

BOARD OF SELECTMEN MEETING

March 12, 2018

Chairman Michael L. Champoux called the meeting to order at 6:15 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Edward P. Loud, Sr. 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 the purpose of approving Executive Session minutes of September 22, 2014 (post), March 9, 2015, June 1, 2015, September 14, 2015 and September 26, 2015 in accordance with MGL Chapter 30A, Section 22 with the intention to return to open session.

Chairman Michael L. Champoux called the meeting to order at 7:04 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

Chairman Champoux advised that he was reminded by Selectman Bendel that the Board was meeting on the eve of another snow event and wanted to take the opportunity to provide public service announcements. Selectman Bendel advised that Wilmington Public Schools, Shawsheen Tech and Town offices would be closed Tuesday, March 13, 2018 due to the weather. Trash will be delayed by one day. Selectman Bendel noted that the Town sent out a message with phone numbers to call including Reading Municipal Light Department and the Department of Public Works. He encouraged residents to look in on their neighbors, especially elderly neighbors, and to remain off the roads, if possible, to allow the Department of Public Works to remove snow.

Selectman Bendel complimented Town employees including the Department of Public Works, Public Buildings, Police and Fire for their work during the last snowstorm. He also thanked Theresa Marciello, Director of Elderly Services, and her staff for opening the Buzzell Senior Center as a warming center for those without power.

Town Manager Hull advised that the Department of Public Works continue to address tree limbs that are either in the road or are in jeopardy of coming down. He advised that trees that fall on private property are the responsibility of the property owner to remove.

TREASURY WARRANTS

Chairman Champoux asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 35, 35A, 36 and 36A.

MINUTES

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 approve the minutes of their meeting held December 12, 2017 and all action taken is hereby ratified and confirmed.

**CHRISTOPHER E. COLEMAN, ESQUIRE, ON BEHALF OF PACIFIC SUNSHINE, INC.
DBA PACIFIC GROVE, RE: PUBLIC HEARING ON THE REQUEST FOR A NEW
OFFICER/DIRECTOR, NEW STOCKHOLDER, TRANSFER OF STOCK AND CHANGE OF
MANAGER OF THE ALL ALCOHOL LICENSE FOR PROPERTY LOCATED AT 217 AKA
211E LOWELL STREET**

Mr. Coleman was present on behalf of Pacific Sunshine, Inc. DBA Pacific Grove requesting approval for a new officer/director, new stockholder, transfer of stock and change of manager for their All Alcohol License. Mr. Coleman confirmed that there would be no changes to the restaurant. The floor plan and hours will remain the same. Mr. Coleman provided information on Jim Xiang Ren's, the proposed manager, background and experience.

Chairman Champoux asked if there were any questions or comments from the Board. Members wished Mr. Ren well. Chairman Champoux asked about the hibachi and was advised cooking on the hibachi was done in the kitchen, not tableside.

Chairman Champoux asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that a favorable recommendation was received from Police Chief Michael Begonis.

Chairman Champoux asked if there were any questions or comments from the audience and there were none. Chairman Champoux declared the public hearing closed.

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

VOTED: That the Board of Selectmen approve the request for a new officer/director, new stockholder, transfer of stock and change of manager of the All Alcohol License for property located at 217 Lowell Street AKA 211E Lowell Street.

**MAHMED OURDYL, MONA'S KITCHEN, RE: REQUEST TO OBTAIN A COMMON
VICTUALER LICENSE FOR PROPERTY LOCATED AT 66U CONCORD STREET**

Mr. Ourdyl stated that he was a prior owner of Peter's Pizza and Roast Beef, 2 Lowell Street, until he sold it approximately seven years ago. He advised that he would like to open a restaurant on Concord Street in the unit that was formerly a Subway. Mr. Ourdyl provided information on his restaurant experience.

Chairman Champoux asked when Mr. Ourdyl anticipates opening and was advised that he is awaiting approval from the landlord as there is a complication regarding the gas line. He then anticipates two weeks construction.

Chairman Champoux asked if there were any questions or comments from the Board. Members of the Board wished Mr. Ourdyl success. Selectman Loud asked what the hours will be and was advised the hours would be 6:00 a.m. to 9:00 p.m. Mr. Ourdyl is going to try serving only breakfast on the weekends to afford him more time with his family.

