

## BOARD OF SELECTMEN MEETING

April 13, 2015

Chairman Judith L. O'Connell called the meeting to order at 7:02 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and asked Selectman Cimaglia to lead the pledge of allegiance.

Chairman O'Connell acknowledged that members of the Board of Selectmen were wearing an article of blue clothing in recognition of Autism Awareness Month and stated that additional comments will be made later in the meeting.

### TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 40, 40A, 41, 41A, 42 and 42A.

### **ROBERT PETERSON, ESQUIRE, RE: PUBLIC HEARING ON THE APPLICATION TO TRANSFER THE ALL ALCOHOL LICENSE FOR ROCCO'S RESTAURANT, INC. DBA ROCCO'S RESTAURANT TO C & C RESTAURANT GROUP, LLC DBA ROCCO'S RESTAURANT FOR PROPERTY LOCATED AT 193 MAIN STREET**

Attorney Peterson was present on behalf of Jose Couto, Salvi Couto and Joseph Cerqueira of C & C Restaurant Group, LLC requesting the transfer of the all alcohol beverage license currently held by Rocco's Restaurant, Inc. Present with Mr. Peterson was Mr. Cerqueira who is the proposed manager. He advised that Mr. Cerqueira is TIPS (Training for Intervention ProcedureS) certified and will ensure that any staff not currently certified, will be. Mr. Cerqueira has 30 years experience in the restaurant business. Mr. Peterson provided the Board of Selectmen with the receipts from mailing notice of tonight's hearing to the abutters. He advised that all green cards were returned.

Chairman O'Connell asked Town Manager Hull to provide the recommendations of applicable department heads. Town Manager Hull advised that Police Chief Michael Begonis reviewed the application and recommends approval, Building Inspector Al Spaulding advises that there are no outstanding zoning issues and Health Director Shelly Newhouse recommended approval.

Chairman O'Connell asked if there were any questions or comments from members of the audience, she requested that speakers provide their name and address for the record. Rachel Cail, Dewey Avenue, stated that she is unsure whether the Board of Selectmen's meeting was the appropriate venue to voice her concern about the fence and the trash. She advised that she has spoken with Town Manager Hull and also had a conversation with the buyer and noted that she was not happy with the response from the buyer.

Chairman O'Connell advised that Town Manager Hull has been in contact with her and Attorney Peterson throughout the weekend and she had visited the property. Town Manager Hull advised that he has had conversations with Attorney Peterson who spoke with his client. Based upon the current lease, the lessee is not responsible for maintenance of the fence. Town Manager Hull advised that he visited the property on Friday and noted that the chain link fence had been reattached to the framing and suspects that snow removal may have been responsible for that damage. Ms. Cail was advised that once the property is purchased, necessary steps will be taken to repair the fence and secure the grease containers within thirty days. Attorney Peterson confirmed that Mr. Couto has agreed to replace the fence within thirty days.

Charles DePasquale, current owner of Rocco's Restaurant, advised that the section of fence that is open was the location of the dumpster prior to it being moved 25 feet to the right. He also advised that there are two grease containers on site due to the stationery container being punctured during snow removal. The container on wheels was brought in on a temporary basis until the stationery grease container could be replaced.

Diandra Murphy, Dewey Avenue, was present to confirm Ms. Cail's claims that trash is becoming an issue.

Chairman O'Connell asked if there were any questions, comments or a motion. Selectman McCoy stated that he was confident that the new owners would abide by their statements. Selectman Newhouse asked to clarify the location of the Learning Express and was advised that it is located behind Sonic but is within 500 feet of the restaurant. A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen approve the application for the transfer of the All Alcohol License of Rocco's Restaurant, Inc. dba Rocco's Restaurant to C & C Restaurant Group, LLC dba Rocco's Restaurant located at 193 Main Street, and further that a determination is made that the license is not detrimental to the educational activities of the Learning Express located on Main Street.

Town Manager Hull asked Attorney Peterson about the Certificate of Good Standing and was advised that it is listed as pending. Attorney Peterson advised that they do have a control number and noted that the ABCC will not approve the application without the certificate.

