

## BOARD OF SELECTMEN MEETING

May 12, 2014

Chairman Michael V. McCoy called the meeting to order at 6:30 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.

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

VOTED: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing real property issues with the intention to return to open session.

Chairman McCoy reconvened the open session at 7:07 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 Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 43, 43A, 44 and 44A.

### MINUTES

A motion was made by Selectman Champoux, seconded by Selectman Cimaglia and by the affirmative vote of three with Selectmen Newhouse and O'Connell abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held on March 24, 2014 and all action taken is hereby ratified and confirmed.

### **ROBERT FAVUZZA, KASON DONUTS, LLC DBA HONEY DEW DONUTS, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 337 MAIN STREET**

Mr. Favuzza advised that he is the new owner of Honey Dew Donuts located on Main Street and he is present seeking a Common Victualer License. Chairman McCoy expressed regret that it did not work out for the previous owners. Chairman McCoy asked Town Manager Hull to provide recommendations from applicable department heads. Town Manager Hull advised that Shelly Newhouse, Health Director, recommends approval subject to meeting all requirements of the Board of Health and Al Spaulding, Inspector of Buildings, advised that there are no zoning issues. Chairman McCoy asked if there were any questions, comments or a motion. 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 grant a Common Victualer License to Kason Donuts, LLC dba Honey Dew Donuts for property located at 337 Main Street.

### **BOARD OF SELECTMEN DISCUSSION, RE: PROPOSED CHANGES AFFECTING RECREATION DEPARTMENT BEACH PROGRAM AT SILVER LAKE**

Town Manager Hull stated that last beach season was very warm and there was a high level of attendance at Town Beach. In addition to the warm weather, the high attendance may also be attributed to the closing of Department of Conservation & Recreation pools and neighboring towns restricting access to their beaches. As a result, a series of issues were

raised by residents of the neighborhood. Those issues include parking on public streets and ways around the lake, parking on abandoned property at Main Street/Cottage Street and Wild Avenue/Grove Avenue, smoking and drinking at the main beach and Baby Beach, overflow of trash barrels and loose trash, overcrowding, dogs on the beach and the lack of enforcement authority of some rules and regulations limited police response.

Town Manager Hull stated that it came to the Town's attention that there was a lack of enforcement ability by the police in some cases. He stated that, although it is believed that at some point in time the Board of Selectmen approved restricting parking on Grove Avenue, the vote could not be found in the records. He stated that there is no by-law or directive of the Board of Selectmen prohibiting dogs on the beach and also there is no provision prohibiting grilling on the beach area. He stated that the Town is hoping to address the issues this year and avoid reoccurrence during this beach season.

Town Manager Hull stated that Article 35 of the Annual Town Meeting authorized the Board of Selectmen, acting as parks commissioners, to establish specific regulations and associated fines for certain infractions. He stated that he is recommending the Board adopt restrictions and combined with those in existence by the Board of Health and Recreation policies will address these issues.

Chairman McCoy stated that he believes this action is long overdue and asked Police Chief Begonis if he would like to comment. Chief Begonis appreciates the Board's attention to this matter. He stated that a forum was held with a group of the community who live in the area. The steps being taken will assist to address the issues. He noted that there have been instances where individuals pitch a tent. Chairman McCoy believes the restrictions will help the Town and is the best way to move forward. Chairman McCoy asked if there were any questions or comments from the Board members. Selectman Champoux asked Chief Begonis to explain why Silver Lake cannot be closed to non-residents. Chief Begonis stated his understanding that it was established as a Great Pond during the colonial times when the king restricted access to certain ponds for purposes of fishing and trapping/furring. He stated that the colonists were upset and reacted by establishing certain access protections to great ponds. Chief Begonis stated that because it dates back so far, it is hard to find specific statutes. Chief Begonis stated that the Rocco DePasquale Fishing Pier has to be kept open to the public by statute but the Town can impose restrictions and cited that swimming off the pier is not allowed. He stated that because someone is not a Wilmington resident does not mean that they should not be able to enjoy resources of the Commonwealth. He noted that a balance needs to be maintained to respect the neighbors in the area. Chief Begonis noted the need for consistency with the signage.

