

## BOARD OF SELECTMEN MEETING

September 8, 2014

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 Michael L. Champoux, Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

### TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 9, 9A, 10, 10A, 11 and 11A.

### MINUTES

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 accept the minutes of their meetings held January 27, 2014, March 10, 2014, May 27, 2014 and June 9, 2014 and all action taken is hereby ratified and confirmed.

### **WILLIAM HOLT, ASSISTANT TOWN ENGINEER, RE: KINDER MORGAN PIPELINE UPDATE**

In attendance with Mr. Holt was Town Engineer Paul Alunni.

Mr. Holt was present to review the status of the Kinder Morgan Pipeline Project, specifically the lots that are affected in Wilmington. Mr. Holt described the proposed route of the pipeline and advised that he has spoken with Winifred McGowan, Assistant Director of Planning and Conservation, due to the wetlands located in the vicinity. Mr. Holt advised that although the pipeline is not proposed to go through the property, there is a parcel owned by the Water & Sewer Department and is the location of the Salem Street Well. He advised that the well is within 400 feet of the proposed pipeline which is just outside Zone 1 to the public well. Mr. Holt advised that the proposed route effects 21 properties in Wilmington. Eight parcels are owned by the Town, all of which are vacant, 2 are conservation property and all are zoned residential. Thirteen parcels are commercial/industrial property. The pipeline then extends into North Reading.

Mr. Holt noted that approximately one-third is through the old railroad bed. He noted that the pipeline is very close to the Brownfields well.

Mr. Holt provided a review of a recent meeting of the Middlesex County Coalition of Municipalities which he has been attending on behalf of the Town of Wilmington. He advised that it has not been stated that there is 100% opposition but their mission is to provide knowledge and work collaboratively to provide representation and information to relevant government and public bodies concerning the Tennessee Gas Pipeline Project proposed by Kinder Morgan.

He stated that a commission set up by the New England governors is doing a study on the pipeline to determine whether it is needed. The commission and subsequent study are a result of a grassroots effort. He stated that the underlying tone of the coalition is opposition to the pipeline. They are forming studies to determine the need for the gas line. Mr. Holt said that in 20 years it is anticipated that the New England region will require an additional volume of one billion cubic feet per day. The proposed pipeline will provide a capacity of 2.1 billion cubic feet per day and will therefore be a surplus, likely for export to Canada and overseas.

Mr. Holt advised that Kinder Morgan must apply to the Federal Energy Regulatory Commission (FERC), which he anticipates will occur on September 15. There is a pre-filing submission which will begin the process of public meetings in various towns along the pipeline route. He said the public meetings are held to receive input to determine the impact on the environment. Mr. Holt stated that the environment includes economic, social and environmental impact to the community. He said the coalition is looking to show that the impact is significant.

Mr. Holt advised the Board that discussion took place regarding alternative energy sources and ways communities could fight the gas pipeline. Some options, such as wind and solar, are expensive and not viable options. It is the coalition's opinion that there are only 10 days in a year that exceed peak demand. Mr. Holt stated that Spectra Energy is proposing another pipeline within its existing right-of-way corridors. Spectra Energy is further along in the process with FERC, having already applied and conducted public meetings. Mr. Holt said they are proposing an increase of 350 million cubic feet per day and can increase to one billion over the next 10 to 15 years to meet demand if needed.

Chairman O'Connell expressed her appreciation to Mr. Holt and Mr. Alunni and asked if there were any questions or comments from the Board.

Selectman Newhouse clarified the number of town-owned property that the pipeline would travel through and that of the thirteen commercial properties, four are developed and nine are not developed. Selectman Newhouse was advised that he is correct. He then asked if the Town Manager, as the plan unfolds, could get a better sense of the impact on the adjacent town facilities, specifically the wells, and also a sense of whether there is an economic impact in terms of potential build-out of the properties. He stated that he believes that would be taken into account because Kinder Morgan would not want to incur expensive land takings but believes the Board ought to be comfortable with the micro economic impact.

He asked if representatives of the Massachusetts Municipal Association may have an analysis at their disposal relative to the macro economics of the project.

Selectman Cimaglia asked what some of the positive aspects may be of the pipeline. Mr. Holt stated that some positives include tax money and the availability of gas. He advised that the coalition is concerned with the limited supply but Kinder Morgan and other companies assert that the supply is unlimited. They are also concerned that if it is exported the costs will increase as the global demand increases.

Mr. Holt stated that there may be an increase in consumer gas bills because the cost of construction is passed on to the end user.

