

## BOARD OF SELECTMEN MEETING

Tuesday, May 21, 2019

Chairman Gregory B. Bendel called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Bendel asked those present to rise and he led the pledge of allegiance.

### **DISCUSSION, RE: FINANCE DIRECTOR/TOWN ACCOUNTANT INTERVIEWS**

Chairman Bendel stated that the Board met last week to interview two candidates, Mr. Bryan Perry who is currently employed by the city of Lowell and Ms. Jennifer Finnigan who is currently employed by the town of Tyngsborough.

Chairman Bendel asked Town Manager Hull to provide information on how the Board arrived at this point. Town Manager Hull advised that Town Accountant Michael Morris announced his retirement effective July 12. Initially, 11 applications were received and the screening committee selected two candidates to be interviewed by the Board of Selectmen. One of those candidates withdrew their name from consideration. The screening committee subsequently identified another applicant to recommend to be interviewed. On May 15, the Board of Selectmen interviewed the two candidates.

Chairman Bendel asked if a member of the Board wished to begin discussion. Selectman Eaton stated that he contacted the references provided by the candidates and he presented a summary of his discussions.

Members of the Board offered their comments noting that each candidate was well qualified. Selectman McCoy stated that he believed Mr. Perry had more experience as an accountant. Selectman Caira stated that he was more impressed with Mr. Perry's experience with MUNIS and that he is also a member of the Board of Assessors in North Andover. Selectman O'Mahony stated that both candidates' answers were well thought out and opined that what differentiated Mr. Perry was that he currently oversees a \$300 million budget and she was impressed that he had an answer for Town Manager Hull's question regarding a "do over".

Town Manager Hull opined that both individuals could perform the job very well and noted that they had different strengths.

Selectman Eaton stated that he was impressed by the fraud uncovered by Ms. Finnigan and opined that she would fit in with the finance departments smoother.

Chairman Bendel thanked members of the screening committee and advised that, provided there were no objections, he would take up item 6 of the agenda.

A motion was made by Selectman McCoy, seconded by Selectman O'Mahony and by the affirmative vote of four with Selectman Eaton opposed, it was

**VOTED:** That the Board of Selectmen appoint Bryan Perry to the position of Finance Director/Town Accountant for the Town of Wilmington.

Selectman McCoy asked to confirm that the appointment is a one year appointment and was advised that it is a three year appointment.

## COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the Draft Interim Action Feasibility Study for Olin Chemical Superfund Site. The memorandum was in response to Selectman McCoy stating at the Board's May 15 meeting that he was informed by a concerned citizen that plans were going forward to reactivate the public water supply wells that have been inactive due to contamination from the Olin Corporation Superfund Site. It was implied that such action was definite and imminent. Town Manager Hull advised that there is no impending plan to activate any of the five wells for the purpose of sending that water into the Town's water distribution system. Town Manager Hull advised that, in accordance with Environmental Protection Agency (EPA) requirements, Olin Corporation's consultant completed a Draft Interim Action Feasibility Study which is intended to address four interim actions related to groundwater, property soil, surface water and sediment. Olin is required to investigate a range of options for addressing the contaminants of concern. Before EPA can decide on the best option to address contaminants, they require Olin, through their consultant, to explore the range of possibilities.

One of six possibilities explored by this report to address groundwater is using the Town's existing water infrastructure to draw groundwater from two inactive Town wells. This possibility considers upgrading the water treatment capabilities of the water treatment plant to address NDMA and other contaminants of concern to meet drinking water standards. The details of this option specifically note that this alternative is viable only if it achieved acceptance and the Town elects to re-activate the former Municipal Water Supply Wells. Town Manager Hull stated that Olin is required to explore a range of possibilities or options to address contaminants. The fact that this option is being explored in no way means that Wilmington will be forced to re-activate these wells and integrate water from those wells into the Town's water supply.

Selectman McCoy stated that what the Town Manager stated is what he had reported at the Board's meeting last week. He stated that it should concern each member of the Board and the general public. Selectman McCoy stated that if the Board was going to have further discussion he wanted to offer a motion after discussion that the Board not allow Olin to use any of this water to go through the Town's filtration system. He stated that when he brought this up, the Town Manager had no clue of this happening and had no idea May 22 is the cut-off date. He stated that if he did not bring it up when he did and waited until the Board's regularly scheduled meeting of May 28, the deadline would have passed with no response from the Town.

Town Manager Hull stated that he takes exception to Selectman McCoy's "gotcha" mentality as it is not how he believes the Board of Selectmen should work. As stated at the last meeting, he has a longstanding expectation that members of the Board inform him of issues that they wish to bring up at the Selectmen's meeting. He stated that he tries to do the same thing with the Board of Selectmen so that issues are not thrown in their lap without pre-warning. Town Manager Hull stated that there are a number of reports that have been sent to the office over the last 10-15 years, each time they are sent to the Town's consultant, reviewed and, when appropriate, commented on. He stated that the suggestion that he or the Town is going to allow Olin to open the wells and run water from wells that have been shut off for 15 years is incredible. He stated that EPA and DEP would have to go through a series of tests to ensure it meets public water drinking standards before it could happen.

