

BOARD OF SELECTMEN MEETING

JANUARY 11, 2016

Chairman Michael L. Champoux called the meeting to order at 6:00 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. A motion was made and duly 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 with the intention to return to open session.

Chairman Michael L. Champoux reconvened the meeting at 7:20 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 he led the pledge of allegiance.

Chairman Champoux noted that over the past week Wilmington lost one of its favorite sons. Mr. Frank Kelley, retired math teacher and track coach at Wilmington High School, passed away on January 8, 2016. He asked that a moment of silence be observed in honor of Mr. Kelley.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 25, 25A, 26, 26A, 26B, 26C, 27, 27A, 28 and 28A.

TIMOTHY BROADRICK, SUPERINTENDENT SHAWSHEEN VALLEY REGIONAL VOCATIONAL TECHNICAL HIGH SCHOOL, RE: INTRODUCTION TO BOARD OF SELECTMEN AND INFORMATION ON PLANNED UPGRADE TO SCHOOL FIELDS

Mr. Broadrick was present to introduce himself to the Board of Selectmen. Mr. Broadrick has served as Superintendent of Shawsheen Tech since October 1 after Charlie Lyons retired having served 28 years as superintendent.

Mr. Broadrick was also present to provide the Board of Selectmen with information on proposed upgrades to school fields. He noted that the project began while Mr. Lyons was superintendent. He advised that Gale Engineering was contracted to conduct an assessment. Mr. Broadrick stated that the building itself is in great shape and reviewed recent improvements. He advised the Board of Selectmen that the athletic facilities are not in good condition.

Mr. Broadrick had photographs of the track to highlight the condition. He stated that one lane had to be closed for safety reasons. He advised that funds were set aside to patch the track but contractors advised that the track required more than a patch.

Mr. Broadrick reviewed what Shawsheen hoped to accomplish in two phases. He noted that the stands are not code compliant and with the addition of seating, they will require bathroom facilities. Mr. Broadrick advised that it is not included in the overview because that building will be constructed by students.

Mr. Broadrick provided members of the Board with information regarding financing of this project and noted that it assumes there are no changes in enrollment for Wilmington.

Chairman Champoux asked if there were any questions or comments from the Board. Members welcomed Mr. Broadrick and expressed their support for the proposed upgrade to the school fields.

Chairman Champoux noted that Wilmington's representatives on the Regional Vocational Technical School Committee were present and asked if they would like to comment. Mr. Robert Peterson and Mr. James Gillis commented that the fields are in deplorable condition and thanked the members of the Board of Selectmen for their support.

CHRISTIAN JELEV, JELEV ENTERPRISES, LLC DBA WILMINGTON HOUSE OF PIZZA, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 325 MAIN STREET

Robert Peterson, Esquire, was present with Mr. Christian JeleV. He noted that Mr. JeleV is a long-time employee of Wilmington House of Pizza. He will be purchasing the business and is before the board seeking a Common Victualer License.

Chairman Champoux asked if there were recommendations from appropriate department heads. Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommends approval and by Al Spaulding, Building Inspector, who advised that there are no outstanding zoning issues.

Chairman Champoux asked if there were any questions or comments from the Board. Members offered Mr. JeleV their congratulations. 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 a Common Victualer License to JeleV Enterprises, LLC dba Wilmington House of Pizza.

SHARON GEORGE, TOWN CLERK, RE: PROPOSED CHANGE TO POLLING LOCATIONS

Ms. George stated that an election reform bill was passed by the legislature last year. She then reviewed changes to the election laws. She advised that one change is the requirement to establish an early voting location for November. Ms. George acknowledged that she has not received a lot of information from the Secretary of State's office, but expects it soon. Early voting will allow registered voters to go to one location up to two weeks prior to an election; there are no restrictions as there are with absentee voting. She advised that she will designate Town Hall as the early polling location and further explained that it will be necessary to have it staffed by election workers. Hours will be 8:30 a.m. to 4:30 p.m. and one night each week.

Ms. George stated that another change which became effective in August, is the ability for 16 and 17 year olds to pre-register. She noted that in November 2016, elections will be randomly audited to ensure elections are run as required.

Ms. George stated that she was present this evening to discuss a proposal to change polling locations. She advised that a memorandum was provided by Superintendent of Schools Mary DeLai who cited her concerns for the safety and security of the students and the food allergy policy which was recently implemented by the School Committee.

