

BOARD OF SELECTMEN MEETING

January 28, 2019

Chairman Kevin A. Caira called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman Caira asked those present to rise and he led the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 28, 28A, 29 and 29A.

SHAUN NEVILLE, EXECUTIVE DIRECTOR, WCTV, RE: WCTV CHANNELS, FCC REGULATIONS AND LOCAL FUNDING

Mr. Neville stated that at the beginning of the year there was a change to the channels. He stated that surveys that were conducted indicate viewers have difficulty remembering which channels WCTV programming is on. Mr. Neville stated that there are six channels between Verizon and Comcast. Mr. Neville explained how the programming was assigned to the channels before and after the change.

Mr. Neville reminded viewers that WCTV is not funded through tax dollars but through the license agreements with the cable companies. Federal law allows municipalities to request up to 5 percent of cable television revenue from providers when they are first licensed in town. The funding model has existed for over thirty years. Mr. Neville stated that, as the Board of Selectmen is the licensing authority, he needed to relay information to them. He advised that the FCC is deciding whether to change the rules regarding the 5 percent number. Cable companies are looking to deduct in-kind services from the quarterly payments provided to the Town. Mr. Neville stated that the FCC has not ruled on this and he suspects that the government shutdown has delayed a ruling. Mr. Neville explained in-kind services.

Mr. Neville stated that the Massachusetts Department of Revenue (DOR) has recently said that WCTV can no longer receive direct funding from the cable companies as part of the license agreements. For decades the Town has designated WCTV as the recipient of the funds. The DOR has advised that it cannot continue because WCTV is not a party to the contract therefor the funds must first go to the community before they can go to WCTV. Mr. Neville advised that he met with Ms. Colburn-Dion and Michael Morris to discuss what it means going forward. Mr. Neville stated that they came up with establishing a revolving account for the funds to go into before they are forwarded to WCTV. He noted that the funds are designated for WCTV in the license and cannot be diverted anywhere else. The establishment of a revolving account will require a vote of Town Meeting. He stated that he is hopeful it is just a procedural issue.

Mr. Neville reviewed WCTV cable programming. He stated that WCTV has noticed that cable subscriptions are down as residents find alternatives.

Chairman Caira asked if there were any questions or comments from the Board. Selectmen expressed their appreciation to Mr. Neville and the staff and volunteers at WCTV for their efforts in providing local programming to Wilmington residents.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum to the Board of Selectmen regarding establishing Town email accounts for members of the Board.

Town Manager Hull reviewed information from Selectman Jonathan Eaton regarding the BRAVE Act & Veterans' Tax Abatements. The Benefits, Rights, Appreciation, Validation and Enforcement (BRAVE) Act added three new provisions to MGL Chapter 59, Section 5 and amended MGL Chapter 59, Section 5N.

Town Manager Hull reviewed his letter to Beera Ram, Michael's Place, regarding compliance with Alcoholic Beverages Control Commission requirements for license holders. The letter summarized the informational hearing that occurred on January 14, 2019. Mr. Ram was provided until February 8, 2019 to address the emergency lighting and arrange for a re-inspection with the Building Inspector.

Town Manager Hull reviewed his letter to Michael Kennealy, Secretary, Executive Office of Housing and Economic Development, seeking support for two expenditures vital to the Town of Wilmington and contained within the Economic Development Bond Bill. The two expenditures are \$1 million for improvements to commuter parking and other facilities for the North Wilmington commuter rail and not less than \$250,000 for infrastructure improvements along the Route 38 corridor.

Town Manager Hull reviewed correspondence from Shonda D. Green, Department Secretary, Commonwealth of Massachusetts, Department of Telecommunications and Cable, who wrote to advise the Board of Selectmen, as licensing authority, that the cable television license with Verizon New England, Inc. expires on February 25, 2022.

Town Manager Hull reviewed information from the Massachusetts Municipal Association regarding Governor Baker's FY 2020 budget proposal.

