

## BOARD OF SELECTMEN MEETING

April 13, 2020

Chairman Gregory B. Bendel called the meeting to order at 6:00 p.m. This meeting was held via ZOOM. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

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 litigation involving a claim before the Massachusetts Civil Service Commission filed by Police Sergeant David Sugrue in accordance with Massachusetts General Law Chapter 30A, Section 21(a)3, as an open meeting may have a detrimental effect on the Town's position as so determined by the Chairman with the intention to return to Open Session.

Chairman Gregory B. Bendel reconvened the meeting at 7:00 p.m. This meeting was held via ZOOM. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Bendel stated that pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast xFinity; Channel 37 Verizon FiOS, and live stream wctv.org). This meeting of the Wilmington Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 454 588 832 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by following the steps previously noted then press \*9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that, despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able. Chairman Bendel thanked IT Director John O'Neil for his assistance and for serving as the host of the meeting and WCTV for broadcasting the meeting. He advised that all votes will be conducted by roll call in alphabetical order.

Chairman Bendel asked meeting participants to rise and he led the pledge of allegiance.

Chairman Bendel asked that a moment of silence be observed in remembrance of members of the community who have been lost due to COVID-19.

Chairman Bendel noted that members of the Board of Selectmen were wearing blue in observance of April being Autism Awareness Month.

### TREASURY WARRANTS

Chairman Bendel asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Caira, seconded by Selectman Eaton and by the affirmative roll call vote of all, it was

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

## MINUTES

A motion was made by Selectman O'Mahony, seconded by Selectman Caira and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held May 15, 2019 and all action taken is hereby ratified and confirmed.

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held May 21, 2019 and all action taken is hereby ratified and confirmed.

A motion was made by Selectman O'Mahony, seconded by Selectman Caira and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held March 20, 2020 and all action taken is hereby ratified and confirmed.

## **SHELLY NEWHOUSE, HEALTH DIRECTOR, AND WILLIAM CAVANAUGH, FIRE CHIEF, RE: UPDATE ON COVID-19**

Chairman Bendel stated that on everyone's mind is the health and safety of Wilmington's residents. He recognized that it is a very fluid situation and asked Ms. Newhouse and Chief Cavanaugh to provide an update on Wilmington's statistics.

Ms. Newhouse advised that she posted updated numbers but they have changed. She expressed compassion to family members of COVID-19 patients. She stated that it is sad when reports are made to her on a daily basis. Ms. Newhouse advised that as of today, at Advinia Care, there are 61 positives with 14 deaths; Care One has 28 positives with 5 deaths and Wilmington has 32 positives, 32 recovered and 3 deaths. She advised that this week and next week the virus is anticipated to have the hardest hit and then a leveling off and hopefully a decline.

Chief Cavanaugh stated that the Fire Department has had an increase in call and are responding to primarily COVID related medicals. He advised that it requires extra decontamination for the equipment. He noted that for the personnel it is a high-stress environment. Chief Cavanaugh stated that his personnel recognize that they are not getting the best outcome hoped for but are doing the best they can to keep up with the demand. Extra precautions are being taken when dealing with the public. Chief Cavanaugh stated that his department, as well as the Board of Health and Board of Selectmen, have gotten phone calls from concerned residents who have family members in the long-term care facilities. He assured the Selectmen that he, Shelly and the legislative delegation are paying close attention to ensure patients are receiving the best care possible. Chief Cavanaugh stated that there was a conference call with Advinia today to determine what assistance may be needed to secure personnel or personal protective equipment.

Chairman Bendel noted that on Thursday, April 9, Chief Cavanaugh held a press conference for the local media updating residents with the most up-to-date information available.

Town Manager Hull stated this is an extremely challenging period of time and for those individuals with family members at Advinia Care and it is hard to imagine the circumstances. He cited that the inconsistency of individuals being able to communicate with their family members. The Town has been in contact with the Chief Operating Officer who has advised the Town and others that Advinia's Recreation Coordinator is serving as the point of contact for those wishing to contact family members. Time slots are scheduled and iPads are provided for the opportunity to Facetime.

Town Manager Hull stated that a challenge that long term care facilities are facing is the challenge of getting resources, medical staff and supplies. He noted that Advinia is having a challenge getting the medical staff as resources across the state are stretched.