Ms. George advised the Board of Selectmen of concerns she has had with voting at the Boutwell School. She stated that the foyer is very small and the schools only want the front door used which creates a lot of congestion when parents are picking up children from the CARES Program.

The Town Clerk, Superintendent of Public Buildings, School Superintendent and other school personnel met to discuss alternative polling locations and it was determined that the high school would meet the needs of the election and address the concerns of the schools. She stated that Wilmington currently has almost 16,000 registered voters and believes one of the major enhancements will be the increase in available parking. She noted the increased amount of handicapped parking spaces located at the front of

the high school which will be essential at the Presidential Election to be held in November. Other benefits to changing the polling location include a minor cost savings in the number of police and custodial staff; operationally more efficient for her office and Public Buildings Department and the substantial number of parking spaces between the high school campus and those located at the municipal parking lot on Middlesex Avenue.

Ms. George reviewed the history of polling locations and noted that the high school was used as the only polling location until 1988 when the Town had approximately 9,200 registered voters. At that time the Board of Selectmen approved the relocation of precincts 1, 2 and 5 to the Town Hall and 3, 4 and 6 to the Wildwood School. In 1997 the Board of Selectmen voted to divide precincts and add a polling location. The West Intermediate School served as the polling location for precincts 1 and 2 until a vote was taken in 1996 to relocate to the Boutwell School.

Ms. George stated that she has met with the police chief and the police department will provide coverage for those crossing from the municipal parking lot.

Town Manager Hull confirmed that discussions have taken place since approximately September when School Superintendent Mary DeLai spoke with him about her concerns. He advised that if the Board chooses to adopt this recommendation, the polling locations for the March primary will remain the same and the change will take place with the State Primary Election in September. Town Manager Hull noted that the September primary will serve as a 'dry run' before the Presidential Election in November.

Ms. George advised that if the Board voted to change the polling location, voters in the proposed precincts would be notified by post card or letter at least 20 days prior to the election. Information will be posted on the Town's website, in the Town Crier, on Wilmington Patch and it is her intention to conduct an interview with WCTV.

Chairman Champoux asked if the Board of Selectmen adopts a change in polling locations, whether it will be permanent including for the Town's local election. Ms. George confirmed and advised that if it were to change, she would have to notify affected residents each time. She advised that if the polling location is changed for precincts one through four, she will need to notify approximately 6,600 households. She noted that it is only necessary to notify the household, not each registered voter.

Chairman Champoux stated that when he first became aware of the proposal, his reaction was that the population would be resistant to change. He expressed concern that a change will lead to a low voter turnout. Ms. George believes that there will be a better turnout and noted that in 2008, the voter turnout was 66% for the Presidential Primary. She said that voter turnout at a Presidential Primary is usually highest in a year that a new president is being elected. She noted that Wilmington is growing and currently the Town is in the upper limits of the number of voters allowed in each precinct. She advised that the maximum number of voters allowed in each precinct is 4,000 and at least three precincts are within a 2% margin. Ms. George advised that she expects that with the next Federal Census it may be necessary to increase to a 7th precinct.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman McCoy acknowledged that the request originated from the Superintendent of Schools and it is his understanding that she did not have the full support of the School Committee. He stated that he understands the concerns of the Superintendent and that he believes the police chief and his department do an outstanding job protecting the safety and wellbeing of those attending the schools. He stated that he has questions that he would like to direct to the Superintendent and believes it would have been beneficial if she were present. Town Manager Hull advised that he spoke with Superintendent DeLai about her attendance and he suggested that it was not necessary at this meeting. He advised that she had a death in the family and would not have been able to attend.

Selectman McCoy expressed his concern that voters may not vote if they see a high concentration at the polling location. Ms. George stated that it is her experience that if a voter is going to vote, they will.

Selectman O'Connell expressed concern about communicating this change and voter confusion. She stated that she is receptive to this proposal as centralized voting will be positive for the Town Clerk and wants to support what the superintendent believes is in the best interest of the students.

Selectman Cimaglia stated that grades 1-12 are required to attend school for 180 days and if school is cancelled the day must be made up. When pre-K and K is closed, they are not required to make up the missed day and it is his opinion that the two schools could be closed for that day. He expressed concern that a lot of the available parking at the high school is across two streets and that would be a long walk for seniors. Ms. George agreed that would be a long walk and advised it is her intention to have the police direct seniors to the Adams Street side of the school. She stated that if there are no parking spaces at the front of the Boutwell School, voters have to go to the side of the building or near the West Intermediate School.

