

## BOARD OF SELECTMEN MEETING

June 24, 2019

Chairman Gregory B. Bendel called the meeting to order at 6:15 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.

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

VOTED: That the Board of Selectmen enter Executive Session for the purpose of discussing strategies with respect to collective bargaining with New England Police Benevolent Association Local 13 in accordance with MGL Chapter 30A, Section 21(a)3 as an Open Meeting may have a detrimental effect on the negotiating position of the Town and the Chair so declares and to approve Executive Session minutes from May 28, 2019, June 5, 2019 and June 12, 2019 in accordance with MGL Chapter 30A, Section 22.

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.

### TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 50, 50A, 51 and 51A.

### MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held June 10, 2019 and all action taken is hereby ratified and confirmed.

### **KAREN LEVESQUE, RIGHT OF WAY MANAGER, VERIZON, RE: PUBLIC HEARING ON REQUEST OF VERIZON NEW ENGLAND, INC. AND READING MUNICIPAL LIGHT DEPARTMENT TO PLACE ONE (1) POLE ON BALLARDVALE STREET**

Mr. Steve Bigley, Utility Consultants, was present representing the interests of Verizon. Town Manager Hull advised that the petition was submitted on May 23 and received in the Town Manager's office on May 28. It was subsequently reviewed by Town Engineer Paul Alunni and Director of Planning and Conservation Valerie Gingrich.

Chairman Bendel asked if there were any questions or comments from the audience and there were none. Chairman Bendel asked if there were any questions or comments from the Board.

Selectman Caira asked whether the pole on the opposite side of the street would remain and was advised it would. He asked what the reason is for the additional pole. Mr. Bigley advised that the pole is necessary to service new construction along the edge of 200 Ballardvale Street.

Selectman O'Mahony asked if there was any response from the notification to abutters and was advised that there was none.

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

VOTED: That the Board of Selectmen close the hearing relative to the location of a pole on Ballardvale Street as described in the petition.

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

VOTED: That the Board of Selectman approve the request of Reading Municipal Light Department and Verizon to locate a pole on Ballardvale Street.

### **GEORGE HOOPER, PUBLIC BUILDINGS SUPERINTENDENT, RE: PUBLIC BUILDINGS PROJECTS**

Mr. Hooper was present to provide the Board of Selectmen with an update on activities of the Public Buildings Department. Mr. Hooper advised that once schools close, the department begins to clean all the classrooms. This includes cleaning all desks, removing furniture to strip and wax floors and refinish gymnasium floors. In addition, the ventilation system is cleaned, lighting fixtures and exit signs are maintained. Mr. Hooper noted that leading up to the close of schools, the department is busy setting up for concerts, graduations and other activities.

Mr. Hooper advised that the first phase of lighting replacement will take place at the West Intermediate School. He noted that he works with Reading Municipal Light Department to maximize rebates.

In addition, the department will utilize prisoners of the Middlesex House of Correction to paint the exteriors of the Food Pantry, Department of Veterans' Services and the Carriage House located at the Town Museum.

Other activities include assisting the schools and recreation departments with summer programs, readying the bath house, set up for beach day and assisting with the Fourth of July festivities, maintain concession/bathrooms at Yentile Farm Recreational Facility, installation of a new air conditioner unit in the dispatch center at the Public Safety Building, boiler replacement at the Library and changing the lighting at Town Hall field.

Chairman Bendel asked if there were any questions or comments from the Board. Selectman Cairra noted that it is an incredible amount of work and asked about the Senior Center. Mr. Hooper advised that he is working with the Director of Elderly Services to install new lighting, a new refrigerator/freezer and working to upgrade the kitchen.

Selectman McCoy asked whether the Public Buildings Department contracts to redo the gymnasium floors. Mr. Hooper stated that if it will be a complete strip, the department will sub-out, otherwise it is done in-house.

Members of the Board of Selectmen expressed their appreciation to the employees of the Public Buildings Department.

Town Manager Hull stated that it is hard to fully appreciate the work that goes in to preparing the schools for the new year.

Town Manager Hull stated that the Town needs to revisit the Facilities Master Plan. He stated that Mr. Hooper had chaired that committee. Town Manager Hull suggested that the Board should have a discussion in the fall with the School Committee and Finance Committee.

Chairman Bendel thanked Mr. Hooper for giving him a tour of the Wildwood School. He stated that he appreciated the opportunity and noted that it was very thorough and informative.

