

BOARD OF SELECTMEN MEETING

FEBRUARY 22, 2016

Chairman Michael L. Champoux called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael V. McCoy, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

Chairman Champoux asked those present to rise and Selectman McCoy led the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 33, 33A, 34 and 34A.

MINUTES

A motion was made by Selectman O'Connell, seconded by Selectman Newhouse and by the affirmative vote of four with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held February 23, 2015 and that all action taken is hereby ratified and confirmed.

A motion was made by Selectman Newhouse, seconded by Selectman O'Connell and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meetings held September 14, 2015, November 9, 2015 and November 23, 2015 and that all action taken is hereby ratified and confirmed.

BRIAN KANE, VICE PRESIDENT, WILMINGTON LITTLE LEAGUE, RE: REQUEST TO CONDUCT A PARADE ON SATURDAY, APRIL 16, 2016 FROM TOWN COMMON TO ROTARY PARK IN CONJUNCTION WITH OPENING DAY CEREMONIES

Mr. Brian Kane stated that this is the 8th year and is asking for approval to conduct the Little League Parade and Opening Day Ceremony on Saturday, April 16, 2016 with a raindate of Sunday, April 17, 2016.

Hayden Kane described the parade route and advised that the Wilmington Kiwanis Club will be providing hot dogs.

Mr. Kane stated that Wilmington Little League appreciates the support of the Board of Selectmen and Town Manager.

Chairman Champoux asked if there were any scheduling conflicts and was advised by the Town Manager that there were none.

Chairman Champoux asked if there were any questions, comments or a motion. Members expressed their appreciation to Mr. Kane and the other parents who volunteer towards making Wilmington Little League a successful program. A motion was made by Selectman O'Connell, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant the request of Wilmington Little League to conduct a parade on Saturday, April 16, 2016 (*RAINDATE: SUNDAY, APRIL 17*) from Town Common to Rotary Park in conjunction with Opening Day ceremonies.

NANCY VALLEE, EXECUTIVE DIRECTOR, CHAMBER OF COMMERCE, RE: CHAMBER OF COMMERCE SCHOLARSHIPS AND REQUEST TO CONDUCT TOWN OF WILMINGTON 12TH ANNUAL HALF MARATHON AND 5K RUN/WALK ON SUNDAY, SEPTEMBER 25, 2016

Ms. Vallee stated that she was present on behalf of the Chamber of Commerce to request permission to conduct the annual race on Sunday, September 25. The event will take place at the same location, 10 Waltham Street, between 10 a.m. and 2 p.m. She noted that the event attracts many out of town runners and last year there were approximately 500 participants and 100 spectators. The number of participants was down from the previous year. Approximately 50 high school students volunteered during the event.

Ms. Vallee stated that the proceeds from the race allow the Chamber of Commerce to award six scholarships and this year they provided Buy Local doormats to Chamber members. She stated that the Chamber will be providing a donation to the Wilmington Police Department to sponsor their National Night Out event.

Chairman Champoux advised that he is on the Chamber of Commerce Board of Directors and will recuse himself from the vote. Chairman Champoux asked if there were any questions, comments or a motion. Members thanked Ms. Vallee for her work in organizing the event. Chairman Champoux asked if there were any conflicts with the date and was advised by Town Manager Hull there are none. A motion was made by Selectman O'Connell, seconded by Selectman Cimaglia and by the affirmative vote of four with Chairman Champoux abstaining, it was

VOTED: That the Board of Selectmen approve the request of the Wilmington Chamber of Commerce to conduct the Town of Wilmington 12th Annual Half Marathon and 5K Run/Walk on Sunday, September 25, 2016.

