

BOARD OF SELECTMEN MEETING

December 12, 2022

Chairman Judith L. O'Connell called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Lilia Maselli.

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 the Wilmington Police Supervisors Association (WPSA) in accordance with Massachusetts General Law (MGL) Chapter 30A, Section 21(a)3 and for the purpose of discussing the purchase, exchange, lease or other acquisition of real property at 333 Andover Street in accordance with MGL Chapter 30A, Section 21(a) 6 as an open meeting may have a detrimental effect on the negotiating position of the Town as determined by the Chairman and further to consider Executive Session Minutes from November 29, 2021, March 14, 2022 and April 25, 2022 in Accordance with MGL Chapter 30A, Section 22 with the intention to return to open session.

Chairman Judith L. O'Connell reconvened the meeting at 7:15 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Lilia Maselli. Also present was Town Manager Jeffrey M. Hull.

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

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 202322, 202322WIRES, 22A, 202323, 202323WIRES and 23A.

Chairman O'Connell stated that, at the end of the meeting, the Board has an item where a veteran's service is recognized. She advised that this evening she is taking that item out of order.

Selectman Bendel stated that it is his pleasure, on behalf of the Board of Selectmen and residents of the Town of Wilmington to present the Salute to Service to someone who served our country and out community in law enforcement. Officer Shawn W. Lee was a 1991 graduate of Wilmington High School. After graduation he joined the military as a member of the Air Force, serving from 1991 to 1995. He earned the rank of E4 Senior Airman Security Journeyman. During his time in the Air Force, he earned several medals and ribbons including the Air Force Training Ribbon, National Defense Service Medal, Air Force Good Conduct Medal, Air Force Longevity Award and the Southwest Asia Service Medal that he earned during Desert Shield/Desert Storm. After his military service he continued his service to our country as a police officer, a member of the Wilmington Police Department for 10 years until his passing on December 10, 2011, and tonight the Board honors him. Shawn would have turned 50 this past week. The Board wants to continue a tradition of never forgetting a great service to our community. Selectman Bendel stated that he did not have the pleasure of knowing Shawn but knows the stories of his kindness, what a special person he was and what he meant to the police department and what he meant to his family. Selectman Bendel stated that he recalls a photo published in the Town Crier of Officer Lee handing a balloon to a young child at the 4th of July celebration. Tonight, we celebrate his life as we continue to remember his legacy in town. Selectman Bendel opined that Officer Lee is the type of person we should be teaching all our children about in school as we teach them about other historical figures. He is the type of person we can aspire to be like and we should continue to share his story.

Chairman O'Connell thanked Selectman Bendel for his comments. She stated she was pleased to see the number of people including town employees, Police Chief, Fire Chief and Shawn's family who are present this evening.

Selectman Caira stated that he remembers Shawn from when he played football. He recalled Shawn as a hard worker, dedicated, great kid and stated this is a wonderful tribute for Shawn and his family.

Selectman DePalma stated he has heard Shawn referred to as a "Cop's Cop" and opined if one can achieve that in the law enforcement community, you've done something.

Selectman Maselli stated that she wished she knew Shawn because of the wonderful stories she has heard. She is thankful for his service and commented on the outpouring of support.

Town Manager Hull stated that he was an inspiring individual and a lesson Shawn left is to live, to love and to leave a legacy. He opined that Shawn has done that. He extended his appreciation to the family for being in attendance.

Chairman O'Connell stated that she grew up with Shawn and played baseball together. She noted his uncle married her mother and, during that time, they spent more time together. He was a tall, strong man but was a teddy bear. He was a husband, father and son and was very well regarded. She related a memory of when his uncle was ill and stated she shared it because he loved being a police officer, loved serving his country and loved his family and always wanted to do the right thing and to honor to the police department, his family and anyone that wore a uniform. No matter how sick he was, he showed up for everyone. Chairman O'Connell stated that it is a source of pride for her. She noted attending her high school reunion and there was a table of remembrance and Shawn's picture was on it, he is never forgotten. Chairman O'Connell presented the certificate to Shawn's mom, Maryann Lee. Chairman O'Connell offered Chief Desmond an opportunity to speak. Chief Desmond stated that Officer Lee was larger than life with a heart of gold, the department misses him dearly.

Chairman O'Connell called for a brief recess to allow members of the audience to depart. Upon resuming the meeting, she noted that the camera cannot pick up on it and reported the entire police department is lined up in the hallway.

PAUL ALUNNI, TOWN ENGINEER, RE: UPDATE REGARDING LOWELL STREET/WOBURN STREET TRANSPORTATION IMPROVEMENT PROJECT AND ACQUISITION OF EASEMENTS

Mr. Alunni was present to discuss easement acquisitions related to the Woburn Street/Lowell Street intersection project. He provided an update on where the project is at. He stated it is in the final stages of the Massachusetts Department of Transportation (MassDOT) Design Development Process. The process began four years ago when the Town applied for, and was awarded, \$6.4 million of federal and state funds to put toward the project. He advised the Board that the Town is on schedule to be "shovel ready" May 2023. He stated that the last couple of steps is securing easements around the corner and stated it is very common for a project of this size.

