

## BOARD OF SELECTMEN MEETING

January 9, 2017

Chairman Judith L. O'Connell called the meeting to order at 7:02 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Michael L. Champoux and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell offered wishes to residents for a happy, healthy new year.

Chairman O'Connell asked those present to rise and led the pledge of allegiance.

### TREASURY WARRANTS

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

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

### MINUTES

A motion was made by Selectman Champoux, seconded by Selectman McCoy and by the affirmative vote of three with Selectmen Bendel and Caira abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held January 25, 2016 and all actions taken are hereby ratified and confirmed.

### **REPORT ON MEETING WITH LEGISLATIVE DELEGATION, RE: NEW ENGLAND TRANSRAIL**

Town Manager Hull stated that he, Chairman O'Connell and Selectman McCoy attended a meeting held in Boston on December 15 to discuss assistance from the delegation to oppose New England Transrail's proposal. The meeting was organized by Kate Machet, Regional Director, Congressman Edward Markey's office. Town Manager Hull stated that there was a full complement of state and federal delegation and noted that the congressional delegation for Woburn was also in attendance. He expressed his appreciation that Woburn Mayor Scott Galvin was also present.

Town Manager Hull stated that the purpose of the meeting was to point out the seriousness of the issue and to strongly encourage the delegation to take appropriate steps. He stated that believes that the congressional delegation was receptive and noted that he brought aerial maps to demonstrate the impacted area and the proximity to residential area.

Town Manager Hull noted that the congressional delegation is not constrained by the same deadlines and it is his expectation that the delegation will meet separately.

Chairman O'Connell complimented the Town Manager on the presentation. She is hopeful that those in the room were on Board in not being in support of the project and willing to do what is necessary to see that the project does not move forward. Chairman O'Connell stated that Kate Machet indicated that they needed additional documentation to do further research. Ms. Machet also noted that there will be changes with the Presidential administration and she will work to ensure there is a seamless transition and nothing falls through the cracks.

Selectman McCoy stated that he wanted others to know the history of the property and he expressed concern that the extent of carcinogens that are underground is not known. He stated that MRSA (sic) the chemical from Erin Brokovitch is in the water. He stated that Wilmington had to shut down five of its nine wells and commented that Wilmington used to sell its water to other communities.

Selectman Champoux asked what the next steps would be of the congressional delegation. Town Manager Hull stated it is his understanding that they will meet among themselves to determine an approach. Selectman Champoux expressed his concern that President Elect Trump is pro business and will likely support someone less inclined to be respectful of environmental issues.

Chairman O'Connell expressed her opinion that Ms. Machet is very astute, knows how to get things done and was very candid about the transition.

Selectmen Champoux, Caira and Bendel thanked Town Manager Hull, Chairman O'Connell and Selectman McCoy for taking the time to represent the Town.

### COMMUNICATIONS

Town Manager Hull reviewed correspondence relative to the Board of Selectmen's request of the School Committee for public records. A letter from Joanne Benton, Interim Superintendent, in response to the Town's request for copies of the minutes of the School Committee's October 3, 2016 Executive Session. Ms. Benton wrote that the lawful purpose of the October 3, 2016 would be defeated by disclosure of the corresponding executive session minutes. A letter from Town Counsel to Shawn Williams, Supervisor of Records, which appealed the response of School Department relative to the Town's request for Mary DeLai's separation agreement and requested the Supervisor of Records conduct an *in camera* review. A letter from Rebecca Murray, Public Records Division, advised that the town's appeal of the School Committee's response had been received. A letter to Joanne Benton, Interim Superintendent, from Public Records Division, advised that a petition had been received from Town Counsel to conduct an *In Camera* inspection.

Selectman Caira stated that in regards to the minutes of executive session, it is his understanding that once everything is signed and completed, they should be released. He asked if this is something the Board is willing to appeal.

A motion was made by Selectman Caira and seconded by Selectman McCoy that the Board of Selectmen appeal the decision of the School Department to not release the executive session minutes.

Selectman Champoux referred to Ms. Benton's letter and expressed his opinion that the School Committee and Ms. Benton are not withholding the minutes because they want to, they are withholding the minutes because it is not appropriate to release them.

