

BOARD OF SELECTMEN MEETING

November 23, 2020

Chairman Jonathan R. Eaton called the meeting to order at 6:15 p.m. This meeting was held via ZOOM. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma 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 discussing collective bargaining strategy with respect to the International Association of Fire Fighters Local 1370, in accordance with Massachusetts General Law Chapter 30A, Section 21(a)3, as an open meeting may have a detrimental effect on the negotiating position of the Town as so determined by the Chairman and further to consider Executive Session minutes from April 13, 2020, July 20, 2020, August 17, 2020 and September 14, 2020 in accordance with Massachusetts General Law Chapter 30A, Section 22.

Chairman Jonathan R. Eaton reconvened the meeting at 7:05 p.m. This meeting was held via ZOOM. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Eaton thanked WCTV and IT Director John O'Neil for facilitating the meeting.

Chairman Eaton stated that pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast xFinity; Channel 37 Verizon FiOS, and live stream wctv.org). No in-person attendance of members of the public will be permitted but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 865 8810 0054 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that, despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

Chairman Eaton asked meeting participants to rise and he led the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 20, 20A, 20B, 21 & 21A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held November 9, 2020 and that all action taken is hereby ratified and confirmed.

FRANK WEST, RE: TOYS FOR TOTS PROGRAM

Mr. West was before the Board with Sergeant Jerald Everett to provide information on the Toys for Tots program. Mr. West reviewed upcoming events to raise funds/toys for Toys for Tots. Mr. West noted that there are multiple locations in Wilmington and Tewksbury and noted that he did not seek permission to include Town buildings due to the pandemic and the buildings not being open to the public. Residents are welcome to drop new, unwrapped toys at any drop-off location or his office at West Real Estate. Residents in need can go to toysfortots.org and complete a request for donated toys.

Sgt. Everett related the history of the Toys for Tots Program, noting that the logo with the train was created by Walt Disney. Sgt. Everett advised ways in which donations can be made through the Toys for Tots website. Prior to this evening's meeting, Mr. West presented a certificate of appreciation to the Board of Selectmen to thank the Town for supporting the Toys for Tots program.

Chairman Eaton asked the Board if there were any questions or comments. Members of the Board expressed sincere thanks to the West family for coordinating the program and Sgt. Everett for his service.

KAREN L. RASSIAS, PRINCIPAL ASSESSOR, RE: PUBLIC HEARING FOR THE DISCUSSION OF LOCAL PROPERTY TAX POLICY WITH REFERENCE TO CLASSIFICATION

Ms. Rassias stated that, in accordance with Massachusetts General Law Chapter 40, Section 56, she was present to provide information to the Board of Selectmen. Also present was Finance Director/Town Accountant Bryan Perry. After careful analysis and review, the Board of Assessors recommends to the Board of Selectmen a classification shift of 1.75%, resulting in a minimum residential factor of .770680 for Fiscal Year 2021. She advised that the shift conforms to Proposition 2 ½ guidelines and is consistent with prior years' tax policies. Adoption of this recommendation allows the Town to assess and collect an equitable amount of taxes from the residential, commercial, industrial and personal property sectors. Ms. Rassias advised that assessed values were established by analyzing calendar year 2019 sales and income data. The Board's analysis resulted in the average single family residential property value increasing approximately .17 percent. It is the Board of Assessors recommendation that the Board of Selectmen vote to shift the maximum allowed to the Commercial, Industrial and Personal Property classes.

Ms. Rassias reviewed information that outlined different scenarios and the impact to the different tax classifications.

Chairman Eaton noted that this was a public hearing and he provided information for residents to call in to comment. Chairman Eaton was advised that there were no callers on the line and he waited to allow time in the event someone was trying to call in. Following several moments without any callers Chairman Eaton asked if there were any questions or comments from the Board. Selectman Bendel stated that this is one of the most important votes he takes and the meeting is one he most often rewatches so that he can answer resident questions.

Selectman O'Mahony asked whether Ms. Rassias can provide information on where Wilmington ranks in relation to other communities relative to the commercial, industrial, personal property tax rate. Ms. Rassias advised that many communities have not held their hearings yet and explained the difficulty in making comparisons. Selectman O'Mahony expressed concern that smaller businesses will have to shoulder the tax burden. Ms. Rassias noted that the industrial sector has seen an increase in value.

