



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

Tuesday February 26th

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 #6 under M.G.L. Ch. 30A, § 21 – To discuss the purchase, exchange, leave, or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the Town.

- Hamilton-Wenham Youth Soccer Association & Academy at Penguin Hall

Executive Session #3 under M.G.L. Ch. 30A, § 21 – To discuss strategy with respect to litigation if the chair declares that an open meeting may have a detrimental effect on the litigation position of the Town.

- Maple Woods

6:30 P.M.

PUBLIC INPUT: ITEMS NOT ON THE AGENDA

ANNOUNCEMENTS

JW

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

6:35 P.M.

REPORTS

TOWN ADMINISTRATOR – Update

CHAIRMAN

SELECTMEN

6:40 P.M.

CONSENT AGENDA

JC

A. Minutes

Open Session: January 8, 2019; January 22, 2019

Executive Session: January 8, 2019; January 22, 2019 #1; January 22, 2019 #2; January 22, 2019 #3

6:45 P.M.

NEW BUSINESS

- B. Review and Potential Approval of FY19 Iron Rail Fields Sublease Agreement with Hamilton-Wenham Youth Soccer Association and the Academy at Penguin Hall – Molly Martins, APH (10 minutes)

JC

- C. Discussion of Potential Back-up Dates for Town Meeting Continuance (10 minutes)

JW

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

CH

7:05 P.M.

OLD BUSINESS

- E. Potential Selection of Interim Town Administrator Candidate and Discussion of General Terms and Conditions of Employment (20 minutes)

CH

- John J. McGinn

- John D. Petrin

- F. Maple Woods Senior Affordable Housing Project Update (10 minutes)

CH

- G. FY20 Budget Update (20 minutes)

CH

- H. Final Review of and Recommendation Votes on All Warrant Articles (60 minutes)

CH

- I. Vote to Close Annual Town Meeting Warrant (5 minutes)

JC

9:00 P.M.

ANTICIPATED ADJOURNMENT

Board of Selectmen Meeting Announcements – February 26, 2019

Jack Wilhelm

The Warrant Hearing for our Annual Town Meeting will be held in the Bessie Buker Elementary Multipurpose Room on Monday April 1st at 7:00pm.

On Saturday April 6th at 12:00pm, the Wenham Village Improvement Society Luncheon will be held in the Bessie Buker Elementary Multipurpose Room prior to our Annual Town Meeting in the Perkins Auditorium which begins at 1:00pm.

Our Annual Town Election will be held at Town Hall on Thursday April 11th from 7:00am to 8:00pm.

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.

TOWN OF WENHAM

EVENTS



WARRANT HEARING - MONDAY
APRIL 1, 2019 @7PM
BUKER

WVIS TOWN LUNCH - SATURDAY
APRIL 6, 2019 @12PM
BUKER

TOWN MEETING - SATURDAY
APRIL 6, 2019 @1PM
BUKER

TOWN ELECTION - THURSDAY
APRIL 11, 2019 @7AM-8PM
TOWN HALL

ABSENTEE VOTING WILL BE AVAILABLE FOR THE TOWN ELECTION
CONTACT THE CLERK - DBUCCO@WENHAMMA.GOV

ABSENTEE VOTING IS NOT AVAILABLE FOR TOWN MEETING

BOARD OF SELECTMEN MEETING

February 26, 2019

**CONSENT AGENDA
DRAFT MOTION**

I move to approve all items in the Consent Agenda as presented, with all sets of Executive Session meeting minutes to be held until further notice.

JC

BOARD OF SELECTMEN MEETING

February 26, 2019

CONSENT AGENDA

A.

Meeting Minutes

➤ Open Session:

January 8, 2019

January 22, 2019

➤ Executive Session:

January 8, 2019

January 22, 2019 (1)

January 22, 2019 (2)

January 22, 2019 (3)

TOWN OF WENHAM
Board of January 8, 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 January 8, 2019 at 6 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 6:23 pm
Selectmen present: Catherine Harrison, Chair John Clemenzi, Vice Chair; Jack Wilhelm, Clerk
Also present: Peter Lombardi, Town Administrator; Catherine Tinsley, Recording Secretary

Public Information

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 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 regarding Benevolent Association of Wenham, and to return to open session. The motion carried unanimously by roll call vote.

The Selectmen returned to open session at 6:40 pm.

Public Input

Fire Department – Captain Baxter & Lt. Joyce & Lt. Binns were present to request the BOS accept firefighting equipment valued at \$5500 purchased by the Fire Company in December 2018.

Rechargeable cordless fan to vent buildings without power

Chimney kit to go with ladder to save damage if there is a chimney fire compared to pouring water down the chimney

It was the consensus of the BOS to accept the gifts with gratitude under all policies and regulations; the paper work will be ready for the next meeting for the BOS to vote/ sign.

Announcements

- Town Hall Extended Friday Hours in January -Town Hall will remain open until 4:30pm Friday January 11, and Friday January 18 to offset hours from closures on Christmas eve and New Years' Eve.
- Nancy Day Retirement Reception, Thursday, January 10, 2-4pm, Hamilton-Wenham Public Library to recognize her 38 years of service to the community working at the library.
- Holiday Tree Recycling Drop-Off at Pingree Park through January 12; recognition to Iron Rail Tree and Brick Ends Farms for their services to chip/and compost.

Reports

Town Administrator

Personnel - Our Library Director, Jan Dempsey, will be retiring in late March after 14 years of service leading the only regional library in the Commonwealth. The Library Board of Trustees plans to appoint a Screening Committee at their meeting later this week and expects to post the position by the end of next week. Applications will be due in mid-February and we hope to have the position filled on a permanent basis sometime in late April or early May.

With Nancy Day retiring later this month, we recently hired Lewis Parsons as the new Head of Technical Services. Lewis comes to Hamilton-Wenham after 5 years as the Technology Coordinator & Librarian at the Sawyer Free Library in Gloucester.

Grants - The Town was recently awarded \$4,954 in grant funding for Student and Senior Awareness of Fire Education (SAFE) from the Massachusetts Executive Office of Public Safety and Security's Department of Fire Services. This annual funding allows our Fire Department to continue their outreach and education efforts with these important groups.

Longfellow Road Repair Project - The special act for this project that was supported by Town Meeting last spring was approved by the legislature and signed by Governor Baker late last month. The residents of Longfellow Road and South Street have been notified, and we are working with Weston & Sampson on next steps and an overall project timeline.

Municipal Vulnerability Preparedness - Following up on the \$25k grant that the Town was awarded for Municipal Vulnerability Preparedness (MVP) to update its Hazard Mitigation Plan and develop an MVP Action Plan to increase our resilience to the hazards of extreme weather, we are convening a day-long workshop tomorrow that will bring together community stakeholders to identify and prioritize steps to reduce risk across our community. The goal of this project is for the Town to identify its strengths and vulnerabilities, determine which community features are at risk, and develop a list of priority actions to address these concerns. This is the first outreach session in a multi-step process that will culminate in a public forum to discuss preliminary findings and agree on important projects to address in the coming years.

Consent Agenda

A. Minutes: Open Session: November 13, 2018; November 27, 2018

Executive Session: November 13, 2018 (1); November 13, 2018 (2); November 27, 2018

*Vote; Mr. Wilhelm moved to approve all items in the Consent Agenda as presented, including the release of Executive Session meeting minutes from November 13 sets 1 & 2 and the Executive Session meeting minutes from **November 27 to be held until further notice.** The motion carried unanimously.*

New Business

Recognition of Betty Cheeseman's 100th Birthday

There was no one present for the Cheeseman family and this agenda item was held.

Review and Approval of Updated Wenham Connects Committee Charge

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

Motion: Mr. Wilhelm moved to adopt the proposed Wenham Connects Committee Charge.

Under discussion: Mr. Lombardi recommended a 9-member committee. Letters of Interest were received from 5 people plus the Town Administrator, and COA and amend the charge going forward. Ms. Harrison recommended leaving the number of members at 7 and increasing if needed and it was the consensus to do so.

Vote: The motion carried unanimously.

Ideally the BOS wanted to appoint this Committee by January 22, 2019 and requested Letters of Interest by January 15.

Review of Feedback from Open Space and Recreation Committee (OSRC) on Proposed Changes to Charge & Discussion of Next Steps on Economic Development Committee (EDC)

- Email re OSRC Charge & Funding from M. Berry, Conservation and Open Space & Recreation Coordinator, November 21, 2018
- Proposed Changes to Open Space and Recreation Committee Charge
- Email re Open Space & Recreation Committee Charge and Request for Feedback from A. Syed, OSRC Chair, October 25, 2018
- Email re Open Space & Recreation Charge Amendment & Request for Feedback: M. Hoffman, Planning Coordinator, Oct. 11, 2018
- Memo regarding Proposed Amendments to Open Space and Recreation Committee Charge from P. Lombardi, October 3, 2018
- Email regarding Economic Development Committee from Margaret Hoffman, May 23, 2018

Motion: Mr. Wilhelm moved the BOS adopt the proposed revisions to the Open Space and Recreation Committee Charge.

Under discussion Mr. Lombardi explained initially the OSRC and EDC were appointed at the same time to work closely together. The OSRC worked on an Open Space & Recreation Plan the past few years. There has been some confusion to the charge for the EDC and how it overlapped and worked with the OSRC. The OSRC was asked to review the charge for the EDC and identify if any what elements should be included in the OSRC charge. The Committee voted to reduce the number of members to 7 and made a few minor word changes to the OSRC charge to incorporate one element of the EDC. Currently there are 4 members of the OSRC.

Vote: The motion carried unanimously.

Discussion continued about what roll the EDC would have, if any, based on the charge of the Open Space Committee; the EDC has not met for more than a year and the remainder of their charge are project based and the BOS are addressing the larger policy questions.

Mr. Lombardi question if there is the need for the EDC at this time and it was agreed that the EDC did not have a viable charge at this time. Those that served on the EDC were recognized for their work and would be invited to serve on the OSRC.

Vote to Open Annual Town Meeting Warrant & Review of Anticipated Timeline and Preliminary Warrant Articles

- Budget Schedule: January 8 - BOS Review of Finalized Administration FY20 budget. BOS opens Annual Town Meeting Warrant
- Potential 2019 ATM Warrant Articles, January 8, 2019
- FY2020 Budget Preparation & Town Meeting Schedule, January 4, 2019
- Article 11: Annual Appropriation of Commonwealth Transportation Infrastructure Fund Balance (\$541.90)
- Email regarding Update -Transportation Network Company per Ride Assessment Funds from I-Catherin Lubitz, Director, Department of Public Utilities, Transportation Network Company Division, July 13, 2018
- Municipal Report on Spending and/ or Proposed Spending of Funds Received from the Commonwealth Transportation Infrastructure Enhancement Trust Fund
- Article 13: Increase in Veterans Tax Work-Off Abatement Amount from \$1,000 to \$1,500/year
- Town of Wenham Veterans Property Tax Work-Off Program, April 18, 2017
- Press Release: Governor Baker Signs BRA VE Act to Strengthen Services & Supports for Commonwealth's Veterans, 8.28.18
- Town of Wenham Senior Citizen Property Tax Work-Off Program
- Article 14: Local Acceptance of MGL Ch. 40 Sec. 13D re. Establishment of Compensated Absences Reserve Fund & FY20 Appropriation (\$25k) to new Reserve Fund
- M.G.L. Chapter 40, Section 13D: Reserve Fund for Future Payment of Accrued Liabilities for Compensated Absences Due Employee or Officer of Town Upon Termination of Employment
- Article 15: Increase in Iron Rail Building Rental Revolving Funds Spending Limit (from \$25k to \$30k/year)
- Email regarding Wenham BAN Borrowing from Leslie Davidson, Former Finance Director & Treasurer/Collector, May 14, 2018
- Competitive Note Sale Worksheet, Hilltop Securities, May 14, 2018
- Article 17: Acceptance of Settlers Lane as Public Way
- Letter regarding Acceptance of Settlers Lane as Public Way from Margaret Hoffman, Planning Coordinator, October 23, 2018
- Email regarding Street Acceptance Procedure from Amy E. Kwesell, Esq., February 20, 2018
- Article 18: General Bylaw Amendment – Historic District Commission (Chapter XXV)
- Email regarding Historic District Commission/Historical Commission Bylaw from Jackie Bresnahan, October 5, 2018
- Proposed General Bylaw Amendment: Historic District Commission/Historical Commission
- Article 19: General Bylaw Amendment – Non-Criminal Disposition (Chapter XIX)
- Proposed General Provisions: Adoption of Bylaws Amendment
- Article 20: General Bylaw Amendment – Prohibiting Discharge of Water from Private Property onto Public Ways (Chapter V)
- Email regarding Water Discharge into Roads from Lauren Goldberg, December 31, 2018
- Article 25: Creation of 1 Associate Planning Board Position
- Email regarding ConCom 7 Member Commission from Lauren Goldberg, June 28, 2017

Vote: Ms. Harrison moved, and it was seconded, to open the April 6, 2019 Annual Town Meeting Warrant. The motion carried unanimously.

Mr. Lombard noted there are 26 articles currently proposed for the Town Meeting Warrant. Mr. Lombardi gave a high-level summary of the articles.

The first 7 Articles are budget related. Additional information will be available for the next meeting

- The budget assumes the use of \$700,000 of once time funding from Free Cash to balance the FY20 budget
- Potential operating override for Hamilton Wenham Regional School District (HWRSD)
- Potential operating override for the Town
- Place holder for HWRSD Budget (Article 6) with potential \$3.1 million capital needs override.
- Article 7 (possible) Use of free Cash pending the balance and funded capital

Articles 8-10 are the Consent Agenda

- Annual acceptances and transfer for Trust Funds, Cemetery Maintenance, Chapter 90 Roadwork
- Article 11 (possible consent agenda item) funding collected by the state and dispersed to towns for Uber and Lyft rides originating from Wenham; approximately 5,000 rides annually/14 a day. The estimated amount is \$500 which must be used on street, sidewalk work etc.

Article 12 - Water Department transfer from operating budget to Water Capital Reserve; this account was set up last year with \$35,000. This goes toward major capital i.e. water lines that are one million dollars a mile to replace.

Article 13 - Brave Act: This is a tax work off program for veterans. Massachusetts allows a maximum of \$1500. Wenham increased the max to the state level from \$1000 to \$1500. This runs in parallel with the senior work off program.

Article 14 - Local acceptance statute to set up a reserve fund to appropriate funds for employee retirement costs as opposed to having a large spike in one year in the budget.

Article 15 - Increase spending limit of the Iron Rail Revolving Funds for capital debt payments and capital improvements (\$5,000)

Article 16 - Community Preservation Appropriations

Article 17 - Acceptance of Settlers Lane

Article 18 - Historic District Bylaw amendments

DRAFT (JW)

Article 19 -Non-Criminal Disposition to put in place language precluding the need to make changes to each individual time Non-Criminal Disposition may apply and clarify what it applies to.

Article 20 - bylaw amendment to not allow water run off dispersed into public ways. (or catch basins) the BOS noted concern where residents may direct this type of water.

Article 21 to 24 - Zoning Bylaw Amendments; the Planning Board still needs to make a recommendation and hold a public hearing. Ms. Bresnahan spoke to the sign bylaw.

Old Business

Review of Preliminary FY20 Budget and Discussion of Policy Options

- Memo regarding Review of Preliminary FY20 Administration Budget P. Lombardi 1/2/19
- FY20 preliminary Budget January 3, 2019
- FY20 Budget Requests Above Level Services, Aggregated BOS Feedback January 2019
- FY20 Budget Requests Above Level Services by Department: Facilities; Police; Emergency Management; DPW; Assessor Town Clerk; COA; IT; Water: age & Dementia; Friendly Initiative
- HWRSD fy20 Superintendent's Budget Recommendations School Committee Presentation January 2, 2019
- HWRD Recommended FY20 Budget December 19, 2018

Patty Moore Finance Director/ Treasurer-Collector was present.

Mr. Lombardi gave a brief update on the budget beginning with the Hamilton Wenham Regional School District Superintendent's budget recommendation that ultimately included a 6.2% net operating increase for FY20. After the enrollment shift Wenham's HWRSD assessment increase is 6.9%.

The Town's budget was updated with the new figures and is now \$934,000 over the levy limit; \$242,000 of which is just level services budget for the Town, \$52,000 for prior year capital commitments (leases to own), and \$50,000 increase to DPW expense line to comply to Federal Stormwater MS4 permit requirements (this is an unfunded mandate.)

The DPW Director included a memo showing a cost savings of bagged leaf pick up by Casella (\$12,000) vs loose leaf pickup done by DPW (\$40,000 plus); The budget would decrease significantly including the savings of work contracted out while DPW is doing leaf pickup (full crew for two months) i.e. stormwater requirements, and street repairs.

Without leaf pick up the additional staff would not be needed, resulting in no additional salary/benefit costs.

This \$934,000 also includes \$188,000 discretionary increase to personnel and expense lines and \$187,00 in new capital needs, \$40,000 of which is for first year payment on multi year lease to own DPW equipment (free cash funded the capital plan in years past now reflected in the operating budget.

Regarding the HWRSD budget ,there is a \$201,000 net difference between the 3% net operating increase and what the Superintendent represented as a level services budget with an additional separate expense of \$250,000 for OPEB and a new School Resource Officer (\$73,000); Wenham's share of this is \$116,000.

Mr. Lombardi drafted a series of questions for the Board to consider and give policy to for going forward.

The Board has full discretion of the Town's assessment that is included in Article 1 (Levy limit budget) as long as the School has the opportunity to present the full budget to Town Meeting and vote on the recommended budget.

The BOS discussed various approaches to the budget including the same as last year with a separate Article for the HWRSD budget outside of what the Town can fund in Article 1.

The BOS generally supported the town have a level services and reflected on the Department Head's presentations.

The BOS also talked about a possible override for the Town to fund those requests outside of the levy limit and observed the major increase in taxes this year, in part from the override for the school last year and the re-evaluation of real property; it was noted that the average increase in valuation was \$70,000 with the median annual tax bill now over \$11,000.

The Finance Committee begins their budget review on January 16.

The BOS and FinCom will meet jointly during this process to discuss the budget.

The Chair supported the Fin Com / BOS look at what has increased in the school budget as some of these increases are large. If there are overrides, the BOS supported separate articles for the School / Town

Adjournment – The BOS unanimously adjourned 8:43 pm.

Respectfully Submitted By
Catherine Tinsley
2.16.19

TOWN OF WENHAM
Board of Selectmen
Meeting of January 22, 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 January 22, 2019 at 5:45 pm in the Selectmen Chambers.

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

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

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

Welcome & Call to Order - With a quorum present, Ms. Harrison called the BOS meeting to order at 5:45 pm

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

Not Present: Jack Wilhelm, Clerk

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

Executive Session - Hamilton-Wenham Youth Soccer Association

Vote: Ms. Harrison moved to enter into 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, and to return to open session. The motion carried unanimously by roll call vote.

PUBLIC HEARING

• Acceptance of Settlers Lane as Public Way

- Legal Notice – Public Hearing on Acceptance of Settler's Lane as Public Way published in The Salem News, Monday, January 14, 2019
- Abutter's Letter & Enclosed Public Hearing Notice from Peter Lombardi, Town Administrator, mailed January 14, 2019
- 300 Abutter's Lists for 1 Settler's Lane and 7 Settler's Lane
- Letter re Vote Recommending Settler's Lane for Street Acceptance from Ann B. Weeks, Chair, Planning Board, December 13, 2018
- Memo from Margaret Hoffman
- Email re Settlers Lane to Bill Tyack, DPW Director from Peter Lombardi, Town Administrator, October 19, 2018
- Email re Street Acceptance Procedure – Settlers Lane from M. Hoffman, Planning Coordinator, October 16, 2018
- Letter re Settlers Lane/Street Acceptance from Peter C. Gourdeau, 75 Arbor Street Development LLC, July 15, 2018
- As Built Plan & Profile for Settlers Lane, December 18, 2017
- Letter regarding Settlers Lane/Street Acceptance from Peter C. Gourdeau, 75 Arbor Street Development LLC, July 15, 2018
- Settlers Lane Quit Claim Deed Draft
- Email re Settlers Lane from Bill Tyack, DPW Director, February 20, 2018
- Email re Settlers Lane from Thomas Perkins, Chief, WPD, February 20, 2018
- Email re Settlers Lane from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, February 20, 2018
- Email re Settlers Lane from Greg Bernhard, Health Agent, February 20, 2018

Vote Mr. Clemenzi moved the Board of Selectmen open the Public Hearing for the purpose of considering public input on the acceptance of Settler's Lane as a public way. The motion carried unanimously.

Mr. Clemenzi read the public notice as published in the Salem News on January 14, 2019 and reviewed the process to bring the street acceptance to Town Meeting.

The meeting was open to the Public. Seeing no questions or comments Ms. Harrison closed the hearing.

*The Agenda was taken out of order

Potential Recommendation for Town Meeting to Accept Settlers Lane as Public Way

- Order of Layout

Motion: Mr. Clemenzi 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.

