

BOARD OF SELECTMEN MEETING

August 18, 2014

Chairman Judith L. O'Connell called the meeting to order at 6:30 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. A motion was duly made and seconded and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn to executive session for the purpose of discussing real property issues to return to open session.

Chairman Judith L. O'Connell reconvened the open session at 7:36 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Cimaglia, seconded by Selectman McCoy 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, 7A, 8 & 8A.

JENNIFER SOUSA, PEPPER DINING, INC., DBA CHILI'S GRILL & BAR, RE: REQUEST TO CHANGE MANAGER FROM TRAVIS LIZOTTE TO JENNIFER SOUSA

Ms. Sousa was present requesting approval to change the manager at Chili's Grill & Bar. Chairman O'Connell asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that the application was reviewed by the Police Chief who provided a favorable recommendation.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 grant the request of Pepper Dining, Inc. DBA Chili's Grill & Bar to change the manager from Travis Lizotte to Jennifer Sousa.

BGP TAVERN, LLC DBA RED HEAT TAVERN, RE: REQUEST TO CHANGE MANAGER FROM ALFONSO SOTO TO DENISE HERRAR

Ms. Herrar was present requesting approval to change the manager at Red Heat Tavern. Ms. Herrar advised that Mr. Soto is no longer an employee requiring the change in manager. Chairman O'Connell asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that the application was reviewed by the Police Chief who provided a favorable recommendation.

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

VOTED: That the Board of Selectmen grant the request of BGP Tavern, LLC DBA Red Heat Tavern to change the manager from Alfonso Soto to Denise Herrar.

KLODIAN QYRASI, K. Q., INC. DBA PETER'S PIZZA, ROAST BEEF & SEAFOOD, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 2 LOWELL STREET

Mr. Qyrasi was present seeking a Common Victualer License. Mr. Qyrasi recently purchased Peter's Pizza. Chairman O'Connell asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that a favorable recommendation was received from Shelly Newhouse, Health Director, subject to meeting the requirements of the Board of Health. Inspector of Buildings, Al Spaulding, advised that there are no outstanding zoning issues. Town Manager Hull noted that the applicant must provide a completed Workers' Compensation Affidavit and suggested that if the Board approves the request that it be contingent upon the Town receiving the completed affidavit.

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

VOTED: That the Board of Selectmen grant a Common Victualer License to K. Q., Inc. DBA Peter's Pizza, Roast Beef & Seafood for property located at 2 Lowell Street, subject to the provision of the Workers' Compensation Affidavit and satisfying the requirements of the Board of Health.

ADAM QUINN, MANAGING MEMBER, JANEMARIE DONUTS DBA DUNKIN DONUTS, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 206 BALLARDVALE STREET

Mr. Quinn was present seeking a Common Victualer License at 206 Ballardvale Street. Chairman O'Connell asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that a favorable recommendation was received from Shelly Newhouse, Health Director, subject to meeting the requirements of the Board of Health. Inspector of Buildings, Al Spaulding, advised that there are no outstanding zoning issues.

Chairman O'Connell asked if there were any questions, comments or a motion. Mr. Quinn requested that the Board of Selectmen restrict the hours of operation. He advised that the Dunkin Donuts corporation will try to require late hours or 24 hour operation absent a restriction from the Town. Mr. Quinn expressed concern for worker safety and noted the difficulty in obtaining employees willing to work late. He requested that the Board of Selectmen restrict hours to 5 a.m. to 11 p.m. A motion was made by Selectman Cimaglia, seconded by Selectman Champoux and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant a Common Victualer License to Janemarie Donuts DBA Dunkin Donuts for property located at 206 Ballardvale Street and that the hours of operation be restricted to 5 a.m. to 11 p.m.

BOARD OF SELECTMEN DISCUSSION, RE: WILMINGTON ARENA AUTHORITY

Chairman O'Connell stated that at a previous meeting Selectman Newhouse asked that discussion relative to the Wilmington Arena Authority be placed on the agenda. An invitation to attend this evening's meeting was sent to Mr. Kenneth DelRossi of the Investment in Youth Foundation. Chairman O'Connell read the letter that was directed to Mr. DelRossi into the record and advised that it is her understanding that the Town did not receive a response. She asked whether there was a representative in the audience and there was none. Chairman O'Connell advised that the Board would still have the discussion and asked Selectman Newhouse to proceed.

