

## BOARD OF SELECTMEN MEETING

January 12, 2015

Chairman Judith L. O'Connell called the meeting to order at 7:04 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.

### TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 26, 26A, 27, 27A, 28, 28A, 29 and 29A.

### MINUTES

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 minutes of their meeting held June 23, 2014 and all action taken is hereby ratified and confirmed.

Selectman Newhouse requested to make a comment about the minutes relative to the appointment with the Historical Commission to discuss the Whitefield School and Butters Farm. He noted that discussion of the Roman House also took place. He expressed concern that it is noted in the minutes an individual indicated that it would make sense for the Roman House to be used for offices or Special Education. The prospect of using the Roman House for Special Ed is unacceptable; a town does not build an \$85 million high school and put the Autistic kids in a 100 year old building with 40 to 50 square foot classrooms that are not climate controlled. Selectman McCoy stated that he was in agreement with Selectman Newhouse.

### **PAUL FLAHERTY, ROBERT P. FLAHERTY JEWELER, INC., RE: PUBLIC HEARING RELATIVE TO AN APPLICATION FOR SECONDHAND DEALER LICENSE**

Chairman O'Connell advised Mr. Flaherty that the Board of Selectmen has received his application and that the Board is familiar with his store which is located at Wilmington Plaza. She asked if he would like to comment relative to his application.

Mr. Flaherty stated that he submitted the application as required. Abutters were notified and the receipts were submitted to the Board's secretary. Mr. Flaherty stated that he approached Police Chief Michael Begonis several years ago and a set of guidelines were developed to allow him to purchase secondhand goods. He advised the Board of Selectmen that he purchases scrap precious metal and provided an example of a woman who may have one gold earring. He would be interested in purchasing the precious metal which would be sent to his refiner to melt down into gold that he can use to make repairs or for other purposes. The Wilmington Police Department requested that anybody he purchases from be over the age of 21, provide a photo ID, a written description of what is being sold, the seller must check off that they are the rightful owner and are selling of their own free will. He stated that the items are held for a period of thirty days prior to the items being brought to his refiner. It is his understanding that this a formalized licensing procedure for a practice he has been following for a period of time.

Chairman O'Connell commented that she had received feedback from the Town Manager and the Board's secretary that Mr. Flaherty has been very responsive and very cooperative with the Town and Police Department and thanked him.

Mr. Flaherty stated that 99% of his dealings are legitimate with people turning in mangled chains, etc. He noted that if an individual tries to sell an item such as a diamond ring valued at \$1,000, he will explain that he is not purchasing the stone, only the metal which may be valued at \$150. If the individual is willing to accept that, then red flags go up and that is a sale he is not interested in being a part of.

Town Manager Hull stated that this requirement is a follow-up to a change in the Inhabitant By-Laws, Chapter 5, Section 23. The 2011 Annual Town Meeting revised the by-law to come up with a formalized system to assist the Police Department in tracking down stolen property. He stated that over the past couple of years, the process has been reviewed, Town Counsel has looked at it and letters were sent out in October to establishments that were identified as potentially dealing with secondhand goods. The Board established the fee for the license at \$100. The by-law establishes that the license be effective until May 1 and Town Manager Hull recommends that the fee be pro-rated, in large part because of the time it took for the Town to establish the final process.

Town Manager Hull advised that favorable recommendations were received from the Police Chief, Fire Department, Building Inspector and Treasurer/Collector.

Chairman O'Connell stated that she had a conversation with Town Manager Hull and believes that pro-rating the fee in this instance makes sense as the license will be valid for a few months before Mr. Flaherty must renew.

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Cimaglia and was seconded by Selectman McCoy. Selectman McCoy commented that he had patronized Mr. Flaherty's store and conducted business with his Dad and said that the family runs an outstanding business. Mr. Flaherty thanked Selectman McCoy for his comments.

Selectman Champoux asked if the license will permit the holder to be able to purchase a piece that may be repairable, repair the item and then resell it. Mr. Flaherty stated that as he reads the by-law he would be able to but advised that most of what he purchases are beyond repair. He stated that if presented with a piece of jewelry that he could repair, clean and resell, he advises that he is purchasing as scrap metal and will recommend to them that it may be in their best interest to sell as a used piece of jewelry in a private sale.

A motion was duly made, seconded, and by the affirmative vote of all, it was

VOTED: That the Board of Selectman grant a Secondhand Dealer License to Paul Flaherty, Robert P. Flaherty Jeweler, Inc. and further that the fee be pro-rated at \$25.00.

