

BOARD OF SELECTMEN MEETING

Tuesday, November 12, 2019

Chairman Gregory B. Bendel called the meeting to order at 6:15 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. 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 considering the purchase, exchange, lease or value of real property at 64 Wildwood Street in accordance with Massachusetts General Law Chapter 30A, Section 21(a)6 and further to approve Executive Session minutes from October 28, 2019 in accordance with Massachusetts General Law Chapter 30A, Section 22 with the intention to return to open session.

Chairman Gregory B. Bendel called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

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

TREASURY WARRANTS

Chairman Bendel asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Caira, seconded by Selectman Eaton and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 18, 18A, 19 and 19A.

INTRODUCTION OF POLICE OFFICERS MEGHAN SOUSA AND JOSEPH FITZGERALD

Chairman Bendel advised that due to an untimely death in one of the officer's family, the Board has postponed the introduction of the two officers until a future meeting. Members of the Board offered condolences to Officer Sousa and her family. Chairman Bendel asked members of the community to welcome the two officers to Wilmington.

STATE LEGISLATIVE DELEGATION, RE: PLATFORM FOR NORTH WILMINGTON COMMUTER STATION

Town Manager Hull stated that the Town received notice today that representatives of the MBTA would not be able to attend the Board's meeting. He stated that discussion will be postponed until December or January.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the MBTA commuter rail parking lot. He advised the Board of Selectmen that a March 12, 1999 letter from the MBTA to the late Representative James Miceli offered the Town twenty (20) parking spaces. A recent inspection of the area suggests that there are sixteen (16) spaces reserved for purposes other than commuter parking. Town Manager Hull further advised that the Police Chief has indicated that police officers will be directed to increase the level of patrolling in the MBTA parking lot. Efforts will be made to have a police officer in the parking lot early in the morning to determine whether MBTA commuters are using the parking spots and, if so, to remind them of the parking restriction.

Town Manager Hull reviewed his memorandum regarding Textron courts and ballfields. He advised that Michael Woods, Public Works Director, has determined that given the current condition of the two ballfields, it will be necessary to rent a specific piece of equipment to cut the overgrowth. Several tree limbs were observed to be down and would need to be removed. The two infields are in significant disrepair and would require rebuilding, the outfields may also require restorative work. The tennis courts show significant signs of cracking. If all work is performed to the ballfields and the courts, the Town would be expending \$350,000 on property that the Town only has a license to use by Town sponsored organizations and has no right of ownership.

Town Manager Hull reviewed his memorandum regarding the FY 2021 budget development. He advised that department heads were provided instructions in October to update the five year capital improvement plan. On November 6, department heads were provided with budget guidelines for preparing the operating budget for the upcoming fiscal year. If Board members have questions about the process or have comments about particular areas that should be a focus for this budget, Town Manager Hull asks that members contact him before the meeting of December 16, 2019.

Town Manager Hull reviewed a memorandum from John O'Neil, Information Technology Director, regarding a Cybersecurity Awareness Grant Award. He wrote that the Town of Wilmington and Wilmington Public Schools are one of 94 communities receiving cybersecurity awareness training services funded through this \$250,000 grant program. Cybersecurity awareness training is a vital component to the frontline defense in the ongoing Cyberwar. By working with state resources, we will be training our employees to identify threats, to question suspicious activity and to practice safe computing.

Town Manager Hull reviewed correspondence from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, who advised that Wilmington's available funds have been certified as of July 1, 2019 at \$24,000,972.

Town Manager Hull reviewed a memorandum from Bryan Perry, Finance Director/Town Accountant, regarding the certification of free cash by the Department of Revenue. He noted that Free Cash allows communities to address financial problems, supplement budgets and to take advantage of opportunities as they arise. In recent years the town has utilized Free Cash to purchase land, fund capital outlay, contribute to the Capital Stabilization Fund and to address ongoing liabilities such as OPEB and Retirement.

PAUL ALUNNI, TOWN ENGINEER, AND VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, RE: COST SHARING PROCESS TO ADDRESS UNACCEPTED WAYS

Chairman Bendel recognized Jamie Magaldi, Operations Manager/Tree Warden, Department of Public Works was also present this evening.

Mr. Alunni and Ms. Gingrich prepared a PowerPoint presentation to provide the Board.

Mr. Alunni stated that he, Ms. Gingrich and Mr. Magaldi were present for the purpose of discussing unaccepted ways. He noted that in the spring they met with the Board where the problem with the current program was identified. He stated that the current program is cost prohibitive and each year there remains the vast number of unaccepted ways in town. He stated that the Board tasked them with the responsibility of developing a solution. Mr. Alunni stated that this evening he and Ms. Gingrich will present a cost sharing approach which they believe is fair and more affordable for residents who live on unaccepted ways.