Town Manager Hull stated that this is a comprehensive approach and noted that in addition to the restrictions, the fencing along Town property will be replaced with new fencing. For one year the town is going to prohibit access to Baby Beach. He noted that the Recreation Department is increasing the non-resident fee to use the Town Beach. Last year individuals parked along Grove Avenue to use Baby Beach to avoid fees and understands there will be frustration of residents in the area. Town Manager Hull stated that there will be a wooden rail fence dividing the main parking area from parking for the fishing pier. The main beach will be closed during hours that the lifeguards are not on duty. Beach hours will be expanded to 8 p.m. New signs will be installed to be clear about the rules.

Selectman O'Connell asked if the Town will be doing any media release to reach out to people. Town Manager Hull stated that something will be put in the Town Crier and on the Town website.

Selectman Cimaglia asked how the restrictions will affect the group that trains at Silver Lake. Town Manager Hull stated that a permit process will be established. It is his understanding that the group that uses the area has insurance and will be able to provide a certificate of insurance.

Chairman McCoy recognized Deborah Cipriani, Recreation Director, and asked if she would like to make a comment. Ms. Cipriani stated that the Recreation Department appreciates the frustration of residents and applicable town departments have met multiple times to address concerns.

Chairman McCoy asked if there were any questions or comments from the audience. A member of the audience asked if fencing at Baby Beach would mean no access to Baby Beach. He asked if people have a boat in the water if they could pull up to the beach from the waterfront. Town Manager Hull stated that he did not believe there was any prohibition of people pulling up to the shore, getting out and reorienting themselves. The question was raised about where boats can be put into the water. Chief Begonis stated that there are not a lot of places to access the water as much of it is privately owned. He noted that emergency access is located near the fishing pier and stated his understanding that canoes can be rented through the Recreation Department. A question was asked about overcrowding and making that determination. Town Manager Hull explained that the head lifeguard would make that judgment call based on how many people were at the beach and the ratio of children/adults in the water.

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 prohibit dogs on Town property, specifically Map 45, Parcels 102, 103, 111, 117, 118 and Map 34, Parcel 138, this property is also known as 49 Grove Avenue, 47 Grove Avenue, Grove Avenue/Baby Beach, 79 Main Street, 81 Main Street and 5 Burnap Street respectively, effective immediately through October 1, 2014 and thereafter to remain in effect from May 1 through October 1 of each year.

And further prohibit the creation of fire pits, open flame, use of grills or other types of cooking devices to prepare food on Town property, specifically Map 45, Parcels 102, 103, 111, 117, 118 and Map 34, Parcel 138, subject to issuance of a permit to be granted by the Recreation Commission.

## **REORGANIZATION OF THE BOARD OF SELECTMEN**

Chairman McCoy thanked members of the Board for their support over the past year, giving him the opportunity to serve as Chairman and hopes that he has done the Board proud. Chairman McCoy stated that he believes each member of the Board would do a great job and noted his support of Selectman O'Connell to serve as the next Chairman.

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

**VOTED:** That Judith L. O'Connell serve as Chairman of the Board of Selectmen.

Chairman O'Connell thanked members of the Board for their positive comments and nomination and thanked Selectman McCoy for leading the Board of Selectmen for the past year.

## COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding promotions within the Fire Department. Town Manager announced his intention to appoint Deputy Fire Chief Richard McClellan to the position of Fire Chief effective June 2, 2014. He also announced his intention to appoint Lieutenant Gary Donovan to the position of Deputy Fire Chief.

Town Manager Hull reviewed his letter to Garland Hilliard, Director, Environmental Remediation, Olin Corporation. Town Manager Hull wrote to Mr. Hilliard relative to Olin Corporation declining the Town's request that a representative of Olin Corporation attend the next public information forum at 7:00 p.m. on June 10, 2014. Chairman O'Connell stated that historically Olin Corporation has participated and asked if the Town had any indication why they have declined to participate.

George Lingenfelter, Concord Street, stated that it is his understanding that there was a pneumatic slug test done to establish the integrity of the barrier that was built and that the slug test failed and the slurry wall may have technical issues that they were not anticipating and speculates that may be why they have declined to participate. Chairman O'Connell stated that she appreciates Mr. Lingenfelter coming forward and wanted to emphasize his point that he was not sure the information was accurate and would ask the Town Manager to do his due diligence to ascertain factual information to share with the community. Town Manager Hull stated he will contact Mr. DiLorenzo, Project Manager with the Environmental Protection Agency.