Selectman McCoy stated that when he brought it up the Town Manager stated that he did not know anything about it. He stated that he does not have a “gotcha” mentality that the only reason he brought it up was because he has more faith in Suzanne Sullivan and that she knows more about what is going on out there. Town Manager Hull stated that he advised the Board that he recalled a document coming in but did not recall the details. He stated that Selectman McCoy referenced it as a draft document of some sort.

Selectman Eaton stated that he was also taken aback by Selectman McCoy’s comments at the last meeting and asked Selectman McCoy if there was a lack of confidence in GeoInsight, the Town’s environmental consultant. Selectman McCoy denied a lack of confidence stating that he believes GeoInsight does a great job.

Selectman Eaton stated that he believes the Town is doing everything it can to protect the residents and the quality of the water.

Selectman Caira asked to confirm that Daniel Deutsch, Special Counsel, has been made aware of this communication. Town Manager Hull confirmed.

Chairman Bendel emphasized that the Town has no intention of reactivating the wells. He also noted that the communication was received on May 1 and provided to GeoInsight on May 2. He noted that the document was received during one of the busiest weeks of the year as the Town Manager was preparing for the Annual Town Meeting. Chairman Bendel stated that the Town Manager does a great job keeping the board notified of issues that arise.

Selectman McCoy asked whether the Board has ever taken a vote not to reactivate the wells. He believes it would send a message loud and clear. He opined that the contamination of the wells is one of the most important issues the Town has dealt with.

#### **BOARD TO CONSIDER APPOINTMENT OF FINANCE DIRECTOR/TOWN ACCOUNTANT**

This item was brought up under appointments.

#### **BOARD TO CONSIDER RESCINDING THE BOARD OF SELECTMEN VOTE OF MAY 13, 2019 LIMITING INDOOR RECREATIONAL FACILITY COMMITTEE TO ONE BOARD OF SELECTMEN DESIGNEE**

Selectman Caira asked to clarify that the committee name is the Rink Committee and would like it noted as such. He stated that is how it was established and the Town supported an article for a rink and has set up an enterprise fund. The Rink Committee can look at incorporating other aspects. Selectman O’Mahony questioned why it could not be renamed for the broader purpose. It is her hope that the Rink Committee is going to look at it as more of an indoor recreational space, including an ice rink.

Chairman Bendel asked Town Manager Hull to look into whether there would be a conflict if there is a name change, is a name change appropriate and whether it should be formally taken up at a meeting. Town Manager Hull stated that in 2014, a Town Meeting vote authorized the Town to borrow up to \$2,250,000 towards the purchase of an ice rink. For the Town to borrow for anything other than an ice rink would require a separate vote at Town Meeting.

Selectman Eaton expressed concern that, if the committee presented options that included more than an ice rink, there would be criticism that they went outside the scope of their charge. He stated that it is an advisory committee and will be before the Board of Selectmen to make a presentation and advise the feasibility and cost options. The Board understands the ice rink is the reason the committee is formed. He stated his preference is that there be a broader name so the committee can explore different options.

Selectman McCoy stated he understands Selectman Caira's concern but believes a multi-use facility would be beneficial to the Town.

Chairman Bendel stated that he doesn't hear disagreement on the purpose of the committee but he wants to be respectful of votes taken by Boards of Selectmen and Town Meeting.

Town Manager Hull clarified the votes that were made at Town Meeting regarding the rink. He stated that, relative to the name of the committee, he does not think the name of the committee restricts what the committee can come back with.

Chairman Bendel stated that the Committee should move forward regardless of the name of the committee. He does not want to hold them up and wants them to begin their planning. Town Manager Hull advised that minutes would be reviewed to determine if a vote was taken relative to the name.

Selectman McCoy read from a prepared statement and advised the Board that he had contacted the Recording Secretary for contact numbers for members of the Board. He related that he phoned Selectman Eaton and Selectman O'Mahony where he offered his apologies and asked for their support. Selectman McCoy stated that he does not believe he did anything wrong and he is looking to help the community and would like to be part of the committee.

A motion was made by Selectman McCoy and seconded by Selectman Eaton. Selectman Caira commented that the name of the committee is the Rink Committee and he believes the number of designees from the Board of Selectmen should remain at one. A motion having been duly made and seconded, Chairman Bendel called for the vote and by the affirmative vote of three with Chairman Bendel and Selectman Caira opposed it was

VOTED: That the Board of Selectmen rescind the vote of May 13, 2019 limiting Indoor Recreational Facility Committee to one Board of Selectmen designee.