Mr. Alunni stated that the Town is limited in its ability to spend public funds for improving private ways. He stated that street acceptance is a statutory process defined by Massachusetts General Law and vetted through the Board of Selectmen and noted that each unaccepted way has to go through the same process. Mr. Alunni stated that the first thing that needs to be completed is a survey plan to see who has the rights of the way to legally convey their rights to the Town and allows the Town to see what is being conveyed to them. The survey plan is brought to the Board of Selectmen where they vote to refer the matter to the Planning Board. The Planning Board then creates a report looking at whether the roadway is up to Town standards or what it would take to bring the roadway up to Town standards. Mr. Alunni stated that a lot of roadways in Wilmington were constructed before any process for subdivision control. Mr. Alunni stated that the next steps are to go back to the Board of Selectmen to lay out the way and then to Town Meeting for a vote. If Town Meeting votes to accept the way, the Town then has 120 days to acquire the interest through easement or deed. Everyone who has an interest has to convey their right to the Town.

Mr. Alunni stated that based upon his experience, it is his recommendation to require residents to sign off at the beginning of the process. Mr. Alunni stated that the Town of Wilmington has over 550 constructed roadways in Town and 245 (23.65 miles) are considered unaccepted and in varying conditions. Mr. Alunni stated that there are 22 roadways considered to be in good condition, 67 roadways in fair condition that would require some resurfacing; 109 roads in poor condition that would require full reconstruction and 47 roadways in an unapproved state that would require full reconstruction. Mr. Alunni stated that if the Town were to just pave the roadways it would be approximately 9.6 million dollars.

Other costs to consider for street acceptance, in addition to the survey plan, include minor engineering fees, potential attorney fees and physical improvements such as widening or drainage issues.

Mr. Alunni stated that the current practice is that roadways are not accepted until they are approved to Town standards. In 1994 there was a committee formed to address unaccepted ways and a report was issued in 1997. Mr. Alunni reviewed the report, noting that it is the process followed currently. He related a recent petition that was received to accept Carmel Street and the process followed that resulted in the petition being rescinded.

Ms. Gingrich stated that she and Mr. Alunni were asked to look at alternatives to the current practice. She stated that the idea that residents would invest in the upfront soft costs (survey, engineering, attorney fees), the street would go through the acceptance process and become a public way and the Town would fund necessary improvements or construction after it has become a public way.

Ms. Gingrich stated that theoretically there would be an annual budget placeholder for roadway improvements. To be considered, residents must have invested in upfront soft costs having done the survey, permitting, legal work and 100% of property owners are in agreement. Ms. Gingrich reviewed the proposed process including going before the Community Development Technical Review Team, undergo a technical evaluation and establish a cost. Eligible streets would be incorporated into the five year capital improvement plan. Once the street is accepted, the improvements could be completed because it would be an accepted way. Ms. Gingrich provided an example using a current unaccepted road.

Chairman Bendel acknowledged that there is no easy fix and expressed his appreciation to Mr. Alunni, Ms. Gingrich and others for their effort in finding a solution. He stated that a common reason residents contact him is the condition of their roadway. He stated that he is also concerned with the impact the roadways have on Town vehicles, citing the new \$600,000 fire apparatus currently being built.

Chairman Bendel asked if there were any questions or comments from the Board. Selectman O'Mahony commented about her experience living on an unaccepted way. She asked when the last time the Town allowed an unaccepted road to be built, she expressed concern that the Town continues to allow unaccepted roads to be built. Ms. Gingrich stated that when roads are constructed through subdivision control or through a roadway improvement project (81G) they go through the Planning Board for approval and at the time they are constructed they are private and approved in a way that they could be accepted. The acceptance process is a separate process that the Town can encourage but cannot force and noted Pomfret as an example. Mr. Alunni provided further explanation.

Selectman O'Mahony stated that she was not aware, nor was she informed, that she purchased property on an unaccepted way. She expressed concern with her neighbors having to front money when they have paid the same tax rate as residents living on an accepted way. She advised that she stepped in a pothole recently and expressed concern for her older neighbors that may get injured.

Chairman Bendel recognized that the Department of Public Works does the best they can to fill potholes. Mr. Magaldi stated that Wilmington has been filling potholes for decades and noted that the Town does more for unaccepted ways than other towns including plowing and patching. He stated that the Town tries to get the roadway to an acceptable passing level for emergency vehicles. Mr. Magaldi stated that the DPW hears the tax argument on a regular basis and clarified that none of the local tax dollars is used for roadway paving. He advised that the roadway paving program is completed using Chapter 90 funds.