Town Manager Hull reviewed correspondence provided by Police Chief Begonis. Town Manager Hull advised the Board that the Wilmington Police Department has received a grant from the Cummings Foundation in the amount of \$100,000. The Department will receive \$50,000 per year for two years.

Town Manager Hull reviewed correspondence from Gerard D. Perry, Director of Accounts, Massachusetts Department of Revenue, to Melanie Hagman, Business Manager, Shawsheen Valley Regional Vocational Technical High School. Mr. Perry wrote that based upon the unaudited balance sheet submitted, the amount of excess and deficiency as of July 1, 2013 is \$-582,669. Town Manager Hull advised that excess and deficiency is similar to free cash. He advised that the Board was also in receipt of an e-mail from Superintendent/Director Charles Lyons who wrote to assure member communities that Shawsheen Tech is not in a deficit position. He advised that Shawsheen Tech received all funds owed from Massachusetts School Building Authority (MSBA) after June 30<sup>th</sup>, the date on which the excess and deficiency balance is determined.

Town Manager Hull reviewed correspondence from Central Massachusetts Mosquito Control Project (CMMCP) informing the Town that CMMCP received an Environmental Merit Award from the New England Region 1 division of the Environmental Protection Agency recognizing their efforts in the tire recycling program. By bringing tires to a recycling facility, CMMCP removes significant larval habitat from mosquito species that can transmit West Nile Virus.

Town Manager Hull reviewed correspondence from Deborah Kostas, Treasurer, Shawsheen Valley Regional Vocational/Technical School District, relative to their amended Fiscal Year 2015 budget request. The total FY 2015 budget is \$26,960,185 and the total town assessment is \$20,151,387. The Town of Wilmington's share of the apportionment is \$3,757,747. The amount requested for Special Education is \$1,514,182.

Town Manager Hull reviewed letters from Paul Bruce and Ronald DiGiorgio who wrote requesting to be reappointed as Constables.

Town Manager Hull reviewed his letter to James Trombly, Republican Town Committee, regarding the appointment of a member to the Board of Registrars. Mr. Trombly was advised that Mr. Sousa's term will expire on April 30, 2014 and that he has indicated that he is interested in being reappointed. Town Manager Hull stated that the Board is required by law to make an appointment based on a list submitted to them by the town committee of the political party held by the position to be filled.

**BOARD TO CONSIDER RECERTIFICATION OF PARKING RESTRICTION ON GROVE AVENUE, BURNAP AND POND STREETS**

Police Chief Michael Begonis stated that there are currently "No Parking" postings up and down Grove Avenue and Burnap Street to Pond Street. He advised that the Police Department has tried to identify the Board meeting restricting parking, but could not find an exact date and have decided to ask for recertification. Chief Begonis described the area where parking restrictions are being requested.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 adopt parking restrictions as recommended by the Chief of Police specifically to prohibit parking on Grove Avenue from the southwest corner of 3 Grove Avenue on the northerly side to Burnap Street and on the southerly side from Main Street to Burnap Street encompassing property formerly known as the DAV property and on Burnap Street from Grove Avenue to Pond Street and on Pond Street in the direction to the southwest corner of One Pond Street.

**BOARD TO CONSIDER REQUEST OF KHALID HAZIMEH TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM**

Town Manager Hull advised that Mr. Hazimeh has, in the past, been selected through the public procurement process to sell ice cream at Silver Lake. A requirement of that process is that the applicant have a Hawk & Pedle License. Town Manager Hull stated that at the 2013 Annual Town Meeting a by-law was passed requiring fingerprinting of certain license categories including Hawk & Pedle. Town Manager Hull stated that the results have not yet been received from the fingerprinting process and suggested that the Board table action on this request.

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 table action relative to the request of Khalid Hazimeh to obtain a Hawk & Pedle License to sell ice cream until such time that results of fingerprinting are received.