Selectman Cimaglia commented that the proposal relocates four polling locations to another school. He acknowledged that the students are older but there are still open doors where strangers can walk in where there are students. He expressed his opinion that the safety of a high school senior is just as important as that of a Kindergarten student. Ms. George stated that the School Superintendent is looking to protect the safety of the most vulnerable. She said it is her understanding the CARES program has children as young as three years old. Ms. George stated that on election days, the cafeteria is closed and students are required to eat in their classroom. It is difficult to monitor lunches in the classroom that may contain foods that may trigger a life threatening allergy. Selectman Cimaglia opined that the optimal solution would be to close the Boutwell and Wildwood Schools on election days. This would alleviate strangers entering the building.

Selectman Newhouse expressed his appreciation that the Town and the School administrations are working cooperatively. He expressed his appreciation that the Superintendent is trying to address a security issue in terms of the school being too accessible on Election Day and the policy relative to allergies. He stated that the Board is being presented a proposal to change polling locations and the end result is to cancel school for high school students which will cost them a day towards the required 180 days. He is no more comfortable having high school students in a building accessible to potentially 9,000 people than he is having pre-K and Kindergarten students in a building that may be accessible to approximately half that number. Acknowledging that the two issues are the concerns relative to building accessibility and addressing the allergy policy, Selectman Newhouse believes that both concerns may be addressed by closing school for pre-K and Kindergarten students during the day of the election.

Selectman Newhouse stated that he also looked at the concerns the Town Clerk had at various polling locations and though he does not want to diminish the concern about the time it takes to vote, his recollection is ten minutes, people are either going to vote or they are not, no matter how long it takes. He also noted that if the number of voters deters some people from voting, they now have the ability to present at Town Hall for early voting. That change may help address some concerns. Selectman Newhouse stated that he does not believe the Town can control where people park their car based on their age, but if they have a disability the Town can ensure an appropriate number of parking spaces are allocated. He also stated that the distance between the closest parking spot and the entrance to the high school is of concern for senior citizens.

Selectman Newhouse supports the Superintendent and her concern for security but believes the more direct way of ensuring security is to close school for two to three days per year.

Selectman Newhouse expressed concern about voter confusion if the Board voted to change polling locations, there is a possibility it will be necessary to change again in a few years. He stated that the police department has been able to manage the Boutwell School and the Wildwood School, the sheer volume of vehicular traffic is going to create same safety concerns no matter what location. He believes the Town can manage the concerns in the current configuration. Ms. George advised that high school students will not have to make up the day because she has been advised the day will be used as a Professional Day. Selectman Newhouse commented that students will still be out of school and it is his preference that it be the pre-K and Kindergarten students as opposed to high school students.

Town Manager Hull stated that there is a requirement that students attend 180 days but believes there is a measure of reserve, similar to the use of snow days. He stated that it is his understanding that the Boutwell and Wildwood Schools do not have the same attendance requirement. He believes one of the reasons the change was made from the West Intermediate School to the Boutwell School is because if school had to be closed for an election, it could be done without creating a problem. He said more recently, there were certain elections where the schools remained open and closed for the larger elections. He advised that the high school gymnasium will accommodate four precincts. The Town was confronted with an issue raised by the Superintendent and attempting to accommodate her requests. It is believed to be the only alternative. Ms. George stated that since her tenure as Town Clerk, the Superintendent has closed school, at the polling locations, for the Presidential Primary and the Presidential Election. School was held on the State Primary. Selectman Newhouse commented that to address concerns of the Schools, by canceling school, it is only one day beyond what parents and school administration are accustomed to.

Town Manager Hull suggested that the Board of Selectmen table the matter until their next meeting and ask Superintendent DeLai to attend to answer the Board's questions.

Selectman O'Connell asked what other communities do when faced with the same situation. Ms. George advised that Reading has 8 precincts voting at their Fieldhouse; Burlington has 8 or 9 precincts voting at Burlington High School; Tewksbury and Billerica have voting at different polling locations and Wakefield currently has voting at one location at the high school but is contemplating changing to the smaller elementary schools.

It was the consensus of the Board of Selectmen to table further action until their meeting of Monday, January 25, 2016 with the understanding that School Superintendent Mary DeLai will be invited to attend.

COMMUNICATIONS

Town Manager Hull reviewed his letter to Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, regarding the Town of Wilmington's Motion to Intervene in Proceedings of Northeast Energy Direct Project, Docket No. CP16-21-000.