Selectman McCoy apologized that he was not able to attend the meeting in July and stated that if Massachusetts will benefit from the new pipeline, he is in favor of the pipeline. Mr. Holt stated that he is hearing that there is a need for another source of creating energy. Mr. Holt advised that the Yankee Power Plant will be closing and other power plants are closing. Selectman McCoy stated that he would like to hear comments from a Federal agency stating that Massachusetts would benefit from the pipeline.

Town Manager Hull commented that from Kinder Morgan's presentation, it was learned that they are simply the distributor. Kinder Morgan will construct the pipeline but there are various entities that they contract with to purchase gas. It is unclear how many will actually be purchasing gas that will benefit Wilmington.

Mr. Holt stated that it is his understanding that the pipeline will be going through Wilmington but there will not be dispensing from the pipeline. He stated that the route is a tentative location and next week the Town should receive final maps.

Mr. Alunni advised that Governor Patrick committed to examine demand through an RFP to hire an expert to examine the numbers. He stated that there are conflicting statistics and numbers provided by special interests that benefit their cause.

Selectman Champoux expressed his appreciation to Mr. Holt for attending the meetings and his desire for Mr. Holt to continue to attend. Selectman Champoux opined that one needs to be open to other sources of growth. He stated that he would be supportive of the project if there is minimal potential impact on private and town-owned property.

Chairman O'Connell asked if Mr. Holt has a sense of the overall timeline. Mr. Holt stated that the FERC process does not have a definitive time frame, however it is his understanding that when they file next Monday, there will be a seven month period of public meetings and they have to file certification within seven months. It is his understanding that the process will take 1 ½ to 2 years. Mr. Alunni explained in more detail the process and required filings.

Chairman O'Connell asked that Mr. Holt continue to represent the Town at the coalition meetings in the event the Town needs to weigh in on issues. She stated that she would also like to know if there is a guarantee that a certain portion must remain in New England.

Town Manager Hull commented that he believes it is advisable that the Town continue to participate in the coalition meetings. He stated that one of his concerns is the proximity of the pipeline corridor to the Browns Crossing Wellfield.

George Lingenfelter, Concord Street, expressed his concern that the pipeline will be located close to town wells and believes there ought to be special consideration due to the previous loss of five wells.

### COMMUNICATIONS

Town Manager Hull reviewed his memorandum and communication from North Reading Town Administrator Michael Gilleberto relative to North Reading's plan to redevelop the remaining undeveloped portion of the J. T. Berry property.

Town Manager Hull reviewed a letter from Paul Stedman, Acting District Highway Director, MassDOT, who advised that they were in receipt of the Town's request for support for the project proposed to reconstruct Route 38.

Town Manager Hull reviewed information from the Wilmington Conservation Commission relative to their Annual Town Clean-up Day to be held on Saturday, September 27, 2014.

Town Manager Hull reviewed information from Paul Regan, Executive Director, MBTA Advisory Board, and Marc Draisen, Executive Director, Metropolitan Area Planning Council, regarding municipal elections to the Boston Region Metropolitan Planning Organization. Nomination papers are due Friday, October 3, 2014 and the election will be at the MAPC Fall Council Meeting on Wednesday, October 29, 2014.

**BOARD TO CONSIDER REQUEST OF THE RECREATION COMMISSION TO CONDUCT ITS 47<sup>TH</sup> ANNUAL HORRIBLES PARADE ON SUNDAY, OCTOBER 26, 2014**

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

VOTED: That the Board of Selectmen grant the request of the Recreation Commission to conduct its 47<sup>th</sup> annual Horribles Parade on Sunday, October 26, 2014.

**BOARD TO CONSIDER REQUEST OF WILMINGTON HISTORICAL COMMISSION AND WILMINGTON FARMERS MARKET TO USE THE REAR PARKING LOT OF THE FORMER SWAIN SCHOOL FOR AN OLD-FASHIONED CAR SHOW TO BE HELD SUNDAY, SEPTEMBER 14, 2014 (RAINDATE: SEPTEMBER 21, 2014)**

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 grant the request of the Wilmington Historical Commission and the Wilmington Farmers Market to use the rear parking lot of the former Swain School for an old-fashioned car show to be held Sunday, September 14, 2014 with a raindate of September 21, 2014.

**BOARD TO CONSIDER APPROVAL OF LICENSE TO SELL CHRISTMAS TREES FOR BOY SCOUTS OF AMERICA TROOP #56, C/O JOHN MAININI, AND FOR WILMINGTON METHODIST CHURCH, C/O JOHN ARVANITIS**

Town Manager Hull advised that recommendations were received from Police Chief Michael Begonis who recommends approval of both requests and from the Building Inspector who advised that there were no outstanding zoning issues.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 grant licenses to sell Christmas trees to the Boy Scouts of America Troop #56, c/o John Mainini, and to the Wilmington Methodist Church, c/o John Arvanitis.

