

BOARD OF SELECTMEN MEETING

Monday, September 9, 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 discussing strategy with respect to litigation regarding Bettering LLC and 362 Middlesex Avenue as an Open Meeting may have a detrimental effect on the position of the Town in accordance with Massachusetts General Law Chapter 30A, Section 21(a)3 and the Chairman so declares with the intention to return to open session.

Chairman Gregory B. Bendel reconvened the meeting at 7:05 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 Eaton, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 6, 6A, 7, 7A, 8, 8A, 9, 9A, 10 and 10A.

MINUTES

A motion was made by Selectman McCoy, seconded by Selectman Caira and by the affirmative vote of four with Selectman O'Mahony abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held October 22, 2018 and all action taken is hereby ratified and confirmed.

SCOTT C. GARRANT, ESQUIRE, ON BEHALF OF RICHARD LOWE, WF PIZZA COMPANY LLC DBA TREMEZZO PIZZERIA, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 296 SHAWSHEEN AVENUE

Mr. Garrant was present with Mr. Lowe requesting a Common Victualer License. Mr. Garrant stated that December will mark five years since Tremezzo Restaurant opened. He stated that during that time Mr. Lowe has used the restaurant as an opportunity to serve the community through numerous efforts. Mr. Lowe has emphasized the importance of giving back whether volunteering at hospitals and shelters, donating food to families in need, hosting birthday parties for children whose families are going through a tough time and can't afford to rent the hall donating dozens of backpacks for school children and more. Mr. Garrant stated that Mr. Lowe and Tremezzo's have been recognized as generous and supportive members of the community.

Mr. Garrant noted that he and Mr. Lowe were before the Board of Selectmen just a few months ago relative to Josie's Bakery. Since it's opening, the bakery has not only been well received by the community but has served as a continuation of Mr. Lowe's efforts to serve the community in various ways. Mr. Garrant advised that there is currently a winter coat drive for families in need.

The opportunity to establish a new location on Shawsheen Avenue arose. In terms of licensing, it will primarily be takeout and delivery but there are stools at a counter for patrons who want to eat there and that is the reason for the Common Victualer License.

Mr. Lowe stated that the name of the establishment will be Tremezzo Pizzeria. He believes that the name Tremezzo will relate to great quality and great things for the community. He stated that Italian pizza will be served as well as sheet pizza. He stated that one of the team member's father owns Galleria Umberto in the North End and he taught them how to make sheet pizza like they do in the North End. In addition, they will offer pasta dishes and family meals. Mr. Lowe stated that there will also be a risotto bowl where you can choose your own protein, sauce and vegetable.

Chairman Bendel asked if there were any questions or comments from the Board. Members of the Board expressed their appreciation to Mr. Lowe for his contribution to the community and they look forward to patronizing Tremezzo Pizzeria. .

Town Manager Hull advised that Shelly Newhouse, Health Director, recommends approval and Al Spaulding, Inspector of Buildings, advised that there were no zoning issues or building code violations.

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

VOTED: That the Board of Selectmen grant a Common Victualer License to WF Pizza Company, LLC DBA Tremezzo Pizzeria, 296 Shawsheen Avenue.

GEORGE HOOPER, PUBLIC BUILDINGS SUPERINTENDENT, RE: LIGHTING PROJECT AT PALMER PARK

Chairman Bendel thanked Mr. Hooper for being present this evening. Mr. Hooper updated the Board on the field lighting project, noting that it was a Capital Improvement Project approved at the Annual Town Meeting. Voters approved funding \$75,000 to upgrade the existing 1500 watt mercury vapor 480 volt fixtures. He advised that the lights were originally installed in the late 1980s by a volunteer group and the cross members were beginning to fail and were becoming a safety issue.

Mr. Hooper stated that the fixtures were replaced with 500 watt LED fixtures and resulted in a savings of 52,000 watts. He stated that the upgrade provides for better quality lighting and a reduction in maintenance. Mr. Hooper stated that the work was done in-house by the Town's day and night electricians with assistance from the Department of Public Works who designed the bracket. He opined that although the field is primarily used for Pop Warner, other groups will be interested in using the fields once they see the quality of lighting.

Mr. Hooper announced that the project was completed under budget.

Chairman Bendel asked if there were any questions or comments from members of the Board. Selectman Eaton asked how much under budget and Mr. Hooper advised that the project was completed \$14,000 under budget. Mr. Hooper advised that the Town was able to purchase the fixtures at a discounted price through Mass Save.