Selectman Champoux thanked Mr. DePasquale for his service to the community organizations and wished him well.

**ROBERT PETERSON, ESQUIRE, RE: REQUEST OF C & C RESTAURANT GROUP, LLC DBA ROCCO'S RESTAURANT TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 193 MAIN STREET**

Town Manager Hull reviewed recommendations from applicable department heads. Building Inspector Al Spaulding advises that there are no outstanding zoning issues and Health Director Shelly Newhouse recommend approval.

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

**VOTED:** That the Board of Selectmen approve the request of C & C Restaurant Group, LLC dba Rocco's Restaurant to obtain a Common Victualer License for property located at 193 Main Street.

**BOARD OF SELECTMEN DISCUSSION, RE: FY 2016 BUDGET**

Chairman O'Connell stated that this item has been placed on the agenda at the request of Selectman Newhouse.

Selectman Newhouse thanked the Chairman for placing the item on the agenda and advised that he requested statistical information which was provided to him today. He stated that he has not had an opportunity to review the information and anticipates he will request that this item be placed on the next agenda.

**JUDITH L. O'CONNELL, CHAIRMAN, RE: PRESENTATION OF BOARD OF SELECTMEN ANNUAL REPORT FOR CALENDAR YEAR 2014**

Chairman O'Connell read the Board of Selectmen's report as contained in the 2014 Annual Report for the Town of Wilmington. The Selectmen's report highlighted projects and programs that either commenced or were completed during the year 2014. The Board of Selectmen's report is made part of these minutes by attachment.

**COMMUNICATIONS**

Town Manager Hull reviewed a memorandum from Michael Woods, DPW Director, relative to the Route 62/Glen Road Intersection Project. Mr. Woods wrote that the Massachusetts Department of Transportation (MassDOT) held a preconstruction meeting in March and the apparent low bidder was MDR Construction Company. The anticipated project start date is between mid-April and mid-May 2015. MassDOT inquired about the high school demolition and it was recommended that MDR contact Michael Marcella, Gilbane, the general contractor for the project. Mr. Woods advised that the majority of the cost of the project is being paid by the Commonwealth and the Town is responsible for paying the known non-participating costs. The majority of the costs are related to the water main upgrade and will be paid for through the water department's capital budget. The Town will work with MassDOT officials and MDR Construction to obtain additional information such as exact start date and completion dates.

Town Manager Hull reviewed a memorandum from Michael Woods, DPW Director, regarding the Winter Recovery Assistance Program (WRAP). Mr. Woods advised that the Town received notice from MassDOT that Governor Baker released funds to cities and towns to help defray costs incurred from severe winter damage. Wilmington will be reimbursed up to \$113,604 for repairs to roadways, guardrails, storm grates and signage. Mr. Woods advised that his department has identified guardrails on Concord Street, Salem Street, near the North Intermediate School, on Church Street and Chestnut Street that are in need of replacement. In addition, the DPW intends to overlay a section of Phillips Avenue with 1 ½" bituminous concrete.

Town Manager Hull reviewed his memorandum to Sharon George, Town Clerk, relative to parcels of Town-owned land that are on the Warrant for disposition at the 2015 Annual Town Meeting. Town Manager Hull advised that it is his determination that Map 15, Parcel 13 (Article 36) is surplus to the needs of the Town. He noted that this is the Butters Farmhouse located on Chestnut Street. In addition, he has determined that Map 49, Parcel 5 (Article 48) is surplus to the needs of the Town and that the Principal Assessor has determined the value to be \$8,500. Map 6, Parcels 18 and 21 (Articles 44, 45 and 46) are not surplus to the needs of the Town.

Town Manager Hull reviewed a memorandum from Town Clerk Sharon George to the Chairmen of the Finance Committee and Board of Selectmen and the Town Moderator advising that there are two vacancies on the Finance Committee. Ms. George also advised that the terms of Richard Hayden and Bernard Nally expire April 30, 2015. Selectman Newhouse asked to clarify the expiration date, as that is prior to Town Meeting. Town Manager Hull advised that the expiration of their terms will be at the conclusion of the Annual Town Meeting.

