

BOARD OF SELECTMEN MEETING

Tuesday, October 11, 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 strategy with respect to litigation involving the following matters and following Executive Session to return to open session:

Eames Street v. Board of Appeals

Wayne Levesque v. Joseph Desmond, Chief of Police of Wilmington

Mark D. Nelson v. Bank of America and the Town of Wilmington

Robert Peterson v. Chief of Police of Wilmington

Ronald Reppucci v. Town of Wilmington Planning Board et al.

Timothy M. Spencer v. Town of Wilmington Health Agent Shelly Newhouse

Town of Wilmington, by and through its Treasurer/Collector v. Charles Benson d/b/a Mr. Tickets

Town of Wilmington v. Richard J. Brown and Laurene Brown

Town of Wilmington, by and through its Board of Health v. Jonathan Gibb and Jessica Gibb

Town of Wilmington, by and through its Conservation Commission and Select Board v. John Thompson and Jennifer Thompson

Town of Wilmington, by and through its Zoning Enforcement Officer and Board of Selectmen v. Mark Nelson, individually and as Trustee of Kaiser Realty Trust

Tresca v. Zoning Board of Appeals

Tresca Brothers Sand and Gravel, Inc. v. Eames Street, LLC, et al.

Trustees of 200 Andover Street Condominiums v. Joseph Petkiewich and Town of Wilmington, Tax Collector

Wells Fargo Bank, N.A. v. Wilmington Zoning Board of Appeals

West Street – 40B

Fiore v. Town of Wilmington; and

Other Labor/Employment Matters

Chairman Judith L. O'Connell reconvened the meeting at 7:10 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 noted that each of the members of the Board of Selectmen are wearing an article of pink clothing in observance of October being Breast Cancer Awareness Month.

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 Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 202313, 202313WIRES, 13A, 202314, 202314WIRES and 14A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held September 26, 2022 and that all action taken is hereby ratified and confirmed.

NOAH CARRIERE, EAGLE SCOUT CANDIDATE, AND LOUIS CIMAGLIA, DIRECTOR OF VETERANS' SERVICES, RE: EAGLE SCOUT PROJECT

Mr. Carriere was before the Board to present his Eagle Scout Project to the Board of Selectmen. He provided members of the Board with a packet of information. Mr. Cimaglia thanked the Board for the opportunity to be before them. He stated that Mr. Carriere has taken it upon himself to honor Wilmington's fallen war fighters. Mr. Carriere stated that he is a senior at Wilmington High School and is a Life Scout Member of Troop 56 and a candidate for Eagle Scout. He stated that he would like to erect the Battlefield Cross at the Veterans Lot at Wildwood Cemetery.

He explained that the Battlefield Cross is a memorial to fallen soldiers on the battlefield and consists of a pair of combat boots with a rifle planted in the ground by the barrel between the boots and the helmet is placed on top with the soldier's dog tags hanging from the rifle. The tradition dates to the Civil War. He stated his project will benefit the Wilmington community by bringing an impressive sculpture into the Veterans' Lot. It will be located where family members and residents can pay respects to Wilmington's fallen. It will be a lasting tribute to fallen service members from Wilmington and a reminder that residents will never forget their ultimate sacrifice. Mr. Carriere stated it is his wish that the monument will attract more residents to visit the Veterans' Lot to pay respects to the fallen heroes.

The anticipated location is at the base of the existing flagpole. The statue will be made of bronze with a plaque at the base to commemorate Wilmington's fallen soldiers. The statue will be 38 inches tall with an additional 6-to-10-inch base.

Mr. Carriere explained that, upon approval, he and a group of volunteers will be digging a 24 x 28 inch hole to accommodate the cement foundation. The depth will be determined after discussion with the sculptor, a cement contractor and with input from the DPW. The sculpture will be secured to the cement foundation with bolts. It is estimated that completion of the project will be six weeks from the commission of the sculpture.

Chairman O'Connell thanked Mr. Carriere for the presentation. She stated that she is impressed with the level of commitment and the process to become an Eagle Scout. Chairman O'Connell inquired about the cost of the project and how the community can help. Mr. Carriere estimates the project to cost \$5,000 and is working on fundraising including a GoFundMe.

Chairman O'Connell asked if there were questions or comments from the Board. Members thanked Mr. Carriere and offered well wishes and encouraged him to provide the Board of Selectmen with information on fundraising endeavors.

Mr. Cimaglia commented regarding the young men that come into his office with amazing ideas on how to honor the fallen. He stated that many of the men and women that come into his office for assistance have the Battlefield Cross tattooed on their body.

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

VOTED: That the Board of Selectmen approve the request of Noah Carriere to erect the Battlefield Cross in the Veterans' Lot of Wildwood Cemetery.

Chairman O'Connell requested Mr. Carriere and Mr. Cimaglia to remain seated as she took an agenda item out of order. She advised that it is usual and customary to recognize a veteran at the end of the meeting under Salute to Service.