He advised that because the Town is using federal funds, the Town had to follow very strict guidelines and regulations. He reviewed actions the Town had to take including coordinating with the property owners, hiring a state certified appraiser, a state certified review appraiser, the easements were reviewed by MassDOT's right of way division and legal counsel to develop a schedule of award for damages for each impacted parcel. He advised that the total award for damages is approximately \$371,000. He explained which funds that will be used for

compensation. Mr. Alunni stated if his request is voted in the affirmative, he will be before the Board in approximately six weeks to have the Board execute the easements.

Chairman O'Connell thanked Mr. Alunni for his presentation and commented that his packages are always very detailed, very comprehensive and easy to understand. Chairman O'Connell emphasized that funding is available to compensate the property owners.

Chairman O'Connell asked if there were any questions or comments from the Board. She advised that she will be looking to take the Board to Consider item out of order.

Selectman Caira asked Mr. Alunni to explain temporary easement. Mr. Alunni stated it is a temporary right. He expects the project to take two years, three years is the minimum that the state would allow. He stated that the Town is not putting permanent infrastructure on the property, the easement is to allow the Town to implement the design.

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

VOTED: That the Board of Selectmen authorize the Town Manager to issue written offer letters for easement acquisitions.

**JAY DOHERTY, CHIEF EXECUTIVE OFFICER, CABOT, CABOT & FORBES, RE:
PROPOSED DEVELOPMENT AT 333 ANDOVER STREET**

Town Manager Hull stated this is an informational session. The Board of Selectmen does not have statutory authority to approve or disapprove housing or commercial projects. The authority would rest with the Board of Appeals or various other permitting agencies.

Chairman O'Connell believed it would be advisable and appropriate to make residents aware of what is being proposed for this site. Town Manager Hull believes it is important for residents to understand the Town has had a long-standing interest in this property that dates to the 90s. during the time he has been Town Manager, he has had a number of communications with the attorney representing the family expressing interest on the part of the Board to acquire the property.

The Town is willing to listen to the proposal but wanted to disclose the Town is also interested in the property for municipal purposes.

Mr. Doherty introduced those present with him including John Sullivan, Director of Construction and Development, Cabot, Cabot Forbes (CCF); Lauren Jezienicki, Sr. Project Manager; Michael MODOONO, Project Manager and Nina Pickering-Cook, Zoning Attorney and advisor to CCF and Chris Collins of The EDGE Sports Group.

Mr. Doherty stated he was not here this evening to present a proposal on a proposed project and they are not looking for a vote. He was here to outline concepts that they would like to partner with the Town, if the Town is inclined. He advised the basic concept is consistent with recent projects which is a mixed-use approach. The mixed-use approach has been successful in many communities. The key is to work with the host community on how it prioritizes its needs which varies with each community.

Mr. Doherty had a PowerPoint presentation which provided information on a project they are working on at Lake Quannapowitt in Wakefield. Mr. Doherty stated there is approximately \$5 million CCF non project mitigation invested in the Wakefield project including for the lake. He stated the project was leveraged by the Town for a \$2 million MassWorks grant to upgrade its

water system. Part of what CCF is thinking about is the state's new housing choice law. The housing choice law calls for communities to put in place "as of right" zoning around commuter rail stations. In the case of Wilmington, it is allowed to place 25 acres in a remote location. The 25 acres has to be contiguous. The important feature of the law is that it is "as of right" once the zoning is in place.

Mr. Doherty reported that Wakefield has had issues with car theft and other crimes in the area and CCF has created a security room for the police department when they need it and opined the room will be beneficial when there are events on the waterfront.

The Town of Wakefield also wants to enhance its economic development appeal. They want to build better housing for the industry in Wakefield. Young professionals in the tech industry are leaving Massachusetts because of housing and childcare. Mr. Doherty described amenities included in the project. Mr. Doherty briefly touched upon additional projects including St. Gabriel's in Brighton and in Woburn on land considered a Superfund site at Commerce Way and New Boston Road.

Mr. Doherty advised that CCF has entered into a long-term, mutually binding contract with the owners of Sciarappa Farm to provide time to explore the potential of the site. They would like to have a multiuse site including EDGE community recreation facility, public nature trails, work with Wilmington to provide a prepared pad for a public safety facility, utility improvement, extension of sewer system and explore instituting shuttle system.

The core of the program is multi family housing of market rate. They would work with the Town whether to include an affordable component. He stated an entity like Pressed Café is emblem of these types of development.