Chairman Champoux asked Town Manager Hull to provide recommendations from applicable department heads. Health Director Shelly Newhouse recommended approval and Building Inspector Al Spaulding advised there were no outstanding zoning issues.

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 for Common Victualer License for Mona's Kitchen, 66U Concord Street.

JOSEPH MARTINIELLO, WILMINGTON-BILLERICA RELAY FOR LIFE, AND ANNMARIE TANZELLA, AMERICAN CANCER SOCIETY, RECOGNITION OF ONE MILLION DOLLAR FUNDRAISING MILESTONE AND 10 YEARS OF SUPPORT

Mr. Martiniello stated that the tenth Relay for Life will take place on June 15. He noted that it has expanded to include Tewksbury and Billerica. Wilmington has embraced the non-profit and the fundraiser annually.

Ms. Tanzella stated that the milestone is not met by many relays and the American Cancer Society is excited to share the occasion with the Board of Selectmen. She advised that the \$1 million fundraising milestone was hit before the event last year and they were able to recognize Joe Martiniello at that time.

Ms. Tanzella presented a plaque to the Board of Selectmen.

Mr. Martiniello stated that over the past ten years there have been a lot of people who have participated in the event. He thanked the community who have helped make Relay for Life Wilmington a success.

Chairman Champoux believes the Town owes Mr. Martiniello a debt of gratitude. Members of the Board expressed their appreciation to Mr. Martiniello and the American Cancer Society.

Mr. Martiniello advised that on May 7 the Survivor Social will take place at Villanova Hall. He stated that there is no cost and survivors may attend with a caregiver.

DENISE CASEY, ASSISTANT TOWN MANAGER, AND JOHN O'NEIL, IT DIRECTOR, RE: PROPOSED CAPITAL EXPENDITURE – ENTERPRISE SOFTWARE

Ms. Casey stated that she was present with John O'Neil for the purpose of discussing the capital budget request for the replacement of the Town's enterprise software package. She introduced members of the team who were present.

Ms. Casey stated that the presentation has been broken up into what the enterprise software package is, the history of enterprise software in the town, the committee and what the committee has done and the committee's recommendation to the Town Manager and the Board of Selectmen.

Ms. Casey stated that the committee received an estimate of slightly more than one million dollars for replacing the entire enterprise resource planning (ERP). The highest quote is below the estimate. She noted that Softright is the current ERP that both the Town and the School Department use and advised that it is no longer being supported by the parent company Accella. She stated that Accella bought out Softright and has since been bought out. The Town has been using Softright since 2009 and it currently runs on a Windows 2003 terminal server. She advised that the server has reached its end of life.

Ms. Casey stated that there have been several different operating systems throughout the years on the financial side, payroll side and utility billing. A software conversion is very time consuming and costly process.

Ms. Casey reviewed why enterprise software is necessary for the operation of the Town and how the different departments utilize it.

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Ms. Casey stated that she learned of Softright's sale and the need to look at replacement software when she first arrived. She stated that the committee looked at other modules that would satisfy all the Town's needs and not utilize third party modules. A request for proposal with preliminary specifications was drafted in September. Vendors were invited in to demonstrate their software that the committee thought could provide what the Town was looking for. She stated that the committee met with Vadair, Oracle and Munis. It was the consensus of the committee that Munis would satisfy the Town's requirements.

Ms. Casey reviewed the positives and negatives of the three systems. Vadair does not have an integrated human resources and payroll module, third party permitting module and lacks the modern software technology the others offer. Oracle is a large company does not offer an integrated tax module, third party permitting module and are new to municipal finance, new to Massachusetts and are costly. She advised that Munis offers the ability to be scaled, can add permitting, citizen transparency where more of the Town's financials can be put on line. Munis is also on the state bid list. She advised that, like the other software, Munis is costly.

Munis is a national company with about 15,000 municipalities and school districts across the country. They are a larger company and the likelihood of them being bought out is small. Ms. Casey stated that there is a lot of automation to reduce redundant data entry. Munis offers hosting of the software which means that maintenance and upkeep of the physical infrastructure will be handled by Tyler Technologies and will be responsible for data security, data integrity and backup. Ms. Casey explained that there is a cost differential for what is hosted or on premises. The hosted module is one that Tyler Technology is responsible for maintaining the hardware and all of the networking. All software updates are done at Tyler Technology. On premises means the Town would maintain software. Hardware, maintenance and updates would be the responsibility of the Town. Software upgrades would be done in-house and in the event of loss of network would have an operations failure. Mr. O'Neil explained that on premise, the IT staff would have to coordinate with Tyler Technology for all upgrades and software maintenance which would have to be completed after business hours. Having a hosted system would allow Tyler to handle it on their end and the Town's business operations would not need to be interrupted.

