Town of Wenham: Chapter 61 Intent to Sell Checklist**

Received From: \_\_\_\_\_  
(Landowner and/or Specified Attorney)

Notice Received: \_\_\_\_\_  
(Date)

Land Specified: \_\_\_\_\_  
(Address)

Start of the 120 Day Period: \_\_\_\_\_  
(Date)

#### **Required Materials Supplied by Landowner to Town:**

- ☐ Statement of Intent to Sell
- ☐ Statement of Proposed use of Land
- ☐ Map of Location and acreage of Land (Assessor Scale)
- ☐ Name, Address & Telephone number of Landowner and Attorney, if any
- ☐ Certified Copy of Executed Purchase and Sale Agreement, specifying: **Purchase price and all terms and conditions, which shall be a Bona Fide Offer**
- ☐ Notice sent Certified Mail or Hand-Delivered to:
  - **Board of Selectmen**
  - **Board of Assessors**
  - **Planning Board**
  - **Conservation Commission**
  - **State Forester (Dept. of Conservation and Recreation)**

#### **Once the Notice of Intent to Sell is received:**

- ☐ Town Administrator sends the Notice of Intent to Town Counsel to review and ensure that the Notice of Intent is complete  
Complete \_\_\_\_\_ Incomplete \_\_\_\_\_
- ☐ If incomplete, Town Administrator sends written notice of such to Landowner and/or Specified Attorney within 30 days of receipt.
- ☐ Town Administrator sends copy of Notice to all appropriate Town Departments, Boards, Committees & Commissions.
- ☐ The Board of Selectmen places the Notice on next meeting agenda to discuss their possible actions.
- ☐ If considering exercising or assigning first refusal option to purchase, the Board of Selectmen schedules public hearing to discuss their possible actions.
  - o The Board of Selectmen Office sends abutter notifications (at minimum within 500ft)  
**Date abutter notifications were sent:** \_\_\_\_\_  
**Date of Board of Selectmen Meeting(s):** \_\_\_\_\_
- ☐ The Town Administrator shall check if prior funds were authorized or appropriated for such purchases.
  - o Authorized or Appropriated **Date of Authorization or Appropriation:** \_\_\_\_\_
  - o Unauthorized
- ☐ If unauthorized, Board of Selectmen schedule a Special Town Meeting within the 120-day period to authorize and/or appropriate funding should Board of Selectmen wish to purchase:  
**Date of Special Town Meeting:** \_\_\_\_\_
- ☐ The Board of Selectmen takes a formal vote within 120 days to either: Exercise, Waive, or Assign to Qualified Non-Profit its right of first refusal  
**Date and Action of the Board** \_\_\_\_\_
- ☐ Town sends the landowner by certified mail a notice of the Town's exercise of the right of first refusal and a purchase and sale agreement (on the same terms and price as set forth in agreement between landowner and buyer) in accordance with MGL Ch. 61§ 8, 61A§ 14, and 61B§ 9 within the 120-day period.
- ☐ Record at the Registry of Deeds a Notice of Exercise of right of first refusal which is signed by the Board of Selectmen and recorded within the 120-day period.
- ☐ Town closes on purchase within timeframe specified under Chapter 61 and the Purchase & Sale Agreement.

**Comment [A1]:** Note that the Board is not required to send notice to abutters, but the Open Space Committee recommends doing so.



### **Town of Wenham: Chapter 61 Intent to Convert Checklist**

Received From: \_\_\_\_\_  
(Landowner and/or Specified Attorney)

Notice Received: \_\_\_\_\_  
(Date)

Land Specified: \_\_\_\_\_  
(Address)

Start of the 120 Day Period: \_\_\_\_\_  
(Date)

#### **Required Materials Supplied by Landowner to Town:**

- ☐ Statement of Intent to Convert
- ☐ Statement of Proposed use of Land
- ☐ Map of Location and acreage of Land (Assessor Scale)
- ☐ Name, Address & Telephone number of Landowner and Attorney, if any
- ☐ Notice send Certified Mail or Hand-Delivered to:
  - Board of Selectmen
  - Board of Assessors
  - Planning Board
  - Conservation Commission
  - State Forester (Dept. of Conservation and Recreation)

#### **Once the Notice of Intent to Convert is received:**

- ☐ Town Administrator sends the Notice of Intent to Town Counsel to review and ensure that the Notice of Intent is complete  
Complete \_\_\_\_\_ Incomplete \_\_\_\_\_
- ☐ If incomplete, Town Administrator sends written notice of such to Landowner and/or Specified Attorney within 30 days of receipt.
- ☐ Town Administrator sends copy of Notice to all appropriate Town Departments, Boards, Committees & Commissions.
- ☐ The Board of Selectmen places the Notice on next meeting agenda to discuss their possible actions.
- ☐ If Town is considering exercising its first refusal option to purchase, the Town shall immediately order an appraisal to determine full and fair market value: *Original appraisal must be completed and delivered to the landowner within 30 days after the notice of conversion to the municipality.*
  - o 30 Day Deadline: \_\_\_\_\_
  - o 60 Day Land Owner Appraisal Deadline (if dissatisfied with 1<sup>st</sup> appraisal) \_\_\_\_\_
  - o 90 Day Joint Appraisal Deadline (if parties cannot agree): \_\_\_\_\_

Upon agreement of a consideration, the Town shall then have 120 days to exercise its option.

Certified Appraiser Name and Contact: \_\_\_\_\_

- ☐ If considering exercising or assigning option to purchase, the Board of Selectmen schedules public hearing to discuss their possible actions.
  - o The Board of Selectmen Office sends abutter notifications (at minimum within 500ft)  
Date abutter notifications were sent: \_\_\_\_\_  
Date of Board of Selectmen Meeting(s): \_\_\_\_\_
- ☐ The Town Administrator shall check if prior funds were authorized or appropriated for such purchases.
  - o Authorized or Appropriated Date of Authorization or Appropriation: \_\_\_\_\_
  - o Unauthorized
  - ☐ If unauthorized, Board of Selectmen schedule a Special Town Meeting within the 120-day period to authorize and/or appropriate funding should Board of Selectmen wish to purchase: Date of Special Town Meeting: \_\_\_\_\_
- ☐ The Board of Selectmen takes a formal vote within 120 days to either: Exercise, Waive, or Assign to Qualified Non-Profit option to purchase Date and Action of the Board: \_\_\_\_\_
- ☐ Send the landowner by certified mail notice of the Town's exercise of option and a purchase and sale agreement in accordance with MGL Ch. 61§ 8, 61A§ 14, and 61B§ 9 within the 120-day period.
- ☐ Record at the Registry of Deeds a Notice of Exercise of option which is signed by the Board of Selectmen and recorded within the 120-day period.
- ☐ Town closes on purchase within timeframe specified under Chapter 61 and the Purchase & Sale Agreement.