Board members thanked Ms. Rassias and Mr. Perry for the presentation and indicated their intent to vote to shift the maximum burden away from the resident.

Chairman Eaton closed the public hearing.

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

VOTED: That the Board of Selectmen adopt a classification shift of 1.75 as recommended by the Board of Assessors which results in the minimum residential factor of .770680 for Fiscal Year 2021.

SHELLY NEWHOUSE, HEALTH DIRECTOR, AND WILLIAM CAVANAUGH, FIRE CHIEF, RE: UPDATE ON COVID-19

Ms. Newhouse reported that the Town of Wilmington is currently at 100 active positive cases of COVID-19 with well over 200 residents in quarantine. She commented that the rise is due to the high volume of individuals getting tested before the Thanksgiving holiday. Ms. Newhouse expects to see a surge approximately two weeks following Thanksgiving and encouraged residents to wear masks and to social distance.

Chairman Eaton commented regarding the high number and Ms. Newhouse confirmed that this is the highest number the Town has seen and stated that the nursing homes currently have no positive cases.

Chairman Eaton noted that there is cause for guarded optimism with a vaccine several months away.

Ms. Newhouse stated that social distancing works when they are doing contact tracing. She noted the large number of college students being tested before returning home as well as the number of people getting tested to go away for the holiday is causing delays in receiving results.

Chairman Eaton invited Chief Cavanaugh to report on the Fire Department. Chief Cavanaugh advised that he has two members of his department in quarantine due to outside activity. He confirmed that members of police and dispatch are back to work.

Chief Cavanaugh commented that the increase in COVID cases translates to an increase in calls and stated that the Health Director and the Public Health Nurse are very helpful in answering their questions. Chief Cavanaugh reviewed steps that are being taken to ensure decontamination of the ambulance and personnel between calls.

Chairman Eaton asked if there were any questions or comments from the Board. Selectman Bendel asked how long before an individual comes off the list and was advised that it would depend whether they were isolating or quarantined and it would be 10 to 14 days.

Selectman Bendel asked if Wilmington was in the red category and was advised that the numbers are posted on Thursday and Ms. Newhouse believes the Town will be very close. She advised that the Town would need to be red for three consecutive weeks before thinking about phasing back activities.

Selectman Bendel asked where residents can be tested and Ms. Newhouse stated that stopthespread.org has a list of all testing sites.

Selectman Caira asked whether individuals are retested before coming off the list and was advised that they do not need to be retested. She advised that if an individual tested positive and they meet the 10 day rule and are feeling well they can resume activity. The same is true for those who were in contact with a confirmed positive and meet the 14 days quarantine rule.

Members of the Board expressed their appreciation to both Ms. Newhouse and Chief Cavanaugh and their departments.

Town Manager Hull stated that everyone is experiencing COVID fatigue and that the virus has created significant inconveniences. He noted the different graduation ceremony, cancellation of the Fourth of July celebration and Tree Lighting Ceremony. Town Manager Hull stated that the Town is not being mean spirited but trying to reduce the opportunity for gatherings that may exacerbate the problem. He reported that the Town Hall receives phone calls from residents reporting gatherings at public places such as Yentile Farm Recreational Facility and advised that those calls may be directed to the Police Department's non-emergency line. He asks residents to understand that these calls will be triaged and the response may be delayed.

JOHN GREGG, PE, RE: ROUTE 38 / WILMINGTON CROSSING (269 MAIN STREET) INTERSECTION

Mr. Gregg advised that he was present at the request of Chief Desmond to answer the Board's questions regarding the traffic signals at the entrance to Wilmington Crossing. He stated that he reviewed crash data and reported that there have been 8 crashes since 2015. He advised that MassDOT has made recent adjustments to the timing, allowing for additional time for left turns in both the northbound and southbound lanes. Mr. Gregg stated that one of the initial complaints was that there is not enough time for left turns and when he reviewed the plans, he agreed that the allotted time was low when considering it was peak times and coordinated with the other signals. He advised that the timing was lower than during off peak times.

Chairman Eaton asked Chief Desmond if he would like to offer comment. Chief Desmond stated that he appreciates there is a little more time for vehicles to turn left but expressed concern that it does not eliminate human error. He reported that the Police Department tends to respond to angle crashes and opined that the traffic signal may not be the issue. Chief Desmond stated that without a designated left turn, drivers play "chicken" when trying to cross two lanes of traffic.