#### **BOARD TO CONSIDER APPOINTING ADDITIONAL MEMBER TO THE INDOOR RECREATIONAL FACILITY COMMITTEE**

A motion was made by Selectman McCoy and seconded by Selectman Eaton. Selectman Caira commented that the name of the committee is the Rink Committee. A motion having been duly made and seconded, Chairman Bendel called for the vote and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen appoint Selectman McCoy as an additional member to the Indoor Recreational Facility Committee.

#### **PUBLIC COMMENTS**

Suzanne Sullivan, Lawrence Street, stated that she wanted to clarify the sequence of events and how she contacted Selectman McCoy regarding the issue of the wells. She advised that she is Vice President of Wilmington Environmental Restoration Committee

(WERC) and received the document on May 1. She stated that she was taken aback that the preferred alternative is to reactivate two of the five wells. She stated that she did not see the document under correspondence on the Board's agenda. She stated that the Town has waited 15 years for a remediation report. She was concerned that no one knew what was being proposed.

She stated that it was the citizens who are responsible for the Town hiring GeoInsight as environmental consultants.

Ms. Sullivan stated that all they want is a long term remediation plan that will protect the Town. She stated that the Childhood Cancer Study results have not been received and alleges it is pegging the Town's water supply as the source.

Ms. Sullivan stated that a community meeting is supposed to take place in the fall with the EPA.

Ms. Sullivan challenged Chairman Bendel to have an agenda item to bring public water to the residents of Cook Avenue. She stated those residents also pay taxes and it ought to be a priority over hockey rinks and unaccepted ways. She stated that the Town can then sue Olin for the costs.

Ethan Sawyer, Lawrence Street, stated that he made a public records request to the Department of Public Health (DPH) regarding the Childhood Cancer Study for Wilmington. He read his request and DPH's response that the information was exempt from public records request because the records reflect on-going policy deliberations being developed by the agency in connection with a study on childhood cancers in Wilmington. He provided the recording secretary with copies of the correspondence for members of the Board. He stated that it is a primary concern if there were discussions to reactivate wells.

Janice Sawyer, Lawrence Street, stated that through WERC she saw the report and stated she was shocked to see the spread of the plume and the area that it encompassed. She stated that she was naïve to believe that the contamination was located strictly on the property owned by Olin Corporation.

Town Manager Hull stated that it is disingenuous to imply that there is only a select group of people that have the best interest of the health of Wilmington residents in mind and only through the compassion and intellect of these people that we are where we are today. He noted that there are a number of individuals over the course of time, members of the Board of Selectman and staff, that have been attentive. He stated that well before this most recent controversy, he had been in touch with Mr. DiLorenzo of EPA for him to be at the Board of Selectmen's next meeting to provide an update. He stated that as much as folks like to discredit Town officials, we are doing the best job we can using the resources available to be attentive to this issue.

Selectman McCoy stated that he agrees with Ms. Sullivan relative to the hiring of an environmental consultant.

Selectman O'Mahony stated that on the EPA website it referenced that WERC hired Cambridge Environmental and asked whether they were still involved. Ms. Sullivan stated that Cambridge Environmental disbanded and WERC retained two of the individuals. She stated they will not be commenting as WERC is trying to reserve funds for them to review the health risk assessments.

### ANNOUNCEMENTS

Chairman Bendel noted Memorial Day is approaching and expressed his gratitude to those that served in the military.

Chairman Bendel offered congratulations to Zach Dancewicz who was awarded the Eagle Scout over the weekend. Mr. Dancewicz's Eagle Scout project benefited the Senior Center. Mr. Dancewicz will be attending Wentworth following his graduation.

Selectman O'Mahony acknowledged the families of servicemen and women who also deal with the commitment.

### NEW BUSINESS

Chairman Bendel advised the Board that he reached out to Town Counsel Mark Reich and he read his email into the record. Chairman Bendel asked Mr. Reich questions relative to his handling of New Business. Copies of the correspondence were provided to members of the Board of Selectmen and the Recording Secretary. Mr. Reich responded and his response was summarized by Town Manager Hull.

Selectman McCoy asked that the Board have a discussion at their next meeting, or a future meeting, regarding Cook Avenue.

Selectman Caira advised that he will not be available on August 12 and asked that the next agenda include a Board to Consider for the purpose of rescheduling their August meeting. If a date that is convenient for all cannot be determined, he will simply be absent on August 12.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 25 – Decoration of Veteran's Graves – Wildwood Cemetery – 8:00 a.m.
- May 26 – Veterans' Mass – St. Elizabeth Episcopal Church – 10:00 a.m.  
Rededication of Veterans' Monuments – Town Common – 1:15 p.m.
- May 27 – Memorial Day Parade – 10:00 a.m.  
Ceremony at Wildwood Cemetery – 11:00 a.m.  
*Town Offices Closed*
- May 28 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

A motion was made by Selectman Eaton, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

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Recording Secretary