THERESA MARCIELLO, DIRECTOR OF ELDERLY SERVICES, RE: UPDATE REGARDING PROGRAMS

Chairman Champoux thanked Ms. Marciello for attending this evening. Ms. Marciello expressed her appreciation for the opportunity to update the Board and residents on events at the Buzzell Senior Center. Ms. Marciello stated that last year's program theme was "48 Days to Spring into Happiness" and was such a success, that it continued throughout the year. This year the theme is "On the Track to Giving Back". Seniors who sign up are given a ticket that will be punched for each activity they participate in and at the end of the year will be entered into a raffle. Ms. Marciello stated that the Buzzell Senior Center will be thanking the community who support them throughout the year. In January, an event was held to thank members of the Police Department, Fire Department and Public Safety Dispatch. Future events will be held to thank the Board of Selectmen, Town Manager and Assistant Town Manager; volunteers; department heads; civic organizations and the students.

Ms. Marciello updated the Board of Selectmen on the success of the Men's group which meets on the 1st and 3rd Monday at 8 a.m. Members increased from approximately 10 members to 32. A field trip was held for the Men's Group to visit a World War II museum in Natick and was such a success that the group is looking to plan additional field trips.

Additional highlights included the intergenerational activities; a support group emanating from the six week program for caregivers; Wii tournaments held with the Reading seniors and a new partnership with L.L. Bean where seniors will have an opportunity to learn kayaking during the summer; go hiking in the fall and snowshoeing in the winter. Ms. Marciello opined that in addition to social services, it is important that senior centers offer programming, education and fun to entice residents to participate.

Ms. Marciello advised the Board of Selectmen that she recently learned from Emmett Schmarsow, Executive Office of Elder Affairs, that 2016, for the first year, has seen over half the communities in

Massachusetts have an elder population higher than the children population. She noted that Wilmington's elder population increased 66.2% from 1990.

Chairman Champoux asked if there were any questions or comments from the Board. Members of the Board thanked Ms. Marciello for her work and reaching out to the elders. Members commented about the social services aspect of the Elderly Services Department and the difference the support makes to families. Selectman O'Connell noted that an elder may not attend the center but the Department is reaching them through the newsletter and relayed a personal experience in her family. Selectman Cimaglia commented that the Elderly Services Department is a tremendous resource for his department in assisting Wilmington's veterans.

REVIEW OF ANNUAL TOWN MEETING WARRANT ARTICLES SUBMITTED BY PETITION

Chairman Champoux stated that this is the Board's first introduction to the petitioned warrant articles and there will be an opportunity to get more information at the Finance Committee/Planning Board Public Hearing scheduled for Tuesday, March 15, 2016 in the Town Hall Auditorium at 7:00 p.m.

Town Manager Hull reviewed warrant articles that were submitted by petition including the purchase of Town-owned land:

- Map 36, Parcel 94 – Fifth Street – Petitioned by Kenneth & Susanne Clarkin
- Map 70, Parcel 1 – Faulkner Avenue – Petitioned by Keith & Michele Peifer
- Map 54, Parcel 37 – St. Paul Street – Petitioned by Lawrence Cushing

And requests to:

- Establish By-Law, Disposition of Civil Traffic Infractions – Petitioned by Carl Martin Swanson
- Name Corner at Adams Street/136 Church Street for William R. Harrison – Petitioned by David A. Malone
- Accept and Adopt MGL Chapter 41, Sections 81F, G and H – Petitioned by Mark Nelson
- Adopt Bill H.1181 – An Act Relative to the Safety of School Grounds – Petitioned by Rosalie DeMedeiros
- Amend Zoning By-Law, Associated Zoning Map and Table – Over 55 Housing – Petitioned by Stephen Wright
- Rezone from Residential 60 (R60) to Residential 20 (R20) Map 84, Parcels 89 – 6 Summer Street – Petitioned by Angela Zaykovskoya
- Rezone from Residential 20 (R20) to Neighborhood Business (NB) Map 39, Parcel 13A – 677 Main Street – Petitioned by Suzanne Kenney
- Rezone from Residential 20 (R20) and General Business (GB) to General Business (GB) Map 42, Parcel 25 – 312 Main Street – Petitioned by Manual Barry
- Rezone from General Industrial (GI) to Neighborhood Mixed Use (NM) Map 40, Parcel 1 – 635 Main Street – Petitioned by Michael Welch
- Rezone from General Industrial (GI) to Central Business (CB) Map 40, Parcel 1 – 635 Main Street – Petitioned by Michael Welch
- Rezone from Residential 60 (R60) to Residential 20 (R20) Map 9, Parcels 12, 12A, 13 and 54 – 128, 126, 130 and 205 Aldrich Road – Petitioned by Lisa J. Johnson

Town Manager Hull advised that the final warrant will be presented to the Board at their meeting of March 14.