Chairman Eaton asked if there were any questions or comments from the Board. Selectman Caira stated that the intersection has bothered him for the past three or more years. He agrees with Chief Desmond's assessment that drivers are playing "chicken". Selectman Caira stated that cars in the lane to turn left block the view of vehicles in the right lane. He reported the recent motorcycle accidents that occurred and in at least one instance there were serious injuries. Selectman Caira stated that he did not understand why there could not be a red, yellow and green arrow. He cited a recent memorandum from the Town Manager that attributed a statement to the

Massachusetts Department of Transportation that increasing the time for left turn arrows would cause delays. He stated that he is more concerned with the safety of the intersection than in whether it causes delays and opined that the intersection needs to be reviewed again and have dedicated turning lanes.

Selectman Bendel expressed his appreciation to Selectman Caira for continuing to raise the issue and stated that he is in agreement that the intersection is dangerous. He noted that he received a phone call shortly after the accident from a friend, who serves as a fire fighter in another community and witnessed the accident, who was able to provide medical aid until Wilmington's emergency response arrived on scene. Selectman Bendel expressed his surprise that there have only been eight accidents and indicated his support for any improvements that will make the intersection safer. He related the angst of hearing brakes while campaigning at that intersection.

Town Manager Hull asked Mr. Gregg to describe realistic options to improve the safety of the intersection. Mr. Gregg offered his opinion that the safest option would be to have the red, yellow and green arrows which would require MassDOT to restripe the roadway. He advised that another option would be a split main line phase and explained that each direction of traffic would flow individually. He cautioned that this would cause a tremendous amount of delay and does not recommend it.

Mr. Gregg stated that the intersection was reviewed in 2014 and believes the numbers they obtained at that time may be old, but valid. He noted that traffic volumes have decreased as a result of the COVID pandemic. He offered to forward to the Board of Selectmen that information with an explanation of how to understand the results.

Chairman Eaton commented that the fact that the intersection was reviewed in 2014 is indicative of a continuing problem and a solution has not yet been found.

Chairman Eaton thanked Mr. Gregg for attending this evenings meeting.

COMMUNICATIONS

Selectman Jomarie O'Mahony reviewed her email regarding the MBTA Advisory Board meeting that was held on November 16. Selectman O'Mahony stated that the meeting was held to discuss service changes expected to be implemented in 2021. The premise of the changes are due to ridership continuing to be 25% of its normal rate and the budget was reviewed to show where major shortfalls are occurring. The major suggested change that appears to impact Wilmington is that the commuter rail will end at 9:00 p.m. and no weekend trains are scheduled. Selectman O'Mahony stated that she asked about the North Wilmington Platform and was told that the project would not be impacted as it was already in process and funding had been identified. There will be some changes to The Ride. She noted that the MBTA will be voting on December 7 as to service changes and the public is welcome to submit comment as to the changes prior to December 4. Selectman O'Mahony stated that agendas for the meetings she has attended are available on the website and expects minutes to be posted one approved.

Selectman Bendel thanked Selectman O'Mahony for attending the meetings and updating the Board.

Selectman Caira asked if both lines (Lowell and Haverhill) will be stopping at 9:00 p.m. and was advised that the entire commuter rail will stop.

Town Manager Hull reviewed his memorandum regarding the MassWorks Grant. He advised the Board of Selectmen that on November 19, 2020 Governor Charlie Baker, Lieutenant Governor Karyn Polito and Secretary of the Executive Office of Housing and Economic Development Michael Kennealy announced thirty-five communities were awarded \$68 million in funds under the grant program. Wilmington was one of eight first time grant recipients and will receive \$2,891,000 for infrastructure improvements associated with the 108 unit affordable housing apartment development planned on property at the corner of Jefferson Road and Middlesex Avenue. Funds will be used to extend an 8" sewer line approximately 2,700 linear feet from the area of the North Intermediate School. An existing 60 year old culvert running under Middlesex Avenue at Lubbers Brook will be replaced. Improvements to Middlesex Avenue between High Street and Jefferson Road will include road restriping to establish 12' travel lanes and 5' bike lanes on both sides of the road, installation of ADA accessible sidewalk ramps, pedestrian crosswalks and flashing beacon signs.

Town Manager Hull reviewed a memorandum from Chairman Eaton to the Chairmen of Boards, Committees and Commissions with the draft Remote Participation Policy. The respective Chairmen were advised that the Board of Selectmen is seeking feedback and written comment concerning the policy. Comments are due by January 7, 2021.

