

BOARD OF SELECTMEN – October 31, 2012

The meeting of the Board of Selectmen was posted and held at the WCAT Studios, 64 Hemlock Road, Wakefield, MA, with Selectwoman Betsy Sheeran presiding, Selectman Patrick S. Glynn, Selectman Paul R. DiNocco and James E. Good and John B. Encarnacao in attendance. Town Administrator Stephen P. Maio and Town Counsel Thomas A. Mullen were also present as well as Clerk to the Board of Selectmen Sherri Eskenas. Selectman Tiziano Doto and Selectman Brian E. Falvey were absent.

Before the meeting a photo was taken of the Board Members and the three (3) newly hired Firefighters Michael Rowe, Patrick Jarvis and Nolan Curran.

Chairwoman Sheeran called the meeting to order at 7:30 p.m.

Selectman Good motioned to accept the Board Minutes of October 10, 2012, seconded by Selectman DiNocco and so voted with Selectman Encarnacao abstaining.

Selectman Good motioned to accept the Executive Board Minutes of October 10, 2012, seconded by Selectman DiNocco and so voted with Selectman Encarnacao abstaining.

Phyllis Hull was before the Board for Public Participation and spoke in favor of the Town Administrator Stephen P. Maio.

Chief Sullivan introduced to the Board the three (3) newly hired Firefighters Michael Rowe, Patrick Jarvis and Nolan Curran.

Selectman Glynn motioned to approve the contract for the Town Administrator Stephen P. Maio as presented, seconded by Selectman DiNocco and so voted.

Richard Stinson the Director of the Department of Public Works and Ned Reynolds from Johnson Controls was before the Board to speak about Phase II of the Performance Contract.

At 8:00 p.m. Selectman Glynn motioned to enter into the Public Hearing for Verizon to place one pole on Greenwood Street, seconded by Selectman DiNocco and so voted.

Roll Call:

Selectman Glynn – yes

Selectman Encarnacao – yes

Selectman Good – yes

Selectman DiNocco – yes

Chairwoman Sheeran – yes

Joseph Gleason from Verizon was before the Board requesting to place one pole on Greenwood Street. After discussion the Board decided that Verizon needs to provide more information.

Selectman Glynn motioned to table the request until November 26, 2012 for a Public Hearing at 8:00 p.m., seconded by Selectman DiNocco and so voted.

At 8:20 p.m. Selectman Good motioned to close the Public Hearing, seconded by Selectman Encarnacao and so voted.

Roll Call:

Selectman Glynn – yes

Selectman Encarnacao – yes

Selectman Good – yes

Selectman DiNocco – yes

Chairwoman Sheeran – yes

Richard Stinson the Director of the Department of Public Works and Ned Reynolds from Johnson Controls rejoined the meeting and further discussed Phase II of the Performance Contract.

Selectman DiNocco motioned to accept Phase II of the Performance Contract as presented by Johnson Controls subject to the proposal, seconded by Selectman Glynn and so voted.

Town Administrator Stephen P. Maio stated that the Library Union Contract Ratification is indefinitely postponed.

Town Administrator Stephen P. Maio presented the Board of Selectmen with the recommended funding mechanisms and sources for the Regular Town Meeting. If followed the Fiscal Year 2013 budget would result in a surplus of \$340,000.00. The recommendation was to reduce the 2.5% tax levy increase by the \$340,000.00.

Selectman Good motioned to follow the Town Administrator's recommendation as presented, seconded by Selectman DiNocco.

After much discussion Selectman Good motioned to table because 2 Board members were not present, seconded by Chairwoman Sheeran with Selectman Glynn, Selectman DiNocco and Selectman Encarnacao all opposed. Motion did not pass.

Vote taken on the original motion as moved by Selectman Good, seconded by Selectman DiNocco.

Selectman Glynn – yes

Selectman DiNocco – yes

Selectman Encarnacao – yes

Selectman Good – yes with reservations

Chairwoman Sheeran – opposed

Motion passes 4-1

Town Administrator Stephen P. Maio presented to the board the following bonds:

Voted: that we hereby determine, in accordance with G.L. c. 70B, that the amount of the cost of the Galvin Middle School project authorized by a vote of the Town passed on May 14, 2012 (Article 5) not being paid by the school facilities grant is \$38,584,333 and we hereby approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.