Selectman Bendel expressed his appreciation to Chairman O'Connell for taking this item out of order. He stated that it is rare that the honoree is in attendance. On behalf of the Board of Selectmen and the community, he recognized Mr. Stanley R. Souza. Mr. Souza served in the United States Navy as a Sonarman Seaman and earned the National Defense Service Medal, United Nations Service Medal and the Korean Service Ribbon with 1 Star. Mr. Souza entered service in July 1951 and finished December 1953, serving aboard the USS McGowan. The Board of Selectmen and citizens of Wilmington salute Mr. Souza and thank him for his service to our country and our community.

Chairman O'Connell presented the Salute to Service certificate to Mr. Souza. Mr. Souza thanked the members of the Board and members of the audience.

SAMANTHA CAVANAUGH, HEALTH & RECOVERY COORDINATOR, AND DARRELL MIRRIONE, RECOVERY COACH, RE: REPORT ON BEHAVIORAL HEALTH EFFORTS

Ms. Cavanaugh introduced Darrell Mirrione who serves as a Recovery coach with the Town of Wilmington. He joined about a year and a half ago and has been a tremendous asset. Mr. Mirrione stated that he has been in recovery for over 9 years and has been working with people in various settings of recover for about six years.

Ms. Cavanaugh introduced Zena. Ms. Cavanaugh stated that Zena is 11 months old and is in training to be a therapy dog. She noted there are studies that indicate people in crisis respond differently to animals.

Ms. Cavanaugh advised that there is a graduate level intern that works about 16 hours per week for a year. This is the second year having the partnership with Boston College.

The Substance Abuse Coalition's Candlelight Vigil was held approximately one month ago and Ms. Cavanaugh reported there were 80 to 90 attendees. She was pleased with the turnout as it had been two years since the vigil was held in person. In addition, the location was changed due to inclement weather.

Two residents who have had various amounts of recovery were guest speakers. It was special to her and Lou Cimaglia as they worked with the individuals and were able to watch them proceed through the recovery process.

Ms. Cavanaugh reported that, throughout COVID, they had a lot of mental health and substance use concerns. Alcohol use has seen an increase. This may be attributed to the fact that alcohol was available throughout COVID, it can be delivered to your door and is more socially acceptable.

There has also been an increase in general depression and anxiety. Her team is seeing more people in crisis. She reported a great relationship with Mayflower, the new detox center, and opined Wilmington is fortunate to have resources in town.

Chairman O'Connell thanked Ms. Cavanaugh for the opportunity to speak at the vigil. She felt it best for Ms. Cavanaugh to come in and have time with the Board and an opportunity to convey to the public the services she provides. Chairman O'Connell stated that she has had three people, in a professional setting, who were candid that they were in recovery. She was encouraged that they were comfortable to disclose the information. At the vigil, she spoke about her experience with a family member who was in recovery and, as hard as it was, she was glad she did it. She expressed her appreciation to Ms. Cavanaugh and her team for the work they do. As a Board, over the past several years, there has been a unified commitment to helping our community with these topics, programs and endeavors.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Caira asked Ms. Cavanaugh to provide contact information for residents. She advised that there are multiple avenues to reach her, her office is at the Public Safety Building and her cell phone is 978-447-2296 and Mr. Mirrione's cell phone number is 978-447-4404. Their contact information is on the website and advised residents can reach out at any time, they don't have to be in an emergency services situation.

Selectman Caira recalled that when the position was created approximately six years ago, Wilmington was one of the first in the Merrimack Valley.

Selectman Bendel stated that he is aware no family is immune and he is grateful Wilmington has the resources.

Selectman Maselli asked whether the increase is seen in a specific age group. Ms. Cavanaugh advised that they have seen an increase in mid-30 to mid-40 age group, people in their 80s and kids. She reported that there have been a few ten-year-olds and stated that when she was ten she did not know what these kids know.

Selectman Maselli related her personal experience with anxiety. Ms. Cavanaugh indicated that it is important to get rid of the stigma and a part of that is normalizing as is the case with other medications.

Chairman O'Connell asked if there are any questions or comments from the audience and there were none.

GREG PHIPPS, INTERIM GENERAL MANAGER, READING MUNICIPAL LIGHT DEPARTMENT, RE: STRATEGIC OVERVIEW, POWER SUBSTATION / RENEWED INTEREST IN TOWN PROPERTY ON ROUTE 125 AND EXPLORATION OF SOLAR PANELS AT MAPLE MEADOW LANDFILL

Chairman O'Connell thanked the audience for their patience as the Board exceeds the agenda times.

Mr. Phipps thanked the Board for the opportunity to be before them. The goal of Reading Municipal Light Department (RMLD) is to serve the residents and customers of Reading, North Reading, Wilmington and a portion of Lynnfield. He noted RMLD is a municipally run utility and therefor nonprofit. Their Charter is reliable, low cost, no carbon energy.

He advised the Board that the 2021 Climate Bill moved the metric of noncarbon and stated their portfolio is ahead of standards set by the state. RMLD works diligently to manage power supply and operating costs.

Mr. Phipps introduced Ryan Winn, Integrated Resource Specialist.

Mr. Phipps reported that Substation 5 is the primary substation in Wilmington and supports the majority of the load in Wilmington. He advised that the load is increasing 1-2% annually. He commented that non carbon is intermittent (wind, solar, water). Mr. Phipps stated that RMLD wants to generate more energy in the territory and increase storage.