Selectman Caira asked whether the poles were also changed and was advised that the poles were existing. Mr. Hooper stated that Reading Municipal Light Department straightened out a pole but it was not necessary to replace the poles.

Chairman Bendel complimented Mr. Hooper and the staff of the Public Buildings Department, not only for this project but also the preparation of the schools for the new school year. Mr. Hooper stated that his department also completed the first phase of the lighting project at the West Intermediate School.

THERESA MARCIELLO, ELDERLY SERVICES DIRECTOR, RE: PROGRAM UPDATE

Chairman Bendel welcomed Ms. Marciello. Ms. Marciello updated the Board of Selectmen regarding the position that was approved at Town Meeting for a Caseworker/Program Coordinator. Ms. Marciello introduced Ms. Patti Meehan to the Board of Selectmen. She noted that this position is shared with the Department of Veterans' Services.

Ms. Marciello stated that October will be one year since the Elderly Services Department began the Memory Café at the Fourth of July Building. She stated that they have had many events and Officer Chalifour was instrumental to the program by being involved in the events and reserving parking spaces. She stated that there are 16 to 24 participants and expressed her appreciation to WOW and Assisting Hands for their support.

Ms. Marciello stated that it has been three years since the department began the caregivers support group.

Ms. Marciello stated that there are 16 older adults that have taken on boot camp. She stated that the program was for six weeks in the spring at Wilmington Fit Body Boot Camp. She stated that another six week program will begin at the end of September and there are 21 individuals who have registered.

Ms. Marciello updated the Board on other programs including Good Neighbor Day, Fuel Assistance, Giving Tree, Grandparent's Day and Game Nights.

Chairman Bendel asked Ms. Marciello about plans for renovations at the Buzzell Senior Center. Ms. Marciello acknowledged the assistance of Representative Robertson and Senator Tarr in securing a \$30,000 grant to renovate the kitchen.

Mr. Hooper stated that the Buzzell Senior Center was built in 1935 and is a repurposed school. In 1986 it was repurposed as the Senior Center. He described improvements including the replacement of the refrigerator/freezer units, replacement of cabinets, removal of the old heating and replaced with a ductless split for heating and air conditioning, installation of new ranges, hood, dishwasher, sink, buffet station and replacement of the floor. Mr. Hooper stated that the hardwood floors in the main hall were refinished and advised that one of the existing ductless splits failed over the summer and both units will need to be upgraded because he can no longer get parts to repair them. Mr. Hooper advised that they will also be looking to upgrade the audio/visual system with sound system, microphones, amplifiers, LED screens and speakers throughout the building.

Ms. Marciello stated that the projects are not to beautify the center and cited the radiators that were removed were ruining the flooring. She stated that the upgrades do not resolve all problems. Mr. Hooper advised that additional improvements include the replacement of doors and refinishing to make it more comfortable.

Chairman Bendel acknowledged Representative Robertson and asked whether it would be possible to obtain additional funding in the future. Representative Robertson stated that they understand how appreciative the seniors are and how active and important the Center is to Wilmington.

Chairman Bendel asked if there were any questions or comments from members of the Board. Selectman Cairra noted that the Town also appropriated \$10,000 and asked whether that was included. Mr. Hooper advised that the total funds available is \$40,000 and that the work is being completed in-house.

Selectman McCoy commented about available funds and suggested that the Town Manager could utilize those funds (do something a little here and there). Selectman McCoy stated that the renovations that were completed in 1986 were the result of efforts by the late Representative James Miceli. He stated that his uncle, Representative Miceli, organized carpenters and donations. He recalls providing meals for the workers and noted that a temporary update was needed.

Selectmen Eaton expressed his appreciation to Representative Robertson for advocating on behalf of Wilmington's residents. Noting Ms. Marciello's enthusiasm and passion, Selectman Eaton asked what challenges the current senior center poses. Ms. Marciello stated that the Elderly Services Department are holding programs at the Fourth of July Building due to spacing issues. She stated that she has to juggle when and where programs are held so they are not interrupting another program. Ms. Marciello stated that the limited parking is also an obstacle. She stated that they are cognizant of program start and end times and schedule in such a way that participants have left to free up parking spots.

Selectman O'Mahony encouraged seniors to attend the meeting on September 30 with ideas. She does not believe that the Elderly Services Department should have to conduct programs in different buildings. She stated that she would like to see a community center type building that can be utilized during the day by the seniors and at night by kids other than the schools. Selectman O'Mahony stated that she would support a committee to explore options for the senior center.