**BOARD TO CONSIDER APPOINTMENTS AND REAPPOINTMENTS TO THE BOARD OF APPEALS, BOARD OF REGISTRARS, COUNCIL FOR THE ARTS, COUNCIL FOR THE ARTS – ADVISORY BOARD, FENCE VIEWER, SCHOLARSHIP FUND COMMITTEE, TOWN ACCOUNTANT, TOWN COUNSEL AND CONSTABLES**

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

VOTED: That the Board of Selectmen reappoint Anthony J. Barletta, Jr. to the Board of Appeals for a term to expire April 30, 2019; Edward L. Sousa to the Board of Registrars for a term to expire April 30, 2017; Jane M. Crane and Jean A. Chang to the Council for the Arts for a term to expire April 30, 2016; Sara E. Brook and Marguerite Elia to the Council for the Arts – Advisory Board for a term to expire April 30, 2015; John T. Spaulding as Fence Viewer for a term to expire April 30, 2015; Joanne M. Benton, Susanne L. Clarkin, Carol A. King, Robert G. Peterson and Michele Cairra Nortonen to the Scholarship Fund Committee for a term to expire April 30, 2017; Michael Morris as Town Accountant for a term to expire April 30, 2017; Deutsch, Williams, Brooks, DeRensis & Holland, PC as Town Counsel for a term to expire June 30, 2015; Paul D. Bruce, Jr., Alan C. Hunter and Charles E. Rooney, Jr. as Constables for a term to expire April 30, 2015; John B. Bridges, Jr., Ronald M. DiGiorgio, William F. A. Pepicelli, John J. Ruehrwein, and Anthony J. Saia as Constables for a term to expire April 30, 2015 with the restriction not to solicit clients but may serve civil process for clients who need service into Wilmington and Ellen G. Davis Sawyer to serve as a Constable in conjunction with her duties as an animal control officer for a term to expire April 30, 2015.

**BOARD TO CONSIDER RATIFICATION OF TOWN MANAGER’S APPOINTMENTS AND REAPPOINTMENTS TO THE COMMISSION ON DISABILITIES, HISTORICAL COMMISSION AND PERMANENT BUILDING COMMITTEE.**

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 ratify the Town Manager’s reappointment of Phyllis P. Genetti as a member of the Commission on Disabilities for a term to expire April 30, 2017; Gerald R. Duggan, Robert Mallett and Kimberly L. Nguyen as members of the Historical Commission for a term to expire April 30, 2017; George W. Hooper and John C. Holloway as members of the Permanent Building Committee for a term to expire April 30, 2017.

**TOWN MANAGER TO ANNOUNCE HIS APPOINTMENTS TO VARIOUS BOARDS, COMMITTEES, COMMISSIONS**

Town Manager Hull announced his appointments to various boards, committees, commissions and town offices. A copy of those appointments is made part of the minutes by attachment.

**PUBLIC COMMENTS**

There were none.

### NEW BUSINESS

Members of the Board acknowledged and thanked Selectman McCoy for his service as Chairman during the past year. Members also recognized members of the Boy Scouts who were in attendance.

Members of the Board offered congratulations to Richard McClellan on his appointment to Fire Chief and Gary Donovan on his appointment to Deputy Fire Chief.

Selectman Newhouse asked Town Manager Hull to advise the Board when the RFP documents will be available relative to the Whitefield School Building. He stated that there is no reason the Town should not continue to pursue whether there is someone interested in relocating the building or to purchase pieces of the building. He also stated that members of the Historical Commission have commented relative to communication between the Historical Commission and the Board of Selectmen and requested that the Town Manager ascertain the Historical Commission's agenda and requested that members of the Board of Selectmen give consideration to serving as a liaison to the Historical Commission.

Selectman Cimaglia reminded members of the Board that the Memorial Day parade steps off at 10:00 a.m. and will march to the cemetery.

Selectman Champoux thanked those volunteers who serve on various boards, committees and commissions for the Town.

Selectman Champoux stated that he was asked by the Wilmington Education Foundation to notify the Board and residents that the Red Sox World Series Trophy will be at the Middle School on May 23.

Chairman O'Connell provided an update regarding the Yentile Farm Development Committee. She thanked members of the Board for their continued support and the residents who voted to approve the appropriation of \$250,000 to continue towards the next milestone.

Chairman O'Connell would like to see calendar dates for the Historical Commission and would like a member of the Board of Selectmen to serve as a liaison. Chairman O'Connell would like them to attend Board of Selectmen meetings at appropriate times to provide project updates. She advised Town Manager Hull that she would like an update on the Butters Farm project and requested that he work that out at his convenience.

