

BOARD OF SELECTMEN MEETING

February 10, 2020

Chairman Gregory B. Bendel called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. 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 strategy with respect to litigation involving the following matters: Eco-Site v. Wilmington Zoning Board of Appeals – U.S. District Court; Haralambos v. Katsikis (Trustee of the H&S Realty Trust II v. Town of Wilmington)b; High School Gym Floor; Iuliano v. Wilmington Conservation Commission – Middlesex Land Court; Penney, et al. v. Town of Wilmington – Middlesex Land Court; Sawyer v. Wilmington Planning Board – Middlesex Land Court; Town of Wilmington v. BMC Corp. - Middlesex Superior Court; Town of Wilmington, by and through its Zoning Enforcement Officer and Board of Selectmen v. Mark Nelson, individually and as Trustee of Kasier Realty Trust – Middlesex Superior Court; Tresca v. Zoning Board of Appeals – Middlesex Superior Court; Wells Fargo Bank, N.A. v. Wilmington Zoning Board of Appeals – Middlesex Land Court; Doucette v. Wilmington Planning Board and BIV-613 Main, LLC – Middlesex Land Court; Bettering, LLC v. Wilmington Zoning Board of Appeals – United States District Court; Shea Concrete Products Inc. 773 Salem Street; Adam Silva v. Town of Wilmington – Civil Service Commission; AFSCME, Council 93, Local 1703 and Town of Wilmington – American Arbitration Association; AFSCME Unit II – American Arbitration Association; AFSCME, Council 93, Local 1703 and Town of Wilmington - American Arbitration Association; Fiore v. Town of Wilmington - Massachusetts Commission Against Discrimination; Town of Wilmington (Police Superiors) – Massachusetts Department of Labor Relations; David Sugrue v. Town of Wilmington – Massachusetts Civil Service Commission; as permissible in accordance with Massachusetts General Law Chapter 30A, Section 21a(3) as an open meeting may have a detrimental effect on the public body and the Chair so declares; and further for the purpose of considering the purchase, exchange, lease or value of real property at 64 Wildwood Street in accordance with Massachusetts General Law Chapter 21a(6) as an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares and further to consider Executive Session minutes from January 13, 2020 in accordance with Massachusetts General Law Chapter 30A, Section 22 with the intention to return to open session.

Chairman Gregory B. Bendel reconvened the meeting at 7:04 p.m. in Room 9 of the Town Hall. 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 asked those present to rise and he led the pledge of allegiance.

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 vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 31, 31A, 31B, 32 and 32A.

MINUTES

A motion was made by Selectman McCoy, seconded by Selectman Caira and by the affirmative vote of three with Selectmen Eaton and O'Mahony abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held March 26, 2018 and all action taken is hereby ratified and confirmed.

A motion was made by Selectman Eaton to approve the minutes of November 12, 2019 and was seconded by Selectman O'Mahony. Selectman Caira asked to make a correction on page 7 under announcements where he referenced his son. He asked that where the minutes stated "currently serving" be changed to "served". A motion having been made and seconded and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held November 12, 2019, as amended, and all action taken is hereby ratified and confirmed.

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held January 13, 2020 and all action taken is hereby ratified and confirmed.

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held January 27, 2020 and all action taken is hereby ratified and confirmed.

PAUL ALUNNI, TOWN ENGINEER, RE: OVERVIEW OF ENVIRONMENTAL PROTECTION AGENCY REQUIREMENTS OF RECENTLY ENACTED MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) PERMIT

Mr. Alunni was present to update the Board regarding the requirements of the Environmental Protection Agency (EPA) to regulate and operate drainage system. He stated that no vote is required this evening and noted that tonight's presentation helps the Town fulfill the public outreach requirement of the permit. Present with Mr. Alunni was Valerie Gingrich, Director of Planning and Conservation, and Jamie Magaldi, Operations Manager, Department of Public Works.

Mr. Alunni provided the Board with a PowerPoint presentation. He stated that the Municipal Separate Storm Sewer System (MS4) was established under the Clean Water Act. Mr. Alunni stated that Wilmington's sanitary sewer system is completely separate from the stormwater drainage system. The National Pollutant Discharge Elimination System (NPDES) was created by EPA in 1972 to address water pollution and regulates stormwater discharges from over 250 Massachusetts cities and towns. Wilmington was first issued a five year permit in 2003; the new permit runs from 2018 through 2023 with increased regulations.