**Comment [A2]:** Note that notice to abutters is not required by statute, but the Open Space Committee recommends doing so.



# BOARD OF SELECTMEN MEETING

*April 30, 2019*

## NEW BUSINESS

### E.

## Potential Approval and Execution of Settler's Lane Quitclaim Deed

*(5 minutes)*

- Draft Motion
- Email regarding Wenham Street Acceptance Procedure: Settler's Lane from Margaret Hoffman, Planning Coordinator, April 23, 2019
- Acceptance of Deed to Settler's Lane
- Certificate of Vote, Article 14: Acceptance of Settler's Lane as a Public Way, Annual Town Meeting, Saturday, April 6, 2019
- Settler's Lane, Wenham Quitclaim Deed



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**DRAFT MOTION**

**Settler's Lane Quitclaim Deed**

- Vote: I move the Board of Selectmen pursuant to the vote taken under Article 14 of the April 6, 2019 Annual Town Meeting, hereby accepts the foregoing deed to Settler's Lane for public way purposes from 75 Arbor Street Development, LLC.

Seconded / Discussion/ Vote



## Nicole Roebuck

---

**From:** Margaret Hoffman  
**Sent:** Tuesday, April 23, 2019 4:42 PM  
**To:** Shirin Everett  
**Cc:** Lauren F. Goldberg; Nicole Roebuck; Dianne Bucco; Town Administrator  
**Subject:** RE: Wenham: Street Acceptance Procedure - Settlers Lane

Thank you Shirin,  
Peter Gourdeau is the developer and he has been our contact person. His contact is:

Peter C. Gourdeau  
978.697.9684  
[pgourdeau@gourdeau.com](mailto:pgourdeau@gourdeau.com)

But more recently I have heard from Kathy Shepherd that works with Peter Gourdeau:

Kathy Shepherd  
Willowdale Associates  
978-468-3511 x15  
[kshepherd@gourdeau.com](mailto:kshepherd@gourdeau.com)

Nicci will be handling getting the information to the Selectmen and on their agenda. But could you please copy me on everything in case she needs backup? Thanks Shirin.

Margaret

---

**From:** Shirin Everett [mailto:SEverett@k-plaw.com]  
**Sent:** Tuesday, April 23, 2019 3:59 PM  
**To:** Margaret Hoffman  
**Cc:** Lauren F. Goldberg; Nicole Roebuck; Dianne Bucco; Administrator; Amy E. Kwesell  
**Subject:** RE: Wenham: Street Acceptance Procedure - Settlers Lane

Hello Margaret,

I have been working on this matter. I reviewed the deed and have attached an Acceptance of Deed to be signed by the Board of Selectmen, to which a certified copy of the Town Meeting vote should be attached. These documents will be recorded with the deed.

Before the Selectmen accept the deed, however, I need to confirm with the developer's attorney that there is no longer mortgages encumbering the roadway. If you have any contact information for the developer or the developer's attorney, please send it to me. I will let you know when we can move forward with the acceptance.

Thanks.

Shirin

Shirin Everett, Esq.  
KP | LAW



101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 654 1731  
F: (617) 654 1735  
[severett@k-plaw.com](mailto:severett@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

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---

**From:** Margaret Hoffman [mailto:MHoffman@wenhamma.gov]  
**Sent:** Tuesday, April 23, 2019 12:45 PM  
**To:** Shirin Everett <SEverett@k-plaw.com>; Amy E. Kwesell <AKwesell@k-plaw.com>  
**Cc:** Lauren F. Goldberg <LGoldberg@k-plaw.com>; Nicole Roebuck <NRoebuck@wenhamma.gov>; Dianne Bucco <DBucco@wenhamma.gov>; Administrator <Administrator@wenhamma.gov>  
**Subject:** RE: Wenham: Street Acceptance Procedure - Settlers Lane

Good afternoon Shirin and Amy,  
I am not sure who will be helping us on this but, The Town meeting voted to accept Settler's Lane on April 6. I believe the next and final step is to have the Selectmen sign the quitclaim deed to acquire the property rights as indicated in Amy's email from February 20. I am attaching the quitclaim deed that we received from the developer. Nicci can put it on the Selectmen's agenda for next week if you agree. Is there anything else we need to do in order to close the loop on this acceptance? Do we need to record the deed at the Registry after it is signed by both parties? Or can we have the developer do that? Thanks for your help as always.  
Margaret

Margaret R. Hoffman, AICP  
Planning Coordinator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984  
978-468-5520 Ext. 8  
[www.wenhamma.gov](http://www.wenhamma.gov)

---

**From:** Shirin Everett [mailto:SEverett@k-plaw.com]  
**Sent:** Tuesday, January 22, 2019 3:15 PM  
**To:** Peter Lombardi  
**Cc:** Margaret Hoffman; Lauren F. Goldberg; Amy E. Kwesell; Nicole Roebuck  
**Subject:** Wenham: Street Acceptance Procedure - Settlers Lane

Hello Peter,

As discussed, if the Board of Selectmen decides to accept Settler's Lane as a public way, they should vote so tonight or at a later meeting and sign the attached Order of Layout. The Order of Layout refers only to the plan on record, as it is my understanding that the dimensions of the road, as constructed on the ground, matches the dimensions of the way as shown on the recorded plan. A separate layout plan (that is, the as-built plan), while



certainly useful, does not need to be referenced as part of the layout order. Once signed, please file the Order of Layout with a copy of the recorded plan with the Town Clerk.

The Selectmen may vote as follows: "Moved that common convenience and necessity require the layout of Settler's Lane as a public way, and we hereby lay out Settler's Way as a town way, as shown on a plan dated June 1, 2007 and recorded with the Essex South District Registry of Deeds in Plan Book 423, Page 84, and recommend the acceptance of said layout to Town Meeting."

I will send you the warrant article shortly.

Please let me know if you have any questions.

Shirin Everett, Esq.