Under Discussion: Margaret Hoffman spoke to this proposal to accept Settler's Lane and reviewed that Peter Gourdeau approached the Town last year to accept Settler's Lane, having met all required conditions.

It was noted that the Public Works Director requested the stormceptor (catch basin) be vacuumed and cleaned prior to Settler's Lane being accepted. Ms. Hoffman will confirm if this has been done.

Ms. Hoffman confirmed the As-built for Settler's Lane was accepted by the Planning Board.

The Planning Board voted unanimously to recommend the Settler's Lane be accepted as a public way.

Vote: The motion carried unanimously.

ANNOUNCEMENTS

Wenham Town Election 2019 Open Seats

The 2019 Annual Town Election will be held Thursday, April 11, 2019. There are twelve open seats this year. Nomination papers are currently available in the Town Clerk's Office and are due back, with the signatures of at least 21 registered voters, by Thursday, February 21, 2019.

Nomination papers for the Regional School Committee seats are available in the District Administration Office at 5 School Street in Wenham. Papers should be returned there with the signatures of at least 40 registered voters from your town.

The last day to withdraw from the election will be Monday, March 11, 2019. Voters must be registered by Friday, March 15, 2019 in order to vote in the town election.

Open Seats: The complete list and term is on the Town's web site.

Board of Assessors

Board of Health

Board of Library Trustees

Moderator

Planning Board

Regional School Committee

Board of Selectmen

Water Commissioner

Wenham Housing Authority

Burn Permits Now Available from Fire Department

Burn season runs from Tuesday, January 15th through Wednesday, May 1st. Please visit the Wenham Fire Department at 140 Main Street or wenhamfd.org to register for your permit. Contact the Fire Department with questions at 978-468-5508.

REPORTS

Town Administrator

2017 Annual Town Report & FY19 Budget Document Receive Prestigious Awards

At the Massachusetts Municipal Association's Annual Meeting this past weekend, the Town was awarded 3rd place in the small community category for its 2017 Annual Report, which can be found. Judging criteria for this statewide contest include: attractiveness of the report cover and layout, material arrangement, presentation of statistics and data, summary of the year's achievements, evidence of local planning for the future, and the report's practical utility. Based on our records, the last time the Town received this award was in 1970.

Earlier today, the Town received notice that we have been awarded the Distinguished Budget Presentation Award by the Government Finance Officers Association for our FY19 Budget document. This award reflects the Town's commitment to creating a budget document that is comprehensive, strategic, and accessible, and in line with national best practices. Attaining this designation has been a priority goal for the past several years, as we strive to enhance the information we provide to residents about the budget and the services we provide. Just 26 local governmental entities from Massachusetts won this award last year, only 1 of which was a town with a population of less than 10,000 residents.

Congratulations and special thanks to Special Projects Manager, Jackie Bresnahan, for her tremendous efforts in taking the lead on both of these important documents! Her dedication and diligence in working to improve these documents each year to the point where they now meet these standards has been exceptional. I also want to recognize the efforts of all of our Department Heads as well as the staff in the Finance Office and Town Administrator's Office in particular for their work in assembling these documents it has been a true team effort!

The 2017 Annual Report and the FY19 Budget Document can be found on the Town website:

The Town Administrator recognized Jackie Bresnahan for her work on the Town Report as the Special Projects Manager.

The Board acknowledged both the Town Administrator and Ms. Bresnahan for their dedication and hard work.

Ms. Bresnahan also thanked the Department Heads and interns from local colleges that worked closely with her on the Town Report.

CONSENT AGENDA

Vote: Mr. Clemenz moved to approve all items in the Consent Agenda as presented and it was unanimous to do so.

Minutes: Open Session: December 13, 2018; December 17, 2018

NEW BUSINESS

*Potential Recommendation for Town Meeting to Accept Settlers Lane as Public

This agenda item was addressed earlier in the meeting.

Review and Potential Approval of Local Action Unit Application to the Department of Housing and Community Development for Unit at Spring Hill

- Local Initiative Program Application for Local Action Units
- Local Initiative Program Regulatory Agreement & Declaration of Restrictive Covenants for Ownership Project – Developer's Draft
- Local Initiative Program Regulatory Agreement & Declaration of Restrictive Covenants for Ownership Project – Town Counsel's Draft
- Town of Wenham Planning Board Certificate of Decision on a Definitive Subdivision Plan: Spring Hill Farms

Margaret Hoffman, Planning Coordinator was present and spoke to the affordable unit for the Spring Hill development off Dodge Row and summarized that part of the Planning Board's decision in 2014 was to work with the developer to provide an affordable unit. The developer is renovating a small dwelling at 83 Dodge Row, which was part of the original property; this requires the recommendation from the BOS. There is no building permit for 83 Dodge Row to date. The developers have discussed donating lot 17 of Spring Hill to Habitat for Humanity to build a 2 unit duplex without any town funding as this is part of the requirements of the permit.

Ms. Hoffman noted that there is no time frame for when the affordable units must be in place.

The affordable unit(s) would be administrated by the Wenham Affordable Housing Trust or other designated organization i.e. Habitat for Humanity, and available for Wenham's affordable housing inventory.

Ms. Harrison noted that there were blank sections in the documents to be signed and that those sections need to be completed prior to the execution of the application.

Vote: Ms. Harrison moved authorize the Chair, Catherine A. Harrison on behalf of the Selectboard to execute the Local Action Unit Application to the Department of Housing and Community Development for a unit in the Spring Hill subdivision Contingent upon completion of attached documents. The motion carried unanimously.

BOS requested to be kept updated on the progress of the affordable units.

The BOS requested an update on Wenham Pines; this will be on the next meeting agenda

OLD BUSINESS

One Day Liquor License Request – Molly Martins, Academy of Penguin Hall, 36 Essex Street, Essex County Community Foundation Membership Council Meeting & Workshop, Monday, January 28, 2019, 4:00pm – 8:30pm

- Draft Motion
- Completed Application
- Certificate of Insurance
- ServeSafe Certification
- Check for \$50
- Email recommendations – Jeff Baxter, Captain, WFD; Kevin DiNapoli, Chief, WPD; Jackie Bresnahan, Permitting Coordinator & Special Projects Manager

This application was before the Board at their previous meeting and no action was taken as the applicant had outstanding debt with the Town.

Mr. Lombardi confirmed a check for that debt of \$12,000 was received for the past two years lease of the Iron Rail Soccer Fields by the Academy at Penguin Hall.

Vote: Mr. Clemenz moved to approve a One-Day (All Alcoholic Beverages) Liquor License for Molly Martins for the Essex County Community Foundation's Membership Council Meeting to be held at the Academy at Penguin Hall, 36 Essex Street, Monday, January 28, 2019 from 4:00pm – 8:30pm and it was unanimous to do so.

Review of Warrant Articles

- Potential 2019 ATM Warrant Articles, January 16, 2019
- Article 5: Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift and Related Operation Override
- Special Purpose Stabilization Funds, Division of Local Services, MA Department of Revenue, February 2016
- MGL Ch. 40 Sec. 5B Stabilization Funds; Establishment
- Additional Budget Impact Due to Enrollment Shift, December 4, 2018
- Article 13: Increase in Veterans Tax Work-Off Abatement Amount from \$1,000 to \$1,500/year
- Town of Wenham Veterans Property Tax Work-Off Program, April 18, 2017
- Press Release: Gov Baker Signs BRAVE Act to Strengthen Services & Supports for Commonwealth's Veterans, Mass.gov, 8/28/2018
- Town of Wenham Senior Citizen Property Tax Work-Off Program
- Article 14: Local Acceptance of MGL Ch. 40 Sec. 13D re. Establishment of Compensated Absences Reserve Fund & FY20 Appropriation (\$25k) to new Reserve Fund
- M.G.L. Chapter 40, Section 13D: Reserve Fund for Future Payment of Accrued Liabilities for Compensated Absences Due Employee or Officer of Town Upon Termination of Employment
- Article 15: Increase in Iron Rail Building Rental Revolving Funds Spending Limit (from \$25k to \$30k/year)
- Email regarding Wenham BAN Borrowing from Leslie Davidson, Former Finance Director & Treasurer/Collector, May 14, 2018
- Competitive Note Sale Worksheet, Hilltop Securities, May 14, 2018
- Article 21: General Bylaw Amendment – Prohibiting Discharge of Water from Private Property onto Public Ways (Chapter V)
- Email regarding Water Discharge into Roads from Lauren Goldberg, December 31, 2018
- Article 22: Zoning Bylaw Amendment: Definitions (2.2)
- Article 23: Zoning Bylaw Amendment: Table of Use Regulations (4.0)
- Article 24: Zoning Bylaw Amendment: Principle Uses (4.2)
- Article 25: Zoning Bylaw Amendment: Parking and Storage of Commercial & Recreational Vehicles (4.3.6.3)
- Article 26: Zoning Bylaw Amendment: Site Plan Review Applicability (13.5)
- Article 27: Zoning Bylaw Amendment: Signs (7)
- Article 28: Small and Medium Scale Ground Mounted Solar Photovoltaic Installations
- Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift and Related Operating Override
- Increase in Maximum Abatement Amount for Veterans Tax Work-Off Program
- Adoption of Compensated Absences Reserve Fund Local Option and FY20 Appropriation
- Increase in Iron Rail Building Rental Revolving Fund Spending Limit
- General Bylaw Amendment to Prohibit Discharge of Water from Private Property onto Public Ways
- Various Proposed Zoning Bylaw Amendments – Margaret Hoffman

Abbreviation used: FY- Fiscal Year

Patty Moore, Finance Director, Town Accountant was present for the review of the financial articles.
Margaret Hoffman, Planning Coordinator was present for the proposed Zoning Bylaw Amendments

Mr. Lombardi reviewed an updated preliminary listing of warrant articles for the ATM, currently numbered at 31. He noted that discussions would be ongoing and would include prioritizing the proposed articles and which articles would remain on the warrant, and which articles could be deferred to next year.

Mr. Lombardi specifically noted three new warrant articles and some new additional zoning bylaws.

Mr. Lombardi gave an overview of the following articles and noted the article number and / or sequence may change.

- Article 5: Potential Creation of New Special Purpose Stabilization Fund for School Enrollment Shift & Related Operating Override.

This is a conceptual account at this time but Mr. Lombardi proposed a new Special Purpose Stabilization Fund for School Enrollment Shift and Related Operating Override be used for the school enrolment shift. He went on to explain this fund was not a part of the Town budget and therefore, when funded, not a permanent increase to the budget, does not have to be funded every year or funded at the same amount.

Mr. Lombardi reviewed that Wenham's school enrollment has increased annually on average at \$177,000 for a total of \$1.4 million over the past five fiscal years, which was absorbed by the town within the levy limit.

Mr. Lombardi included the following in his overview:

- School operating estimated at 3% increased to 6%.
- Discussion followed to clarify some concerns of the Selectmen in particular if this fails at town meeting.
- This is one suggestion to create this account and some other element of the needs of the town be include in article one.
- Separate from the school budget and other overrides

The BOS agreed it was an interesting concept and agreed the Town Administrator work with Town Counsel on additional details.

- Article 13: To increase in Veteran's Tax Work-Off Abatement Amount from \$1000 to \$1500 a year
It was noted that the Senior Tax Work-off program increased to \$1500 when legislation increased the maximum abatement to \$1500. Wenham has one veteran currently in the Veteran's Tax Work -off Abatement program.
There is no cap on the number of people that may participate in the Veteran's Tax Work-off abatement but this may be addressed by the BOS anytime as a policy decision and does not need town meeting vote.
The BOS agreed this article remain on the warrant.

- Article 14; Local Acceptance of M.G.L. 40 Section 13D
This would allow the Town to create a separate reserve fund obligation for sick leave buyout for employees leaving employment to retire.
Mr. Lombardi reviewed the following statistic for this years' retiring library staff noting other planned retirements are anticipated to occur in the upcoming fiscal years.
 - FY19 & FY20 non-union employees total buyout - \$45,000; (Wenham share \$15,000)
 - Both employees have agreed for half buyback paid in FY19 and the balance in FY20
 - A reserve fund transfer will be made in FY19 for buyback payment and budgeted in FY20*The BOS were undecided on this article.*

- Article 15 – Increase Iron Rail Building Rental Revolving funds spending limit from \$ 25,000 – 30,0000
The recommendation was from the Town's financial advisors is to increase funding for small capital projects at the Iron Rail property. This has no net impact on local receipts as the 2.5 % increase in the tenant lease agreements covers the increase.

- Article 21- General Bylaw Amendment. Prohibiting Discharge of Water from Private Property onto public Ways
The article proposes an amendment or to create a new bylaw (delete old) specifically to address sump pumps.
Ms. Harrison replied there is a risk and a need to deal with this but questioned what options would be given to residents as an alternative when pumping out their home.
The Selectmen requested additional information from the DPW and Police Department.

- Various proposed Zoning Bylaw Amendments
Ms. Hoffman reviewed and spoke to the proposed amendments to the Zoning Bylaw as proposed by the Planning Board (PB).
 - Section 2.2 Definitions
 - Site Plan Review Applicability
 - Amended to clarify any change of use residential including single family to municipal institutional commercial industrial use
 - Signs - revised language
 - Ground Mounted Solar – site plan review required to include setbacks

Ms. Harrison encouraged and proposed the Town hold a Special Town Meeting for non - financial articles such as Zoning Bylaw changes/amendments.

EXECUTIVE SESSION

- Police Benevolent Association of Wenham
- Water Superintendent

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 the Police Benevolent Association of Wenham and to continue in executive session under M.G.L. Ch. 30A, § 21(3) regarding the Water Superintendent and to not to return to open session but adjourn directly from executive session.

Respectfully Submitted By
Catherine Tinsley
1.28.19

BOARD OF SELECTMEN MEETING

February 26, 2019

NEW BUSINESS

B.

**Review and Potential Approval of FY19 Iron Rail
Fields Sublease Agreement with Hamilton-Wenham
Youth Soccer Association and the Academy at
Penguin Hall – Molly Martins (APH)**

(10 minutes)

- Draft Motion
- Proposed Sublease Agreement between the Hamilton-Wenham Youth Soccer Association, the Academy at Penguin Hall and the Town of Wenham, February 22, 2019

BOARD OF SELECTMEN MEETING

February 26, 2019

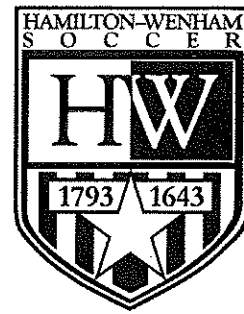
DRAFT MOTION

Proposed Terms of Use of Iron Rail Fields by the Academy at Penguin Hall

- **Vote:** I move to approve the proposed terms of the agreement between the Town of Wenham, the Hamilton-Wenham Youth Soccer Association, Inc. and the Academy at Penguin Hall for use of one field at the Iron Rail facility from September 1, 2018 through August 30, 2019 with a fee for such use in the amount of \$6,000 payable in full by February 26, 2019.

Seconded / Discussion/ Vote

Hamilton-Wenham Youth Soccer Association
P.O. Box 2005
South Hamilton, MA 01982



February 22, 2019

The Academy at Penguin Hall
236 Essex Street
Wenham, MA 01984

Dear Molly:

I'm pleased to report availability for the continued use of Iron Rail's athletic field by The Academy at Penguin Hall ("APH") during the 2018-19 season. This letter is intended to memorialize the fact that APH has contracted use of one field from September 1, 2018 through August 30, 2019.

This letter shall serve as notice of approval of the sublease as required by Section 7.2 of the lease agreement between the Town and Hamilton-Wenham Youth Soccer Association (HWYSA). All applicable terms and conditions of that lease shall remain in full force and effect during the term of this sublease.

APH field usage through the Fall season shall have ended no later than November 30, 2018 and, for the Spring season, shall commence in early April (weather permitting) and continue through June 2019.

The rental fee for the 2018-19 year shall be \$6,000, which shall be payable in full by February 26, 2019.

Should you seek to continue to use the Iron Rail fields for the 2019-2020 season, notice of intent to renew shall be given by APH to both HWYSA and the Town by July 1, 2019 and payment in full for said sublease renewal, in an amount to be determined, shall be given in full by August 30, 2019.

Please indicate your acceptance of the terms herein by authorizing below.

On behalf of HWYSA

Name: Don Lake

Title: President

Date: _____

On behalf of APH

Name: Molly Martins

Title: _____

Date: _____

On behalf of the Town of Wenham

Name: Catherine Harrison

Title: Chair, Wenham Board of Selectmen

Date: _____

BOARD OF SELECTMEN MEETING

February 26, 2019

NEW BUSINESS

C.

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

(10 Minutes)

- Email regarding Buker Availability – Annual Town Meeting from Catherine Harrison, Chair, Board of Selectmen, February 21, 2019

Peter Lombardi

From: Catherine Harrison
Sent: Thursday, February 21, 2019 9:49 AM
To: Nicole Roebuck
Cc: Peter Lombardi; A Begin; Trudy Reid; Lauren Goldberg; John Clemenzi; Jack Wilhelm; ultrafinepapers@yahoo.com; Dianne Bucco
Subject: Re: Buker Elementary Availability - Annual Town Meeting

Just some further updates....

April 13-21 includes school vacation week, and April 18, 19, and 20 are religious holidays. We are hoping to have a BoS meeting on the 23rd.

I assume we would be able to vote on all articles that have ballot components on April 6.

Catherine A. Harrison

Board of Selectmen, Chair

Town of Wenham

138 Main Street, Wenham, MA 01984

978-468-5520 x 2

Home phone 978-468-3359

On Feb 21, 2019, at 9:36 AM, Nicole Roebuck <NRoebuck@wenhamma.gov> wrote:

Below is an update to Buker's availability for an additional Annual Town Meeting date, if needed. I've included specific conflicting dates as mentioned in this thread.

Monday, April 8 – Lynnfield Election

Tuesday, April 9 – Lynnfield Election

Wednesday, April 10 – School Committee Meeting, Alex B. away

Thursday, April 11 – Wenham Election, Alex B. away

Friday, April 12 – Alex B. away

Saturday, April 13 – Alex B. away

Monday, April 15 – Patriots Day, Alex B. away

Tuesday, April 16 – Alex B. away

Wednesday, April 17 – Alex B. away

Thursday, April 18

Friday, April 19

Saturday, April 20

Monday, April 22

Tuesday, April 23

Wednesday, April 24 – School Committee Meeting

Thursday, April 25

Friday, April 26

Saturday, April 27

Nicci Roebuck

Executive Assistant

Town Administrator's Office

BOARD OF SELECTMEN MEETING

February 26, 2019

NEW BUSINESS

D.

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

BOARD OF SELECTMEN MEETING

February 26, 2019

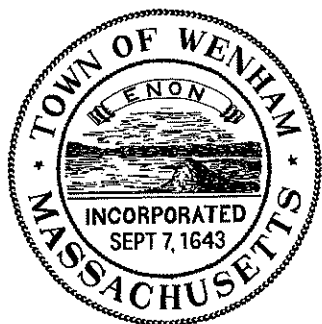
OLD BUSINESS

E.

**Potential Selection of Interim Town Administrator
Candidate and Discussion of General Terms and
Conditions of Employment**

(20 Minutes)

- Memo regarding Interim Town Administrator Candidates from Peter Lombardi, Town Administrator, February 20, 2019
- Resumes:
 - John J. McGinn
 - John D. Petrin



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

Selectmen / Town Administrator
TEL 978-468-5520 FAX 978-468-8014

MEMORANDUM

TO: Board of Selectmen
FROM: Peter Lombardi, Town Administrator
RE: Update on Town Administrator Search Process
DATE: February 20, 2019

Reaching out to various contacts in the profession, the following three candidates are proposed for the Board's consideration for the interim Town Administrator position. All are long-time, professional managers with extensive experience who would be able to assist the Town during this transition period.

- **John McGinn** is the recently retired Marblehead Town Administrator. John was Marblehead's Finance Director for a decade and previously worked in several other communities, including Somerville, in various finance leadership positions.
- **David Cressman** is the recently retired Dartmouth Town Administrator where he worked for the past 9 years. Prior to that, he was the long-time (20+ years) manager in Tewksbury. Most recently, he served in an interim capacity for about 6 months in Winthrop while they went through the hiring process for a new manager.
- **John Petrin** is the retiring Burlington Town Administrator where he has been for the past 7 years. Prior to that, he was a manager in Ashland, Harvard, and Pepperell. Upon his retirement next week, John plans to join Community Paradigm Associates as a consultant but he would not be involved in the Town Administrator search process here if the Town selected that firm to execute that process.

My understanding is that all three of these candidates have good availability during the time period they would be needed to work in Wenham, from mid-April through the middle/end of summer. It is important to note that John McGinn will be out of town from March 11 through April 17 and John Petrin will be out of town from April 5 through April 22, so if the Board elects to hire either of those individuals, we will have to make arrangements with them to work with me well in advance of my last day in the office of April 12 to ensure the best possible transition. Generally speaking, interim managers are expected to work 25-35 hours/week, including attendance at all necessary meetings. Market rate compensation for this work is \$75-85/hour.