Town Manager Hull reviewed a letter from Marianne Gallezzo who wrote to Chairman O'Connell advising of her interest in being appointed as a member of the Finance Committee.

Town Manager Hull reviewed correspondence from the Massachusetts Municipal Association regarding the second anniversary of the marathon bombing. Mayor Walsh invites all Massachusetts local officials and communities in observing "One Boston Day" by observing a moment of silence at 2:49 p.m. on Wednesday, April 15.

Town Manager Hull reviewed correspondence from the Massachusetts Municipal Association urging cities and towns to contact their U. S. Senators and members of Congress to thank them for their efforts so far and ask them to actively support and call on FEMA to approve the full 28 day disaster declaration starting January 26.

Town Manager Hull reviewed correspondence from the Massachusetts Municipal Association advising communities that the legislature enacted a \$200 million Chapter 90 Bond Bill and it is expected that Governor Baker will sign the bill immediately. This funding will be combined with \$100 million in new Chapter 90 authorizations that the Governor released in January.

Town Manager Hull reviewed a letter to Gary DePalma, Democratic Town Committee, which provided notice that the term of Alice Hooper will expire on April 30, 2015.

Town Manager Hull reviewed an invitation from Barbara Metcalfe, Tewksbury-Wilmington Emblem Club, for the Board to attend the installation of officers on Sunday, April 26, 2015. Town Manager Hull asked Board members who are interested in attending to advise his office.

Town Manager Hull reviewed an invitation from Deacon James Greer, Archdiocese of Boston, for the Board to attend a special Mass in thanksgiving to God for all the men and women who serve our communities as public safety personnel and their families. The Mass will take place on October 4 at the Cathedral of the Holy Cross in Boston at 11:30 a.m. Town Manager Hull asked Board members who are interested in attending to advise his office.

**BOARD TO CONSIDER REQUEST OF WILMINGTON SONS OF ITALY AND WILMINGTON BAND PARENTS TO USE THE SWAIN SCHOOL PARKING LOT ON SATURDAY, MAY 16 FROM 7:00 A.M. TO 5:30 P.M. FOR THE PURPOSE OF CONDUCTING A YARD SALE TO RAISE FUNDS**

Town Manager Hull advised that the request from the Wilmington Band Parents and the Wilmington Sons of Italy included the sale of popcorn, soda, water, hot dogs and hamburgers, having a live band play between 11 a.m. and 4 p.m. and antique cars for viewing. Town Manager Hull advised that he has confirmed there are no school activities scheduled and that favorable recommendations were received from Police Chief Michael Begonis and Health Director Shelly Newhouse.

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

**VOTED:** That the Board of Selectmen approve the request of the Wilmington Band Parents and Wilmington Sons of Italy to use the Swain School parking lot for a yard sale fundraiser on Saturday, May 16, 2015 from 7:00 a.m. to 5:30 p.m.

**BOARD TO CONSIDER REQUEST FROM DEBORAH CIPRIANI, RECREATION DIRECTOR, TO USE THE TOWN COMMON AND GAZEBO FOR THE SUMMER CONCERT SERIES ON WEDNESDAYS, JULY 8, JULY 15, JULY 22 AND JULY 29 (RAINDATE THURSDAYS, JULY 9, JULY 16, JULY 23 AND JULY 30 RESPECTIVELY)**

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

VOTED: That the Board of Selectmen approve the request of the Recreation Director to use the Town Common and Gazebo for the Summer Concert series on Wednesday, July 8, July 15, July 22 and July 29 (RAINDATE THURSDAYS, JULY 9, JULY 16, JULY 23 AND JULY 30 RESPECTIVELY).

**BOARD TO CONSIDER APPROVING THE RENEWAL OF THE SECONDHAND DEALER LICENSE FOR ROBERT P. FLAHERTY JEWELER, INC.**

Town Manager Hull advised that favorable recommendations were received from the Police Chief, Deputy Fire Chief, Building Inspector and the Treasurer/Collector.

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

VOTED: That the Board of Selectmen approve the request to renew the Secondhand Dealer License for Robert P. Flaherty Jeweler, Inc.

