

Finance Committee
Reading of Town Meeting Warrant Articles
Wednesday, March 18, 2015
Minutes

Chairman John F. Doherty called the meeting to order at 7:20PM. Members present were Theresa M Manganelli, Jonathan R. Eaton, Bernard P. Nally Jr., Robert P. Palmer, Richard K. Hayden. Members Excused: William J. Wallace

PRESENT IN INTEREST: Jeffery Hull, Town Manager

Article 3: Mr. Doherty - Read Article. Mr. Hull – No need for transfers.

Article 4: Mr. Doherty - Read Article. Mr. Hull – Standard article comes up every year. The town is currently in a 3 year contract. The Treasurer/collector oversees banking services. The next time we will be soliciting banking services is for the period beginning July 2016.

Questions/Comments: Kevin MacDonald, 140 Andover St. - Reviewed his poster board. Explained that he has put in public records requests for balances. The top 3 banks used by the Town are Lowell Five, Century Bank, and Eastern Bank. The interest rates we are getting paid are less than 1%, Lowell Five calendar year 2014 average monthly balance of \$50.4M, Century Bank upwards of \$7M. The high rate for interest is 0.65% at Lowell Five, less at Century Bank. As of December we had over \$14M in free cash, significance of this is holding all this money in the bank and crushing people in taxes doesn't make sense.

Mr. Doherty – Informed Mr. MacDonald that he is getting off course. There is difference between having money in the bank and having money that has been committed. Projects that have to be paid out.

Mr. Hull – Explained that the article refers to banking services, not debt, and notes we have to use banks to hold money.

Mr. MacDonald – Said the interest is costing over \$18M for the debt. Stated there is enough money in free cash to pay some of it off.

Mr. Doherty – Thanked Mr. MacDonald for his comments, and noted he is moving on to next article. Mr. MacDonald – Began yelling about the Finance Committee. Mr. Doherty – Asked him to sit down.

Article 5: Mr. Doherty – Read Article. Mr. Hull – Explained it is the omnibus Budget Article for FY16. Noted in the budget presentation there are 5 major goals. Goals include continuing to provide resources and tools for a 21st century education for our kids, improve energy efficiency for our buildings, improve service delivery utilizing technology, maintain a multi-year capital improvement plan, enhance our financial planning capabilities, reduce risk and improve efficiencies. Recommends an increase of 4.6% over FY15. Proposes using \$3M transfer from free cash to various stabilization accounts. This money is not being spent, rather it is being set aside. Recommends the creation of a payroll & benefits administrator, allowing the Treasurer/Collector's office to focus more on the banking and reconciliation processes. Looking for two part-time positions totaling 25 hours per week in Veterans Services to be combined into one full time position. Given the volume of work in Veterans Services, believes it is justified. Proposes reclassifying a Senior Clerk to Assistant Assessor. Explained that given the workload, this would serve to supplement and support the Assessor's various other activities.

Another major change will be to create the position of IT Director and consolidate the IT operations. As of now two individuals work out of the Accounting Office serving as IT support, and one individual in Police

Department. These individuals will be brought together to form an IT Department. There is no increase in staffing as a result of this move. Effect of this is to elevate the role of IT to a Department level status. Believes it is warranted; IT is a critical tool being used in all facets of operations.

Notes two department head level positions are proposed to be reclassified; the Veterans Services Director and Elderly Services Director. Of all the department heads in town, these are the lowest paid individuals. Proposing to increase their pay to be commensurate with their responsibilities. Both positions have evolved in the last 20 years. In the case of Veterans Agent, it has become much more of a social service role. Similar with the Elderly Services Director's position. Believes compensation should be reflective of this.

Schools combined between Wilmington Public and Shawsheen is slated to increase 3.7%. Expecting increases in statutory charges and shared costs including some of our insurances. Health insurance is slated for 7.25% increase. Noted that on the general government side the increase is 1.53% overall, however a number of collective bargaining agreements are open.

Questions/comments: Mr. MacDonald – With regards to Veteran Services when he drives by Veterans Services, he does not see a lot of cars there. When someone gets processed into the system, there are organizations such as ADP who do check processing. Does not know if we are using them right now. Believes pensions are crushing communities and would hope this committee would take a serious look at this and instead of rubber stamping it.