These three candidates plan to participate in interviews with the Board at your meeting next Monday, February 25 starting at 7:30PM. The Board could then select your preferred candidate at your Tuesday February 26 meeting and potentially have that individual under contract by the first week of March.

I am in the process of finalizing a Request for Qualifications for executive recruitment firms and plan to have proposals from several consultants in the next couple weeks, with a goal to bring these firms in to interview with the Board at your March 19 meeting. The Board could discuss the potential composition and charge of the Town Administrator Screening Committee that same night.

John J. McGinn



PROFESSIONAL EXPERIENCE

Town Administrator, Town of Marblehead, Massachusetts, January 2015 to July 2018

- Manage and coordinate, for the Board of Selectmen, the activities of all Town department heads.
- Responsible for the efficient administration of departments under the jurisdiction of the Board of Selectmen.
- Recommend policies, procedures and administrative practices to the Board of Selectmen.
- Manage the activities of the Board of Selectmen's office.
- In coordination with Labor Counsel, responsible for making recommendations concerning collective bargaining, grievance resolutions, contract negotiations and other personnel matters to the Board of Selectmen.
- Coordinate with Town Counsel on litigation and municipal law issues impacting the Town.
- Develop and manage operating and capital budget plans.
- Ensure the goals, objectives and actions of the Board of Selectmen are properly implemented.
- Work with elected and appointed officials as well as the public to ensure quality municipal services.

Finance Director / Town Accountant, Town of Marblehead, Massachusetts - January 2005 to December 2014

- Chief Financial Officer for the Town, responsible for overall management of the Town's financial operations, including Accounting, Payroll, Collections, Treasury, Financial Reporting, Budget Preparation and Control, Capital Planning, Retirement system management, Administration of Employee and Retiree Health Insurance Plan, and Workers Compensation.
- Responsible for the management of the Town's computer network and various information technology projects.

Finance Director / Treasurer-Collector, City of Somerville, Massachusetts - January 2003 to December 2004

- Chief Financial Officer for the City, responsible for the overall management of Treasury Functions, Tax Collections, Assessing, Auditing, Purchasing, Budget Preparation and Control, Capital Planning and Financing as well as Administration of Employee Health Insurance Plan.
- Responsible for development and control of City's \$147 million operating budget and \$18 million Water and Sewer Enterprise budget.
- Manage the activities of three Department Heads (City Auditor, Chief Assessor, and Purchasing Director) and nine Treasury staff members.

Fiscal Director, Massachusetts State Senate, Office of the Senate President, January 1996 to December 2002

- Responsible for overall coordination of fiscal policy between various legislative committees on a variety of legislative initiatives.
- Oversee development of the state's annual operating budget in coordination with Ways and Means staff.
- Provide advice and analysis for Senate leadership on major legislation affecting the state's finances. These include taxation proposals, operating budgets, capital spending authorizations as well as most general legislation with fiscal consequences.
- Oversee a variety of special projects for the Senate President's Office.

Budget Director, Massachusetts Senate Committee on Ways and Means, March 1993 to December 1995

- Responsible for various fiscal analysis and production of overall state budget.
- Oversee and manage budget staff of twelve professionals.
- Coordinate various public policy issues and initiatives for the committee.

Deputy Secretary for Financial Affairs, Massachusetts Executive Office of Transportation and Construction, March 1991 to February 1993

- Chief Financial Officer for the Executive Office.
- Responsible for overall coordination of capital and operating budget processes for each of the operating agencies within the Secretariat.
- Oversee the contracting process for the Secretariat.
- Manage the cost allocation plan used to fund various cross agency functions within transportation.
- Oversee both long and short term financial planning for the Secretariat; this includes analyzing various strategies related to debt issuance.
- Oversee compliance with various federal grants administered by the Secretariat

Director of Capital Expenditure and Program Office, Massachusetts Highway Department, May 1990 - March 1991.

- Responsible for all capital budgeting activities. As well as long and short-range financial planning activities for all federal funds used by the Department.
- Ensure proper programming of all state and federal capital construction funds
- Manage the Department's State Aid program for cities and towns.
- Manage annual Capital Spending Plan for the agency.

Chief of Staff, Commissioner's Office, Massachusetts Highway Department, July 1989 - May 1990.

- Coordinate all activities within the Commissioner's Office.
- Ensure proper communication and response from all operating Divisions within the Department.

Director of Fiscal Management, Massachusetts Highway Department, April 1987 - July 1989.

- Responsible for directing the activities of several financial operations effecting over \$500 million of both state and federal funds annually, including general accounting, accounts payable, accounts receivable, payroll, federal reimbursement and billing, cashier function, and financial reporting.
- Managed a section with a staff of both professional and clerical members totaling sixty-five individuals.
- Planned and implemented several modernization initiatives within the section. This was accomplished by revising procedures, strengthening management controls, and automating previously manual processes.
- Ensure compliance with state & federal accounting policy, various audit recommendations, & internal policies.

Director of Accounting, Massachusetts Department of Public Welfare, April 1984 - March 1987.

- Responsible for overseeing the accounting and bookkeeping activities for all state and federal funds utilized by the Department (in excess of two billion dollars).
- Directly managed a staff of eighteen individuals, working in several functional areas, including: budgetary control; bank reconciliation; accounts payable; accounts receivable; financial reporting; and general accounting.
- Managed the successful implementation of the Department's first automated accounting system.
- Ensure compliance with state accounting policy, audit recommendations, and generally accepted accounting practices.
- Produce timely and accurate management reports for senior managers both within and outside the Department.
- Provide training and technical assistance to program staff.

Planning Coordinator, Massachusetts Department of the State Auditor, November 1982 - April 1984.

Supervising Management Auditor, Management Audit Section, Massachusetts Department of the State Auditor, November 1981 - November 1982

Senior Management Auditor, Management Audit Section, Massachusetts Department of the State Auditor, 1980 -1981.

Semi-Senior Management Auditor, Management Audit Section, Massachusetts Department of the State Auditor, 1978 - 1979.

OTHER PROFESSIONAL ACTIVITIES

Part-time Faculty Member, Northeastern University, Master of Public Administration Program, 1985 - 1989.
Taught course in Governmental Accounting (Fund Accounting) to Graduate level students.

Peabody City Council, Elected Member, Councilor-at-Large, 1982 - 1993.
Finance Committee Member 1982 - 1993.

Peabody School Committee, Elected Member, 1978 - 1981.

Peabody Retirement Board, Appointed Member, 1995 – 2011

Marblehead Retirement Board, Ex-Officio Member 2005 – 2014

Peabody Access Telecommunications, Inc. - Board member and Treasurer 2010 - present

Finance Committee, St. Ann's Parish, Peabody – Vice Chairman 1999 - present

EDUCATION

Master of Public Administration, 1977, Northeastern University, Boston. Concentration in Budgeting and Finance.

Bachelor of Science, Cum Laude, 1976, Suffolk University, Boston. Major in Government. Also completed thirty semester hours of course work in Accounting.

JOHN D. PETRIN



MUNICIPAL EXPERIENCE

- 6/12 to 2/12 TOWN ADMINISTRATOR
Town of Burlington, MA
Serve as Chief Administrative Officer in a town with a population of 25,000 under the direction of the Town By-Law and the Board of Selectmen.
- 3/05 to 6/12 TOWN MANAGER
Town of Ashland, MA
Served as Chief Administrative Officer in a town with a population of 17,000 under the direction of the Town Charter and the Board of Selectmen.
- 8/01 to 3/05 ASSISTANT SUPERINTENDENT OF SCHOOLS
Marlborough Public Schools, Marlborough, MA
Assisted the Superintendent in providing leadership in developing, achieving, and maintaining the best possible educational programs and services.
- 9/88 to 8/01 TOWN ADMINISTRATOR
Town of Harvard, MA
Served as Chief Administrative Officer in a town with a population of 5,400 providing day-to-day overall administrative coordination and direction to departments under the jurisdiction of the Board of Selectmen
- 7/85 to 9/88 TOWN ADMINISTRATOR
Town of Pepperell, MA
Served as Chief Administrative Officer in a town with a population of 9,000 providing day-to-day overall administrative coordination and direction to departments under the jurisdiction of the Board of Selectmen
- 3/82 to 7/85 TAX ASSESSOR
Board of Assessors, Bellingham, MA
Full time duties included appraising and assessing property and formulating a tax rate from the collected data. Other responsibilities included budget preparation and overseeing day-to-day operations of the office. Served as financial planner for the Town.
- 9/80 to 7/85 PARK COMMISSIONER
Park Commission, Bellingham, MA
Elected member of the Board. Voted Chair 3 years. Major responsibilities included budget preparation and overseeing parks, maintenance, and recreation programs.

EDUCATION

- 1987 Northeastern University, Boston, MA
Masters in Public Administration
- 1981 Stonehill College, North Easton, MA
Bachelor of Arts in Political Science

CERTIFICATIONS AND LICENSES

- International City/County Managers Association – Credentialed Manager (2009)
- Massachusetts Educator's License – Superintendent/Assistant Superintendent (2003)
- International City Managers Association Certificate in Management, (1988)
- Massachusetts Accredited Assessor (1984)

PROFESSIONAL AFFILIATIONS & APPOINTMENTS

- Massachusetts Municipal Association, 1985-2001, 2005 - 2019
President, 2001
Vice-President, 2000
Board of Directors, 1994-1996, 1999-2001
- Massachusetts Municipal Managers Association, 1985-2001, 2005 - 2019
President, 1995
Vice-President, 1994
Board of Directors, 1993-1996, 1999-2001
- International City/County Managers Association, 1991-2001, 2005 - 2019
Base Closure Steering Committee Member, 1995-1998
- Massachusetts Police Accreditation Commission, 1997 – 2001, 2006 - 2019
Vice-Chair, 1998-2000, Treasurer, 2009 – present
- Metropolitan Boston Emergency Medical Services Council
Board of Directors, 2008 – 2017
- Massachusetts Special Commission on Disability Pensions, 2012-2013
- West Suburban Managers, 2005 – 2012
Chair, 2006 - 2012
- Massachusetts Local Government Advisory Commission
Chair, 2001
Member, 1994-1996, 1999-2001
- Massachusetts Association of School Superintendents, 2001 - 2005
Served on Finance and Accountability Committee and Charter School Task Force
- Massachusetts Association of School Business Officials, 2001- 2005
- Massachusetts Association of School Personnel Administrators, 2001 – 2005
- Member, Minuteman-Nashoba Health Group, 1990-2001
Chair, 1995 - 1997
Vice-Chair, 1990 - 1995

AWARDS

- Massachusetts Area Planning Commission
Theodore Mann Regional Leadership Award - 2010
- Boys & Girls Clubs of Metrowest
Michael C. Sullivan Community Partner for Youth Award – 2010
- MetroWest Growth Management Committee
Regional Spirit Award - 2010
- Massachusetts Municipal Association
Kenneth E. Pickard Memorial Innovation Award, 1996, 1999, 2000 & 2013
- MIIA Workers Compensation Group
Best Overall Safety Performance Award, 1989 & 1992
- MIIA Property and Casualty Group
Best Overall Safety Performance Award, 1993

COMMUNITY ACTIVITIES

- Town of Bolton
Fire Chief Screening Committee, Chair, 2018
- Boys & Girls Clubs of MetroWest, Inc.
Member of Board of Directors, 1995 - present
Board Vice-Chair, 2004-2005
Treasurer, 1995 - 2001
- Healthy Smiles Dental Clinic
Member of Board of Directors, 2003 - present
- Marlborough Regional Chamber of Commerce
Member of Board of Directors, 2002 - 2005
- Bellingham Youth Baseball, 1975 - 1984
Served in several capacities including President and Purchasing Agent.
- Bellingham Youth Basketball League, 1980 - 1988
Co-founder of BYBA. Served in several capacities.
- Bellingham School Computer Planning Committee, 1984 - 1985
Appointed by the School Committee to review computer needs in the school system.
- Bellingham Auxiliary Police Department - 1978 - 1985
Sergeant. Duties involved augmenting and assisting the Bellingham Police in patrols and at civic functions.
- Bellingham DPW Consolidation AdHoc Committee, 1989
Appointed by the Board of Selectmen to review the potential for consolidating all public works departments.

REFERENCES

Available on Request.

BOARD OF SELECTMEN MEETING

February 26, 2019

OLD BUSINESS

F.

Maple Woods

Senior Affordable Housing Project Update

(10 Minutes)

CH

BOARD OF SELECTMEN MEETING

February 26, 2019

OLD BUSINESS

G.

FY20 Budget Update

(20 Minutes)

- Town of Wenham FY 20 Recommended Budget, February 22, 2019

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
REVENUE PROJECTION							
PROPERTY TAXES							
Prior Year Levy Limit	12,809,252	13,192,578	13,612,731	14,161,216	15,134,098		
2 1/2 % Increase	320,231	329,814	340,318	354,030	378,352		
Projected New Growth (1)	63,095	90,337	100,000	100,000	220,000		
New Growth Incremental			108,167	187,557	-		
School Operating Override				331,294	-		
TOTAL LEVY LIMIT	13,192,579	13,612,730	14,161,216	15,134,098	15,732,450	598,352	4.0%
Debt Exclusion	807,410	807,410	724,316	740,984	527,705		
TOTAL MAXIMUM LEVY LIMIT	13,999,989	14,420,140	14,885,532	15,875,082	16,260,155	385,073	2.4%

LOCAL RECEIPTS							
Motor Vehicle Excise	713,309	734,987	730,810	660,000	663,037		
Other Excise					-		
Pen & Int on Tax & Exc	101,947	42,209	53,140	50,000	51,500		
Payments in Lieu of Taxes	10,188	15,653	12,297	10,348	10,348		
Charges for Services - Water	445,332	478,610	500,861	427,388	445,138		
Other Charges for Services	33,510	64,219	21,565	49,641	49,284		
Fees	25,093	31,747	36,092	25,738	26,499		
Rentals	134,592	148,464	123,900	141,450	146,379		
Dept. Revenue Libraries	5,751	5,183	6,119	3,266	5,261		
Dept. Revenue Cemeteries	16,650	11,750	14,000	13,000	13,000		
Other Dept. Revenue	52,421	34,578	41,849	25,963	26,223		
EMS Revenue	0	0	0	35,000	100,000		
Licenses and Permits	140,158	96,380	139,572	116,660	126,014		
Special Assessments	736,269	724,005	751,418	879,668	932,448		
Fines & Forfeits	24,908	16,460	17,785	27,093	29,361		
Investment Income	2,216	3,816	15,352	1,934	1,939		
Miscellaneous Recurring		0			-		
Miscellaneous Non-Recurring	12,178	11,252	6,542		-		
TOTAL LOCAL RECEIPTS	2,454,522	2,408,061	2,471,302	2,467,149	2,626,430	159,281	6.5%

Local Receipts % Increase		-1.9%	2.6%	-0.2%			
Cherry Sheet Receipts	415,625	425,354	448,608	464,915	464,915		
Less Offsets	(9,070)	(9,433)	(9,317)	(9,328)	(9,328)		
Less Charges and Assessments	(219,987)	(214,228)	(225,090)	(229,414)	(156,591)		
TOTAL NET STATE AID	186,568	201,693	214,201	226,173	298,996	\$ 72,823	32.2%
SUBTOTAL REVENUE	\$ 16,641,079	\$ 17,029,894	\$ 17,571,035	\$ 18,568,404	\$ 19,185,581	\$ 617,177	3.3%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
RESERVE FOR ABATEMENT (10)	(198,467)	(135,000)	(135,000)	(135,000)	(195,000)	\$ (60,000)	44.4%
TOTAL NET REVENUE	<u>\$ 16,442,612</u>	<u>\$ 16,894,894</u>	<u>\$ 17,436,035</u>	<u>\$ 18,433,404</u>	<u>\$ 18,990,581</u>	<u>\$ 557,177</u>	<u>3.0%</u>
Free Cash Used to Supplement Budget	\$ 425,000	\$ 750,000	\$ 750,000	\$ 750,000	700,000	\$ (50,000)	
Education Stabilization Used to Supplement Budget	\$ 328,000						
Transfer from Other Available Funds	\$ 5,000	\$ 5,000	\$ 7,500	\$ 7,500	7,500		
TOTAL REVENUE & Free Cash	<u>\$ 17,200,612</u>	<u>\$ 17,649,894</u>	<u>\$ 18,193,535</u>	<u>\$ 19,190,904</u>	<u>\$ 19,698,081</u>	<u>\$ 507,177</u>	<u>2.6%</u>
Annual % Increase: Total Revenue & Free Cash							
RESERVES (9)							
General Stabilization Fund	522,561	530,400	523,109	524,609	532,478		
Free Cash	600,000	311,225	482,635	482,635	277,873		
TOTAL RESERVES	<u>1,122,561</u>	<u>841,625</u>	<u>1,005,744</u>	<u>1,007,244</u>	<u>810,351</u>	\$ (196,893)	-19.5%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
EXPENDITURE PROJECTION							
(001) GENERAL FUND							
(114) MODERATOR							
(007) EXPENSES	\$ -	\$ -	\$ -	\$ 50	\$ 50		
(114) MODERATOR Total	\$ -	\$ -	\$ -	\$ 50	\$ 50	\$ -	0.0%
			\$ -				
(122) SELECTMEN							
(001) SALARIES & WAGES	\$ 10,812	\$ 10,920	\$ 11,138	\$ 11,029	11,250		
(007) EXPENSES	\$ 2,000	\$ 143	\$ -	\$ 2,000	500		
(122) SELECTMEN Total	\$ 12,812	\$ 11,063	\$ 11,138	\$ 13,029	\$ 11,750	\$ (1,279)	-9.8%
		1%					
(123) TOWN ADMINISTRATOR							
(001) SALARIES & WAGES	\$ 105,000	\$ 112,402	\$ 114,240	\$ 132,000	138,047		
(007) EXPENSES	\$ 2,489	\$ 1,689	\$ 3,517	\$ 2,500	4,000		
(123) TOWN ADMINISTRATOR Total	\$ 107,490	\$ 114,091	\$ 117,757	\$ 134,500	\$ 142,047	\$ 7,547	5.6%
		7%					
(131) FINANCE & ADVISORY COMMITTEE							
(007) EXPENSES	\$ 155	\$ 155	\$ 160	\$ 250	250		
(131) FINANCE & ADVISORY COMMITTEE Total	\$ 155	\$ 155	\$ 160	\$ 250	\$ 250	\$ -	0.0%
(132) RESERVE FUND							
(007) EXPENSES	\$ -	\$ 155,766	\$ 87,604	\$ 125,000	125,000		
(132) RESERVE FUND Total	\$ -	\$ 155,766	\$ 87,604	\$ 125,000	\$ 125,000	\$ -	0.0%
(139) MUNICIPAL AUDIT							
(002) CONTRACT SERVICES	\$ 22,000	\$ 22,000	\$ 23,500	\$ 23,500	25,000		
(002) CONTRACT SERVICES-ACTUARIAL VAL	\$ 4,500		\$ 5,500				
(139) MUNICIPAL AUDIT Total	\$ 26,500	\$ 22,000	\$ 29,000	\$ 23,500	\$ 25,000	\$ 1,500	6.4%
(141) ASSESSORS DEPARTMENT							
(001) SALARIES & WAGES	\$ 62,198	\$ 59,166	\$ 60,197	\$ 63,103	65,131		
(007) EXPENSES	\$ 9,526	\$ 14,692	\$ 12,150	\$ 13,150	14,150		
(008) CAPITAL	\$ 845	\$ 11,955			-		
(141) ASSESSORS DEPARTMENT Total	\$ 72,569	\$ 85,813	\$ 72,347	\$ 76,253	\$ 79,281	\$ 3,028	4.0%
(145) TAX TITLE EXPENSE							
	\$ 8,285	\$ 4,709	\$ 6,126	\$ 10,000	\$ 10,000	\$ -	0.0%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(149) FINANCE DEPARTMENT							
(001) SALARIES & WAGES	\$ 158,981	\$ 142,146	\$ 188,368	\$ 195,778	225,276		
(007) EXPENSES	\$ 24,769	\$ 44,330	\$ 22,550	\$ 22,950	22,950		
(149) FINANCE DEPARTMENT Total	<u>\$ 183,750</u>	<u>\$ 186,476</u>	<u>\$ 210,918</u>	<u>\$ 218,728</u>	<u>\$ 248,226</u>	<u>\$ 29,498</u>	<u>13.5%</u>
		-16%					
(151) LEGAL							
(002) CONTRACT SERVICES	\$ 88,167	\$ 67,583	\$ 66,054	\$ 55,000	60,000		
(007) EXPENSES	\$ 7,000	\$ 3,500	\$ -	\$ -	-		
(007) EXPENSES-LEGAL BASE STUDY	\$ -		\$ -		-		
(151) LEGAL Total	<u>\$ 95,167</u>	<u>\$ 71,083</u>	<u>\$ 66,054</u>	<u>\$ 55,000</u>	<u>\$ 60,000</u>	<u>\$ 5,000</u>	<u>9.1%</u>
(152) INFORMATION TECHNOLOGY							
(002) CONTRACT SERVICES	\$ 8,445	\$ -		\$ -			
(007) EXPENSES	\$ 54,333	\$ 50,729	\$ 53,013	\$ 64,014	73,211		
(008) CAPITAL	\$ 10,000	\$ 8,498	\$ 4,159	\$ 7,000	7,000		
(152) INFORMATION TECHNOLOGY Total	<u>\$ 72,778</u>	<u>\$ 59,227</u>	<u>\$ 57,172</u>	<u>\$ 71,014</u>	<u>\$ 80,211</u>	<u>\$ 9,197</u>	<u>13.0%</u>
(160) TOWN HALL							
(001) SALARIES & WAGES	\$ 62,972	\$ 76,241	\$ 102,895	\$ 122,265	133,276		
(002) CONTRACT SERVICES-MINUTES CLERK	\$ 7,911	\$ 12,221	\$ 13,879	\$ -	-		
(007) EXPENSES	\$ 58,727	\$ 44,836	\$ 52,363	\$ 47,720	47,720		
(160) TOWN HALL DEPARTMENT Total	<u>\$ 129,610</u>	<u>\$ 133,298</u>	<u>\$ 169,137</u>	<u>\$ 169,985</u>	<u>\$ 180,996</u>	<u>\$ 11,011</u>	<u>6.5%</u>
(161) TOWN CLERK'S DEPARTMENT							
(001) SALARIES & WAGES	\$ 60,083	\$ 62,679	\$ 60,990	\$ 77,487	83,773		
(007) EXPENSES	\$ 11,324	\$ 11,285	\$ 8,896	\$ 12,855	13,065		
(008) CAPITAL					-		
(161) TOWN CLERK'S DEPARTMENT Total	<u>\$ 71,407</u>	<u>\$ 73,964</u>	<u>\$ 69,886</u>	<u>\$ 90,342</u>	<u>\$ 96,838</u>	<u>\$ 6,496</u>	<u>7.2%</u>
(170) LAND USE							
(001) SALARIES & WAGES	\$ 63,175	\$ 56,535	\$ 57,105	\$ 69,122	66,056		
(007) EXPENSES	\$ 3,525	\$ 6,448	\$ 4,880	\$ 6,155	6,585		
(170) PLANNING & LAND USE Total	<u>\$ 66,700</u>	<u>\$ 62,983</u>	<u>\$ 61,985</u>	<u>\$ 75,277</u>	<u>\$ 72,641</u>	<u>\$ (2,636)</u>	<u>-3.5%</u>
		19.5%					