**BOARD TO CONSIDER REQUEST OF SHARON GEORGE, TOWN CLERK, TO APPOINT ELECTION WORKER**

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

VOTED: That the Board of Selectmen appoint Summer A. Beals, 69 West Street, as an Election Worker.

**BOARD TO CONSIDER REQUEST OF KRISTEN STOKES FOR RESIDENTS OF JACOBS STREET TO HAVE A NEIGHBORHOOD BLOCK PARTY ON SATURDAY, SEPTEMBER 20, 2014 FROM 2:00 P.M. TO 8:00 P.M.**

Town Manager Hull advised the Board of Selectmen that they had initially approved a request in August but do to unforeseen circumstances; the block party was not held on that date. Town Manager Hull advised that he spoke to the police chief who had no concerns with the Board granting this request.

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 grant the request of Kristen Stokes for residents of Jacobs Street to have a neighborhood block party on Saturday, September 20, 2014 from 2:00 p.m. to 8:00 p.m.

**PUBLIC COMMENTS**

George Lingenfelter, Concord Street, asked why the Town requires a home business to have a business permit if you are in compliance with the zoning by-laws but if you are not in compliance you do not have to have a business permit and the Town will not stop your business. Town Manager Hull asked for additional information and Mr. Lingenfelter stated that there is a landscaping business being operated on the property behind his; a commercial truck and tree service through the woods and buses being stored next to his property. He stated that he has complained multiple times.

Chairman O'Connell deferred to the Town Manager because he is more familiar with the issue. Town Manager Hull advised that there are multiple issues and complaints before the Building Inspector and although Mr. Lingenfelter asserts that there are multiple businesses being conducted, it is not clear that is the case. Mr. Lingenfelter took issue with that and Town Manager Hull advised that Mr. Lingenfelter is aware of his options. Town Manager Hull stated that the information and photographs that have been submitted do not establish that a business is operating.

**NEW BUSINESS**

Selectman Champoux noted that the Chamber of Commerce half marathon and 5K walk run will take place on Sunday, September 28.

Selectman Newhouse stated that the Board had asked Town Manager Hull to send a letter requesting certain documentation from Investment in Youth Foundation and noted that a response was received to direct future correspondence to their attorney. Selectman Newhouse asked if he has communicated with their counsel. Town Manager Hull stated that he has spoken with Attorney Nathalie Hoppel who has suggested that the Town needs to provide specific citations of the law to identify what basis the Town has to seek the information.

Chairman O'Connell noted the Yentile Farm Committee will be on September 9 and will conduct its last workshop on October 9.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 12 – Farmer's Market – Town Common Parking Lot – 10:30 a.m. to 1:30 p.m.
- September 9 – State Primary Election – Polls Open 7:00 a.m. to 8:00 p.m.
- September 9 – Yentile Farm Development Committee – Memorial Library – Banda Room – 6:00 p.m.
- September 22 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- September 27 – Annual Town Clean-Up - Meet at DPW, 135 Andover Street - 8:00 a.m. to 12:00 p.m.
- September 28 – Wilmington's 10<sup>th</sup> Annual Half Marathon & 5K Run or Walk
- October 9 – Yentile Farm Workshop – Wilmington Middle School – Cafeteria – 7:00 p.m.

Town Manager Hull advised that he received communication from Fire Chief McClellan that October is Fire Safety Awareness Month. Chief McClellan wanted to provide advanced notice that the Fire Department will be conducting an Open House on October 11 at the Public Safety Buildings. Additional details will be provided at a later date.

Town Manager Hull noted that on Saturday a microburst occurred in Wilmington. Personnel from the Department of Public Works worked to clear brush and debris from the roadway. Town Manager Hull identified the area most impacted as Hathaway Acres, Freeport Drive, Sparhawk Drive, Heather Drive and Lucaya Circle. He said that residents have been clearing brush and placing at curbside and he wanted to advise residents that the Town will not be providing curbside collection of this debris. Town Manager Hull advised that the yardwaste drop off center will be open an additional two days for residents to drop off debris. He said that the two dates are Wednesday, September 17 from 8 a.m. to 2 p.m. and Saturday, September 20 from 9 a.m. to 4 p.m.

There being no further business to come before the Board, a motion was made by Selectman Cimaglia, seconded by Selectman Newhouse 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 not to return to open session.

Meeting adjourned at 8:25 p.m.

Respectfully submitted,

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Recording Secretary