

BOARD OF SELECTMEN MEETING

May 23, 2016

Chairman Judith L. O'Connell called the meeting to order at 7:05 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Michael L. Champoux and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and Selectman Caira led the pledge of allegiance.

TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 46, 46A, 47 and 47A.

MINUTES

A motion was made by Selectman Champoux, seconded by Selectman McCoy and by the affirmative vote of three with Selectmen Bendel and Caira abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held December 14, 2015 and that all actions taken are hereby ratified and confirmed.

CHRISTINA STEWART, LIBRARY DIRECTOR, RE: UPDATE ON PROGRAMS AT WILMINGTON MEMORIAL LIBRARY

Ms. Stewart stated that the annual Summer Reading Program is the major focus of the library for the summer. She stated that they are following the state-wide theme of fitness. For the children, the slogan is "on your mark, get set, read"; for teens it is "get in the game, read" and for adults it is "exercise your mind". Ms. Stewart described the program and how prizes are won. Last year 780 children and teens signed up for the program and kids who read during the summer do much better when they return to school in September. Ms. Stewart stated that on August 11, the library will have an end of summer bash. There will be three food trucks along with music and games. Students who participate in the reading program will receive a coupon for a free ice cream from the ice cream truck.

Ms. Stewart recognized the Friends of the Library for their support which helps the library to offer many of these programs.

Ms. Stewart reminded the Board of Selectmen of the Town-wide yard sale scheduled for Saturday, June 11. She stated that Savers Thrift Store will pick-up unsold items and the Friends of the Library will receive a percentage based upon the weight of items donated.

Ms. Stewart reviewed new items that patrons may borrow from the library including STEM (Science, Technology, Engineering, Math) kits, telescopes, hot spots, travel kits. Last summer the library began circulating lawn games which were popular as well as board games.

Chairman O'Connell expressed her gratitude for Ms. Stewart attending the meeting. She stated that, through her role on the Board of Selectmen, she had the opportunity to become integrated to the library through strategic planning. She stated that it enlightened her as to the work that is done to bring the services and amenities to the Town.

Chairman O'Connell asked if there were any questions or comments from the Board. Members of the Board expressed their appreciation to Ms. Stewart and her staff for what they do year round and for the variety of programs offered.

Chairman O'Connell asked if there were any questions or comments from the audience and there were none.

REQUEST OF SELECTMAN MCCOY TO DISCUSS ISSUES RELATED TO THE FINANCE COMMITTEE APPOINTMENT PROCESS IN 2015

Chairman O'Connell stated that there were concerns raised at the Annual Town Meeting relative to Article 41. Selectman McCoy verbalized his concerns and feedback relative to that article. At a subsequent Board of Selectmen meeting he wished to read additional information into the record. It was suggested that it be taken up as an official agenda item and Selectman McCoy was asked to table his comments so that it could be an agenda item if he chose to make the request of Chairman O'Connell. The reason for tabling discussion was to make the public aware of the discussion and for administration to convey to individuals who were present at the June 22, 2015 meeting that this would be discussed and so that they could be present if they so chose.

Selectman McCoy stated that the subject listed on the agenda is not correct. He said that his issue is that Selectmen O'Connell and Newhouse threatened the Town Manager's job relative to the Finance Committee fiasco. He stated that this is just another example of Selectman O'Connell kicking up dust in order to divert attention from what the real issue is. He stated that a more appropriate title is "Town Manager's Job Threatened by Two Selectmen".

Selectman McCoy read from a prepared statement that he would bring closure to this issue this evening and stated that Chairman O'Connell summed it up best with her carefully chosen vocabulary at the last meeting. He stated that at the last meeting he used the word threatened and asked that Selectman Champoux and Town Manager Hull pretend that the word does not exist. He stated that the Town Manager stated that the relationship with the two selectmen was strained but was never threatened. Selectman McCoy opined that when an individual is looking for a contract change, it is typically for more pay or more vacation. He stated that Town Manager Hull requested an additional eight months of pay under the category "Termination". He stated that he requested information from the Town Manager including draft minutes from the Executive Session minutes. He was advised that Town Manager Hull did not take minutes from those meetings. Selectman McCoy concluded that Town Counsel has advised in the past that Selectmen cannot relate events of executive session verbatim, but can state in generalizations, which is what he did.

