



WAKEFIELD BOARD OF SELECTMEN

Monday, March 26, 2018

7:00 P.M.

WCAT Studio

24 Hemlock Road, Wakefield, MA. 01880

**BOARD
MEMBERS
PRESENT:**

Selectman Paul R. DiNocco, Chair
Selectman Peter J. May, Vice-Chair
Selectwoman Mehreen N. Butt
Selectman Edward F. Dombroski, Jr.
Selectman Brian E. Falvey
Selectman Anthony Longo
Selectwoman Ann McGonigle Santos

ADMINISTRATION PRESENT:

Stephen P. Maio, Town Administrator
Sherri A. Dalton, Executive Assistant
Thomas A. Mullen, Town Counsel

**BOARD
MEMBERS
NOT
PRESENT:**

----- TOPICS OF DISCUSSION -----

Call to Order

Chairman DiNocco called the meeting to order at 7:00 p.m.

**Public
Participation**

No members of the public appeared before the Board for Public Participation.

**Approval of
Minutes -
Regular March
12, 2018**

Selectman May motioned to approve the minutes of March 12, 2018 as presented. Selectwoman Santos seconded. Motion passed 6-0-0.

**Approval of
Minutes -
Executive
March 12, 2018**

Selectman May motioned to approve the Executive minutes of March 12, 2018 as presented. Selectman Falvey seconded. Motion passed 6-0-0.

**Presentation /
Action Items -
Budgets**

Selectman Falvey motioned to approve the Group Health Insurance Budget in the amount of \$13,196,050.00 as presented by Town Accountant Kevin Gill. Selectman May seconded. Motion passed 6-0-0.

Selectman Longo joined the meeting at 7:09 p.m. during the presenting of the Department of Public Works Budget.

Selectwoman Santos motioned to approve the Department of Public Works Budget in the amount of \$5,712,218.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman May seconded. Motion passed 7-0-0.

Selectman Falvey motioned to approve the Snow & Ice Budget in the amount of \$800,000.00 as presented by the Director of the Department of Public Works

Richard Stinson. Selectman Longo seconded. Motion passed 7-0-0.

Selectman May motioned to approve the Sewer Enterprise Budget in the amount of \$8,224,561.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman Falvey seconded. Motion passed 7-0-0.

Selectman May motioned to approve the Water Enterprise Budget in the amount of \$5,008,316.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman Falvey seconded. Motion passed 7-0-0.

**Presentation /
Action Item -
Warrant
Articles**

Selectwoman Santos motioned to approve the Eminent Domain Warrant Article in the amount of \$1.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman Longo seconded. Motion passed 7-0-0.

Selectman May motioned to approve the Refuse/Recycling/Yard Waste Warrant Article in the amount of \$1,798,000.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman Falvey seconded. Motion passed 7-0-0.

Director of the Department of Public Works Richard Stinson presented the Roadway Improvements Warrant Article in the amount of \$500,000.00. Town Administrator Stephen P. Maio addressed the Board stating that although he realizes the need for this amount he is recommending \$350,000.00. After some discussion Selectwoman Santos motioned to grant \$350,000.00 for the Roadway Improvements Warrant Article. Selectman Longo seconded. Motion passed 7-0-0.

Director of the Department of Public Works Richard Stinson presented the New Sidewalks Warrant Article in the amount of \$100,000.00. Town Administrator Stephen P. Maio addressed the Board stating that although he realizes the need for this amount also he is recommending \$50,000.00. After some discussion Selectman Longo motioned to grant \$75,000.00 for the New Sidewalks Warrant Article. Selectwoman Butt seconded. Motion passed 7-0-0.

Selectman Falvey motioned to approve the Mobile Radio Replacement System Warrant Article in the amount of \$125,000.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman May seconded. Motion passed 7-0-0.

Selectman Falvey motioned to approve the Water Mains Warrant Article in the amount of \$4,085,000.00 as presented by the Director of the Department of Public Works Richard Stinson. Selectman May seconded. Motion passed 7-0-0.

**Presentation /
Action Item -
Snow and Ice
Overdraft**

Richard Stinson Director of the Department of Public Works appeared before the Board requesting a Snow and Ice Overdraft of \$300,000.00. Selectwoman Santos motioned to approve the \$300,000.00 Snow and Ice Overdraft. Selectman May seconded. Motion passed 7-0-0.

Selectman Falvey left the meeting at 9:15 p.m.

**Presentation /
Action Item -
Library
Request**

Selectwoman Santos motioned to approve the request from the Library to accept and expend a gift or gifts to the Library in the amount of \$1,148.00 from various donors with thanks. Selectman Longo seconded. Motion passed 6-0-0.