Chairman Champoux asked if there were any questions or comments and there were none.

PRELIMINARY DISCUSSION OF ANNUAL TOWN MEETING NON-PETITIONED WARRANT ARTICLES

Town Manager Hull reviewed the non-petitioned articles that are recommended for inclusion on the Warrant. Town Manager Hull reviewed articles 2 through 41 which include funding for capital items; funds for the replacement of the fire pumper and an ambulance; technology improvements; drainage; intersection master plan; funding for 25% design for upgrades to Main Street and replacement of approximately 32,532 square feet of roof area at the North Intermediate and Boutwell Schools.

Town Manager Hull advised that articles are included to amend the Inhabitant By-Laws including to amend the Comprehensive Stormwater Management By-Law; Dog By-Law and Finance Committee Appointments. Articles are also included to amend various Zoning By-Laws.

Chairman Champoux thanked the Town Manager for the summary and noted that the Finance Committee has been meeting since February 2 and continues to meet with departments.

COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Paul Alunni who wrote providing an update to the Northeast Energy Direct (NED) Project. Current topics regarding the NED project include Tennessee Gas Pipeline's request for the Department of Public Utilities to grant survey access to properties impacted by the NED pipeline project where landowners have denied their repeated requests; the Attorney General's electric reliability study and findings; process following the close of the intervention and comment period; Spectra Gas Access Northeast Project Update; Coalition request to Federal Congressional delegates to attend the March 14, 2016 coalition meeting and the schedule, agenda and location for the next Northeast Municipal Gas Pipeline Coalition (NMGPC) meeting.

Town Manager Hull reviewed a letter from Representative James Miceli to Matthew A. Beaton, Secretary, Executive Office of Energy and Environmental Affairs, regarding his support of the Town's proposal for the Yentile Farm Recreational Facility Project to receive funding from the 2016 Land and Water Conservation Fund Grant.

Town Manager Hull reviewed correspondence from the Department of Public Utilities regarding the petition of Tennessee Gas Pipeline request for authority to perform surveys on certain private properties. Town Manager Hull noted that the petition notes property owners Charles & Marianne Humphrey, Heffron Asphalt Corp. and Benevento Family Limited Partnership as not having granted survey permission.

Town Manager Hull reviewed a press release from the Fourth of July Committee regarding the 2016 celebration. The Fourth of July Committee will be working with participating community groups and Town officials in the hopes of presenting a celebration on Friday, July 1st and Saturday, July 2nd with fireworks on Saturday evening. The Committee disagrees with the denial issued by the Board of Appeals but has concluded that their focus is better dedicated to presenting a fun, family, community event for the residents of Wilmington. The Committee opined that the approval process should be reevaluated and that reevaluation be placed in the hands of residents at Town Meeting.

Town Manager Hull reviewed correspondence from residents who wrote expressing their opinions regarding the decision of the Board of Appeals. Members of the Board of Selectmen expressed disappointment with some comments that were made on social media. Selectman Cimaglia advised that he would recuse himself from conversation as he has in the past because he is a member of the Fourth of July Committee. Selectman Newhouse reviewed the chronology of events from 2013 and the current circumstances.