Chairman Bendel expressed his appreciation to Chief Cavanaugh for advocating for additional PPE for our first responders to ensure their safety when responding to medical calls. He thanked Ms. Newhouse for breaking down the data relative to COVID and for providing the number of patients recovered. He stated that he does not see other Health Departments providing their communities with the same level of information.

Chairman Bendel asked if there were any questions or comments from members of the Board. Members of the Board expressed their appreciation to Ms. Newhouse and Chief Cavanaugh and their departments for risking their lives to keep Wilmington residents safe.

Selectman Eaton asked if there was a status where help from the state is relative to Advinia. Town Manager Hull advised that Partners Health Care is the most likely source for additional staff. He advised that the legislative delegation is going to reach out to the educational institutions to see if there are opportunities for recent graduates in the medical field.

Selectman McCoy thanked Ms. Newhouse for providing information on the number of recovered patients. He stated that it was the first time he had heard an official provide information on the number of recovered and that it means a lot to hear the positive.

Selectman O'Mahony requested that individuals in administrative positions at the long-term care facilities keep the Town informed as frequently as possible so that the Board of Health and Public Safety personnel may continue to do their jobs.

Selectman O'Mahony stated that last week social media was blasting Ms. Newhouse for how she was reporting the data. Selectman O'Mahony stated that she liked the way it was reported so residents could see where the clusters were and not panic that Wilmington went from 32 one day to 78 the next day. She stated that it is also encouraging to see the number of recovered cases.

Chairman Bendel thanked Senator Tarr for coordinating the conference calls and noted that Representatives Robertson and Gordon have been influential in coordinating at the state level. Chairman Bendel stated that he was contacted over the weekend by Police Chief Desmond who advised that his department has seen an increase in domestic violence. The Department has partnered with a group called RESPOND to provide resources. A short public service announcement was developed and released through social media. The public service announcement was played during the meeting.

Town Manager Hull stated that during the Governor's daily briefing a reporter asked his thoughts when things return to normal. The Governor took exception and responded that residents need to focus on continuing steps like social distancing and the sacrifices that have been made over the past several weeks. He stated that getting over the surge is not like a light switch being flipped off and things will be back to normal. Social distancing and other measures will continue for a period of time.

Chairman Bendel stated that the Town appreciates residents adhering to guidelines from the health professionals.

Chairman Bendel noted that there have been many acts of kindness and expressed his appreciation to those residents who are stepping up to take care of one another and look in on their neighbors and supporting the local businesses.

## COMMUNICATIONS

Town Manager Hull reviewed a letter from Dana Burnham, President, Wilmington Farmers Market, requesting permission to use the Swain Green on Sunday, May 3. She advised that they were scheduled to host the indoor Farmers Market at the Methodist Church on April 5 and May 3. The April 5 date has been cancelled but they would like to proceed by using the Swain Green on May 3. Ms. Burnham stated that Farmers Markets are included in Essential Business and advised that with guidance from the state, the market will be limited to food vendors only. In addition, they are sourcing a hand-washing station rental for each week to ensure that vendors and customers can maintain safe sanitation practices while on site and will encourage a “get in get out” mentality so that the market is not the usual social event. Vendors will receive communication from the Farmers Market regarding implementing safe social distancing practices for the vendor tents, including encouraging the use of contact-less payment; supplying disinfecting wipes at their tables, utilizing disposable gloves while handling product and/or exchanging money; placing an additional table in front to their sales table to ensure customers maintain six foot safe space and not allowing customer to handle the product in advance of purchase.

Town Manager Hull reviewed a letter from Michael J. Newhouse, Esquire, where he advised that it is his intention to withdraw the petitioned article from consideration at the Annual Town Meeting. The article related to Map R1, Parcels 1, 1A and 2A; Map R2, Parcel 19A and Map 103, Parcels 24 and 24A.

Town Manager Hull reviewed notice from the Alcoholic Beverages Control Commission (ABCC) advising that all on-premises consumption licensees may sell up to 192 ounces of malt beverages and 1.5 liters of wine for off-premises consumption only as part of a transaction for the purchase of food. This includes restaurants, bars, hotels, general-on-premises, clubs, war veterans’ clubs, continuing care retirement communities, pub-brewers, farmer-series pouring permits and manufacturer’s pouring permits.