Mr. Alunni provided a definition of watershed and reviewed Wilmington's watershed areas. The three major watersheds include Ipswich, Shawsheen and the Aberjona River.

Mr. Alunni advised that, per the EPA, stormwater runoff represents the leading source of water quality impairments in the commonwealth's rivers, lakes, ponds and waterways. Pollutants are carried with runoff and eventually drain to the water bodies.

Municipalities must develop, implement and enforce a Stormwater Management Plan (SWMP) designed to reduce the discharge of pollutants from the MS4. The SWMP must include six Minimum Control Measures to reduce the discharge of pollutants from the MS4.

Mr. Alunni reviewed the Minimum Control Measures including: Public Education & Outreach; Public Involvement and Participation; Illicit Discharge Detection and Elimination; Construction Site Stormwater Controls; Post Construction Stormwater Management and Good Housekeeping Practices.

Mr. Alunni stated that an appropriation of \$50,000 is requested in the FY 2021 budget for the purpose of detention basin rehabilitation. It is estimated that this will allow approximately 10 to 15 basins to be rehabbed.

Mr. Alunni advised that the Town of Wilmington is a member of Northern Middlesex Council of Governments (NMCOG) Stormwater Collaborative. He stated that he finds the membership beneficial as it includes education material, workshops and training as well as access to the EPA.

Mr. Alunni, Ms. Gingrich and Mr. Magaldi recognized the efforts of employees of the Department of Public Works including Bill Holt, Hai Lam, Tony LaVerde, Jerry Lawrenson, Carl Efraimson, Neil Waring, Jay Duffy, Matt Lynch and Dave Ward.

Chairman Bendel asked if there were any questions or comments. Members of the Board expressed their appreciation to Mr. Alunni.

Selectman Caira asked about maintenance of the culverts and was advised that it is not included in this permit.

Selectman Eaton asked whether there is something the residents can look for to assist. Mr. Magaldi stated that many residents will assist in clearing leaves from the drains and advised if an odor is detected, the resident should contact the Department of Public Works as that may be an indication of an illicit discharge.

Selectman O'Mahony asked whether the towns were given an ample opportunity to fulfill the new requirements. Mr. Alunni opined that they were.

COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Theresa Marciello, Elderly Services Director, and George Hooper, Public Works Superintendent, which provided an itemized account of funds from the Town and the grant for improvements to the Senior Center.

Town Manager Hull reviewed a memorandum from Theresa Marciello, Elderly Services Director, regarding programs sponsored by the Senior Center, including those that occur outside of regular hours. Ms. Marciello also provided information regarding local community's hours for their Senior Center.

Town Manager Hull reviewed his memorandum advising that he has appointed Christopher Pozzi to the position of Deputy Fire Chief effective February 23, 2020.

DISCUSSION WITH LEGISLATIVE DELEGATION, RE: NORTH WILMINGTON COMMUTER RAIL PLATFORM

Chairman Bendel welcomed Senate Minority Leader Bruce Tarr and Representative David Robertson. Senator Tarr advised that Representative Gordon was unable to attend the meeting this evening.

Senator Tarr stated that they were present tonight to provide a brief update noting there will be details to discuss over time as the project moves forward. Senator Tarr stated that the collaboration they have had with the Board, Town Manager and the Massachusetts Bay Transportation Authority (MBTA) is starting to yield results. He noted that they are all aware of the safety issue with the train blocking Route 62 and also became aware, through discussion with residents in Town and discussions with the Board of Selectmen, of the importance of maintaining service at the North Wilmington Train Station and ensuring access for those with physical challenges to the train station.

Senator Tarr stated that combining the three issues, the Town was facing a complicated situation trying to address all priorities was monumental. He stated that \$180,000 was inserted in a supplemental budget that the legislative delegation believed would be used primarily to design a solution. During the last conference call, MBTA informed them that they decided to commit their own funding to create the platform needed to relocate where the train stops and the new platform will be configured to be more accessible. He stated that it will allow the funds allocated to partner with the town to further enhance the project. Senator Tarr stated that the project was estimated to cost millions of dollars to construct and is now being funded by the MBTA. The MBTA used bridge sections from a dismantled bridge as structural members of the platforms for the Cape Flyer Rail Service and that approach is intended to happen in Wilmington. He advised that engineering plans are advancing and noted that there is a whether dependent component and explained that a no skid surface has to be adhered to the metal of the bridge sections.