Further Voted: that the sale of the \$15,000,000 General Obligation School Bonds of the Town dated November 1, 2012 (the "Bonds"), to Morgan Stanley & Co., LLC at the price of \$15,201,488.35 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on October 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2013	\$245,000	2.00%	2026	\$610,000	2.50%
2014	445,000	2.00	2027	625,000	2.50
2015	455,000	2.00	2028	640,000	3.00
2016	465,000	2.00	2029	660,000	3.00
2017	475,000	2.00	2030	680,000	3.00
2018	485,000	3.00	2031	700,000	3.00
2019	500,000	3.00	2032	725,000	3.00
2020	515,000	3.00	2033	745,000	3.00
2021	530,000	3.00	2034	765,000	3.00
2022	545,000	3.00	2035	790,000	3.125
2023	565,000	3.00	2036	815,000	3.25
2024	580,000	2.375	2037	845,000	3.25
2025	595,000	2.375			

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated October 15, 2012, and a final Official Statement dated October 23, 2012 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

Selectman Good so motioned, seconded by Selectman Glynn and so voted.

Town Administrator Stephen P. Maio spoke to the Board regarding Peddler License issues. Selectman Encarnacao motioned to have Town Administrator Stephen P. Maio draw up Rules and Regulations including parameters, seconded by Selectman Glynn and so voted.

Leo Couture and Phil McCarty were before Board to present the Annual Report of the Americal Civic Center.

Selectman Encarnacao motioned to accept the Annual Report of the Americal Civic Center as presented, seconded by Selectman Glynn and so voted with Selectman DiNocco abstaining.

Selectman Glynn authorized Brian Falvey to move forward with the Town IT Committee and advertising for applicants, seconded by Selectman DiNocco and so voted.

Selectman Good authorized Brian Falvey to more forward with the Sign By-Law Review Committee and advertising for applicants, seconded by Selectman Glynn and so voted.

Selectman Encarnacao motioned to approve the request from The Board of Library Trustees to accept and expend a gift to the Library in the amount of \$7,533.60 with thanks, seconded by Selectman DiNocco and so voted.

Selectman Encarnacao motioned to approve the request from Rev. Richard Weisenbach of the First Parish Congregational Church to use the Bandstand for their annual Living Nativity on December 8, 2012 from 4:00 p.m. to 7:00 p.m., seconded by Selectman DiNocco and so voted.

Selectman Glynn motioned to approve the request from Larry Horlick of the Somerville Road Runners to host their annual 24 Hour Relay around Lake Quannapowitt to be based at the Clarion Inn on Friday July 26, 2013 at 7:00 p.m. to Saturday July 27, 2013 at 7:00 p.m., seconded by Selectman Encarnacao and so voted.

Selectman Encarnacao motioned to schedule a Public Hearing on Wednesday November 7, 2012 at 7:40 p.m. regarding the proposed acceptance of Mitchell Lane as a public way as laid out on plan dated May 14, 1955, seconded by Selectman DiNocco and so voted.

Selectman Encarnacao motioned that any lawyer who, without remuneration, represents the Board of Selectmen, the Permanent Building Committee and/or any other Town board or committee before the Board of Appeals and/or the Planning Board in connection with an application for relief or approval under any zoning or other land use regulation for any use or improvement of Town property be deemed a 'special municipal employee' for purposes of the State Ethics Law in connection with such engagement, seconded by Selectman DiNocco and so voted.

Selectman Encarnacao motioned to appoint Attorney Brian D. McGrail for Zoning Counsel to represent the Board, in its capacity as the owner of the Wakefield Memorial High School property, to seek zoning relief from the Board of Appeals in connection with planned improvements of the High School fields, such representation to be pro bono and to commence upon the filing of a petition with the Board of Appeals, seconded by Selectman DiNocco and so voted.

Selectman Good motioned to approve the request from Tom Deveau for a One Day Liquor License for a benefit fundraiser on November 3, 2012 from 7:00 p.m. to 11:00 p.m. at the Crystal Community Club, seconded by Selectman DiNocco and so voted.

Comments:

Town Counsel Thomas Mullen – updated the Board on the Fraumeni matter.

Selectman DiNocco – concerned about the signage off of Audobon Road; congratulated the Wakefield High School marching band in receiving 2 Gold Medals and also congratulated them on being the 2012 Division III Champions; commended all departments during Storm Sandy.

Selectman Good – inquired about the TAC letter and Town Administrator stated that this would be on the November 7th agenda.

Selectman Glynn – commended all departments during Storm Sandy.

Chairwoman Sheeran – please remember the food pantry; December 1st is the Holiday Stroll; please remember to vote on November 6, 2012; Silva Project.

Board Members signed weekly warrants; Regular Town Meeting Warrant; One Day Liquor License.

Selectman Good motioned to adjourn at 10:07 p.m., seconded by Selectman Glynn and so voted.

Sherri A. Eskenas, Clerk