**KP | LAW**

101 Arch Street, 12th Floor

Boston, MA 02110

O: (617) 654 1731

F: (617) 654 1735

[severett@k-plaw.com](mailto:severett@k-plaw.com)

[www.k-plaw.com](http://www.k-plaw.com)

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---

**From:** Peter Lombardi [<mailto:PLombardi@wenhamma.gov>]

**Sent:** Wednesday, January 16, 2019 3:33 PM

**To:** Amy E. Kwezell <[AKwesell@k-plaw.com](mailto:AKwesell@k-plaw.com)>

**Cc:** Lauren F. Goldberg <[LGoldberg@k-plaw.com](mailto:LGoldberg@k-plaw.com)>; Margaret Hoffman <[MHoffman@wenhamma.gov](mailto:MHoffman@wenhamma.gov)>; Nicole Roebuck <[NRoebuck@wenhamma.gov](mailto:NRoebuck@wenhamma.gov)>

**Subject:** FW: Street Acceptance Procedure - Settlers Lane

Hi Amy,

The BOS is holding their public hearing on the Settlers Lane acceptance next Tuesday night. Is there any recommended/required language you have for their vote to put it on the warrant?

Thanks,

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

---

**From:** Margaret Hoffman

**Sent:** Tuesday, October 16, 2018 6:37 PM

**To:** Peter Lombardi



**Cc:** Nicole Roebuck  
**Subject:** RE: Street Acceptance Procedure - Settlers Lane

Here is the application letter and the comments from Town Staff. I have the large mylar plan in my office. Copy is attached. (ABsettlers(171219).pdf)

---

**From:** Peter Lombardi  
**Sent:** Tuesday, October 16, 2018 6:05 PM  
**To:** Margaret Hoffman  
**Cc:** Nicole Roebuck  
**Subject:** RE: Street Acceptance Procedure - Settlers Lane

Let's put it on next week's BOS agenda – open session is relatively light so far. Can you send us all of the back-up for the packet?

Peter Lombardi  
Town Administrator

138 Main Street  
Wenham, MA 01984  
978-468-5520 x.2  
<http://wenhamma.gov>

---

**From:** Margaret Hoffman  
**Sent:** Tuesday, October 16, 2018 4:54 PM  
**To:** Peter Lombardi  
**Subject:** FW: Street Acceptance Procedure - Settlers Lane

Hi Peter,  
The Planning Board looked at the street acceptance request for Settler's Lane and they are comfortable with forwarding it for acceptance. But from what Amy had said last year, I think we need an official request from the BoS for recommendations from the Planning Board, then the BoS needs to have a public hearing on it. I can draft a letter from the Planning Board, but do you think we need an official request from the BoS first? Let me know how you want to proceed. Thanks

---

**From:** Amy E. Kwesell [<mailto:AKwesell@k-plaw.com>]  
**Sent:** Tuesday, February 20, 2018 2:27 PM  
**To:** Margaret Hoffman; Peter Lombardi  
**Cc:** Lauren F. Goldberg; Mark R. Reich  
**Subject:** Street Acceptance Procedure

Margaret:  
As we discussed, below are the steps required for street acceptances.  
Thanks,  
Amy

Procedure for the laying out of public ways:

- 1) The Board of Selectmen or Road Commissioners refer (by their vote) the proposed layout (the layout plan and description) to the Planning Board for its report.



- 2) Once the Planning Board has reported to the BOS/Road Commissioners, or 45 days have elapsed since the referral without a report, the BOS/Road Commissioners must notify all abutters to the road by sending a letter at least 7 days prior to the BOS/Road Commissioner's layout meeting/public hearing.
- 3) BOS/Road Commissioners meet and vote to order that the way be laid out as shown on a plan or legal description.
- 4) Following the BOS/Road Commissioners vote, a copy of their vote and the layout plan and description must be placed on file with the Town Clerk. This must be done at least 7 days before a Town Meeting vote to accept the layout.
- 5) Town Meeting must then vote to accept the layout as ordered by the BOS/Road Commissioners.
- 6) Following a Town Meeting vote to accept the layout, the Town has 120 days in which to acquire property rights within the layout sufficient to use the layout for public way purposes. If this is not done the layout will not be effective.

Amy E. Kwesell, Esq.

**KP | LAW**

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ACCEPTANCE BY TOWN OF WENHAM

On this \_\_\_\_ day of \_\_\_\_\_, 2019, the Town of Wenham, acting by and through its Board of Selectmen pursuant to the vote taken under Article 14 of the April 6, 2019 Annual Town Meeting, hereby accepts the foregoing deed to Settler's Lane for public way purposes, from 75 Arbor Street Development, LLC.

TOWN OF WENHAM,  
By its Board of Selectmen

\_\_\_\_\_  
Catherine Harrison, Chairman

\_\_\_\_\_  
John Clemenzi, Vice-Chairman

\_\_\_\_\_  
Jack Wilhelm, Clerk

COMMONWEALTH OF MASSACHUSETTS

Essex, ss.

On this \_\_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned notary public, personally appeared \_\_\_\_\_, member of the Wenham Board of Selectmen, as aforesaid, proved to me through satisfactory evidence of identification, which was \_\_\_\_\_, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he/she/they signed it voluntarily for its stated purpose on behalf of the Town of Wenham.

\_\_\_\_\_  
Notary Public  
My Commission Expires:





TOWN OF WENHAM  
TOWN CLERK'S OFFICE

**Annual Town Meeting –Saturday April 6, 2019**  
**Certificate of Vote, Article 14**

**ARTICLE 14: Acceptance of Settler's Lane as a Public Way**

To see if the Town will to vote accept as a Town way the roadway known as Settler's Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Definitive Plans/Settler's Lane/Wenham, Mass.", prepared by Hayes Engineering, Inc., dated June 1, 2007, last revised October 8, 2009, and recorded with the Essex South District Registry of Deeds in Book 423, Page 84, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, and/or eminent domain, the fee to or an easement to use Settler's Lane for all purposes for which public ways are used in the Town of Wenham, and any and all drainage, utility, access, and/or other easements related thereto.

Or take any other action relative thereto.