**KATHLEEN P. MOAR, COMMUNITY & CUSTOMER MANAGER, AND BRYAN McCALLUM, MANAGER, CUSTOMER METERING SERVICES GROUP, NATIONAL GRID, RE: GAS REGULATOR REPLACEMENT PROGRAM**

Ms. Moar stated that she is the Community Manager for National Grid and covers the Town of Wilmington. She was present to provide an overview of a project that is currently taking place in the Town of Wilmington that involves replacing gas regulators. Ms. Moar explained that a gas regulator is a piece of equipment near the meter that allows National Grid to drop high pressure gas down to a pressure that is appropriate for a home or small business. She stated that it is the property of National Grid but it is located near the gas meter. National Grid identified four models that they would like to replace. The first phase is to identify the regulators that need to be replaced and that requires a visual inspection. She stated that the regulators that will be replaced are from the 1940s to the 1990s and will be replaced with newer equipment. She said 375

regulators have been inspected and 56 require replacement of which 38 have been replaced. She stated that the replacement phase will take place in the spring and advised that the reason some have been replaced already is because when they are at a location doing work for another reason and notice the regulator is a model that needs to be replaced. In those instances, the work is done at that time.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Newhouse asked if the change can be done with a one on one appointment. Ms. Moar stated that appointments will be made with the homeowner because National Grid must ensure that all gas appliances are off and once the regulator is changed, they will make sure all appliances are relit. Selectman Newhouse commented about identification. Ms. Moar stated that the identification of the regulators that need to be replaced was done by vendors who carried photo identification that they were working on behalf of National Grid.

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

Chairman O'Connell thanked Ms. Moar and Mr. McCallum for their attendance this evening.

#### **BOARD OF SELECTMEN DISCUSSION, RE: KINDER MORGAN PIPELINE PROPOSAL**

Chairman O'Connell stated her intention to ask the Town Manager to provide an update to the Board of Selectmen and the general public. She will then invite the Board to ask questions and offer comments and then she will recognize members of the audience who wish to ask questions or offer comments.

Town Manager Hull stated the Town of Wilmington was notified in the Spring of 2014 that Kinder Morgan was looking at potential locations and they were invited to attend a meeting in July for the Board to understand more fully Kinder Morgan's intentions.

He advised that Town staff has attended coalition meetings and is reviewing the particular location. DPW Director Michael Woods, Town Engineer Paul Alunni and Deputy Engineer William Holt have been gathering information to review. Town Manager Hull stated that a site visit was scheduled with representatives of contractors of Kinder Morgan to understand the location of the pipeline. Although there was reservation, Town Manager Hull believed it was appropriate to take a measured approach to evaluate Kinder Morgan's plan. A suggestion was made that there was a need for additional energy in the region.

Town Manager Hull stated that given the proximity of the pipeline to sensitive areas, he does not believe it is appropriate for the Town to support the project. He stated that it is clear that the pipeline extends behind the Wilmington Health Center and within approximately 100 feet of the Browns Crossing Well Field. He stated that is of concern because it is one of the remaining primary sources of water. Town Manager Hull stated that the pipeline continues and crosses Route 62 and is within Zone 1 of the Salem Street well fields. He advised that the two well fields comprise approximately 64% of the Town's remaining local water supply.

Town Manager Hull noted that there are additional sensitive areas including vernal pools that have been identified and it is within close proximity to the Harnden Tavern, which is the centerpiece to the Town's historic preservation. He stated that based upon the review that has been done, this location is ill advised and it is his recommendation that the Board: (1) vote to oppose the Lynnfield Lateral; (2) authorize him to send a letter to the representative at FERC, the agency that regulates the permitting process, and copy the legislative delegation expressing the Town's opposition; and (3) to formally join the coalition.

Chairman O'Connell thanked Town Manager Hull for the work he and members of the leadership team have done. Chairman O'Connell recognized that Mr. Woods, Mr. Alunni and Health Director Shelly Newhouse were in attendance at tonight's meeting.

Chairman O'Connell stated that the Board is aware that this plan has been looked at to see what impact it would have on the water supply and the residents in that area. She said it is clear that Board members and residents share serious concerns and it is obvious that this route is not advantageous to the Town. Chairman O'Connell advised that FERC was due to release a report on December 28, 2014 but that has been delayed.