Representative Robertson stated that with the additional funds overhangs for the weather, lighting and landscaping can be installed. He is optimistic that a sidewalk may be able to be installed and/or improvements to the parking lot to encourage commuters to use the sidewalk.

Chairman Bendel stated this is exiting news noting that discussions have taken place for over a year. He stated that it is an impressive, innovative idea to recycle the bridge. Chairman Bendel opined that it is a win win for all, most importantly the residents of North Wilmington.

Chairman Bendel asked if there were any questions or comments from the Board.

Members of the Board expressed their appreciation to Senator Tarr, Representatives Gordon and Robertson as well as representatives of the Town including Selectman Caira, Town Manager Hull, Deputy Chief Cavanaugh and Police Chief Desmond for working with representatives of MBTA to find a solution. They are excited that the platform will be constructed using a bridge recycled from the Central Artery.

Senator Tarr explained that he has worked with Town Manager Hull for the Town to encumber the funds so the Town will make decisions on how to spend the funds and the best way to do it stating the importance of transferring the funds before the end of the fiscal year. Senator Tarr stated that when the engineering plan is more advanced, he would like have MBTA in to a meeting so that an informed decision may be made about what amenities the Town would like added. He stated that developing a canopy has been an important component of discussions and believes it is a decision that should be made together with the Town.

Selectman Caira stated that he would like to have an emergency light be installed similar to that at Yentile Farm Recreational Facility so that in an event of an emergency, help may be summonsed.

Senator Tarr stated that one goal of them being before the Board is to begin the process of the Board thinking what they would like to see so that the process can move forward in a timely way.

Chairman Bendel thanked Senator Tarr and Representative Robertson for being present.

COMMUNICATIONS (CONTINUED)

Town Manager Hull reviewed his memorandum regarding warrant articles that were submitted by petition for consideration at the Annual Town Meeting. Town Manager Hull noted that three petitions were submitted to rezone property, two petitions were submitted for the construction of a senior center and one petition was submitted to amend the Inhabitant By-laws by establishing a by-law to prohibit participation of certain animals in traveling animal acts for public entertainment or amusement.

Chairman Bendel asked Selectman McCoy for his rationale in filing the two articles, noting he was surprised to learn Selectman McCoy had done so. Selectman McCoy responded that the appropriate time for discussion would be at the Finance Committee/Planning Board public hearing on March 17 and the Annual Town Meeting on May 2.

Town Manager Hull reviewed a letter from Coleen O'Brien, General Manager, Reading Municipal Light Department, relative to the Town of Wilmington not being interested in pursuing sale of Article 97 land to Reading Municipal Light Department for an electric substation. She outlined concerns of RMLD's largest consumer, Analog Devices, and the fact that ratepayer money was already expended and implored that the Town reconsider its position.

Town Manager Hull reviewed information regarding Massachusetts Municipal Association's legislative breakfast meeting. Town Manager Hull stated that the closest meeting will take place in Littleton on February 28.

Town Manager Hull reviewed a letter from Catherine Maloney, Sr. Manager, Government Affairs, Comcast xfinity, regarding price increases for Gaiam TV Fit & Yoga, Gaia and Docurama.

BOARD TO CONSIDER SIGNING THE WARRANT FOR THE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON MARCH 3, 2020

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

VOTED: That the Board of Selectmen sign the Warrant for the Presidential Primary Election to be held on March 3, 2020.

BOARD TO CONSIDER REQUEST OF DANA BURNHAM, PRESIDENT, WILMINGTON FARMERS MARKET ASSOCIATION, TO CONDUCT THE FARMERS MARKET ON SUNDAYS, JUNE 14, 2020 THROUGH OCTOBER 11, 2020, 10:00 A.M. TO 1:00 P.M.

Town Manager Hull noted that with the Fourth of July festivities concluding on July 4 and July 5 is reserved as a rain date, Ms. Burnham requests the ability to use the Yentile Farm Recreational Facility for the Farmers Market on Sunday, July 5. Chairman Bendel asked if there were any questions, comments or a motion. A motion was made by Selectman Caira, seconded by Selectman O'Mahony and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of the Wilmington Farmers Market to use the Swain Green Sundays from June 14, 2020 through October 11, 2020; 10:00 a.m. to 1:00 p.m.