Mr. Doherty described illustrations of the property. He stated the conceptual site plan takes into account the natural constraints including wetlands on the property. CCF will also investigate working with MassDOT to provide signalized intersection on Route 125.

Chris Collins, Managing Member, EDGE Sprots Group, introduced his company. He stated that they design, build and operate multi-use sports centers through a P3 (public private partnership) or with a P3 backbone. Facilities in operation and development include Essex Sports Center, Middleton; Worcester Ice Center, Worcester; Boston Sports Institute, Wellesley; Thayer Sports Center, Braintree; Foxboro Sports Center, Foxboro; Boch Ice Center, Dedham; Hobomoch Arenas, Pembroke; Kino Sports, Tucson, AZ; Braintree Sports Center, Braintree (in negotiations) and The Downs Sports Center, Scarborough, ME (in design).

Mr. Collins reported that EDGE Sports Group has been in discussions with the Wilmington Ice Rink & Recreational Facility Committee dating back to 2020. The EDGE team is well versed in Wilmington and Northeast Middlesex County's need for a regional athletic ecosystem. EDGE's working concept is a roughly 100,000 square foot recreation facility within/alongside the CCF development. The team has determined a core facility featuring two NHL ice surfaces, turf, 4-6 court field house and multiple auxiliary service areas for the benefit of the student athletes and community such as sports medicine, physical therapy, strength and conditioning, tutoring and concession. Mr. Collins noted aquatics needs assessment is ongoing. He said aquatics are challenging because of the style of pool.

Mr. Doherty outlined the project path if the Town partners with CCF including consultation with Town leaders, agencies, boards, community residents and state agencies. Studies completed for traffic, fiscal impact, tree canopy, project security, project manager, sewer and architectural. Direction from the Town to include zoning, affordable inclusion, age restriction component, public

trails and opens space, EDGE program, municipal facility need, childcare facility, restaurant and open dining and MBTA commuter rail shuttle.

Mr. Doherty opined that this would be a good project and would be a benefit by meeting many needs of the community, preserving, and advantaging, state funds. The state is looking to find ways to make up the gap to stop young talent from leaving the state because it is beginning to effect viability of tech companies.

Chairman O'Connell thanked the team for their presentation. She disclosed that she met with Mr. Doherty and his team previously before inviting them to a Selectmen meeting. She reported she has done research and the workmanship is outstanding, and they have a sound business model. She expressed concern about growth Wilmington is experiencing. She understands there is a housing crisis and cited the Town's position relative to the state's housing choice law.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Maselli stated that Chairman O'Connell voiced many of her concerns. If the Town does not go with housing choice, how does it affect CCF. Mr. Doherty stated that it will not affect the project. The Town can proceed under another form of zoning. The housing choice piece was presented because it allows the Town to preserve the state funding that pays a lot of infrastructure bills. Some communities have gravitated to local initiatives.

Selectman Maselli stated that, as a resident, she does not believe it is a right fit for the Town of Wilmington.

Selectman DePalma asked what the number of units would be. Mr. Doherty stated it will depend, they want 400 market rate units, if the Town wants over 55 or affordable housing, it will be added to the 400.

Mr. Doherty stated that, relative to parking facilities, he would like to not remove trees for large amounts of asphalt to build parking lots. He provided examples of options.

Selectman DePalma asked whether the project would be completed at once and was advised it would be completed in phases. He asked about plans for parking. Mr. Doherty opined there is a tremendous natural asset. They should do as much as they can to preserve and protect it, restore as much of the tree canopy as they can to create an inviting space.

Mr. Doherty stated that they have to be cognizant that it is possible the renter may be working from home and they have to ensure the space is comfortable.

Selectman DePalma stated that he can't say whether he supports the project but is looking forward to seeing what is presented.

Chairman O'Connell advised that one thing she conveyed to the team is that regardless of being for or against the project, residents are having aspiration for the generations coming after them to have home ownership. The connotation of apartment buildings and transient traffic that does not have vested interest in the community does not have the same acceptance level. She spoke with Mr. Doherty about the possibility of condominiums and asked him to explain their business practices and why they develop apartments.

Mr. Doherty stated that they would be open to exploring three story townhouse development but would be reluctant to do large landscape townhouse development. Multifamily is affordable for most people, most of the time, easier for individuals that don't have credit. He advised that condominiums are challenging because they are not institutionally financed.

Selectman Bendel stated he is in favor of the Town purchasing the property to be used for different reasons.

Selectman Caira stated that he had met with the group with the Chairman of the Ice Rink and Recreational Facility. The purpose of the meeting was primarily to talk of the sporting facility to learn how it would work and to ensure if the project comes to fruition, the youth of Wilmington would have priority on the use of the facility.