Mr. Doherty – Responded the committee does not rubber stamp anything. Explained the review process that has occurred since February.

Mr. MacDonald – Stated that Mr. Cimaglia cannot handle the job. He is looking for a full-time person, who will be getting a pension and thinks the department and this committee should look at efficiency, rather than just adding people. Regarding IT, suggested looking at the existing IT people, to see if they have the credentials or experience or skills to even do the job, because if they did he does not believe we would have to bring someone else in.

Mr. Hull – Noted that there will be no additional personnel in IT. Existing personnel that are currently employed by the town will become the new IT Department. There are no new staff being added for IT.

Article 6: Mr. Doherty - Read Article 6 Item 1. Mr. Hull – Explained that the town continues to cycle front line cruisers, to secondary use within the Police Department. Looking to purchase four front line cruisers, and one police command vehicle. Total request \$220,000.

Questions/comments: Mr. MacDonald – Stated that no matter what time of day, he sees at least five or six cars parked at the Police Station. Mr. Doherty – Interrupted to remind him of the Article being discussed. Exchange regarding the inappropriate nature of Mr. MacDonald's comments.

Mr. Doherty – Read Article 6 Item 2- one heavy duty dump truck with plow to be assigned to Highway Division. Mr. Hull – Proposal is to replace 1997 dump truck with 97,000 miles. It is one of the primary vehicles for operations and in-house construction projects. Total request is \$155,000.

Questions/comments : Mr. MacDonald. – Stated he would like to have the committee be sensitive to the wording of this article. He wants for the funds not to be raised through taxation, seeing as we have millions and millions of dollars in the banks.

Mr. Doherty – Read article 6 Item 3– Purchase one 1-ton dump truck with plow assigned to Highway Division. Mr. Hull – To replace 2002 ford F350, with 108,000 miles. Total request is \$69,000.

Questions/comments: None

Mr. Doherty – Read Article 6 Item 4 – (1) 1 ton pickup truck for Parks and Grounds. Mr. Hull – Vehicle to replace 2004 F250 with 229,000 miles. Total request is \$38,500.

Questions/comments: Mr. MacDonald – Asked if any item is worth \$10,000 and below, does it have to go out to bid. He does not believe the fire apparatus went out to bid, believes the purchaser was the people who sold us new tower truck. Concerned we are not getting the maximum amount of money for surplus items. Mr. Doherty – Explained last year the town had an auction and surplus vehicles went to the highest bidder.

Mr. Doherty – Read Article 6 Item 5– one student transport van for School Dept. Mr. Hull - Replace 2004 student transport van with 140,000 miles, vehicle used to transport students, as well as graduate-life skills students to various destinations. Total request is \$26,000.

Question/comment: None

Article 7: Mr. Doherty - Read Article. Mr. Hull – Last summer season we had a problem with the chiller unit. It was not functioning properly. The unit is original to the building. The plan is to replace chiller. Estimated cost is \$280,000.

Questions/comments: Mr. MacDonald - \$280,000 is a lot of money. Asked the Finance Committee to make a commitment to the taxpayers that it would not be funded through taxation. Mr. Doherty – Explained wording within the Article allows the Town Manager and Board of Selectmen to choose the way they want to finance it, in the best interest of the Town.

Mr. MacDonald – Explained what he is asking is for the committee to make a proposal or amendment that says Mr. Hull cannot tax the people of the town, that he cannot borrow money and build up banks accounts. Mr. Doherty – Interrupted him and thanked him for his comment.

Mr. George Lingenfelter, Concord St. – Asked if this would increase the debt exclusion bond. Mr. Doherty – Explained the debt exclusion and that it goes to Town Meeting. Mr. Hull – Clarified the \$280,000 proposed would not be borrowing. It would be raised through general operating budget.

Article 8: Mr. Doherty – Read Article. Mr. Hull – Seeking \$100,000 to address upgrades required to our IT, Microsoft software which is 2002, and enhance data storage and upgrade desktops.

Questions/comments: None

Article 9: Mr. Doherty - Read Article. Mr. Hull – Request for \$25,000 to purchase new equipment. One de-icing unit for truck.