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(192) BLDG & GROUNDS							
(001) SALARIES & WAGES	\$ 66,259	\$ 75,503	\$ 87,153	\$ 81,247	84,045		
(002) CONTRACT SERVICES	\$ 31,272	\$ -	\$ -	\$ -	-		
(007) EXPENSES	\$ 45,530	\$ 63,583	\$ 73,989	\$ 78,989	87,934		
(008) CAPITAL			\$ -	\$ -	-		
(192) FACILITIES Total	\$ 143,061	\$ 139,086	\$ 161,142	\$ 160,236	\$ 171,979	\$ 11,743	7.3%
(195) TOWN REPORT							
(007) EXPENSES	\$ 5,000	\$ 5,000	\$ 5,500	\$ 5,700	6,000		
(195) TOWN REPORT Total	\$ 5,000	\$ 5,000	\$ 5,500	\$ 5,700	\$ 6,000	\$ 300	5.3%
(199) IRON RAIL							
(001) SALARIES & WAGES	\$ 9,866	\$ 11,369	\$ 6,635	\$ 6,973	-		
(002) CONTRACT SERVICES		0			-		
(007) EXPENSES	\$ 35,855	\$ 27,187	\$ 31,692	\$ 36,470	46,670		
(008) CAPITAL	\$ 6,000	\$ -	\$ -	\$ -	-		
(199) IRON RAIL Total	\$ 51,721	\$ 38,556	\$ 38,326	\$ 43,443	\$ 46,670	\$ 3,227	7.4%
(210) POLICE DEPARTMENT							
(001) SALARIES & WAGES	\$ 1,179,819	\$ 1,231,199	\$ 1,274,490	\$ 1,271,226	1,306,706		
(007) EXPENSES	\$ 102,082	\$ 113,310	\$ 122,906	\$ 123,216	126,616		
(008) CAPITAL	\$ 37,929	\$ 38,000	\$ 39,939	\$ 40,000	54,133		
(007) EXPENSES - CHIEF SEARCH		\$ 10,375	\$ -		-		
(210) POLICE DEPARTMENT Total	\$ 1,319,830	\$ 1,392,884	\$ 1,437,336	\$ 1,434,442	\$ 1,487,455	\$ 53,013	3.7%
(220) FIRE DEPARTMENT							
(001) SALARIES & WAGES	\$ 308,523	\$ 354,869	\$ 387,636	\$ 387,036	423,125		
(001) SALARIES & WAGES-ON CALL	\$ 154,620	\$ 172,988	\$ 160,990	\$ 202,995	181,555		
(007) EXPENSES-TRAINING	\$ 29,328	\$ -		\$ -	-		
(007) EXPENSES	\$ 91,545	\$ 95,455	\$ 124,047	\$ 123,961	131,763		
(008) CAPITAL	\$ 15,000	\$ 14,678	\$ 14,678	\$ -	41,000		
(007) EXPENSES - FIRE STAT EXP					-		
(220) FIRE DEPARTMENT Total	\$ 599,016	\$ 637,990	\$ 687,351	\$ 713,992	\$ 777,443	\$ 63,451	8.9%
(240) PERMITTING							
(001) SALARIES & WAGES	\$ 36,501	\$ 58,217	\$ 62,337	\$ 138,952	142,573		
(007) EXPENSES	\$ 1,338	\$ 5,478	\$ 6,395	\$ 15,000	27,920		
(007) Capital				\$ 3,000	-		
(240) PERMITTING Total	\$ 37,839	\$ 63,695	\$ 68,733	\$ 156,952	\$ 170,493	\$ 13,541	8.6%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(294) TREE WARDEN							
(001) SALARIES & WAGES	\$ 1,569	\$ 1,595	\$ 1,627	\$ 1,660	2,693		
(002) CONTRACT SERVICES		\$ -	\$ -	\$ -	-		
(007) EXPENSES	\$ 30,231	\$ 26,953	\$ 32,149	\$ 25,800	25,800		
(007) EXPENSES - TREE REPLACEMENT			\$ -		-		
(294) TREE WARDEN Total	\$ 31,800	\$ 28,548	\$ 33,776	\$ 27,460	\$ 28,493	\$ 1,033	3.8%
(310) REGIONAL SCHOOL							
(002) CONTRACT SERVICES	\$ 7,733,548	\$ 8,433,233	\$ 8,870,590	\$ 9,708,859	10,604,440		
(009) DEBT - WINTRHOP SPRINKLER-DEBT EXCL					54,869		
(009) DEBT - CUTLER ROOF-DEBT EXCL	\$ 39,802	\$ -	\$ 46,265	\$ 45,451	47,023		
(009) DEBT - '97 MIDDLE SCHOOL-DEBT EXCL	\$ 237,053	\$ 245,696	\$ 248,192	\$ 247,816	-		
(009) DEBT - BUKER & WINTHROP BOILER-DEBT EXCL		\$ 50,262	\$ 42,129	\$ 42,049	41,323		
(009)Winthrop Sprinkler & HS Athletic Fields-DEBT EXCL				\$ 8,838	-		
(009) DEBT - '10 CUTLER HVAC				\$ -	-		
(310) REGIONAL SCHOOL Total	\$ 8,010,403	\$ 8,729,191	\$ 9,207,176	\$ 10,053,013	\$ 10,747,655	\$ 694,642	6.9%
(320) VOC SCHOOL							
(002) CONTRACT SERVICES	\$ 148,087	\$ 167,676	\$ 145,894	\$ 143,217	159,958		
(009) DEBT - NEW SCHOOL	\$ -	\$ -	\$ 11,030	\$ 16,829	22,850		
(320) VOC SCHOOL Total	\$ 148,087	\$ 167,676	\$ 156,924	\$ 160,046	\$ 182,808	\$ 22,762	14.2%
(422) HIGHWAY DEPARTMENT							
(001) SALARIES & WAGES	\$ 493,547	\$ 505,442	\$ 529,525	\$ 551,413	569,359		
(007) EXPENSES	\$ 200,265	\$ 210,431	\$ 206,013	\$ 219,304	276,495		
(007) EXPENSES-TREE STUDY	\$ -	\$ -					
(007) EXPENSES-STREET MAINT		\$ -		\$ -			
(007) EXPENSES-VEHICLE MAINT	\$ -	\$ -		\$ -			
(007) EXPENSES-VEHICLE GAS & OIL	\$ -	\$ -		\$ -			
(008) CAPITAL	\$ -	\$ 95,784	\$ 83,020	83,020	163,020		
(422) HIGHWAY DEPARTMENT Total	\$ 693,812	\$ 811,657	\$ 818,558	\$ 853,737	\$ 1,008,874	\$ 155,137	18.2%
(423) SNOW & ICE							
(001) SALARIES & WAGES	\$ 21,940	\$ 35,315	\$ 33,045	\$ 36,050	36,050		
(007) EXPENSES	\$ 71,098	\$ 91,289	\$ 88,461	\$ 70,000	70,000		
(423) SNOW & ICE Total	\$ 93,038	\$ 126,604	\$ 121,506	\$ 106,050	\$ 106,050	\$ -	0.0%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(424) STREET LIGHTING							
(007) EXPENSES-STREET LIGHTING	\$ 28,704	\$ 1,134	\$ 22,153	\$ 18,000	20,000		
(424) STREET LIGHTING Total	\$ 28,704	\$ 1,134	\$ 22,153	\$ 18,000	\$ 20,000	\$ 2,000	11.1%
(433) REFUSE COLLECTION AND DISPOSAL							
(007) EXPENSES-REFUSE	\$ 233,659	\$ 329,258	\$ 381,431	386,000	401,268		
(433) REFUSE COLLECTION AND DISPOSAL Total	\$ 233,659	\$ 329,258	\$ 381,431	\$ 386,000	\$ 401,268	\$ 15,268	4.0%
(491) CEMETERY							
(001) SALARIES & WAGES	\$ 3,999	\$ 2,882	\$ 3,534	\$ 3,122	4,385		
(007) EXPENSES	\$ 3,738	\$ 4,904	\$ 6,048	\$ 6,600	4,750		
(007) EXPENSES-MEMORIAL DAY			\$ -				
(008) CAPITAL			\$ -		4,362		
(491) CEMETERY Total	\$ 7,737	\$ 7,786	\$ 9,581	\$ 9,722	\$ 13,497	\$ 3,775	38.8%
(510) HEALTH DEPARTMENT							
(001) SALARIES & WAGES	\$ 6,255	\$ 11,367	\$ 12,141	\$ 12,384	15,550		
(002) CONTRACT SERVICES-HEALTH AGENT	\$ -	\$ -		\$ -			
(002) CONTRACT SERVICES-HAZARD WASTE							
(007) EXPENSES	\$ 19,894	\$ 18,271	\$ 18,950	\$ 20,643	20,948		
(510) HEALTH DEPARTMENT Total	\$ 26,149	\$ 29,638	\$ 31,091	\$ 33,027	\$ 36,498	\$ 3,471	10.5%
(541) COUNCIL ON AGING							
(001) SALARIES & WAGES	\$ 69,464	\$ 73,927	\$ 79,516	\$ 87,108	93,503		
(001) SALARIES & WAGES-VAN							
(007) EXPENSES	\$ 23,371	\$ 27,892	\$ 20,274	\$ 20,274	19,950		
(008) CAPITAL					-		
(541) COUNCIL ON AGING Total	\$ 92,835	\$ 101,819	\$ 99,790	\$ 107,382	\$ 113,453	\$ 6,071	5.7%
(543) VETERANS' DEPARTMENT							
(002) CONTRACT SERVICES	\$ 17,302	\$ 18,513	\$ 19,695	\$ 21,420	22,724		
(007) EXPENSES	\$ -	\$ -	\$ -	\$ 1,919	475		
(543) VETERANS' DEPARTMENT Total	\$ 17,302	\$ 18,513	\$ 19,695	\$ 23,339	\$ 23,199	\$ (140)	-0.6%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(620) LIBRARY DEPARTMENT							
(001) SALARIES & WAGES-DIRECTOR	\$ 76,644	\$ 80,617	\$ 83,469	\$ 86,801	90,207		
(001) PROF LIBRARY GENERALIST/GRANTS ADM							
(001) SALARIES & WAGES-HEAD REFERENCE	\$ 48,665	\$ 49,936	\$ 51,741	\$ 53,818	56,401		
(001) SALARIES & WAGES-REFERENCE	\$ 48,312	\$ 49,219	\$ 50,963	\$ 53,406	55,906		
(001) SALARIES & WAGES-YOUNG ADULT	\$ 49,645	\$ 49,557	\$ 51,426	\$ 54,859	57,484		
(001) SALARIES & WAGES-CHILDRENS	\$ 47,890	\$ 50,967	\$ 52,755	\$ 53,074	55,521		
(001) SALARIES & WAGES-HEAD OF CIRCULATION	\$ 47,495	\$ 48,951	\$ 51,208	\$ 53,036	54,272		
(001) SALARIES & WAGES-ADMIN LIBRARIAN	\$ 57,357	\$ 48,557	\$ 50,507	\$ 52,576	54,001		
(001) SALARIES & WAGES-TECH SERVICES	\$ 54,489	\$ 57,483	\$ 58,836	\$ 59,766	54,655		
(001) SALARIES & WAGES-ASST DIRECTOR	\$ 47,939	\$ 55,909	\$ 58,047	\$ 60,418	63,187		
(001) SALARIES & WAGES-SUPPORT STAFF	\$ 96,755	\$ 100,388	\$ 103,131	\$ 110,209	116,326		
(007) EXPENSES-LIBRARY BOOKS	\$ 122,814	\$ 125,893	\$ 127,814	\$ 130,814	132,126		
(007) EXPENSES-SUBS & PERIODICALS	\$ 9,973	\$ 9,915	\$ 10,000	\$ 10,000	10,000		
(007) EXPENSES-TECHNOLOGY	\$ 44,938	\$ 46,404	\$ 48,668	\$ 49,694	53,209		
(007) EXPENSES-GENERAL SUPPLIES	\$ 13,348	\$ 12,615	\$ 12,765	\$ 12,627	12,627		
(007) EXPENSES-MBRSHPS/CONF/TRAVEL	\$ 916	\$ 916	\$ 916	\$ 916	916		
(007) EXPENSES-PROGRAMS	\$ 500	\$ 500	\$ 500	\$ 500	500		
(007) EXPENSES-HEAT & UTILITIES	\$ 47,557	\$ 53,676	\$ 53,540	\$ 53,540	56,427		
(007) EXPENSES-BUILD & GROUNDS	\$ 42,476	\$ 41,135	\$ 41,135	\$ 45,105	48,105		
(008) CAPITAL	\$ 9,167	\$ -	\$ -	\$ -	-		
(620) LIBRARY DEPARTMENT Total	\$ 866,880	\$ 882,638	\$ 907,420	\$ 941,159	\$ 971,870	\$ 30,711	3.3%
(640) JOINT RECREATION							
(002) CONTRACT SERVICES	\$ 16,132	\$ 60,905	\$ 66,787	\$ 82,673	85,153		
(007) EXPENSES-TURF STUDY							
(007) EXPENSES-POOL STUDY							
(007) EXPENSES-VETERANS POOL INDIRECT COSTS				\$ 14,467	1,625		
(640) JOINT RECREATION Total	\$ 16,132	\$ 60,905	\$ 66,787	\$ 97,140	\$ 86,778	\$ (10,362)	-10.7%
(691) HISTORIC COMMISSION							
(007) EXPENSES	\$ 37	\$ -	\$ -	\$ 200	200		
(691) HISTORIC COMMISSION Total	\$ 37	\$ -	\$ -	\$ 200	\$ 200	\$ -	0.0%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(710) DEBT							
DEBT-FIRE TRUCK		\$ -	\$ -	\$ -			
DEBT -JT LIB CONSTN - DEBT EXCL.	\$ 74,600	\$ 60,000	\$ 60,000	\$ 50,000	50,000		
DEBT -JT LIB LEASE PURCHASE -DEBT EXCL.	\$ 13,600	\$ 15,000	\$ 15,000	\$ 15,000	15,000		
DEBT-TOWN HALL \$244K	\$ 9,100	\$ 10,000	\$ 10,000	\$ 10,000	10,000		
DEBT -TOWN HALL POLICE STATION-DEBT EXCL.	\$ 232,500	\$ 235,000	\$ 210,000	\$ 200,000	195,000		
DEBT -QUINT FIRE TRUCK-DEBT EXCL.	\$ 45,000	\$ 45,000			-		
DEBT-CULVERTS/DRAINS/ROADS-DEBT EXCL.	\$ 39,000	\$ 39,000	\$ 40,000	\$ 76,000	76,000		
DEBT -ESCO	\$ 24,000	\$ 24,000	\$ 24,000	\$ 24,000	24,000		
DEBT-HW TRACKLESS MACHINE-DEBT EXCL.	\$ 25,000				-		
DEBT -'15 STATE HOUSE NOTE		\$ 127,000	\$ 120,000	\$ 120,000	115,000		
(710) DEBT Total	\$ 462,800	\$ 555,000	\$ 479,000	\$ 495,000	\$ 485,000	\$ (10,000)	-2.0%
(751) DEBT INT							
DEBT INT-FIRE TRUCK							
DEBT INT-JT LIB CONSTN - DEBT EXCL.	\$ 4,966	\$ 3,800	\$ 2,600	\$ 1,500	500		
DEBT INT-JT LIB LEASE PURCHASE-DEBT EXCL.	\$ 1,291	\$ 1,050	\$ 750	\$ 450	150		
DEBT INT-TOWN HALL \$244K	\$ 861	\$ 700	\$ 500	\$ 300	100		
DEBT INT-TOWN HALL POLICE STATION-DEBT EXCL.	\$ 62,178	\$ 54,075	\$ 47,150	\$ 43,050	39,100		
DEBT INT-QUINT FIRE TRUCK-DEBT EXCL.	\$ 2,869	\$ 956			-		
DEBT INT-CULVERTS/DRAINS/ROADS-DEBT EXCL.	\$ 13,948	\$ 13,119	\$ 12,230	\$ 10,830	8,740		
DEBT INT-ESCO	\$ 5,040	\$ 4,530	\$ 3,990	\$ 3,420	2,760		
DEBT INT-HW TRACKLESS MACHINE-DEBT EXCL.	\$ 675				-		
DEBT INT-TEMP LOANS					-		
DEBT INT-'15 STATE HOUSE NOTE		\$ 21,862	\$ 10,935	\$ 7,695	4,523		
(751) DEBT INT Total	\$ 91,828	\$ 100,092	\$ 78,155	\$ 67,245	\$ 55,873	\$ (11,373)	-16.9%
(911) RETIREMENT							
(007) EXPENSES	\$ 563,272	\$ 589,102	\$ 668,111	\$ 728,457	794,018		
(007) EXPENSES-FORMER EMPLOYEE PENSION	\$ -	\$ -	\$ -	\$ -	-		
(007) ECO RETIREMENT	\$ -	\$ 19,822	\$ 20,163	\$ 20,717	24,281		
(911) RETIREMENT Total	\$ 563,272	\$ 608,924	\$ 688,274	\$ 749,174	\$ 818,299	\$ 69,125	9.2%
(914) EMPLOYEE BENEFITS							
(007) EXPENSES - GROUP INSURANCE	\$ 571,488	\$ 545,425	\$ 617,631	\$ 638,415	760,169		
(001) SALARIES & WAGES	\$ 4,665	\$ 576	\$ -	\$ 7,000	-		
(007) EXPENSES-COMPENSATED ABSENCES					22,400		
(914) INSURANCE GROUP Total	\$ 576,153	\$ 546,001	\$ 617,631	\$ 645,415	\$ 782,569	\$ 137,154	21.3%

