

BOARD OF SELECTMEN MEETING

Tuesday, October 11, 2016

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

Chairman O'Connell asked those present to rise and Selectman McCoy led the pledge of allegiance.

Chairman O'Connell thanked members of the Board and Town Manager Hull for wearing a pink article of clothing in support of Breast Cancer Awareness Month. She noted that the Town Common is lit up in pink, the result of a generous donation by a local resident.

TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Champoux, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 14, 14A, 15 and 15A.

MINUTES

Chairman O'Connell noted that the minutes of their meeting of June 13, 2016 were tabled from their September 26, 2016 meeting and asked if there were any questions, comments or a motion. A motion was made by Selectman McCoy to accept the minutes. Chairman O'Connell asked to clarify if his motion was to accept the minutes as submitted with his amendments as well as notations by the recording secretary. She asked if it was his intention to accept the minutes as submitted by the recording secretary. Selectman McCoy stated that it was good enough for now, he does not have an issue with them being accepted. The motion was seconded by Selectman Champoux. Selectman McCoy stated that amendments have been made to the minutes in the past, although not often. Selectman Champoux asked to clarify that the minutes the Board was provided to review has text in red and he inquired if that would be inserted. He was advised it would. A motion having been made and seconded, Chairman O'Connell asked for a vote. By the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held June 13, 2016 as amended and all actions taken are hereby ratified and confirmed.

SHARON A. GEORGE, TOWN CLERK, RE: OPEN MEETING LAW & NOVEMBER 8, 2016 ELECTION

Ms. George advised that Town boards, committees and commission must make sure the room and location or their meeting is clearly indicated on the agenda. She noted that when insignificant revisions are made to the agenda, it must be clearly noted that the agenda has been revised.

Ms. George advised that the next round of on-line testing for the Massachusetts Conflict of Interest Law will begin January 2017.

Ms. George advised that, for the first time, Massachusetts will have early voting. She advised that it will begin on Monday, October 24 and will run through Friday, November 4. The Town will be open Monday, October 24 and Monday, October 31 until 7:00 p.m. In addition, early voting will be held on Saturday, October 29. She stated that municipalities opening on the Saturday will receive a grant. Ms. George advised that Wilmington Town Hall has been designated as the Early Voting location. She stated that her office has sent out approximately 500 absentee ballots. She reminded residents of the hours for voting on November 8 and the polling locations. She stated that a large turnout is expected for this election. The deadline to register to vote on November 8 is Wednesday, October 19 and the Town Clerk's office will be open until 8:00 p.m.

Ms. George advised that there are four ballot questions and voters should have received a booklet which provided a summary of the questions.

Chairman O'Connell asked if there were any questions or comments. Selectman Caira asked about the Saturday voting and whether the grant would cover the expenses. Ms. George advised that voting will be held from 9:00 a.m. to 1:00 p.m. and confirmed the grant would cover the expenses.

JOSEPH LOBAO, DPW BUSINESS & UTILITIES MANAGER, RE: AUTOMATED TRASH AND RECYCLING COLLECTION UPDATE

Mr. Lobao was present to provide the Board of Selectmen with an update on the automated trash and recycling collection. Mr. Lobao stated that the program has been in place over one year. Mr. Lobao stated that during the first three weeks of transition they expected to receive questions due to the level of uncertainty. Within three weeks, it was as if the program had always been in place. He advised that most of the calls they received were procedural questions. He stated that the number of calls they receive are minimal.

Mr. Lobao reviewed benefits the Town has received after a year of automated collections. He stated there is an aesthetic benefit, that there is not as much trash on the roadway and the neater, more uniform neighborhoods. Mr. Lobao reviewed the financial benefit the town has received due to increased recycling and reduced tonnage. Mr. Lobao urged residents to visit the DPW website for information regarding trash and recycling.

Chairman O'Connell stated that it was a change for residents who were used to simply putting everything at the curb and know it was going to be picked up. She said that she relied on the DPW's expertise to know what was best for the Town. Chairman O'Connell expressed her opinion that the information on the website and the program with WCTV was very positive.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman McCoy stated that he was initially skeptical of the program and noted that he ultimately bought a second recycling barrel and opined it was his best investment. He stated that the program is working. Selectman Champoux stated that he has called Russell Disposal on a number of occasions and opined that they were very personable and accommodating. He asked if there is a mechanism to determine if non-recyclable material is being placed in the recycling containers. Mr. Lobao stated that the Town has not received notice that the system is being abused. He advised that on each truck there is a camera so, as the bin is being unloaded, the driver has the ability to view what is going into his basin.

Selectman Caira and Bendel expressed their appreciation to Mr. Lobao for his presentation and noted that the program is working to the benefit of the Town.

COMMUNICATIONS

Town Manager Hull reviewed correspondence from Rochelle Capozzi, Director of Human Services, Textron Systems, who wrote to advise that during the next several months there will be reductions in force at the site located at 201 and 205 Lowell Street. Ms. Capozzi advised that approximately 200 employees will be affected. The reductions are expected to occur from December 2, 2016 through March 31, 2017 and be permanent.