Selectman Caira asked whether Chapter 90 funds could be used for survey and engineering fees and was advised by Mr. Magaldi that it could not if it is an unaccepted roadway, Chapter 90 funds must be used for accepted roadways.

Selectman O'Mahony asked why residents cannot deed the ways as they currently exist to the Town. She asked why the resident would have to do the engineering, survey and deed. Mr. Alunni explained that the survey is required to establish the legal description.

Selectman Eaton stated that he appreciates the significance of trying to find a solution. He asked for recommendation on how to prioritize accepting roads. Mr. Alunni stated that he would look at the type of roadway, whether it connects to other roadways, the number of homes served. Mr. Magaldi commented that the proposed program mirrors the existing Transportation Improvement Program (TIP).

Town Manager Hull opined that the proposed plan is a good one and stated that it is unfortunate that people living on an unaccepted way were not aware when they purchased their home what it meant.

Selectman Caira asked how much would be funded from year to year. Mr. Magaldi stated that it is too early to determine. Selectman Caira asked whether sidewalks would be included. Mr. Magaldi stated that it would be reviewed by the Community Development Technical Review Team. Ms. Gingrich stated that when a roadway is before the Planning Board they look at the roadway it connects with, whether there are sidewalks and whether a sidewalk can fit.

Chairman Bendel advised members of the Board that he wanted to take Public Comments out of order. Chairman Bendel thanked Mr. Alunni, Ms. Gingrich and Mr. Magaldi for their presentation. He advised that he did not believe a vote would take place tonight as there was a lot of information to digest.

Chairman Bendel asked if there were any questions or comments from the audience. John Coccuto, Madison Road; Gary DePalma, Swain Road; Bob Bryant, Dartmouth Avenue; Frank West, Birchwood Road, and John O'Connell, Dartmouth Avenue, offered comments and concerns. Comments and concerns included the process if the Town were an abutter, liability of developers, affordability and the possibility of establishing a revolving fund to use and residents pay back to Town.

Selectman O'Mahony asked how residents can find out if their road is accepted or unaccepted and if it is unaccepted, how it is rated. Mr. Alunni pointed out that in the back of the annual report there is a list of accepted ways, length accepted and date(s) accepted. Regarding the rating of unaccepted roads, he advised that he has a report he can provide upon request.

Mr. Magaldi stated that the Department of Public Works frequently receives phone calls from real estate agents asking whether a street is a public way.

Town Manager Hull stated that it is a systemic issue. He advised that he contacted the Chamber of Commerce and suggested that realtors, although not legally obligated to disclose, should advise homebuyers whether the roadway is accepted or not.

Representative David Robertson stated that when Mr. Bryant reached out to him, he was surprised that the status of the roadway as accepted or not accepted was not disclosed and his office is looking to codify that making disclosure required. Representative Robertson stated that the towns of Nantucket, Franklin and Dedham disqualified streets where 100 percent of the abutters are part of a homeowners association. He asked whether the Avalon management will be advised that they are still responsible for maintaining the roadways. Mr. Magaldi explained that the Avalon properties are not laid out within a right of way.

Representative Robertson stated that his colleague that represents Franklin cautioned that, if a revolving fund is established, parameters be established giving preference to the elderly, retired, those on a fixed income, etc.

Selectman McCoy recalled that during his tenure on the Board of Selectmen, letters have been sent to Wilmington's legislative delegation that the state needs to assume more of a responsibility.

Selectman O'Mahony stated that the Town needs to do something but is concerned that with the proposal, the Town is still putting some of the financial burden on residents. She believes that the Town should be able to alleviate that further because a lot of homeowners were not aware of what they were buying.

Chairman Bendel thanked Mr. Alunni, Mr. Magaldi and Ms. Gingrich for the presentation. He understands the frustration of homeowners and assured them that the Board of Selectmen is addressing the issue. He stated that members of the Board need to digest the information and hear comments from residents.

COMMUNICATIONS *(CONTINUED)*

Town Manager Hull reviewed information regarding the opportunity for affordable homeownership at Spruce Farm, Andover Street. An information session is scheduled for December 11, 2019 and the lottery will be held January 16, 2020. The deadline for application is January 10, 2020. Information was provided relative to contact information for the lottery agent and where applications may be obtained.

Town Manager Hull reviewed correspondence from Don Brunson, Chief Operating Officer, Monogram Food Solutions, relative to their intent to apply for Massachusetts Economic Development Program in Wilmington.