Ms. Casey explained the vendor cost comparisons. Ms. Casey explained benefits of Munis including the self-service feature. There is an ability to move to on-line permitting. She advised there is more visibility of benefits for retirees and they would have the ability make changes, such as their address.

Frank Antonelli, Interim Director of Administration and Finance for the School Department, opined that Munis is an excellent company noting that he has worked with them in multiple school districts. He stated that he believes it to be an exciting time for the Town and School to move forward.

Selectman Loud stated that, at one of his previous companies, he went through a conversion and opined that "it was not pretty". He asked whether it was Microsoft based or an SAP based. Mr. O'Neil stated that he did not know what the database backbone was.

Selectman Loud asked whether an inventory of laptops have been done and whether the Town will have to invest in certain hardware and was advised by Mr. O'Neil that it is browser based.

Chairman Champoux asked how the cost will be apportioned between School and Town and was advised by Town Manager Hull that the request is being proposed as a separate, stand-alone article to be paid through available funds.

Chairman Champoux asked about the cost and was advised that it is over a three year period and after the three year period, the Town would have to pay an annual maintenance fee. Ms. Casey advised for Munis it is approximately \$200,000.

Chairman Champoux asked what drives the costs, would a smaller town have a smaller cost? Mr. O’Neil advised that he believes some of it may be software licensing, different database backbones, Munis allows 90 concurrent users connected to the system and there will be an additional charge for additional users. Ms. Casey advised that some vendors base their charges on the Town’s annual budget.

Chairman Champoux indicated that he would be supportive of the hosted application versus on-premises.

Selectman McCoy stated that he thought the expenditure would be the million dollars and did not realize there would be an annual cost. Mr. O’Neil advised that software has moved to subscription fees and explained that it would cover software upgrades. Ms. Casey noted that many communities with Munis, have been with Munis since the 1990s and have not had to convert like Wilmington has. Munis is scalable and continues to upgrade and update.

Selectman Caira stated that three years ago the municipality he works for converted from Munis to Softright and is expanding. They were surprised that Softright was no longer being supported. Selectman Caira asked if the maintenance cost will be locked in and was advised the Town has verbal commitment from Munis to lock it in for five years. He asked whether the committee had communications with communities that use Munis about whether they liked and didn’t like, what worked well and what did not work well. Ms. Casey advised that they spent time with the Assistant Town Manager and Finance Director for the Town of Littleton. Ms. Casey stated that she has used Vadar and Munis in her career and she has spoken to her colleagues.

Selectman Caira asked whether the system is portable in the event a Town Hall/School Administration Building is constructed. Mr. O’Neil confirmed that where the Town is looking at a hosted system, all that is needed is a network connection.

Selectman Bendel asked whether the presentation would be available at the Public Hearing scheduled for Tuesday, March 20, 2018. Town Manager Hull advised that it would be made available in paper form. He is unsure of the ability to provide a PowerPoint presentation in the Auditorium. Chairman Champoux asked whether the PowerPoint presentation would be made at Town Meeting and it was confirmed that it would be.

Selectman Bendel advised that Shawsheen Tech converted to Munis in January.

Selectman Loud asked whether 90 users would be enough and was assured that it would be. Selectman Loud asked whether citizens who go on to pay water bills, whether they are counted as users. Pamela MacKenzie, Treasurer/Collector, stated that the Town has not reviewed the payment portal to determine whether there are costs associated with online payment. Selectman Loud asked when it was expected to go live. Ms. Casey believes it would be July 2019 for financials.

Mr. O’Neil stated that it is beneficial that Munis has experience with conversions from Softright.

Selectman Caira asked whether the presentation has been brought to the School Committee for their approval and was advised by Paul Ruggiero, Acting Superintendent, that he would ensure that it is brought to them.

Chairman Champoux noted that this was not a public hearing but asked whether there were questions or comments from the audience.

Michael Welch, Cottage Street, questioned the reference to the \$114 million budget and asked whether that is what the town spends annually. He was advised that is the FY 2019 budget. Town Manager Hull advised that there are other expenditures so the amount would be in excess of \$114 million.