Town Manager Hull reviewed his memorandum regarding Associate Members of the Board of Appeals. He noted that his understanding is that part of the rationale for increasing the number from 3 to 5 members was that with three members most decisions required a unanimous vote. The belief was that a unanimous vote was an unnecessarily high standard. There were several challenges with maintaining three associate members. These individuals could not vote on cases before the Board unless called upon due to the absence of a regular member but were expected to attend meetings of the Board to remain abreast of cases. Associate members would oftentimes miss meetings or resign and keeping associate positions filled was a challenge. When the need arose, there was a difference of opinion as to which associate member should be called upon, some members believed it should be the individual who served as associate member the longest, others believed the opportunity to fill in for a regular member should be granted on a rotating basis. The increase in membership from three to five was proposed at Annual Town Meeting in 2008 and was expected to eliminate the need for associate members. Town Manager Hull noted that while the most recent Board of Appeals decision has generated significant discussion due to the nature of the decision, the circumstances appear to be relatively isolated and, in his estimation, do not warrant a change to the composition of the Board of Appeals. The Board of Selectmen discussed points made in the Town Manager's memorandum. Selectman Newhouse stated that the change was made to the Board of Appeals with the intention to dilute one voice of opposition. He noted that with a five person Board of Appeals, this scenario presents itself less often than if it were a three person Board. Selectman Newhouse cautioned about making wholesale changes to the process based upon one result. He stated that he believes that, given this situation, there are other options available and that it is possible to get a carnival to be located at the Swain School. Chairman Champoux suggests that it may make sense to maintain a five member board and add one Alternate Member for the unique circumstances. Selectman O'Connell commented that the Town By-laws dictate the process for conducting a carnival and expressed her concern if major changes are made to the By-laws because of special interests. Selectman Newhouse commented that he is not sure the Town wants to expose itself to a potential problem every time someone does or does not participate as a regular member. He provided an example to clarify his statement. Chairman Champoux stated that he believes the conversation is worth having but would prefer to have it in September when there is ample time to debate prior to Town Meeting.

Selectman Newhouse noted members of the audience may wish to speak and if there were no objection he suggested taking it out of order. Chairman Champoux entertained public comments as they relate to the Board of Appeals. Comments were received from Frank West, 2 Birchwood Road; Dan Madore, 9 Lawrence Street; Jeff Cranford, 39 Oakdale Road and Dick Hayden, 17 Arlene Avenue.

Town Manager Hull reviewed scholarship information for the Chamber of Commerce Scholarships. Three scholarships are in partnership with Race Premier Sponsors: Security Innovations (security/law enforcement); Warner Babcock Institute for Green Chemistry (physical sciences/engineering) and Colonial Fireplace (business). One scholarship in memory of James and Antoinette Campbell to a student pursuing a teaching degree and two scholarships in memory of Kelli Agati Murray.

Town Manager Hull reviewed information from Jane Lyman, xfinity, regarding changes to Comcast's installation billing practices and pricing.

BOARD TO CONSIDER REQUEST OF TOWN CLERK TO APPOINT ADDITIONAL ELECTION WORKERS

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

VOTED: That the Board of Selectmen appoint the following individuals as Election Workers for the year 2016.

Christine Murphy
Marie Creeth
Rose Wallent

Jacquelyn Santini
April Kingston

Janet Lyons
Laurie Dellascio

PUBLIC COMMENTS

Sabrina Hewitt, 130 Grove Avenue, described herself as a pipeline activist noting the history of the pipeline not cleaning up messes. She stated she wanted to get a feel for where the Town stood and was advised by Chairman Champoux that the Board of Selectmen took a vote in opposition of the pipeline and has pursued designation of Intervener.

Scott Garrant, 54 Lowell Street and Chairman of the 4th of July Committee, agreed with members of the Board of Selectmen in keeping on-line comments civil. He recognizes that residents are upset and passionate about the issue. He stated that the Committee has always worked cooperatively with the Town, it disagrees with the decision and the basis for the decision but the process for 2016 has concluded. Through the course of the Board of Appeals process, the question was posed by John Flynn, one of the owners of Fiesta Shows, inquiring why it is required to go through the Board of Appeals. Mr. Garrant did not know and asked that a list of local communities and the requirements be provided to him. Mr. Garrant stated that in some communities it is approval of the Board of Selectmen, Mayor, Town Manager or Building Inspector in consultation with the Police Chief and Fire Chief. In addition, Mr. Garrant researched and found that for 19 municipalities in the area, the zoning by-law is silent on the issue. He opined that, in light of the public outcry, the public enthusiasm for the event, the Board of Selectmen is in a position to bring this to Town Meeting to revise the by-law to eliminate the requirement.