Mr. Phipps reported that approximately 8 weeks ago, the Federal government passed the Inflation Reduction Act (IRA). This is important because it allows Municipal Light Plants (MLPs) such as RMLD to qualify for investment tax credits accessed through grants.

Mr. Phipps stated that Substation 5 is at the end of its useful life, but not imminent. Actions being taken are more frequent inspections and testing; more frequent maintenance; routine preventative maintenance; increased on-hand spare parts; infrared temperature scanning and active load management. RMLD needs the substation to be reliable through 2026.

Mr. Phipps stated that they have had numerous false starts regarding a new substation. To build a new substation requires land. In the spring, they found property at 326 Ballardvale Street and advised that they closed on the property October 7. Initial design to build the substation on this property are complete and the ISO NE Interconnect Study request has been submitted and RMLD has been working with Town departments to submit permit applications. The goal is to have the substation operational in 2025.

RMLD needs Wilmington support to revisit how they can own 3 ½ - 4 ½ acre block of property owned by the Town on Route 125. He described the parcel and pointed out the location of the National Grid transmission lines. Mr. Phipps stated that the intention of the substation is to connect transmission lines to the distribution network.

If RMLD can put the substation at the Route 125 location, the cost to connect to the transmission lines will be \$1 million to \$2 million less than at 326 Ballardvale Street. If RMLD can build on the Route 125 property, they will repurpose 326 Ballardvale Street for larger storage.

Chairman O'Connell asked Mr. Phipps to provide information on how the Town is connected to the Route 125 site. Mr. Phipps stated that RMLD is interested in the portion at the tip of the parcel of land the Town owns. A major portion is wetlands and the aquifer is at the lower end of the site. As municipalities, there are ways at the state level it can occur. He noted that because the land is Article 97 land, it will have to be replaced with other land nearby.

Mr. Phipps noted this land has National Grid transmission lines and in the south part of Wilmington there are Eversource transmission lines.

Chairman O'Connell sated that she is always interested in new and innovative ways of conducting business. She noted that she would be relying on the advice of the Town Manager and Department Heads.

Selectman Bendel asked to clarify that the parcel being referred to was investigated as a possible location for a fire substation. He commented that the site is problematic and cited the steep terrain, exiting the property onto a road where vehicles are traveling 50 mph and the Article 57

land. Mr. Phipps stated that things have changed in the two years since initially communicating with the Town and advised that there is interest in how to support transition to non-carbon but they do need state level approvals.

Selectman DePalma asked if the Route 125 property is the same property RMLD was before the Board previously. He indicated that there were a number of issues with the property and asked if there is a way to resolve the issues. Mr. Phipps acknowledged there are many issues. A substation is unique as there isn't a lot of traffic.

Selectman DePalma asked for clarification of Mr. Phipps comment about wind turbines. Mr. Phipps advised that there is a state law that large-scale (400-500 feet) wind turbines would require a passage of special legislation. Massachusetts law cannot have a wind turbine located within 1 ½ times the height of a tower near an inhabited building. The definition of inhabited is if a person goes into a building 24 hours over the course of a year. The probability of locating wind turbines in Wilmington is low.

Selectman DePalma questions whether solar can be placed on contaminated land. Mr. Phipps asked the Chairman about transitioning to the next topic. Chairman O'Connell stated that she wanted to ensure that all the selectmen have had a chance to comment.

Selectman Caira asked what action will be taken with Substation 5 once the new substation is operational. Mr. Phipps advised that it will no longer be used as a substation but may be used as a switching station.

Mr. Phipps stated that he is learning about Maple Meadow Landfill. This area is not close to a lot of the load and load growth. He acknowledged there is a lot of history and related conversations and meetings have been held. Mr. Phipps stated that RMLD is one of the few entities interested in owning the land. He advised there is a tax liability and acknowledged the link to the Olin Superfund Site. As a municipal utility, they need to be careful not to incur liability.

The Inflation Reduction Act dramatically improves the financial model. In addition, by generating electricity within the territory, there is a 40% discount.

Chairman O'Connell advised that Mr. Phipps spoke about two major initiatives and asked if RMLD consumers will see a reduction in bills. Mr. Phipps stated that they would not and explained that the "savings" will reduce the upward pressure.

Chairman O'Connell stated that there are two initiatives and asked how a team of Town representatives will be assembled to review. Town Manager Hull stated that George Hooper, Mr. Phipps and he have met to look at options and believe they are worth exploring. The MML was a partially capped landfill. He noted the prior owner did some work, but it was not completed. The Town needs to be mindful and understand where the Department of Environmental Protection (DEP) stands and what their concerns are. He would like to consult with the Town's environmental consultants at GeoInsight. The Planning and Conservation Department would be involved. Town Manager Hull stated that the Town is very sensitive regarding municipal water.

Selectman DePalma stated that approximately two years ago there was someone trying to present solar to RMLD and asked what makes it more pertinent. Mr. Phipps stated that one change is the passage of S9, the Climate Bill, and IRA as an acceleration.

Selectman Bendel thanked Mr. Phipps for the presentation and stated that he is open to exploring and acknowledged there is a need for solar energy. He asked whether Mr. Phipps has approached the legislative delegation about filing a bill. He advised that, informally, RMLD has.

