

## BOARD OF SELECTMEN MEETING

August 15, 2016

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 Gregory B. Bendel, Kevin A. Caira, Michael L. Champoux and Michael V. McCoy. Also present was Assistant Town Manager Kendra Amaral.

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 Treasury Warrants. A motion was made by Selectman McCoy, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 4, 4A, 5, 5A, 6, 6A, 7 and 7A.

### **MINUTES**

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held May 23, 2016 and all action taken is hereby ratified and confirmed.

### **WILLIAM SCHNEIDER, OPERATIONS MANAGER, BENEVENTO FAMILY LIMITED PARTNERSHIP, RE: PUBLIC HEARING RELATIVE TO THE REQUEST FOR A FLAMMABLE LICENSE FOR PROPERTY LOCATED AT 910 SALEM STREET**

Mr. Schneider was present seeking a flammable storage license for a 30,000 gallon asphalt tank located at 910 Salem Street. He stated that he is before the Board of Selectmen because the Department of Transportation has mandated a new additive to all asphalt projects. The additive, called Egotherm, allows the asphalt to be produced at lower temperatures and increases the life of roads by seven years.

Chairman O'Connell asked Assistant Town Manager Amaral to provide recommendations from applicable departments. Assistant Town Manager Amaral advised that the application was reviewed by Inspector of Buildings Al Spaulding who advised that there are no outstanding zoning issues. Gary Donovan, Deputy Fire Chief, advised that following a site visit, the Fire Department recommends approval.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman McCoy asked if he heard correctly that it extends the life of the road by seven years. Mr. Schneider confirmed.

Members of the Board asked for information regarding the location of the tank on the property. Mr. Schneider described the property layout.

Mr. Schneider provided the receipts from the mailing of notices to abutters.

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

A motion was made by Selectman Champoux, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the Flammable License for Benevento Family Limited Partnership property located at 910 Salem Street.

**JOSEPH MARTINIELLO, WE'RE ONE WILMINGTON, RE: WE'RE ONE WILMINGTON PROGRAM UPDATE AND REQUEST TO CONDUCT THE 2017 RUN FOR WILMINGTON/WALK FOR KIM FORTE**

Mr. Martiniello stated that the 2016 race had approximately 500 participants and raised over \$10,000. Participants chose which charity they wanted to receive a percentage of the registration fee. He advised that We're One Wilmington (WOW) is looking for permission to conduct the 2017 Run for Wilmington/Walk for Kim Forte on Sunday, April 23.

Mr. Marciello reviewed activities of We're One Wilmington including the Festival of Trees, support of AIM (Angels in Motion) and 1,000 Acts of Kindness.

Chairman O'Connell asked if there were any questions or comments from the Board. Members offered congratulations and expressed their appreciation to Mr. Martiniello and WOW volunteers.

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

VOTED: That the Board of Selectmen grant the request of We're One Wilmington to conduct the 2017 Run for Wilmington/Walk for Kim Forte on Sunday, April 23, 2017 at 11:00 a.m.

Mr. Martiniello asked about placing signs on the Town Common for the Festival of Trees. Chairman O'Connell advised Mr. Martiniello to contact Town Manager Hull.

**BOARD OF SELECTMEN DISCUSSION, RE: BOARD OF APPEALS ASSOCIATE MEMBERS**

Chairman O'Connell stated that this topic had been brought up at previous meetings and it was requested by a resident that this item be placed on the agenda. She noted that Town Manager Hull provided a detailed memorandum to the Board of Selectmen February 19, 2016 regarding the consideration of Associate Members on the Board of Appeals. Assistant Town Manager Amaral provided a summary of the memorandum which provided a history of the Board of Appeals.

Chairman O'Connell asked if there were any comments from the Board of Selectmen. Selectman Champoux stated that it came to light in the context of the Board of Appeals voting on matters of the Fourth of July Festivities. He said that the Board did not want to have this discussion as a reaction to those decisions and wanted to review the big picture. He stated that at the time, he believed there was some value to adding associate members to the five member Board of Appeals. Selectman Champoux believes the five member board, as it stands, is serving the Town well with the exception of infrequent occasions when there is a conflict. A four member board is sufficient to listen to applications and render decisions.