Chairman Champoux confirmed that the Town by-laws state that carnivals and activities like a carnival must go through the Zoning Board of Appeals. Mr. Garrant stated he is requesting that the Board of Selectmen give the townspeople the opportunity to determine the review process for the Fourth of July celebration.

Selectman Newhouse stated that it would make sense to review the information Mr. Garrant has received and determine whether the comparison communities are similar to Wilmington. He stated that he heard Mr. Garrant say that 19 communities do not address carnivals in their zoning by-law and he opined that is not the direction the Town should go. In terms of Special Permits, the granting authority and the parameters, Selectman Newhouse is interested in looking at the information. Chairman Champoux commented that the composition of the Board of Appeals may be better taken up next year and suggests that the recommendation not be taken up immediately.

Chairman Champoux stated that he is not inclined to act upon this evening because this is the first he heard of this proposal. He asked if there was a way to take up at a future meeting and be able to include in this year's Warrant. Town Manager Hull advised that at the next meeting of the Board of Selectmen, they will be presented with a final Warrant for signature and posting. He stated that it is possible that the Selectmen can be presented with two Warrants, one with an article that addresses the zoning by-law and a separate Warrant without such an article. He noted that Mr. Garrant provided him with a list of communities and the approving party.

Selectman Newhouse stated that when addressing the special permit process, the Board needs to be careful to make sure process is insulated from the issue of the day. He opined that a carnival can take place at the Swain School site with the current composition of the Board and the process

in place. He is more inclined to focus on addressing where we are at and making it happen without making wholesale changes to the process.

Selectman McCoy expressed his opinion that the carnival will not take place at the municipal parking lot with the current Board of Appeals.

Chairman Champoux asked if there was opposition from the Board if the Town Manager was to prepare two Warrants as previously outlined and, prior to the next meeting, provide data and information to the Board of Selectmen. Town Manager Hull stated that before an article can be drafted, decisions must be made relative to who the authority must rest with. Selectman Newhouse stated that zoning by-law gives guidance on what the Board of Appeals may allow and limits the kinds of properties.

Comments were received by Karen West, 2 Birchwood Road; Randi Holland, 28 Glen Road and Jeff Cranford, 39 Oakdale Road relative to the zoning by-law.

Selectman Newhouse stated that he assumed Mr. Garrant was asking that a proposed zoning amendment, taking the Special Permit granting authority for a carnival out of the hands of the Board of Appeals, be included in this year's Warrant and asked if it is his expectation that by bringing it to this Town Meeting is enough time to alleviate the problem for this Fourth of July. Mr. Garrant clarified that he is seeking to have the Special Permit requirement removed. He believes it would be possible to have a celebration in 2016.

Selectman Newhouse stated that zoning changes are required to be approved by the Attorney General and typically the approval is not received until August. Mr. Garrant stated that he understood and suggested that the Town could request approval on that article be expedited, or if approval is received by August, the Committee could discuss the Town having a celebration Labor Day weekend.

Selectman Newhouse expressed his belief that if there was interest, there are a couple of steps that can be taken to solve the problem now. He stated that the Board of Appeals member who ultimately dissented offered a motion subject to a specific condition and that was for a fund to be created for specific purposes. He said he is convinced the fund can be created. In January, the Board said they would earmark funds to pay for the fireworks display, which would free up money that the carnival operator pays to the Fourth of July Committee. The Board of Selectmen has articulated that it wants to help provide a celebration and he believes the celebration of Independence Day goes beyond the carnival. He noted that the Fourth of July Committee cannot re-file an application for the period of two years with the exception that if there is a material change to the application. Selectman Newhouse opined that if the condition can be satisfied that a material change to the application is made, then it could go before the Board of Appeals again. He does not believe going to Town Meeting solves the problem for 2016.