John Anderson, Cypress Street, asked whether there was language to guarantee the security aspect. Town Manager Hull advised that, as a matter course, if the appropriation is authorized Town Counsel will be involved in developing the contract. A key element is establishing what Tyler's responsibilities will be. He stated that to the greatest extent possible, various mechanisms are in place to limit the ability for the system to be hacked.

Mr. Anderson asked whether the municipalities will be able to interface and was advised that they will not.

Selectman Bendel asked the committee to reach out to Munis regarding their security policy so that it will be available at Town Meeting.

BOARD OF SELECTMEN DISCUSSION, RE: TOWN COUNSEL SERVICES

Town Manager Hull stated that he, Selectmen McCoy and Caira met with Paul DeRensis who is a principal of the reconstituted Brooks & DeRensis, a full service municipal law firm. Mr. DeRensis indicated that they can provide the level of service in the interim period. Town Manager Hull advised that the firm of Deutsch, Williams, Brooks, DeRensis & Holland, PC will be disbanding effective the end of March. A request for proposal for legal services has been issued with the expectation of bringing a more permanent town counsel on board effective July 1. Town Manager Hull advised that he is comfortable with Mr. DeRensis' firm providing legal services between April 1 and June 30. Mr. DeRensis stated that he would provide services at the rate the Town is currently paying which is \$25,670.84 per month plus expenses/fees. Town Manager Hull advised that they also met with Rob Hoffman whose firm will be reconstituted as a firm dealing with employment labor law. He advised that there is one active arbitration case and the attorney dealing with this case will be moving to Mr. Hoffman's firm. He stated that it is his recommendation that the Town contract with Mr. Hoffman's firm specifically for utilizing the attorney who has the case history on the matter. The prospect of the case completing before June 30 was more likely than it is now.

Selectman Caira agreed with Town Manager Hull's summary.

Selectman McCoy commented regarding labor counsel and that Mr. DeRensis is working to establish a labor section. Town Manager Hull confirmed his understanding that Mr. DeRensis has spoken to Peter Berry.

Selectman McCoy asked to confirm that Attorney Lou Ross will be attending the public hearing on March 20 and the Town Meeting on May 5. Chairman Champoux stated that the Board discussed that a couple of months ago and that was his understanding. Selectman Caira stated that it was his recollection that the Town would check with John Foskett about his availability. Selectman McCoy stated his recollection that Chairman Champoux had expressed his desire to have Lou Ross attend the three meetings. Selectman McCoy asked who handled the Warrant preparation where Attorney Foskett is a labor attorney. Town Manager Hull advised that Mr. Foskett served as the gatekeeper so all matters were sent to him and he would direct to the appropriate attorney. It is

his understanding that issues related to zoning were directed to Attorney Lou Ross and they consulted with each other. Mr. Foskett was responsible for offering comment on the Warrant and attending the prep meeting, public hearing and Town Meeting. He stated that he misunderstood that the Board was looking to have Mr. Foskett serve at the three meetings.

Discussion took place regarding representation at the prep meeting, public hearing and town meeting.

Selectman Bendel stated that the Town has a contract until July 1 and asked whether the Town has leverage because it needs their services. Town Manager Hull explained that there is a sixty-day notice clause in the contract. Upon issuance of that notice, the contract can be terminated.

Town Manager Hull stated that he would like a vote as to the arrangement which should be in effect April 1 and a motion as to what the Board would like to see for coverage for the public hearing, prep meeting and Town Meeting.

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

VOTED: That the Board of Selectmen engage the legal services of Brooks & DeRensis, PC at the current retainer amount of \$25,670.84 per month for the period April 1, 2018 through June 30, 2018 and to contract separately with Valerio Dominello & Hillman for the purpose of obtaining services from one attorney who is currently representing the Town on an arbitration case.

A motion was made by Chairman Champoux, seconded by Selectman McCoy and by the affirmative vote of four with Selectman McCoy opposed, it was

VOTED: That the Board of Selectmen direct the Town Manager to communicate with representatives from the respective firms to ensure the same individual attorney will represent the town through Town Meeting with preference of John Foskett, if circumstances preclude him from being available, defer to Attorney Lou Ross of Mr. DeRensis' firm.