**Presentation /
Action Item -
World War II
Memorial Fund**

Selectwoman Santos motioned to approve the request from the World War II Memorial Fund to accept and expend a gift or gifts to the World War II Memorial Fund in the amount of \$25.00 from Joanne Gutierrez with thanks. Selectman May seconded. Motion passed 6-0-0.

At 9:24 p.m. Selectman Falvey rejoined the meeting during the Human Rights Commission presentation.

**Presentation /
Action Items -
Human Rights
Commission**

David Watts, Jr., Chair of the Human Rights Commission appeared before the Board to request the appointment to the Human Rights Commission be extended to two candidates for this year only due to the fact that the Commission has too few commissioners to spread the workload around. Selectwoman Santos so motioned. Selectman Longo seconded. Motion passed 7-0-0.

David Watts, Jr., Chair of the Human Rights Commission appeared before the Board to request that the commissioner from the Clergy Council be appointed for a one year term with the term ending April 30th of every year due to the duties and schedules of the clergy member. Selectman Dombroski so motioned. Selectwoman Santos seconded. Motion passed 7-0-0.

**Presentation /
Action Items -
Request to
advertise for
Committees**

Selectman Falvey motioned to advertise for openings on the Advisory Board of Public Works, Albion Cultural Exchange, Board of Appeals, Cable Advisory Board, Capital Planning Committee, Conservation Commission, Council on Aging, Cultural Council, Commission on Disability Issues, Fence Viewer, Human Rights Commission, Permanent Building Committee and the Recreation Commission. Selectman Dombroski seconded. Motion passed 7-0-0.

**Presentation /
Action Items -
By-Law Review
Committee**

Daniel Lieber, Chair of the By-Law Review Committee appeared before the Board presenting the following By-Law Review Committee Warrant Articles. Warrant Article A - Omnibus Updates. This article is expected to cover Chapter/Section removals that the Committee has deemed unnecessary: 14, 43, 47, 56-3, and 115. There are also language clarifications proposed for these chapters: 62, 78, and 100. By-Law Review Committee - Summary of Articles 2018-03-18 Page 2. Additionally, this article also contains updates for consistency with current practice, state law, and/or language for these chapters: 17, 21, 36, and 142. Warrant Article B - Omnibus Updates. This article contains policy updates that are expected to be minor and non-controversial. It covers these chapters: 1, 51, 75, 108, 112, 119, and 138. Warrant Article C - Governance. This article contains updates to Chapter 9. In addition to clarification of terms for enhanced readability, it makes significant changes to the composition of the Permanent Building Committee and adds sections for governance, including specifying how chairs of boards are assigned, attendance requirements with potential for abandonment of appointed positions, determination of quorum, and public hearing requirements. Warrant Article D - Animals. This article contains updates to Chapter 104. In addition to updates for consistency with updated Massachusetts General Laws on animal control, it specifically makes updates allowing dogs to be offleash while at dog parks as designated by the Board of Selectmen, adds animal bites on public property as a specific offense, and increases the fines for noncompliance and boarding. Warrant Article E - Snow & Ice. This article contains a replacement section for 175-8 and an update to the fines in 175-9. The current snow & ice by-law 175-8 was deemed to be ineffective. The proposed Snow & Ice by-law will require commercial properties and large multi-family dwellings (more than four (4) units) throughout Wakefield to clear snow, ice, and slush from the public sidewalks abutting their property. It changes the fines to \$200 per offense and expands enforcement to include both the Police and

Department of Public Works. It also acknowledges potential future adoption of M.G.L. 40U. The Selectmen thanked Mr. Lieber and the By-Law Review Committee members for their many meetings and hard work.