**PUBLIC COMMENTS**

George Lingenfelter, Concord Street, stated that he did not have any comments this evening but advised that he would be following up on comments he made at the Board's meeting of March 23 at a future meeting.

**NEW BUSINESS**

Selectman Newhouse thanked Chairman O'Connell and members of the Board of Selectmen for the continued support for Autism Awareness month. Selectman Newhouse provided members of the Board with information including that 3.5 million Americans live with Autism, 1 in 42 boys have Autism and 1 in 68 children are diagnosed with Autism. He stated that the prevalence has increased each year from 6% to 5%, from 2002 to 2010, and the annual cost of services is from \$236 billion to \$262 billion in the United States. Additionally, 35% of adults age 19-23 who are diagnosed do not have a job.

Selectman McCoy shares the concerns of Selectman Newhouse. He stated that once students age out of the school system at 22, there are few options for assistance.

Selectman Champoux stated that he appreciates that Chairman O'Connell has continued the tradition of recognizing Autism Awareness Month and thanked Selectman Newhouse for the information he provided.

Selectman Champoux complimented Chairman O'Connell for her Annual Report this evening and commented regarding OSRAM Sylvania's decision to locate in Wilmington was the responsiveness of Town government.

Selectman Champoux acknowledged Town Manager Hull and Assistant Town Manager Kendra Amaral's efforts to bring awareness to the Moment of Silence to be held April 15 and encouraged other businesses and organizations to observe a moment of silence and reflect on the events of two years ago.

Selectman Champoux encouraged residents to vote in the Annual Town Election on April 25 and to attend the Annual Town Meeting on May 2.

Chairman O'Connell thanked the members of the Board who participated by wearing blue. She noted that she attended a symposium which featured three, naturally accomplished artists. Chairman O'Connell commented on their artwork and stated that there is an intent to open a center employed by individuals with Autism.

Chairman O'Connell advised that the 9 Cross Street (formerly Yentile Farm) presentation will take place on Wednesday, April 15 at 7 p.m. at the Middle School Auditorium. She noted that this will be the last public forum and asked members of the Board to encourage friends and neighbors to attend.

Chairman O'Connell updated the Board on the Fundraising Subcommittee and advised that she is not participating in the finance aspect of the committee.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- April 15 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 15 – Tiny Tots/Kids Club Registration – Town Hall Auditorium – 5:00 p.m. to 6:30 p.m.
- April 15 – Yentile Farm Redevelopment Presentation – Middle School Auditorium – 7:00 p.m.
- April 16 – High School Building Committee – Town Hall – Room 9 – 6:30 p.m.
- April 18 – Wilmington Little League Opening Day
- April 18 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 20 – Town Offices Closed – *Patriot's Day*
- April 21 -
- April 25 – Curbside Collection of Yardwaste
- April 22 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 25 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 25 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 25 – Earth Day Fair – Reading Municipal Light Department  
230 Ash Street – 10:00 a.m. to 2:00 p.m.
- April 26 – We're One Wilmington 5K Run for Wilmington/Kim Forte Walk
- April 27 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- May 2 – Annual Town Meeting – High School Auditorium – 10:30 a.m.

Town Manager Hull advised that a Good Guy has been selected and the Award Dinner is scheduled for Friday, May 8 at the Knights of Columbus. He asked that members of the Board who wish to attend notify his office.

There being no further business to come before the Board, a motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:05 p.m.

Respectfully submitted,

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Recording Secretary



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Dear Fellow Resident:

On behalf of the Board of Selectmen it is with great honor that I submit our annual report highlighting the Board's work during the course of 2014.

While the national and regional economy showed signs of recovery, the Town of Wilmington saw several positive indicators of an improving economy. Supporting existing and prospective businesses remains a major priority for the Board. The retailer Target opened for business in October providing employment opportunities and additional shopping choices locally. OSRAM Sylvania, an international manufacturer specializing in lighting for the industrial, commercial and retail sectors, announced its plans to relocate its home office from Danvers to Wilmington. Easy access to Interstate 93 for its employees and customers and the responsiveness of Town government departments to their requests for assistance were some of the factors that led to their decision to come to Wilmington. Red Heat Tavern and Tremezzo Ristorante are two additional examples of businesses opening this year that provide employment and dining options for residents. The opening and expansion of other businesses small and large are positive indications that Wilmington remains a desirable community for businesses of varying size and type. Their success translates to success for the Town both through additional tax revenue as well as contributing to a vibrant community full of options and opportunities for our residents.