**Recommendation:** Board of Selectmen: Favorable Action (2-0-0)

**Motion:** John Clemenzi of the Board of Selectmen moved that the Town vote to accept as a Town way the roadway known as Settler's Lane, as heretofore laid out by the Board of Selectmen and shown on a plan entitled "Definitive Plans/Settler's Lane/Wenham, Mass.", prepared by Hayes Engineering, Inc., dated June 1, 2007, last revised October 8, 2009, and recorded with the Essex South District Registry of Deeds in Book 423, Page 84, and on file with the Town Clerk, and to authorize the Board of Selectmen to acquire on behalf of the Town, by gift, purchase, and/or eminent domain, the fee to or an easement to use Settler's Lane for all purposes for which public ways are used in the Town of Wenham, and any and all drainage, utility, access, and/or other easements related thereto.

**Action:** Article 14 passed by majority.

ATTEST:

Dianne K. Bucco

Date: April 23, 2019

Dianne K. Bucco, Town Clerk



### QUITCLAIM DEED

**75 Arbor Street Development LLC**, a Massachusetts limited liability company with a principal place of business at 203 Willow Street, South Hamilton, Massachusetts, 01982 (the "Grantor"),

for consideration paid and in full consideration in the amount of Ten Dollars and 00/100 (\$10.00),

grants to **THE TOWN OF WENHAM**, a body politic and corporate and a political subdivision of the Commonwealth of Massachusetts, with an address of Town Hall, 138 Main Street, Wenham, Massachusetts 01984 (the "Grantee"),

#### WITH QUITCLAIM COVENANTS,

the fee interest in the roadway and land shown as "Settler's Lane" on a series of plans consisting of five sheets, entitled "Definitive Plans/Settler's Lane/Wenham, Mass." drawn by Hayes Engineering, Inc., dated June 1, 2007, as last revised October 8, 2009, as endorsed by the Planning Board of the Town of Wenham and recorded with the Essex County South District Registry of Deeds (the "Registry") on April 28, 2010, in Plan Book 423, Plan 84, including the Grantor's right, title and interest in any improvements, utilities or drainage facilities therein.

The property described above is conveyed subject to (i) the rights of property owners abutting Settler's Lane and their invitees to use Settler's Lane as shown on the Plan referenced above for all purposes for which streets and ways may be used in the Town of Wenham in common with others entitled thereto; (ii) an instrument entitled "Notice Regarding Installed Stormwater Recharge Basins" dated April 29, 2011, recorded in the Registry in Book 30428, Page 374; (iii) the temporary slope easement reserved over a portion of Lot 4 by an instrument entitled "Grant and Reservation of Easements," dated May 25, 2011, recorded in the Registry in Book 30428, Page 376, to the extent in force and applicable; (iv) an easement dated June 26, 2010 granted to Verizon New England, Inc. recorded in the Registry in Book 29653, Page 357; (v) an easement dated June 22, 2010 granted to Massachusetts Electric Company recorded in the Registry in Book 29693, Page 276; (vi) the terms of an instrument entitled "Covenant" dated April 28, 2010, recorded in the Registry in Book 29424, Page 519, as affected by a Release granted by the Planning Board of the Town of Wenham dated May 12, 2011, recorded in the Registry in Book 30428, Page 380; (vii) an instrument entitled "Town of Wenham Planning



Board Modified and Restated Certificate of Approval of Definitive Plan" dated October 8, 2009, recorded in the Registry in Book 29424, Page 484, as affected by said Release granted by the Planning Board of the Town of Wenham dated May 12, 2011, recorded in the Registry in Book 30428, Page 380, and (viii) an instrument entitled "Town of Wenham Planning Board Certificate of Grant of Special Permit for Grading and Redistribution of Earth, Wenham Zoning By-Law, Section 10.1", dated October 8, 2009, recorded in the Registry in Book 29424, Page 512.

Property Address: Settlers' Lane, Wenham, Massachusetts 01984

For Grantor's title see deeds recorded in the Registry in Book 29424, Page 478 and Page 482.

The Grantor hereby certifies that it has not elected to be treated as a corporation for federal tax purposes for the current taxable year.

The Grantor hereby certifies that no member of the LLC has an ex-spouse or civil union partner who occupies or intends to occupy the land as a principal residence or is entitled to claim the benefit of an existing estate of homestead in the property by court order or otherwise.



Executed under seal this \_\_\_\_\_<sup>th</sup> day of April, 2018.

**75 Arbor Street Development LLC**

By: \_\_\_\_\_  
Name: Peter C. Gourdeau  
Title: Manager

**COMMONWEALTH OF MASSACHUSETTS**

Essex County, ss.

April \_\_\_\_\_, 2018

Then appeared before me, the undersigned notary public, personally appeared Peter C. Gourdeau, Manager, proved to me through satisfactory evidence of identification, which was (i) a driver's license or other state or federal governmental document bearing a photographic image, (ii) an oath or affirmation of a credible witness known to me who knows the above signatory, or (iii) my own personal knowledge of the identity of the signatory, to be the person whose name is signed above and he acknowledged that he signed it voluntarily for its stated purpose as Manager of 75 Arbor Street Development LLC.

\_\_\_\_\_  
Notary Public  
My Commission Expires:

**ACCEPTANCE**

The Town of Wenham, acting by and through its Board of Selectmen accepts this instrument, effective on recording in the Registry, as that term is defined above.

\_\_\_\_\_  
Jack Wilhelm

\_\_\_\_\_  
Catherine Harrison

\_\_\_\_\_  
John Clemenzi



**COMMONWEALTH OF MASSACHUSETTS**

Essex County, ss.

April \_\_\_\_\_, 2018

Before me, the undersigned notary public, personally appeared \_\_\_\_\_, proved to me through satisfactory evidence of identification, which was (i) a driver's license or other state or federal governmental document bearing a photographic image, (ii) an oath or affirmation of a credible witness known to me who knows the above signatory, or (iii) my own personal knowledge of the identity of the signatory, to be the person whose name is signed above and he acknowledged that he/she signed it voluntarily for its stated purpose as Selectman of the Town of Wenham, Massachusetts.

---

Notary Public  
My Commission Expires:



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**F.**

**Discussion on and Potential Approval of  
Proposed Changes to  
Board of Selectmen Policy Regarding  
Appointing Residents to Boards & Committees  
(10 Minutes)**

- Draft Motion
- Draft Appointment Process: Boards and Committees
- Proposed Appointment or Re-Appointment Request



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**DRAFT MOTION**

**Proposed Revision to Board of Selectmen  
Appointment Process for Boards & Commissions**

Vote: I move the Board of Selectmen approve the proposed revision to its Appointment Process for Boards and Commissions.

