

BOARD OF SELECTMEN MEETING

March 11, 2019

Chairman Kevin A. Caira called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

VOTED: That the Board of Selectmen enter Executive Session for Purpose 3 (MGL Chapter 30A, Section 21(a)) to discuss strategy regarding litigation involving Tresca Brothers Sand and Gravel, Inc. and Lehigh Northeast Cement Company with the intention to return to open session.

Chairman Kevin A. Caira reconvened the meeting 7:03 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton 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 Eaton seconded by Selectman Bendel and by the affirmative vote of all, it was

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

PUBLIC HEARING, RE: ACCEPTANCE OF STREETS AT TOWN MEETING, I.E. MINK RUN ROAD AND POMFRET ROAD

Town Manager Hull stated that tonight's discussion was a public hearing regarding the acceptance of streets at Town Meeting, specifically Mink Run Road in its entirety and a portion of Pomfret Road. Residents with comments or questions should raise them at this time.

Town Manager Hull advised that the Board of Selectmen had a memorandum from Town Engineer Paul Alunni who recommended that the Board proceed with the process and a memorandum from Director of Planning & Conservation Valerie Gingrich who advised that the Planning Board voted 4-0 to recommend acceptance.

Chairman Caira asked if there were any questions or comments from the audience and there were none. 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 close the public hearing relative to the acceptance of streets at Town Meeting.

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 initiate the street acceptance process with regard to Mink Run Road and Pomfret Road.

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

Town Manager Hull advised that the warrant is as presented at the Board's meeting of February 25. Warrant articles include those related to the budget, capital improvements and four petition articles.

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

VOTED: That the Board of Selectmen close and sign the warrant for the Annual Town Meeting scheduled for Saturday, May 4, 2019.

COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Valerie Gingrich, Director of Planning & Conservation, advising that at its meeting on Tuesday, March 5, 2019 the Planning Board voted unanimously to recommend the acceptance of Mink Run Road and a section of Pomfret Road.

Town Manager Hull reviewed a memorandum from Paul Alunni, Town Engineer, who wrote that the Engineering Division has received a Street Acceptance Plan for Mink Run Road suitable for advancement through the Street Acceptance Process.

Town Manager Hull reviewed a memorandum from Paul Alunni, Town Engineer, who wrote that the Engineering Division has received a Street Acceptance Plan for a portion of Pomfret Road suitable for advancement through the Street Acceptance Process.

Town Manager Hull reviewed information from the Department of Planning & Conservation advising of events planned to celebrate Earth Day 2019. Those events include a lecture at the library regarding Wetland Resource Areas and Conservation Land in Wilmington; Town Forest Nature Walk; Spring Town Clean-Up Day; Land Stewardship Program Introduction Workshop and Community Vernal Pool Surveys.

Town Manager Hull reviewed a letter from Chairman Caira to Boston Region Metropolitan Planning Organization regarding support of the intersection improvements at Lowell Street and Woburn Street.

Town Manager Hull reviewed a letter from Wilmington's legislative delegation to Boston Region Metropolitan Planning Organization regarding support of the intersection improvements at Lowell Street and Woburn Street.

Town Manager Hull reviewed a letter from Chairman Caira to Boston Region Metropolitan Planning Organization regarding support of the reconstruction of Route 38 (Main Street).

Town Manager Hull reviewed a letter from Wilmington's legislative delegation to Boston Region Metropolitan Planning Organization regarding support of the reconstruction of Route 38 (Main Street).

Town Manager Hull reviewed a letter from Governor Charles D. Baker and Lt. Governor Karyn E. Polito advising the Town that Chapter 90 Local Transportation Aid funding for Fiscal Year 2020 will total \$200 million statewide. Wilmington's apportionment for Fiscal Year 2020 is \$768,050.

Town Manager Hull reviewed his memorandum regarding the Inhabitant By-law Study Committee. He advised that Town Clerk Tina Conway reached out to the members of the committee appointed by the Selectmen to inquire about their interest to continue serving on the Inhabitant By-law Study Committee and to serve on the Town Meeting Review Committee. He advised that Frank Oliveri and John Romano were interested in serving on both committees. Daniel Stewart wishes to step down from the Inhabitant By-law Study Committee and does not wish to be considered for the Town Meeting Review Committee. Daniel Ardito has expressed desire to continue serving on the Inhabitant By-law Study Committee but is not seeking to participate on the Town Meeting Review Committee.