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

Chairman Champoux stated that each of the Warrant articles will be discussed in detail at the public hearing scheduled for Tuesday, March 30, 2018 at the Town Hall Auditorium.

Town Manager Hull reviewed modifications to the Warrant that is different than the draft. Article 10 relative to LED lighting contains both schools, Article 29 and Article 30 included reference to the votes taken at the April 27, 1991 meeting which included the requirement of two-thirds majority, due to changes, two-thirds vote is no longer required. Article 36 relative to the revolving fund, counsel advised that it needs to be included to make reference to the spending limit.

Town Manager Hull reviewed the articles submitted by the Planning Board.

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

BOARD OF SELECTMEN DISCUSSION, RE: TAX INCREMENT FINANCING PROPOSAL

Chairman Champoux recused himself from discussion and left the meeting. Selectman McCoy led the discussion.

Town Manager Hull stated that based upon prior conversation of the Board of Selectmen, Selectmen Caira and McCoy participated in discussions with Analog relative to a tax increment financing (TIF) agreement. Also participating in discussions were Finance Committee member John Doherty, Principal Assessor Karen Rassias, Director of Planning & Conservation Valerie Gingrich and Assistant Town Manager Denise Casey.

Town Manager Hull stated that Analog first sought a benefit of \$17.9 million over 20 years. He advised that the internal group met to develop a counter proposal and the counter offer was made at a meeting about a week ago. The counter offer was smaller amount and for shorter period of time. Town Manager Hull stated that there was back and forth and recently met with the full committee to determine what parameters should be used going forward. Town Manager Hull advised that Analog is Wilmington's largest employer and the Town needs to be mindful of the impact it has on the community including businesses that their employees support.

Town Manager Hull advised that this would be the first time Wilmington has done a TIF. Analog understanding this has reduced their request. He reviewed the process and that a majority vote at Town Meeting will have to authorize the Board to enter into an agreement and will then go to the Economic Assistance Coordinating Council.

Selectmen Caira and McCoy agreed with Town Manager Hull's summary. Selectman Caira commented that the Town is working diligently to ensure they benefit the residents and they understand their tax burden.

Selectman Bendel thanked the subcommittee for taking a conservative approach and is against a 20 year tax break and is concerned about the precedent.

Selectman Loud opined that if the Board wants to lessen the resident's tax burden it needs to increase business. He stated that he also appreciates the conservative approach.

Town Manager Hull stated that the next step is to meet with Analog. Selectman Bendel asked if they can anticipate an update at the public hearing and was advised it depends whether a meeting can be arranged.

Michael Welch, Cottage Street, asked how big of a company Analog is and was advised that they have 1600 employees. Mr. Welch inquired about their worth and was advised that they are a \$4 billion company. Mr. Welch asked whether they will go bankrupt or not move to Wilmington without the TIF. Town Manager Hull stated that he does not anticipate that they will go bankrupt. It is the Town's understanding that there is a difference of opinion within the company as to where the headquarters should be located.

John Anderson, Cypress Street, asked to clarify Analog's request. Town Manager Hull reviewed how the TIF will work.

Selectman Caira stated that once the proposal is made public, residents will be pleased and reminded that it will be the decision of voters at Town Meeting whether it is accepted.

Anthony Martignetti, Woburn Street, expressed that he is pleased the Board is discussing this proposal with Analog and opined that it will help the economy in that area. He noted that it will lead to an increase in traffic and was advised that prior to these discussions Analog has agreed to contribute \$100,000 toward the signalization at Lowell Street and Woburn Street.

Mr. Welch commented about senior residents receiving the same tax break option.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding four petitioned warrant articles. It was pointed out that articles submitted by Sandra LaLiberte, Lyndsey Riley and Jacqueline Welch do not make reference to the Annual Town Meeting in the body of the text. In addition, signature pages do not contain the text of the article for which residents are being asked to sign. It was noted that when the first article was submitted in support of holding a Special Town Meeting to rezone the area of the proposed substance abuse detoxification center, the article was deemed invalid by Town Counsel. Town Manager Hull advised that the distinction is that Special Town Meetings are not scheduled. When the first petition was submitted to the Town Clerk there was no reference made in the body of the petition or on the signature pages that the petitioners were seeking to require the Selectmen call a Special Town Meeting. In the case of the four petitioned articles, the articles were submitted to the Town Clerk prior to the deadline for submission of articles for the Annual Town Meeting. While it is a better practice for the petitioner to express in writing their intention that their article be placed on the warrant for the next scheduled Annual Town Meeting, the failure to do so does not disqualify that petition article from inclusion on the warrant. Town Manager Hull provided an email from John Foskett, Esquire, confirming the distinction. According to a representative from the Office of the Secretary of the Commonwealth, while their office recommends that petitioners include the text of the article at the top of each signature page, there is no legal requirement to do so. Town Manager Hull concluded that there is no legitimate basis to deny the three petitioners the right to have their four petition articles placed on the warrant for the May 5, 2018 Annual Town Meeting.