Town Manager Hull reviewed a letter from Catherine Maloney, Sr. Manager, Government Affairs, xfinity, who advised of changes to the International Package.

Prior to the Town Manager reviewing the last item under correspondence, Selectman Eaton stated that the communication, signed by 21 residents was emailed to the Board. In anticipation that the substance of the correspondence would be discussed during tonight's meeting, and in an abundance of caution, he reached out to the State Ethics Commission to obtain an opinion whether his prior professional relationship with Mr. Veerman would constitute conduct which would cause a reasonable person to conclude that a conflict existed. Selectman Eaton was advised that participating in discussion relating to this letter would constitute a conflict as defined by Massachusetts General Law Chapter 268A, Section 23b. Selectman Eaton recused himself and left the room.

Town Manager Hull reviewed the letter which was a series of demands including that Mr. Veerman recuse himself from further involvement in the Special Permit application for the proposed Detox Facility at 362 Middlesex Avenue; if Mr. Veerman did not voluntarily recuse himself actions that the Concerned Citizens Group wanted taken; subject of the letter be added to the January 28, 2019 agenda.

Chairman Cairra stated that many people in the audience this evening are here in regard to the letter that was sent to the Board of Selectmen. Town Counsel has advised that the Board of Appeals is an autonomous board, the Board of Selectmen does not have statutory authority to

prohibit a member of the Board of Appeals from participating in meetings conducted under the authority of that board as is requested in point 2 of the January 22 letter. The January 22 letter requests that the Board of Selectmen remove Mr. Veerman from the Board of Appeals based upon remarks he was quoted as making over a year ago prior to his most recent reappointment. The letter makes complaints against Mr. Veerman and seeks his discipline and dismissal as an appointee of the Zoning Board of Appeals. Chairman Caira stated that as explained to him by Town Counsel, it is standard, appropriate and lawful for such complaints to be considered, if at all, in Executive Session as such matters may impact the civil rights of the individual in question. Notice of an Executive Session to consider these matters must be provided to Mr. Veerman at least 48 hours prior to the date and time of the meeting and he, and his representative, have a right to attend that Executive Session. During the Executive Session, selectmen may discuss the complaints contained in the January 22 letter and seek to receive information related to the allegations. Mr. Veerman has a legal right to speak on his behalf to the Board. The Board is under no obligation to hold an Executive Session if it does not consider the complaints to merit further review. If such an Executive Session is held, Board members may decide whether to vote to hold a public hearing at a future date to consider whether there is cause to remove Mr. Veerman from the Board of Appeals pursuant to General Laws Chapter 40, Section 12.

Chairman Caira stated that he will place on the Board of Selectmen's February 11 agenda the topic of entering Executive Session for the purpose of discussing the complaints and matters referenced in the January 22 letter. He strongly encourages his fellow Board members not to discuss the specific allegations as Mr. Veerman is not present and the Board runs the risk of violating Mr. Veerman's civil rights. If Board members have questions about the process considering the allegations against Mr. Veerman, they should direct the questions through the Chairman to Town Counsel. Chairman Caira stated that it is his expectation that, under Public Comments, members of the audience may wish to express an opinion and offer comments on this matter. Members of the audience will be permitted to do so. They should exercise civility and be respectful with their remarks. Their comments will be noted but no response will be provided by members of the Board to any remarks about this matter.

Selectman Loud asked if the February 11 meeting is when the Board will decide whether to move forward. Chairman Caira confirmed his intention to schedule an Executive Session for February 11.

Selectman McCoy stated that in the fall of 2017 he contacted the State Ethics Commission as he was the author of Article 2 for the Special Town Meeting. He answered their questionnaire and as long as he has no financial interest, nor is he a direct abutter, he can participate as a member of the Board of Selectmen regarding 362 Middlesex Avenue. He stated that he is glad there will be an Executive Session and opined it is warranted.

BOARD TO CONSIDER ESTABLISHING EMAIL ADDRESSES FOR BOARD MEMBERS

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

VOTED: That the Board of Selectmen establish email addresses through the Town account for Board members.