**MICHAEL WOODS, PUBLIC WORKS DIRECTOR, RE: CHANGE TO TERMS OF TRASH/RECYCLING CONTRACT WITH RUSSELL DISPOSAL**

Mr. Woods was present to discuss changes in trash and recycling collection contract currently held with Russell Disposal. Mr. Woods advised that the Town is entering the fourth year of the contract and noted that solid waste disposal is difficult, specifically for the United States. He advised that the costs of recycling are escalating citing the beginning of the contract where five cents per ton was received for recycled goods. Currently it costs \$94.50 per ton to get rid of it. Mr. Woods advised that the amount is the new normal. The Town hoped that when he was in last year requesting to amend the contract, it would keep the contractor afloat anticipating that the situation would level off or get better.

Mr. Woods stated that he has spoken with his counterparts in the area and those communities that have gone out to bid within the past couple of years have seen increases of approximately 30-35%. He stated that Boston finalized their contract and went from \$75 per ton to \$125 per ton with a cap of \$160 per ton. Representatives of Russell Disposal have contacted the Town requesting to sever the contract, discussions took place on how to do it in an orderly manner. Mr. Woods stated that he and Town Manager Hull have come up with a tentative agreement beginning October 1 to pay the full amount for recycled goods brought to the Materials Recycling Facility (MRF). In the meantime the Town will go out to bid for a new contractor. He advised that it is currently more expensive to dispose of recycling than it is to dispose of trash. In the Commonwealth of Massachusetts, recycling is mandatory.

Town Manager Hull stated that his concerns are that Russell is concerned about their ability to sustain their operation unless Wilmington and other communities assume the full amount to get rid of its recyclables. Option A is that the Town amend the contract, remain with Russell through June 2020 and in the meantime go through a bid process. He anticipates a new contract will be significantly more in the fiscal 2021 budget. Trash and recycling is not subject to the public procurement law. The Town had a ten year contract with Russell Disposal, Town Counsel advises that the Town is obligated to maintain a three year contract unless the Town goes to Town Meeting and receives approval to have a five year contract. A challenge of changing vendors now is that the cost is driven by the company amortizing costs over the term of the contract. He plans to make the adjustment, account for new numbers in the budget and he will include a warrant article to extend the contract to a five year contract with the possibility of extensions.

Mr. Woods stated that a benefit of the tentative agreement is that the Town currently owes \$525,000 for the bins and would have to pay off immediately if the Town terminates the contract. Russell has agreed to allow the Town to continue to pay for the barrels based on the full ten year schedule and not have to come up with the \$525,000.

Chairman Bendel asked what is the likelihood that a new company will require the Town to obtain different barrels and was advised zero percent because the Town purchased the barrels. There are essentially two companies that manufacture the barrels and the Town purchased from one of the companies in Canada. Other companies' equipment can accommodate the barrels.

Selectman O'Mahony asked if there is an early termination clause in the contract that allows Russell Disposal to do this without repercussions. Her concern is that the Town entered into a ten year agreement. Mr. Woods stated that there are two provisions that Town Counsel opines are in jeopardy if forced to honor. The cost of recycling is out of Russell's control and the recycling goods

were going to China and have been refused. The second is that the contractor could file bankruptcy and the contract will then be void.

Mr. Woods stated that besides Water and Sewer, his biggest concern is trash collection because he does not want trash piling up in the street.

Selectman O'Mahony asked whether Russell Disposal is planning to submit a bid or whether they are out of the equation. Mr. Woods advised that there are various divisions of Russell but the division currently servicing Wilmington will not bid but the parent company may submit a bid.

Selectman Eaton stated that he looked into contracts with local communities and commented that the Town of Billerica began curbside checking of recycling barrels. Mr. Woods advised that the state is recommending towns do that because they are finding that recycled goods are approximately 25% contaminated. The requirement is for recycling to be less than ½% contaminated. The Town of Wilmington is approximately 15 to 16% contaminated which is considered very good for the United States but until contamination is below ½%, China will not accept recycled goods.

Mr. Woods explained what actions the Department of Public Works is taking to educate residents on recycling including pamphlets and information on the website that contain the right things to recycle. Mr. Woods stated that knowing what items are recyclable can be confusing and cited as an example that containers for strawberries or blueberries are mistakenly recycled.