Selectman Caira noted that it is her opinion the minutes should be withheld, it is his opinion that the minutes should be released as the matter has been settled.

Town Manager Hull suggested that it is his expectation that the response was based upon consultation with school labor counsel and the response is not of defiance but trying to avoid potential litigation.

Chairman O'Connell stated that the minutes were requested to know what options were explored including discussion of an escape clause or gainful employment agreement. Selectman Caira noted that Selectman McCoy had requested a letter be sent to the School Committee, inviting the whole committee to attend a Board of Selectmen meeting. Town Manager Hull advised that the letter was sent but a response has not been received.

Chairman O'Connell stated that a motion was made by Selectman Caira, seconded by Selectman McCoy and by the affirmative vote of four with Selectman Champoux opposed, it was

VOTED: That the Board of Selectmen appeal the decision of Joanne Benton, Interim Superintendent, to not release the minutes of the School Committee's executive session dated October 3, 2016.

Town Manager Hull reviewed a letter from Martha Goldsmith, Director, Office of Leasing and State Office Planning, notifying the Town that the Division of Capital Asset Management and Maintenance has issued a Request for Proposals seeking to lease space for an Executive Office of Health and Human Services state agency.

Town Manager Hull reviewed information relative to the FY 2018 budget and 2017 Annual Town Meeting. Town Manager Hull noted that he will present the budget on January 30, the Annual Town Election will take place on April 22 and the Annual Town Meeting will be held on April 29. Town Manager Hull advised that the Finance Committee will begin their budget hearings to review department budgets on January 31. The deadline for the submission of petitioned warrant articles is February 3. The Board will vote their intention to lay out ways on February 27 and currently there is one street to be accepted. In addition, the Board will sign the Warrant at their meeting of March 13 and the joint public hearing with the Finance Committee and Planning Board will be held on March 21 in the Town Hall Auditorium.

Town Manager Hull reviewed a letter from Jane Lyman, Comcast, who wrote to advise of a minor change to the ownership structure of Comcast of Massachusetts I, Inc. Comcast of Massachusetts I, Inc. has been merged into Comcast Cable Communications Management, LLC.

#### **BOARD TO CONSIDER RATIFYING APPOINTMENTS OF RECORDS ACCESS OFFICERS**

Town Manager Hull stated that he has been advised by Town Counsel that the appointments should be ratified by the Board of Selectmen. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen ratify the appointment of Jacqueline Raffi, Assistant Director of Administration and Finance, for records requests related to the School Department; Richard McClellan, Fire Chief, for records requests related to the Fire Department; Robert Richter, Deputy Police Chief, for records requests related to the Police Department and Sharon George, Town Clerk, for records requests related to all other Town of Wilmington matters.

#### **BOARD TO CONSIDER APPOINTING ROBERT P. LOPEZ TO THE CABLE TV ADVISORY TASK FORCE**

Town Manager Hull advised that current members are Denise Casey, George Breslin, Anne-Marie Fiore and Kendra Rozett. He believes the committee should have a resident-at-large and Mr. Lopez expressed interest in serving on the Task Force and attended its last meeting. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Champoux, seconded by Selectman Bendel and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen appoint Robert J. Lopez as a member of the Cable TV Advisory Task Force.

#### **BOARD TO CONSIDER CANDIDATES TO SERVE ON BY-LAW STUDY COMMITTEE**

Town Manager Hull stated that he intended to appoint Valerie Gingrich, Director of Planning & Conservation; Robert Richter, Deputy Police Chief and Sharon George will serve in her capacity as Town Clerk. Selectmen were asked to bring forward a name for appointment. Selectman Champoux: Francis Olivieri; Selectman McCoy: Dan Ardito; Selectman Cairra: John Romano; Selectman Bendel: Dan Stewart and Chairman O'Connell: Paul Brozo.

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

VOTED: That the Board of Selectmen provide the names Francis Olivieri, Daniel Ardito, John Romano, Daniel Stewart and Paul Brozo to the Town Manager for appointment to the By-Law Study Committee.

Selectman Champoux nominated Selectman McCoy to serve on the By-Law Study Committee citing his many years as a member of the Board of Selectmen and Planning Board. Selectman McCoy accepted the nomination. A motion was made by Selectman Champoux, seconded by Chairman O'Connell and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen designate Selectman Michael McCoy as the Board's representative on the By-Law Study Committee.