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
(916) FICA / MEDICARE							
(007) EXPENSES-FICA MEDICARE	\$ 49,290	\$ 53,503	\$ 58,286	\$ 57,856	59,013		
(916) FICA / MEDICARE Total	<u>\$ 49,290</u>	<u>\$ 53,503</u>	<u>\$ 56,721</u>	<u>\$ 57,856</u>	<u>\$ 59,013</u>	<u>\$ 1,157</u>	<u>2.0%</u>
(945) GENERAL INSURANCE							
(007) EXPENSES	\$ 116,812	\$ 116,924	\$ 122,540	\$ 127,308	135,000		
(945) GENERAL INSURANCE Total	<u>\$ 116,812</u>	<u>\$ 116,924</u>	<u>\$ 122,540</u>	<u>\$ 127,308</u>	<u>\$ 135,000</u>	<u>\$ 7,692</u>	<u>6.0%</u>
(990) INTERFUND TRANSFERS OUT (OPEB)							
(010) OTHER FINANCING USES	\$ 20,000	\$ 20,000	\$ -	\$ 40,000	50,000		
(990) INTERFUND TRANSFERS OUT Total	<u>\$ 20,000</u>	<u>\$ 20,000</u>		<u>\$ 40,000</u>	<u>\$ 50,000</u>	<u>\$ 10,000</u>	<u>25.0%</u>
TOTAL GENERAL FUND	<u>\$ 15,150,419</u>	<u>\$ 16,553,650</u>	<u>\$ 17,275,883</u>	<u>\$ 18,575,965</u>	<u>\$ 19,918,726</u>	<u>\$ 1,342,760</u>	<u>7.2%</u>
(029) WATER FUND							
(450) WATER DEPARTMENT							
(001) SALARIES & WAGES	\$ 156,415	\$ 162,848	\$ 166,489	\$ 174,048	191,798		
(002) CONTRACT SERVICES		\$ -		\$ -	-		
(007) EXPENSES	\$ 132,382	\$ 130,026	\$ 136,234	\$ 136,458	137,958		
(008) CAPITAL OUTLAY	\$ -	\$ 29,034	\$ 4,631	\$ 39,632	39,632		
(009) DEBT SERVICE -WAT TOWER CONSTRUCTION	\$ 82,400	\$ 80,000	\$ 75,000	\$ 75,000	75,000		
(009) DEBT SERVICE -WAT TOWER PAINTING	\$ 37,000	\$ 37,000	\$ 36,000		-		
(009) DEBT INT -WAT TOWER CONSTRUCTION	\$ 6,784	\$ 5,400	\$ 2,250	\$ 2,250	750		
(009) DEBT INT -WAT TOWER PAINTING	\$ 2,013	\$ 1,226	\$ 405		-		
(008) ART-PLEASANT ST PUMP					-		
(450) WATER DEPARTMENT Total	<u>\$ 416,994</u>	<u>\$ 445,533</u>	<u>\$ 421,008</u>	<u>\$ 427,388</u>	<u>\$ 445,138</u>	<u>\$ 17,750</u>	<u>4.2%</u>
(990) INTERFUND TRANSFERS OUT							
(010) OTHER FINANCING USES							
(990) INTERFUND TRANSFERS OUT Total	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>		
(060) WATER FUND Total	<u>\$ 416,994</u>	<u>\$ 445,533</u>	<u>\$ 421,008</u>	<u>\$ 427,388</u>	<u>\$ 445,138</u>	<u>\$ 17,750</u>	<u>4.2%</u>
Grand Total	<u>\$ 15,567,412</u>	<u>\$ 16,999,183</u>	<u>\$ 17,696,891</u>	<u>\$ 19,003,353</u>	<u>\$ 20,363,864</u>	<u>\$ 1,360,510</u>	

Town of Wenham FY20 Recommended Budget

	FY 2016 ACTUAL	FY 2017 ACTUAL	FY 2018 ACTUAL	FY 2019 BUDGET	FY20 RECOMMENDED	\$ Change Y/Y	% Change Y/Y
General Government	\$ 1,047,004	\$ 1,163,270	\$ 1,164,254	\$ 1,272,307	1,356,938		
Public Safety	\$ 1,988,485	\$ 2,123,117	\$ 2,227,194	\$ 2,332,846	2,463,884		
Education	\$ 8,158,490	\$ 8,896,867	\$ 9,364,100	\$ 10,213,059	10,915,167		
Public Works	\$ 1,056,950	\$ 1,276,439	\$ 1,353,230	\$ 1,373,509	1,549,689		
Water	\$ 416,994	\$ 445,533	\$ 421,008	\$ 427,388	432,889		
Health & Human Services	\$ 136,286	\$ 149,970	\$ 150,576	\$ 163,748	175,251		
Culture & Recreation	\$ 883,049	\$ 943,543	\$ 974,208	\$ 1,038,499	1,072,124		
Debt Service	\$ 554,628	\$ 655,092	\$ 557,155	\$ 562,245	540,873		
Other	\$ 1,325,527	\$ 1,345,352	\$ 1,485,166	\$ 1,619,753	1,842,871		
Total	\$ 15,567,412	\$ 16,999,183	\$ 17,696,891	\$ 19,003,353	\$ 20,349,686		7.1%
		\$ -					
TOTAL REVENUE & FREE CASH	\$ 17,200,612	\$ 17,649,894	\$ 18,193,535	\$ 19,190,904	\$ 19,698,081	\$ 507,177	2.6%
AVAILABLE BALANCE PER BUDGET	\$ 1,633,200	\$ 650,711	\$ 496,643	\$ 187,550	\$ (665,783)		

BOARD OF SELECTMEN MEETING

February 26, 2019

OLD BUSINESS

H.

Final Review of and Recommendation Votes on All Warrant Articles

(60 Minutes)

- Potential 2019 ATM Warrant Articles, February 26, 2019
- Article 9: Transfer from Water Department Undesignated Fund Balance Surplus to FY19 Water Department Operating Expense
 - Memo regarding Water Department Warrant Article from Erik Mansfield, Water Superintendent, February 20, 2019
 - Email regarding Water Department Warrant Article from Chris Holak, Town Accountant, February 25, 2019
- Article 12: CPA Appropriations
 - Anticipated Motions/CPC Recommendations
- Article 13: Historic District Commission (Chapter XXV)
 - Email regarding HDC Bylaw from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, February 26, 2019
 - Summary of Historic District Commission Appeals
 - MAPC Historic Commission Appeals Process
 - Proposed General Bylaw Amendment: Historic District Commission/Historical Commission
 - Memo regarding Historic District Bylaw amendments from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, February 22, 2019
 - Memo regarding Historic District Bylaw amendments from Jackie Bresnahan, Permitting Coordinator & Special Projects Manager, February 7, 2019
- Article 15: Certain Acts Prohibited
 - Email regarding Water discharge into roads from Lauren Goldberg, Esq., KP Law, December 31, 2018
- Article 16-23: 2019 Zoning Bylaw Articles

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**WARRANT FOR THE ANNUAL TOWN MEETING
WENHAM, MASSACHUSETTS
Saturday April 6, 2019**

ARTICLE 1: Budget Appropriations

To see if the Town will determine what sum of money (\$19,698,081) may be necessary to defray the Town's expenses of the twelve month period (Fiscal Year 2020) beginning July 1, 2019 and ending June 30, 2020 and to make appropriations for the same and to determine the source thereof.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

**ARTICLE 2: Use of Free Cash to Balance the Budget and
Level the Tax Rate**

To see what sum of money (\$700,000), the Town will vote from FY 2018 Free Cash to be used to balance the budget and level the tax rate for the period July 1, 2019 to June 30, 2020.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

**ARTICLE 3: Hamilton Wenham Regional School District
Operating Override**

To see what sum of money (\$665,783 max), the Town will vote to be used to (fully) fund Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

ARTICLE 4: **Potential HWRSD Operating Override(s) for OPEB and/or School Resource Officer**

To see what sum of money (\$89,875 for OPEB + \$26,244 for SRO = \$116,119), the Town will vote to be used to fully fund Wenham's annual assessment for the FY 2020 Hamilton Wenham Regional School District budget as adopted by the Hamilton Wenham Regional School Committee for the period July 1, 2019 to June 30, 2020.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 5: **Cemetery and Other Trust Funds**

To see if the Town will vote to accept the Cemetery and other Trust Funds received in FY 2018, as printed in Part I of the Town Report and on file with the Town Clerk.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 6: **Cemetery Maintenance Fund Transfer**

To see if the Town will vote to authorize the Treasurer to withdraw a sum of money, not to exceed \$7,500 from the Sale of Cemetery Lots - Receipts Reserved for Appropriation account, after July 1, 2019 and before June 30, 2020, and transfer and deposit said funds into the General Fund. The purpose of the transfer is to subsidize Highway Department expenditures for the care and operation of the three cemeteries in the Town of Wenham.
Or take any action relative thereto.

Comment [PL1]: Placeholder amount consistent with past several FYs, to be confirmed by Cemetery Commission at their 2/27/19 meeting.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 7: **Road Work – Chapter 90 Funding**

To see if the Town will vote from available funds a sum of money for work on Town Roads, subject to conditions detailed by the Massachusetts Department of Transportation Highway Division, pursuant to MGL Chapter 30, Section 39M; Chapter 149, Section 44J; and Chapter

149, Section 26-27F; said work to conform to the requirements of the Massachusetts Department of Transportation Highway Division.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 8: **Transfer from Water Operating Budget to
Water Capital Reserve Fund**

To see if the Town will approve the transfer of \$35,000 from the FY 2020 Water operating budget into the water capital reserve account.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 9: **Transfer from Water Department
Undesignated Fund Balance Surplus to FY19
Water Department Operating Expense**

To see if the Town will vote to transfer a sum of \$20,000 from the water undesignated fund balance surplus account to the water expense account for costs associated with the installation of 39 new water services for the Wenham Pines and Spring Hill subdivisions to be used in this fiscal year (FY 2019).
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: 4/5ths Majority

ARTICLE 10: **Amend Veterans Property Tax Work-Off
Program**

To see if the Town will vote to amend the Veterans Property Tax Work-Off Program adopted under Article 17 of the 2016 Annual Town Meeting, by increasing the abatement amount to \$1,500, the maximum currently allowed by law, for veterans who participate in the program under MGL Chapter 59, Section 5N.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 11: **Bylaw Amendment: Iron Rail Rental
Revolving Fund**

To see if the Town will vote to amend the Chapter XXVIII, Section 2 of the General Bylaws to increase the fiscal year spending limit of the Iron Rail Rental Revolving Fund to \$30,000.
Or take any other action relative thereto.

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

ARTICLE 12: **CPA Appropriations**

To see if the Town will vote to: hear and act on the report of the Community Preservation Committee ("CPC") for FY 2020; increase the amounts set aside in FY 2019 to reflect higher than forecasted FY 2019 Community Preservation Fund ("CPF") revenues; appropriate from the CPF FY 2020 estimated annual revenues a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for FY 2020; and, further, to expend or set aside, whether from CPF FY 2020 estimated annual revenues or otherwise, as recommended by the CPC, sums of money for: acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; acquisition, preservation, rehabilitation, and restoration of historic resources; acquisition, creation, preservation and support of community housing; and for the rehabilitation and restoration of open space or community housing acquired under the Community Preservation Act ("CPA").
Or take any other action relative thereto.

- 1) Move that the Town vote to transfer from the Community Preservation Fund 2019 estimated annual revenues the additional sum of \$21,867.30, for the purpose of reserving a minimum of 10% of the CPF FY 2019 estimated annual revenue for each of the three purposes of the CPA, as follows:

\$ 7,289.10	Historic Resources Reserve
\$ 7,289.10	Open Space & Recreation Reserve
\$ 7,289.10	Community Housing Reserve

Recommendation of the Board of Selectmen:
Recommendation of the Finance & Advisory Committee:
Vote needed: Simple Majority

- 2) Move that the Town vote to transfer from the Community Preservation Fund FY 2020 estimated annual revenue the total sum of \$119,490, for the purpose of reserving a minimum of 10% of the FY 2020 estimated annual revenue for each of the three purposes of the CPA, and to make annual transfers to the Budgetary Reserve (\$271,310) and to the CPC Administrative Account (\$7,500) for the necessary and proper expenses of the CPC for FY 2020, as follows:

\$ 39,830	Historic Resources Reserve
\$ 39,830	Open Space & Recreation Reserve
\$ 39,830	Community Housing Reserve
\$271,310	Budgetary Reserves
\$7,500	Administrative

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 3) Move that the sum of \$750,000 be transferred from the Community Preservation Fund, of which the sum of \$182,052 shall come from the Community Preservation FUND BALANCE, and the sum of \$373,119 shall come from the COMMUNITY HOUSING RESERVE, as a grant to Harborlight Community Partners, Inc., for the acquisition and/or creation of forty-five (45) units of housing for seniors (over the age of 62) earning no more than 80% of the area median income including the Town of Wenham, for the project known as "Maple Woods Senior Affordable Housing," located at 62 Maple Street, Wenham, Massachusetts, and described in detail in the application filed with the CPC on January 23, 2019 (the "Project"), and to authorize the Board of Selectmen to enter into a grant agreement with Harborlight Community Partners, Inc., setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction or restrictions in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction(s), execute any documents and other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

- i) [A final ruling, settlement, and/or dismissal by the court is reached with respect to the matter of [insert name of litigation, including case number], the pending litigation regarding the appeal of the Maple Woods comprehensive permit issued by the Wenham Zoning Board of Appeals;
- ii) The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;
- iii) The Project receives all other necessary permits and Town Department approvals;
- iv) The Project to be undertaken is consistent with the Binding Term Sheet dated January 7, 2018¹ [sic], on file with the Town Clerk, rather than the development already permitted by Maple Woods LLC several years ago;

Comment [PL2]: Contingencies as recommended and voted on by the CPC on.

¹ This term sheet was received by the Community Preservation Committee as part of the application submission on January 23, 2019. It is believed that the binding term sheet was likely signed on January 7, 2019, and the reference to January 7, 2018 is, therefore, a ministerial error.

- v) The Town elects not exercise its right-of-first refusal, triggered by a change in the property's status under Chapter 61, i.e. as forestry land;
- vi) Harborlight Community Partners, Inc. applies for and receives a building permit from the Wenham Inspector of Buildings within 360 and 364 days of being issued a comprehensive permit by the Wenham Zoning Board of Appeals;
- vii) The Board of Selectmen or its designee has verified that all of the aforementioned conditions are met.

Comment [PL3]: Potential additional contingencies the Board could consider adding.

And further, that said grant award of \$750,000 shall expire four (4) years after a comprehensive permit has been issued by the Wenham Zoning Board of Appeals if a certificate of occupancy has not been issued for the Project by the Wenham Inspector of Buildings by that date certain.

Comment [PL4]: Potential sunset of funding contingency if CO not secured within HCP's projected timeline of project completion in March 2022 per their CPA application. Protection against unfriendly 40Bs will expire 18 months after building permit is issued if CO not secured by then.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 4.) Move that the total sum of \$126,100 be transferred from the Community Preservation Fund, of which the sum of \$99,619 shall come from the HISTORIC RESOURCES RESERVE and the sum of \$26,481 shall come from the CPA BUDGETARY RESERVES, for FY 2020 debt service on the borrowing for the rehabilitation of the historic Town Hall.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 5.) The sum of \$60,000 from the Community Preservation FUND BALANCE as a grant to Habitat for Humanity North Shore, Inc. for the creation of two (2) affordable housing units developed through the use of a comprehensive permit ("friendly 40B process") for one 2-bedroom unit and one 3-bedroom unit for the project entitled "40 Hull Street," located at 40 Hull Street, Wenham, Massachusetts, as described in detail in the application filed with the CPC on January 7, 2019 (the "Project"), and to authorize the Board of Selectmen to enter into a grant agreement with the Habitat for Humanity North Shore, Inc. setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction, execute any documents or other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:
 - i) The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;
 - ii) The Project receives all other necessary permits and Town Department approvals;
 - iii) The Project to be undertaken is consistent with the project as described in detail in the application submitted to the Community Preservation Committee on January 7, 2019 ; and
 - iv) The Board of Selectmen or its designee has verified that all of the aforementioned conditions have been met.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 6.) Move that the sum of \$50,000 be transferred from the Community Preservation FUND BALANCE as a grant to the Community House, Inc. for the heating system as part of the preservation and rehabilitation of the historic Community House located at 284 Bay Road, Hamilton, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Community House, Inc. upon such terms and conditions as the Board of Selectmen shall deem appropriate, including but not limited to the provision to the Town of an historic preservation restriction, in perpetuity, in such property and further that historic preservation efforts be documented to the satisfaction of the Board of Selectmen to accept an historic preservation restriction in such property, execute documents, and take all other action needed to effectuate the purposes of this vote.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 7.) Move that the sum of \$6,000 be transferred from the OPEN SPACE AND RECREATION RESERVE for the Open Space Trail Map project, including all incidental and related expenses, which project is described in detail in the application submitted to the Community Preservation Committee on February 6, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

- 8.) Move that the sum of \$1,200 be transferred from the OPEN SPACE AND RECREATION RESERVE for the purpose of the purchasing and installing the so-called Wenham Lake Cedar Street Bench, including all incidental and related expenses, which project is described in detail in the application submitted to the Community Preservation Committee on January 7, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Board of Selectmen:

Recommendation of the Finance & Advisory Committee:

Vote needed: Simple Majority

ARTICLE 13: **Bylaw Amendment: Historic District
Commission / Historical Commission**

To see if the Town will vote to amend the General Bylaw by separating the current Wenham Historical Commission Bylaw into two different bylaws, a Historic District Commission and a Historical Commission, by inserting the bold text and deleting the strikethrough text, all as set forth below:

**CHAPTER XXV. ~~I WENHAM HISTORICAL COMMISSION~~ HISTORIC DISTRICT
COMMISSION**

~~SECTION 1~~

~~This bylaw shall be known and may be cited as the Wenham Historical Commission Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Wenham or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 2 3

There is hereby established under the provisions of Chapter 40C of the General Laws a historic district to be known as the "Wenham Historic District 1972" attached to and made part of this bylaw.

SECTION 3 4

There is hereby established under Chapter 40C of the General **Laws the Wenham Historic District Commission** with all the powers and duties **provided for by statute** ~~of a historic district commission under such statute a Wenham Historical Commission / Historic District Commission~~, consisting of seven members to be appointed **for terms of three years** in accordance with the provisions of such statute; provided, however, that in addition to the organizations which section four of such statute designates, the Wenham Village Improvement Society may submit nominees for membership in the Commission. ~~The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one year; two members appointed for a term of two years; and three members appointed for a term of three years. Successors shall each be appointed for a term of three years.~~ Vacancies shall be filled by appointment for the unexpired term.

SECTION 4 5

Notwithstanding anything containing in this bylaw to the contrary, the authority of this commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Wenham Historic District.

a. Terraces, walks, driveways and similar structures or any one or more of them, provided that any such structure is substantially at grade level.

b. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennas and similar appurtenances, or any one or more of them.

c. The color of paint

d. The color of materials used on roofs

e. The reconstruction of substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire or storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

SECTION 6

~~The commission established hereunder shall have the powers and duties of an historical commission as provided in chapter 40 section eight D of the General Laws of the Commonwealth of Massachusetts and the commission shall be entitled The Wenham Historical Commission / Historic District Commission.~~

SECTION 5 7

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

SECTION 6

A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency.

The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in section twelve A of MGL Chapter 40 C and Section 8 of this Bylaw.

SECTION 7

Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court

sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

SECTION 8

The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

SECTION 9

As provided for in M.G.L. Chapter 40 C Section 6, Historic Districts can issue certificates of appropriateness, certificates of non-applicability, or a certificate of hardship. Residents, contractors, or others who proceed with work in the District and under the jurisdiction of this Bylaw without a certificate issued by the Commission will be subject to the following protocol:

- a. Issuance of a "Stop Work Order" by the Building Inspector in writing that serves as a warning to the property in violation;
- b. A filing with the Commission within 10 days of Stop Work Order, as well as filing with any other Town board, committee, or department who has jurisdiction over the proposed work.
- c. Completion the Historic District approval office and proceed with work as approved.

If a property owner does not comply with the above proceed and continues working and/or does not file within the 10 day period. Fines can be issued by the Building Inspector at the following rate:

- a. 1st Offense Warning
- b. 2nd Offense \$ 25
- c. 3rd Offense \$ 50
- d. 4th Offense and each subsequent offense \$100

Residents, contractors, or others who proceed with work in the District which is in violation of certificate issued by the Commission will be subject to the following protocol:

- a. Issuance of a "Stop Work Order" by the Building Inspector in writing that serves as a warning to the property in violation;
- b. A 10 day correction period commences from the date of the "Stop Work Order,"
- c. Follow up inspections by the Building Inspector to ensure work has stopped and corrective actions are being taken;
- d. If work continues in violation after 10 day period ends fines can be issued by the Building Inspector at the following rate:
 - a. 1st Offense Warning
 - b. 2nd Offense \$ 25
 - c. 3rd Offense \$ 50
 - d. 4th Offense and each subsequent offense \$100

At any time, an offense constitutes each day of violations. Property owners can at any time during either process request a meeting with the Commission to discuss project, but if work continues between the issuance of the "Stop Work Order" and the meeting, fines can still be issued.

CHAPTER XXV.II WENHAM HISTORICAL COMMISSION

SECTION 1

~~This bylaw shall be known and may be cited as the Wenham Historic District Commission Bylaw and is adopted pursuant to Chapter 40 section 8D of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

~~The purpose of this bylaw is for the preservation, protection and development of the historical or archeological assets of the Town of Wenham. through conducting researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.~~

SECTION 2 3

~~The Wenham Historic District Commission, established under Chapter XXV.I(3) shall act also as~~
There is hereby established the Wenham Historical Commission under Chapter 40 section 8D of the General Laws and shall have all the powers and duties provided to historical commissions by said statute.
~~with all the powers and duties of a historical commission under such statute a Wenham Historical, consisting of no less than three nor more than seven members appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on~~

the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.