Selectman Newhouse stated that he has received comments from residents who have expressed concern relative to the availability of ice time and accessibility to the Elinor Ristuccia Ice Rink. He stated that he researched the history and provided the information to the Board of Selectmen and wished to share with the general public. In 1984, the Town called a Special Town Meeting and on the Warrant was an article to rezone the property. He advised that the petitioner was Mr. Al Reidy, a Wilmington resident. The commitment to the Town was that the rezoning was being done for the primary benefit of Wilmington residents. Mr. Benjamin Ristuccia committed a sizeable contribution of money and resources to fund the construction of the rink. Selectman Newhouse noted that the own Meeting minutes were clear that the purpose for rezoning the property was so that Wilmington residents would be able to enjoy the resource and the facility. Selectman Newhouse stated that after the Town voted to rezone the property, Wilmington Arena Authority, Inc. was created and the Articles of Organization were filed with the Secretary of State. The paperwork enables the corporate entity to exist. The Wilmington Arena Authority was comprised of representatives of Wilmington Youth Hockey, Wilmington Skating Club, Wilmington Recreation Department, Wilmington Law Enforcement, the High School Athletic Department and an at-large member. The original members of the Board of Directors passed by-laws that they had to meet those qualifications in order serve on the Board of Directors for the non-profit. He advised that the paperwork filed for non-profit status was clear and stated *“The Wilmington Arena Authority is a non-profit organization established to construct and manage a skating and recreation facility for the citizens of Wilmington. This facility will provide the Wilmington High School Hockey Team, Wilmington Figure Skating Club, Wilmington Youth Hockey Association, Wilmington Recreation Department an opportunity to participate and compete.”*

Selectman Newhouse stated that it appears that Mr. Ristuccia honored his commitment. He stated that the records that are available at this time only go back to circa 2000 and in reviewing those records there were copies of the by-laws attached. At its inception the organization required, in order to serve on the Board of Directors, one be a representative of the various interest groups. At some point between 1985 and 1993, the organization stopped requiring that a member represent the Wilmington High School Athletic Department, Wilmington Law Enforcement and Wilmington Recreation Department. In 2000, by-laws reflect that the requirement to be a member of Wilmington Youth Hockey Association and Wilmington Figure Skating Club were eliminated.

Selectman Newhouse expressed his concern and frustration at the lack of accessibility and lack of priority that Wilmington groups have been given. He is concerned with how the process took place. He said he would like the organization to provide minutes of meetings and certificates of vote which reflect that the by-laws were changed to eliminate those qualifications by people who met the qualifications. He stated that he does not believe that they can continue as a non-profit without satisfying the qualifications. He believes it is incumbent upon the organization to provide the information.

Selectman Newhouse stated that he would like to hear comments from members of the Selectmen.

Chairman O’Connell asked if there were any questions or comments from members of the Board. Selectman McCoy stated that he was serving on the Planning Board and he recalls Curt Gowdy at the groundbreaking and the excitement that Wilmington residents would be benefitting from this.

Selectman Champoux thanked Selectman Newhouse for bringing this issue forward. He stated that he was not aware of the agreements that had been established. He expressed frustration that the documents do not clearly illustrate when, how or why the make-up of the authority changed and changed names. He stated that based upon the vote taken at the Special Town Meeting, it is clear the spirit of the vote was based on the fact that the arena would be built for Wilmington

youth and through the years Wilmington youth are cheated of that opportunity. He believes it is important that a dialog continue with representatives of the Investment in Youth Foundation. He believes the Town ought to have the opportunity to use the facility because that was the intention.

Selectman Newhouse stated that if representatives are not interested in speaking with the Board of Selectmen, there are alternate ways to request the information. He suggested a request for information be sent to members of the Board of Directors who are Wilmington residents.

Chairman O'Connell commented that the Board respects the Ristuccia family for setting up the arena, the Town just wants to know, from a procedural point, the evolution of events to this time. It is clear that there are people employed in managerial positions being compensated at an enviable rate. She believes a written request ought to be made with a copy to everyone in the organization so that there is no confusion of who received the letter.

Town Manager Hull commented to the Board that he has had conversation with Bernard Ristuccia who has indicated that he is aware of the concerns regarding the ice time. Mr. Ristuccia has stated that the responsibility of scheduling ice time is with Rotondo Enterprises, Inc. and formerly with the Wilmington Arena Authority. Town Manager Hull believes that Mr. Ristuccia is disheartened that Wilmington residents do not have access to the rink. He also noted that it has been suggested that certain individuals on the Wilmington Arena Authority believed the lease should be modified to allow groups outside of Wilmington to have access for sustainability. He stated that there are a number of area rinks that provide ice time to outside organizations and that is not the issue; the issue is providing "prime time" or a greater level of ice time to local youth groups.