Selectman McCoy stated that he supported the change from a three member to five member Board of Appeals in 2008 and still supports it.

Selectman Caira stated that he agrees with his colleagues and does not believe it should be changed as a result of one issue.

Chairman O'Connell asked if there were any comments from the audience. Frank West, Birchwood Road, asked if the Board of Appeals has been asked for their opinion and whether the record of absenteeism has been reviewed.

Chairman O'Connell stated that since she has been a member of the Board of Selectmen she has not had the current Town Manager or the previous Town Manager approach her to indicate that any Board or Committee has had difficulty conducting Town business. She stated that she has not been approached by a member of the Board of Appeals indicating that, due to the framework, the Board cannot effectively conduct the business of the Town. She has not heard anything from the Building Inspector's office or any other department indicating that the course of Wilmington business cannot be effectively conducted due to the quantity and composition of the Board of Appeals.

Assistant Town Manager Amaral stated that the Town Manager's office has not heard concerns from the Board of Appeals or the community that brings matters before the Zoning Board of Appeals, who is the most impacted. In the event that the application cannot be heard by the full board, the applicant is made aware of it prior to the start of the hearing and has the option of continuing or postponing until there is a full board.

Mr. West offered comments relative to the Board of Selectmen's recent meeting where they met with candidates to fill a vacancy on the Board of Appeals. He noted that each member had more than one candidate that they believed would be qualified appointments and opined that if it were an option, the other candidates could have been appointed to serve as alternate members.

Discussion took place regarding a request of Mr. West to have a Special Town Meeting. Chairman O'Connell stated that she does not believe a Special Town Meeting is warranted but noted it does not preclude a petitioned article being submitted. Mr. West indicated his desire that residents have input.

Selectman Champoux stated that he spoke to two members of the Board of Appeals and he stated that they were not in favor of associate members to the Board of Appeals and they indicated that there was no momentum from the Board of Appeals to pursue changing the structure.

## **COMMUNICATION**

Assistant Town Manager Amaral reviewed a letter from Danielle Spicer, Green International Affiliates, Inc., who wrote requesting an extension on the Earth Removal Permit of the Yentile Farm Recreational Facility. It is anticipated that substantial completion will be done by the end of this year.

Assistant Town Manager Amaral reviewed a memorandum from George Hooper, Public Buildings Superintendent, who wrote that it was brought to his attention that the Massachusetts Department of Environmental Protection (DEP) was offering a grant program to cities and towns that would provide for technical assistance, analysis of water samples in schools for lead and copper levels and establishment of a data base to track this information. Mr. Hooper advised that based upon discussions with Town Manager Hull an application for the grant program was submitted. Mr. Hooper noted that the Town was successful in receiving the grant. Assistant Town Manager Amaral noted that the Town has been proactive in testing fixtures. She stated it was begun due to the nationwide issue of lead and copper in drinking water and over the past couple of months approximately 240 fixtures have been tested. It is anticipated that there will be regulations as a result of the presence of lead and copper in drinking water across the country.

Assistant Town Manager Amaral reviewed a press release regarding the results of water testing. She stated that approximately 52 fixtures were found to be at "action level" or "above action level" for lead. Fixtures used for drinking water are being replaced others are posted "hand washing only". Questions were asked regarding funding for the testing and replacement of fixtures. Assistant Town Manager Amaral stated that a majority of the testing is being conducted by the

Massachusetts Water Resource Authority (MWRA) free of charge and the Public Buildings Department has an appropriation for general school facilities.

Selectman Bendel asked what message should be given to parents of children who will be going back to school. Assistant Town Manager Amaral stated that over two hundred signs have been received from the MWRA to post at “hand washing only” stations. Drinking water stations will either be removed or replaced prior to the beginning of the year. She stated that the combination sink/water bubbler will take a little longer to address but water has been shut off. The Board of Health advised that if parents have concerns they may have their child tested with their pediatrician.