BOARD TO CONSIDER APPOINTING KERRY COLBURN-DION TO THE CABLE TV ADVISORY TASK FORCE

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

VOTED: That the Board of Selectmen appoint Kerry Colburn-Dion as a member of the Cable TV Advisory Task Force.

BOARD TO CONSIDER REQUEST OF SAMANTHA REIF, HEALTH & RECOVERY COORDINATOR, ON BEHALF OF THE SUBSTANCE ABUSE COALITION, TO (1) USE TOWN COMMON AND GAZEBO FOR A CANDLELIGHT VIGIL ON SUNDAY, SEPTEMBER 29, 2019 FROM 5:00 P.M. TO 10:00 P.M. (2) PLACE SIGNS AND BANNERS THROUGHOUT WILMINGTON AND (3) WILMINGTON TOWN COMMON BE ILLUMINATED IN PURPLE DURING THE MONTH OF SEPTEMBER IN OBSERVANCE OF NATIONAL RECOVERY MONTH

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

VOTED: That the Board of Selectmen approve the request of the Substance Abuse Coalition, to (1) use Town Common and gazebo for a candlelight vigil on Sunday, September 29, 2019 from 5:00 p.m. to 10:00 p.m. (2) place signs and banners throughout Wilmington and (3) Wilmington Town Common be illuminated in purple during the month of September in observance of National Recovery Month.

BOARD TO CONSIDER REQUEST OF WILMINGTON SONS OF ITALY TO CONDUCT AN ANTIQUE AND COLLECTORS CAR SHOW AT THE TOWN COMMON PARKING LOT ON SUNDAY, JULY 28, 2019 FROM 9:00 A.M. TO 2:00 P.M.

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

VOTED: That the Board of Selectmen approve the request of the Sons of Italy to conduct an Antique and Collectors Car Show at the Town Common parking lot on Sunday, July 28, 2019 from 9:00 a.m. to 2:00 p.m.

PUBLIC COMMENTS

Chairman Caira stated that comments would be limited to three minutes and that he would allow up to 90 minutes for public comments. Each speaker will be allowed to speak once and are asked to provide their name and address for the record.

Comments were made by multiple residents relating to the Zoning Board of Appeals, the proposed detox facility to be located at 362 Middlesex Avenue and social media comments attributed to Zoning Board of Appeals member Daniel Veerman. At the times the comments were discussed about Mr. Veerman, Selectman Eaton recused himself from the meeting and returned when the discussion concluded. Residents who offered comments included Robert Fasulo, Marjorie Road; Kevin MacDonald, no address given; Jim Buckley, Pinewood Road; MJ Byrnes, Pinewood Road; Joe Rebeiro, Judith Road; Janice Sawyer, Lawrence Street; Suzanne Sullivan, Lawrence Street; Ethan Sawyer, Lawrence Street; Geoff Wood, Frederick Drive; Kelly Richards, Shady Lane Drive; Ralph Grassia, Chestnut Street and Joe Byrnes, Pinewood Road.

Frank West, Birchwood Road, stated that there appears to be no movement to build a Town Hall/School Administration Building and asked whether there would be an assessment of the Roman House completed to determine what it needs in terms of maintenance.

Mr. West suggested that Ms. Gingrich, Director of Planning & Conversation, be invited in to a Board of Selectmen meeting prior to Town Meeting to discuss what, other than an inclusionary by-law, tools are “in the toolbox” to address the affordable housing inventory.

Ms. Sullivan asked about the status of the Sciarappa Farm property. She stated that she was aware the Board had an Executive Session and asked whether an assessment was done on the property and what it was assessed at.

Selectman McCoy asked Town Manager Hull to determine whether a member of the Board of Appeals who has a financial interest voted on the project without filing a disclosure.