SECTION 3

The Historical Commission shall make such recommendations as it shall deem appropriate to the Board of Selectmen on matters relating to the preservation, protection and development of historic areas, buildings, structures and sites. In addition, to further its objectives, the commission may hold hearings, and do and perform any and all acts that may be necessary or desirable to carry out the purposes of G.L. c.40, §8D. Further, it may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, and lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

SECTION 4

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.

Or take any other action relative thereto.

Recommendation of the Board of Selectmen:

Vote needed: Simple Majority

ARTICLE 14: Bylaw Amendment: Penalties

To see if the Town will vote to amend the General Bylaw by deleting Chapter VIII and inserting in place thereof the following:

“A. General.

1. These bylaws may be enforced by any means available in law or in equity, including but not limited to enforcement by criminal indictment or on complaint before the district court pursuant to MGL c .40, § 21 or by non-criminal disposition pursuant to G.L. MGL c. 40, § 21D. If enforced by criminal indictment or on complaint before the district court, a fine of up to \$300 may be imposed for each violation.

2. The election of one remedy shall not preclude enforcement through any other lawful means. Each day that a violation exists shall constitute a separate offense.

B. Enforcement through Non-criminal Disposition.

1. Any general or zoning by-law of the Town of Wenham, or rule or regulation of its officers, boards or departments adopted at a public meeting for which notice is posted on the Town website for a period of not less than one week prior to such public meeting, may in the discretion of the Town official who is the appropriate enforcing person, be enforced through non-criminal disposition as provided in MGL c.40, § 21D. The specific penalty for purposes of non-criminal disposition for each such violation, if not otherwise specified in the bylaw rule or regulation, shall be as follows, with each day a violation exists constituting a separate violation for purposes of this by-law:

First violation – warning

Second violation - \$50.00

Third violation - \$100.00

Fourth and subsequent violations - \$300.00

2. The term “enforcing person” as used in this by-law shall mean: any Town of Wenham Police Officer with respect to any offense; as well as the Fire Chief, Town Administrator, Inspector of Buildings, Building Commissioner/Zoning Enforcement Officer, Conservation Commission or its agent, Board of Health or its agent, Sealer of Weights and Measures, Code Enforcement Officer, and their designees, and such other officials as the Board of Selectmen may from time to time designate, each with respect to violation of by-laws, rules and regulations within their respective jurisdictions. If more than one official has jurisdiction in a given case, any such official may be an enforcing person with respect thereto.”

Or take any action relative thereto.

Recommendation of the Board of Selectmen:

Vote needed: Simple Majority

ARTICLE 15: Bylaw Amendment: Certain Acts Prohibited

To see if the Town will vote to amend the General Bylaw by deleting Section 12 of Chapter V and inserting in place thereof the following:

“Snow, Ice and Water Onto or Across Public Property

No person other than an employee in the service of the Town or an employee in the service of a private contractor acting on behalf of the Town shall pile, push, plow, dump, blow, shovel, or deposit snow, ice, or water subject to freezing, onto, into, or across any public way, including

sidewalks, or cause, direct, sanction, or authorize any such activity involving snow, ice, or water subject to freezing on a public way, including sidewalks; provided, however, that it shall not be a violation of this bylaw for persons to play, push or throw any snow or ice onto any street or sidewalk of the town if such persons immediately remove such snow or ice therefrom.”

Or take any action relative thereto.

Recommendation of the Board of Selectmen:
Vote needed: Simple Majority

ARTICLE 16: Zoning Bylaw Amendment: Amend Section 2.2

Definitions

To see if the Town will vote to amend the Wenham Zoning Bylaw by adding the following definitions under Section 2.2:

“Commercial Kennel: an establishment used for boarding or overnight stays of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal.

Animal Day Care or Training Facility: An establishment used for holding (not to include overnight stays), day care, grooming, or training of animals that are not the property of the owner of the establishment, at which such services are rendered in exchange for consideration and in the absence of the owner of any such animal.”

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)
Recommendation of the Board of Selectmen:
Vote needed: 2/3 Majority

ARTICLE 17: Zoning Bylaw Amendment: Amend Section 4.0

Table of Use Regulations

To see if the Town will vote to amend the Wenham Zoning Bylaw Section 4.0 Table of Use Regulations by removing the use “Kennel” under Commercial and replace with the following:

CATEGORY	USE	DISTRICT		DESCRIPTION
		RES	BUS	
COMMERCIAL				
	Commercial Kennel	N	N	
	Animal Day Care or Training Facility	BA	BA	

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 18: Zoning Bylaw Amendment: Section 2.2 **Definitions**

To see if the Town will vote to amend the Wenham Zoning Bylaw by amending the definitions for "Lot" and "Special Permit" under Section 2.2 as follows, with additions in bold and deletions in strikethrough:

Lot: An area of land in common ownership meeting minimum requirements for area, width, and frontage in the district in which it lies. ~~A lot is buildable.~~

Special Permit: A permit granted by the ~~Board of Appeals~~ **Special Permit Granting Authority** for structure or use identified in the Table of Use Regulations as permitted with approval of the ~~Board of Appeals~~ **Special Permit Granting Authority**.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 19: Zoning Bylaw Amendment: Section 4.2 **Principle Uses**

To see if the Town will vote to amend the Wenham Zoning By-law by adding a new Section 4.2.6, Use Variances as follows:

 "4.2.6 – Use Variances
 Use variances shall not be granted."

Or take any action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 20: **Zoning Bylaw Amendment: Amend Section
4.3.6.3 Parking and storage of commercial or
recreational vehicles**

To see if the Town will vote to amend the Wenham Zoning Bylaw Section 4.3.6.3 as follows, with additions in bold and deletions in strikethrough:

“4.3.6.3. Parking or Storage of commercial vehicles or recreational vehicles in the residential district

Parking of one (1) commercial or recreational vehicle of not more than 25,000 GVW is permitted in conformance with Section 4.3.6.2.

The storage of **up to** two additional commercial vehicles ~~with of not~~ more than 25,000 GVW **each** may be authorized by special permit **from the ZBA**, provided such vehicles are not visible from any public way. Nothing herein shall be construed to prohibit the parking or storage of farm vehicles.”

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 21: **Zoning Bylaw Amendment: Site Plan Review
Applicability**

To see if the Town will vote to amend the Wenham Zoning Bylaw Section 13 as follows, with additions in bold and deletions in strikethrough:

“13.5.1 – Site Plan Review Applicability

1) Construction, exterior alteration or exterior expansion of, or change of use within, a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units; and

2) any change of use of from residential, including single family, to municipal, institutional, commercial, industrial use, or residences with two or more dwellings; and,” (and renumber the current 2 and 3 to sections 3 and 4)

3) Construction or expansion of a parking lot for a municipal, institutional, commercial, industrial, or residential structure with two or more dwelling units.

4) For the following Institutional and Exempt Uses set forth in the Table of Use Regulations: Educational, Religious, and Child Care Facility, see Section 13.7, Site Plan Review for Institutional and Exempt Uses (collectively, “Dover Amendment Uses”), subject to the limitations on the scope of review as set forth hereunder.

“13.5.5 - Contents of Plan

13.5.5.1 - Five (5) separate plans prepared at a scale of one (1) inch equals twenty (20)

feet or such other scale as may be approved by the Board. The plans are as follows:

- 1) Site layout, which shall contain the boundaries of the lot(s) in the proposed development, proposed structures, drives, parking, fences, walls, walks, outdoor lighting, loading facilities, and areas for snow storage after plowing. The first sheet in this plan shall be a locus plan, at a scale of one (1) inch equals one hundred (100) feet, showing the entire project and its relation to existing areas, buildings and roads for a distance of one thousand (1,000) feet from the project boundaries or such other distance as may be approved or required by the Board.
- 2) Topography and drainage plan, which shall contain the existing and proposed final topography at two foot intervals and plans for handling storm water drainage.
- 3) Utility and landscaping plan, which shall include all facilities for refuse and sewerage disposal or storage of all wastes, the location of all hydrants, fire alarm and firefighting facilities on and adjacent to the site, all proposed recreational facilities and open space areas, and all wetlands including floodplain areas.
- 4) Architectural plan, which shall include the ground floor plan and architectural elevations of all proposed buildings and a color rendering.
- 5) Landscaping plan, showing the limits of work, existing tree lines, and all proposed landscape features and improvements including screening, planting areas with size and type of stock for each shrub or tree, and including proposed erosion control measures.
- 6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

13.5.5.2 The site plan shall be accompanied by:

- 1) A written statement indicating the estimated time required to complete the proposed project and any and all phases thereof. There shall be submitted a written estimate, showing in detail the costs of all site improvements planned.
- 2) A written summary of the contemplated projects indicating, where appropriate, the number of dwelling units to be built and the acreage in residential use, the evidence of compliance with parking and off-street loading requirements, the forms of ownership contemplated for the property and a summary of the provisions of any ownership or maintenance thereof, identification of all land that will become common or public land, and any other evidence necessary to indicate compliance with this Bylaw.
- 3) Drainage calculations by a registered professional engineer. Storm drainage design must conform to the Town's Subdivision Rules and Regulations and **to the Planning Board's Rules and Regulations.**
- 4) If the Board requires, narrative assessments of the on-site and off-site impacts of the proposed use and structures.
- 5) Certification that the proposal is fully compliant with the provisions, if applicable, of the Americans with Disabilities Act and the Massachusetts Architectural Barriers Board.
- 6) Dover Amendment Uses shall be required to provide only information that is relevant to the limited scope of site review of the use as provided for under G.L. c.40A, s. 3.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 22: Zoning Bylaw Amendment: Small and Medium Ground Mounted Solar Photovoltaic Installations

To see if the Town will vote to amend the Wenham Zoning Bylaw by adding new Section 10.3 for Small and Medium Scale Ground Mounted Solar Photovoltaic Installations as follows:

10.3 Small and Medium Scale ground-mounted solar photovoltaic installations.

10.3.1 - Definitions -

Small Scale Ground Mounted Solar Photovoltaic Installation: An Active Solar Energy System that occupies 1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW DC or less).

Comments: This is about the square footage of an in ground swimming pool and accompanying apron.

Medium Scale Ground Mounted Solar Photovoltaic Installation: An Active Solar Energy System that occupies more than 1,750 but less than 40,000 square feet of surface area (equivalent to a rated nameplate capacity of about 10 - 250 kW DC).

Comments: Once an installation gets over 250 kW DC it requires review under the Large Scale Ground Mounted Bylaw Section 10.2

Purpose. The purpose of this section is to encourage the responsible development of small and medium scale ground-mounted solar energy systems. Small-scale and medium scale ground-mounted solar energy systems shall be considered accessory structures to both residential and nonresidential uses.

Applicability. This section applies to small-scale and medium scale ground-mounted solar energy systems, including associated equipment. Small-scale ground-mounted solar energy systems are permitted by right as accessory uses. Medium Scale ground mounted solar energy systems shall require site plan approval from the Planning Board.

Solar photovoltaic Installations shall not be included in calculations for lot coverage or impervious cover as defined in section 5.1 Table of Dimensional regulations unless the area below the installation is to be paved or otherwise rendered impervious.

All solar photovoltaic installations must apply for and be granted a building permit before construction.

10.3.2 - Small Scale Ground Mounted Solar Energy Systems General requirements:

Small-scale ground-mounted solar energy systems shall be permitted anywhere in a side or rear yard of any lot if they:

- Have rear yard setbacks of at least 30 feet;
- Have side yard setbacks of at least 30 feet;
- Have front yard setbacks of at least 40 feet
- Are not located between a building and any street; and
- Are no taller than 10 feet in height.

Small-scale ground-mounted solar photovoltaic installations shall be located so that the entirety of any system and associated equipment falls within the setback requirements.

All small-scale ground-mounted solar energy systems must comply with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.

10.3.2.1 - Design and performance standards:

Outdoor lighting for the purpose of illuminating small-scale ground-mounted solar energy systems is not permitted. The solar energy system, including all accessories and appurtenant structures, shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings and adding vegetative buffers to provide an effective visual barrier from adjacent roads and screen abutting residential properties, regardless of development status. Siting shall be such that the view of the solar energy system from locations off-site shall be minimal.

Reasonable efforts shall be made to design small scale solar energy systems to prevent reflected solar radiation or glare from becoming a public nuisance or hazard to adjacent buildings, roadways, or properties. Such efforts may include, but not be limited to, deliberate placement and arrangement, anti-reflective materials, solar glare modeling, and screening in addition to required landscaping.

Utility connections. Reasonable efforts shall be made to place all utility connections from small scale, ground-mounted solar energy systems underground, depending on appropriate soil conditions, shape, and topography of the site, as well as any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

Noise. Noise generated by small-scale ground-mounted solar energy systems and associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10.

10.3.3 - Medium Scale Ground Mounted Solar Photovoltaic Installations General

Requirements:

Medium-scale ground-mounted solar energy systems shall be permitted anywhere in a side or rear yard of any lot if they:

- Have rear yard setbacks of at least 100 feet;
- Have side yard setbacks of at least 100 feet;
- Have front yard setbacks of at least 100 feet
- Are not located between a building and any street; and
- Are no taller than 15 feet in height.

Medium-scale ground-mounted solar photovoltaic installations shall be located so that the entirety of any system and associated equipment falls within the setback requirements.

All medium-scale ground-mounted solar energy systems must comply with all applicable local, state, and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements.

10.3.3.1 - Design and performance standards:

Outdoor lighting for the purpose of illuminating medium-scale ground-mounted solar energy systems is not permitted. The solar energy system, including all accessories and appurtenant structures, shall be designed to minimize visual impacts, including preserving natural vegetation to the maximum extent possible, blending in equipment with the surroundings and adding vegetative buffers to provide an effective visual barrier from adjacent roads and screen abutting residential properties, regardless of development status. Siting shall be such that the view of the solar energy system from locations off-site shall be minimal.

Reasonable efforts shall be made to design solar energy systems to prevent reflected solar radiation or glare from becoming a public nuisance or hazard to adjacent buildings, roadways, or properties. Such efforts may include, but not be limited to, deliberate placement and arrangement, anti-reflective materials, solar glare modeling, and screening in addition to required landscaping.

Utility connections. Reasonable efforts shall be made to place all utility connections from medium scale, ground-mounted solar energy systems underground, depending on appropriate soil conditions, shape, and topography of the site, as well as any requirements of the utility provider. Electrical transformers for utility interconnections may be aboveground if required by the utility provider.

Utility Notification - No grid-intertie medium scale photovoltaic system shall be installed until evidence has been given to the Planning Board that the owner has submitted notification to the utility company of the customer's intent to install an interconnected customer-owned generator. Off-grid systems are exempt from this requirement.

Safety - The medium-scale ground-mounted solar energy system owner or operator shall provide a copy of the Site Plan Review application to the local fire chief. All means of shutting down the solar installation shall be clearly marked.

Visual Impact – Reasonable efforts, as determined by the Planning Board, shall be made to minimize visual impacts by preserving natural vegetation, screening abutting properties, or other appropriate measures.

Land Clearing, Soil Erosion and Habitat Impacts - Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of ground-mounted solar energy systems or as otherwise prescribed by applicable laws, regulations, and bylaws/ordinances.

Noise. Noise generated by medium-scale ground-mounted solar energy systems and associated equipment and machinery shall conform at a minimum to applicable state and local noise regulations, including the DEP's Division of Air Quality noise regulations, 310 CMR 7.10.

10.3.4 - Site Plan Review provisions for medium-scale ground-mounted solar energy systems:

Medium-scale ground-mounted solar energy systems proposed shall undergo Site Plan Review in accordance with Section 13.5 prior to construction, installation or modification as provided in this section.

Site Plan Document Requirements:

Pursuant to the Site Plan Review process, the project proponent shall provide the following documents, as deemed applicable by the Planning Board:

A site plan showing:

- (a) Property lines and physical features, including roads, for the project site;
- (b) Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
- (c) Blueprints or drawings of the solar energy system showing the proposed layout of the system, any potential shading from nearby structures, the distance between the proposed solar collector and all property lines and existing on-site buildings and structures, and the tallest finished height of the solar collector;
- (d) Documentation of the major system components to be used, including the panels, mounting system, and inverter;
- (e) Name, address, and contact information for proposed system installer;
- (f) Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
- (g) The name, contact information and signature of any agents representing the project proponent; and
- (h) Zoning district designation for the lot(s) of land comprising the project site.
- (i) Locations of active farmland and prime farmland soils, wetlands, permanently protected open space, Priority Habitat Areas and BioMap 2 Critical Natural Landscape Core Habitat mapped by the Natural Heritage & Endangered Species Program (NHESP) and "Important Wildlife Habitat" mapped by the DEP.

- (j) Locations of floodplains or inundation areas for moderate or high hazard dams;
- (k) Locations of local or National Historic Districts;

Abandonment or Decommissioning

Any medium-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations or abandonment. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- 1) Physical removal of all medium-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers, and transmission lines from the site.
- 2) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- 3) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

Removal by Town

If the owner or operator of the medium-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this Section within 150 days of abandonment or the proposed date of decommissioning, the Town may enter the property and physically remove the installation.

Performance Guarantee

The Planning Board may require an applicant for a medium scale ground-mounted solar photovoltaic installation to provide a performance guarantee, in the form of an escrow account, bond or tripartite agreement, to cover the cost of removal in the event the town must remove the installation and repair any damage done to the subject property, in an amount and form determined to be reasonable by the Board. Such performance guarantee shall not be required for municipal or state owned facilities.

Accessory Roof-Mounted Solar Photovoltaic Installations

Nothing in this Section shall be construed to prevent the installation, pursuant to G.L. c. 40A, s. 3, of accessory roof-mounted solar photovoltaic installations in any district.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 23: Zoning Bylaw Amendment: Signs

To see if the Town will vote to amend the Wenham Zoning Bylaws by replacing Section 7.0 Signs in its entirety with the following:

Section 7.0 Signs

7.1 Purpose.

The purpose and intent of this bylaw shall be to regulate, restrict and place limitations on the size, location, type and illumination of signs, as specified herein, to ensure that they are appropriate to the land, building or use to which they are located, be protective of property values and the public safety and not unnecessarily detract from the historic qualities and characteristics of the Town of Wenham.

7.2 Residential District.

Signs are prohibited in the Residential District, except as described below. All allowable signs are subject to the general standards set forth in § 255-7.4. Any signs found to be in violation of this section are subject to removal by the Town.

A. Allowable temporary signs.

- (1) Real estate signs. On any lot there shall be no more than one temporary sign not exceeding seven square feet in area, pertaining to lease or sale of the lot or building on which such sign is placed. The sign shall be permitted for a period not to exceed seven days after such sale or lease execution.
- (2) Contractor signs. One temporary sign not exceeding seven square feet in area advertising contracted services being provided on site shall be permitted for a period not to exceed seven days after such completion of work.
- (3) Non-commercial signs.
 - (a) On any lot, any non-commercial temporary sign (other than a special event sign addressed under Section 3(b) of this bylaw) shall not exceed seven square feet in area.
 - (b) Special event signs. On any lot there shall be no more than one temporary sign not exceeding seven square feet in area providing notice of the date of a special event, which signs may be erected for a period not to exceed two weeks prior to the event and are to be removed within two business days following the date of the event.

B. Allowable permanent signs. On any lot there shall be no more than one such sign pertaining to the use thereof or having the name and occupation of the occupant or occupants, and no such sign shall exceed two square feet in area. All permanent signs located in the Historic District are also subject to Historic District Commission review and approval.

C. Special permit. The Planning Board may, upon a request therefor, issue a special permit for the erection of a temporary or permanent sign under this section 255-7.1 that is larger, or posted for a longer period of time, than otherwise authorized hereunder, which sign the Planning Board deems not detrimental to the surrounding property nor injurious to the public welfare, provided however that any such permitted sign in the Historic District is also subject to the approval of the Historic District Commission.

7.2.2 Business District.

Signs advertising goods or services offered by an occupant of the premises for sale, hire or use are permitted, provided however that any such sign in the Historic District is subject to the approval of the Historic District Commission and further provided that signs shall not exceed seven square feet in area for one business, or in the case of a building containing more than one business, the following shall apply:

- A. One street side sign not to exceed seven square feet to identify the complex itself.
- B. Individual businesses within the complex identified at street side with signs 12 inches by 36 inches arranged vertically in a single structure.
- C. Each business within the complex may have one two-square-foot sign located at the doorway for business identification.

7.2.3 Senior Housing Overlay District (SHOD).

See § 255-12.3H for special requirements for signs located in a Senior Housing Overlay District.

7.3 General Standards For Signs.

The following standards apply to all signs:

- A. No sign shall be erected so as to obstruct any fire escape, window, door, or other opening or so as to prevent free passage from one part of a roof to any other part thereof.
- B. No sign shall be attached in any manner to a fire escape or shall be placed to interfere with an opening which is required for ventilation.
- C. No exposed, un-insulated parts of an electrical sign shall be permitted.
- D. No sign shall be erected that shall in any way create a traffic hazard or in any way obscure or confuse traffic control.
- E. No sign or sign structure shall interfere in any way with a public way, including sidewalks.
- F. Letters, figures, characters, or representations in cutout or irregular form, maintained in conjunction with, attached to or superimposed upon any sign, shall be safely and securely built or attached to the sign structure.

