

## BOARD OF SELECTMEN MEETING

June 10, 2019

Chairman Gregory B. Bendel called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie O'Mahony. Chairman Bendel advised that Town Manager Jeffrey M. Hull was not available this evening and Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director, was present on his behalf.

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

### TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 47, 47A, 48, 48A, 49 & 49A.

### **FRANK WEST AND MIKE KELLEY, WILMINGTON MINUTEMEN, RE: FLAG RETIREMENT CEREMONY**

Frank West and Mike Kelley, members of the Wilmington Minutemen, were present to invite members of the Board of Selectmen and the public to attend the annual Flag Retirement Ceremony on June 14, 6:30 p.m., at Minuteman Headquarters. Mr. West stated that in 2001 residents began flying flags following the tragic events of September 11<sup>th</sup>. In 2002, it was noted that the flags had become tattered and a member of the Minutemen suggested that their group collect the flags and retire them in an appropriate manner. Since that time the Minutemen have been collecting unserviceable flags. During the year flags are collected at the Wilmington Post Office and Town Hall. He advised that there is a brief ceremony and following the ceremony flags are retired by burning. Mr. West noted that there will be an Honor Guard from the American Legion for the ceremony. Mr. Kelley added that safety precautions are taken including notifying the Fire Department and having a hose available.

Chairman Bendel asked if there were any questions or comments from the Board. Selectman Caira asked whether an announcement was made in the schools and was advised there was not. Mr. West advised that notice was placed in the Town Crier and on social media. Mr. West expressed their desire to include children in the process of folding the flags and retiring the flags. Members of the Board thanked Mr. West for bringing this event to the Board's attention.

### **KAREN CAMPBELL, RECREATION DIRECTOR, RE: PROGRAM UPDATES**

Ms. Campbell reviewed programs that are coming up including the playground program which has 225 children enrolled. She said the program is full and a wait list has started. The Tiny Tots/Kids Club program is in its 43<sup>rd</sup> year and Linda Stillings has been the director for 33 years.

Other programs for children/youth include kayaking, cooking, STEM programs, comedy class, magic class, multi sport clinics, babysitting and mountain biking. Adult programs include pickleball, yoga, crafts, theater and day trips.

In addition, the Recreation Department offers discount tickets to Six Flags, Canobie Lake Park, Water Country and Cape Ann Whale Watch.

Ms. Campbell stated that Concerts on the Common will begin July 10 and will be held on successive Wednesdays. Scheduled to perform are Ball in the House, Jimmy & the Jesters, BackTrack and 60's Invasion.

Ms. Campbell advised that Town Beach opened on June 8 and was pleased to advise the Board that the department has hired 19 lifeguards and 4 gate attendants. Last year the department had 13 lifeguards.

Annual Police Beach Day will be held August 1 from 11 a.m. to 2 p.m. and is free to residents.

Chairman Bendel stated that he was pleased that the Town was able to hire additional lifeguards and asked if there were any questions or comments from the Board. Members thanked Ms. Campbell and offered comments regarding the number and variety of programs available.

### COMMUNICATIONS

Assistant Town Manager Colburn-Dion reviewed a memorandum from Town Manager Hull regarding the Wilmington Childhood Cancer Study. He advised that Ms. Ferguson, Director of the Bureau of Environmental Health for the Massachusetts Department of Public Health has indicated that she considers completion of the study to be a priority. It is expected the work will be peer reviewed in July 2019. Ms. Ferguson noted that there will be a public outreach component and she will consult with the Town on a draft outreach plan prior to making public announcements.

Assistant Town Manager Colburn-Dion reviewed a letter from Town Manager to Lynne Jennings, EPA Section Chief, thanking her for her recent update before the Board of Selectmen. Town Manager Hull wrote that Town officials strongly encourage the EPA to reconsider its position on connecting residents of Cook Avenue to Wilmington's water supply. The reasons for such a connection are solely due to the contaminants from the Olin Chemical Superfund site.

Assistant Town Manager Colburn-Dion reviewed a memorandum from Paul Alunni, Town Engineer, relative to the preliminary cost estimate to install a water main at Cook Avenue.

Assistant Town Manager Colburn-Dion reviewed a memorandum from Town Manager Hull regarding the Wilmington High School Girls' Softball. As a follow-up to the Board's meeting on May 28, he contacted Athletic Director Timothy Alberts to inquire about the satisfaction with the team's use of Town Park. According to Mr. Alberts, the coach is very satisfied with the condition of the field and appreciative of the work done by the town to improve the field. Town Manager Hull advised that the utility field off Wildwood Street is used by the high school track team, team practices for the fall football team and had been used by the freshman softball team.