Selectman McCoy commented that, at the last meeting, discussion took place regarding establishing a fund and asked if anyone has spoken to Town Counsel and whether counsel has offered an opinion whether it can be accomplished. Selectman Newhouse stated that it is his understanding that Town Counsel has advised the Town Manager under what conditions an application can be re-filed. He believes that the fund can be created independent of the Board of Appeals and the applicant. Is there a manner in which this Board of Selectman can, within the parameters of the law, assist with an outcome people want?

Robert Fasullo, 28 Marjorie Road, commented that the Fourth of July celebration is a community event and believes that it should be under the control of the Board of Selectmen to approve or deny. Mr. Newhouse stated that the breadth of this celebration over the years has continued to

grow so that it is a community-wide celebration and historically the carnival has been part of that. Rather than messing around with Town Meeting which has many obstacles to getting this done now, the Board should treat this like it does so many community functions and events. Selectman McCoy had commented that he did not believe the carnival would happen with the current Board of Appeals.

Selectman Newhouse believes it is possible and reviewed how members of the committee voted in 2013 and two weeks ago. He suggested that the Town file an application with the Board of Appeals and simultaneously issue a request for proposals for interested carnival operators. This could be done immediately without waiting for Town Meeting. He recognized that some individuals may not prefer this option because there is pride of ownership with the event which he understands as some members have worked on the committee for decades. Selectman Newhouse stated that if an RFP is issued and an application is submitted to Board of Appeals simultaneously, Mr. Loud no longer has a conflict because the carnival operator is not known. He stated that by doing it this way, the event does not have to be changed to September, the Town does not have to chase the Attorney General for a decision on a zoning amendment and the Town is not required to make changes to the process the Board of Appeals followed or the membership.

Joan Searfoss, Powderhouse Circle and Vice Chairman of the Fourth of July Committee, expressed concern because there are some operators that the committee does not wish to work with. Selectman Newhouse noted that with an RFP, the Town will get references and award will not be based on a low bidder situation.

Discussion took place regarding how the application will be materially different. Town Manager Hull stated that an RFP could be developed but expressed concern that carnival operators are in the process of committing to locations as July 4th would be a prime time. Selectman Newhouse commented that, until recently, an operator was preparing to be located here and people in the audience don't seem to have given up on the ability to have at least one credible, safe operator with references. He believes the operator who set aside time, resources and pieces of equipment would be in best position to respond. He believes there are operators that are capable and established that would want to put in a proposal.

Chairman Champoux stated that he would prefer to work aggressively to find a solution than to spend the next two weeks figuring out how to make by-law changes and get them on this year's warrant. He stated that he is receptive to exploring the possibility of by-law changes relative to the carnival and zoning board of appeals for a future Town Meeting.

Selectman O'Connell asked to clarify Mr. Loud's conflict status if an RFP is issued and awarded to Fiesta Shows. Town Manager Hull stated that the premise is for the application to be heard by the Board of Appeals before awarding a contract for the carnival. Selectman O'Connell reviewed her understanding of options available to have a celebration this year. She inquired whether the option of revisiting the condition proposed by a member of the Board of Appeals has been exhausted. She noted that the Fourth of July Committee has the vendors they like to use, the framework and structure and though Selectman Newhouse is not looking to upend that, it will drastically change. Selectman Newhouse stated that it is not exhausted and the two do not have to be mutually exclusive. Town Manager Hull stated that a problem with pursuing the option of creating a fund is that nobody wants to assume liability.

Town Manager Hull asked if the Town goes through an RFP public procurement process, will the Town be responsible for running the event or will the Fourth of July Committee operate it as it has in the past. Selectman Newhouse stated that he understands the position of the Fourth of July Committee and to the extent they are willing and able to help, it will be most appreciative. If

circumstances prevent that, individuals will need to step up. He believes that if the Board is being asked to try and solve the problem, the Board will do its part and ask for the help that is necessary to make a reality.