Questions/comments: None

Article 10: Mr. Doherty - Read article. Mr. Hull – Request \$30,000 to add intercoms to school in approximately 25 locations. Intercoms will be intergraded into the current system.

Questions/comments: Mr. MacDonald – Questioned why the Middle School as new as it is needs an upgrade. Asks Mr. Doherty to have Mr. Hull state his name and address each time he comes up. Mr. Hull lives in Billerica and any kind of wasteful spending, he does not get impacted with high taxes.

Mr. Doherty – Declared Mr. MacDonald out of order.

Article 11: Mr. Doherty - Read Article. Mr. Hull – School Superintendent recommending \$77,700, to align the elementary school with English Language Arts and literacy curriculum frameworks. The curriculum would include a phonics based component. Recommendation comes as an outgrowth of a district literacy program, which seeks to improve literacy in grades K-3.

Questions/Comments: None

Article 12: Mr. Doherty - Read Article. Mr. Hull – Recommendation from Superintendent DeLai to replace existing curriculum which is no longer adequate to support standards-based instruction. New program will be aligned with state curriculum framework. It provides teachers, students and parents with appropriate instructions to increase student achievement for grades K-5.

Questions/comments: Mr. Lingenfelter – Asked for the requested amount. Mr. Hull - \$177,000.

Article 13: Mr. Doherty - Read Article. Mr. Hull – Request for \$55,000, plan to install 420 feet of drainage pipe in Mass Ave. The area is currently experiencing ponding during medium rain storm events.

Questions/comments: Mr. MacDonald – Stated he lives in Wilmington not Billerica. Asked what happens to the left over money that is above the actual cost. Mr. Hull - Money reverts to general fund.

Mr. MacDonald – Realistically having \$14M of free cash in the bank, could it be possible that, that money got so large because it was intentional that the Manager came before the Town escalating the price knowing it was less, so that money would benefit the bankers. Mr. Doherty – Explained any excess appropriation goes to the general fund.

Article 15: Mr. Doherty - Read Article. Mr. Hull – Inquired if Article 14 was covered. Mr. Doherty – Realized it was not and agrees to go back to it after Article 15 is discussed.

Mr. Hull - This is part one of a two-part process. First part slated FY16, looking for \$25,000 to conduct engineering and permitting required for converting the underground storage tanks at DPW to above ground. Expecting in FY17 he will come back to seek funding for work associated with actual conversion. Currently the town has 10,000 gallon gas and diesel tanks. Both are fully functional. They were installed in 1986 and approaching usable life. Total request is \$25,000.

Questions/comments: Mr. MacDonald - Stated that for years he has been speaking against underground tanks. Requested the committee check the records of evaluations of tanks to make sure no fuel has escaped. Ultimately thinks the entire operation needs to get moved to another location in Town. Thinks the recycling yard would be the best location and a conversion of the Highway Department into a multi-functional facility that might include one fire and rescue vehicle.

Article 14: Mr. Doherty - Read Article. Mr. Hull – Planning to install approximately 366 feet of pipe, between the areas of Sudbury and Beaching Avenue. The area is experiencing flooding on persistent bases. Total cost is \$82,000.

Questions/comments: None

Article 16: Mr. Doherty - Reads Article. Mr. Hull – Continues regular plan for replacing various roofs on town buildings. Looking to replace 4,000 square feet of roof over gym at Shawsheen School. Total cost is \$110,000.

Questions/comments: Mr. MacDonald –Asked who will be doing the work. Mr. Doherty – Responded that he assumes the work will be going out to bid. Mr. MacDonald – Would like to ask Mr. Hull, if we have a department known as "public buildings", has Mr. Hull ever hired anybody in the Public Buildings Department that is skilled at roofing. Mr. Hull – I have not hired a roofer.

Mr. MacDonald –Year after year we come with these items to fix roofs and often times in the middle of the year a roof could leak; it would be really nice if there was a dedication and commitment to the taxpayers to hire people who are skilled. Hope that this committee would, if approved, limit the funding to free cash, not taxes.

Article 17: Mr. Doherty - Read Article. Mr. Hull – Similar to Shawsheen, the request is to replace the roof over the gym at Woburn Street School. Estimated cost is \$110,000. Noted the reason why we hire out these services is because there is a specialty involved in each of these projects. The projects come with warranties and it makes sense to do it this way.

