

## BOARD OF SELECTMEN MEETING

March 10, 2014

Chairman Michael V. McCoy 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 J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

### TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 35, 35A, 36 and 36A.

### MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meetings held December 16, 2013, January 13, 2014, February 3, 2014 and February 10, 2014 and all action taken is hereby ratified and confirmed.

### **PUBLIC HEARING, RE: ACCEPTANCE OF STREETS AT TOWN MEETING, I.E. ELEANOR DRIVE**

Town Manager Hull stated that this is the second meeting relative to this matter. He reminded the Board that at its last meeting they voted their intention to go forward with laying out the streets. At that time, a memorandum was provided from the Engineering Director describing Eleanor Drive.

Chairman McCoy asked if there were any questions or comments from the audience and there were none. Chairman McCoy asked if there were any questions or comments from the Board and there were none.

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 close the public hearing.

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 accept Eleanor Drive for further action relative to the acceptance of streets at the Annual Town Meeting on May 3, 2014.

### **GUY NEIL, BGP TAVERN LLC DBA RED HEAT TAVERN, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 300 LOWELL STREET**

Mr. Neil was present requesting a Common Victualer License. Chairman McCoy requested Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that the Building Inspector advises that there are no zoning issues and Health Director Shelly Newhouse recommends approval upon meeting requirements of the Board of Health.

Mr. Neil stated that, on behalf of the ownership, they are excited to be part of the Wilmington community and look forward to working with charities and fundraisers.

Chairman McCoy asked if there were any questions, comments or a motion. 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 grant a Common Victualer License to BGP Tavern LLC dba Red Heat Tavern for property located at 300 Lowell Street.

**KATHLEEN BLACK REYNOLDS, CHAIRMAN, WILMINGTON HISTORICAL COMMISSION, RE: PROPOSED DEMOLITION OF WHITEFIELD SCHOOL**

Ms. Reynolds introduced members of the Historical Commission who were present as well as Museum Curator Terry McDermott and Historical Commission Clerk Patricia Cardarelli. Also present was former Chairman of the Historical Commission Carolyn Harris. Ms. Reynolds stated that she was present to request that the Board of Selectmen not include the demolition of the Whitefield School on the Warrant for the Annual Town Meeting to allow for the completion of the feasibility study proposed by Town Manager Hull. She stated that the building has been vacant for an extended period and the proposal to demolish the building arose abruptly and believes it is reasonable to ask that no action be taken for one year. Ms. Reynolds stated that there are a number of historic features to the exterior of the building and advised that it was completed in 1904 and was a very progressive building. Ms. Reynolds noted the use of natural lighting, classrooms in the front of the building, just four large classrooms to accommodate students and allowed for boys and girls to enter through the same doorway rather than separately. She stated that it is the last early 20<sup>th</sup> building in Wilmington.

Ms. Reynolds noted that the architect was a well-known architect in the Boston area, born in Milford and that he built several other schoolhouses. The Historical Commission is aware that one was dismantled and reassembled and serves as an office building for a local developer. Ms. Reynolds stated that the namesake of the Whitefield School is probably the most famous part of the building. She advised that George Whitefield was an Evangelical teacher in the area during the pre-revolutionary period. Ms. Reynolds stated that he was in Wilmington to spread the word of Christianity and teachings of democratic principles and did so across the street from where the Whitefield School currently stands, under what was eventually named the Whitefield Elm.

Ms. Reynolds stated that, having spoken individually with members of the Board of Selectmen, her understanding is that members are concerned with the safety of people around the building. She stated she is aware that the roof is in disrepair but is not aware of shingles falling off the roof or side of the building as was the case with the Swain School. Ms. Reynolds commented about the utilities to service the building and noted her belief that it is a minimal cost. Another concern is that discussion about the Whitefield School may continue for another ten years. She stated that is not the intention of the Historical Commission. The Historical Commission would like the opportunity to assess whether there are State or Town funds to help in the revitalization/rehabilitation of the building, perhaps there is a private developer that the Town may consider selling the building to, but retain ownership of the property for use of the green space for sports or passive recreation. She stated the Historical Commission is asking for an opportunity to explore possibilities.

Ms. Reynolds stated that the Historical Commission is a Town volunteer board whose members have worked hard over the years. She stated they have had a cooperative and collaborative relationship with the Board of Selectmen but there are new members on both boards and members of the community that need to be educated about the history of the building and potential uses for it. Members of the Historical Commission took an oath to preserve and conserve the historic resources in town and to educate the community about the resources. She believes that putting this before the Town at this year's Town Meeting is a hasty decision and does not allow ample time to adequately educate the public.