The Board remains attentive to efforts to complete the construction of the new Wilmington High School. With the project appeal behind us, extensive work has been completed on the building and associated supporting systems. Selectman Michael Newhouse has served as the Selectmen's designee on the High School Building Committee and he continues to update Board members on the construction based on project updates from regularly scheduled public meetings of the High School Building Committee. We are pleased with the progress of the work and look forward to the opening of the new school in February of 2015.

In addition, the Board remains focused on expanding recreational opportunities for individuals and families in town. The Town purchased 9 Cross Street in 2013 with the intention of creating a new recreational facility for both athletic and passive uses. After an extensive concept design process, which involved two public surveys and multiple design workshops, the Committee has completed the concept design. Through the process, ideas and concepts were identified with some not deemed appropriate or affordable for the Cross Street project. However, some of these exciting possibilities are currently being investigated for other sites and funding which includes a dog park and enhancement of our existing town walking trails. The design of 9 Cross Street includes a multi-use artificial turf field, two combination basketball/street hockey courts, picnic areas, play structures for multiple age groups and an open "green" for unstructured use. The next step will be to engage in design development to establish the details and estimated costs for the project in preparation for construction.

The Board of Selectmen learned in early 2014 that the current owner of the Elinor M. Ristuccia Memorial Arena on Main Street was seeking to sell the facility. Wilmington takes great pride in supporting each of its various sports programs. While most other sports are provided with a place to play, Wilmington does not currently provide a place for ice hockey and skating. Wilmington's various hockey and figure skating groups must practice and compete on out-of-town ice. The Selectmen recognized the expression of interest in selling the rink as a key opportunity to provide a much desired recreational asset to the town. In 2014 the Town


Manager, working with the Board of Selectmen, evaluated the asset's potential, the financial impact and the approach that could be utilized for acquiring and operating the Ristuccia rink as a municipal rink. After a great deal of research and analysis, the Board of Selectmen called a Special Town Meeting in December of 2014 to request authorization to purchase the rink. Having passed overwhelmingly, the town is now poised to negotiate the purchase of the rink in the coming year.

The Board has been closely monitoring the proposal for a natural gas line through a portion of north Wilmington. A presentation from representatives of Kinder Morgan touted the value of this gas line to the region. While the Board recognizes the need to address the regional demand for energy, Board members also are concerned about any impacts from such a pipeline on residents and certain geographical areas in Wilmington. The fact that the proposed pipeline passes in close proximity to residential properties and the Brown's Crossing and Salem Street well fields, part of the Town's drinking water supply, raises serious concern. The Board will continue to work with the Town Manager in evaluating this proposal on an ongoing basis.

As Board members we are privileged to serve you and to work with so many dedicated employees and enthusiastic volunteers. The Board wishes to specifically acknowledge the hard work and dedication of the Town Manager and his team. With the capable assistance of the Town's dedicated employees, the Town sustained its level of services, increased its capital reserves and worked to improve the quality of life for its residents, businesses and volunteer organizations. Volunteers are essential to the operation of Town government and the delivery of services. We extend a heartfelt "thank you" to these residents who, in spite of their busy lives, believe it is their civic duty to support efforts to make Wilmington a better place to live, work and play.

In closing, on behalf of the Board of Selectmen I wish to thank the residents for placing your trust in us to lead the Town in a direction that we believe will continue to build upon the inviting, vibrant and proud community that we know to be the Town of Wilmington.

Respectfully Submitted,



Judith L. O'Connell, Chairman  
Board of Selectmen



*Board of Selectmen from left, Michael J. Newhouse, Louis Cimaglia, IV,  
Chairman Judith L. O'Connell, Michael V. McCoy and Michael L. Champoux*