Town Manager Hull reviewed a memorandum from Town Clerk Christine Touma-Conway who advised that her office received notification from the Office of the Attorney General that the Zoning and General By-laws approved at Town Meeting on June 27, 2020 have been approved. She advised that she was preparing the necessary posting for the Constable and expects that the posting will be made during the week of November 30, 2020.

Town Manager Hull reviewed a letter from Jeremy Cohen, Esquire, Boston Dog Lawyers, on behalf of Tom and Diane Gauthier, 64 Forest Street. The complainants are seeking a nuisance dog hearing alleging that the dogs residing at 62 Forest Street and belong to, or being kept by, Julie Depiano are a nuisance under both the applicable Massachusetts and Wilmington laws. Town Manager Hull advised that the Town is in the process of gathering information relative to the complaint and stated that it appears to be noise complaint. He stated that Chief Desmond will work with the Animal Control Officer to determine if a hearing is necessary or if there is another mechanism to address the issue.

Town Manager Hull reviewed his memorandum regarding preparation of the FY 2022 budget. He advised that department heads were provided with operating budget instructions at their department meeting on November 4, 2020. Due to the COVID pandemic, there is a great deal of uncertainty with respect to the budgets for the balance of fiscal year 2021 and fiscal year 2022. The message to department heads is to "hold the line". The goals for FY2022 will be to maintain existing levels of service to the fullest extent possible, avoid layoffs and keep the overall budget increase to 1%. He advised that there is also likely to be a decrease in the amount of capital improvement projects. Town Manager Hull noted that the Town is in a strong position with \$25.1 million in available funds as of July 1, 2020 and a capital stabilization balance of \$15.0 million and advised that the funds will be needed to reduce borrowing costs.

Town Manager Hull reviewed correspondence from Catherine Maloney, Comcast, regarding price changes. Starting December 20, 2020, prices for certain services and fees will be increasing including the Broadcast TV Fee and the Regional Sports Network Fee.

Town Manager Hull reviewed his memorandum regarding license renewal fees. He stated that the request has been made to investigate the merits and impacts of reducing certain license fees associated with restaurants in recognition of the challenges these businesses have faced during the

pandemic. In fiscal year 2020 the Town generated \$20,100 based upon fees associated with restaurants. During fiscal year 2020 the Town collected approximately \$730,000 in fees. Fees associated with the all alcohol license and common victualer license do not comprise a significant percentage of the revenue from fees and permits. He noted that if authorization is granted to reduce all alcohol-restaurant and common victualer license fees, consideration should be given to the prospect of appeals for reduction in other permit or license fees. Town Manager Hull stated that as noted in prior communications, the Town should expect to see reduction in revenue associated with local aid, meals tax and potentially the excise tax in fiscal year 2022. In reviewing the Town's alcohol license fees it is noteworthy that, compared to many of the neighboring communities, the alcohol license fee is already one of the lowest.

Town Manager Hull advised that the Board will be asked to authorize the renewal of licenses at their meeting of December 14 and in most cases, payment has been received. Chairman Eaton asked if the deadline to renew licenses is one week from today and it was confirmed that the deadline is November 30.

Chairman Eaton noted that a number of other communities are taking action to modify or reduce fees. He stated that he would like to be mindful that the Town has an Economic Development Committee which has been asked to make recommendation to help stimulate the local economy. He would like the Board to consider asking the Economic Development Committee to review ways to restructure or modify licensing fees that will be most conducive to helping the business community. He noted that based upon discussions earlier this evening, the pandemic is well into the second wave and the Town can expect a drastic reduction in state aid next year.

A motion was made by Selectman Bendel and seconded by Selectman Caira. Chairman Eaton asked if there were any questions or comments. Selectman Caira ask to confirm that this action will replace agenda item six and was confirmed by the Chairman. Selectman DePalma commented that he does not want to authorize the Economic Development Committee to reduce fees. Chairman Eaton advised that they will not be reducing the fees that they are an advisory committee and will report back to the Board of Selectmen with a recommendation.

With a motion having been made and duly seconded, Chairman Eaton called for the vote. By the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen assign to the Wilmington Economic Development the task of making a recommendation, based upon what other communities are doing and options available, of ways to restructure or modify licensing fees.