Town Manager Hull reviewed a memorandum from Christina Stewart who wrote to advise that Wilmington has been selected to host a Mass. Memories Road Show on Saturday, September 30, 2017 from 10 a.m. to 2 p.m. at the Wilmington High School cafeteria.

Town Manager Hull reviewed correspondence from Victoria Rutson, Director, Office of Environmental Analysis, Surface Transportation Board, who advised that New England Transrail (NET) has filed a petition for exemption with the Surface Transportation Board. NET intends to acquire, construct and operate various rail lines and construct and operate transloading facilities. As the project has the potential to result in significant environmental impacts, the Board's Office of Environmental Analysis has determined that the preparation of an Environmental Impact Statement is appropriate. Town Manager Hull advised that the Town will work with GeoInsight to ensure STB is informed about all the environmental issues that need to be considered. Written comments on the Draft Scope of Study are due by November 29, 2016 and a public scoping meeting will be held at the Wilmington Middle School on October 25, 2016 from 5:30 p.m. to 8:00 p.m.

Town Manager Hull reviewed correspondence from Paul Regan, Executive Director, MBTA Advisory Board, and Marc Draisen, Executive Director, Metropolitan Area Planning Council regarding municipal elections to the Boston Region Metropolitan Planning Organization.

Town Manager Hull reviewed his memorandum regarding an Open Meeting Law complaint. He advised that a complaint was filed on Sunday, October 3, 2016 by Patrick Higgins, a Swansea resident, regarding the posting of the Board's September 26, 2016 meeting. The complaint alleges that the Board violated the Open Meeting Law in terms of the posting for the executive session and including the reference "New Business - Committee Reports" on the agenda did not provide enough specificity to the topics to be discussed. Town Manager Hull advised that he has spoken with Town Counsel John Foscett and it is his recommendation that the Board vote to designate him to respond to the complaint. Town Manager Hull advised that in the future he will ensure that executive sessions are posted to specify the exemption which enables the Board to enter executive session and provides a more detailed description of the purpose of the executive session to the extent possible. The concern raised about the use of the agenda item "New Business – Committee Reports" is being reviewed by Town Counsel. Selectman Champoux asked how the individual who filed the complaint become aware of the Board's filing and why does he care. Town Manager Hull advised that a similar complaint was filed regarding the School Committee executive session held on Monday, October 3. Town Manager Hull does not know if he has a connection to Wilmington.

Chairman O'Connell commented that it may have been due to recent events they drew a circle around Wilmington. She stated that since she has been on the Board the agendas have looked the same. She stated the Board of Selectmen is not discussing the School Department as it is not in their purview.

Selectman Champoux commented about the segment of the meeting labeled New Business – Committee Reports. He stated that this agenda item is where the Board may comment on events of the evening or an event that happened in town over the weekend and he is interested in Town Counsel's determination. Town Manager Hull stated that the wording he used for this evening's agenda is language from an agenda of the Open Meeting Law Advisory Council. He noted that it may be modified on a future agenda.

Town Manager Hull reviewed his memorandum regarding the Assistant Town Manager transition. He advised that he is working quickly to fill the position with the approaching budget season and many other projects. Town Manager Hull advised that the deadline for applications was at the close of business October 7, 2016 and over 40 individuals have submitted resumes in response to the job posting. Town Manager Hull advised that a screening committee has been established consisting of five department heads to assist in reviewing resumes and conducting initial interviews. He expects to conduct second interviews with finalists and make an appointment by early November.

BOARD TO CONSIDER EXECUTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 101, FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2018

Town Manager Hull reviewed the terms of the contract which were as discussed in Executive Session at their meeting of September 26.

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman McCoy, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the collective bargaining agreement between the Town of Wilmington and New England Police Benevolent Association, Local 101 for the period July 1, 2015 through June 30, 2018.

BOARD TO CONSIDER APPOINTMENT OF ELECTION WORKERS

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Bendel, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen appoint Diana Wilson and Anna Rainone as Election Workers.

BOARD TO CONSIDER DECEMBER 2016 AND JANUARY 2017 MEETING SCHEDULE

Town Manager Hull stated that historically the Board will meet once in December and is recommending December 12 which is the second Monday. He advised that the January meeting dates will be January 9 and January 23. It is his recommendation that the budget presentation be made on Monday, January 30. Chairman O'Connell asked if there were any concerns regarding those dates and there were none.

BOARD TO CONSIDER DESIGNATING TOWN COUNSEL TO RESPOND TO OPEN MEETING LAW COMPLAINT

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Chairman O'Connell, seconded by Selectman Champoux and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen designate Town Counsel to respond to the Open Meeting Law Complaint.

PUBLIC COMMENTS

There were none.