Craig Frizol, 14 Beacon Street and member of the Fourth of July Committee, asked at what time is a good time for an article to be placed on a Warrant to remove the requirement from the Board of Appeals. He noted that the Board of Selectmen approves parades and other requests. He stated that there is never going to be a good time in terms of scheduling but believes it needs to be done. Chairman Champoux stated that he is not comfortable with including an article on this year's Warrant. He stated that anytime after the conclusion of the 2016 Annual Town Meeting, throughout the summer and fall, a discussion can take place with data, case history from other towns and with input from the Planning Board. He is agreeable to taking up substantive conversation to include at next year's Town Meeting.

Selectman McCoy stated that the Board of Selectman can call a Special Town Meeting in the fall to address the issue. He commented that without the volunteers, the event will not happen. He would like to hear comments from members of the Committee. Mr. Garrant stated that there is a lot to running the event, working with the carnival, counting the ticket boxes, etc.

Chairman Champoux asked Mr. Garrant whether, if the Town moves forward with an RFP and goes to the Board of Appeals and receives approval to run a carnival at the Swain School site, is the Fourth of July Committee prepared to step in and run the event. Mr. Garrant stated that he is 1 of 13 and cannot speak for the whole committee but if an RFP can be put together in two weeks, so could a Warrant article.

Frank West, 2 Birchwood Road, asked if the Town will assume liability if it procures the carnival. Town Manager stated that the Town would have to ensure that the carnival operator has appropriate insurance and the Town is named as an additional insured. Mr. West asked about liability to the neighbors and whether the Town would assume liability. Town Manager Hull reiterated what he has previously stated, the Town will not assume liability for abutters, as it is his position that the neighbors have homeowners insurance. He advised that in 35 years of this event taking place, there was one incident in 1989 where a window was broken. Mr. West requested that the Board consider adding alternates to the Board of Appeals and was advised by Chairman Champoux associate members to the Board of Appeals will not occur tonight.

Town Manager Hull commented relative to the issue of establishing a fund, preparing an RFP and making application to the Board of Appeals. Selectman Newhouse asked whether the Board should authorize the manager to proceed with a RFP and an application on behalf of the Town to the Board of Appeals that would enable the Town to obtain a special permit for a carnival at the Swain School site and have Fourth of July festivities. He stated that it would allow the manager to move quickly and figure out logistics, whether to have a two night event or a three night event. Mr. Garrant stated that it has been his experience that carnivals will not come for two or three days because they would be giving up a five day location elsewhere. In addition, he noted that the dissenting member of the Board of Appeals looked at the Town Manager several times and said that "if the Town doesn't do this, I am not approving this". He stated that he understands this was the member's position and asked if the Board believes there would be a different outcome with the Town as the applicant. Selectman Newhouse clarified that there would now be a full complement as Mr. Loud's conflict with Fiesta Shows would not be a factor, as it will not be known who the carnival operator will be. Mr. Garrant advised that time is of the essence because Fiesta Shows is calling him on a regular basis.

A motion was made by Selectman Newhouse, seconded by Selectman O'Connell and by the affirmative vote of four with Selectman Cimaglia abstaining, it was

VOTED: That the Board of Selectmen authorize the Town Manager to formulate a prospective request for proposal to enable the Town to sponsor a carnival at the Swain School location and to provide fireworks display for a period in July.

NEW BUSINESS – COMMITTEE REPORTS

Selectman O'Connell stated that the Yentile Farm Development Committee met last week and the Town Manager will be awarding a contract. She stated that progress is being made and discussion has taken place regarding a groundbreaking ceremony and other activities. The Board will be provided with an update in the near future as well as a report being made at Town Meeting.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- February 23 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
POLICE, CENTRAL DISPATCH
- February 25 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
VETERANS' SERVICES, TOWN CLERK, HISTORICAL COMMISSION
- March 3 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
SHAWSHEEN TECHNICAL SCHOOL DISTRICT
- March 8 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.
WILMINGTON PUBLIC SCHOOLS
- March 14 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- March 15 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 17 – Facilities Master Plan – Town Hall – Room 9 – 7:00 p.m.
- March 17 – Registration Deadline for "Rookies" T-Ball

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 10:55 p.m.

Respectfully submitted,

Recording Secretary