

BOARD OF SELECTMEN MEETING

Wednesday, February 17, 2021

Chairman Jonathan R. Eaton called the meeting to order at 6:00 p.m. This meeting was held via ZOOM and all votes taken were by roll call in alphabetical order. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Eaton thanked WCTV and IT Director John O'Neil for facilitating the meeting.

Chairman Eaton stated that pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 22 – Comcast xFinity; Channel 38 Verizon FiOS, and live stream wctv.org). No in-person attendance of members of the public will be permitted but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 891 1675 6819 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that, despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

Chairman Eaton asked meeting participants to rise and he led the pledge of allegiance.

BOARD OF SELECTMEN DISCUSSION, RE: VACANCY ON THE SCHOOL COMMITTEE AS A RESULT OF THE RESIGNATION OF STEPHEN BJORK

Chairman Eaton noted that the following members of the School Committee were present: Dr. Jenn Bryson, Chairman, Mary Jane Byrnes, Jo Newhouse, Jesse Fennelly and Jason Samaha.

Chairman Eaton explained that the purpose of this evening's meeting is to come to a resolution regarding the process that will take place so that the now vacant seat on the School Committee will be filled in a manner that is clear and concise and fair. He advised that he will open discussion for Board of Selectmen and School Committee but first wanted to summarize the situation and what options are available. He reported that he was contacted by Dr. Bryson who advised that Steve Bjork resigned from the School Committee. Dr. Bryson provided written notice of the vacancy and he noted Mr. Bjork's term will expire 2023. Chairman Eaton advised that the School Committee has a policy on unexpired term fulfillment which he read:

UNEXPIRED TERM FULFILLMENT

When a vacancy on the School Committee occurs for any reason, the Board of Selectmen and the remaining members of the Committee share the responsibility for filling it. As provided in the law, the School Committee will notify the Selectmen that a vacancy has been created within 30 days after it has occurred. After one week's notice has been given by the Committee to the Selectmen, so that voters of the town may have the opportunity to state their candidacy, the two governing bodies will meet to fill the vacancy by roll call vote. For election to fill a vacancy, a candidate must receive a majority of the votes of the officers entitled to vote. The person so elected will fill the seat on the Committee until the next town election, at which time a member will be elected to serve the remainder of the term, if any. LEGAL REF: M.G.L. 41:11

Chairman Eaton advised that this procedure was used to fill the vacancy created by the resignation of the late Peggy Kane to which Jo Newhouse was appointed.

He stated that the immediately preceding statute, MGL, Chapter 41, Section 10 provides, in pertinent part:

If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.

Chairman Eaton stated that relative to that section there has been a resignation, that resignation has been filed with the Town Clerk and the Town Clerk has certified that a vacancy exists on the School Committee.

The Board of Selectman may call a Special Election to fill the vacancy as long as certain time frames are met. The last date to submit nomination papers for the upcoming election is March 5 and fifteen days prior to this is February 19. This is the process that the Town followed in 2019 when Ed Loud resigned from the Board of Selectmen.

Chairman Eaton advised that there are two items on tonight's agenda for the Board to consider, the first is to direct the Town Clerk to put on the ballot for the April 24, 2021 election for the remaining two years, the Board can wait and place it on the ballot in 2022 for one year or the seat remains vacant until 2023. The second item is whether to commence a joint meeting to fill the unexpired term. He noted the second item is independent of the first Board to Consider.

Chairman Eaton asked if there were any questions or comments from the School Committee. Dr. Bryson stated that she is comfortable with the Board placing the seat on the ballot for the April election. She commented that when she first learned about the resignation, she had a different understanding of the timelines.

Ms. Byrnes indicated she was in agreement with Dr. Bryson and noted that if no candidate steps forward, then a joint meeting between the School Committee and Board of Selectmen can be scheduled and use that process to fill the vacancy.

Mr. Samaha asked to clarify if the Board chooses to direct the Town Clerk to place the vacancy on the ballot, whether they would have to hold a joint meeting to fill the vacancy until the date of the election. Chairman Eaton stated that it is not necessary to fill the vacancy, that the seat can remain vacant until the election.

Chairman Eaton asked if there were any questions or comments from the Board. Selectman Bendel thanked Mr. Bjork for his years of volunteerism and service to the community. Members of the Board of Selectmen echoed Selectmen Bendel's sentiments.

Chairman Eaton stated that with respect to the Board's decision this evening, it is his strong preference that the vacant seat, which is an elected office, be filled by an election. He stated that three residents have reached out to express interest.