ITEMS NOT REASONABLY ANTICIPATED BY THE CHAIR 48 HOURS IN ADVANCE OF THE MEETING

Chairman O'Connell stated that she attended Deborah Cipriani's retirement party as did other members of the Board. Ms. Cipriani worked as the Recreation Director for over twenty years. She thanked members of the Board for being present and noted as Chairman she presented a letter of commendation to Ms. Cipriani and Town Manager Hull presented the crystal apple.

Chairman O'Connell advised that she and Selectman McCoy attended the candlelight vigil that was held by the Substance Abuse Coalition and noted it was a poignant event. She stated that she anticipates a long term commitment on the part of the Town to make sure resources are allocated.

Chairman O'Connell stated it was her intention not to comment but noted that there has been a tremendous amount of media regarding the recent resignation of School Superintendent Mary DeLai. She stated that Town Manager Hull and at least one Selectman received from an anonymous source a state police report regarding Ms. DeLai. She stated that Town Manager Hull contacted the superintendent, Town Counsel and herself, as Chairman of the Board of Selectmen. He also contacted the School Committee Chairman and provided her with a copy of the police report. The School Committee had a recent executive session and Ms. DeLai came forward with her resignation. She stated that there has been a lot of speculation in the media and that to the best of her knowledge, no one on the Board of Selectmen, including the Town Manager, were aware of anything regarding the subject matter prior to Thursday, September 29. Chairman O'Connell commented that Ms. DeLai's departure is unfortunate for the school children, the residents and Ms. DeLai. She continues to believe that each school committee member has the best interest of Wilmington school children in mind. She believes it is important to move on and focus on continuing to build upon a community that supports its residents of all ages and backgrounds. Chairman O'Connell urged members of the Board of Selectmen to use good judgement when commenting on these events.

Selectman Caira congratulated Chairman O'Connell who will be serving on a panel with the State Treasurer.

Selectman McCoy stated that as a member of the Board of Selectmen he received several phone calls when the story about Mary DeLai broke on social media. He stated that he received phone calls from two students who stated that they had teachers that they liked who resigned. He stated that he has heard from teachers and department heads who are not happy and opined that the Town of Wilmington lost a lot of good teachers due to Superintendent DeLai. He commented about the change in personnel at the Roman House. Selectman McCoy stated that he has observed that Superintendent DeLai was often out of the office and he said he would like an audit conducted on how often she was in district, how often she was out of district and the cost. Selectman McCoy stated that it is his understanding when she graduated college she went right into administration and never taught in a classroom.

Chairman O'Connell reminded Selectman McCoy that Ms. DeLai submitted her resignation and an audit is not necessary. She said she understands he has firm opinions but wanted to refrain from personal attacks on someone who is not in the room. Chairman O'Connell advised that there was an entire public process that was conducted over a period of six weeks to hire the superintendent.

Selectman McCoy made a motion to instruct the Town Manager to inspect the records to determine how often Ms. DeLai was in district, how often she was out of district and the cost associated. Chairman O'Connell advised Selectman McCoy that his motion was out of order as it is not the responsibility to the Town Manager to audit the School Department. Selectman McCoy asked Town Manager Hull what he can do as Chief Fiscal Officer. Town Manager Hull advised that he is responsible for hiring and terminating general government personnel and there is a delineation of responsibilities with the School Department.

Selectman Champoux stated that he applauds and commends the School Committee and Ms. DeLai for the end result that came out of the executive session. He stated that the sequence of events are unfortunate. Selectman Champoux stated that he is an elected official but he is also the parent of two high school students. He stated that the town should be looking forward in identifying a new candidate.

Selectman Champoux wished Kendra Amaral well on her new endeavor as Town Manager of Kittery, Maine.

Selectman Champoux stated that he and Chief Begonis went to the firing range and commented that it is an impressive facility. He believes it is an opportunity for Wilmington's police force to be better trained.

Selectman Caira asked if the Town knows the results of the resignation of Ms. DeLai. Town Manager Hull stated that it is his understanding there is a non-disclosure agreement and the terms are confidential.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- October 12 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 15 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 20 – Facilities Master Plan Committee – Wilmington High School – 6:00 p.m.
- October 21 – Carter Lecture Fund – *4EverFab* – Wilmington Middle School – 7:00 p.m.
- October 24 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- October 24- – Early Voting – Town Hall
November 4 Mondays 8:30 a.m. -7:00 p.m.; Tuesdays – Fridays 8:30 a.m. to 4:30 p.m.
- October 24-
November 26 – Curbside Collection of Yardwaste
- October 25 – Public Meeting of Surface Transportation Board – Wilmington Middle School – 5:30 p.m.
- October 29 – Early Voting – Town Hall – 9:00 a.m. to 1:00 p.m.
- October 30 – Harnden Tavern Harvest Festival – 1:00 p.m. to 4:00 p.m.
- October 30 – Horribles Parade - Rotary Park - 4:30 p.m.

There being no further business to come before the Board, a motion was made by Selectman Caira, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:27 p.m.

Respectfully submitted,

Recording Secretary