Chairman O'Connell asked whether there are examples in Massachusetts where this has been done. Mr. Phipps stated there has definitely been solar put on landfills but would have to research whether they have been put on a Superfund site. Town Manager Hull stated that there is a location in Billerica, off Pond Street, that has solar panels. He is unsure whether it was a Superfund site.

Selectman Caira asked about the landfill being capped. Mr. Phipps stated there is material that is supposed to be the base for the cap. It has been in this condition for almost 20 years. Mr. Winn stated that the DEP considers it to be stable so putting solar on top, unless they dig deep or shape the wrong way, it will remain stable.

Town Manager Hull explained the site has been monitored by DEP and reports on the condition on an annual basis.

Mr. Phipps clarified that the site is not a landfill containing garbage bags, etc.

Chairman O'Connell thanked Mr. Phipps and Mr. Winn for their time and to keep the lines of communication open with the Town Manager.

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 recess for five minutes.

Following a brief recess, Chairman O'Connell reconvened the meeting.

GEORGE HOOPER, PUBLIC BUILDINGS SUPERINTENDENT, DAN PALLOTTA, P³, OWNERS PROJECT MANAGER, LEE MORRISSETTE, DIETZ & COMPANY, AND PHILIP O'BRIEN, JOHNSON ROBERTS ARCHITECTS, RE: BUILDING PROJECTS STATUS UPDATE AND COST ESTIMATE

Mr. Hooper was present with Dan Pallotta, Owners' Project Manager. He advised that Mr. Morrisette was unable to attend this evening.

Mr. Pallotta stated that he would begin by discussing the Senior Center. He noted that the Committee has been working on this project for a while to determine current and future space needs. He explained how the proposed layout of the building was determined. He showed photos via a PowerPoint presentation depicting the proposed building and site layout.

Mr. Pallotta advised that the Senior Center Building Committee has met 27 times and has produced videos regarding current building deficiencies. The Committee hosted two community information sessions and produced a video for community members who were unable to attend the community meeting. The video is available for viewing on WCTV and the Town website. In addition, two mailers were sent to residents with the water bill. Multiple newsletters were printed and the committee intends to print another following the Finance Committee meeting.

Mr. Pallotta advised that the next actions are to conduct a Public Information Session on November 2; appropriation at Special Town Meeting, design development, construction/bidding

documents, redesign and construction bids, build new Senior Center, move Elderly Services to new Senior Center building and finally, have the grand opening.

Mr. Pallotta advised that the total project costs are anticipated to be \$17,914,561. He stated that \$650,000 was appropriated for the study so the balance of \$17,264,561 is the construction appropriation.

Chairman O'Connell asked if there were questions or comments from the Board. Selectman Bendel thanked the gentlemen for the presentation. Selectman DePalma encouraged residents to vote on November 19.

Chairman O'Connell stated that the Senior Center and the Town Hall/School Administration projects are two major projects and offered comments on the volunteerism by the committee members.

Philip O'Brien, Johnson Roberts Architects, provided information through PowerPoint presentation on the activities of the Town Hall/School Administration Building Committee. The proposal is to build the building into the hill in front of the Buzzell Senior Center. He stated that Town offices would be on the first two levels and the School Administration offices would be on the third level. The large meeting rooms will be on the left. Mr. O'Brien reviewed how the layout was determined and noted the process was similar to the process undertaken by the Senior Center Building Committee.

Mr. O'Brien stated that the suite of rooms with the meeting rooms is designed for use after hours. There will be doors located near the restrooms that will be locked, prohibiting access to the rest of the building.

He advised that the parking lot lays out over the current parking lot, regrading the lot was considered and the Swain Green is maintained as is. He advised that the plan is for 300 parking spaces, adding 53 to the 247 existing spaces. The proposed number of spaces do not include the 40 spaces in the Buzzell lot. He stated that they verified there is sufficient space for the 4th of July celebration.

Mr. Pallotta noted that the Town Hall/School Administration Building Committee has met 27 times, produced videos regarding current building deficiencies, hosted a community information session on July 15, 2022 and produced a video for community members who were unable to attend the community meeting. The video is available for viewing on WCTV and the Town website. He stated that the two inserts have been distributed to residents with their water bill with a third going out soon. In addition, newsletters have been produced. He advised that the next actions are to conduct a Public Information Session on November 2; appropriation at Special Town Meeting, design development, construction/bidding documents, redesign and construction bids, build new Town Hall/School Administration Building, move Town Hall and School Administration offices to new building and finally, have the grand opening.

Mr. Pallotta advised that the total project costs are anticipated to be \$37,835,761. He stated that \$955,000 was appropriated for the study so the balance of \$36,880,766 is the construction appropriation.

Mr. Pallotta noted that less than 50% of the appropriation has been spent to date and this is applicable for both projects.

Chairman O'Connell asked Mr. Pallotta to speak to construction contingencies so residents can be confident the numbers are reliable and regarding the Town Hall/School Administration Building, she asked him to address potential water issues noting the Swain School history of water issues. Mr. Pallotta stated there are contingencies in the estimate to address the water issues and noted the proposed building is higher than the Swain School. Mr. Pallotta stated that they are following a process that involves professional standard in estimating. This estimate contains a design contingency, construction contingency and an escalator factor. Each is higher than they would have been two years ago. Mr. Pallotta advised that, at the end of design development they will conduct another estimate and halfway through construction document, another estimate will be done. At each point, should the numbers turn unfavorable, they will work to be more efficient. Mr. Hooper stated that he and Mr. Pallotta communicate regularly and Mr. Pallotta is involved in other bids and sees the trend.