Town Manager Hull commented that he would like have a communication with the Department of Environmental Protection to determine the long term strategy. There has to be some type of assistance from the DEP. Earlier conversations indicated that the problem is a temporary circumstance. Mr. Woods stated that communities in other states have stopped recycling or the recycling is directed to the landfills. Massachusetts wants to clean up the waste stream and hopefully things will be less expensive.

Selectman McCoy stated that he has reservations supporting changes to the contract. He stated that after the last amendment to the contract he hoped that the management of Russell Disposal would get their act together. Mr. Woods stated that the reality is that it has nothing to do with the contract, that Russell Disposal has been a very good vendor. The profit dynamics of the company have changed.

Selectman McCoy asked what the Town pays per ton for trash and for recyclables. Mr. Woods advised that currently the cost to dispose of recyclables is \$94.50 per ton and for trash is approximately \$80 per ton. The contract with Wheelabrator expires June 30, 2021 and the Town has been advised there will be an increase of approximately 10%.

Selectman Caira asked what happens if the Town does not support this and was advised that trash and recyclables will stop being collected. Mr. Woods advised that the Town of Walpole also has to agree to a similar arrangement for the company to remain solvent.

Selectman Caira asked whether agreeing to this amendment is cheaper than going in another direction. Mr. Woods confirmed and stated that the Board will see that when the Town receives bids in November.

Selectman O'Mahony expressed concern that the Town will wait until November to issue a request for bids. She asked what will happen if this action still cannot save Russell and the Town is scrambling for disposal services. Mr. Woods stated that he has been assured by Russell that they will not just walk off, they would allow time for the Town to make other arrangements even if they file bankruptcy.

Selectman Caira recalled that when the contract was last amended, he thought there were additional communities and was advised by Mr. Woods that their contracts with Russell have expired.

Chairman Bendel asked Town Manager Hull whether he was looking for a vote from the Board and was advised that it is a contract that he entered into but wanted to get a sense whether they are supportive that this approach is an appropriate action. Mr. Hull reviewed what the consequences would be if the Board is not supportive including the increase in prevailing wage.

A motion was made by Selectman Caira, seconded by Selectman Eaton and by the affirmative vote four with Selectman McCoy opposed, it was

VOTED: That the Board of Selectmen support the recommendation of Town Manager Hull and Department of Public Works Director Michael Woods to amend the contract with Russell Disposal.

### COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the North Wilmington Commuter Rail Station. He noted that on June 11, through the efforts of Senator Bruce Tarr and Representative David Robertson, a conference call was held with representatives from the Massachusetts Bay Transportation Authority (MBTA). Also participating in the call were Selectman Kevin Caira, Fire Chief Joe McMahon and Acting Police Chief Joe Desmond. Town Manager Hull advised that discussions focused around constructing a “temporary” platform 45 feet in length that would have the basic accessibility features to meet standards for handicapped accessibility. MBTA representatives indicated that the platform would need to be moved a full train length in a northerly direction along the tracks so that when inbound trains stop, the crossing arm would not be activated. Similar types of platforms have been constructed in other MBTA communities.

Town Manager Hull reviewed his letter to Theresa Marciello congratulating her on being a recipient of the Massachusetts Commission on the Status of Women’s Sixteenth Annual Unsung Heroine’s award.

Town Manager Hull reviewed his memorandum to the Board of Selectmen advising that Neal Couture, a member of the Finance Committee, has advised Chairman John Doherty that he will be stepping down effective June 30, 2019. Notice of the vacancy has been posted on the Town’s website and residents are encouraged to submit a letter of interest or complete an application for appointment.

Town Manager Hull reviewed letters of reappointment to Marianne Gallezzo, Leigh Martinson and Hirak Shah as members of the Finance Committee for a term to expire April 30, 2022.

### **BOARD TO CONSIDER APPOINTMENT TO THE COMMISSION ON DISABILITIES**

Town Manager Hull advised that an effort has been made to fill some of the vacancies on the Commission on Disabilities. He stated that over the past 1 ½ to 2 years the committee has been more active. Currently Dee Genetti serves as Chairman. Town Manager Hull stated that the statute lays out qualifications to serve on the committee, specifically that a majority must be a member of the handicapped/disabled community, one a family member of a handicapped/disabled person and an elected or appointed official. He advised that Selectman Eaton has expressed a willingness to serve on the Commission.

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

VOTED: That the Board of Selectmen appoint Jonathan Eaton to the Commission on Disabilities for a term to expire April 30, 2020.

Selectman Eaton advised that there is a vacancy reserved for a handicapped person.