Selectman Caira asked if other public buildings are being tested and was advised that the library, senior center, town hall and public safety building as well as any public building where the public has access to drinking water are being tested.

Selectman Champoux asked to clarify that the source of the lead is in the fixtures and not in the water or pipes transporting the water. Assistant Town Manager Amaral stated that the lead will come from the solder used to connect the fixture. She stated that is the reason for two draws, one taken immediately and one after running the water for 30 seconds.

Chairman O’Connell noted that with changes to building code, the materials used are different so a lot is dependent upon the age of the fixtures.

Assistant Town Manager Amaral reviewed a memorandum from Michael J. Woods, Director of Public Works, regarding improvements to Aprile Field. Mr. Woods identified improvements that will be made to the softball field.

Assistant Town Manager Amaral reviewed a letter from Paul Alunni, Town Engineer, to Thomas Raphael, Chairman, Middlesex Canal Commission, which provided written notification of the rehabilitation of the softball field at Town Park. Mr. Alunni provided information on the improvements scheduled to be completed.

Assistant Town Manager Amaral reviewed a memorandum from Jamie Magaldi, DPW Operations Manager and Safety Committee Chairman, regarding the FY16 Massachusetts Interlocal Insurance Association (MIIA) Rewards Program. Mr. Magaldi advised that the Town of Wilmington earned \$52,383.00 in MIIA Rewards Credit. He provided information regarding the coverage category, credit percentage earned and programs that helped the Town maximize available credit.

Assistant Town Manager Amaral reviewed a memorandum from Town Manager Hull regarding costs associated with the July 4<sup>th</sup> festivities. Town Manager Hull advised that a total of \$50,480.08 was expended for personnel and supplies costs. A total of \$31,282.50 was received in carnival revenue. Town Manager Hull explained that the proposal submitted by Fiesta Shows agreed to pay the Town \$1,455 per hour that the carnival was allowed to operate. The carnival operated for 21.5 hours.

Chairman O’Connell stated that the volunteers are the ones who make the event happen and appreciates the effort of the Town Manager and Assistant Town Manager in preparing the request for proposal. She stated that she would like to have future discussions of how the Town will proceed for the long term. She stated her understanding that the celebration went well.

Discussion took place regarding the Fourth of July Committee's ability to reapply for a Special Permit given the denial on this year's application. The question was raised whether the Committee would be allowed to put forth an application similar to the application submitted by the Town of Wilmington. Chairman O'Connell noted that she recognizes that the Fourth of July Committee did not receive revenue this year from the carnival though they funded the fireworks and they also fund the Christmas Tree Lighting on the Common in December.

Selectman Champoux inquired about the Board of Selectmen's role other than granting use of Town land. Chairman O'Connell noted that she would like to understand the history of the Fourth of July Committee. She believed it to be part of the Town and the Fourth of July building is a town building.

Assistant Town Manager Amaral stated that the Town Manager is scheduling a debriefing to go over this year's events and determine a course of action for next year.

Selectman Caira offered comments about the financial report and asked whether the Fourth of July Committee will present an expense/revenue report. He stated that the Town could treat the Fourth of July as an appointed committee and would like to discuss further. Chairman O'Connell understands Selectman Caira's position but she has been told that they rely on the revenue from the carnival to provide other activities and expressed concern that one problem may be solved but others may be created. Assistant Town Manager Amaral stated that fireworks typically cost between \$10,000 to \$20,000 and noted that the Fourth of July Committee continued to do the legwork for the festivities.

Assistant Town Manager Amaral reviewed a letter from Kelli E. Gunagan, Assistant Attorney General, Municipal Law Unit, to Sharon George, Town Clerk, regarding the Wilmington Annual Town Meeting of April 30, 2016. The Town was advised that Warrant Articles 30, 33, 34, 35, 36, 37, 38, 39, 40, 41, 50, 52 and 55 were approved as well as associated maps. Comments were provided relative to Article 40 which amends the Town's "Dogs Restraint and Control" by-law.