Chairman O'Connell reminded residents that these projects are the result of a Town Meeting vote. The Board of Selectmen is the primary body and is instrumental in the Town Meeting process. She will allow questions and comments from the Board and then members of the audience. She believes it is important for residents to attend the Special Town Meeting on November 19 and people need to understand that the needs will not go away and the result of doing nothing will not result in no cost because the structures will need capital improvements.

Chairman O'Connell asked if there were any questions or comments from members of the Board. Selectman Maselli commented about the negativity on social media about the Town Hall / School Administration building and reiterated that if it is voted down, the current building will need some work and it is her understanding that once the Town begins making improvements it has to continue to fix other things to bring up to code. She believes it will be a lot of money to upgrade old buildings. Town Manager Hull reviewed deficiencies in the Town Hall and Roman House that will need to be addressed. He advised that there are codes that will trigger requirements such as ADA compliance and sprinklers that will pose significant costs and still have a subpar building.

Selectman Maselli expressed her opinion that the employees are individuals who go to work each day, just as members of the selectmen do, and they ought to be able to work someplace with nice facilities and working heat, etc.

Selectman DePalma stated that he would not be supporting a Town Hall and explained there are schools in disarray, acknowledging the Town is going through the MSBA process for a new Wildwood School. In addition, the Town needs a substation in north Wilmington. He stated that the children should be in good schools with friends or siblings. He believes the Town should support the Senior Center but not the Town Hall/School Administration building until the schools are squared away and a substation is built in the Ballardvale Street area of Town. He opined that, by not having a fire substation, people's lives are threatened. Selectman DePalma acknowledged a Town Hall is needed but opined it is not a priority.

Chairman O'Connell clarified that regarding the fire substation, the Town does not have a piece of land it can be built on and Town Manager Hull confirmed. Selectman DePalma stated that perhaps the Town should start looking. He noted that building a substation has been discussed since 1962 and it is no closer to being built.

Selectman Bendel stated that he and a department head, on their days off, drove around and went door to door to see if property owners would be willing to talk to the town. He said the department head is actively seeking property.

Selectman Bendel expressed his appreciation to the members of the two building committees.

Selectman Caira stated that he served on the Town Hall/School Administration Building Committee. He thanked committee members, Mr. Pallotta and Mr. O'Brien for their professionalism. In addition to the 27 meetings, there were many packets and emails. He stated that the employees of the Town and School Departments do yeoman's work and need an appropriate place to continue to do the work for the citizens and children of the Town. Selectman Caira stated that the two projects will be paid through the operating budget and not by an override or debt exclusion.

Selectman Bendel asked to clarify whether the committee report at the Special Town Meeting will be similar to tonight's presentation. Mr. Hooper stated it would be similar with added photos.

Town Manager Hull commented that he has read on social media the suggestion that the Town Administration worked for an extended period of time remotely and suggesting it wouldn't be a problem having the Town do that going forward for the purpose of having Wildwood students come to Town Hall. He confirmed when the pandemic first broke and an Executive Order from Governor Baker was issued that non-essential employees work remotely. He noted there was a very short period of time that much of the staff worked remotely but it quickly became apparent that payroll cannot be processed and vendors cannot be paid off someone's laptop. He stated there is an importance and value to having a physical presence.

Town Manager Hull stated that another topic that he finds disconcerting is the notion that the Town has not engaged in due diligence with respect to the buildings, that the Town has allowed the buildings to deteriorate. He recognized George Hooper and his staff have done a great job to maintain the buildings and at every Town Meeting there are request for capital improvements and he provided examples.

Chairman O'Connell added that there have been significant ADA compliance and technology improvements.

Chairman O'Connell thanked the gentlemen for their presentation. She stated she would entertain questions and comments from members of the audience while they were in attendance.

Chairman O'Connell asked if there were any questions or comments from the audience. She stated that this is not a public hearing and noted there will be additional opportunity at the Finance Committee public hearing on October 18 and the Special Town Meeting on November 19 to ask questions.

Michael Mercaldi, Crystal Road, Parent and Guardian Advocates for Wilmington Schools (PAWS) stated that the group is 400 members and growing. The goal is to engage parents in district wide issues to continue to improve schools through positive change. Mr. Mercaldi read from a prepared statement regarding the Wildwood School renovation and MSBA project.

Chairman O'Connell stated that she appreciates Mr. Mercaldi's time and noted that she gave him latitude and asked if there were any questions or comments specific to the Senior Center or the Town Hall/School Administration buildings.

Barbara Beaudoin, Leonard Lane, stated she is concerned how to engage a plan around the need. She opined that projects are taken as individual decisions and not the context of how investment will effect ability to do other projects in the future. She believes the Town needs a longer vision.