Selectman Newhouse stated that in May 1986, the Ristuccia family, as property owners, entered into a fifteen year lease with the Wilmington Arena Authority for \$100 a year. The issue is not whether what was represented to the Town was implemented at the beginning because it was, by the property owner and the Wilmington Arena Authority. He stated that prior to 2005 Mr. Reidy was diagnosed with a serious illness and passed away. Selectman Newhouse stated that there has been speculation that the reason the for-profit entity became the operator of the facility and the tenant was based upon the fact that Mr. Reidy was sick. That may have been the case, but in 2005 the Wilmington groups that were the intended beneficiaries were not receiving the benefit. Selectman Newhouse stated that the non-profit negotiated the termination of the lease to make room for the for-profit entity, Rotondo Enterprises, to operate the rink. The non-profit gave up the lease perhaps because the group that was supposed to have a vested interest lost their stake in the non-profit. At some point the way that they did business changed and if well-intended volunteers abdicated their seats and their authority, so be it, but he stated that he does not believe that until he can see the paperwork. Making wide-sweeping changes such as the qualifications of the people to serve on the Board, if it was done the way it is supposed to be done, the votes should be readily available.

Selectman Champoux asked what the next steps would be whether or not the documents are received. He asked whether the organization can return to what it was intended to be. Selectman Newhouse stated that the non-profit does not exist. He commented regarding the corpus of the money and he read that it was the intention of the non-profit to wind down over the next few years. Selectman Newhouse stated that he does not understand why salaries would be paid to wind down when an organization can petition the SJC. He reviewed the compensation paid to the general manager over the course of several years while the rink was operated as a non-profit and for-profit. He reviewed additional positions that were being paid to certain individuals and the relationship those individuals had to the General Manager.

Selectman Newhouse noted that in 2012 it is reported that Plymouth Youth Hockey received an \$8,000 grant and noted that the general manager lives in Plymouth. He said that the returns have a question which asks whether there is a relationship with grant recipients and it is consistently reported that there is none.

Selectman Newhouse stated that he believed the Board ought to send a letter, copy the members of the Board of Directors, and in accordance with their representations in their filings with the Attorney General's office, request that they provide corporate records that reflect the change in qualifications, when the votes were taken, who took the votes and the minutes of the meetings. He also suggested that a request be made that they provide a copy of the conflict of interest policy, when it was adopted and minutes of meetings at which it may have been revised.

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

George Lingenfelter, Concord Street, asked why the Board was having this discussion now and not in 1993. He was advised that Selectman Newhouse was contacted by a member of the press who asked whether the announcement that the Boston Bruins would stop practicing in Wilmington would have a big impact to the Town. He is also involved in youth hockey and has been approached by a number of people relative to the lack of ice time or the times the youth have to use the rink.

Richard Hayden, Arlene Avenue, advised that he is also a member of the Finance Committee. He stated that he had been involved in youth hockey and it was evident that Wilmington teams were getting squeezed out. He noted that Wilmington has a strong skating and hockey program.

John Foley, Jr. stated he was the President of Wilmington Youth Hockey during the transition and thanked the Board of Selectmen for having the discussion. He said the organizations were afraid that if they spoke up, the teams would not get ice time or would be otherwise penalized. He said it is hard to explain why they are playing home games in other towns.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum relative to the Whitefield School. He provided the Board of Selectmen with the Request for Proposal which seeks offers from interested parties to purchase some or all of the Whitefield School building.

Town Manager Hull reviewed a letter from Richard and Anne Spurr who wrote regarding the issue of public transportation. Mr. & Mrs. Spurr advised that it is a two mile walk to the commuter rail with limited sidewalks on a state highway. They ask that the Board of Selectmen consider the benefits to the Town by adding bus service to the commuter rail station.

Town Manager Hull reviewed his letter to Richard and Anne Spurr in response to their letter relative to public transportation. Based upon conversations with Mrs. Spurr, the request was made on behalf of their daughter and provided information regarding the Massachusetts Bay Transportation Authority (MBTA) service *The Ride*.

Town Manager Hull reviewed a letter from Robert G. Peterson, Esquire, on behalf of Kathleen Campbell seeking to resolve an issue relative to the removal of a deed restriction.

Town Manager Hull reviewed correspondence from Paul Regan, Executive Director, MBTA Advisory Board, and Marc Draisen, Executive Director, Metropolitan Area Planning Council, regarding Municipal Elections to the Boston Region Metropolitan Planning Organization.

Town Manager Hull reviewed an invitation from Archbishop Seán O'Malley to attend a special Mass in thanksgiving for all the men and women who serve communities as public safety personnel. The Mass will take place at 11:30 a.m. on Sunday, September 21, 2014 at the Cathedral of the Holy Cross in Boston.

BOARD TO CONSIDER SIGNING ALCOHOLIC BEVERAGES CONTROL COMMISSION FORM 43 RELATIVE TO THE CHANGE IN OFFICERS/DIRECTORS FOR 99 RESTAURANTS OF BOSTON, LLC DBA 99 RESTAURANT & PUB

The Board of Selectmen was advised that documentation has been provided to the ABCC directly due to the number of restaurants effected by the change. 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 sign the Form 43 for the change in officers/directors for 99 Restaurants of Boston, LLC DBA 99 Restaurant & Pub.