Chairman O'Connell stated that Selectman McCoy mentioned a few individuals by name and she would like to proceed by allowing the individuals who were mentioned the right of personal privilege and then she will invite the remainder of the Board to comment and members of the audience.

Selectman Champoux stated that he has been mulling over how far he would like to delve into the issue. He stated that after he navigated the Finance Committee appointments of 2015, he and Selectman McCoy engaged in conversations with Town Manager Hull in Executive Session to negotiate a new contract that could be brought to the remainder of the Board. It was clear that Town Manager Hull had concerns and felt a measurable amount of stress or anxiety and there was a sense of tension. Selectman Champoux stated that as Chairman of the Board there is an ample amount of direct communication with the Town Manager and at no point did Town Manager Hull confide in him or indicate to him that he felt threatened. He maintains that Town Manager Hull was aware that there were concerns Selectman Newhouse and Selectman O'Connell had. The way it worked out, is the way it is supposed to be worked out. Selectman Newhouse had a meeting with Town Manager Hull and addressed his concerns, they had the opportunity to clear the air and come to a common level of understanding, expectation and were able to get to a point where negotiations on a three year contract could proceed. Selectman Champoux believes that is good

government and opined that is what the voters of Wilmington expect members of the Board to do – to govern. He stated that voters do not expect them to be politicians, the Board works with various town departments, the Town Manager and deliberate on issues that affect members of the community. He stated that he is frustrated that this is an agenda item as the issue was taken up and addressed in the spring of 2015. Since that time and until Town Meeting, there have been approximately 20 meetings of the Board of Selectmen where anyone who had concerns, observations or criticisms could have raised them. There were at least three meetings where the Board reviewed the Annual Town Meeting Warrant and the Finance Committee/Planning Board Public Hearing. Never once was concern raised about that article until cameras were on, an auditorium was full of people and it was politically expeditious for one person to bring it up. After a year of ample opportunity, it was brought up at the Board's meeting of May 9, 2016. Selectman Champoux stated that he views this as politics and does not believe it has a place in the government of the Board of Selectmen.

Chairman O'Connell asked Town Manager Hull if he wished to speak. He stated that there is no question that relations with some members of the Board were strained but it is his understanding that the issues were addressed and the relationships are back on track.

Chairman O'Connell stated that she contemplated restating her comments from the last meeting but believes the record stands. She stated that she wanted to clarify the opening statements made by Selectman McCoy. She noted that Article 41 was relative to a change to the by-law regarding appointments to the Finance Committee. She expressed her opinion that comments made at Town Meeting by Selectman McCoy were not germane to Article 41. She stated that the Town Manager's contract and performance feedback is not germane to the Finance Committee and neither is supporting candidates in an election. She believes he is changing the rules based on the fact that Article 41 was specific to the Finance Committee. In addition, Chairman O'Connell stated that she extended Selectman McCoy the courtesy of including this topic on the agenda if he so chose. Selectman McCoy contacted her at home and requested that it be included. She stated she would like to reserve the right to make additional comments but when you work in elected positions, there are one-on-one discussions and her conversations with the Town Manager have been civil and professional even if on opposite sides of a specific topic. She stated that it is healthy, and she has never threatened the Town Manager. She will not say that they have always agreed on things because that is not the case. She confirmed Selectman Champoux's statement that Town Manager Hull was reappointed by a unanimous vote of the Selectmen.

Chairman O'Connell addressed Selectman McCoy's request to pretend that the word "threatened" does not exist. She believes this is disingenuous as he has character assassinated two people in a public forum, ambushed them without ample notice. She opined Selectman McCoy is backpedalling because four people have stated that what he stated as fact is not true. She and former Selectman Michael Newhouse both have families, businesses and reputations that they have worked hard to protect and maintain and believes Selectman McCoy is being disrespectful.

Chairman O'Connell asked Michael Newhouse if he would like to respond. Mr. Newhouse thanked the Chairman and members of the Board for the opportunity to address Selectman McCoy's comments. He stated that he does not understand how someone can take umbrage with the description of the agenda item when it was the very article at Town Meeting that Selectman McCoy thought it was appropriate to make his comments. He asked Selectman McCoy if his concerns are about the Town Manager's contract, why was it brought up on a Town Meeting Warrant article that addresses Finance Committee appointments? Mr. Newhouse noted the

meetings held relative to the Town Manager's contract and after those meetings in August 2015, Selectman McCoy did not make any comments about the Town Manager's relationship with Chairman O'Connell and himself when it would have been timely to do so.