BOARD TO CONSIDER REQUEST OF CHRISTINA A. STEWART, LIBRARY DIRECTOR, TO SUPPORT WARRANT ARTICLE TO NAME NEW OUTSIDE SEATING AREA “THE PEGGY KANE READING GARDEN”

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

VOTED: That the Board of Selectmen support placing an article on the Warrant for the Annual Town Meeting to be held Saturday, May 2, 2020 to name the new outside seating area at Wilmington Memorial Library “The Peggy Kane Reading Garden”.

BOARD TO CONSIDER REQUEST OF SCOTT GARRANT, CHAIRMAN, FOURTH OF JULY COMMITTEE, TO USE THE TOWN COMMON FOR THE ANNUAL TREE LIGHTING, SATURDAY, DECEMBER 7, 2019, 4:00 P.M. TO 7:00 P.M.

Mr. Garrant provided the Board of Selectmen with a written request that outlined the activities scheduled for the evening including hayrides and an ice carving.

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

VOTED: That the Board of Selectmen approve the request of Scott Garrant, Chairman, Fourth of July Committee, to use the Town Common for the Annual Tree Lighting, Saturday, December 7, 2019 from 4:00 p.m. to 7:00 p.m.

BOARD TO CONSIDER REQUEST OF JENNIFER BOLANOS, ON BEHALF OF WE’RE ONE WILMINGTON, TO PLACE SIGNS ON THE TOWN COMMON FOR THE FESTIVAL OF TREES

Chairman Bendel asked if there were any questions, comments or a motion. A motion was made by Selectman Cairra, seconded by Selectman McCoy and by the affirmative vote of four with Selectman O’Mahony abstaining, it was

VOTED: That the Board of Selectmen approve the request of Jennifer Bolanos, on behalf of We’re One Wilmington, to place signs on the Town Common for the Festival of Trees.

BOARD TO CONSIDER EXECUTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 101, DISPATCHER'S UNION FOR THE PERIOD JULY 1, 2019 THROUGH JUNE 30, 2022

Town Manager Hull reviewed the agreed upon changes to the contract. Chairman Bendel asked if there were any questions, comments or a motion. A motion was made by Selectman O'Mahony, seconded by Selectman Eaton and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the collective bargaining agreement between the Town of Wilmington and the New England Police Benevolent Association, Local 101, for the period July 1, 2019 through June 30, 2022.

PUBLIC COMMENTS

Frank West, Birchwood Road, stated that Boy Scout Troop 36 held an event to benefit iPods for Wounded Veterans at the Masonic Hall. He noted that between 400 and 500 Christmas cards were collected as well as several bags of assorted toiletries. Mr. West stated that the scouts meet on Thursdays at the Masonic Hall and will be collecting toiletries and cards for the troops on Thursdays through Christmas.

ANNOUNCEMENTS

Chairman Bendel stated that he and his colleagues attended the Veterans' Day ceremony. He extended his appreciation to the Director of Veterans' Services and his staff noting that the event was well attended.

Selectman Caira opined that it was very moving to see the Vietnam Veterans place the wreath. Selectman Caira stated that he attended the breakfast with his son at the Methodist Church which was held to honor the community's veterans. Selectman Caira noted that his son served in the Army. He also stayed for the presentation by John Katsaros, a 96 year old resident of Haverhill. Mr. Katsaros served during WWII and in 1944, at the age of 20, survived bailing out of a B-17 over France. He was captured by the Gestapo and then rescued by the French resistance. Mr. Katsaros authored the book *Code Burgundy The Long Escape*.

Selectman O'Mahony stated that she attended the State House event held to honor Representative James Miceli.

Selectman O'Mahony recognized the Knights of Columbus for serving breakfast to widows and widowers of veterans. She challenged her colleagues and residents to practice gratitude during the month of November.

NEW BUSINESS

Selectman Caira requested an update on the status of MUNIS.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- Through -
December 6 – Curbside Collection of Yardwaste
- November 13 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
November 16 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
November 20 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
November 20 – Economic Development Committee – Town Hall – Room 9 – 7:00 p.m.
November 21 – Elderly Services Commission – Buzzell Senior Center – 1:30 p.m.
November 23 – Shawsheen Tech Craft Fair – 100 Cook Street, Billerica
9:00 a.m. to 3:00 p.m.
November 23 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
November 25 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
November 25 – Discussion of Local Property Tax Policy with Reference to
Classification for FY-2020 – Board of Selectmen Meeting –
Town Hall – Room 9 – 7:00 p.m.
November 27 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
November 28 – Thanksgiving Day - *Town Offices Closed*
November 29 – *Town Offices Closed*
November 30 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
December 4 – Ice Rink and Recreation Facility Committee – Town Hall –
Auditorium – 7:00 p.m.

A motion was made by Selectman Eaton, seconded by Selectman O'Mahony and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Recording Secretary