Chairman Bendel clarified that the Board of Selectmen will be meeting on September 30 at the Wildwood School. The purpose of the meeting is to hear from the Facilities Master Plan Committee. He advised that the School Committee and Finance Committee will also be participating. It is his intention that this will be the first of many discussions and that the second discussion will be held at the Senior Center sometime in October or November.

Town Manager Hull offered comments about both Mr. Hooper and Ms. Marciello stating that Ms. Marciello has a tremendous attitude and, as Director of the Elderly Services Department, she creates a climate of inclusion and positivity. He enjoys his conversations with her as she always has an attitude of gratitude. Mr. Hooper is Mr. Fix-It when it comes to Town facilities. The building has served the Town well since 1935. There is no question that there is a need for a new facility. It is his hope that, at the meeting on the thirtieth, a strong dialogue can begin about the Town's priorities. Town Manager Hull noted that there has been discussion about the funds the Town has set aside in various reserve funds and advised that the town has sizeable obligations. The cost of building upgrades and replacements is significant and the Town has to prioritize projects and maintain a healthy reserve for the next time the economy turns south. He does not want to be in a position of having to lay off employees or close buildings.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the high school gymnasium floor. He reminded the Board that replacement of the floor was bid in the spring of 2019 and the lowest qualified bid was for \$219,200. After discussions with Town Counsel and negotiations between Town Counsel and legal counsel for Gilbane, a settlement was arrived at where the Town would

retain \$175,000 of funds being held by the Town for the purpose of contracting for the replacement of the gym floor. There was no admission of responsibility or liability for the inadequate floor from either party. A meeting was held with the Finance Committee requesting a transfer from the Reserve Account to cover the difference between the settlement amount and the contract price. The Finance Committee agreed to authorize the transfer of an additional 10% of the project cost in the event of unforeseen conditions. On September 3, 2019 he was provided a request to amend the contract. Upon removing the floor panels and OSB subfloor, a determination was made that the concrete base was not level throughout the gym. Two options were presented and Town Manager Hull authorized American Sports Floor, Inc. to apply the leveling agent in those areas where needed including under the bleachers at a cost of \$29,942. The overage of \$8,022 will be charged to the Public Buildings Miscellaneous Facility Repairs line item. The work is expected to add one week of time to the floor installation project and will result in the expected completion date being mid-October.

Town Manager Hull reviewed correspondence from Kelli Gunagan, Assistant Attorney General, Municipal Law Unit, who wrote to advise that articles 39, 40, 41 and 42 of the May 4, 2019 Annual Town Meeting were approved.

Town Manager Hull reviewed his memorandum regarding the MBTA Advisory Board. At the Selectmen's meeting of August 7, 2019, Selectman McCoy noted that he has been the Town's designee on the MBTA Advisory Board and in speaking with the Executive Director of the MBTA Advisory Board, it is his understanding that a significant level of authority and influence regarding matters of the operation of the MBTA had been removed from the Advisory Board. The request was made to obtain additional information about the changes in oversight. Mr. Regan stated that the bill that was before the state legislature at the time of his conversation with Selectman McCoy was a bond bill which also included funding for the Massachusetts Department of Transportation. Additionally, as a result of challenges being faced by the MBTA during the winter of 2015, Governor Baker convened a special panel to investigate the reasons for the reliability issues and to recommend steps to improve the MBTA's performance. The panel recommend establishing a Board to closely monitor the MBTA's finances, management and operation over a 3 to 5 year period. The board was established for a 5 year term which expires in 2020 and as that time approaches the Governor and the legislature will need to decide how to proceed.

Town Manager Hull reviewed notice of the MBTA Advisory Board's next meeting to be held Tuesday, September 17, 2019 at 9:30 a.m.

Town Manager Hull reviewed a letter to Secretary of Elder Affairs, Elizabeth Chen, asking for guidance and requirements to utilize the grant funds and any reporting responsibilities.

Town Manager Hull reviewed an invitation from the Department of Veterans' Services to participate in remembering and honoring all past and present First Responders on Saturday, September 14, 2019 as a flagpole, donated by Rapiscan, is dedicated at Silver Lake. Mr. Cimaglia requests participants assemble at 9:50 a.m. and the ceremony will begin at 10:00 a.m.

Town Manager Hull reviewed a letter notifying Jonathan M. Dugas of his appointment to the Finance Committee for a term to expire April 30, 2020.

Town Manager Hull reviewed information from the Massachusetts Municipal Association regarding the Legislative Breakfast Meetings scheduled for September 20, September 27 and October 4.