Chairman McCoy thanked the Historical Commission for attending the meeting. He stated that he had commented at the Board's meeting of February 3, 2014 when the Town Manager presented his budget that the building should be demolished. He said he is aware of the condition of the building and believes it needs to go to Town Meeting to allow voters to decide the fate of the building. Chairman McCoy said he has not swayed from his belief that it would be to the Town's advantage to demolish the building. Chairman McCoy asked Town Manager Hull to comment.

Town Manager Hull stated that his budget presentation did not include funds or a proposal to tear down the Whitefield School. His proposal was to do a comprehensive review of the facilities and develop a priority of needs and establish an order to address those issues and noted the long-term discussions of a fire substation, space needs at the Buzzell Senior Center and Town Hall. He stated that Town Hall was intended to be a temporary location in 1985 and believes the Town should look at another building that incorporates general government and school administration. Town Manager Hull stated that the Roman House, though it has historic features, is not conducive to a School Administration building. The intent of a feasibility study would be to have someone with expertise develop a program. Town Manager Hull stated that the challenge is that the Whitefield School is in tough shape and the roof has a number of leaks. He stated that on the second floor the plaster has fallen from the ceiling. It is unclear how much longer the roof can sustain the weather. Preliminary information from an architect estimates that it would be \$3 million to \$5 million to upgrade the building to a point where it met accessibility standards, complies with current seismic, plumbing and electrical codes. Design costs should be expected to range between 8% and 10% of construction costs. Since project costs will likely exceed \$1.5 million, Massachusetts procurement law requires the hiring of an Owners Project Manager to monitor the project on the Town's behalf. The Owners Project Manager would be an additional cost to the Town. Town Manager Hull stated that there would be significant costs to bring the building up to a place where it may be used for an office.

Chairman McCoy asked if there were any questions or comments from the Board. Selectman Champoux asked how long the Whitefield School has been vacant. Town Manager Hull advised that the Public Buildings Department was located at the Whitefield School and relocated to the former Fire Station. Selectman Champoux stated that he believes the building ought to come down as he is concerned with the condition of the building and the costs associated with bringing the building up to standards. He believes the Historical Commission ought to have an opportunity to do their homework. He commented that he believes that the feasibility study will determine that the building does not merit the investment necessary.

Town Manager Hull stated that the cost for an architect to conduct a feasibility assessment on the Whitefield School, an estimated \$15,000 to \$20,000, is not included in the budget.

Selectman Champoux stated that he does not believe the Town needs to rush into taking the building down but he does not want to go beyond the next Town Meeting.

Selectman O'Connell stated that with the exception of record storage, the building has not been used and there have not been any plans to revitalize the building. Capital improvements invested in the building to have it remain in "non-status" role is not an effective use of tax dollars. Selectman O'Connell asked Town Manager Hull what his plans were to spend money on the building other than heat and water. She asked whether the roof had to be done right away. Town Manager Hull advised that the Town is not planning to repair the roof as the cost estimate is \$42,000. The building is in difficult straits, the roof needs to be replaced but is not inclined to invest in it since there is not a clear purpose for the building. He stated that there are limited documents stored in the building and they could be relocated.

Selectman O'Connell asked what the Historical Commission activities would be to benefit from an additional year. Ms. Reynolds stated that the Historical Commission would explore other revenue possibilities. She stated they have had conversations with private developers who have expressed interest in the building. She would like an opportunity to go through the building with an architect and Mr. Hooper. She stated that she is aware that the Town is not interested in being a landlord.

Selectman Cimaglia asked what the Historical Commission has done in the past few years relative to the Whitefield School. Ms. Reynolds stated that in 2005 they had grant money to bring an architectural historian in to conduct a survey on the building along with other buildings in town. The purpose of the survey was for nominating buildings to the National Register of Historic Places. She stated that the Whitefield School is not on the National Register of Historic Places but is included on the state's inventory.