Seconded / Discussion/ Vote



TOWN OF WENHAM  
APPOINTMENT PROCESS  
Boards and Commissions

**DIRECT APPLICATION:**

Any prospective candidate for appointment, whether responding to a published notice of vacancy or responding to a personal appeal, should provide a "letter of interest" in one of the following ways:

1. fill in the Board or Committee Appointment Request Form on the Town website at [wenhamma.gov](http://wenhamma.gov)
2. e-mail it to [nroebuck@wenhamma.gov](mailto:nroebuck@wenhamma.gov) in the Town Administrator's Office.
3. mail it to the Board of Selectmen, care of the Town Administrator at 138 Main Street, Wenham, MA 01984

The letter of interest should include a resume and/or background documentation illustrating the experience of the candidate and a brief explanation of the basis for their interest in the open position.

Applications will be received and forwarded to the Board of Selectmen by the Town Administration.

Appointments are made at the sole discretion of the Board of Selectmen, who may request input from other boards or commissions.

The candidates may be asked for an interview by one or more members of the Board of Selectmen before the full Board of Selectmen takes action to appoint.

Notification of appointment will be made in writing to the successful candidate and the Chair for the appropriate Board by the Town Clerk.

**OPEN POSITIONS:**

All open positions of Boards, Committees and/or Commissions will be promptly posted on the Town's website and announced at one or more Selectmen's meetings.



# Appointment or Re-Appointment Request

Thank you for submitting your request to volunteer on a Board or Committee for the Town of Wenham. All responses will be reviewed by the Board of Selectmen, and you will be contacted with any questions.

Completion of this form in no way assures appointment. All committee vacancies will be filled by citizens deemed most qualified to serve in a particular capacity. Please reference any experience or affiliations here, to ensure that selections may be made on the best possible evaluation of interests and special qualifications. You are welcome to attach a letter of interest, cover letter or resume if applicable.

For more information on specific Boards & Committees in Wenham, please visit [http://wenhamma.gov/town\\_government/boards\\_and\\_committees/index.php](http://wenhamma.gov/town_government/boards_and_committees/index.php).

**\* Required**

**1. Email address \***

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**2. First Name \***

---

**3. Last Name \***

---

**4. Address \***

---

**5. Best Phone Number \***

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**6. Town Board or Committee of Interest \***

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**7. Present Business Affiliation & Work**

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**8. Business Experience, Education & Special Training**

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**9. Town Office Held in Wenham (or elsewhere)**

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**10. Attach Letter of Interest, Cover Letter or Resume (if applicable)**

Files submitted:

☐ Send me a copy of my responses.



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**G.**

**Review and Potential Approval of  
MIIA FY2020 Renewal Proposal**

*(5 Minutes)*

- Draft Motion
- Letter regarding FY 2020 Renewal Proposal for Property, Liability & Workers' Compensation from Patricia Sullivan, Senior Account Executive, March 29, 2019



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**DRAFT MOTION**  
**MIIA Renewal Proposal**

- Vote: I move the Board of Selectmen accept the Massachusetts Interlocal Insurance Association's Property & Casualty and Worker's Compensation renewal rate proposal of 1% for FY20.

Seconded / Discussion/ Vote





## MIIA Member Services

15 Cabot Road  
Woburn, MA 01801-1003  
TEL (800) 526-6442  
FAX (781) 376-9907  
[www.emiia.org](http://www.emiia.org)

March 29, 2019

Mr. Peter Lombardi  
Town Administrator  
Town of Wenham  
138 Main Street  
Wenham, MA 01984

Re: FY 2020 Renewal Proposal

Dear Peter:

The Town of Wenham is an important member of the MIIA programs. Due to the financial strength of our programs and your dedication, we are able to offer you a renewal proposal for Fiscal Year 2020 which includes an increase of 1%. We are pleased to offer this renewal proposal for your Property, Liability and Workers' Compensation coverages. Your overall contributions will reflect changes in exposures, building values, vehicles, expenditures, payroll or experience modification factors. In addition, MIIA may provide Participation and *MIIA Rewards* credits depending upon your eligibility. To assist the membership, we will provide a 3% prepay premium discount for Fiscal Year 2020 so long as the balance is paid by August 1, 2019.

MIIA was founded by the Massachusetts Municipal Association (MMA) to establish insurance cost stability for Massachusetts communities while at the same time delivering comprehensive education and training to its members. Today, we have become the leader in municipal insurance and risk management services as a result of the members' commitment.

By accepting our proposal, you will continue to enjoy stable costs while benefiting from MIIA's consistent high quality coverages and services. In order to accept our offer, please sign and return the enclosed copy of this letter to our offices before April 12, 2019. For your convenience, enclosed is a return envelope.

It is a privilege and pleasure to serve you. We appreciate your continued commitment to the MIIA programs.

Sincerely,

Patricia Sullivan  
Senior Account Executive

We wish to continue participating in the MIIA Property, Liability and Workers' Compensation program for Fiscal Year 2020.

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Signature

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Date

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Title



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**H.**

**Affordable Housing Trust  
Recommendation for Funding  
– Administration Project**

*(5 Minutes)*

- Draft Motion



# BOARD OF SELECTMEN MEETING

*April 30, 2019*

## **DRAFT MOTION**

### Affordable Housing Trust Administrative Support

- Vote: I move that the Board of Selectman approve the Affordable Housing Trust's recommendation to spend an amount, not to exceed \$3000, for town staff to complete a documented inventory of affordable housing in Wenham.

Seconded / Discussion/ Vote



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**I.**

**Update on Town Administrator Search Process**

**– Public Forums**

**– Date for Screening Committee Letters**

*(5 Minutes)*

- Town Administrator Search Public Forums and Screening Committee  
Flyer



# Wenham Residents

*Your input is requested on the search for our next Town Administrator.*

## Town Administrator Search Public Forums

Monday, May 6th

10:00am - Wenham Council on Aging

12:30pm - Hamilton-Wenham Public Library

7:00pm - Hamilton-Wenham Public Library



The Recruitment Team from Municipal Resources, Inc. (MRI) will be seeking public input from the Community regarding the qualifications and attributes to be possessed by the ideal candidate for appointment as Wenham's next Town Administrator. Confidential input may also be submitted to the MRI recruitment team at:

[wenhamtarecruitment@mrigov.com](mailto:wenhamtarecruitment@mrigov.com).