Mr. Hooper noted that each year department heads, as part of the budget process, complete a five-year Capital Improvement Plan. Town Manager Hull stated that the Facilities Master Plan is through 2034/2035. The Town has to be mindful of people's ability to pay. At that time, the Town could not anticipate the February oil delivery issue, negligence on the part of the deliver, that put Wildwood in a place it could no longer house students or staff. He said that a comment was made that Town officials declared the Wildwood School unsafe and advised there has not been a declaration that the building is unsafe.

Selectman Caira advised that the Facilities Master Plan is available on-line.

Chairman O'Connell stated that all the meetings are public. Resident and parent input is welcome at the meetings.

Jennifer Binelli, Jacobs Street, stated that she has watched the meetings. She indicated her support for the Senior Center and is undecided about the Town Hall/School Administration building. She asked whether the Town will have sticker shock. She noted Tewksbury's building project is \$100 million for 750 students and that the MSBA is funding 25-30%.

Karen Pourshadi, Green Meadow Drive, stated that she was surprised the Town would consider spending \$38 million on administration buildings or anything else when students are "going into containers". She commented that the property values are tied to the schools. She opined the administration can go into the containers and the Town Hall can be used for the students.

Chairman O'Connell repeated that it was a Town Meeting vote that asked for this work to be done. Municipal finance does not work like the private sector.

Selectman Caira has the impression, listening to parents, that they feel the Town is not doing anything. He noted that the process with the MSBA started long before the oil leak. Chairman O'Connell stated that she had been contacted by Mr. Mercaldi on Friday and he asked for a meeting.

Chairman O'Connell asked if there were any further questions or comments and there were none.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the Wildwood School. He advised that the next major milestone in working with the Massachusetts School Building Authority (MSBA) to address the Wildwood School is procuring the services of an owners' project manager (OPM). A request for services document was prepared for prospective firms to evaluate when considering whether to submit a proposal. Notice has been posted on the state's Central Register, the state's Operational Services Division COMMBUYS online platform, the Wilmington Town Crier and on the Town's website. Sealed proposals must be received in the Town Manager's office no later than 3:00 p.m. on October 19th. A subcommittee of the Wildwood School Building Committee will meet to review proposals, establish a short list of proponents and schedule interviews.

Chairman O'Connell asked whether the documents are public. She was advised the documents are on the Town's website.

Selectman Caira asked whether the subcommittee will narrow down the candidates or select the OPM. Town Manager Hull advised that the subcommittee will select candidates to interview and will make a recommendation.

Town Manager Hull reviewed his memorandum which provided an update on the Wildwood School Building Committee. He advised that the committee met on Monday, October 3rd to receive an update on consideration of 8 options to serve as interim accommodations for the students and staff customarily assigned to the Wildwood School Early Childhood Center. Representatives from the architectural firm Dore and Whittier have been working with the Town and School Department personnel to evaluate the best approach to accommodate students and staff displaced when the Wildwood School oil tank ruptured in February of 2022. One of the eight remaining options was use of private commercial space to host students and staff. While several commercial sites were identified, they were not well suited for use as educational space. A PowerPoint presentation illustrated costs where estimates range from \$5,370,720 for limited renovations to the Wildwood School to \$17,818,000 for a grade reconfiguration requiring eight modular classrooms at the Woburn Street School and eight modular classrooms at the North Intermediate School. The Wildwood School Building Committee is expected to make a recommendation to the School Committee which will determine an option to recommend as a capital improvement project for the fiscal year 2024 budget.

Town Manager Hull advised that the Committee is continuing to look at the options. Chairman O'Connell referenced the last paragraph that the Wildwood School Building Committee is expected to make a recommendation to the School Committee and asked Dr. Brand whether there was a date certain. Dr. Brand advised that they are in flux on meeting dates as the School Committee is no longer meeting on October 26. Chairman O'Connell asked, for the benefit of residents unfamiliar with municipal government, how it will show up for them to have a vote. Dr. Brand stated that recent conversations his administration has had with Town Manager Hull is that any option with financial consequence will be included in the School Department Capital Plan.

Chairman O'Connell asked if a resident is interested in providing comment, does he suggest they attend a School Committee meeting. Dr. Brand confirmed, noting that the School Committee has a forum for residents to comment. Selectman Cairra asked about the School Committee policy on public comments and was advised that it is similar to the Board of Selectmen. Dr. Brand stated that public comments opens when the agenda is posted and closes on the Monday. Residents can register their intention to speak. If a resident does not register in advance to speak under public comments, it will not preclude them from speaking.

Town Manager Hull reviewed his memorandum regarding an update relative to rail crossing safety issues. He advised that he and Chairman O'Connell participated in a Zoom session on October 5 with Michael Muller, Executive Director of Engineering and Maintenance for Commuter Rail; Ryan Cohalan, MBTA Chief Railroad Officer; Jody Ray, MBTA Deputy Administrator and Abdellah Chaijai, CEO with Keolis. Mr. Chaijai reported on five incidents involving the Wilmington rail crossings in August 2022 and two incidents reported in September 2022. Three instances crossing gates were struck by vehicles; one reported incident led to no finding of a problem. A report of a gate in the horizontal position remained in that mode because a freight train occupied the tracks in the area that triggered the sensors to activate the gate. The two remaining instances required work near the rail crossings.