**BOARD TO CONSIDER REQUEST OF JOYCE MULVANEY, COMMUNICATIONS MANAGER, READING MUNICIPAL LIGHT DEPARTMENT, TO CONDUCT AN ELECTRIC VEHICLE RIDE AND DRIVE EVENT ON SUNDAY, SEPTEMBER 15, 10 A.M. TO 3 P.M. IN CONJUNCTION WITH THE WILMINGTON FARMERS MARKET**

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

VOTED: That the Board of Selectmen approve the request of Joyce Mulvaney, Communications Manager, Reading Municipal Light Department, to conduct an Electric Vehicle Ride and Drive Event on Sunday, September 15, 10 a.m. to 3 p.m. in conjunction with the Wilmington Farmers Market.

**PUBLIC COMMENTS**

Brooke O'Connell, 5 Dartmouth Avenue, spoke of an incident involving a Russell Disposal vehicle leaking fluid while collecting rubbish. She stated that their solution was to remove part of the street and pave it. Ms. O'Connell states that her parents and two neighbors incurred a cost of \$3,300. She stated that it was brought to her attention that there was a second leak that they will now have to pay for. Ms. O'Connell stated that she was present this evening because she does not believe her parents or residents on the street ought to be responsible for something that is not their fault.

Representative David Robertson was present with Ms. O'Connell and stated that he had spoken earlier with the Town. He noted that the Department of Environmental Protection and Town have been responsive and he is hoping to have the blessing of the Town Manager and the Board to appeal to Russell Disposal to handle the last couple hundred feet. The additional oil slick left by the vehicles was compounded by rain and spread further. He requested that DEP be asked to consider handling the last two or three houses of potential contamination before they sign off.

Chairman Bendel thanked Ms. O'Connell for her comments. He stated that he has gone down to Dartmouth Avenue.

Town Manager Hull stated that the situation has been trying for the residents. He stated that it is his understanding that DEP identified the scope of contamination area and that a licensed site professional, Clean Harbors, was hired by Russell Disposal. He said there was a rectangular area on the street identified as the impacted area, a street opening permit was obtained through the engineering office. Paul Alunni, Town Engineer, has spent a great deal of time working with Clean Harbors and the residents. The contaminated material was removed and properly disposed of. The area was repaved as well as a portion at the end of one of the driveways at the end of the street. Town Manager Hull stated that the work that was completed has addressed the contaminant. He stated that the amount in the second incident was characterized as a very small amount and there was no further action required. At the time, absorbent pads were brought in.

Chairman Bendel stated that the Board agrees that this is an unfortunate set of circumstances. What he hears from Representative Robertson is that he would like to lobby Russell Disposal to take responsibility and absorb the costs. He assured Ms. O'Connell that the Town will continue to monitor the situation.

Representative Robertson expressed his appreciation to the Board for hearing Ms. O'Connell's concerns.

Selectman McCoy opined that it is unfortunate that they hot-topped certain areas and skipped in front of their homes.

### ANNOUNCEMENTS

Selectman O'Mahony offered her congratulations to Wilmington athletes that attended the Commissioner's Cup over the weekend. She estimates that there were approximately fifteen (15) teams representing Wilmington.

Chairman Bendel noted that the 39<sup>th</sup> Fun on the Fourth begins next week and encouraged residents to attend. The complete schedule is on their website [www.funonthefourth.com](http://www.funonthefourth.com) and on their Facebook page.

### NEW BUSINESS

There was none

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through	
October 13	– Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
June 26	– Economic Development Committee – Town Hall – Room 9 – 7:00 p.m.
July 3-	– Fourth of July Festivities – 978-657-8081 ( <a href="http://funonthefourth.com">funonthefourth.com</a> ) – Town Common
July 6	Spectacular Fireworks – July 6
July 4	– Family Day – Town Common
July 8	– Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
July 10	– Concert on the Common – “Ball in the House” – 6:30 p.m. to 8:00 p.m.
July 10	– Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
July 13	– Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
July 17	– Concert on the Common – “Jimmy & the Jesters” – 6:30 p.m. to 8:00 p.m.
July 17	– Ice Rink and Recreation Facility Committee – Town Hall – 7:00 p.m.
July 24	– Concert on the Common – “BackTrack” – 6:30 p.m. to 8:00 p.m.
July 31	– Concert on the Common – “60's Invasion” – 6:30 p.m. to 8:00 p.m.
August 7	– Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:00 p.m.

Respectfully submitted,

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Recording Secretary