Selectman Caira asked for more information on the shuttle. Mr. Doherty explained they fund studies, bring capital and busses. CCF funds the startup and try to expand. It operates as a public system with costs split among sponsors.

Selectman Caira advised CCF that Wilmington has an inclusionary by-law which requires 15% be affordable.

Selectman Caira stated that he had mentioned senior housing. Mr. Doherty advised that senior housing is not much different than what they do, when you get into assisted living the concept changes. Selectman Caira asked about the pad for the public safety substation, whether the Town would own it or CCF. Mr. Doherty provided an explanation.

Chairman O'Connell acknowledged Valerie Gingrich, Planning & Conservation Director, was present in the audience. She thanked Ms. Gingrich for being available in the event the Board had questions.

Town Manager Hull stated that the Board has conveyed their concern about the scale of the development. He asked how long Mr. Doherty anticipates their due diligence process to take. Mr. Doherty stated the first thing they need would be to ensure they are on a path for a project. He noted it is not a simple parcel, it contains a National Grid aerial easement. They have to look at extending the sewer and those things will take 3 to 6 months on the core infrastructure matters. He stated he understands the concern and skepticism of the large project and informed them that it will also allow other things to be completed such as including over 55 housing, a recreational facility and condominiums.

Mr. Doherty stated they worked very hard in Wakefield and would work very hard in Wilmington. He said he would be willing to share the detailed economic studies that resulted in Wakefield. On every project impact, it resulted in a net positive.

Town Manager Hull asked if there were a minimum number of units. Mr. Doherty stated there probably would be, but they have not completed enough study to estimate infrastructure costs. He stated they are before the Board very early in the process.

Town Manager Hull stated there are certain districts, per the Comprehensive Water Resource Management Plan (CWRMP), that are able to be sewerred. One purpose of the CWRMP was to mitigate impacts to the Ipswich River. The closest sewer connection would be on Ballardvale Street. Mr. Doherty stated it is possible that they won't be able to solve the sewer issue and it would be a fatal flaw.

Town Manager Hulls stated he is impressed with the caliber of projects completed and working with communities. He asked what would cause them to move forward or stop. Mr. Doherty stated that they have faced challenges on other projects, but they have not had to yield to those challenges. He said they weren't sure they would be able to solve the challenges with the Superfund site.

Chairman O'Connell thanked the team for attending the meeting to have a question-and-answer session. She wanted to provide information to abutters. Mr. Doherty advised that their next step may be to begin meeting with abutters.

**SUSAN INMAN, ASSISTANT TOWN MANAGER/HUMAN RESOURCES DIRECTOR, RE:
VERIZON FIOS CABLE LICENSE RENEWAL**

William Hewig, Esquire, of Town Counsel's office was participating remotely.

Ms. Inman provided information on how they arrived at this point. She advised that she joined the Cable Television Advisory Task Force upon her hire, replacing Kerry Colburn-Dion. She learned a great deal about cable negotiations. The Town has been in negotiations to renew Verizon's Cable License. She advised that normally, the Town would seek a longer duration but Verizon is only willing to renew for five years. Ms. Inman advised that the license includes the Gross Annual Revenue (GAR) the payment over the term of the license for capital facilities planning for the funding. She recognized committee members who participated in the negotiations. She asked Attorney Hewig to provide information on why the market is different. She noted there has been a 23-24% inflation over the past 10 years and wage price index increase of 30% making it difficult for cable access producers to work through the increase without getting a substantial increase from Verizon.

Attorney Hewig reported that there has been a change in the landscape of cable television, particularly since Verizon first entered the market in 2007. The cable industry was seen as a growth industry and did not foresee a large amount of competition from non-licensed streaming providers who are streaming their content over the Internet. Those providers don't have to pay fees, don't have to enter negotiations for a license, they are essentially unregulated. Verizon, Comcast and other cable companies found themselves at a disadvantage. They still need to negotiate licenses, still have to pay for the right to use the Town's rights of way, poles and wires to provide services and are subject to state and federal regulations.

Attorney Hewig explained there is a fundamental difference between Verizon and the other cable competitors, including Comcast. He advised that there is a significant legal distinction. Verizon originally existed as a telephone company and, as such, they did not need to have a license to install poles and string wires over the Town's rights of way. They had the right to do that under the Telecommunications Act. They have a pre-existing right to use the rights of way for two things that are not licensed: broadband and telephone service.