BOARD TO CONSIDER REQUEST MODIFYING LICENSE FEES FOR RESTAURANTS

Not taken up based on action taken under Communications.

BOARD TO CONSIDER EXECUTING LETTER TO CONGRESSIONAL DELEGATION SUPPORTING LIAM PRIGMORE'S APPLICATION TO THE UNITED STATES MERCHANT MARINE ACADEMY

Chairman Eaton advised that this was brought forward by Selectman Bendel after speaking with Liam Prigmore. Chairman Eaton advised that if the Board of Selectmen is so inclined, time is of the essence and asked members to sign the documents as soon as possible once the final is ready for execution. He asked if there were any questions, comments or a motion. Selectman Caira suggested including Liam Prigmore as a "cc". A motion was made by Selectman Bendel, seconded by Selectman O'Mahony and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen execute the letter to the congressional delegation supporting Liam Prigmore's application to the United States Merchant Marine Academy.

Selectman Bendel thanked members of the state legislative delegation advising the Board that each of the three members will be authoring a letter on Liam's behalf.

BOARD TO CONSIDER REQUEST OF NANCY VALLEE, EXECUTIVE DIRECTOR, WILMINGTON/TEWKSBURY CHAMBER OF COMMERCE TO PLACE ICE SCULPTURE ON TOWN COMMON

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

VOTED: That the Board of Selectmen approve the request of the Wilmington/Tewksbury Chamber of Commerce to place an ice sculpture on the Town Common beginning approximately December 7.

PUBLIC COMMENTS

Chairman Eaton reminded viewers of the process to make public comment.

Chairman Eaton asked if there were members of the public wishing to comment and was advised there were not.

Selectman Caira asked whether it would be appropriate for the Board of Selectmen to send a letter recommending Liam Prigmore directly to the Merchant Marine Academy. A motion was made by Selectman Caira, seconded by Selectman Bendel and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen direct a letter in support of Liam Prigmore to the Merchant Marine Academy in addition to the congressional delegation.

Chairman Eaton asked Mr. O'Neil whether there were any callers wishing to speak and after confirming no additional speakers he considered Public Comments closed and continued with the remainder of the agenda.

ANNOUNCEMENTS

Members of the Board of Selectmen commented regarding Liam Prigmore, specifically relative to his speech during the Veterans' Day ceremony.

Members of the Board wished residents a Happy Thanksgiving and expressed appreciation to the men and women serving our country.

Selectman Caira noted that he participated in the MassWorks Zoom meeting and opined that it was impressive to witness how the state is helping communities.

Selectman O'Mahony congratulated the fall athletes noting that this was not a typical season.

Selectman O'Mahony stated that the Festival of Trees sponsored by We're One Wilmington will be virtual this year. She encouraged anyone feeling down, or in need, to reach out for assistance.

NEW BUSINESS

Selectman Bendel noted that the Board will not be meeting until December 14 and by that date the Chairman will be another year older. He wished Chairman Eaton a happy birthday.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- Through
- December 4 – Curbside Collection of Yardwaste
- November 25 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- November 28 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- November 26 – Thanksgiving Day - *Town Offices Closed*
- November 27 – *Town Offices Closed*
- December 2 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- December 5 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- December 1- December 4 – Festival of Trees – Virtual – <http://onewilmington.org/events/festival-of-trees/>
- December 6 – Santa Parade – 9:00 a.m. to 5:30 p.m.
- December 14 – Board of Selectmen Meeting – Town Hall – Virtual – 7:00 p.m.
- December 24 – *Town Offices Close at Noon*
- December 25 – Christmas Day - *Town Offices Closed*
- January 1 – New Year's Day - *Town Offices Closed*

SALUTE TO SERVICE

Chairman Eaton recognized brothers Walter and Kenneth Sevens. Walter Sevens, PFC, US Army, is a veteran of World War II. Kenneth Sevens is a Vietnam Veteran having served in the US Navy from November 8, 1968 to November 7, 1972. Kenneth has the Vietnam Service/Campaign and Vietnam Armed Forces Meritorious Unit Citation (Gallantry Cross) along with the Armed Forces Expeditionary Medal (Korea).

Chairman Eaton wished his colleagues and Town Manager Hull a happy Thanksgiving. He stated that he is extremely grateful for the flexibility of Town employees to continue to provide services to residents.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:51 p.m.

Respectfully submitted,

Recording Secretary