Town Manager Hull reviewed his memorandum regarding the Chairman's role per *Roberts Rules of Order*. He noted that, at a recent Board of Selectmen meeting, a question was raised about the authority of the Chairman to offer motions. *Roberts Rules of Order* does not state that the Chairman has fewer rights to participate in the meeting than those rights of other members of the board or committee. The Board has not established its own policy with respect to the conduct of their meetings.

Selectman McCoy stated that, as Chairman, Mr. Bendel has more rights than members because he handles the mic and can control who can speak and who cannot. He stated that at the last meeting while discussing the North Wilmington substation he wanted to offer comments and after his colleagues spoke he wanted to make a motion. Selectman McCoy stated that when the time came Chairman Bendel offered a motion which was immediately seconded by Selectman Cairra and asked Chairman Bendel why he made the motion.

Selectman McCoy stated that at one time he made a request for Cook Avenue to be placed on the agenda and it was not placed on the agenda and asked why. Chairman Bendel stated that he took it a step further and a specialist from the Environmental Protection Agency (EPA) attended a meeting and it is his opinion that there was healthy discussion including Cook Avenue.

Selectman McCoy opined that if the representative from EPA did not mention Cook Avenue there wouldn't have been any discussion. It was not on the agenda and requested that in the future when he requests an item be placed on the agenda that the Chairman do so.

Selectman Eaton noted that it is his understanding from discussions with Ms. Jennings, she suggested that the Board hold off on providing water to Cook Avenue and stated that and the Town's water supply would be addressed by EPA. The Town getting involved may complicate EPA's position.

Town Manager Hull advised that there is an internal meeting scheduled this week with the EPA and he will report back to the Board.

BOARD TO CONSIDER RATIFICATION OF TOWN MANAGER'S APPOINTMENT OF ARIANNA FARO AS A MEMBER OF THE COMMISSION ON DISABILITIES

Town Manager Hull noted that the Commission on Disabilities has had a number of vacancies and over the past six months to a year the Town has been able to fill them. He advised that the Commission on Disabilities Chairman was asked to speak with the candidate and she recommended that Ms. Faro be appointed to fill the vacancy for a term to expire in 2021.

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 ratify the Town Manager's appointment of Arianna Faro as a member of the Commission on Disabilities.

BOARD TO CONSIDER RATIFICATION OF TOWN MANAGER'S APPOINTMENT OF CHRISTINE JOHNSTON AS A MEMBER OF THE HISTORICAL COMMISSION

Town Manager Hull advised that as a result of Jesse Fennelly being elected as a member of the School Committee, a vacancy exists on the Historical Commission. Ms. Johnston met with members of the Historical Commission and their Chairman recommended that Ms. Johnston be appointed as a member.

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 ratify the Town Manager's appointment of Christine Johnston as a member of the Historical Commission for a term to expire in 2020.

BOARD TO CONSIDER REQUEST OF THE RECREATION COMMISSION TO CONDUCT ITS 52ND ANNUAL HORRIBLES PARADE ON SUNDAY, OCTOBER 27, 2019

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

VOTED: That the Board of Selectmen approve the request of the Recreation Commission to conduct its 52nd Annual Horribles Parade on Sunday, October 27, 2019.

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

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 approve licenses to sell Christmas trees for Wilmington Methodist Church, c/o John Arvanitis, and Boy Scouts of America Troop #56, c/o John Mainini.

The Recording Secretary advised that the Board of Selectmen has historically waived the fee for non-profit organizations and asked for confirmation whether that was their intent. A motion was made by Selectman O'Mahony, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen waive the license fee to sell Christmas trees for Wilmington Methodist Church and Boy Scout Troop 56.

BOARD TO CONSIDER REQUEST OF WILMINGTON SONS OF ITALY AND WILMINGTON BAND PARENTS TO RESCHEDULE THEIR FUNDRAISING YARD SALE FROM SATURDAY, SEPTEMBER 7, 2019 TO SATURDAY, OCTOBER 19, 2019 FROM 7:00 A.M. TO 5:30 P.M.

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 approve the request of Wilmington Sons of Italy and Wilmington Band Parents to reschedule their Fundraising Yard Sale from Saturday, September 7, 2019 to Saturday, October 19, 2019 from 7:00 a.m. to 5:30 p.m.

BOARD TO CONSIDER REQUEST OF GIGI SHENLOOGIAN TO LIGHT THE TOWN COMMON IN PINK DURING THE MONTH OF OCTOBER FOR BREAST CANCER AWARENESS

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 approve the request that Wilmington Town Common be illuminated in pink during the month of October in observance of Breast Cancer Awareness.