## Town Administrator Screening Committee

Letters of Interest Requested by May 7th

The Board of Selectmen is looking for up to 7 town residents to participate on a Town Administrator Screening Committee, responsible for matching candidates to criteria set by the selectmen and townspeople with a goal of recommending the finalists who will be interviewed for selection by the Board of Selectmen. 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 in mid to late-June.

Please send your letter of interest to [nroebuck@wenhamma.gov](mailto:nroebuck@wenhamma.gov).



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**NEW BUSINESS**

**J.**

**Other matters, as may not have been reasonably  
anticipated by the Chair  
(Discussion Only)**

**CH**



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**OLD BUSINESS**

**K.**

**Potential Approval of First Church Community  
Preservation Act Grant Agreement**

*(5 Minutes)*

- Draft Motion
- Proposed Community Preservation Act Agreement between the Town of Wenham and First Church in Wenham

**CH**



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**DRAFT MOTION**

First Church in Wenham

Community Preservation Act Grant Agreement

- Vote: I move to approve the proposed Community Preservation Act Grant Agreement with the First Church in Wenham.

Seconded / Discussion/ Vote



# WENHAM, MASSACHUSETTS

## COMMUNITY PRESERVATION ACT

### GRANT AGREEMENT WITH FIRST CHURCH OF WENHAM

This Grant Agreement (this "Agreement") is entered into on this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the **Town of Wenham** (the "Town"), a Massachusetts municipal corporation, acting by and through the Board of Selectmen, having its usual place of business at Wenham Town Hall, 138 Main Street, Wenham, MA 01984, and **First Church of Wenham, Inc., (Congregational), a Massachusetts religious corporation,** ("Grantee"), having an address of 137 Main Street, Wenham, MA 01984.

#### WITNESSETH:

WHEREAS, Grantee is the owner of certain property located at 137 Main Street, Wenham, and shown on Assessors Map 19 as Parcel 28 (the "Property"), which Property is improved by a historic church building (the "Building") with a clock tower; and

WHEREAS, the Wenham Community Preservation Committee (the "CPC") invited submission of proposals for grants of funds for purposes consistent with the Community Preservation Act, G.L. c. 44B (the "Act");

WHEREAS, Grantee submitted to the CPC an application for funds under Act, a copy of which is attached hereto as Exhibit A and incorporated herein, including the amount of \$14,100.00 (the "Proposal") for the purpose of repairing and repainting the face and hands of the Town-owned clock (the "Town Clock") located on the clock tower (the "Project"); and

WHEREAS, the CPC reviewed and approved the Proposal and recommended that Town Meeting appropriate the funds therein requested for the purposes of undertaking the Project; and

WHEREAS, Town Meeting thereafter appropriated \$14,100.00 by vote under Article 10(2) of the April 2, 2016 Annual Town Meeting to fund the Project, a copy of which vote is attached hereto as Exhibit B; and

WHEREAS, according to the Town, in 1867, the residents of Wenham procured a Town Clock that was installed in the Grantee's belfry and operated for the next 63 years before needing to be replaced; and

WHEREAS, according to the Town, in 1930, the Trustees of the Grantee voted to permit the Town to install the current Town Clock in the Grantee's belfry and to make certain necessary alterations to ensure the integrity of the structure that would house the Town Clock and related weights; and

WHEREAS, the Town has maintained and operated the Town Clock in good condition and repair since its original installation, and accepts responsibility for continuing such maintenance and operation; and



WHEREAS, the Town will provide all necessary insurance coverage for the Town Clock;  
and

WHEREAS, as determined by the Town, the Town Clock is an important historical asset owned by the Town, and the use of the Funds granted under the CPA to maintain this publicly-owned historic resource serves a public interest;

NOW THEREFORE, the Town and Grantee wish to set forth in this Grant Agreement the terms and conditions of the Grant, and hereby agree as follows:

### **Agreement**

1. Recitals. The recitals above are true and accurate and are incorporated herein by reference.
2. Funding. As recommended by the CPC under Article 10(2) of the April 2, 2016 Town Meeting, and as appropriated by said Town Meeting, the Town agrees to pay Grantee the sum of \$14,100.00 (the "Funds" or the "Grant Amount") on the condition that Grantee has used the Funds only for the purposes of the Project, as set forth more particularly in the Proposal and in accordance with the terms of this Agreement; notwithstanding the foregoing, the Town confirms that as of the date of this Agreement it has made this determination
3. Conditions. The award of the Grant Funds to Grantee is conditioned upon the following conditions:
  - (a) As in the past, Grantee agrees to provide suitable access to the Town in order to maintain and operate the Town Clock;
  - (b) As in the past, Grantee agrees to display the Town Clock in the clock tower of the Building at all times, except when the Town Clock is under repair; and
  - (c) Grantee shall repair any damage to the Town Clock, including, without limitation, any damage that may be caused by the telecommunications equipment located in the clock tower; notwithstanding the foregoing, the Town agrees with Grantee that as of the date of this Agreement the Town has inspected the condition of the Town Clock and is not aware of any such damage to the Town Clock.
4. Payment; Inspections. Based on the records heretofore received and reviewed by the Town evidencing that Grantee has expended at least the Grant Amount for the repair of the Town Clock, the Town now disburses the Grant Amount to the Grantee and the Grantee acknowledges receipt of the same. Any cost of performing the Work in excess of the Grant Amount shall be paid by Grantee.
5. Record-Keeping. Grantee agrees to keep, for a period of six (6) years after the Project is completed, such records with respect to the utilization of the Funds as are kept in the normal course of business and such additional records as may be required by the Town. During normal business hours and as often as the Town may deem necessary, the Town shall have



full and free access to such records and may examine and copy such records at no cost or expense to Grantee.

6. Liability of the Town and Grantee. Except as provided in the next sentence, the Town's sole obligation hereunder shall be to make the payment specified in Section 2 of this Agreement, provided that Grantee complies with the terms hereof, including the conditions set forth in Section 3. The Town agrees to maintain and operate the Town Clock in good working order and to provide suitable insurance coverage for such. Nothing in this Agreement shall be construed render any elected or appointed official or employee of the Town or of Grantee, or their successors in office, personally liable for any obligation under this Agreement.

Intentionally Deleted.