Mr. Newhouse opined that Selectman McCoy is the last person that should speak about how one uses the weight of his office to effectuate change. Mr. Newhouse recalled a passage he read from Tip O'Neil's book, All Politics is Local. A chapter spoke of how people expect you, when you are a public official, to use the weight of your office to effectuate change. He stated that in 2015 he opted to use the weight of his office to fix a process that, in his estimation, did not go the way he thought it ought to have gone. He used the weight of his office relative to the Town Manager's contract and noted that is the only time he can recall that the Selectmen and Town Manager are not on the same team. The Board of Selectmen is looking to protect the financial interests of the Town and the Town Manager is looking after his financial security and that of his family. He expressed his frustration that, a year later, Selectman McCoy would take him to task for using the weight of his office so that the Town did not sign on to a contract that Selectman McCoy negotiated for a year of compensation if someone is terminated for cause, he was not willing to sign a contract for a year severance for someone terminated for just cause and it should not be mistaken as an objection to Town Manager Hull's reappointment. Mr. Newhouse stated that if he did not think the Town Manager should be reappointed, he would have spoken up and not waited a year to do so.

Mr. Newhouse noted that two or three months ago an individual was before the Board of Selectmen seeking a Common Victualer License (sic) on Lowell Street. Selectman McCoy misstated the zoning history of the property and hammered him for fifteen minutes. When you use the weight of your office to effectuate change for the residents, that is called hardball and people expect you to do it from time to time. When you use the weight of your office to try to engage in patronage hires or gain competitive advantage or realize a personal financial gain, that is bullying. Mr. Newhouse stated that for the past twenty years when he has used his political weight it was for the residents of Wilmington.

Mr. Newhouse stated that, for the past four years, Selectman McCoy has been "riding Mike Caira's coattails" to talk about what a good Town Manager he was and what a good working relationship you had. Mr. Newhouse recalled that approximately ten years ago, Town Manager Caira played hardball with a water and sewer scofflaw. Without the time and resources associated with a trial, he was able to get a million dollar settlement working with the Water and Sewer Superintendent and Town Counsel. The following year, Selectman McCoy voted to terminate Michael Caira's employment as the Town Manager based on the fact that he was not involved in the settlement. Mr. Newhouse stated that he has witnessed repeatedly Selectman McCoy bringing things up now, that would have been timely a year ago, because it is an election year.

Mr. Newhouse stated that he appreciates the restraint the members of the Board of Selectmen have shown because having been a selectman, he understands. As a resident and former member of the Board of Selectmen, he stated that he will not sit idly by while Selectman McCoy tries to sully his reputation when he is not in the room to defend it.

Chairman O'Connell asked if there were any comments from members of the Board and there were none. Chairman O'Connell asked if there were any comments from members of the audience and there were none.

Selectman McCoy stated that he stands by what he has said. He commented about a time when Selectmen Diane Allan and Gerry Duggan wanted to replace the Town Manager. He stated that he supported the Town Manager because he was right with the investigation of the Water Department. Selectman McCoy stated that Michael Caira would have been gone a long time ago “considering who I am”.

In response to comments relative to the gentleman that was before the Board, Selectman McCoy denied going after him and his issue was with Howland Development.

Chairman O’Connell noted that Selectman McCoy alleges that a comment was made and two out of three people who were in the room say it did not happen. She stated that throughout his history as a selectman, Selectman McCoy has taken issue with prior Town Managers and their potential employment. She stated that she and Mr. Newhouse chose to address performance issues with the Town Manager in private, one-on-one conversations to resolve the issues. She commented that Selectman McCoy is sensationalizing the conversations, trying to make drama and discourse, trying to divide the Board and trying to make it a media spectacle. Chairman O’Connell stated that she wanted to understand the problem and asked Selectman McCoy what his problem is, is it that he is in an election year? Selectman McCoy stated that when someone looks you in the eye and says they want eight more months compensation under the category termination, “that tells me they are not secure with their job”. Chairman O’Connell commented that Selectman McCoy inferred that. She asked Selectman McCoy whether he heard her threaten the Town Manager and he responded that the manager said that.

Mr. Newhouse noted that approximately five years ago during contract negotiations with the former town manager, the Board of Selectmen voted to give him a sizeable increase because it would be less expensive than if he took an early retirement. During that election cycle, in order to cause division and have an election issue, Mr. McCoy gravitated to the fact that the Board paid him too much. Selectman McCoy responded that he did not know whether the amount would be less but the Board was negotiating 2% raises with Town employees, he did not believe it was appropriate to give the Town Manager four to five times that amount.