Town Manager Hull advised that the state's website indicates the report was released on January 7. He stated that he requested that the Town Engineer review the report. The report is intended to make a determination whether there was a need for additional energy sources in the area and to look at possible alternatives. Town Manager Hull stated that it is his understanding that the report indicates there is an energy shortfall, and as critical as that may be, he is of the opinion that the pipeline does not belong in the proposed location. He stated that he called Allen Fore, Vice President of Public Relations for Kinder Morgan, to advise him that he would be recommending that the Board of Selectmen oppose this location and suggest that a meeting take place and for Kinder Morgan to identify alternate routes.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Champoux asked whether FERC wrote the report or a state agency and was advised that the state Department of Energy Resources contracted with a private consultant to prepare the report. Selectman Champoux stated that he believed the report would help him formulate his opinion whether the project had merit in the region. He said he has been reluctant to support the project but felt he did not have enough information to oppose the project. He stated that he has become strongly opposed to the pathway of the Lynnfield Lateral, for the reasons outlined by the Town Manager.

Selectmen McCoy, Cimaglia and Newhouse each commented that they support the Town Manager's recommendation to oppose the pipeline project.

Chairman O'Connell reiterated her position that she is opposed to the project and noted that there is no guarantee of the amount that will stay in the region. She is concerned that if the route is shifted, the issue is shifted to another neighborhood.

Town Manager Hull stated that in terms of the process, the project is in a "pre-filing" stage, an information gathering stage where Kinder Morgan is having conversations with impacted parties. He noted that, in Andover, Kinder Morgan has agreed to relocate a portion of the line as the Town of Andover also expressed concern with the line's proximity to well areas.

Town Manager Hull stated that it is still early enough in the process to have some impact. He stated that once the pre-filing stage is complete then a formal application will be submitted and that is likely to happen sometime in the summer or early fall.

Selectman Newhouse noted that the Board of Selectmen is in receipt of a list of dates of upcoming open houses and wants to make sure the information is provided before residents leave for the evening.

Chairman O'Connell asked if there were any questions or comments from the audience and asked that those who wish to speak provide their name and address for the record.

Ed Palermo, Lucaya Circle, stated that he is concerned about the proximity of the pipeline to his home and stated that he was looking to read the report. He asked if Kinder Morgan receives a permit from FERC, will the Town have any options and asked if the Town has determined an alternate route. Town Manager Hull stated that he has requested that the Engineering Department review alternatives but would like to have Kinder Morgan offer alternatives. He stated that he was also interested in seeing if the report would suggest there was not a need for the pipeline and noted that he has not read the report. Town Manager Hull stated that he believes the pipeline should follow an existing utility corridor.

Mr. Palermo suggested that residents should send letters to FERC in opposition to the Kinder Morgan proposal.

Town Manager Hull stated that he believes the Town has a compelling argument due to the proximity of the pipeline to the well fields. He stated that in the 1990s the Town purchased property behind the Health Center, in part, to serve as a buffer.

George Lingenfelter, Concord Street, asked about accessing the report. Chairman O'Connell requested Town Manager Hull have the link posted on the Town of Wilmington's website.

Bob Jaeschke, Draper Drive, thanked the Board for taking a position in opposition and asked whether a letter will be issued to Kinder Morgan to stop them from further surveying and accessing their land. Town Manager Hull stated that the only authority the Town has is to authorize access to Town property, the Town cannot authorize access to private property. Kinder Morgan has already been out and looked at the area and he believes the Town needs to be reasonable in FERC's viewpoint.

Kevin MacDonald, Andover Street, stated that he has trained through the National Pipeline Training Program, which dealt with oil and gas pipeline. He stated that pipeline companies go through wetlands and aquifers on a regular basis and it is his belief that Federal Law will trump state and local law. He stated that the pipes are coated and x-rayed. Electronic equipment is sent through the pipe to check for anomalies. Mr. MacDonald stated that he does not agree with the Town's philosophy of being proactive. He does not believe the Town should wait for Kinder Morgan to identify an alternate route. He opined that Kinder Morgan would not be spending significant amounts of money on engineering, public relations, lawyers, etc. if there wasn't a need for gas. In order to get FERC approval, the company has to prove that all of the product going through the pipeline is sold.

Mr. MacDonald requested that the Board of Selectmen recognize the blasting at Benevento's which is subjecting residents to high vibrations and he expressed his concern for the underground storage tanks located at the Department of Public Works.

Suzanne Sullivan, Lawrence Street, thanked members of the Board of Selectmen for taking the position in opposition. She asked if there is an Environmental Impact Statement available. Town Manager Hull stated that there is one part available and it is his understanding that the Environmental Impact Statement is a ten part process. Ms. Sullivan noted that the state of Nebraska recently lost a lawsuit to stop the Keystone XL pipeline from going through their state. They also have water supply and private land issues. She stated that it is her understanding that Governor Baker is opposed to the pipeline. Ms. Sullivan advised that there will be public information meeting on Thursday at the library that will begin at 7:00 p.m.