All wine must be in its original sealed container and all malt beverages must be in sealed containers. All licensees must verify that both the purchaser and the recipient of alcohol are at least 21 years old. Sales must be made as part of a takeout order by way of pickup, including curbside pickup or delivery. Licensees do not need to obtain a separate transportation permit under MGL Chapter 138, Section 22 in order to make deliveries. All sales must be accompanied by a receipt reflecting the purchase of food along with alcohol and licensees must keep copies of all receipts for inspection by licensing authorities.

### **BOARD TO CONSIDER REQUEST OF DANA BURNHAM, PRESIDENT, WILMINGTON FARMERS MARKET ASSOCIATION, TO USE THE SWAIN GREEN ON SUNDAY, MAY 3, FROM 8:30 A.M. TO 2:00 P.M.**

Chairman Bendel asked if there were any questions, comments or a motion. Members of the Board expressed concerns with allowing the Farmers Market to operate on that date. Concerns raised included what steps would be taken to ensure there weren’t too many individuals in attendance, individuals handling the produce, whether gloves and masks would be worn and what steps would be taken to ensure social distancing guidelines were being followed. Chairman Bendel noted that Governor Baker’s order was in place until May 4. He does not believe businesses will be allowed to open then and is hesitant to take a vote that will encourage residents to gather before that date. A motion was made by Selectman Eaton, seconded by Selectman O’Mahony and by the affirmative roll call vote of all, it was

**VOTED:** That the Board of Selectmen table the request of the Wilmington Farmers Market until their meeting of April 27, 2020.

Chairman Bendel advised that he received notice from IT Director John O'Neil that residents wishing to call in to the meeting will be asked for a password and he advised that password is 010339.

**BOARD TO CONSIDER APPROVAL OF PROVISIONS OF CHAPTER 53 OF THE ACTS OF 2020 TO EXTEND DUE DATE FOR PAYMENT OF REAL ESTATE TAXES AND WAIVE INTEREST AND PENALTIES FOR CERTAIN LATE PAYMENTS**

Town Manager Hull advised that one of the provisions that the legislature has approved, and the governor has signed off on, allows for the extension of the deadline for payment of property tax bills. It would allow the Board of Selectmen to extend the deadline to June 1. He advised that there is an option to allow for the extension of the application for exemptions and deferral applications through the board of assessors to June 1 and relative to interest and penalties any bills due on or after March 10, interest will be waived provided payment is made on or before June 30. Town Manager Hull advised that approval of one or more option is at the Board's discretion.

Town Manager Hull stated that he has received inquiries as to what efforts the Town can make with respect to assisting residents and businesses. Generally speaking, the state sets tax policy he believes these measures are appropriate in light of the circumstances. He noted that it will not solve the problems but will ease some of the pressure.

Chairman Bendel asked if there were any questions, comments or a motion. A motion was made by Selectman Cairra and seconded by Selectman O'Mahony for discussion.

Selectman O'Mahony asked to confirm that the new deadlines have been set by the state. Town Manager Hull confirmed that the state has established the new deadlines at the option for the Towns to enact. He advised that there are a number of measures the Town needs to take to make sure that residents are well informed of the changes.

Selectman Eaton stated that he participated in the conference call for Massachusetts Municipal Association COVID-19 update on Friday and opined that the state is doing what it can to make things easier for residents. He gave his assurance that Wilmington officials will continue to monitor what is taking place at the statehouse so residents have avenues of support.

Selectman McCoy stated that he brought up the possibility of tax relief at a recent meeting and the Town Manager advised that it needed to be done by the legislature and he is pleased that the state is allowing towns to extend deadlines. He opined that the town should take advantage and extend the deadlines as much as possible.