Town Manager Hull reviewed communication from Federal Energy Regulatory Commission advising interested parties that due to an inadvertent error during December 24-27, 2015 and December 31, 2015-January 3, 2016, those seeking to use eFiling and eComment on www.ferc.gov were unable to do so. To provide additional time for those who may have been inconvenienced, the comment date for Tennessee Gas Pipeline Company, LLC Northeast Energy Project will be extended to January 15, 2016.

Town Manager Hull reviewed his memorandum regarding comment letter to the Surface Transportation Board (STB). Town Manager Hull advised that the STB issued correspondence providing interested parties until January 4, 2016 to comment on EPA's letter that explained their recommendation that the STB no longer defer consideration of NET's development plans until EPA issues a Record of Decision. At the Town's request, the STB granted an extension of the comment period until January 14, 2016.

Town Manager Hull reviewed correspondence from the Environmental Protection Agency (EPA) regarding New England Transrail (NET).

Town Manager Hull reviewed correspondence from Olin responding to the EPA regarding their letter to STB.

Town Manager Hull reviewed correspondence from STB regarding the comment period on EPA letter regarding NET request.

Town Manager Hull reviewed correspondence from Steven Leifer, Baker Botts, NET Legal Counsel, responding to the request of the Town of Wilmington and Massachusetts Department of Environmental Protection to extend the comment period.

Town Manager Hull reviewed correspondence from STB, which advised that the comment period has been extended to January 14, 2016.

Town Manager Hull reviewed information regarding the 2016 Annual Town Meeting and Fiscal Year 2017 Budget Calendar.

BOARD TO CONSIDER APPROVING THE SALE OF TOWN-OWNED LAND LOCATED ON SHELDON AVENUE MAP 50, PARCEL 16, AS VOTED ON ARTICLE 42 AT THE ANNUAL TOWN MEETING OF MAY 3, 2014.

BOARD TO CONSIDER APPROVING THE SALE OF TOWN-OWNED LAND LOCATED ON SHELDON AVENUE MAP 50, PARCEL 18, AS VOTED ON ARTICLE 43 AT THE ANNUAL TOWN MEETING OF MAY 3, 2014

Town Manager Hull advised that the 2014 Annual Town Meeting approved the sale of two parcels of Town-owned land. He stated that he did not seek the Board's authorization to sell the parcels earlier due to concerns of encroachment. It is his opinion that the encroachment issue can be addressed prior to the sale of the property, if necessary. In accordance with the Annual Town Meeting vote, a restriction on the property to one building lot will need to be granted by the successful bidder of each parcel. The Assessor has established a minimum bid price of \$5,100 for Parcel 16 and \$16,800 for Parcel 18. Proceeds from the sale are directed to the Capital Stabilization Fund.

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

VOTED: That the Board of Selectmen approve the sale of Town-owned land located on Sheldon Avenue, Map 50, Parcels 16 and 18, as voted at the Annual Town Meeting of May 3, 2014.

PUBLIC COMMENTS

There were none.

NEW BUSINESS – COMMITTEE REPORTS

Selectman O'Connell expressed her appreciation to the Town Manager's office. She noted that the construction bid for the Yentile Recreational Facility has been issued.

Chairman Champoux advised that he will be attending the Massachusetts Municipal Association's Annual Meeting and Trade Show on Friday, January 22 and Saturday, January 23.

Chairman Champoux wished members of the Board and residents a happy new year.

Town Manager Hull advised the Board that he received a text message from Joe Martiniello who was requesting to use the Town Common on Monday, January 18, 2016 at 6:00 p.m. for the purpose of holding a candlelight vigil in honor of Mr. Frank Kelley. It is anticipated the vigil will last approximately 20 minutes.

Chairman Champoux 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 Joseph Martiniello to use the Town Common on Monday, January 18, 2016 at 6:00 p.m. for the purpose of holding a candlelight vigil in honor of Mr. Frank Kelley.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through -

January 15 – Curbside Collection of Christmas Trees

January 18 – Town Offices Closed – *Martin Luther King Day*

January 25 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

February 1 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
Town Manager's FY 2017 Budget Presentation

February 5 – Last Day to Submit Petitioned Warrant Articles for Inclusion on the Warrant for the Annual Town Meeting – April 30, 2016

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 8:55 p.m.

Respectfully submitted,

Recording Secretary