7. Independent Status. The Town and Grantee acknowledges and agrees that each is acting in a capacity independent of the other, and neither shall be considered an employee or agent of the other for any purpose.
8. Compliance with Laws. Grantee shall comply with all federal, state and local laws, rules, regulations and orders applicable to the Work performed pursuant to this Agreement and the Town agrees to the same with respect to its obligations under this Agreement.
9. Representations and Warranties. The parties each hereby represents and warrants to the other that this Agreement constitutes a valid and binding agreement of that party.
10. Notice. Any and all notices, or other communications required or permitted under this Agreement, shall be in writing and delivered by hand or mailed postage prepaid, return receipt requested, by registered or certified mail or by other reputable delivery service, to the parties at the addresses set forth on page 1 or furnished from time to time in writing hereafter by one party to the other party. Any such notice or correspondence shall be deemed given when so delivered by hand, if so mailed, when deposited with the U.S. Postal Service or, if sent by private overnight or other delivery service, when deposited with such delivery service.
11. Severability. If any term or condition of this Agreement or any application thereof shall to any extent be held invalid, illegal or unenforceable by a court of competent jurisdiction, the validity, legality, and enforceability of the remaining terms and conditions of this Agreement shall not be deemed affected thereby unless one or both parties would be substantially or materially prejudiced.
12. Governing Law. This Agreement shall be governed by, construed and enforced in accordance with the laws of the Commonwealth of Massachusetts and Grantee submits to the jurisdiction of any of its appropriate courts for the adjudication of disputes arising out of this Agreement.

Exhibits:

Exhibit A: Proposal

Exhibit B: Town Meeting Vote



IN WITNESS WHEREOF, the parties hereto have set their hands and seals as of the day and year first above written.

**GRANTEE:**  
First Church of Wenham

**TOWN OF WENHAM,**  
By its Board of Selectmen

By: \_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_  
  
\_\_\_\_\_

By: \_\_\_\_\_  
Name:  
Title:

\_\_\_\_\_



**EXHIBIT A**  
**PROPOSAL**



**EXHIBIT B**

**TOWN MEETING VOTE**



## Peter Lombardi

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**From:** Peter Twining <petertwining@comcast.net>  
**Sent:** Friday, April 05, 2019 12:29 PM  
**To:** Peter Lombardi  
**Cc:** williamweihs@gmail.com  
**Subject:** Agreement

Peter, just in case Bill has not had time to confirm to you, we are fine with the agreement as edited by your counsel.  
Thanks, Peter

Sent from my iPad



## Peter Lombardi

---

**From:** PETER-TWINING PETER-TWINING <petertwinning@comcast.net>  
**Sent:** Thursday, April 04, 2019 2:02 PM  
**To:** Peter Lombardi; Bill Weihs  
**Cc:** Jack Wilhelm; Mike Duda  
**Subject:** RE: FW: Revised Draft Grant Agreement - Town Clock

OK. I understand your response to indicate that this all that we need to do. As such it is fine. My concern was for a new requirement raising during the six year storage period with which the church could not comply and thus leading to the Town requesting return of the funds. Glad to hear otherwise. Best, Peter

On April 4, 2019 at 12:15 PM Peter Lombardi <PLombardi@wenhamma.gov> wrote:

By not throwing out any paperwork associated with the project that you currently have on file for the next 6 years.

Peter Lombardi  
Town Administrator

138 Main Street  
Wenham, MA 01984  
978-468-5520 x.2  
<http://wenhamma.gov>

---

**From:** PETER-TWINING PETER-TWINING [mailto:petertwinning@comcast.net]  
**Sent:** Thursday, April 04, 2019 12:11 PM  
**To:** Peter Lombardi; Bill Weihs  
**Cc:** Jack Wilhelm; Mike Duda  
**Subject:** RE: FW: Revised Draft Grant Agreement - Town Clock

OK, then how can the church know whether it can comply?

On April 4, 2019 at 12:02 PM Peter Lombardi <PLombardi@wenhamma.gov> wrote:

Thank you, Bill – much appreciated.

Peter, that is standard language for all CPA grant projects and doesn't need to be modified any further at this point. We don't know what we don't know – perhaps in a couple years, something may come up for which further documentation is needed.

Peter Lombardi  
Town Administrator

138 Main Street  
Wenham, MA 01984  
978-468-5520 x.2  
<http://wenhamma.gov>



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**From:** PETER-TWINING PETER-TWINING [mailto:petertwinning@comcast.net]  
**Sent:** Thursday, April 04, 2019 11:42 AM  
**To:** Peter Lombardi; Bill Weihs  
**Cc:** Jack Wilhelm; Mike Duda  
**Subject:** RE: FW: Revised Draft Grant Agreement - Town Clock

Peter, good morning, could you please let the church know whether the Town has additional record keeping requirements under Article 5 of the document. If it does, could you please let us know what they are so that the church can either undertake them or advise the Town that it is unable to satisfy the requirement. If there are none, I suggest that the reference to additional requirements be deleted. Your thoughts? Thanks, Peter Twining

On April 4, 2019 at 11:09 AM Peter Lombardi <PLombardi@wenhamma.gov> wrote:

Bill,

As discussed, attached is an updated copy of the draft grant agreement with most proposed changes accepted. We are still waiting to hear back from counsel on the suggested edits to the sections pertaining to liability and indemnification.

I will look for your email with the explanation of Presto Painting's invoice, so we can include that in the file.

Thanks,

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

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**From:** Bill Weihs [mailto:williamweihs@gmail.com]  
**Sent:** Tuesday, April 02, 2019 11:50 AM



**To:** Peter Lombardi  
**Cc:** Jack Wilhelm; Peter Twining; Mike Duda  
**Subject:** Re: FW: Revised Draft Grant Agreement - Town Clock

Thank you Peter. I will be there! Invoices in hand....

Cheers,

Bill

On Tue, Apr 2, 2019 at 11:14 AM Peter Lombardi <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)> wrote:

Sure thing, Bill. Would 11AM this Thursday work for you?

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

**From:** Bill Weihs [mailto:[williamweihs@gmail.com](mailto:williamweihs@gmail.com)]  
**Sent:** Tuesday, April 02, 2019 11:04 AM  
**To:** Peter Lombardi  
**Cc:** Jack Wilhelm; Peter Twining; Mike Duda  
**Subject:** Re: FW: Revised Draft Grant Agreement - Town Clock

Hello Peter,



I have two invoices to share with you however, they require explanation as we engaged two different vendors for the Town Clock project (Presto and American Steeple).