Mr. Newhouse stated that it takes too much thought, candor, and does not make for great campaign literature, but division does. Trying to divide people who work together professionally and pleasantly makes for great campaign literature and that is what this is about.

Chairman O’Connell asked if there were any additional comments before this matter is closed. Selectman Champoux addressed Selectman McCoy stating that every three years it feels like he works to paint himself as the contrarian, or the outsider, and those years coincide with Selectman McCoy’s election year. Selectman Champoux stated that a couple of weeks ago Selectman McCoy indicated that the discussions on the Finance Committee appointments were a dog and pony show. He stated that they were a necessary conversation that needed to take place to right a wrong and noted that what has occurred tonight is a dog and pony show because of him, for his political ends and gains. Selectman Champoux asked Selectman McCoy to commit to keeping politics out of the Board when they are here to do the Town’s business. He said he knows what has happened tonight is politics because Selectman McCoy has had ample opportunity in a non-election year to bring his concerns forward. He finds that demeanor reprehensible. Selectman McCoy stated that when sitting on the Board, it is politics. He is willing to work with anybody as long as they have the best interest of the community.

Selectman Bendel commented that he ran for the Board of Selectmen to help the residents and does not see this as helping the residents and he is looking forward to moving on.

Chairman O'Connell asked if there was any additional comments from the audience and there were none. At this time she asked Town Manager Hull to review communications.

COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Town Counsel regarding the Surface Transportation Board Decision. Attorney Daniel Deutsch advised that on May 12, 2016 the Surface Transportation Board (STB) granted New England Transrail's (NET) motion to lift its long-standing deferral of environmental review of NET's petition for exemption. In the decision, STB declared that it is prepared to receive and review an updated petition for exemption, without waiting for further action by EPA concerning the Olin site. NET has 90 days from the May 12 decision to file an updated petition with complete information about its current proposal. STB also declared that it will require an Environmental Impact Statement rather than a more limited environmental assessment.

Town Manager Hull reviewed his memorandum regarding Proposed Dog Park Regulations. Town Counsel confirmed that the Animal Control Officer has the authority to issue fines in accordance with Chapter 5 Section 54. Town Counsel has reviewed the rules and regulations and recommends that they also address restricting access to the small dog area to dogs with a shoulder height not exceeding 18 inches. Town Manager Hull advised that if the regulations are approved, signs will be posted at the dog park clearly stating expectations for use of the site.

Town Manager Hull reviewed a memorandum from the Town Accountant regarding FEMA Snowstorm Reimbursement. Mr. Morris advised that the Town received funds in the amount of \$109,781.21 from the Federal Emergency Management Agency in conjunction with the Public Assistance Program. The funds were reimbursement to the Town for some of the costs incurred during the period January 26-28, 2015. Mr. Morris stated that the funds will be put into the General Fund and contribute to the Free Cash calculation.

Town Manager Hull reviewed a letter from Scott C. Garrant regarding the 2016 Good Guy Award. Mr. Garrant wrote expressing his appreciation to the Board for presenting him with the Paul Revere Bowl during the annual Wilmington Good Guy Ceremony.

Town Manager Hull reviewed correspondence from Massachusetts Municipal Association regarding Senate Legislation to Overhaul Zoning and Planning Statutes.

Town Manager Hull reviewed correspondence from Massachusetts Municipal Association, re: Senate Ways and Means Committee 2017 State Budget Plan.

Town Manager Hull reviewed correspondence from Jill Reddish, Verizon FiOS TV regarding programming changes.

BOARD TO CONSIDER REQUEST OF KIM GOLD, DIRECTOR OF CHRISTIAN EDUCATION/YOUTH COORDINATOR, WILMINGTON METHODIST CHURCH, TO USE WILMINGTON TOWN PARK FOR A COMMUNITY WALK FUNDRAISER ON SATURDAY, JUNE 25, 2016 BEGINNING AT 10:00 A.M.

Town Manager Hull advised that the request was withdrawn following the posting of the agenda.