Ms. Reynolds and Ms. McDermott met with Town Manager Hull in October and at that point they were advised to prioritize the needs of the Town's historic buildings. She stated the conversation was started at the Historical Commission meetings and they knew that the Whitefield School was a hot topic, knew the Roman House was a hot topic and the Buzzell Senior Center is going to be a hot topic. In February the Commission toured the Whitefield School and within a week the Board of Selectmen met and the discussion of demolishing the building was raised. Ms. Reynolds stated that the Historical Commission has been putting their resources into the Butters Farmhouse.

Selectman Cimaglia asked Ms. Reynolds if the Whitefield School has been on their front burner and they have information to debate before Town Meeting, why not address it two months from now. Ms. Reynolds stated that they have historical data but they do not believe it is enough time to educate the community on the historical features of the building and other potential uses for the building.

Selectman Newhouse stated that it is his opinion that this should go before Town Meeting and have the discussion with voters. He stated that there are arguments for and against and not many articles like this pass or fail by unanimous vote. He stated that some of the information the Board has is compelling as well as his own observations of the property. Selectman Newhouse stated that the Town has an estimate of \$15,000 to \$20,000 for a feasibility assessment to determine the cost for design and construction. There is an estimate of \$3 to \$5 million to renovate the building not including "soft costs" associated with such project. If the design and construction does not occur for another five years, the time is costing the Town money. He had commented previously that the property is currently being used for field space and notes the property is filled with cars and people on a Saturday. He sees a real, tangible need for the additional space, believes there is a safety factor in terms of families crossing Middlesex Avenue using privately owned property across the street to park and believes demolition of the building warrants a sense of urgency.

Selectman Newhouse believes voters at Town Meeting can weigh the issues he has raised against information that may be gained over the next year should demolition be put off one year.

Selectman Newhouse expressed his appreciation for the work the Historical Commission does and is glad they take their charge seriously and bring their point of view to the table. Selectman Newhouse believes the different points of view ought to be brought to Town Meeting and he does see a downside to waiting. He does not believe he will be swayed by information over the next year and is prepared to include the demolition of the Whitefield School in the Warrant tonight. If a majority of the Board sees fit to include the article, then he will be prepared to have further discussion at the Finance Committee public hearing and Town Meeting. He said if the demolition is not included on the Warrant he will work with the Commission.

Ms. Reynolds asked Town Manager Hull to clarify the cost of \$15,000 to \$20,000 versus the \$150,000 proposed for a feasibility study. Town Manager Hull advised that the \$150,000 will not include the consultant conducting a full scale assessment of the cost to bring the building back to a state of being useable.

Ms. Reynolds addressed Selectman Newhouse' comment relative to safety issues of people crossing the street. She stated that the youth sports have funds that they can use to hire a detail officer if necessary.

Selectman Champoux asked Public Buildings Superintendent George Hooper whether he believed the roof can be "band-aided" or whether no action can be taken for twelve months. Does the Town have to do something to the roof to keep the building from falling in on itself? Mr. Hooper advised that the building will not fall in on itself, the stacks have been brought to the roof line because the bricks were starting to fall off. He stated that the roof needs to be replaced, the rain comes in and that is not helping the structure. Mr. Hooper advised that the siding on the building is asbestos contained material. He stated that the cost of \$42,000 does not include replacement of roof joists or rotted boards.

Selectman Champoux asked, if not for the possibility of demolishing the Whitefield School, would Mr. Hooper put in a request to replace the roof of the building. Mr. Hooper stated it comes up each year and no he would not request funds to replace the roof. Selectman Champoux asked about the timeline if the Town votes to demolish the building. Town Manager Hull advised that if the Board votes to demolish the building, then an Invitation For Bid would be issued similar to that which was done for the Swain School. He stated that it is his judgment that residents are not inclined to raise, appropriate or borrow \$5 million to \$7 million for another building until there is a reduction in the borrowing costs for the high school.

Selectman Champoux stated that he is receptive to allowing the Historical Commission the year to research grant availability, but not if it will cost the Town one more dollar than the Town would have spent if the Board did not have the conversation. His understanding is that there will not be additional funds spent to allow the one year delay in action.

Chairman McCoy asked if there were questions or comments from the audience. Frank West, 2 Birchwood Road, stated that when he first served on the Historical Commission he attended a ceremony where the West Schoolhouse was placed on the National Register of Historic Places. At that time, the Building Inspector was anxious to knock the building down. He stated that in partnership with state representatives and Shawsheen Tech, the Town was able to get \$103,000 to revitalize the building. Mr. West provided members of the Board of Selectmen with photocopy pictures of the Foster School located in Tewksbury where the façade was retained to develop

housing and believes the same could be accomplished with the Whitefield School. Mr. West asked Mr. Hooper whether the roof could be tarped over to prevent water from entering the building. Mr. Hooper stated that it could be tarped but that the tarp must be strapped down. This is a very temporary solution.