Assistant Town Manager Colburn-Dion reviewed a letter from Joanne F. Campo, Deputy General Counsel, Office of Consumer Affairs and Business Regulation, who wrote regarding an audit of dealerships to assess compliance with Massachusetts law pertaining to Lemon Law stickers. Ms. Campo advised that Cornerstone Mitsubishi is 100% in compliance.

Assistant Town Manager Colburn-Dion reviewed appointment letters to members of the Ice Rink and Indoor Recreation Facility Committee. Members were provided dates for potential meetings and were asked to notify the Town Manager's office of their availability.

Assistant Town Manager Colburn-Dion reviewed information from the Lowell Regional Transit Authority regarding a pilot program to provide service on Sundays.

Assistant Town Manager Colburn-Dion reviewed a letter from Catherine Maloney, xfinity, regarding changes to xfinity packages with Cinemax.

**BOARD TO CONSIDER REQUEST OF CHRISTINA STEWART, LIBRARY DIRECTOR, TO USE THE SWAIN GREEN ON THURSDAY, AUGUST 15, 2019 FROM 5:00 P.M. TO 7:30 P.M. FOR THEIR ANNUAL SUMMER BASH**

Selectman Eaton noted that Ms. Stewart's request had the time for 5:30 p.m. to 7:00 p.m. Selectman Caira suggested that the time approved remain 5:00 p.m. to 7:30 p.m. as that would allow for set up and break down of the event.

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

VOTED: That the Board of Selectmen approve the request of Christina Stewart, Library Director, to use the Swain Green on Thursday, August 15, 2019 from 5:00 p.m. to 7:30 p.m.

**BOARD TO CONSIDER ISSUING A SUNDAY ENTERTAINMENT LICENSE TO CUSHING AMUSEMENTS IN CONJUNCTION WITH THE FOURTH OF JULY CELEBRATION**

Assistant Town Manager Colburn-Dion advised that the Fun on the Fourth festivities are scheduled to take place July 3 through July 6. In the event of rain on July 6, events will take place on July 7. If a raindate is necessary, Cushing Amusements must have a Sunday Entertainment License to operate. Selectman Caira clarified that it will only be in the event of rain on July 6.

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

VOTED: That the Board of Selectmen issue a Sunday Entertainment License to Cushing Amusements in conjunction with the Fourth of July celebration.

**BOARD TO CONSIDER ESTABLISHING A TOWN MEETING REVIEW COMMITTEE OR DIRECTING THE INHABITANT BY-LAW STUDY COMMITTEE TO PREPARE A RECOMMENDATION ON THE DATE AND TIME FOR ANNUAL TOWN MEETING**

Assistant Town Manager Colburn-Dion reviewed a memorandum from Town Manager Hull regarding the current members of the By-Law Study Committee and their positions relative to the committees as well as the positions of Beverly Dalton, Administrative Assistant, and Theresa Marciello, Elderly Services Director. Selectman McCoy stated that changing the date of Town Election was also brought up.

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

VOTED: That the Board of Selectmen direct the Inhabitant By-Law Study Committee to prepare a recommendation on the date and time for Annual Town Meeting and that Beverly Dalton, Administrative Assistant, and Theresa Marciello, Elderly Services Director, attend those meetings where discussion of the Annual Town Meeting will take place.

### PUBLIC COMMENTS

Suzanne Sullivan, Lawrence Street, thanked the Board for following-up on issues regarding Olin, the Cancer Study and providing water to Cook Avenue residents. She expressed her concern that the Town not “drop the ball” regarding Cook Avenue.

Ms. Sullivan stated that the Department of Public Health Cancer Study Committee has been advised multiple times that the study was going to peer review. After 20 years, the committee has not received answers.

Suzanne Crooker, Middlesex Avenue, asked whether the Board of Selectmen received her letter dated May 22 and, if they did, why it was not included on the agenda. Ms. Crooker provided members of the Board with copies of her letter and they advised that they received her letter in a previous packet. Her letter included copies of articles regarding an incident that occurred in Salem, New Hampshire and involved one or more employees of Cushing Amusements. Ms. Crooker asked why it was not placed on the agenda as this was the second meeting since she provided the letter. Chairman Bendel stated that the Board receives many pieces of communication and not all are placed on the agenda. Chairman Bendel provided Ms. Crooker with the opportunity to comment on her letter. Ms. Crooker stated that she is concerned with a similar incident occurring in Wilmington. She recognized that the incident occurred after hours and through due diligence of the neighbors, the carnival workers do not stay on site. She advised that Officer Chalifour met with her and explained the actions being taken by the Wilmington Police Department to ensure a safe event.

Selectman Eaton advised that Town Manager Hull responded to Ms. Crooker and read his letter for the public's benefit.