Town Manager Hull reviewed his memorandum relative to an Inclusionary Housing By-law. He recalled that at the Board's February 26, 2018 meeting, members expressed interest in having an inclusionary zoning by-law prepared for consideration at the May 5, 2018 Annual Town Meeting. There was agreement that communications should occur with members of the development community to arrive at a by-law that would garner some measure of support from developers, have merit and foster creation of affordable housing. Town Manager Hull advised that he was reminded by Valerie Gingrich, Planning & Conservation Director, about the posting requirements for zoning articles in advance of the public hearing scheduled for March 20, 2018. Notice of the hearing to consider changes to zoning must be scheduled in a newspaper of local circulation for two consecutive weeks with the first date occurring at least fourteen days before the date of the public hearing.

Town Manager Hull reviewed his memorandum regarding the Olin Chemical Superfund Site. He advised that Jim DiLorenzo, Superfund Project Manager for the Olin site, advised the Town that EPA continues to require that Olin establish the boundaries of the groundwater contamination. While EPA believes that most of the limits of groundwater contamination have been established, questions remain about the boundary of that contamination northeast of the site. According to Mr. DiLorenzo, additional test wells will be established to draw groundwater samples in an effort to detect NDMA and the concentration levels. Olin is expected to submit a remedial investigation for Operable Unit 3 and a feasibility study for the site by March 31, 2018. Mr. DiLorenzo expects Olin to submit a request before the end of April for a technical impracticality review and expected that they will claim the aquifer cannot be fully restored.

Town Manager Hull reviewed his memorandum advising the Board that a request for proposal for Town and labor counsel services was posted on the Massachusetts Municipal Association website and the Town's website. In addition, Town Manager Hull provided a list of law firms to which requests for proposals were mailed.

Town Manager Hull reviewed his memorandum advising the Board that Joseph T. McMahon will be sworn in as Fire Chief on Monday, March 18, 2018 at 10:00 a.m. in Room 9.

Town Manager Hull reviewed letters from Senator Bruce Tarr and Representative James Miceli to Stephanie Pollack, Secretary, Massachusetts Department of Transportation, expressing support for the Route 38 Improvement Project and Butters Row Bridge Replacement.

BOARD TO CONSIDER APPOINTMENT TO SCHOLARSHIP FUND COMMITTEE

Chairman Champoux stated that he had a conversation with a friend who resides in Wilmington and asked if he would consider serving. Chairman Champoux stated that Paul Cavanaugh is interested and willing to accept appointment.

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

VOTED: That the Board of Selectmen appoint Paul Cavanaugh as a member of the Scholarship Fund Committee for term to expire April 30, 2020.

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

A motion was made by Selectman Loud, 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.

BOARD TO CONSIDER SIGNING LICENSE AGREEMENT FOR WILMINGTON FARMERS MARKET

Town Manager Hull advised that it is the same license as in past years. 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 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

Town Manager Hull advised that the donor wished to remain anonymous. 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 approve the request that Town Common be illuminated blue during the month of April in observance of Autism Awareness.

Members of the Board expressed their appreciation for the donation to light the Town Common blue.

BOARD TO CONSIDER REQUEST OF TOM VANANTWERP, PASTOR, GRACE CHAPEL WILMINGTON, TO CHANGE THE LOCATION OF EASTER SUNDAY SUNRISE SERVICE FROM THE TOWN COMMON TO SILVER LAKE

Town Manager Hull advised that, at the Board's last meeting, they approved a request from Grace Chapel to use the Town Common. A request was received to change the location to Silver Lake.

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

VOTED: That the Board of Selectmen approve the request from Tom vanAntwerp, Pastor, Grace Chapel Wilmington, to change the location of Easter Sunday Sunrise Service from the Town Common to Silver Lake.