Town Manager Hull reviewed his memorandum advising that arrangements have been made to provide training for boards, committees and commissions along with Town personnel, covering the Massachusetts Open Meeting Law and Public Records Law. Mark Reich, Town Counsel, will be presenting the information regarding the two laws on Thursday, April 11, 2019 at 7:00 p.m. in the Town Hall auditorium.

Town Manager Hull reviewed his memorandum regarding the Board of Appeals. He wrote that at the Selectmen's meeting of February 25, the question was raised as to whether any other applications before the Board of Appeals have resulted in the Board making a decision at one meeting then returning at a second meeting to review the written decision and to vote to accept the written decision. Toni LaRivee, former clerk to the Board of Appeals, advised that such cases have arisen in the past primarily when 40B projects were brought before the Board of Appeals.

Town Manager Hull reviewed his letter to Mr. and Mrs. Richard Gallant requesting an opportunity to meet regarding the Elinor M. Ristuccia Memorial Arena.

Town Manager Hull reviewed correspondence from Michael Sweeney, Executive Director, Massachusetts State Lottery Commission, regarding their offering a KENO monitor to Quick Mart, 206 Ballardvale Road. The Board of Selectmen does not need to take action unless they object.

Town Manager Hull reviewed an invitation from the Wilmington Minuteman Company, Inc. to attend their installation of officers on Sunday, March 17, 2019.

Town Manager Hull reviewed correspondence from Daniel Veerman, member of the Board of Appeals, advising that the 4th of July Committee will be applying for a special permit to locate the carnival on property known as the former Swain School site. The area is directly across the street from his residence and though he may not be a direct abutter, he is within 300 feet of the area.

Town Manager Hull reviewed correspondence from Verizon Fios which included Fios TV listings, rate card and packages.

BOARD TO CONSIDER REQUEST OF BOARD OF APPEALS RE: DISCLOSURE IN ACCORDANCE WITH CHAPTER 268A, SECTION 20(b) RELATIVE TO AN APPLICATION FOR A SPECIAL PERMIT BY 4TH OF JULY COMMITTEE

Selectman Eaton recused himself and left the room noting his past professional relationship with Mr. Daniel Veerman.

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

VOTED: That the Board of Selectmen determine that Daniel Veerman's ownership of property near the carnival site is not so substantial as to likely affect him from impartially acting on the special permit application submitted by the Fourth of July Committee.

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

This item was taken up under appointments.

BOARD TO CONSIDER SIGNING LICENSE AGREEMENT FOR WILMINGTON FARMERS MARKET

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

VOTED: That the Board of Selectmen sign the license agreement for Wilmington Farmers Market.

BOARD TO CONSIDER REQUEST THAT WILMINGTON TOWN COMMON BE ILLUMINATED IN BLUE DURING THE MONTH OF APRIL IN OBSERVANCE OF AUTISM AWARENESS

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

VOTED: That the Board of Selectmen approve the request that the Town Common be illuminated in blue during the month of April in observance of Autism Awareness Month.

BOARD TO CONSIDER VEHICULAR SAFETY MEASURES FROM INTERSECTION AT SHAWSHEEN AVENUE AND HOPKINS STREET TO BILLERICA LINE

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 authorize the installation of stop signs to be located at Grace Drive at Shawsheen Avenue; Melody Lane at Shawsheen Avenue; Reed Street at Shawsheen Avenue and Harold Avenue at Shawsheen Avenue.

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 endorse Special Speed Regulation #7015-A (Hopkins Street) and #385-D (Shawsheen Avenue & Richmond Street).

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

VOTED: That the Board of Selectmen endorse the Shawsheen Avenue/Hopkins Street School Zone.

BOARD TO CONSIDER REQUEST OF MICHAEL MURPHY TO FLY THE “DONATE LIFE” FLAG AT WILMINGTON TOWN HALL IN RECOGNITION OF APRIL BEING NATIONAL ORGAN DONOR MONTH

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 approve the request of Michael Murphy to fly the “Donate Life” flag at Wilmington Town Hall in recognition of April being National Organ Donor month.