Comcast and other principal cable television companies in Massachusetts are not a telecommunication company under Title 2, they are cable television communication company under Title 6. He stated the distinction is important because under Title 6, they had to apply for, and get, a license before they could put up any poles and wires, use any poles or string any wires. If Comcast loses or terminates its license, it no longer has the right to occupy the public rights of way. Verizon could surrender their license and remain in town selling their other two services, broadband and telephone. This means that Verizon has a different corporate perspective on Cable TV. Attorney Herwig stated the Town does not have the same leverage over Verizon in negotiating a cable license. As a consequence, some of the provisions are new that they did not include 15 years ago. The Town has the right to unilaterally terminate the license. After 30 months, Verizon has the right to notify the Town that it will be withdrawing and terminating its license and stopping the sale of cable subscriptions within in town. Comcast does not have this provision in their license, no other cable company does, but Verizon has insisted it be included in their license over the past 5 or 6 years. Verizon decided they would negotiate for no more than 5 years.

Attorney Hewig stated that a couple of provisions in the Verizon license are better than the Comcast license. The Town is receiving more money for capital payment of \$150,000 over 5 years, Verizon will give the Town one high definition (HD) channel for PEG purposes within 270 days. The Town will not have to pay for the transfer equipment. He compared these provisions to Comcast license.

Attorney Hewig advised that Verizon seems to still want to be a participant in the cable market.

Attorney Hewig stated that if Verizon elects to terminate their license, the \$150,000 capital payment will be made to the Town.

Chairman O'Connell thanked Ms. Inman and Attorney Hewig and expressed her appreciation for the presentation and background information. She believes it may be mutually beneficial to have a shorter license if the company is unsure of its future in the market.

Chairman O'Connell asked if there were any questions or comments. Selectman Cairra asked for clarification regarding the number of months required of Verizon to provide notice if they want to terminate. Attorney Hewig stated it is a three-year commitment. After 30 months Verizon can provide 6 months' notice.

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

VOTED: To approve and sign the cable television renewal license with Verizon New England, Inc.

COMMUNICATIONS

Town Manager Hull reviewed a letter from Colin M. McNiece, General Counsel, Massachusetts Housing Finance Agency, to James Mangano, Golden Realty Trust, providing written determination of Project Eligibility by MassHousing. Mr. Mangano's application to MassHousing, pursuant to Chapter 40B, proposed to build twelve (12) homeownership units on approximately 4.36 acres of land located at 79 Nichols Street.

Town Manager Hull reviewed communication from Deborah A. Wagner, Director of Accounts, Massachusetts Department of Revenue, who wrote to advise the Town that the FY 2023 tax rate has been certified by the Bureau of Accounts for Wilmington.

Town Manager Hull reviewed a memorandum from Paul Alunni, Town Engineer, regarding two public infrastructure projects currently underway associated with the MassWorks grant: The Lubbers Brook Culvert Replacement Project and the Middlesex Avenue Sewer Extension Project. The Department of Public works (DPW) is pleased to report that both projects remain within their current budget and anticipate being substantially complete prior to the expiration of MassWorks grant funding.

Mr. Alunni advised that the Lubbers Brook Culvert Replacement is nearing completion. He advised that items remaining to be completed include curbing, tree well installation, concrete sidewalks and final paving. Curbing and temporary sidewalk installation are planned for December 2022 and the remaining work is seasonal and will be completed in April 2023.

The Middlesex Avenue Sewer Extension Project began the week of November 7, 2022. While progress was initially hindered by elevated groundwater levels, sewer pipe laying activity has commenced. Pipe laying will continue along Middlesex Avenue over the next few weeks before the

contractor transitions to working off-road on the pump station for the winter season. Full roadway closures are not anticipated for the remaining culvert work and sewer work.

Town Manager Hull reviewed a memorandum from Bryan T. Perry, Finance Director/Town Accountant, advising that following affirmative votes at the Special Town Meeting held on November 19, 2022, the Town has remained in contact with our financial advisor at Unibank. In order to keep these building project on track, the Town will need to facilitate a short-term borrowing, referred to as a Bond Anticipation Note. This is a short-term borrowing for one year. He explained that issuance will provide the Town with funding to cover the projects and allow the Town to move forward whith the final amount required is determined for the long-term bond. Mr. Perry outlined the necessary steps that will be required.

Town Manager Hull reviewed a memorandum from Brett Sawin, Recreation Director, who acknowledged the challenge nationally, statewide and locally to hire Lifeguards. He noted a few factors that appear to be contributing to this shortage including a much smaller pool of high school and college students that re looking for employment, lack of certification opportunities, heightened fear of litigation as paid employees are held responsible for various situation and other job opportunities with competitive wages. Mr. Sawin reported that summer of 2022 there were thirteen lifeguards and the beach supervisor on staff. Despite the small staff, the beach was fully staffed each day. Mr. Sawin advised that this year advertising will begin earlier than previous years and he will reach out to the Wilmington Athletic Director and the Swim Team Coach to attempt to recruit new guards. He advised they will also be contacting area pools that run certification classes to advertise for guards. He reported that advertising the position is included in the Recreation newsletters, Town topics, posting at Town Hall on the Town website, Facebook, in the Wilmington Apple and on the employment page for Massachusetts Recreation and Parks Association. Mr. Sawin stated that the Beach Supervisor ran a Lifeguard Certification course last yar in early June. She has agreed to conduct one this year but does not want to hold it at the lake due to the temperature of the water. In an attempt to lure lifeguards, the Wilmington Recreation Department will cover all costs associated with the Lifeguard Certification course for guards