Selectman Cimaglia stated that the West Schoolhouse is a viable office building for the Veterans' Services Department and noted that it was completed in 2005 for very short money. To rehabilitate the Whitefield School would require elevators/escalators. Selectman Cimaglia stated that he does not want to see a blue tarp placed on the building.

Chairman McCoy stated that making the comparison between the West Schoolhouse and the Whitefield School is like comparing apples to oranges. The West Schoolhouse is a one room schoolhouse where the Whitefield School is a two story building.

Mr. Hooper noted that the Public Buildings Department worked with the students of Shawsheen Tech to complete the West Schoolhouse project. Mr. Hooper stated that although a blue tarp could be placed over the roof of the Whitefield School, he would not be comfortable sending members of his department up on top of the roof. He also commented about the short duration a tarp may last with New England weather.

Carolyn Harris, former member of the Historical Commission, stated that she agrees with Chairman McCoy that the comparison with the West Schoolhouse is apples and oranges. She stated that there is something in common and that is the hard work of the Historical Commission. She said the Commission is dedicated to preservation and conservation. She believes that when this was raised at the Board's last meeting it should have been tabled and the Historical Commission notified, they should not have learned about the proposal in the newspaper. Ms. Harris stated she was confident that, given the opportunity to look for viable alternatives, the Historical Commission will make a recommendation in the best interest of the community.

Ms. Harris noted that the Historical Commission was involved in the decision process of the demolition of the Swain School from the beginning. She stated that it was a very hard decision to make. She asks the Board to trust the Historical Commission to do a good job.

George Lingenfelter, 11 Concord Street, believes the Historical Commission should be granted the time they are requesting. He stated that he believes the Town should reflect on how it got where it is. He stated that it is his opinion that the Town does not invest money to maintain the buildings. Chairman McCoy stated that he believes the Town has done a decent job maintaining its buildings.

Chairman McCoy asked if there were any additional questions or comments from the audience and there were none.

Ms. Reynolds thanked Ms. Harris and Mr. West for their support and reiterated the request of the Historical Commission for additional time.

Ms. O'Connell stated that she is a proponent of seeing the article go to Town Meeting and asked what Ms. Reynolds' concerns are with it going before Town Meeting this year. Ms. Reynolds stated that sometimes it is a struggle to get a quorum and it takes a while to get participants at Town Meeting. She said that if the Historical Commission does not have an opportunity to educate the community there will not be enough people to weigh in on their side or to have a healthy debate that needs to occur.

**BOARD OF SELECTMEN DISCUSSION, RE: PLACING ARTICLE ON WARRANT TO DEMOLISH WHITEFIELD SCHOOL**

Town Manager Hull stated that as indicated at the last meeting, he has prepared two Warrants. One Warrant contains all articles previously discussed, and the second article contains all articles absent the article to demolish the Whitefield School. Town Manager Hull advised that the Board must vote and sign the Warrant today.

Chairman McCoy asked if there were any questions, comments or a motion. A motion was made by Selectman Champoux that the Warrant to be considered does not include the article to demolish the Whitefield School. Motion failed for lack of a second. A motion was made by Selectman Newhouse, seconded by Selectman O'Connell and by the affirmative vote of four with Selectman Champoux opposed, it was

VOTED: That the Board of Selectmen bring forward the Warrant that contains the article pertaining to the demolition of the Whitefield School.

**BOARD OF SELECTMEN DISCUSSION, RE: REVIEW OF PROPOSED TOWN MEETING WARRANT**

Town Manager Hull advised that there have been a couple of modifications to the Warrant. He noted that in the draft Warrant, Article 23 sought to establish a new stabilization fund. Since an account was established at the 2009 Annual Town Meeting, the article was revised seeking to deposit an amount of money into the existing fund. The second change is that Article 25 has been added to the Warrant. Article 25 seeks to obtain authorization to transfer the unexpended balance from the high school feasibility study appropriation to the design and construction appropriation for the high school construction project. Town Manager Hull stated that he and Town Counsel John Foskett have had discussions with the Massachusetts School Building Authority relative to the language for the article. Town Manager Hull believes it would be advantageous to transfer the funds.