Selectman McCoy commented regarding the requirement of a super majority vote or simple majority. He opined that a super majority vote was required for the Special Permit. He stated that the proposed building is not harmonious to the neighborhood. Town Counsel stated that the issue is whether a Special Permit is required to make the reasonable accommodation. He stated that comments have been made regarding which vote gets Town Counsel representation and he advised that the only vote that is defended is the vote that is appealed by the applicant. He cautioned that he is not going to give legal advice or opinion on the application because it is currently before the Board of Appeals and could be the subject of litigation in the future.

Selectman Loud stated that he was a member of the Board of Appeals for 14 years and does not recall taking a vote for accommodations.

Chairman Caira stated that in response to Mr. West’s comment, the Town has reviewed the needs of the Roman House and recently spent \$24,000 for a new roof. He stated that the Town intends to have a meeting relative to the Facility Master Plan that will include members of the Board of Selectmen, Finance Committee, School Committee and the Facility Master Plan Committee. He stated that it is expected to be scheduled for February or March so that discussion can take place to determine what actions to take to address the Town’s facility needs.

Chairman Caira stated that in regards to the Sciarappa Farm property, that issue has been a part of Executive Session and the Board is not permitted to discuss Executive Session matters at this time.

NEW BUSINESS

Selectman Bendel urged residents to attend the Board’s meeting of February 4, as the Town Manager will present his budget for Fiscal Year 2020.

Selectman Bendel stated that last week, along with some of his colleagues, he had the opportunity to attend the Massachusetts Municipal Association annual meeting. They were able to attend workshops on various topics including open meeting law and public records requests.

Selectman Bendel, on behalf of the Board of Selectmen, presented Recording Secretary Beverly Dalton with a floral arrangement in celebration of her upcoming birthday.

Selectman Eaton stated that one of the workshops he attended was the plastic bag ban and stressed the importance of communicating Wilmington’s upcoming ban to help ease the transition.

Selectman Loud recognized the service of Robert Olivieri, USAF Retired. Mr. Olivieri serves on the Commission on Disabilities and assists at various events and ceremonies.

Chairman Caira stated that he is not on Facebook but he does receive information on what is circulating on social media. He stated that there is misinformation that members of the Board

receive a salary and advised that is incorrect. The Board of Selectmen receive a stipend of \$250 for travel. Selectmen Bendel and Eaton stated that they do not receive that stipend and Selectman Loud advised that he donates that money to the local veterans.

Chairman Cairra stated that there have been posts alleging that members of the Board of Selectmen received new kitchens, vehicles and scholarships. He opined that accusing the Board of putting their hands in the pockets of developers is ridiculous. People reading the comments on Facebook believe the posts and it is hard to stop.

Selectman Loud announced that effective following the February 11, 2019 he will resign his position on the Board of Selectmen. He stated that he was offered a new position which requires him to be out of Wilmington during the week.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- February 1 – Last Day to Submit Petitioned Warrant Articles for Inclusion on the Warrant for the Annual Town Meeting – May 4, 2019
- February 4 – Development of Strategic Plan for Wilmington Public Schools Community Meeting – Wilmington Senior Center – 1:30 p.m.
- February 4 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
Town Manager's FY 20 Budget Presentation
- February 5 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.
FY 20 BUDGET OVERVIEW; REVENUE; GENERAL GOVERNMENT
- February 6 – Development of Strategic Plan for Wilmington Public Schools Community Meeting – Wilmington High School – 6:30 p.m.
- February 7 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.
PLANNING & CONSERVATION, BUILDING INSPECTOR/BOARD OF APPEALS AND RECREATION DEPARTMENT
- February 9 – Development of Strategic Plan for Wilmington Public Schools Community Meeting – Wilmington High School – 9:00 a.m.
- February 9 – Congressman Seth Moulton Town Meeting – Town Hall – Auditorium – 1:00 p.m.
- February 10 – Dedication of Joanne Benton Auditorium – Wilmington High School – 2:00 p.m.
- May 5 – Plastic Bag Ban in Effect

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:45 p.m.

Respectfully submitted,

Recording Secretary