Town Manager Hull reviewed a memorandum from Susan Inman, Assistant Town Manager/Human Resources Director, who provided information on the Sealer of Weights and Measures position. She reported that the Town has relied on the Massachusetts Division of Standards for the past 14 years to provide services such as annual inspections of weight and measurement devices, sealing of the devices, response to complaints and necessary follow-up for a yearly fee of \$5,000. Previous to this arrangement Wilmington employed a part-time Sealer of Wights and Measures from May 1990 to March of 2008 who was appointed whose rates were established by the Town Manager and Board of Selectmen.

The town of Wilmington received notification from the Division of Standards, that due to population size, the Town could no longer utilize the Division of Standards as its Sealer of Weights and Measures. This notification was received in 2022 after the budget was developed.

Ms. Inman advised that in August 2022, Richard E. Schultes was appointed by the Town Manager as a non-benefit eligible part-time employee to serve as Sealer of Weights and Measures with a start date of September 12, 2022. Mr. Schultes has attended the New Sealer Orientation offered through the Massachusetts Division of Standards. He is required to pass a certification test with on one year of his start date. The necessary equipment, forms and stickers to conduct inspections have been purchased. The equipment has been delivered to Ray Costa at the state Metrology Lab where he will inspect and certify each piece of equipment. The Massachusetts Division of Standards has provided the Town of Wilmington's service schedule providing timeline for which sites need to be inspected. Information has been posted on the owns website and businesses will

be notified. The Town Manager's office is proposing that the Town adhere to the typical rates used by the Commonwealth of Massachusetts Division of Standards which are essentially equal to \$80 per hour. The Sealer of Weights and Measures is a role that is mandated by the state to protect consumers from over charging based on weights or measures.

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

VOTED: That the Board of Selectmen accept the proposed Sealer of Weights and Measures rates which are subject to automatic adjustment without further authorization to mirror any future changes to the state rates, not to exceed Sealer of Weights and Measures rates of the Division of Standards.

BOARD TO CONSIDER AUTHORIZING TOWN MANAGER TO ISSUE WRITTEN OFFER LETTERS FOR EASEMENT ACQUISITIONS

This agenda item was taken up under appointments.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (AFSCME) LOCAL 1703 UNIT I

Town Manager Hull advised that it is a three-year contract and reviewed the notable changes including cost of living adjustments of 2.75%, 2.75% and 2.5%; addressing vacation time for new hires and removing the shopping day benefit. Town Manager Hull stated that he recommends the Board accept the agreement.

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

VOTED: That the Board of Selectmen execute the Agreement between the Town of Wilmington and American Federation of State, County & Municipal Employees (AFSCME) Local 1703 Unit I.

BOARD TO CONSIDER EXECUTING VERIZON CABLE LICENSE RENEWAL

This agenda item was taken up under appointments.

BOARD TO CONSIDER AUTHORIZING FEES FOR SEALER OF WEIGHTS AND MEASURES

This agenda item was taken up under communications.

BOARD TO CONSIDER REQUEST OF WILMINGTON HIGH SCHOOL CLASS OF 2023 TO USE THE SWAIN GREEN FOR A SENIOR BBQ ON THURSDAY, JUNE 1, 2023 FROM 10:00 A.M. TO 2:00 P.M.

Chairman O'Connell asked to confirm that there are no conflicts. Town Manager Hull stated there were none. A motion was made by Selectman Bendel, seconded by Selectman Maselli and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of Wilmington High School Class of 2023 to use the Swain Green for a Senior BBQ on Thursday, June 1, 2023 from 10:00 a.m. to 2:00 p.m.

BOARD TO CONSIDER APPROVAL OF THE 2023 LICENSES FOR ALCOHOLIC BEVERAGES; AUTOMATIC AMUSEMENT; BILLIARD ROOM; CLASS I VEHICLE SALES; CLASS II VEHICLE SALES; COMMON VICTUALER AND ENTERTAINMENT

Town Manager Hull advised that the renewal applications were reviewed by applicable departments and favorable recommendations were received.