Chairman Bendel asked if there were any additional questions or comments and there were none. With a motion having been duly made and seconded, Chairman Bendel called for a vote and upon the affirmative roll call vote of all, it was

**VOTED:** That the Board of Selectmen, in accordance with Section 10(a)(i-iii) of Chapter 53 of the Acts of 2020 entitled, "An Act to Address Challenges Faced by Municipalities and State Authorities Resulting from COVID-19", extend the date real estate and personal property taxes are due to the Town of Wilmington to June 1, 2020; extend the date applications for exemptions, which by this act would automatically apply to deferrals from April 1, 2020 to June 1, 2020; and waive the payment of interest and other penalties in the event of the late payment of any excise tax, betterment assessment or apportionment, or any other charge added to a tax for any payments with a due date on or after March 10, 2020, provided, however, that such payment is made no later than June 30, 2020.

Chairman Bendel reminded residents wishing to call in to the meeting that they will be asked for a password and he advised that password is 010339. WCTV has included the number on the screen.

**BOARD TO CONSIDER AUTHORIZATION TO EXTEND AGREEMENT WITH READING MUNICIPAL LIGHT DEPARTMENT FOR TEN (10) YEARS**

Town Manager Hull advised that the Board has discussed this on previous occasions and the agreement in place with the Towns of Wilmington, Reading, North Reading, Lynnfield and the Reading Municipal Light Department includes a provision that ten years out, RMLD provides notice to the towns that they have 180 days to authorize extension of the agreement that currently expires in 2030. Town Manager Hull stated that if the Board acts on this, the contract will be in effect until 2040. He stated that there were two prior extensions by vote of Town Meeting, one in 2000, the other in 2010. Town Manager Hull noted that it is before the Board of Selectmen as opposed to going to Town Meeting in consultation with Town Counsel it was noted that because of a change in laws and because it is an inter-municipal agreement, it does not require a vote of Town Meeting.

Town Manager Hull stated that he believes if the Town were to look at alternatives for electrical service, the Town will not find a better rate for electricity, the level of service has been very responsive and a major example was when Town Meeting approved \$75,000 to replace lighting at Palmer Park. George Hooper contacted RMLD to assist with the effort and they were very responsive, providing personnel and poles in a timely manner. He said he does not think the Town would get that level of service with Eversource or National Grid.

Chairman Bendel advised that Coleen O'Brien, General Manager, RMLD was participating in the meeting and he gave her an opportunity to comment. Ms. O'Brien thanked the Board of Selectmen for their leadership during this time of the COVID pandemic. She apologized that Selectman Eaton was without power and noted that there were 100 scattered outages in Wilmington. She noted that Wilmington was faring better than other communities in the area.

Chairman Bendel asked if there was anything Ms. O'Brien wished to add to Town Manager Hull's comments. She stated there was not. She acknowledged that the Town had submitted a list of questions and she hopes that she was able to answer each one. Ms. O'Brien stated that she is proud to be working for a municipal light department and opined that the value is outstanding. She stated that she is available if Selectmen wished to follow up with her to obtain more details.

Chairman Bendel asked if there were any questions, comments or a motion. A motion was made by Selectman Caira and was seconded by Selectman Eaton.

Selectman Eaton stated that when the Board last discussed extending the agreement, it was following a data breach at RMLD. IT Director John O'Neil was asked to look into the incident and reported back that the breach that happened was handled properly and RMLD is taking steps to protect customer information and to ensure that it does not happen again.

Selectman McCoy asked what the Town would receive for payment in lieu of taxes. Town Manager Hull stated that he does not have the number in front of him but it is his recollection that the Town receives \$725,000 annually.

Chairman Bendel asked if there were any additional questions or comments and there were none. With a motion having been duly made and seconded, Chairman Bendel called for a vote and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen authorize an extension for ten years until July 9, 2040 of a certain agreement originally dated July 9, 1990 and subsequently extended for ten years by the Board of Selectmen as authorized by the affirmative vote of Article 27 of the Annual Town Meeting Warrant of April 22, 2000 and as authorized by the affirmative vote of Article 19 of the Annual Town Meeting Warrant of May 1, 2010 between the Town of Wilmington and the Reading Municipal Light Board acting on behalf of the Town of Reading which provides for the supply of electrical power and payments in lieu of taxes.

Ms. O'Brien thanked the Board and requested that, following the pandemic, she be invited to provide the Board of Selectmen with an update on RMLD projects.