Town Manager Hull advised that the Glen Road/Middlesex Avenue/Wildwood Street intersection project has been delayed due to the challenges of the legislature passing the bond bill. DPW Director Michael Woods contacted Green International, the firm that prepared the intersection design, and was informed that the funding that was earmarked for this project, and others, has been diverted from Massachusetts Department of Transportation (DOT) to Massachusetts Bay Transportation Authority (MBTA). Town Manager Hull stated that MassDOT was intending to put the project out to bid and it appears to be further delayed. He suggested that the Town contact the legislative delegation. Selectman McCoy stated that at a meeting in September 2012 Representative Miceli stated that the project would be on the fast track and he would like an explanation of why that has not happened.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 18 – PanMass Challenge Kids Ride – Carter Lane – 8:00 a.m. to 1:00 p.m.
- May 26 – Memorial Day Parade – 10:00 a.m.  
Ceremony at Wildwood Cemetery – 11:00 a.m.  
*Town Offices Closed*
- May 27 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- May 31 – Boy Scout Troop 136 Yard Sale Fundraiser  
4<sup>th</sup> of July Parking Lot – 9:00 a.m. to 3:00 p.m.
- June 1 – Wilmington High School Graduation
- June 5 – Shawsheen Tech Graduation
- June 7 – Fishing Derby – Town Beach – 9:00 a.m. to Noon
- June 10 – Olin Public Information Meeting – Wilmington Middle School  
Auditorium – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:32 p.m.

Respectfully submitted,

---

Recording Secretary



# *Wilmington, Massachusetts*

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

## **TOWN MANAGER'S APPOINTMENTS AND REAPPOINTMENTS - 2014**

**Animal Control Officer  
One-Year Term - To Expire 2015**

Ellen G. Sawyer

**Animal Inspector  
One-Year Term - To Expire 2015**

Ellen G. Sawyer

**Building Inspector  
One-Year Term - To Expire 2015**

John T. Spaulding  
Peter R. Magee (local inspector)

**Carter Lecture Fund Committee  
Three-Year Term - To Expire 2017**

Andrea B. Houser

**Cemetery Commission  
Three-Year Term - To Expire 2017**

Pasquale D'Antonio

**Conservation Commission  
Three-Year Term - To Expire 2017**

Julie A. Flynn  
Sharon Kelley Parrella

**Conservation Commission  
Unexpired Term - To Expire 2015**

Robert A. DiPalma\*

**Conservation Commission  
Unexpired Term - To Expire 2016**

Charles E. Rooney, III\*

**Elderly Services Commission  
Three-Year Term - To Expire 2017**

John Wallace  
Robin Theodos\*

**Elderly Services Commission  
Unexpired Term - To Expire 2016**

Gail A. Protopapas\*

**Electrical Inspector  
One-Year Term - To Expire 2015**

Frederick Sutter  
Arthur T. Kelley (alternate)

**Gas Inspector  
One-Year Term - To Expire 2015**

Paul J. Raffi  
John J. Mytych, Jr. (alternate)

**Board of Health  
Three-Year Term - To Expire 2017**

Elizabeth E. Sabounjian

**Library Trustees  
Three-Year Term - To Expire 2017**

James M. Lemay  
Eileen C. MacDougall

**Metropolitan Area Planning Council  
Three-Year Term - To Expire 2017**

Carole S. Hamilton

**Open Space Committee  
One-Year Term - To Expire 2015**

Judith A. Waterhouse  
Charles Michael Burns  
Michael Fay  
Phyllis P. "Dee" Genetti  
Beverly A. Shea

**Planning Board**  
**Five-Year Term - To Expire 2019**

David G. Shedd\*

**Plumbing Inspector**  
**One-Year Term - To Expire 2015**

Paul J. Raffi  
John J. Mytych, Jr. (alternate)

**Public Weigher**  
**One-Year Term - To Expire 2015**

Paul Anderson  
Kenneth M. Heffron  
Stephen J. Stella  
David A. Sugrue

**Recreation Commission**  
**Three-Year Term - To Expire 2017**

C. Michael Burns

**Veterans' Agent**  
**One-Year Term - To Expire 2015**

Louis Cimaglia, IV

**Veterans' Grave Officer**  
**One-Year Term - To Expire 2015**

Louis Cimaglia, IV

**Water and Sewer Commission**  
**Three-Year Term - To Expire 2017**

George R. Allan

**Wiring Inspector**  
**One-Year Term - To Expire 2015**

Frederick Sutter  
Arthur T. Kelley (alternate)



Jeffrey M. Hull  
Town Manager