ALCOHOL

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

VOTED: That the Board of Selectmen approve the renewal of an All Alcohol Beverage License - Club for Fordham Associates DBA Aleppo Temple, 99 Fordham Road, and 4982 Building Association DBA Knights of Columbus, 112 Middlesex Avenue. Approve the renewal of an All Alcohol Beverage License - Package Store for 211 Lowell Street Corp. DBA East Gate Liquor Store, 211 Lowell Street; Aviarch, LLC DBA Colonial Park Liquors, 35 Lowell Street, #9; N R Wilmington, Inc. DBA Wilmington Plaza Wine & Spirit, 258 Main Street; Shop-Rite Liquors, Inc. DBA Elia's Country Store, 381 Middlesex Avenue and Super Target Liquor of Massachusetts DBA Target, 210 Ballardvale Street. Approve the renewal of an All Alcohol Beverage License - Restaurant for 99 Restaurants of Boston, LLC DBA 99 Restaurant & Pub, 144 Lowell Street; Green Sauce, Inc. DBA Casa Blanca Mexican Restaurant, 207 Main Street; A & C Stone, Inc. DBA Golden Ginger Restaurant, 225 Main Street; Pacific Sunshine, Inc. DBA Pacific Grove, 211E (aka 217) Lowell Street; Pancho's Inc. DBA Pancho's Cantina, Unit 7, 206 Ballardvale Street; BGP Tavern, LLC DBA Red Heat Tavern, 300 Lowell Street; C & C Restaurant Group, LLC DBA Rocco's Restaurant, Inc., 193 Main Street; and LLM, Inc. DBA Tremezzo, 2 Lowell Street.

AUTOMATIC AMUSEMENT DEVICE LICENSE AND BILLIARD ROOM LICENSE

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

VOTED: That the Board of Selectmen approve the renewal of an Automatic Amusement Device License to K1 Speed, 40 Fordham Road, twenty-three (23) devices and Billiard Room License two (2) tables.

A motion was made by Selectman Cairra, seconded by Selectman O'Connell, and by the affirmative

CLASS I VEHICLE SALES

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

VOTED: That the Board of Selectmen approve the renewal of a Class I Vehicle Sales License to MAG Retail Holdings – HNW, LLC DBA McGovern Hyundai Route 93, 271 Main Street and Cimino Automotive, Inc. DBA Cornerstone Automotive, 580 Main Street.

CLASS II VEHICLE SALES

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

VOTED: That the Board of Selectmen approve the renewal of a Class II Vehicle Sales Licenses to DJ Auto Sales, 127 Main Street; Forrest Auto Repair, 600 Main Street; Heavy Equipment Connection, Inc., 239 Andover Street; Imperial Auto, LLC, 845 Woburn Street, #5; Triple Nickel Auto Body & Repair, LLC, 555 Main Street, and Naya, Inc. DBA Z & S Gas & Service, 603 Main Street.

Town Manager Hull advised that Wilmington Shell, Inc. DBA Advanced Automotive, 779 Woburn Street and J & E Services, Inc., 619 Rear Main Street, did not renew their license.

COMMON VICTUALER

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

VOTED: That the Board of Selectmen approve the renewal of a Common Victualer License to 99 Restaurants of Boston LLC DBA 99 Restaurant & Pub, 144 Lowell Street; ANJAM Corp DBA AJ's Kitchen, 162 Lowell Street; Fordham Associates, Inc. DBA Aleppo Temple, 99 Fordham Road; Sale, LLC DBA As Good As It Gets Café, 35 Lowell Street; Mastoran Corporation LBK LLC DBA Burger King Restaurant, 280 Lowell Street; Green Sauce, Inc. DBA Casa Blanca Mexican Restaurant, 207 Main Street; Hong Tai DBA China Wok, 329 Main Street; Krish Convenience DBA The Corner Store, 296 Shawsheen Avenue; Country Chef Restaurant, 139 Main Street; Adam Donuts, Inc. DBA Dunkin', 211 Lowell Street; DJQ Donuts, LLC DBA Dunkin', 66-S Concord Street; Hannon Donuts, LLC DBA Dunkin', 357 Middlesex Avenue; Janemarie Donuts, LLC DBA Dunkin', 206 Ballardvale Street; C & C Donuts, Inc. DBA Dunkin', 195 Main Street; Wilmington Donuts, Inc. DBA Dunkin', 321 Main Street; EJ's Fresh Frozen Pizza, LLC DBA EJ's Fresh Pizza Grab & Go, 337 Main Street; A & C Stone, Inc. DBA Golden Ginger Restaurant, 225 Main Street; Heidi Burgers, LLC DBA The Habit Burger Grill, 196 Ballardvale Street, Unit 1; Wilmington Heavenly Donuts DBA Heav'nly Donuts, 579 Main Street; DDK Baking, LLC DBA Josie's Bakery, 2 Lowell Street, Unit 8; K1 Speed, Inc., 40 Fordham Road; 4982 Building Association DBA Knights of Columbus, 112 Middlesex Avenue; Zhong Hua, Inc. DBA Lin Garden, 35 Lowell Street; TH McCoy Restaurant Group, LLC DBA McDonald's Restaurant, 212 Main Street; Mona's Kitchen, 66U Concord Street; Nick's Pizza, Roast Beef & Subs, 331 Main Street; Pacific Sunshine, Inc. DBA Pacific Grove, 211E (aka 217) Lowell Street; Pancho's Inc. DBA Pancho's Cantina, Unit 7, 206 Ballardvale Street; K. Q., Inc. DBA Peter's Pizza, Roast Beef & Seafood, 2 Lowell Street, Unit 10; Pizza Days, 206 Ballardvale Street; BGP Tavern, LLC DBA Red Heat Tavern, 300 Lowell Street; Saint Moses, Inc. DBA Rizzo's Roast Beef & Pizza, Inc., 3 Church Street; C & C Restaurant Group, LLC DBA Rocco's Restaurant, 193 Main Street; Charlies II Corporation DBA Simard's Super Beef, 279 Main Street; Starbucks Corporation DBA Starbucks Coffee #11757, 253 Main Street; Watertown Enterprises, Inc. DBA Subway; 206 Ballardvale Street, Unit 2 CDC Diner DBA Sunnyside Café, 2 Jefferson Road; Target Corporation, 210 Ballardvale Street; LLM, Inc. DBA Tremezzo, 2 Lowell Street; WF Pizza Company, LLC DBA Tremezzo Pizzeria, 296 Shawsheen Avenue, and Jelev Enterprises, LLC DBA Wilmington House of Pizza, 325 Main Street.