G. Signs shall be designed, constructed, and erected in accordance with the State Building Code.

H. No sign shall be posted on or attached to utility poles, trees nor attached to any parapet.

I. No non-municipal sign shall be located on public property, ~~including sidewalks, roadsides and roadways,~~ **with the exception of a location to be designated by a policy of the Board of Selectmen, with such policy to be set only after a public hearing process including notification in a newspaper of general circulation at least seven (7) days prior to the date of the public hearing.**

7.4 Illuminated signs.

The following additional standards apply to illuminated signs.

- A. Illuminated signs are not permitted within residential districts without a special permit.
- B. No red or green or other colored lights shall be used on any sign if such light would create a driving hazard.
- C. No sign may be illuminated more than 30 minutes after closing of any store or business or 30 minutes after working hours in a commercial building, except signs identifying public buildings; provided however, that the Planning Board, in granting a special permit, may, for good cause shown, extend the time during which a sign may be illuminated.

7.5 Moving signs.

Swinging signs, flashing signs, revolving signs, and signs consisting of pennants, ribbons, streamers, spinners, strings of light bulbs, revolving beacons, searchlights, animated signs, and signs illuminated to create the illusion of motion are prohibited.

7.6 Maintenance.

Every sign shall be maintained by the owner in a clean, sanitary condition and in good repair. In addition, every freestanding pole or ground sign shall be kept free and clear of all substances, rubbish, and weeds.

7.7 Removal of Existing Signs.

Non-conforming signs that are enlarged, redesigned, replaced or altered in any way shall comply immediately with all applicable provisions of this Bylaw.

7.8 Special permit.

Notwithstanding the provisions set forth in this article, the Planning Board may authorize nonconforming signs or a greater number of signs by the grant of a special permit, where such relief is not detrimental to the neighborhood or the Town.

- A. Exemptions. No permit is required for the following types of signs:
- (1) Any sign legally erected before the date of the Town Meeting approving this article shall be exempt from the requirements in this article.
 - (2) Any sign erected or required by the Town, by the Commonwealth of Massachusetts or by the United States, or any subdivision or agency thereof, or for any sign intended solely for the protection of life or property.
- B. Special permit process.
- (1) Application. Application for a sign special permit shall be made in writing upon forms furnished by the Planning Board. Such application shall contain the location by street number of the proposed sign, the name and address of the owner of the sign, the name and address of the sign contractor or erector, if any, and a scale drawing showing the construction, the method of installation or support, colors, dimensions, and position of the sign, method of illumination and such other relevant information as may be requested.
 - (2) Fee. A sign special permit fee shall be paid to the Town for each permit in accordance with the schedule established by the Planning Board.
 - (3) Inspection. The Building Inspector shall inspect any sign subject to a special permit within 30 days after it is erected and shall report to the Planning Board that said sign has been erected properly and in accordance with the provisions of this article and any other applicable law.
 - (4) Constructive grant. If a sign special permit has not been denied within 60 days after application has been made, it shall be deemed to be approved.
 - (5) Lapse. A sign special permit shall become null and void if the work for which the permit was issued has not been completed within a period of 12 months from the date of the permit; provided, however, that the Planning Board may, in its discretion, issue extensions covering a period not to exceed an additional one year from the date of issue of the original permit. The applicant shall notify the Building Inspector of completion of work under a permit within 10 days of completion.

§255-8.0 Administration and Penalties

This bylaw may be enforced by the Building Inspector by any means available in law or in equity in accordance with Section ___ of the General Bylaws, including non-criminal disposition.

Or take any other action relative thereto.

Recommendation of the Planning Board: Favorable Action (4-0-0)

Recommendation of the Board of Selectmen:

Vote needed: 2/3 Majority

ARTICLE 24: **PLACEHOLDER - Bylaw Amendment: New Associate Planning Board Member**

*Recommendation of the Board of Selectmen:
Vote needed: Simple Majority*

ARTICLE 25: **PLACEHOLDER - Bylaw Amendment:
Reduction in Number of Conservation
Commission Members from 7 to 5**

*Recommendation of the Board of Selectmen:
Vote needed: Simple Majority*

ARTICLE 26: **Acceptance of Settlers Lane as a Public Way**

To see if the Town will vote to accept the layout of Settlers Lane 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.

Or take any other action relative thereto.

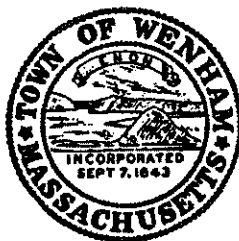
*Recommendation of the Board of Selectmen:
Vote needed: Simple Majority*

ARTICLE 27: **Election of Town Officers**

To choose the following officers:

Board of Assessors, one position, three year term; Board of Health, one position, three year term; Board of Selectmen, one position, three year term; Hamilton Wenham Regional Library Trustee, one Wenham position, three year term; Hamilton Wenham School Committee, three positions, three year terms; Moderator, three year term; Planning Board, one position, five year term; Water Commissioner, one position, three year term and one position, 1 year term to fill an unexpired term; Wenham Housing Authority, one position, five year term.

And you are hereby directed to serve this warrant by posting attested copies thereof at Town Hall, Hamilton-Wenham Regional Library, Senior Center, and on the bulletin board outside the Fire Station seven days at least before the time of the meeting aforesaid.



WATER DEPARTMENT
91 GRAPEVINE RD.
WENHAM, MA 01984

Telephone: (978) 468-5520 ext 6
Fax: (978) 468-1009
emansfield@wenhamma.gov

TO: Peter Lombardi, Town Administrator
FROM: Erik G. Mansfield, Water Superintendent
RE: Water Department – Town Meeting Article
DATE: February 20, 2019

Cost Breakdown

1. (22) ¾" curbstops	\$2,500
2. (17) 1" curbstops	\$2,900
3. (22) ¾" corporation stops	\$1,800
4. (17) 1" corporation stops	\$1,800
5. (39) curb boxes	\$4,000
6. (39) tapping saddles	\$4,700
7. Replace parts for tapping machine	\$1,500
Total	\$19,200
Fee's collected from Wenham Pines	\$28,600
Fee's collected from Spring Hill	\$23,800
Total	\$52,400

Peter Lombardi

From: Christopher Holak
Sent: Monday, February 25, 2019 3:30 PM
To: Peter Lombardi
Cc: Patricia Moore; Erik Mansfield
Subject: RE: Article and Breakdown

Hi Peter,

The current undesignated fund balance for water is \$246,711.04.

Chris Holak
Town Accountant

138 Main Street
Wenham, MA 01984
978-468-5520 x7

From: Peter Lombardi
Sent: Monday, February 25, 2019 3:19 PM
To: Christopher Holak
Cc: Patricia Moore; Erik Mansfield
Subject: FW: Article and Breakdown

Chris,
What is the current Water undesignated fund balance?

Peter Lombardi
Town Administrator

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

From: Erik Mansfield
Sent: Wednesday, February 20, 2019 11:07 AM
To: Peter Lombardi
Subject: Article and Breakdown

Peter,

Attached is the draft article and a breakdown of the costs.

*Erik G Mansfield
Superintendent
Wenham Water Department
91 Grapevine Road
Wenham, Ma 01984*

ARTICLE **: CPA Appropriations

To see if the Town will vote to: hear and act on the report of the Community Preservation Committee (“CPC”) for FY2020; increase the amounts set aside in FY2019 to reflect higher than forecasted FY2019 Community Preservation Fund (“CPF”) revenues; appropriate from the CPF FY2020 estimated annual revenues a sum of money to meet the necessary and proper expenses of the Community Preservation Committee for FY2020; and, further, to expend or set aside, whether from CPF FY2020 estimated annual revenues or otherwise, as recommended by the CPC, sums of money for: acquisition, creation and preservation of open space; acquisition, creation, preservation, rehabilitation, and restoration of land for recreational use; acquisition, preservation, rehabilitation, and restoration of historic resources; acquisition, creation, preservation and support of community housing; and for the rehabilitation and restoration of open space or community housing acquired under the Community Preservation Act (“CPA”). Or take any other action relative thereto.

Anticipated motions/CPC recommendations:

- 1) Move that the Town vote to transfer from the Community Preservation Fund FY 2019 estimated annual revenues the additional sum of \$ **21,867.30**, for the purpose of reserving a minimum of 10% of the Community Preservation Fund FY2019 estimated annual revenue for each of the three purposes of the CPA, as follows:

\$ 7,289.10	Historic Resources Reserve
\$ 7,289.10	Open Space & Recreation Reserve
\$ 7,289.10	Community Housing Reserve

Recommendation of the Community Preservation Committee: 9-0

- 2) Move that the Town vote to transfer from the Community Preservation Fund FY2020 estimated annual revenue the total sum of \$ **119,490**, for the purpose of reserving a minimum of 10% of the FY2020 estimated annual revenue for each of the three purposes of the CPA, and to make annual transfers to the Budgetary Reserve (\$ **271,310**) and to the CPC Administrative Account (\$ **7,500**) for the necessary and proper expenses of the CPC for FY 2020, as follows:

\$ 39,830	Historic Resources Reserve
\$ 39,830	Open Space & Recreation Reserve
\$ 39,830	Community Housing Reserve
\$271,310	Budgetary Reserves
\$7,500	Administrative

Recommendation of the Community Preservation Committee: 9-0

3.) Move that the sum of \$ 750,000 be transferred from the Community Preservation Fund, of which the sum of \$ 182,052 shall come from the Community Preservation FUND BALANCE, and the sum of \$373,119 shall come from the COMMUNITY HOUSING RESERVE, and the sum of \$ 194,829 shall come from the CPA BUDGETARY RESERVES, as a grant to Harborlight Community Partners, Inc., for the acquisition and/or creation of forty-five (45) units of housing for seniors (over the age of 62) earning no more than 80% of the area median income including the Town of Wenham, for the project known as “**Maple Woods Senior Affordable Housing**,” located at 62 Maple Street, Wenham, Massachusetts, and described in detail in the application filed with the CPC on January 23, 2019 (the “Project”), and to authorize the Board of Selectmen to enter into a grant agreement with Harborlight Community Partners, Inc., setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction or restrictions in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction(s), execute any documents and other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

- i) A final ruling, settlement, and/or dismissal by the court is reached with respect to the matter of [insert name of litigation, including case number], the pending litigation regarding the appeal of the Maple Woods comprehensive permit issued by the Wenham Zoning Board of Appeals;
- ii) The Zoning Board of Appeals issues a new comprehensive permit for the Project, which permit is not appealed;
- iii) The Project receives all other necessary permits and Town Department approvals;
- iv) The Project to be undertaken is consistent with the Binding Term Sheet dated January 7, 2018¹ [sic], on file with the Town Clerk, rather than the development already permitted by Maple Woods LLC several years ago;
- v) The Board of Selectmen or its designee has verified that all of the aforementioned conditions are met.

Recommendation of the Community Preservation Committee: 8-1

4.) Move that the total sum of \$126,100 be transferred from the Community Preservation Fund, of which the sum of \$99,619 shall come from the HISTORIC RESOURCES RESERVE and the sum of \$26,481 shall come from the CPA BUDGETARY RESERVES, for FY2020 debt service on the borrowing for the rehabilitation of the historic **Town Hall**.

Recommendation of the Community Preservation Committee: 9-0

5.) The sum of \$ 60,000 from the Community Preservation FUND BALANCE as a grant to **Habitat for Humanity North Shore, Inc.** for the creation of two (2) affordable housing units developed through the use of a comprehensive permit (“friendly 40B process”) for one

¹ This term sheet was received by the Community Preservation Committee as part of the application submission on January 23, 2019. It is believed that the binding term sheet was likely signed on January 7, 2019, and the reference to January 7, 2018 is, therefore, a ministerial error.

2-bedroom unit and one 3-bedroom unit for the project entitled "40 Hull Street," located at 40 Hull Street, Wenham, Massachusetts, as described in detail in the application filed with the CPC on January 7, 2019 (the "Project"), and to authorize the Board of Selectmen to enter into a grant agreement with the Habitat for Humanity North Shore, Inc. setting forth the terms and conditions of the grant, including a requirement that the Town be provided with an affordable housing deed restriction in such property, in perpetuity, and to authorize the Board of Selectmen to accept such restriction, execute any documents or other agreements, and take all other action necessary to effectuate this vote; provided, however, that the Board of Selectmen shall not expend the funds appropriated hereunder unless the following conditions are met:

- i) The Zoning Board of Appeals issues a comprehensive permit for the Project, which permit is not appealed;
- ii) The Project receives all other necessary permits and Town Department approvals;
- iii) The Project to be undertaken is consistent with the project as described in detail in the application submitted to the Community Preservation Committee on January 7, 2019 ; and
- iv) The Board of Selectmen or its designee has verified that all of the aforementioned conditions have been met.

Recommendation of the Community Preservation Committee: 5-4

6.) Move that the sum of **\$50,000** be transferred from the Community Preservation FUND BALANCE as a grant to the **Community House, Inc. for the heating system** as part of the preservation and rehabilitation of the historic Community House located at 284 Bay Road, Hamilton, Massachusetts, and to authorize the Board of Selectmen to enter into a grant agreement with the Community House, Inc. upon such terms and conditions as the Board of Selectmen shall deem appropriate, including but not limited to the provision to the Town of an historic preservation restriction, in perpetuity, in such property and further that historic preservation efforts be documented to the satisfaction of the Board of Selectmen to accept an historic preservation restriction in such property, execute documents, and take all other action needed to effectuate the purposes of this vote.

Recommendation of the Community Preservation Committee: 9-0

7.) Move that the sum of **\$6,000** be transferred from the Community Preservation Fund OPEN SPACE AND RECREATION RESERVE for the **Open Space Trail Map** project, including all incidental and related expenses, which project is described in detail in the application submitted to the Community Preservation Committee on February 6, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Community Preservation Committee: 9-0

8.) Move that the sum of **\$1,200** be transferred from the Community Preservation Fund OPEN SPACE AND RECREATION RESERVE for the purpose of the purchasing and installing the so-called **Wenham Lake Cedar Street Bench**, including all incidental and related expenses, which project is described in detail in the application submitted to the Community Preservation Committee on January 7, 2019, such sum to be expended under the direction of the Town of Wenham Open Space and Recreation Committee.

Recommendation of the Community Preservation Committee: 9-0

Peter Lombardi

From: Jacqueline Bresnahan
Sent: Tuesday, February 26, 2019 2:29 PM
To: Mark R. Reich
Cc: Peter Lombardi; Lauren F. Goldberg
Subject: RE: HDC Bylaw

Hi Mark,

Thank you for your prompt response and feedback. I will bring this to the HDC as they did not want to institute fines without an appeal and I think they will want to discuss this further before bringing it to Town Meeting.

Thanks,

Jackie

Jackie Bresnahan
Permitting Coordinator and Special Projects Manager
Town of Wenham
138 Main Street – (978)468-5520 x. 4
permitting@wenhamma.gov

From: Mark R. Reich [<mailto:MReich@k-plaw.com>]
Sent: Tuesday, February 26, 2019 1:59 PM
To: Jacqueline Bresnahan
Cc: Peter Lombardi; Lauren F. Goldberg
Subject: RE: HDC Bylaw

Jackie –

As you are aware, the Town's Historic District Commission bylaw is governed by the provisions of G.L. c. 40C. That statute sets forth the standards for the bylaw. Included in the statute, as you have noted, is the allowable review process, which relies upon a hearing process through the regional planning commission, in this case the Metropolitan Area Planning Council. The statute clearly defines the review and appeal process, meaning that there is no local discretion in this regard, in my opinion. In order to vary from the statutory process, special legislation would need to be sought which would provide for an alternative process. Absent such legislation, the statute establishes what may be included in the local bylaw with respect to the review and appeal process. The MAPC has developed its guidelines and fee requirement to address the burdens imposed upon it as a result of this statutory mandate. It is likely that the fee provision will be a deterrent to appeals from decisions rendered under the bylaw.

I note that the added provisions to the bylaw, Sections 6-8, are taken directly from the statute itself. I recommend that Section 6 and 7 be revised as they currently include in the language authorizing inclusion of the review process in the bylaw and references a city or town, as well as specific references to Section 12 of the statute. This language need not be included in the bylaw as it merely gives guidance to a town which chooses to include the review process in its bylaw. Sections 6-8 of the bylaw should be drafted to stand alone and not reference the statute, in my opinion. I am not aware of the origin of Section 9 of the bylaw. I do note that there are grammatical errors in that section which should be corrected. Further, it appears that this section includes procedures which would be better included in regulations adopted by the Town as enforcement would be triggered by violations of the bylaw, and the proposed enforcement procedures would be taken by the Town subsequent to such violations.

Please contact me if you would like to discuss this further.

Thank you.

Mark

Mark R. Reich, Esq.
KP | LAW
101 Arch Street, 12th Floor
Boston, MA 02110
O: (617) 556 0007
F: (617) 654 1735
mreich@k-plaw.com
www.k-plaw.com

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From: Jacqueline Bresnahan [mailto:JBresnahan@wenhamma.gov]
Sent: Tuesday, February 26, 2019 11:58 AM
To: Mark R. Reich <MReich@k-plaw.com>
Cc: Peter Lombardi <PLombardi@wenhamma.gov>; Lauren F. Goldberg <LGoldberg@k-plaw.com>
Subject: HDC Bylaw

Hi Mark,

Peter asked me to reach out to you on this ASAP. Lauren has already reviewed the administrative changes to the Historic District and Historical Commission Bylaws. Subsequently, we've added sections 6-9 to the Historic District Bylaw, creating fines and including the appeal process outlined in Chapter 40C Sections 12, 12A, and 13. However, if Town Meeting votes to add the appeal process as laid out in Chapter 40C Sections 12, 12A, and 13, the appeal process would be handled by the MAPC. Below, I linked the MAPC's information on HDC appeals in the past and their filing form/guidelines. We were hoping the appeal process could be handled locally, but Chapter 40 C doesn't allow for that. However, for anyone to file an appeal to an HDC decision, whether a fine or certificate of appropriateness, MAPC is charging applicants a \$1,500 filing fee, which seems VERY cost prohibitive to both Peter and I. Can you please review the attached proposed changes to the Wenham Bylaw and Chapter 40C to determine if there's a more local option available for the appeal process? We're concerned that we would be adding fees for violations without providing or adding a fair or equitable appeal process at the same time.

Thanks,
Jackie

History of HDC Appeals at MAPC: <http://www.mapc.org/wp-content/uploads/2017/11/Summary-of-Historic-District-Commission-Appeals.pdf>

MAPC HDC Filing form and guidelines: <http://www.mapc.org/wp-content/uploads/2017/11/Historic-Commission-Appeals-Process-description-Application.pdf>

Jackie Bresnahan
Permitting Coordinator and Special Projects Manager
Town of Wenham
138 Main Street – (978)468-5520 x. 4
permitting@wenhamma.gov

Summary of Historic District Commission Appeals

Year	Name	Address
2015	None	
2014	None	
2013	None	
2012	None	
2011	None	
2010	None	
2009	None	
2008	Samuel Brooks	43-45 High Street, Newton
2007	None	
2006	None	
2005	Thayer Academy	745 Washington Street, Braintree
2004	None	
2003	None	
2002	Joseph Yerardi	134 Chestnut Hill Road, Newton
2001	None	
2000	Michael and Roxanne Field	74 Longwood Road, Newton
2000	Christine and Thomas Fiorelli	12-20 Concord Road, Acton
2000	Dr. and Mrs. Edwin P. Maynard	46 Woodman Road, Newton
1999	Assabet Valley Chamber of Commerce	In the Hudson Rotary, Hudson
1999	Gary Tobin	24 Main Street, Hudson
1998	Jerome and Leah Bass	352 Hammond Street, Newton
1998	David Feinberg	352 Hammond Street, Newton
1998	Ross, Wallen and Schaeffer	51 Gatehouse Road, Newton
1997	None	
1996	Alfred Goldberg	85 Gate House Road, Newton
1996	Daniel J. Jick	15 Lawrence Road, Newton
1995	Edward and Joan Flannery	544 Massachusetts Avenue, Acton

HISTORIC COMMISSION APPEALS PROCESS

Background

State law (M.G.L. Chapter 40C Section 12) provides that “[a] city or town may provide in its ordinance or by-law [...] for a review procedure whereby any person aggrieved by a determination of the commission may, **within twenty days** after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. [...] The finding of the person or persons making such review shall be filed with the city or town clerk **within forty-five days** after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court [...]”