**Presentation /
Action Items –
Remote
Participation
for Public
Bodies**

Daniel Lieber, Chair of the By-Law Review Committee appeared before the Board. Mr. Lieber said that On February 26, 2018, the By-Law Review Committee voted to request the Board of Selectmen authorize Remote Participation for members of public bodies within the Town in accordance with M.G.L. 30A §20(d), which specifically grants this authorization to the chief executive of the town. On October 6, 2017, the Attorney General updated 940 CMR 29.10, the Remote Participation section of the Open Meeting Law Regulations. In the Explanation Section accompanying the changes, the Attorney General noted that the most significant change to this section was to replace the five reasons for remote participation with a sole requirement that remote participation was permitted when physical attendance would be unreasonably difficult. The Attorney General further opined that a single standard would enable public body members and the general public to better understand when it is appropriate to participate remotely in a meeting. The updated regulations still require a quorum of the public body to be physically present in order to hold a meeting, but the member(s) remotely participating would be allowed to vote at that meeting. There are a multitude of valid reasons why our many volunteer members of public bodies occasionally cannot attend in person, but would be able to participate remotely. These can include, but are not limited to, illness of self and/or a family member, infirmity making travel difficult, and business travel. The Commission on Disability Issues currently uses remote participation from time to time as they are explicitly permitted to do so by statute and in 940 C.M.R. 29.10 (2)(g). When asked about remote participation at a meeting, the members stated they found it helpful and it was not abused. Other public bodies in our Town, including the Charter Review Committee, have also used remote participation on a limited basis, and sometimes not presently in accordance with the Open Meeting Law as they have permitted remote members to vote and recorded those members as present. If the Board of Selectmen approves Remote Participation, this would be permissible and helpful as the remote participants can offer their perspectives and expertise, as permitted by the chair. Remote participation could also be helpful for adjudicating bodies, such as the Conservation Commission and Zoning Board of Appeals, as it would allow members to be in attendance for extended hearings and allow votes by those members even if they participated remotely from time to time. Permitting Remote Participation does not require the Town to incur any costs, furnish any equipment, nor services to public bodies. It is up to each public body to acquire or utilize appropriate tools consistent with the regulations. These tools, including conference calls and Internet meetings, tend to be readily available, including the conference phone often used in the Town Hall 2nd floor conference room. If Remote Participation is authorized and it is later determined remote participation is materially detrimental to the town, the Board of Selectmen (or Town Council as it may be named at that time) could also revoke the authorization in the future. In light of the Attorney General’s application of the easy to apply and understand “unreasonably difficult” standard, the By-Law Review Committee recommends that the Board of Selectmen vote to permit Remote Participation in accordance with 940 CMR 29.10. Town Administrator Stephen P. Maio informed the Board that he will do research regarding remote participation before the Board votes on this matter.

**License /
Permits – One
Day Liquor**

Selectwoman Santos motioned to approve the One Day Liquor License request for the Doyle School PTO for April 7, 2018 from 6:00 p.m. until 11:00 p.m. at the Americal Civic Center. Selectman May seconded. Motion passed 7-0-0.

License Requests

Selectman May motioned to approve the One Day Liquor License request for the Wakefield Track and Booster Club for May 19, 2018 from 7:00 p.m. until 11:00 p.m. at the Americal Civic Center and to waive the fee. Selectman Longo seconded. Motion passed 7-0-0.

Selectman May motioned to approve the One Day Liquor License request for Wayne Tarr for April 2, 2018 from 6:00 p.m. until 8:00 p.m. at the Americal Civic Center. Selectman Longo seconded. Motion passed 7-0-0.

Selectman May motioned to approve the One Day Liquor License request for Brian Falvey for March 27, 2018 from 5:00 p.m. until 8:00 p.m. at the Americal Civic Center. Selectman Dombroski seconded. Motion passed 6-0-1 with Selectman Falvey abstaining.

Matters Not Anticipated By The Chair Within 48 Hours of Meeting

Selectman Dombroski – Gator Gallop is April 7, 2018; Happy Easter; Happy Passover

Selectman Longo – Happy Easter

Selectman Falvey – concerned with the speed in his neighborhood and would like the Traffic Advisory Committee to look at this; he is having a meet and greet tomorrow night at the Americal Civic Center; is happy the Board is making a name change

Selectman May – Happy Easter; Happy Passover

Selectwoman Butt – Human Rights Commission is having a presentation regarding civil rights issue at the Public Safety Building on April 3, 2018 at 7:00 p.m.; in light of the students march on Saturday the Melrose Board of Alderman last week passed a Resolution to urge the President of the United States, the U.S. Senate and the House of Representatives to act on gun control legislation and she would like the Board of Selectmen to consider this as well

Selectwoman Santos – proud of the Wakefield students regarding the march

Selectman DiNocco – received a request from the West Side Social Club for a member of the Board to give the greetings at their Memorial Day ceremonies; Wingo program is closed and the drawing will be shortly

Next Board Meeting

The next regular Board of Selectmen meeting is scheduled for March 26, 2018 at 7:00 p.m. at the WCAT Studio, 24 Hemlock Road

Adjournment

At 10:12 p.m. Selectwoman Santos motioned to adjourn. Selectman May seconded. Motion passed 7-0-0

Respectfully submitted,



Sherri A. Dalton, Executive Assistant