PUBLIC COMMENTS

Gary DePalma, Swain Road, expressed his opinion that the Open Meeting Law and Public Records Law trainings ought to be mandatory for department managers. Town Manager Hull advised that department heads have been directed to attend but the town cannot mandate volunteers to attend. He advised that there will be a separate session for clerical staff.

Kevin MacDonald, who identified himself as a Wilmington Resident, offered his comments regarding the town's status as a non-profit; amount of free cash; correlation of Proposition 2 ½ to home values; unfair taxation that the town does not look at the homes to see what work needs to be done, citing the need for a new roof as an example.

NEW BUSINESS

Selectman McCoy advised of his intention to comment relative to Board of Appeals member Daniel Veerman. Selectman Eaton left the meeting room at this time and returned at the conclusion of Selectman McCoy's comments.

Selectman McCoy acknowledged that the vote relative to 362 Middlesex Avenue has already taken place and expressed his belief that it warrants going into Executive Session to have a discussion with Mr. Veerman. A motion was made by Selectman McCoy that the Wilmington Board of Selectmen call for an Executive Session and have the Town Manager properly advertise the date and give summary of entering into Executive Session discussion with Mr. Daniel Veerman, Chairman of the Board of Appeals, on a date to be determined possibly March 14, March 17, March 18, March 19, March 20, March 21, March 25, March 26, March 27 or March 28. Also that the Board of Selectmen intend to meet in Executive Session in accordance with the provisions of General Law Chapter 30A, Section 21a to discuss discipline, dismissal of, or complaints or charges against Mr. Veerman in regard to matter associated with his involvement as a member of the Zoning Board of Appeals in deliberation with respect to the application of a Special Permit to construct substance abuse detoxification facility at 362 Middlesex Avenue, Wilmington.

Chairman Caira asked for a second, there being no second, Selectman McCoy's motion failed.

Selectman Bendel recognized Dwight Storer, Air Force veteran of Korean Conflict. He advised that Mr. Storer recently donated model airplanes to the Town.

Selectman Eaton offered congratulations to Nicholas Nofle, Wilmington Police Department, and Nicole Capozzoli who recently celebrated their wedding.

Chairman Caira stated that, included in a recent Selectmen packet, the Board received communication from Town Counsel which outlined what would be required to remove an individual from a committee. Free speech is allowed under the First Amendment and there is certain criteria for removal. It is Chairman Caira's opinion that those criteria have not been met.

Chairman Caira congratulated Selectman Bendel for being named Coach of the Year for Basketball by the Commonwealth League. Selectman Bendel stated that he was fortunate to be surrounded by good people and good players.

Selectman McCoy suggested that Selectman Eaton may wish to leave the room. Selectman Eaton left the room at this time.

Selectman McCoy stated that he was not looking to have Mr. Veerman removed from the Board of Appeals but would like to have a conversation in Executive Session. He alleged that Mr. Veerman made comments when asked about 362 Middlesex Avenue. Selectman McCoy stated that Mr.

Veerman has stated that he filed with the State Ethics Commission and he would like the Board of Selectmen to be provided with the notice of disclosure. Selectman McCoy stated that he maintains that a discussion in Executive Session is warranted.

Selectman Eaton returned to the meeting.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 19 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 25 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 3 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 6 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 6 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 8 – 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 8 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 10 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 10 – Wetland Resource Areas and Conservation Land Library Lecture Memorial Library – 7:00 p.m. to 8:30 p.m.
- April 13 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 15 – Town Offices Closed – Patriot's Day
- April 16 – Town Forest Nature Walk – 3:00 p.m.
- April 17 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 20 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 20 – Little League Opening Day Parade
- April 20 – Easter Egg Scramble – Town Common – 11:00 a.m.
- April 22 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 24 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 27 – Spring Town Clean-Up Day – 8:30 a.m.
- April 27 – Land Stewardship Program Introduction Workshop – 1:00 p.m.
- April 27 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 27 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- May 4 – Annual Town Meeting – High School Auditorium – 10:30 a.m.
- May 5 – Plastic Bag Ban in Effect

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 adjourn.

Meeting adjourned at 8:03 p.m.

Respectfully submitted,

Recording Secretary