Appreciating this is a very busy time for you with the upcoming Town Meeting, can you spare 15 minutes, in your office this week to discuss? Please LMK. I will make myself available.

Kind regards,  
Bill

On Fri, Mar 29, 2019 at 11:10 AM Peter Lombardi  
<[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)> wrote:

Bill,

After double checking with the Finance Office as well , we have no actual receipts in our records for this work. If you are able to provide them before the agreement is finalized and they are satisfactory, we are fine making the changes that you have suggested to the relevant section of that agreement.

Thanks,

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>



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**From:** Jacqueline Bresnahan  
**Sent:** Friday, March 29, 2019 10:13 AM  
**To:** Peter Lombardi  
**Subject:** RE: Revised Draft Grant Agreement - Town Clock

Peter,

Both versions of the application include letters from contractors regarding the work and sections in the body of the application include summaries of the costs and who the funds were paid to, but I don't have actual receipts/invoices in the file. I will double check with Chris though, because these were likely submitted when Angel was managing CPC.

Thanks,

Jackie

**Jackie Bresnahan**

**Permitting Coordinator and Special Projects Manager**

**Town of Wenham**

**138 Main Street – (978)468-5520 x. 4**

**[permitting@wenhamma.gov](mailto:permitting@wenhamma.gov)**

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**From:** Peter Lombardi  
**Sent:** Friday, March 29, 2019 9:58 AM  
**To:** Jacqueline Bresnahan  
**Subject:** FW: Revised Draft Grant Agreement - Town Clock

Jackie,

Do you have copies of receipts from First Church for the work on the clock face from their application a few years back?

Peter



Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

**From:** Bill Weihs [mailto:[williamweihs@gmail.com](mailto:williamweihs@gmail.com)]  
**Sent:** Thursday, March 28, 2019 11:15 AM  
**To:** Peter Lombardi  
**Cc:** Peter Twining; JWilhelm; Mike Duda  
**Subject:** Re: Revised Draft Grant Agreement - Town Clock

Hi Peter,

Thanks! Yes, we provided receipts with the Church's CPA application. Let me know if you require another copy.

Kind regards,  
Bill

On Thu, Mar 28, 2019 at 11:02 AM Peter Lombardi  
<[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)> wrote:

Thank you for the quick turnaround, Bill. I have asked town counsel to review your proposed revisions to the provisions related to liability and indemnification as those are based on standard language we include in CPA grant agreements and many other contracts.



Have you provided us with receipts for the \$14k of work that was completed? I cannot find such in my files.

Thanks again,

Peter

Peter Lombardi

Town Administrator

138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>

**From:** Bill Weihs [mailto:[williamweihs@gmail.com](mailto:williamweihs@gmail.com)]

**Sent:** Thursday, March 28, 2019 10:41 AM

**To:** Peter Lombardi

**Cc:** Peter Twining; JWilhelm; Mike Duda

**Subject:** Revised Draft Grant Agreement - Town Clock

Hello Peter,

Attached are First Church's revisions to the proposed Grant Agreement.

First Church greatly appreciates your assistance in moving this forward.

We look forward to hearing from you.



Kind regards,  
Bill Weihs

First Church in Wenham, Trustee

**From:** Peter Lombardi <[PLombardi@wenhamma.gov](mailto:PLombardi@wenhamma.gov)>  
**Date:** March 26, 2019 at 8:33:35 PM EDT  
**To:** 'William Weihs' <[williamweihs@gmail.com](mailto:williamweihs@gmail.com)>  
**Cc:** 'Peter Twining' <[petertwining@comcast.net](mailto:petertwining@comcast.net)>  
**Subject:** RE: Revised Email

Hi Bill,

Thanks for attending tonight's BOS meeting. As discussed, attached is a cc edits and so look forward to receiving a redlined version back from you with hopeful we will be able to do just that.

Thank you again,

Peter

Peter Lombardi

Town Administrator


138 Main Street

Wenham, MA 01984

978-468-5520 x.2

<http://wenhamma.gov>



 **American Steeple & Tower Co. Inc.**  
**CHURCH RENOVATION SPECIALISTS**  
 373 ESSEX STREET  
 SALEM, MASSACHUSETTS 01970

**(978) 744-7194 PHONE**  
**(978) 745-2759 FAX**

TO First Church Wenham  
137 Main Street  
Wenham, MA 01984

# INVOICE

DATE	Nov. 6, 2015
CUSTOMER ORDER NO.	
SALESPERSON	
VIA	

TERMS:

DESCRIPTION	AMOUNT
> For services rendered:	
As per contract dated 11/04/15	
RE: Removal, restoration and re-installation of numerals,	
minute markers and hands on tower clock faces.	\$9,200 00
Request for partial payment of \$3,000.00	
<i>Approved [Signature]</i>	
<i>Repairs Presto For Parvtry Steple</i>	
<i>regardly Clock Faces.</i>	

*Thank You!*





CARPENTRY • PAINTING • ROOFING

8 Yorkshire Road

Marblehead, Ma 01945

(978)356-5419 -- (866) PRESTO-7

W

INV#2667

**INVOICE SUBMITTED TO:**

First Church of Wenham

PO BOX 487

Wenham, Ma 01984

(978) 468-4900 office

September 23, 2015

**DESCRIPTION OF WORK:**

1. Exterior painting project as stated in the proposal dated January 6<sup>th</sup>, 2015.

Clock Tower COST: \$28,700.00

**TOTAL ON INVOICE: \$28,700.00**

**PAYMENT PLAN:**

\$14,350.00 upon receipt

\$14,450.00 upon completion

**1<sup>st</sup> PAYMENT:**

**\*\*\*FOURTEEN THOUSAND THREE HUNDRED FIFTY DOLLARS\*\*\***

**(\$14,350.00)** u

**OTHER COMMENTS:**

For more information please see revised proposal dated 1/6/15.

Presto will furnish all equipment, material & labor to complete the project.

Respectfully submitted,  
Ioannis Makris



**BOARD OF SELECTMEN MEETING**

*April 30, 2019*

**Board of Selectmen  
Reorganization of Officers**

**Election of :**

- a. Chair
- b. Vice Chair
- c. Clerk