Katie Callahan, Dadant Drive, spoke of an HBO documentary entitled Gas Land 1 and 2 and suggested if given an opportunity that people watch the documentary.

Additional residents from Lucaya Circle and Draper Drive spoke thanking the Board for being in opposition of the pipeline project. Concern was also expressed for the marshland/pond that families skate on and their understanding that woodlands would be cut.

Selectman Newhouse noted that in addition to legal counsel, the Town has environmental consultants on retainer and he sees an opportunity with the new congressman. The congressman was elected and talked about being practical and tackling issues that he could have an impact on.

Selectman Champoux also noted that Congressman Moulton may be an individual the Town should reach out to. He noted that if the report indicates this region is deficient and there is need for additional supply, there is another project being discussed; Spectra Energy project and his understanding that it is intended to bring more supply to the region on a smaller scale than Kinder Morgan.

Selectman Champoux confirmed his understanding that the Town Manager's recommendation is that the Town of Wilmington formally join the coalition of other communities in opposition. Town Manager Hull confirmed that the Town of Wilmington has had representatives in attendance at meetings. The group is trying to determine the approach to take, whether a consultant is hired and how the cost is apportioned to participating communities.

Chairman O'Connell stated that in conversations with the Town Manager, each topic and concern has been brought up and discussed. She assured residents that the Board will continue to stay involved.

Town Manager Hull advised that part of the process is that Kinder Morgan conduct a series of open houses and noted that the closest location will be held on February 17 at the Wyndham Hotel in Andover from 6 p.m. to 8 p.m. Town Manager Hull stated that the Town of Wilmington will have representatives in attendance.

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 adopt the recommendation of Town Manager Hull and oppose the Kinder Morgan plan.

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

VOTED: That the Board of Selectmen authorize the Town of Wilmington's formal participation in the Northern Massachusetts Municipal Gas Pipeline Coalition.

### COMMUNICATIONS

The first item under communications was reviewed during the Board of Selectmen's discussion on the Kinder Morgan Pipeline.

Town Manager Hull reviewed information from Kinder Morgan relative to the scheduled open houses. As noted earlier, the closest open house will be held in Andover on February 17.

Town Manager Hull reviewed correspondence from Governor Baker and the Massachusetts Municipal Association regarding Chapter 90 Funding. Chapter 90 funding is for road repairs.

Town Manager Hull reviewed his memorandum relative to the disposition of surplus property. He stated that he and Mary DeLai, School Superintendent, have agreed to a process for the disposition of furnishings and equipment at the current high school. He stated that other schools will be given the opportunity to identify items that they would like to use in their schools, then general government will be given the opportunity to obtain surplus material and remaining materials will be disposed of or recycled. Relocation vendors are being asked to provide a quote to either dispose of the material or to bring to other districts that may have a use.

Town Manager Hull reviewed a letter from Ernest Pearlstein, Aleppo Shriners, regarding the use of their property at 99 Fordham Road for the Fourth of July festivities.

Town Manager Hull reviewed his memorandum announcing the appointment of Valerie Gingrich to the position of Planning and Conservation Director. He advised that it is his intention to invite Ms. Gingrich to attend the Board's meeting on January 26.

Town Manager Hull reviewed information relative to the 2015 Annual Town Meeting and Fiscal Year 2016 Budget Calendar. Town Manager Hull advised that his budget presentation will take place on February 2 and petitioned warrant articles are due by February 6.

#### **BOARD TO CONSIDER APPOINTING MARY C. DeLAI TO THE SCHOLARSHIP FUND COMMITTEE**

Town Manager Hull advised that the committee was established at Town Meeting by statute and one of the standing members of the committee is the Superintendent of Schools.

Chairman O'Connell asked if there were any questions, comments or a motion from the Board. 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 appoint Mary C. DeLai to the Scholarship Fund Committee.

#### **BOARD TO CONSIDER EXECUTING MEMORANDUM OF UNDERSTANDING AND AGREEMENT, RE: 18 DENAULT DRIVE**

Town Manager Hull advised that former Director of Planning and Conservation Carole Hamilton and Lou Ross of Town Counsel's office have been working on this issue for a number of years. He advised that it is his understanding that the current owner defaulted on the mortgage and the bank is paying the property taxes. The property is vacant and has fallen into a measure of disrepair. He stated that the home is an affordable housing unit.

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

VOTED: That the Board of Selectmen execute a Memorandum of Understanding with the current mortgage lender on the property known as 18 Denault Drive, Wilmington, MA, for the purpose of establishing a process for foreclosure, rehabilitation and resale of the property as an affordable housing unit.