BOARD TO CONSIDER REQUEST OF FRIENDS OF FIELD HOCKEY TO CONDUCT A FUNDRAISING CAR WASH ON SUNDAY, SEPTEMBER 20, 2020 FROM 9:00 A.M. TO 1:00 P.M. AT THE MUNICIPAL PARKING LOT WITH A RAINDATE OF SUNDAY, SEPTEMBER 27, 2020

Town Manager Hull advised that September 20, 2020 is the raindate for an event approved for September 13, 2020. The Friends of Field Hockey representative was advised and they requested an alternate date. The new date requested is Sunday, September 27, 2020 with a raindate of Sunday, October 4, 2020.

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

VOTED: That the Board of Selectmen approve the request of Friends of Field Hockey to conduct a fundraising car wash on Sunday, September 27, 2020; 9:00 a.m. to 1:00 p.m. with a raindate of Sunday, October 4, 2020.

BOARD TO CONSIDER REQUEST TO CHANGE NAME ON FLAMMABLE LICENSE FROM KOCH MEMBRANE SYSTEMS TO KOCH SEPARATION SOLUTIONS FOR PROPERTY LOCATED AT 850 MAIN STREET

Town Manager Hull advised that the request has been reviewed by Deputy Fire Chief Cavanaugh and Town Clerk Christine Touma-Conway and both advised there are no outstanding issues to prevent approving the name change.

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

VOTED: That the Board of Selectmen approve the request to change the name on the Flammable License from Koch Membrane Systems to Koch Separation Solutions for property located at 850 Main Street.

PUBLIC COMMENTS

Frank West, Birchwood Road, asked if a new Senior Center is constructed whether the Buzzell Senior Center can be repurposed. Chairman Bendel stated that if a feasibility study suggests that a Senior Center would be best located elsewhere, it is possible the building could be repurposed.

Mr. West suggested that a fire substation could be combined with the Department of Public Works garage. This would provide an emergency vehicle in North Wilmington, the two departments could share certain space and if the vehicle needs maintenance it is located at the garage.

Mr. West asked whether the Board would consider exploring a new senior center with senior housing. Chairman Bendel assured Mr. West that the Board would consider all options.

Kevin MacDonald, no address given, expressed his opinion that a fire substation could easily be located at the Public Works garage.

Mr. MacDonald offered comments regarding the runoff from Route 93. He opined that the number of vehicles that travel the highway, along with the fluids that may be leaking from the cars, contribute to pollutants contaminating the Town's water supply.

Mr. MacDonald stated that the MBTA can avoid blocking Route 62 by reserving the first car for passengers wishing to get off in North Wilmington.

ANNOUNCEMENTS

Chairman Bendel announced that after the Board's meeting of January 27, Selectman Eaton and his wife welcomed a new son. He presented a gift on behalf of the Board of Selectmen, Town Manager and Recording Secretary for Cole Thomas Eaton.

Selectman McCoy announced that he would not be running for re-election. Members of the Board offered their congratulations and wished him well.

NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- February 11 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
PUBLIC BUILDINGS DEPARTMENT
- February 12 – Last Day to Register to Vote in Presidential Primary
Town Clerk's Office Open Until 8:00 p.m.
- February 13 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
PUBLIC LIBRARY, RECREATION, HISTORICAL COMMISSION
- February 24- Early Voting – Town Hall – Auditorium – 8:30 a.m. to 4:30 p.m.
February 28 – Thursday, February 27 – 8:30 a.m. to 7:00 p.m.
- February 24 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- February 25 – Finance Committee – Public Safety Building – 7:00 p.m.
POLICE DEPARTMENT, PUBLIC SAFETY CENTRAL DISPATCH, FIRE DEPARTMENT
- February 26 – Economic Development Committee – Town Hall – Room 9 – 7:00 p.m.
- February 27 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
TOWN CLERK, INFORMATION TECHNOLOGY
- March 3 – Presidential Primary – Polls Open 7:00 a.m. to 8:00 p.m.
- March 3 – Finance Committee – Shawsheen Tech – 7:00 p.m.
SHAWSHEEN TECHNICAL SCHOOL DISTRICT
- March 5 – Finance Committee – Wilmington High School – 7:00 p.m.
WILMINGTON PUBLIC SCHOOLS
- March 9 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- March 17 – Finance Committee/Planning Board Joint Public Hearing Relative to the
Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:55 p.m.

Respectfully submitted,

Recording Secretary