#### **BOARD TO CONSIDER LICENSE TO ACCESS MBTA RAIL LINE NEAR GRACE DRIVE**

Town Manager Hull advised that the MBTA is looking to maintain and repair their property on the Shawsheen River and will not access the site from Grace Drive. He noted that the Director of Planning & Conservation worked with Town Counsel and the Conservation Commission was required to sign the documents also. Town Manager Hull advised that material may temporarily be stored on Town property. 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 approve and sign the license to access MBTA rail line near Grace Drive.

#### **BOARD TO CONSIDER ACCESS LICENSE AND AGREEMENT WITH OLIN CORPORATION TO CONDUCT WATER SAMPLING**

Town Manager Hull stated that the Board is being asked to consider a series of agreements which are required by the Environmental Protection Agency (EPA). Jim DiLorenzo advised Town Manager Hull that this is the final element to establish the limits of the contamination zone. The first agreement addresses three sites along Main Street, the second addresses sites on Eames Street and the third is an area at the end of Morse Avenue.

Town Manager Hull stated that it is important that the Town work with EPA to fully characterize the Superfund Site and authorizing the agreements will facilitate that. It is expected that results will be provided to EPA during the summer of 2017 and it will take about a year for EPA to review the information and offer comments. It is anticipated that in the fall of 2018 the EPA will be in a position to transition from investigation to remediation.

Town Manager stated that he contacted the Town's environmental consultant, Michael Webster of GeoInsight, who advised that the work is part of the "follow-up/data gap" phase of the groundwater investigation work that was described in the Remediation Investigation/Feasibility Study (RI/FS) work plan. The need to install these wells was based upon a review of the initial set up of groundwater data that was collected under the RI. Phased investigations are typical under Superfund. The actual wells/soil borings were not specified in the original RI work plan. They were identified as being necessary after the initial set of RI groundwater characterization activities were completed, the USEPA had a chance to review these data and identify data gaps that required further investigation.

Selectman Caira asked if contaminants are found in these testing wells, will they expand the area and was advised that they would. Town Manager Hull stated that this is not the first time that Olin has sought agreement to establish monitoring wells.

Chairman O'Connell asked about the protocol in how the test results are handled. Town Manager Hull stated that there is a protocol on how the samples are taken and there is a lab to test the samples. He stated that the information is provided to EPA and EPA advises the consultant to issue a report. The Town of Wilmington forwards the report to its consultant, GeoInsight, to review and issue comment.

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

VOTED: That the Board of Selectmen grant the access license and agreement with Olin Chemical to conduct water sampling.

#### PUBLIC COMMENTS

There were none.

#### NEW BUSINESS

Selectman McCoy stated that he recently read an editorial in the Lowell Sun that Senator Eldridge will introduce a bill to make Massachusetts a safe zone for illegal immigrants. He hopes the legislature will not support this bill and wanted to make a motion to send a letter to Wilmington's legislative delegation urging them to vote in opposition.

Selectman Bendel suggested that any vote be tabled as he has not read the editorial or seen the bill.

Chairman O'Connell asked Selectman McCoy if he was willing to table until the Board's next meeting.

Selectman Champoux thanked the residents who were appointed to the various committees this evening for their volunteerism.

Selectman Champoux stated that he will be attending the Massachusetts Municipal Association's Annual Meeting and Trade Show on Friday, January 20 and Saturday, January 21.

#### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through -

January 13 – Curbside Collection of Christmas Trees

January 16 – Town Offices Closed – *Martin Luther King Day*

January 23 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

January 30 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.  
Town Manager's FY 2018 Budget Presentation

January 31 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.  
*FY 18 BUDGET OVERVIEW; INFORMATION TECHNOLOGY, REVENUE; GENERAL GOVERNMENT*

February 2 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.  
*PLANNING & CONSERVATION; BUILDING INSPECTOR/BOARD OF APPEALS; BOARD OF HEALTH*

February 3 – Last Day to Submit Petitioned Warrant Articles for  
Inclusion on the Warrant for the Annual Town Meeting –  
April 29, 2017

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

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Recording Secretary