### PUBLIC COMMENTS

Chairman Bendel provided the phone number, password and instruction for those who wish to call in and make a public comment. He reminded residents to provide their name and address for the record.

Kevin MacDonald, no address given, stated that the Health Director posted that the Board of Health had N95 masks available and wanted to know how residents could obtain one. Chairman Bendel advised that they are not N95 masks and the masks were made available to local small businesses to keep their employees safe.

Mr. MacDonald stated that President Trump has indicated that there is plenty of equipment available and all Governors need to do is submit a request. He asked who the point person would be to make the request. Chairman Bendel advised that Fire Chief Cavanaugh is the Crisis Management Director and advised that Chief Cavanaugh has made it clear the Town, like every other community in Massachusetts, needs PPEs (Personal Protective Equipment).

Mr. MacDonald stated that relative to the contract extension for RMLD that the Board voted on this evening, he did not hear aspects of the contract being discussed and cited the installation of solar panels on residences and what benefits will be available to the community. He asked whether entering the agreement will prevent people from getting the best possible deal they can by putting solar panels on their home or if rates will be reduced if a solar farm goes in. He asked whether anyone has reviewed the contract. Chairman Bendel assured Mr. MacDonald that once the document is executed, it will be made public for his review.

Mr. MacDonald asked what protocol is in place and who is responsible for ensuring that residents who test positive for COVID-19 are not going into public places such as the grocery store. Chief Cavanaugh reviewed how information relative to an individual testing positive is provided to the Town and noted that the Health Director works closely with the affected families. He stated that, as he advised Mr. MacDonald at the meeting of March 30, they are using delivery services such as PeaPod. In the alternative, the Health Department, Elderly Services Department and Public Safety Departments will drop items off for them.

Mr. MacDonald asked Town Manager Hull to identify essential Department Heads who are on staff at Town Hall. Town Manager Hull advised that it depends upon which day and reviewed individuals who have been working. Chairman Bendel advised that on the Town's website a memorandum has been posted which identifies services that are being provided. He stated that Department Heads are getting creative to continue to provide services and he applauded town management for ensuring that services are being provided to residents.

Chairman Bendel asked whether there were additional public comments and there were none. Chairman Bendel waited a few moments to ensure that there weren't any residents calling in to comment before moving on to Announcements.

### ANNOUNCEMENTS

Chairman Bendel thanked individuals working in the healthcare profession and hope they remain safe. He stated that the Board's thoughts and prayers are with those who have been affected by COVID-19.

Selectman O'Mahony expressed condolences for the loss of Sandra Curtin. Mrs. Curtin is a former Executive Director of WCTV and one of Wilmington's Good Guys. Selectman O'Mahony noted that she passed away on April 9, 2020.

### NEW BUSINESS

Selectman Caira asked when pickup of bulk items will resume noting that he has noticed residents are using their time at home to clean out and items are being left at the curb. Town Manager Hull advised that there was only one week that items were not picked up. He advised that homeowners need to contact the vendor by noon Thursday to have items picked up on Friday. Selectman Caira noted that residents had received an Everbridge notification when pickup stopped and had not received one to advise that the service had resumed.

Selectman McCoy asked about the status of water for Cook Avenue, he stated that Town Counsel was going to work out an agreement with Olin. Town Manager Hull advised that Mr. Deutsch, Special Town Counsel, drafted an agreement to which modifications were made. Mr. Deutsch became seriously ill and Town Manager Hull stated that he emailed Mr. Deutsch to get a status and had not heard back. He advised that he would follow up. Revisions suggested by DPW Director Michael Woods and himself need to be incorporated into the document and then it needs to be forwarded to James Cashwell, the Olin representative. Selectman McCoy stated that it is unfortunate that Mr. Deutsch became ill and asked that it become a priority.

### 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 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 27 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- May 4-  
May 8 – Curbside Collection of Yardwaste
- May 12 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- May 30 – Annual Town Meeting – High School Auditorium – 10:30 a.m.



Chairman Bendel encouraged residents to stay informed with accurate information. He advised that the Town has a Facebook page and information may be found there.

A motion was made by Selectman Caira, seconded by Selectman O'Mahony and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:29 p.m.

Respectfully submitted,

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Recording Secretary