BOARD TO CONSIDER DIRECTING TOWN CLERK CHRISTINE TOUMA-CONWAY TO INCLUDE ON THE APRIL 24, 2021 ELECTION BALLOT THE VACANT POSITION ON THE SCHOOL COMMITTEE FOR A TERM TO EXPIRE 2023

A motion was made by Selectman Cairra, seconded by Selectman O'Mahony and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen direct the Town Clerk to include on the April 24, 2021 election ballot the vacant position on the School Committee for a term to expire 2023.

BOARD TO CONSIDER CONVENING A JOINT MEETING WITH THE SCHOOL COMMITTEE TO FILL THE UNEXPIRED SCHOOL COMMITTEE SEAT UNTIL THE NEXT ELECTION FOR WHICH THAT SEAT IS ON THE ANNUAL ELECTION BALLOT

A motion was made by Selectman Bendel, seconded by Selectman Cairra and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen take no action.

Chairman Eaton advised the public that if they are seeking to serve on the School Committee for the two year term, or any other elected office, that they are required to request and receive nomination papers from the Town Clerk's office, obtain the signatures of 50 registered voters and return by March 5, 2021 for certification. He stated that– the Town Clerk's office will encourage you to obtain additional signatures in the event a signature cannot be certified.

COMMUNICATIONS

There was none.

PUBLIC COMMENTS

Chairman Eaton asked if there were members of the public wishing to comment and was advised there were not. Chairman Eaton reminded viewers of the process to make public comment and advised that he would wait a moment in the event someone wishes to comment.

Mr. O'Neil advised that he allowed a call in to the meeting but they had not indicated that they wished to speak. Chairman Eaton repeated the directions to signal that they would like to speak and waited a few moments after which the caller left the meeting.

Chairman Eaton asked Mr. O'Neil whether there were any callers wishing to speak and after confirming no additional speakers he declared Public Comments closed and continued with the remainder of the agenda.

ANNOUNCEMENTS

Selectman Bendel announced that he received notice that Liam Prigmore was accepted into the Merchant Marine Academy.

Selectman Bendel gave a shout out to Kylie DuCharme, a senior basketball player for Wilmington High School, who has scored 1,000 points. He noted that the score is currently 32-19 at half time and they are playing against Arlington. Selectman Bendel noted that Kylie is the second female, sixth person to achieve this accomplishment. Chairman Eaton confirmed that it includes 1,000 rebounds as well.

NEW BUSINESS

Selectman Bendel requested that the Board be provided an update at their next meeting regarding the Recreation Department's use of schools for programs.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- February 22 – Board of Selectmen – Virtual – 7:00 p.m.
- February 23 – Finance Committee – Virtual – 7:00 p.m.
POLICE DEPARTMENT, PUBLIC SAFETY CENTRAL DISPATCH, FIRE DEPARTMENT
- February 25 – Finance Committee – Virtual – 7:00 p.m.
TOWN CLERK, INFORMATION TECHNOLOGY
- March 2 – Finance Committee – Virtual – 7:00 p.m.
SHAWSHEEN TECHNICAL SCHOOL DISTRICT
- March 4 – Finance Committee – Virtual – 7:00 p.m.
WILMINGTON PUBLIC SCHOOLS
- March 8 – Board of Selectmen – Virtual – 7:00 p.m.
- March 16 – Finance Committee/Planning Board Joint Public Hearing Relative to
the Warrant for the Annual Town Meeting – Virtual – 7:00 p.m.
- March 18 – Finance Committee – Virtual – 7:00 p.m.
- May 1 – Annual Town Meeting – 9:00 a.m.
Shriner's Auditorium, 99 Fordham Road

SALUTE TO SERVICE

Chairman Eaton recognized Richard Holahan who enlisted in the U.S. Army in 1952 and honorably served until he was discharged in 1954. Mr. Holahan was awarded the Korean Service Medal with one Bronze Service Star, National Defense Service Medal and the Presidential Unit Citation among other awards for his service in Korea. Mr. Holahan was a longtime Wilmington resident who was known around his neighborhood as a "nice guy". Unfortunately, Mr. Holahan passed away in 2019 and we should be proud to have known men like Richard and honored to have had them live in our community after their service to our country.

A motion was made by Selectman DePalma, seconded by Selectman Bendel and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 6:32 p.m.

Respectfully submitted,

Recording Secretary