**BOARD TO CONSIDER ACCEPTING A GIFT OF LAND OF APPROXIMATELY 7.6 ACRES FOR THE CARE, CUSTODY AND CONTROL OF THE CONSERVATION COMMISSION FROM JAMES W. MANGANO, SAID LAND LOCATED ON McGRANE ROAD EXTENSION AND POMFRET ROAD**

Town Manager Hull advised that this is part of the McGrane Woods Conservation Subdivision. The developer was required to set aside property as open space.

Chairman O'Connell asked if there were any questions or comments from the Board. 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 accept a gift of land of approximately 7.6 acres for the care, custody and control of the Conservation Commission from James W. Mangano. Said land is located on Map 84, Parcels 10A, 52A, 52J and 52K.

**BOARD TO CONSIDER DEFERRAL OF RIGHTS, CHAPTER 3, SECTION 10 BY-LAWS TO SCHOOL COMMITTEE**

Town Manager Hull advised that the Board is being asked to delegate to the Wilmington School Committee their authority as described in Chapter 3, Section 10 of the Inhabitant By-Laws of the Town of Wilmington for the purpose of disposition of property in the existing Wilmington High School deemed surplus to the needs of the Town in the event such delegation is required to satisfy the Inhabitant By-Laws.

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

VOTED: That the Board of Selectmen delegate to the Wilmington School Committee their authority as described in Chapter 3, Section 10 of the Inhabitant By-Laws of the Town of Wilmington for the purpose of disposition of property in the existing Wilmington High School deemed surplus to the needs of the Town.

**PUBLIC COMMENTS**

Kevin MacDonald, Andover Street, held up a placard to the television cameras and out of the view of members of the Board of Selectmen. He asked Town Manager Hull whether the High School Building Committee spent \$164,500 for two dugouts for the new high school. Chairman O'Connell advised Mr. MacDonald that his opportunity to speak was over. Mr. MacDonald continued to speak over the Chairman. Chairman O'Connell asked Mr. MacDonald to refrain from speaking as what he was speaking of was not on the agenda. Mr. MacDonald stated that he believed the High School Building Committee was trying to hide information. Chairman O'Connell stated that there is full transparency. Mr. MacDonald continued to speak over the Chairman. She stated that this is a classic example of Mr. MacDonald's attempt to derail every meeting. He continued to interrupt. Chairman O'Connell stated that she was trying to be courteous and explain her position and to have a conversation with him. If he did not want to engage in conversation, she asked that he withdraw from the meeting and Chairman O'Connell advised him if he continued to speak after she requested that he refrain from speaking she would ask that the Police Chief remove him from the meeting. Chairman O'Connell stated to Mr. MacDonald that he has come back into these public meetings and she has tried to give him an opportunity to speak and feels that he has taken advantage of that privilege. She noted that he has visited every department in Town Hall and is using the public session because he has been given answers at meetings that he does not like and

now he wants to escalate to a public forum to get in front of a camera to make this his personal show. She stated that she would not allow that to happen. Mr. MacDonald continued to speak. Chairman O’Connell asked that Chief Begonis escort Mr. MacDonald from the meeting. Mr. MacDonald commented about placing a phone call to Chairman O’Connell. Chairman O’Connell stated that he did call her and Town Manager Hull responded on her behalf. She advised that she would speak with him at the Town Hall during normal business hours and she would prefer that a police officer be present as he is a safety concern.

Chairman O’Connell asked if there were any additional public comments. Mr. Lingenfelter stated that it is his intention to make a comment at a future meeting, but is not ready to do so this evening.

NEW BUSINESS

Selectman Champoux stated that it is his intention to attend the information session regarding the pipeline on Thursday, January 15 at the Wilmington Memorial Library.

Selectman Champoux advised that he will be attending the Massachusetts Municipal Association’s Annual Meeting and Conference scheduled for January 23 and 24.

Chairman O’Connell stated that the Yentile Development Committee meetings will be resuming during the month of January.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- Through -
- January 16 – Curbside Collection of Christmas Trees
- January 19 – Town Offices Closed – *Martin Luther King Day*
- January 20 – Yentile Farm Redevelopment Committee – Town Hall – Room 9 – 6:00 p.m.
- January 26 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- February 2 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.  
Town Manager’s FY 2016 Budget Presentation
- February 6 – Last Day to Submit Petitioned Warrant Articles for Inclusion on the Warrant for the Annual Town Meeting – May 2, 2015

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

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

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Recording Secretary