Assistant Town Manager Amaral reviewed correspondence from Sarah White, Mitigation Unit Supervisor, Hazard Mitigation, Massachusetts Emergency Management Agency (MEMA) who wrote to notify the Town that Wilmington's Hazard Mitigation Plan received formal approval from FEMA Region 1.

Assistant Town Manager Amaral reviewed the summary of An Act to Modernize Municipal Finance and Government.

Assistant Town Manager Amaral reviewed correspondence from Jacquelyn Santini, member of the Board of Appeals, who advised of a possible conflict of interest.

Assistant Town Manager Amaral reviewed a letter from Jill Reddish, FiOS TV Sr. Staff Consultant, Verizon, who wrote to advise of changes to FiOS programming.

**BOARD TO CONSIDER REQUEST OF BOARD OF APPEALS, RE: DISCLOSURE IN ACCORDANCE WITH CHAPTER 268A, SECTION 19 AND 23(B)(3) RELATIVE TO AN APPLICATION FOR A SPECIAL PERMIT BY JAMES MANGANO**

Jacquelyn Santini, a member of the Board of Appeals, informed the Board of Selectmen of a potential conflict with an applicant scheduled on the Board of Appeals August 10, 2016 agenda. A colleague of Ms. Santini who works in the same RE/MAX office has worked with the applicant that is seeking a special permit from the Board of Appeals. Ms. Santini filed two disclosures with the Board of Selectmen and seeks a determination that a conflict does not exist.

Chairman O'Connell asked if there were any questions, comments or a motion. Selectman Bendel asked at what point Ms. Santini realized there was a potential conflict. Ms. Santini stated that she saw the name on the application and was aware a colleague had worked with the applicant. She stated that she needed to confirm whether the colleague was working on this project. Ms. Santini confirmed that there was no financial interest. Members of the Board asked questions related to potential conflicts. Ms. Santini explained the make up of the real estate office.

A motion was made by Selectman Champoux, seconded by Selectman Bendel and by the affirmative vote of four with Selectman McCoy opposed, it was

**VOTED:** That the Board of Selectmen has reviewed the particular matter contained in the disclosure as filed with the Board and the financial interest identified by the municipal employee and determine that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the Town of Wilmington may expect from the employee.

A motion was made by Selectman Champoux, seconded by Selectman Bendel and by the affirmative vote of three with Selectmen Caira and McCoy opposed, it was

**VOTED:** That the Board of Selectmen has reviewed the particular matter contained in the disclosure as filed with the Board and whether a reasonable person could conclude that someone would unduly enjoy Ms. Santini's favor or improperly influence her when performing her duties with respect to a specific matter before the Board of Appeals and determine that her circumstances would not lead a reasonable person to reach that conclusion.

**BOARD TO CONSIDER SIGNING WARRANT FOR STATE PRIMARY TO BE HELD THURSDAY, SEPTEMBER 8, 2016**

Assistant Town Manager Amaral noted that the polls would be open from 7:00 a.m. to 8:00 p.m. Chairman O'Connell asked if there were any questions, comments or a motion from the Board. A motion was made by Selectman McCoy, seconded by Selectman Caira and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen sign the Warrant for the State Primary to be held Thursday, September 8, 2016.

**BOARD TO CONSIDER REQUEST OF POLICE CHIEF MICHAEL BEGONIS TO USE ROTARY PARK FOR A MOVIE NIGHT ON FRIDAY, SEPTEMBER 16, 2016 (RAINDATE, SATURDAY, SEPTEMBER 17)**

Chairman O'Connell stated that it is her understanding that due to equipment issues, the movie was not able to be shown during the National Night Out. Chairman O'Connell asked if there were any questions, comments or a motion from the Board. A motion was made by Selectman Champoux, seconded by Selectman Caira and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen grant the request of Police Chief Michael Begonis to use Rotary Park for a movie night on Friday, September 16, 2016 with a raindate of Saturday, September 17.

**BOARD TO CONSIDER REQUEST OF MARY ELLEN DUNN, WILMINGTON UNITED METHODIST CHURCH, TO PLACE SIGNS ON THE TOWN COMMON OCTOBER 15 THROUGH OCTOBER 29, 2016**

Chairman O'Connell stated her understanding that the approval in 2015 limited the quantity and placement of the signs and asked whether the restrictions would be the same.