PUBLIC COMMENTS

Frank West, Birchwood Road, stated that the inclusionary zoning by-law will not be addressed at Town Meeting and asked whether a by-law is still in the forefront and it is a year until the next Annual Town Meeting. Chairman Champoux expressed his desire that the Town continue to work on it. Selectman Loud stated that he intended to ensure that the Town continues to work towards the acceptance of an Inclusionary By-law.

Mr. Welch asked whether an inclusionary zoning by-law had been presented to the Town in the past. Members of the Board indicated that they were not aware of another proposal.

Discussion took place regarding potential requirements or benefits of an inclusionary by-law. Mr. Welch asked why business owners are not required to contribute to affordable housing, specifically Analog Devices. Selectman Loud noted that Analog was not seeking to build homes. Discussion also took place regarding affordable housing.

Selectman McCoy provided three pieces of information to members of the Board relative to property at 333 Andover Street, often referred to as Sciarappa Farm. Selectman McCoy advised that what he provided to the Board were an Agricultural Tax Lien signed by the Wilmington Board of Selectmen on the second page is an acknowledgment for municipal purpose, front page of a different year of an agricultural tax lien executed by the Board of Assessors and Sciarappa Farm and notification of land owners which is similar to the previously mentioned acknowledgment. Selectman McCoy stated that Town Manager Hull has advised that there are only five acres of agricultural land. He read the guideline from the state regarding the regulation that landowners who have property classified under Chapter 61, notify the municipality when all or a portion of the land is being converted to a disqualifying use. "Landowners cannot sell land or convert land to another use for an additional one year after being taxed under Chapter 61 without giving the municipality notice of intent to sell or convert as defined by statute and notice of intent to sell or convert must be sent by the landowner by certified mail or hand delivered to the mayor and city council of a city or select board of a town, board of assessors, planning board and conservation commission state forester proper notice triggers the 120 day option period during which the city or town has the right of first refusal to meet a bona fide offer to purchase the land..."

Selectman McCoy stated that not once has he been notified regarding the Sciarappa Farm. Selectman McCoy read a statement regarding the property located at 333 Andover Street. He asserts that the Town was never notified about the sale of the property and afforded the opportunity to purchase the land. He acknowledged that Michael Welch has stated that he does not own the property though he is seeking to rezone the land.

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Selectman McCoy commented that the Sciarappa family has received tax benefit for many years and encouraged the Board to work to purchase the land noting that the Town has money in free cash. He stated that if the Town cannot work to purchase the property he would encourage residents not to support the article at Town Meeting. While Selectman McCoy was speaking, Mr. Welch spoke over him. Chairman Champoux asked Mr. Welch to refrain from speaking.

Chairman Champoux thanked Selectman McCoy for the information he provided but noted it was new information to him and is unsure how to interpret the information. Chairman Champoux recalls that when discussing the location of a new high school, the Sciarappa property was brought up.

Town Manager Hull clarified the history of the property and noted that the property had a 61A designation for a number of years. Over the course of time, the number of acres varied and over the last several years it was five acres that the property owner sought to have designated as agricultural. Town Manager Hull advised that the property owner has to apply on an annual basis to have the property designated 61A or agricultural property. The last time the designation was in place was 2014. It is his understanding that the property owner applied in 2015 but the application was incomplete, therefore denied, and the property owner did not pursue. Town Manager Hull advised that the Town only has a right of first refusal if the owner is seeking to sell the property while the 61A designation is in place. The 61A designation expired four years ago therefore the Town does not have 120 days to purchase the property.

Town Manager Hull recalled that there were a couple of opportunities to purchase in the past however the last time the notice was rescinded.

Anthony Saragosa, Marcia Road, asked why the Town is considering the zoning change from Resident 60 to Mixed-Use. Zoning changes are typically made when there is already the new zoning in the area. He expressed concern that it would set a precedent going from most rural to most urban.

Chairman Champoux stated that is conversation that should be discussed at the Public Hearing on March 20. He advised that “the Town” will ultimately be the residents who decide.