Mr. Muller reported again that the MBTA is unable to release the report of the north Wilmington rail crossing fatality due to pending litigation. As reported from the previous virtual meeting, the MBTA had submitted documentation to the Federal Transit Administration regarding the proposed design of the commuter boarding platform at the rail crossing in north Wilmington. The FTA has not responded to the submission, but the MBTA will continue to follow-up.

The MBTA plans to issue letters to the communities with commuter rail crossing in November recommending that the rail crossings not be treated with de-icing material since the salt and calcium chloride interferes with the proper functioning of the crossing arms. The MBTA recognizes that the local public works directors must make their own decisions based upon the specific grade or pitch on the approaches to these crossings whether application of de-icing material is required to address safety. It was also acknowledged that even the absence of applying the de-icing materials does not guarantee absence of problems at the crossings as the calcium chloride and salt will be collected on vehicle tires and transferred to the areas in and around the railroad grade crossings.

Selectman Cairra expressed his appreciation to the Town Manager and Chairman for participating in these Zoom meetings. He asked whether the legislative delegation is notified of the meeting and was advised they are invited. Chairman O'Connell commented on the cooperation with the MBTA and noted that there is a full panel at each meeting. She expressed concern at the number of instances where motorists try to beat the gate.

Town Manager Hull reviewed his memorandum advising that Seurat Technologies, Inc. is seeking a tax increment financing (TIF) agreement with the Town and potentially tax relief from the state. The Commonwealth will only provide tax relief if the Town enters into a TIF. As was the case with the TIF agreement with Analog Devices, the state Economic Assistance Coordinating Council would be required to approve of the TIF and any state tax relief. Since the communication from Seurat Technologies provides very limited information about their plans on investment in the Town, a meeting with Town staff will be scheduled with the firm's chief financial officer to obtain details about their business operations and future plans. Factors to consider when assessing the value of entering into a TIF include the increased economic impact the firm's investment will have in Wilmington along with job creation.

Town Manager Hull reviewed a memorandum from Town Clerk Elizabeth Lawrenson to the Finance Committee Appointing Committee. Ms. Lawrenson advised that on September 26, 2022 the Town Clerk's office received the resignation of Jonathan Dugas effective December 1st.

BOARD TO CONSIDER SIGNING WARRANT FOR SPECIAL TOWN MEETING

Town Manager Hull advised that the Board of Selectmen was provided with multiple versions in their packet. He reviewed those versions which were:

- A. Contains two articles where hearing the report is contained within the article.
- B. Contains three articles where hearing reports on the projects is a separate article.
- C. Similar to "A" and the articles contain a dollar amount to appropriate.
- D. Similar to "B" and the articles contain a dollar amount to appropriate.
- E. Similar to "C" and the articles contain a dollar amount to appropriate and funding source.
- F. Similar to "C" and the articles contain a dollar amount to appropriate and funding source.

Chairman O'Connell asked if there were any questions, comments or a motion. Selectman DePalma asked whether, if one article failed, whether the money taken from free cash could be used for the remaining article. Town Manager Hull advised that would be at the discretion of the Town Moderator but he believed it could. A motion was made by Selectman Bendel, seconded by Selectman DePalma and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen sign the Warrant identified as “F” for the Special Town Meeting.

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

VOTED: That the Board of Selectmen recess for five minutes.

Following a brief recess, Chairman O’Connell reconvened the meeting. She advised that it was brought to her attention that there is a member of the audience present in interest for agenda item number 13. She stated that if there is no objection she would take item number 13 out of order.

BOARD TO CONSIDER REQUEST OF CHRISTINA RODRIGUEZ, NORTHSIDE PAC, TO USE THE MUNICIPAL PARKING LOT ON MIDDLESEX AVENUE ON SATURDAY, OCTOBER 29, 2022 FROM 4 P.M. TO 7:45 P.M. FOR A TRUNK OR TREAT FUNDRAISING EVENT

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

VOTED: That the Board of Selectmen approve the request of Christina Rodriguez, Northside PAC, to use the municipal parking lot on Middlesex Avenue on Saturday, October 29, 2022 from 4:00 p.m. to 7:45 p.m. for a Trunk-or-Treat fundraising event.

BOARD TO CONSIDER SIGNING WARRANT FOR STATE ELECTION

Chairman O’Connell asked if there were any questions, comments or a motion. 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 sign the Warrant for the State Election.

BOARD TO CONSIDER REQUEST OF TOWN CLERK ELIZABETH LAWRENSON TO APPOINT AN ADDITIONAL ELECTION WORKER

Chairman O’Connell asked if there were any questions, comments or a motion. 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 appoint Pat McKenney to serve as an Election Worker for the year 2022.

BOARD TO CONSIDER SIGNING A PURCHASE AND SALE AGREEMENT WITH RYAN DONNELL AND KERRIE MALLOY RELATIVE TO THE SALE OF TOWN-OWNED LAND LOCATED ON PERSHING STREET MAP 77, LOT 26, PURSUANT TO AN AFFIRMATIVE VOTE ON ARTICLE 54 AT THE ANNUAL TOWN MEETING OF APRIL 30, 2022

Town Manager Hull reviewed the process leading up to the purchase and sale agreement being presented for signature. He advised that a request for bids was issued which resulted in one bid being received.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 sign the Purchase and Sale Agreement with Evan Donnell and Kerrie Malloy relative to the sale of Town Owned land located on Pershing Street, Map 77, Lot 26, pursuant to an affirmative vote on Article 54 at the Annual Town Meeting of April 30, 2022.