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

VOTED: That the Board of Selectmen grant the request of Mary Ellen Dunn, Wilmington United Methodist Church, to place signs on the Town Common October 15 through October 29, 2016.

**BOARD TO CONSIDER REQUEST OF MARK NELSON TO CONDUCT A BLOCK PARTY ON MONDAY, SEPTEMBER 5, 2016 FROM 12:00 P.M. TO 11:00 P.M.**

Assistant Town Manager Amaral advised that the request was reviewed by appropriate Town departments and do not have any negative recommendations.

Chairman O'Connell asked if there were any questions, comments or a motion from the Board. Selectman Bendel expressed concern regarding the end time and noted that September 5, 2016 is a Monday night and the following day is a school day. He asked that the Town contact the applicant to see if he is amenable to changing the time. Assistant Town Manager Amaral advised that this is the only meeting prior to the event and noted that the Board of Selectmen could set an end time. A motion was made by Selectman Bendel, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant the request of Mark Nelson to have a neighborhood block party on Monday, September 5, 2016 beginning at 12:00 noon and further that the Town Manager contact the applicant to discuss changing the end time.

**PUBLIC COMMENTS**

There were none.

**NEW BUSINESS**

Selectman Champoux stated that he was approached by a resident who advised him that the walk/don't walk signal at Federal Street and Middlesex Avenue is not functioning properly. He was also asked if the Town had any intent to repaint the crosswalk from Federal Street across Middlesex Avenue and Middlesex Avenue between the Arts Council and Congregational Church.

Selectman Champoux commented about the Dog Park and recent dialog regarding the carry in/carry out policy. It appears that there are users who are not cleaning up after their dogs and bags of dog waste are being left behind. He does not have a solution to propose but believes something needs to be put in place or it will continue. Chairman O'Connell stated that she has been in communication with the Town Manager and has asked him for his opinion. It is clear through the Recreation Commission, Department of Public Works and the Town's management team that they are supportive of the carry in/carry out policy. Town Manager Hull stated that Animal Control Officer Chris Sullivan has been involved and noted that a resident reached out who was willing to pay for a barrel and ensure it was picked up but Town Manager Hull did not believe there was enough time to work out the kinks.

Selectman McCoy stated that he attended the National Night Out and thanked the Police Department for organizing a fantastic night. He commented about seeing the black hawk helicopter take off.

Selectman Caira stated that the Board of Selectmen received a letter from the Surface Transportation Board in their packet and asked for confirmation that Town Counsel is preparing a response. Assistant Town Manager Amaral confirmed that Town Counsel was working on a response and would be reaching out to neighboring communities to see if they have any concerns.

Selectman Caira thanked Michael Woods, DPW Director, for clearing the scoreboard at the Woburn Street School.

Selectman Caira stated that in the August 5 packet the Board of Selectmen received information regarding a bequest to the Library Trustees and commented that it was an amazing gift. He asked that the Board of Selectmen extend a thank you and their sympathies.

Selectman Bendel stated that he is looking forward to participating in the Rotary Club's Ice Bucket Challenge.

### **IMPORTANT DATES**

Assistant Town Manager Amaral reviewed important dates including:

#### Sundays Through

- October 9 – Farmer's Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- August 19 – Last Day to Register to Vote in State Primary Election  
Town Clerk's Office Until 5:00 p.m.
- August 27 – Ice Bucket Challenge – Rotary Park – 10:00 a.m.
- August 30 – Schools Open – Grades 1 – 12
- September 5 – Labor Day – *Town Offices Closed*
- September 6 – 1<sup>st</sup> Day of Kindergarten
- September 7 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- September 8 – State Primary Election – Polls Open 7:00 a.m. to 8:00 p.m.
- September 10 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- September 10 – Library Resumes Saturday Schedule – 9:00 a.m. to 5:00 p.m.
- September 11 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- September 12 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 9:25 p.m.

Respectfully submitted,