Selectman Caira asked how a farm ceases to be a farm. He asked why the property needs to be redesignated, who designates it and does the Town have a responsibility in that designation. Town Manager Hull advised that there are certain tax consequences if a property receives the 61A designation. It has to be a working farm engaged in some farm related activity including forestry. The Board of Assessors would grant the 61A designation and they would pay at a lesser tax rate, the premise being to promote ongoing agriculture. As the property exists today, he is not aware of agricultural activity taking place and noted they have not requested the designation recently. Selectman Caira asked whether they are being assessed as a farm and asked that the Town Manager provide that information. He noted that if they are being assessed as a farm, they are being taxed at the wrong rate. Town Manager Hull advised that they are not being taxed with the benefit of 61A.

Selectman McCoy read what was signed by the Sciarappa family and DiCecca on the Town form. He reiterated his belief that the Sciarappa family was supposed to give the Town “first dibs” on the property and over the past three years it “fell through the cracks”. Selectman McCoy opined that the Town needs assess its options and wanted to make a motion that the Chairman and Town Manager meet with the developer and members of the Sciarappa family.

A resident in the audience stated that according to the registry of deeds the 61A designation expired June 30, 2014. The 2018 assessment on the property of 62.54 acres is \$767,800. He opined that the assessment implies the value to be much higher and stated that he is under the impression that they are being assessed at the farm rate.

Selectman Loud expressed concern with Selectman McCoy's tactics to scare residents into believing that there are going to be 760 apartments, listing Jackie Welch as Michael's wife when she is his daughter, that there is a 200 foot easement which limits development and approximately 30 acres of wetland. He believes it is awful that Selectman McCoy is looking to buy property out from someone.

Selectman McCoy stated that if this zoning change takes place to neighborhood mixed-use, for every 4,000 square feet there will be one unit developed and noted that the developer can go three stories. He stated that with neighborhood mixed zoning, wetlands may be utilized in the formula.

Chairman Champoux stated that social media is nothing more than rumor. Chairman Champoux stated that he is not prepared to sit down at a negotiating table at this time, he would like to receive information from the Assessor's office regarding how the property is being taxed and to have Town Counsel review the information that Selectman McCoy provided to the members of the Board. The designation expired in June 2014 and therefore the Sciarappa family is not obligated by the right of first refusal restriction but would like to understand if there are any restrictions on who they can sell the property to.

Town Manager Hull stated that the 61A status does not dictate who they can or cannot sell the property to. If the property was in 61A status and they were looking to sell the property, the Town would have 120 days to make an offer to purchase the property. Absent that designation, the Town does not have any greater standing.

Selectman McCoy suggested that Chairman Champoux and Town Manager Hull meet with the Sciarappa family. Chairman Champoux stated that he is not opposed to getting an understanding of what their intentions are.

Champoux Champoux stated that he would like to direct Town Manager Hull to get answers to the questions raised and stated that he would not be opposed for the Town to have a conversation with representatives of the Sciarappa's.

Selectman McCoy agreed that Town Manager Hull should meet with the family. He opined that "this was something in the making over the past three, three and half years".

Town Manager Hull clarified that the Board would like him to meet with Sciarappa's to learn their intention and express an interest in purchasing the property. Mr. Welch asked what the Town would do with the property.

Town Manager Hull advised that in the past it had been a challenge because there were several members of the family and they were not on the same page.

NEW BUSINESS

Chairman Champoux commented that Chief McMahon was sworn in today. His flexible work schedule allowed him and Selectman Loud to attend.

Selectmen Bendel encouraged residents to remain off the roads tomorrow and help your neighbors.

Selectman Loud expressed his appreciation for Lou Cimiglia, Director of Veterans' Services.

Board of Selectmen

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Town Manager Hull expressed his appreciation to Beverly Dalton, Administrative Assistant, and Linda Golden, Senior Clerk, Town Clerk's office. He advised that Town offices were closed on Thursday due to inclement weather and in conversation with Chairman Champoux they contemplated postponing the Board's meeting. In order to provide 48 hours' notice, the Board's agenda must be posted on Thursday afternoon. Ms. Dalton and Ms. Golden went in to work to ensure that the agenda was posted in a timely manner.

Town Manager Hull advised the Registry of Motor Vehicles services will not be available beginning at 7:00 p.m. on March 22 through 8:00 a.m. March 26 as they undergo a system conversion.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 15 – Registration Deadline for “Rookies” T-Ball
- March 20 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 28 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- March 31 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- March 31 – Easter Egg Hunt – Town Common – 2:00 p.m.
- April 7 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 9 – 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 9 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

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 adjourn.

Meeting adjourned at 11:43 p.m.

Respectfully submitted,

Recording Secretary