Chairman Bendel stated that he was pleased the Police Department reached out to Ms. Crooker and that residents' safety is a priority to the Board.

Janice Sawyer, Lawrence Street, stated that she saw correspondence to the EPA on the agenda and believed it would be the Town's response to Interim Report. She asked whether an official response was made and whether it is available to the public. Assistant Town Manager Colburn-Dion advised that the response has not been finalized. Ms. Sawyer asked whether the deadline had changed. Chairman Bendel stated that Town Manager Hull returns tomorrow and the Town will follow up.

Ms. Sawyer asked whether the letter written by Jana Ferguson is available and was advised that it may have been a telephone conversation or an email and Assistant Town Manager Colburn-Dion will follow-up.

Ethan Sawyer, Lawrence Street, expressed his agreement with Ms. Sullivan's comments and noted that Ms. Jennings stated that there are situations where EPA can be leveraged to help the Town get the responsible parties to pay for water supply. He stated that he would appreciate it if there was a way to better convey the information.

Selectman McCoy stated that he had requested that discussion regarding installation of a water main on Cook Avenue be placed on the agenda. He stated that didn't happen but Ms. Jennings stated that the Town could send something to the EPA and it would give the Town “more teeth”. He stated that he will make a motion in September that the Town expend funds to install a water main to provide residents of Cook Avenue with water and attach Olin's property.

Chairman Bendel clarified that the Board had an extensive discussion on Cook Avenue and Ms. Jennings did mention she would be back in the fall.

Selectman Eaton stated that he understood Ms. Jennings comments to encourage the Board to reach out to EPA and document desires regarding getting water to Cook Avenue and the EPA could “flex its muscles”.

Selectman Caira stated that the Town should not wait until the fall but send a follow-up letter to EPA that the Board expects certain issues to be addressed in the fall.

Selectman O’Mahony expressed concern with comments that the Town should move forward without getting a response from EPA or guidance from our consultants. Excavation is included and she fears that the Town may create a more difficult situation and the Town would be liable.

Chairman Bendel stated that Ms. Jennings’ recommendation was to not move forward but he believes the Town did its due diligence by getting an estimate.

Ms. Sullivan advised that Wilmington Environmental Restoration Committee (WERC) has been working with EPA to hold a large public meeting, possibly in October, as one has not been held for a couple of years.

Ms. Sullivan expressed concern that the installation of a water main for residents of Cook Avenue is used as leverage, Olin may not be obligated to fulfill other requirements. i.e. if you bring water to Cook Avenue, Olin does not have to \_\_\_\_\_.

Mr. Sawyer stated that there are two issues with the EPA. He believes the provision of water to Cook Avenue ought to be included in the Interim Action.

### ANNOUNCEMENTS

Selectman O’Mahony wished all biological dads, legal dads, step dads, male role models, including her husband, brothers, brothers-in-law and her colleagues a happy father’ day.

Selectman Eaton noted that the Rotary Club will be holding its Annual Trivia Night on Friday evening.

Selectman Caira noted that on Saturday he, Selectman O’Mahony and Chairman Bendel attended a conference in Sharon, MA which was held for new Selectmen. He stated that there were approximately 100 members from across the commonwealth in attendance with which ideas were shared and learned they have a lot in common.

Selectman Caira noted that he attended the Brady Foundation Race/Walk that was held on Sunday. He commented that the foundation does outstanding work to combat addiction.

Selectman Bendel noted that this is the last week of school and urged residents to drive safely.

### NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- June 14 – Rotary Trivia Night – Knights of Columbus
- June 14 – Flag Retirement Ceremony – Minuteman Headquarters
- June 14- – Wilmington Relay for Life – Wilmington High School
- June 15 – Friday afternoon, June 14 to Saturday morning, June 15
- June 16 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 20 – Reading Municipal Light Department Solar Workshop  
230 Ash Street, Reading – 6:30 p.m.
- June 24 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- June 23 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 30 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- July 3- – Fourth of July Festivities – 978-657-8081 (funonthe-fourth.com) – Town Common
- July 6 – Spectacular Fireworks – July 6
- July 4 – Family Day – Town Common
- July 8 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- July 10 – Concert on the Common – “Ball in the House” – 6:30 p.m. to 8:00 p.m.
- July 10 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- July 13 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- July 17 – Concert on the Common – “Jimmy & the Jesters” – 6:30 p.m. to 8:00 p.m.
- July 24 – Concert on the Common – “BackTrack” – 6:30 p.m. to 8:00 p.m.
- July 31 – Concert on the Common – “60’s Invasion” – 6:30 p.m. to 8:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:15 p.m.

Respectfully submitted,

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Recording Secretary