How the process is initiated

- 1) **Historic District Commission Decision** – An historic district commission makes a decision on a matter before it and files the decision as a Record of Action with the city or town clerk. The date of the decision is not the date that the Commission made the decision but the date on which the Commission filed the decision with the city or town clerk.
- 2) **Decision to Appeal** – If the applicant or an abutter wishes to appeal the decision, they have 20 days after the filing of the official decision in which to file an appeal. The appeal must be filed with the Historic District Commission, not with MAPC.
- 3) **Notified MAPC of Appeal** – Once an appeal has been filed with the Historic Commission, MAPC will be notified either directly by the Historic District Commission, the party bringing the appeal or the city/town solicitor or historic preservation planner.
- 4) **Appellant sends filing form (attached) and fee to MAPC.**

Filing Fee

There is a \$1,500 filing fee for bringing an appeal. The fee must be in the form of a certified check or money order. The check must be made payable to Metropolitan Area Planning Council and submitted with the application to the attention of Joan Blaustein. The check must be a cashier's check or a money order. No hearing will be scheduled until payment has been received.



Smart Growth & Regional Collaboration

Local Historic District Commission Decision

REQUEST FOR REVIEW BY MAPC

Name of appellant:

Address:

Telephone:

Email:

Name of Historic District:

Bylaw citation (*section of community bylaw/
ordinance that allows for appeal to MAPC*)

Address of subject property:

Date of Decision (*please attach a copy of
decision being appealed*)

Reason for appeal:

There is a fee of \$1,500 to file an appeal. Please make the check payable to Metropolitan Area Planning Council and submit with this application to the attention of Cynthia Wall. The check must be a cashier's check or a money order. No hearing will be scheduled until payment has been received.

Please address any questions about the appeals process to Cynthia Wall at (617) 933-0756 or cwall@mapc.org.

ARTICLE **:

**General Bylaw Amendment: Historic District
Commission/Historical Commission**

To see if the Town will vote to amend the General Bylaw by separating the current Wenham Historical Commission Bylaw into two different bylaws, a Historic District Commission and a Historical Commission, **by inserting the bold text and deleting the strikethrough text**, all as set forth below:

**CHAPTER XXV.I WENHAM ~~HISTORICAL COMMISSION~~ HISTORIC DISTRICT
COMMISSION**

~~SECTION 1~~

~~This bylaw shall be known and may be cited as the Wenham Historical Commission Bylaw and is adopted pursuant to Chapter 40C of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

The purpose of this bylaw is to promote the educational, cultural, economic and general welfare of the public through the preservation and protection of the distinctive characteristics of buildings and places significant in the history of the Town of Wenham or their architecture, and through the maintenance and improvement of settings for such buildings and places and the encouragement of design compatible therewith.

SECTION 2 3

There is hereby established under the provisions of Chapter 40C of the General Laws a historic district to be known as the "Wenham Historic District 1972" attached to and made part of this bylaw.

SECTION 3 4

There is hereby established under Chapter 40C of the General Laws **the Wenham Historic District Commission** with all the powers and duties **provided for by statute** ~~of a historic district commission under such statute a Wenham Historical Commission / Historic District Commission~~, consisting of seven members to be appointed **for terms of three years** in accordance with the provisions of such statute; provided, however, that in addition to the organizations which section four of such statute designates, the Wenham Village Improvement Society may submit nominees for membership in the Commission. ~~The initial appointments to membership in the Commission shall be as follows: two members appointed for a term of one year; two members appointed for a term of two years; and three members appointed for a term of three years. Successors shall each be appointed for a term of three years. Vacancies shall be filled by appointment for the unexpired term.~~

SECTION 4 5

Notwithstanding anything containing in this bylaw to the contrary, the authority of this

commission shall not extend to the review of the following categories of buildings or structures or exterior architectural features in the Wenham Historic District.

a. Terraces, walks, driveways and similar structures or any one or more of them, provided that any such structure is substantially at grade level.

b. Storm doors and windows, screens, window air conditioners, lighting fixtures, antennas and similar appurtenances, or any one or more of them.

c. The color of paint

d. The color of materials used on roofs

e. The reconstruction of substantially similar in exterior design of a building, structure or exterior architectural feature damaged or destroyed by fire or storm or other disaster, provided such reconstruction is begun within one year thereafter and carried forward with due diligence.

SECTION 6

~~The commission established hereunder shall have the powers and duties of an historical commission as provided in chapter 40 section eight D of the General Laws of the Commonwealth of Massachusetts and the commission shall be entitled The Wenham Historical Commission / Historic District Commission.~~

SECTION 5 7

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect. (Approved at the Annual Town Meeting 4/5/2014 and accepted by the Attorney General 9/11/2014) Effective 9/16/2014 when posted.

CHAPTER XXV.II WENHAM HISTORICAL COMMISSION

SECTION 1

~~This bylaw shall be known and may be cited as the Wenham Historic District Commission Bylaw and is adopted pursuant to Chapter 40 section 8D of the General Laws of the Commonwealth of Massachusetts, as amended.~~

SECTION 1 2

~~The purpose of this bylaw is for the preservation, protection and development of the historical or archeological assets of the Town of Wenham. through conducting researches for places of historic or archeological value, shall cooperate with the state archeologist in conducting such researches or other surveys, and shall seek to coordinate the activities of unofficial bodies organized for similar purposes, and may advertise, prepare, print and distribute books, maps, charts, plans and pamphlets which it deems necessary for its work.~~

SECTION 2 3

The Wenham Historic District Commission, established under Chapter XXV.I(3) shall act also as ~~There is hereby established the Wenham Historical Commission under Chapter 40 section 8D of the General Laws and shall have all the powers and duties provided to historical commissions by said statute. with all the powers and duties of a historical commission under such statute a Wenham Historical, consisting of no less than three nor more than seven members appointed by the selectmen, excepting towns having a town manager form of government, in which towns appointments shall be made by the town manager, subject to the approval of the selectmen. Alternate members may be appointed in like manner as provided for in this section not exceeding in number the principal members. In the case of the absence or inability to act on the part of a principal member, the place of the principal member shall be taken by an alternate member designated by the chairman. When a commission is first established, the terms of the members and alternate members shall be for one, two or three years, and so arranged that the terms of approximately one third of the members and alternate members will expire each year, and their successors shall be appointed for terms of three years each. Any member or alternate member of a commission so appointed may, after a public hearing if requested, be removed for cause by the appointing authority. A vacancy occurring otherwise than by expiration of a term shall in a city or town be filled for the unexpired term in the same manner as an original appointment.~~

SECTION 3

The Historical Commission shall make such recommendations as it shall deem appropriate to the Board of Selectmen on matters relating to the preservation, protection and development of historic areas, buildings, structures and sites. In addition, to further its objectives, the commission may hold hearings, and do and perform any and all acts that may be necessary or desirable to carry out the purposes of G.L. c.40, §8D. Further, it may acquire in the name of the city or town by gift, purchase, grant, bequest, devise, and lease or otherwise the fee or lesser interest in real or personal property of significant historical value and may manage the same.

SECTION 4

In case any section, paragraph or part of this bylaw be for any reason declared invalid or unconstitutional by any court of competent jurisdiction, every other section, paragraph or part shall continue in full force and effect.



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

BUILDING DEPARTMENT

TEL 978-468-5520 Ext. 4 FAX 978-468-8014

February 22, 2019

To: Board of Selectmen
From: Jackie Bresnahan, Permitting Coordinator & Special Projects Manager
CC: Peter Lombardi, Town Administrator; Brian Leathe, Building Inspector; Historic District Commission/Historical Commission
RE: Historic District Bylaw amendments

MEMO

The Historic District Commission is proposing a single warrant article to the Board of Selectmen for review at Annual Town Meeting 2019. The first being an administrative correction and the second being fines for violations of Certificates of Appropriateness or the District bylaw (as outlined in the memo dated February 7, 2019).

Based on feedback from the Board of Selectmen at the meeting on February 12, the Historic District Commission, with help of the Permitting Office Intern, researched how other Commissions handle this procedure. Hamilton, Salem, Lexington, and Royalston were some of the HDC's reviewed. These communities have adopted a section of M.G. L. Chapter 40 C that creates an appeal process to the regional planning agency and then to Superior Court for any local historic district who adopts those sections in their Bylaws. This appeal process would apply to all decisions of the Historic District Commission, if adopted by Town Meeting.

Ideally, the Wenham HDC would prefer a more local option than the regional planning agency process as that includes the regional planning agency designating a panel to review an appeal when it is submitted to the municipality in writing. The Wenham HDC wants to recommend working with Town Counsel to see if the Board of Selectmen or other local board could have this capacity for reviewing the appeal, but the HDC did note that if no local option existed, that the HDC would recommend the appeal process used by Hamilton, which includes the inclusion of the M.G.L. Chapter 40 C language in the HDC Bylaw, with appeals being handled by the regional planning agency.

I have reached out to the MAPC to see how this process has worked (and if it's been used) for other communities. I have also reached out to Dorr Fox, HDC Coordinator in Hamilton. The M.G.L. Chapter 40 C language that could be adopted by Town Meeting to allow for an appeal process is attached, along with the memo and materials previously submitted on the HDC warrant article recommendation.

Chapter 40C: Section 12. Review procedure provided by local ordinance or by-law.

Section 12. A city or town may provide in its ordinance or by-law or in any amendment thereof, for a review procedure whereby any person aggrieved by a determination of the commission may, within twenty days after the filing of the notice of such determination with the city or town clerk, file a written request with the commission for a review by a person or persons of competence and experience in such matters, designated by the regional planning agency of which the city or town is a member. If the city or town is not a member of a regional planning agency, the department of community affairs shall select the appropriate regional planning agency. The finding of the person or persons making such review shall be filed with the city or town clerk within forty-five days after the request, and shall be binding on the applicant and the commission, unless a further appeal is sought in the superior court as provided in section twelve A.

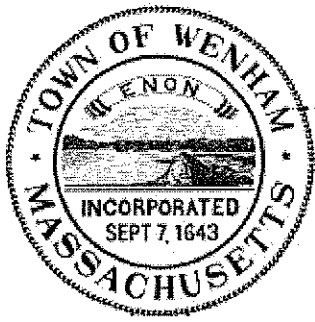
Chapter 40C: Section 12A. Appeal to superior court.

Section 12A. Any person aggrieved by a determination of the commission, or by the finding of a person or persons making a review, if the provisions of section twelve are included in a local ordinance or by-law, may, within twenty days after the filing of the notice of such determination or such finding with the city or town clerk, appeal to the superior court sitting in equity for the county in which the city or town is situated. The court shall hear all pertinent evidence and shall annul the determination of the commission if it finds the decision of the commission to be unsupported by the evidence or to exceed the authority of the commission, or may remand the case for further action by the commission or make such other decree as justice and equity may require. The remedy provided by this section shall be exclusive but the parties shall have all rights of appeal and exception as in other equity cases. Costs shall not be allowed against the commission unless it shall appear to the court that the commission acted with gross negligence, in bad faith or with malice in the matter from which the appeal was taken. Costs shall not be allowed against the party appealing from such determination of the commission unless it shall appear to the court that such party acted in bad faith or with malice in making the appeal to the court.

Chapter 40C: Section 13. Jurisdiction of superior court; penalty.

Section 13. The superior court sitting in equity for the county in which the city or town is situated shall have jurisdiction to enforce the provisions of this chapter and any ordinance or by-law enacted hereunder and the determinations, rulings and regulations issued pursuant thereto and may, upon the petition of the mayor or of the board of selectmen or of the commission, restrain by injunction violations thereof; and, without limitation, such court may order the removal of any building, structure or exterior architectural feature constructed in violation thereof, or the substantial restoration of any building, structure or exterior architectural feature altered or demolished in violation thereof, and may issue such other orders for relief as may be equitable.

Whoever violates any of the provisions of this chapter shall be punished by a fine of not less than ten dollars nor more than five hundred dollars. Each day during any portion of which a violation continues to exist shall constitute a separate offense.



Town of Wenham

Town Hall
138 Main Street
Wenham, MA 01984

BUILDING DEPARTMENT

TEL 978-468-5520 Ext. 4 FAX 978-468-8014

February 7, 2019

To: Board of Selectmen
From: Jackie Bresnahan, Permitting Coordinator & Special Projects Manager
CC: Peter Lombardi, Town Administrator; Brian Leathe, Building Inspector; Historic District Commission/Historical Commission
RE: Historic District Bylaw amendments

MEMO

The Historic District Commission is proposing a single warrant article to the Board of Selectmen for review at Annual Town Meeting 2019. This article would have two objectives. First, it would correct an administrative error in the current General Bylaw that mistakenly combined the Historic District duties and the Historical Commission duties. While both Commissions are served by the same appointed officials, the Historic District Commission only has oversight within the District that was established in 1972, including reviewing exterior construction for historic appropriateness. The Historical Commission only has jurisdiction on historic preservation outside of the District and has completed projects such as the Historic Resources Survey. Please see the attached re-write of the historic preservation related sections of the General Bylaw.

The second objective would add a new section to the Historic District Bylaw that would give the Building Inspector the authority to issue stop work orders and violation fines for work done in the District without a Certificate of Appropriateness or in violation of a Certificate of Appropriateness. A draft of the new section is also attached for your reference. Currently, the Historic District Commission has little enforcement capacity for violations of their bylaw or of their Certificates of Appropriateness. This addition would provide that capacity by giving authority to the Building Inspector. The Building Inspector (now a full-time employee shared with Hamilton) has both the capacity and expertise to exercise this added authority and has already provided advice the Commission on several projects.

Peter Lombardi

From: Lauren F. Goldberg <LGoldberg@k-plaw.com>
Sent: Monday, December 31, 2018 11:29 AM
To: Peter Lombardi
Cc: Mark R. Reich
Subject: RE: Water discharge into roads

Follow Up Flag: Follow up
Flag Status: Flagged

Peter,

Many towns have bylaws prohibiting the pushing into the street of snow, some of which include reference to water subject to freezing. The Town's Bylaws, Chapter V, Prohibited Acts, Section 12, provides, "No persons shall play, push or throw any snow or ice onto any street or sidewalk of the town unless it is immediately removed therefrom."

Examples of options that might better address the Town's concerns include the following:

1. Insert at the end of Chapter V, Prohibited Acts, Section 12, the following new sentence: No person shall pipe, or otherwise deposit, in or upon any public street, public place, or private way open to the public, any water or substance that may freeze or otherwise create a hazardous condition.
2. Delete Section 12 of Chapter V, Prohibited Acts, and insert in place thereof the following:

Snow, Ice and Water Onto or Across Public Property

No person other than an employee in the service of the Town or an employee in the service of a private contractor acting on behalf of the Town shall pile, push, plow, dump, blow, shovel, or deposit snow, ice, or water subject to freezing, onto, into, or across any public way, including sidewalks, or cause, direct, sanction, or authorize any such activity involving snow, ice, or water subject to freezing on a public way, including sidewalks; provided, however, that it shall not be a violation of this bylaw for persons to play, push or throw any snow or ice onto any street or sidewalk of the town if such persons immediately remove such snow or ice therefrom.

3. Delete Section 12 of Chapter V, Prohibited Acts, and insert in place thereof the following:

Snow, Ice and Water Onto or Across Public Property

- a. No person, other than an employee or other person in the service of the Commonwealth of Massachusetts or the Town, shall direct, discharge, dump, shovel, pile, push, blow, plow, or deposit snow, ice, or water under conditions where water would be subject to freezing onto, into, or across any public way, including sidewalks, public property, or fire hydrants or cause, direct, sanction, or authorize any such activity involving snow, ice, or water on a public way or public property; provided, however, that it shall not be a violation of this bylaw for persons to play, push or throw any snow or ice onto any street or sidewalk of the town if such persons immediately remove such snow or ice therefrom.
- b. No person shall allow water from sump pumps and/or drains to flow on any public roadway, sidewalk, or Town owned-property

Enforcement is another issue that must be considered. Enforcement in accord with G.L. c.40, §21 (which does not need to be addressed in the bylaw) is criminal in nature with a limit of \$300.00/violation at the judge's discretion. Such a bylaw may also be enforced through non-criminal disposition, where the cap on fines is also \$300.00/violation. However, the bylaws would need to identify the particular fine schedule (such as a warning for the first violation, \$100 for the second violation, \$200 for the third violation, and \$300 for the fourth and all additional violations), either in this section itself, or in the consolidated non-criminal disposition bylaw.

Please let me know if you have further questions on this.

ATM 2019 Zoning Bylaw Articles

Summary Only Version (see long version for text of changes and summary)

- **Zoning Bylaw Amendment: Amend Section 2.2 Definitions (“Commercial Kennel” & “Animal Day Care or Training Facility”)**

We currently prohibit commercial kennels in either district but we have no definition of kennels. The Town Clerk does issue licenses for kennels under our General Bylaw. We wanted to define a kennel in order to be able to distinguish between dog day care or training facilities and commercial kennels that board dogs overnight for compensation. The Planning Board has suggested that we revise the table of use to allow day care and training by special permit from the ZBA. Please see attached email from Town Counsel recommending an addition to the General Bylaws.

- **Zoning Bylaw Amendment: Amend Section 4.0 Table of Use Regulations**

See the new Definitions of Commercial Kennel and Animal Day Care and Training. If the definitions of “Commercial Kennel” and “Animal Day Care or Training Facility”

- **Zoning Bylaw Amendment: Section 2.2 Definitions (“lot” and “Special Permit”)**

By defining a lot as being buildable we have the dilemma of plans that label parcels as lots without us determining that they are buildable. Even though a lot meets the requirements for area width and frontage, it could still be unbuildable due to soil conditions or topography or conservation issues.

- **Zoning Bylaw Amendment: Amend Section 4.2 Principle Uses**

We included this new language so that it is clear under uses that the ZBA does not issue Use Variances. It says this in Section 13.2.2.4 but it is buried pretty deep and we want to bring it into the open more so people see it in 2 sections as it is a commonly asked about/misunderstood concept.

- **Zoning Bylaw Amendment: Amend Section 4.3.6.3 Parking and storage of commercial or recreational vehicles**

This became an issue when the ZBA was asked to grant a special permit under this section and as it reads currently they felt like they could not issue a permit for someone to store more than one commercial vehicle that was less than 25,000 GVW. We want to change it allow a special permit if appropriate for more than one vehicle under 25,000 GVW. No storage of commercial vehicles over 25,000 GVW which is the size of a garbage truck or dump truck.

- **Zoning Bylaw Amendment: Site Plan Review Applicability**

We are making this change to make it clear that when there is any use from a single family residential to another use that site plan review is necessary. Site Plan Review is the purview of the Planning Board. If a residence is turned into any use that is allowed by Special Permit from either the ZBA or Planning Board it would need site plan review in addition to the special permit.

We also added reference to the revised Stormwater Management requirement that we are currently developing with Weston and Sampson. We have been working with Weston and Sampson and Town Counsel to determine the best way to address the requirements of the MS4 Permit. This can be addressed this year by updating the Planning Board Rules and Regulations to reflect the requirements for Stormwater Management. This article will amend the Zoning Bylaw to require adherence to the Planning Board Rules and Regulations.

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

We currently have only a Bylaw that regulates large scale ground mounted solar and with new technology, the smaller ground mounted systems are more popular. We want to be prepared in the event that a resident wants to install one of these units. Our proposed bylaw does not require site plan approval for small scale but it does have requirements that need to be met before a building permit would be issued. We have additional setback requirements that we will be reviewing with Town Counsel to determine legality. Currently in Wenham most applications for solar is for roof mounted solar which only requires a building permit and must adhere to building codes. We have defined small scale and medium scale based on state recommendations found in the Executive Office of Energy and Environmental Affairs Model Zoning for the Regulation of Solar Energy Systems. <https://www.mass.gov/files/documents/2017/10/16/model-solar-zoning.pdf> Because Wenham is a Green Community, we must adhere to the criterion established by the State. Criterion 1 is met by a municipality passing zoning in designated locations for the as-of-right siting of renewable or alternative energy generating facilities, research and development facilities, or manufacturing facilities. And Criterion 2 requires expedited permitting within one year. Wenham passed the Large-Scale Solar bylaw which identifies parcels larger than 20 acres as sites for as-of-right siting locations for large scale ground mounted solar and guarantees permitting in less than one year. Even though it is as-of-right, we are still able to require site plan approval. But we do not want to discourage solar installations in any capacity as that is not allowed by the State. We are proposing adding requirements for small-scale ground mounted solar and site plan approval for medium-scale. We will maintain the current large-scale bylaw as it is. This draft bylaw has been pulled from several different communities in MA that are also Green Communities. We will have it reviewed by Town Counsel.

- **Zoning Bylaw Amendment: Signs**

The current sign bylaw lacks clarity on the placement of signs between sidewalks and streets and from the distance of a sign to the street. This change would amend that and would provide the Board of Selectmen with the capacity to establish a sign policy regarding a potential community sign location or other jurisdiction over signs on municipal property.

BOARD OF SELECTMEN MEETING

February 26, 2019

OLD BUSINESS

I.

Vote to Close the Town Meeting Warrant *(5 Minutes)*

- Draft Motion

BOARD OF SELECTMEN MEETING
February 26, 2018

DRAFT MOTION
Close Warrant

- Vote: I move the Board of Selectmen close and execute the April 6, 2019 Annual Town Meeting Warrant.

Seconded / Discussion/ Vote