BOARD TO CONSIDER SIGNING THE DEED RELATIVE TO THE SALE OF TOWN-OWNED LAND LOCATED ON PERSHING STREET MAP 77, LOT 26, PURSUANT TO AN AFFIRMATIVE VOTE ON ARTICLE 54 AT THE ANNUAL TOWN MEETING OF APRIL 30, 2022

Town Manager Hull advised that the deed was provided at the end of the day Friday and there were a few questions. He suggested that the Board defer action until their meeting of October 24, 2022. 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 defer action on this agenda item until the Board of Selectmen meeting Monday, October 24, 2022.

BOARD TO CONSIDER REQUESTS OF COMMUNITY GROUPS TO CONDUCT EVENTS WHICH REQUIRE ROAD CLOSURES

Town Manager Hull advised that several years ago there were many requests for special events resulting in road closures. These events required police details and other resources. In an effort to plan in advance for budgeting purposes, the Town began requiring advance notice. For various reasons there are not as many events being held. This year requests were received from the Fourth of July Committee, Sole Sisters Running Club and Wilmington Little League.

He advised that favorable recommendations have been received from applicable department heads. A motion was made by Selectman Bendel, seconded by Selectman DePalma and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the following events for Fiscal Year 2024:

Wilmington Fourth of July

Firecracker 5K Road Race

Thursday, June 29, 2023

Sole Sisters Running Club

5K Road Race

Saturday, December 9, 2023

Wilmington Little League

Opening Day Parade

Saturday, April 20, 2024

BOARD TO CONSIDER REQUEST OF JANINE KING, GRACE CHAPEL, TO PLACE LAWN SIGNS ON THE SWAIN GREEN TO PUBLICIZE THEIR FALL FESTIVAL TO BE HELD SATURDAY, OCTOBER 15, 2022

Chairman O'Connell asked if there were any questions, comments or a motion. 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 request of Janine King, on behalf of Grace Chapel, to place lawn signs on the Swain Green to publicize their fall festival to be held Saturday, October 15, 2022.

BOARD TO CONSIDER REQUEST OF BETH ROONEY, WILMINGTON HIGH SCHOOL TOUCHDOWN CLUB, TO USE THE MUNICIPAL PARKING LOT TO CONDUCT A FUNDRAISING CAR WASH ON SUNDAY, SEPTEMBER 17, 2023 FROM 9:00 A.M. TO 12:00 P.M. (RAINDATE: SUNDAY, SEPTEMBER 24, 2023)

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

VOTED: That the Board of Selectmen approve the request of WHS Football Touchdown Club of Wilmington to conduct a fundraising car wash on Sunday, September 17, 2023 from 9:00 a.m. to 12:00 p.m. (Raindate: Sunday, September 24, 2023).

BOARD TO CONSIDER MEETING SCHEDULE FOR DECEMBER 2022

Town Manager Hull advised that the Board of Selectmen historically have met once during the month of December. Traditionally, the Board meets the second and fourth Monday of the month and noted that the second Monday would be December 12.

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

VOTED: That the Board of Selectmen establish its December meeting schedule as Monday, December 12.

PUBLIC COMMENTS

There were none.

ANNOUNCEMENTS

Selectman Bendel commented that on Friday there was a resident in need and a lot of people stepped up to help. He complimented those individuals.

Selectman Bendel offered congratulations and best wishes to Town Moderator Jonathan Eaton and his wife Sarah on the birth of their third child.

NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- October 12 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 15 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 15 – Town-Wide Clean Up
- October 17 – Welcome to Wilmington Reception – Memorial Library – 6:00 p.m. to 8:00 p.m.
- October 18 – Finance Committee Public Hearing – Town Hall Auditorium – 7:00 p.m.
- October 19 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 21 – Carter Lecture Fund – Middle School Auditorium – 7:00 p.m.
- October 22 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 22 – Early Voting – Town Hall Auditorium – 9:00 a.m. to 3:00 p.m.
- October 24- October 28 – Early Voting – Town Hall Auditorium – 8:30 a.m. to 12:30 p.m.
- October 24- October 28 – Curbside Collection of Yardwaste
- October 24 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- October 26 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 29 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 29 – Early Voting – Town Hall Auditorium – 9:00 a.m. to 5:00 p.m.
- October 30 – Horribles Parade – Rotary Park – 4:30 p.m.
- October 31- November 3 – Early Voting – Town Hall Auditorium – 8:30 a.m. to 4:30 p.m.
- October 31- November 4 – Curbside Collection of Yardwaste
- November 2 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- November 2 – Town Hall / School Administration and Senior Center Building Projects Public Forum
Town Hall – Room 9 – 6 p.m.
- November 4 – Early Voting – Town Hall Auditorium – 8:30 a.m. to 5:00 p.m.
- November 5 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- November 8 – State Election – Polls Open 7:00 a.m. to 8:00 p.m.

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 adjourn.

Meeting adjourned at 11:20 p.m.

Respectfully submitted,

Recording Secretary