Town Manager Hull advised that Doodlesack, LLC DBA LaRosa's, Unit 211, 269 Main Street, and Virender, Inc. DBA Punjab Corner, 433 Main Street, Unit A; did not renew their license.

Selectman Bendel noted that the Board of Selectmen recently approved a Common Victualer License for Stir Nutrition and asked if they should be renewing their license. He was advised that due to the timing, the license had an expiration date of December 31, 2023.

ENTERTAINMENT

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

VOTED: That the Board of Selectmen approve the renewal of an Entertainment License to Green Sauce, Inc. DBA Casa Blanca Mexican Restaurant, 207 Main Street; Pacific Sunshine Inc. DBA Pacific Grove, 211E Lowell Street (aka 217 Lowell Street); Pancho's, Inc. DBA Pancho's Cantina, 206 Ballardvale Street, Unit 7; BGP Tavern, LLC DBA Red Heat Tavern, 300 Lowell Street; C & C Restaurant Group, Inc. DBA Rocco's Restaurant, 193 Main Street; and LLM, Inc. DBA Tremezzo, 2 Lowell Street.

BOARD TO CONSIDER EXECUTING THE ALCOHOLIC BEVERAGES CONTROL COMMISSION 2023 SEASONAL POPULATION INCREASE ESTIMATION FORM

Town Manager Hull advised that the form pertains to communities such as those on the Cape and advised that Wilmington's seasonal population is not expected to increase. A motion was made by Selectman DePalma, seconded by Selectman Maselli and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the Alcoholic Beverages Control Commission 2023 Seasonal Population Increase Estimation Form.

BOARD TO CONSIDER ISSUING A SUNDAY ENTERTAINMENT LICENSE TO K1 SPEED, INC., 40 FORDHAM ROAD

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

VOTED: That the Board of Selectmen approve a Sunday Entertainment License for K1 Speed, Inc., 40 Fordham Road, 10:00 a.m. to 10:00 p.m.

Town Manager Hull stated that Board members will sign the licenses after the meeting.

PUBLIC COMMENTS

Kevin MacDonald, Andover Street, asked the Chairman to allow WCTV to put his email address on the screen. Chairman O'Connell advised that he could provide his email address but did not want to set a precedent by allowing his request. Mr. MacDonald advised that his email address is KevinMacDonald4Wilmington@gmail.com and encouraged residents effected by childhood cancer to contact him.

Mr. MacDonald made statements regarding the oil spill that occurred at Wilmington High School many years ago. He stated that there was a monitoring well and asked whether the well is monitored. Chairman O'Connell advised Mr. MacDonald that his question could be asked and answered during normal business hours. This segment is for public comments and his questions are not on the agenda, therefore it is not unreasonable for someone to need to get back to him.

Mr. MacDonald questions whether the new Town Hall will be connected to sewer. Town Manager Hull advised that there had been discussion but would need to refer to his notes. Mr. MacDonald became agitated. Selectman Cairra noted that there were 27 meeting held regarding the Town

Hall/School Administration Building and suggested that Mr. MacDonald could have attended one of the meetings and asked the question.

Following further discussion and Mr. MacDonald speaking over the Chairman and becoming more agitated, Chairman O'Connell asked for a motion to adjourn. A motion was made by Selectman Bendel, seconded by Selectman Maselli and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 10:00 p.m.

Respectfully submitted,

Recording Secretary