BOARD TO CONSIDER SIGNING RELEASE OF RESTRICTION FOR 26 ST. PAUL STREET

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

VOTED: That the Board of Selectmen sign the release of restriction for 26 St. Paul Street.

BOARD TO CONSIDER APPROVING THE SALE OF TOWN-OWNED LAND LOCATED ON MARION STREET MAP 4, PARCEL 10, AS VOTED AT THE ANNUAL TOWN MEETING OF MAY 3, 2014

Town Manager Hull advised that the Board is being asked to authorize the process to move forward in accordance with the vote taken at the Town Meeting.

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

VOTED: That the Board of Selectmen approve the sale of Town-owned land located on Marion Street Map 4, Parcel 10, as voted at the Annual Town Meeting of May 3, 2014.

BOARD TO CONSIDER SIGNING THE DEED FOR THE SALE OF TOWN-OWNED LAND LOCATED ON LAWRENCE STREET, MAP 80, PARCEL 42B PURSUANT TO AN AFFIRMATIVE VOTE ON ARTICLE 33 OF THE 2013 ANNUAL TOWN MEETING

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 sign the deed for the sale of Town-owned land located on Lawrence Street, Map 80, Parcel 42B.

**BOARD TO CONSIDER SIGNING WARRANT FOR STATE PRIMARY TO BE HELD
TUESDAY, SEPTEMBER 9, 2014**

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 sign the Warrant for State Primary to be held Tuesday, September 9, 2014

PUBLIC COMMENTS

George Lingenfelter, Concord Street, stated that he received a notice from the Reading Municipal Light Department relative to connecting his water heater to the Internet. He stated that absent this action, he would see an 18% increase. He noted that he had provided copies to the Town Manager and thought he ought to bring to the Board's attention.

Town Manager Hull advised that connecting the water heater to the Internet is a mechanism for shutting off the water heater during peak times. Mr. Lingenfelter's system is antiquated. In the event of a power outage, it would require a two-member crew from RMLD to calibrate his meter.

NEW BUSINESS

Selectman Champoux complimented the Police Department for the National Night Out event held August 5. The Fire Department also participated and it was a well-attended event.

Selectman Champoux noted that he attended the Middlesex County Sheriff's Youth Camp graduation and offered his congratulations to participants.

Selectman Champoux commented about the events concerning Market Basket and expressed a desire that it be resolved.

Selectman Champoux reminded residents that Wilmington Public Schools will reopen next week.

Selectman Champoux advised that he attended the meeting of the Historical Commission on July 14 and reported that their focus and goal with regards to the Whitefield School is to continue to work with the Town Manager and town administration to determine priorities for this and other municipal buildings. He said that there was also discussion regarding a time capsule that may have been in the old high school, identification of its location and the possibility of establishing a time capsule for the new high school.

Selectman McCoy commented about events occurring at Market Basket and stated that he would not be opposed to taking a vote in support of Arthur T. DeMoulas (Arty T.) and Market Basket workers. Selectman McCoy offered such motion and was seconded by Selectman Champoux for the purpose of discussion. Selectman Champoux inquired whether it was his intention to have a letter written and sent to the Board of Directors. Selectman McCoy stated that he did not believe a letter would make a difference but opined that these events have made news worldwide.

Brief discussion took place acknowledging the effects on Wilmington residents and local businesses. Members expressed their belief that it would not be appropriate to take formal action relative to a private company.

A motion having been duly made and seconded that the Board of Selectmen take a vote in support of Arthur T. DeMoulas. By vote of Selectman McCoy in the affirmative and four opposed, motion failed.

Selectman Cimaglia stated that Mr. Foley had mentioned that he was past president of Wilmington Youth Hockey and asked what the rates were per hour. Mr. Foley stated that they were at a rate that was reasonable and comparable when the rink was being operated by a non-profit. When it became a for-profit, rates increased 60 to 70 percent. Mr. Foley advised the Board that he would make himself and his records available.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 12 – Farmer's Market – Town Common Parking Lot – 10:30 a.m. to 1:30 p.m.
- August 20 – Last Day to Register to Vote for State Primary – Town Clerk's Office – Until 8:00 p.m.
- August 26 – Schools Open – Grades 1 – 12
- September 1 – Labor Day – *Town Offices Closed*
- September 2 – 1st Day of Kindergarten
- September 3 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- September 6 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- September 6 – Library Resumes Saturday Schedule – 9:00 a.m. to 5:00 p.m.
- September 7 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- September 8 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- September 9 – State Primary Election – Polls Open 7:00 a.m. to 8:00 p.m.
- September 9 – Yentile Farm Development Committee – Memorial Library – Banda Room – 6:00 p.m.
- September 28 – Wilmington's 10th Annual Half Marathon & 5K Run or Walk

There being no further business to come before the Board, 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 adjourn.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Recording Secretary