**COMMUNICATIONS**

Town Manager Hull reviewed his memorandum relative to the Whitefield School. He wrote in response to the Board's directive to investigate the costs of demolishing or renovating the Whitefield School. Town Manager Hull advised that estimated costs to demolish the building to be between \$120,000 to \$150,000. He advised that renovation of the building will require a feasibility assessment to determine the work required. Town Manager Hull stated that an architect who toured the school offered an estimate of \$3.0 million to \$5.0 million for construction costs. Design costs should be expected to range between 8% and 10% of construction costs. Since the project costs will likely exceed \$1.5 million, Massachusetts procurement law requires the hiring of an Owners Project Manager to monitor the project and that would be an additional cost.

Town Manager Hull reviewed his memorandum regarding revisions to the 2014 Annual Town Meeting Warrant. Town Manager Hull advised of two modifications in the Warrant. Article 23 seeks to appropriate, transfer from available funds or borrow funds to deposit in the "Other Post Employment Benefits" stabilization fund. The prior article in the draft Warrant sought to establish a new stabilization fund. The stabilization fund was established via the 2009 Annual Town Meeting. The second revision is the addition of Article 25 which seeks to obtain authorization to transfer the unexpended balance from the high school feasibility study appropriation to the design and construction appropriation for the high school construction project.

Town Manager Hull reviewed his memorandum regarding Town Counsel services. He advised that Chairman McCoy, Selectman Champoux and he met with John Foskett to discuss the arrangement for the provision of legal services. Mr. Foskett agreed to a retainer of \$300,000 for Fiscal Year 2015 plus expenses. Discussion took place about the steps to be taken to ensure that legal services continue to be used in the most efficient and effective manner possible.

Town Manager Hull reviewed a letter from Scott Garrant, Chairman, Fourth of July Committee, relative to a 2014 celebration. Mr. Garrant advised that at a meeting with Wilmington-based nonprofit organizations, they requested the Fourth of July Committee work to stage a 2014 celebration at the Aleppo Shriners' property on Fordham Road. The Committee has agreed to do so in order to provide the organizations with the opportunity to raise funds to support their programs.

Town Manager Hull reviewed correspondence from Paula McShane Lambert, Treasurer, Shawsheen Valley Regional Vocational/Technical School District. Ms. Lambert provided the Board with the Fiscal Year 2015 budget request approved by the Shawsheen Valley Regional Vocational/Technical School District Committee. The total FY 2015 budget is \$26,960,185 and the assessment to member towns is \$20,189,074. Wilmington's share of the apportionment of the District budget is \$3,767,358. The amount requested for Special Education is \$1,514,182.

**BOARD TO CONSIDER REQUEST OF WILMINGTON SONS OF ITALY AND WILMINGTON BAND PARENTS TO USE THE SWAIN SCHOOL PARKING LOT ON SATURDAY, MAY 3 AND SUNDAY, MAY 4 FROM 8 A.M. TO 5 P.M. FOR THE PURPOSE OF CONDUCTING A YARD SALE TO RAISE FUNDS**

Chairman McCoy asked if there were any questions or comments 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 grant the request of Wilmington Sons of Italy and Wilmington Band Parents to use the Swain School parking lot on Saturday, May 3 and Sunday, May 4 from 8 a.m. to 5 p.m. for the purpose of conducting a yard sale to raise funds.

**BOARD TO CONSIDER CLOSING AND SIGNING THE WARRANT FOR THE ANNUAL TOWN MEETING**

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 close and sign the Warrant for the 2014 Annual Town Meeting.

**PUBLIC COMMENTS**

There were none.

**NEW BUSINESS**

Selectman Newhouse advised that he is serving on the School Superintendent Search Screening Committee.

Selectman Newhouse wished the Wilmington High School Boys Hockey Team good luck.

Selectman O'Connell commented about the public workshop that was held relative to the Yentile Farm Development. She advised that a follow-up meeting will be held on March 11.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 18 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 20 – Registration Deadline for “Rookies” T-Ball
- March 24 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- April 3 – Wilmington High School Building Committee – Roman House – 3:30 p.m.
- April 4 – Last Day to Register to Vote at the Annual Town Election and Town Meeting – Town Clerk's Office Open 8:30 a.m. – 8:00 p.m.
- April 5 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.

There being no further business to come before 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 adjourn.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

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Recording Secretary