Members of the Board expressed their appreciation to Ms. Shenloogian for her generosity.

PUBLIC COMMENTS

Ethan Sawyer, 58 Lawrence Street, questioned whether K|P Law was in attendance at the Executive Session. Chairman Bendel advised that what he can tell Mr. Sawyer is that the Board had a discussion with respect to litigation regarding Bettering LLC and 362 Middlesex Avenue. He noted that is what he is willing to say without violating any laws. Mr. Sawyer persisted with his question and Chairman Bendel reiterated what he was willing to report. Chairman Bendel advised that the minutes would become public record when the matter is resolved. Mr. Sawyer directed his question to the Town Manager who advised that he would take the same position as the Chairman.

Mr. Sawyer asked whether members of the Board received a copy of the letter he sent Thursday and Chairman Bendel confirmed they had. Mr. Sawyer stated that the public expects that something is happening during the meeting minutes and if the right people aren't in attendance, then the right things can't happen.

ANNOUNCEMENTS

Selectman Caira stated that in the sixth paragraph of Mr. Everett's letter, he indicated that the attorneys representing the Town, K|P Law, were not at the mediation and asked to confirm with Selectman O'Mahony that they were, in fact, in attendance. Selectman O'Mahony confirmed that Town Counsel was present at the mediation. Mr. Sawyer stated that based upon the public record information that was available to him, it appeared they were not in attendance.

Selectman Caira stated that unfortunately he was not informed of a retirement ceremony that recently took place for Officer Paul Chalifour. It is his understanding that there was a nice send-off including a flag raising ceremony. Selectman Caira offered his congratulations to Officer Chalifour.

Chairman Bendel stated that he happened to be at the playground with his daughters when he was made aware of it and was able to extend best wishes to Paul.

Town Manager Hull apologized for the oversight in not making the Board of Selectman aware of the reception recently held in honor of Officer Chalifour.

Selectman O'Mahony congratulated WCTV as they recently held their community day and expressed appreciation for their efforts to keep the community informed. She stated that she was unable to attend because fall sports have begun and wished teams well.

Chairman Bendel noted that the Economic Development Committee held their second meeting at the end of August and will be meeting again September 25. Chairman Bendel stated that the Committee now has a page on the Town's website.

Town Manager Hull stated that scouts from Girl Scout Cadet Troop 65083 have established containers for the disposal of used fishing line at Silver Lake. One container is located at the fishing pier and another is located on the Main Street side of the lake. He advised that the scouts had met with Recreation Director Karen Campbell, DPW Director Michael Woods and himself expressing concern with the discarded fishing line and the impact on the wildlife.

NEW BUSINESS

Selectman O'Mahony commented relative to appointments to the Inhabitant By-law Study Committee and noted that she and Chairman Bendel have provided names for appointment and she expects that it will be on the Board's agenda for September 23.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through

October 13 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.

September 14 – Shredding Day – Municipal Parking Lot – 9:00 a.m. to 12:00 p.m.

September 14 – Flagpole Dedication – Silver Lake – 10:00 a.m.

September 15 – Guns & Hoses Charity Softball Game – Town Park

September 18 – Ice Rink and Recreation Facility Committee – Town Hall – Auditorium – 7:00 p.m.

September 21 – Annual Town Clean-Up – Meet at DPW, 135 Andover Street – 8:30 a.m.

September 23 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

September 24 – By-law Study Committee – Town Hall – Room 9

September 25 – Wilmington Incorporated 289 Years Ago

September 25 – Economic Development Committee – Town Hall – Room 9 – 7:00 p.m.

September 26 – Finance Committee – Town Hall – Room 9 – 7:00 p.m.

September 29 – Chamber of Commerce Half Marathon and 5K Run/Walk

September 29 – Candlelight Vigil – Town Common – 5:00 p.m. to 10:00 p.m.

September 30 – Board of Selectmen – Wildwood School Cafeteria – 7:00 p.m.

Discussion with School Committee, Finance Committee and Facility Master Plan Committee, re: Town/School Facilities

A motion was made by Selectman Eaton, seconded by Selectman O'Mahony 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 strategies with respect to collective bargaining with the New England Police Benevolent Association Local 1 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 and the Chairman so declares and to approve Executive Session minutes from August 7, 2019 in accordance with Massachusetts General Law Chapter 30, Section 22 not to return to open session.

Meeting adjourned at 8:35 p.m.

Respectfully submitted,

Recording Secretary