BOARD TO CONSIDER RATIFICATION OF TOWN MANAGER'S APPOINTMENT OF CAROL HILBINGER TO THE WILMINGTON COMMISSION ON DISABILITIES

Town Manager Hull noted that there are a number of vacancies on the Commission on Disabilities and Ms. Hilbinger expressed interest in serving on the Commission. She has had conversations with Dee Genetti, Chairman of the Commission on Disabilities, who recommends her appointment.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 ratify the Town Manager's appointment of Carol Hilbinger to the Wilmington Commission on Disabilities

BOARD TO CONSIDER ADOPTING RULES AND REGULATIONS RELATIVE TO THE DOG PARK LOCATED AT WILMINGTON TOWN PARK, MAIN STREET

Town Manager Hull read the proposed rules and regulations relative to the dog park which, by attachment, is made a part of these minutes.

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

VOTED: That the Board of Selectmen adopt the rules and regulations, as presented, relative to the dog park located at Wilmington Town Park, Main Street.

BOARD TO CONSIDER SUMMER MEETING SCHEDULE: PROPOSED DATES – JULY 11, AUGUST 15.

Chairman O'Connell asked members of the Board if July 18 were an option to meet. Selectman McCoy advised that he will not be available, but was okay with the Board proceeding if that date was convenient for a majority of the members. There being no additional conflicts, it was the consensus of the Board of Selectmen to meet on Monday, July 18 and Monday, August 15.

PUBLIC COMMENTS

There were none.

NEW BUSINESS

Selectman Champoux stated earlier this evening he saw on social media that the application of Tennessee Gas to Federal Energy Regulatory Commission (FERC) has been withdrawn.

Town Manager Hull stated that the Town received correspondence from FERC that Tennessee Gas has provided notice of the withdrawal of their application.

Selectman Champoux stated that he looks forward to participating in the Memorial Day Parade and hopes the parade and ceremonies at the cemetery will be well attended.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 30 – Memorial Day Parade – 10:00 a.m.
Ceremony at Wildwood Cemetery – 11:00 a.m.
Town Offices Closed
- June 3- – Council for the Arts 36th Annual Art Exhibition
- June 4 – Friday, 7:00 p.m. to 9:00 p.m. & Saturday, 12:00 p.m. to 4:00 p.m.
- June 4 – Fishing Derby – Town Beach – 9:00 a.m. to Noon
- June 5 – Wilmington High School Graduation
- June 9 – Shawsheen Tech Graduation
- June 10 – Rotary Trivia Night – Shriners Auditorium – 7:00 p.m.
- June 11 – Town-Wide Yard Sale – 8:00 a.m. to 2:00 p.m.
- June 11 – Town Beach Opens
- June 12 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 12 – Harnden Tavern Open House – 430 Salem Street – 2:00 p.m. to 4:00 p.m.
- June 13 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- June 16 – Facilities Master Plan Committee – Town Hall – Room 9 – 6:30 p.m.

There being no further business to come before the Board, 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 adjourn.

Meeting adjourned at 8:32 p.m.

Respectfully submitted,

Recording Secretary

OFF-LEASH DOG AREAS – RULES AND REGULATIONS

DOG PARK HOURS: Dawn to Dusk

This is a smoke-free facility

There is a carry-in, carry-out policy in effect for Trash and Dog Waste

The Dog Park will be closed during D.P.W. maintenance

DOGS:

- MUST be currently licensed and tags displayed at all times
- MUST NOT have a contagious disease or parasites
- MUST be leashed when outside the gated enclosure
- MUST NOT be in heat or younger than 6 months old
- MUST be removed at first sign of aggression toward other dogs or humans
- MUST NOT be wearing pronged training collars or choke chains
- MUST have a shoulder height of 18" or less to be in the Small Dog Area

OWNER/KEEPERS:

- MUST NOT bring more than 2 dogs into the park at one time
- MUST remain with their dogs in the fenced area
- MUST fill in holes dug by their dogs
- MUST NOT bring glass containers, alcoholic beverages, toys or food of any kind into the park
- MUST clean up after dog IMMEDIATELY
- MUST be at least 16 years of age
- ARE responsible for all actions of their dogs and use the facility at their own risk
- ARE subject to removal and/or exclusion from the dog park for violating rules
- MUST NOT bring children under the age of 13 years old into the fenced area
- MUST keep park gates closed at all times
- MUST immediately report all bites to the non-emergency Police number, 978-658-5071

The Town of Wilmington does not assume responsibility for injuries or damage to personal property pursuant to M.G.L. Chapter 21 Section 17c