Questions/comments: Mr. MacDonald – Stated that there is an 800 square foot difference in roof sizes, and asked why are they estimated at the same price. Mr. Hull – Noted the costs are estimates. The project will go out to bid.

Mr. MacDonald – Asked if the estimates are a little too high to allow the town to put money in the banks. Mr. Doherty – Declared Mr. MacDonald to be out of order.

Article 18: Mr. Doherty - Read Article. Mr. Hull – Standard article. For a number of years the town has set money aside for unanticipated building projects that come up throughout the year. Cost is \$125,000.

Questions/comments: None

Article 19: Mr. Doherty - Read Article. Mr. Hull – This is the second phase to replace 30" concrete corrugated culvert under Butter row bridge. Estimated cost 120,000

Questions/comments: Mr. Macdonald – Commented that we have engineering, asked why are we paying for engineering.

Article 20: Mr. Doherty - Read Article. Mr. Hull – Addresses issues at Shawsheen parking lot. Estimated cost is \$190,000.

Questions/comments: None

Article 21: Mr. Doherty - Read Article. Mr. Hull – Replace oil-fired heating system with high efficiency natural gas system. The current system is original to the building which was built in 1970. Plan would include removing 10,000 gallon underground oil storage tank. The requested amount is \$458,000 and the proposal is to use free cash to fund.

Questions/comments: None

Article 22: Mr. Doherty - Read Article. Mr. Hull – Requesting \$150,000 to engage in development of facilities master plan, to take a longer-term look at what the building needs and space needs are. Referenced the previous discussion on Roman House being inadequate. Will evaluate what our space needs are, which buildings can be reconstituted, which buildings perhaps need to be decommissioned. The outcome of this study will be incorporated into our capital plan going forward.

Questions/comments: Mr. MacDonald – Stated that he finds it amazing we have a host of engineers, host of department heads and still have to pay \$150,000 to do a simple evaluation of buildings. Public is willing to get involved.

Unknown resident and address – Wanted to come forward to the committee and members watching at home, to ask for support of this Article. Thinks the town should be more proactive instead of reactive. Feels there is a need for a facility study and for experts to recommend what the needs are to the Town. Understanding is an expert team of architects and engineers who are independent will be speaking with department heads and draft the report. Process should take over 9 months, with a series of meetings and reviews with department heads. Department heads may or may not be qualified to do the study. However to have the expertise of a third party is what is in the best interest for the town. Would also like to mention, someone to address open space in town, consider future use for it, would like to see open space considered and addressed by someone who can make an educated guess in terms of the use of the space.

Mr. MacDonald – When people are getting contracts they could be influenced to go the way the political people want them to go. Mr. MacDonald – Inaudible, speaking over Mr. Doherty.

Article 23: Mr. Doherty - Read Article. Mr. Hull – Looking to fund \$4.5M for construction of 9 Cross Street property. Currently in design development stage. Project to be put out to bid.

Questions/comments: Mr. Lingenfelter – Concerned with other items, there is a lot on the plate. Maybe the town should slow the process down on this project. Only objected to turf field. In general he thinks we should slow process down for Yentile Farm.

Mr. MacDonald – Asked if the Committee has seen the plan on Yentile Farm. Asked if it is a regulation size field. In his best estimate/opinion, project is waste of money so far. Company did extensive engineering on the project. He contacted them to ask if they were invited to bid on the design. There was an appropriation at Town meeting of \$50,000 for conceptual design. He knows high school students that could do better on conceptual drawings.

Mr. Doherty – Explained bids go out by public advertising, if the company he is referencing did not see the advertisement, shame on them. Mr. MacDonald interrupted, statements not audible.

Judy O'Connell, 2 Oxbow Road (chair of Yentile Committee) –This project went through a very public process. The plan was originally \$6M, and since reduced to \$4.5M. Explained the process of getting the price reduced. Several volunteers are attempting to raise \$1M to bring down the cost to the town to \$3.5M. DPW is in full support of turf field. The town has done its due diligence. The project has been on target and under budget and will continue to be. The Committee will be giving a town-wide presentation on April 15th to include a detailed.

Mr. MacDonald – When people say it's under budget, it is very easy to have something come under budget, when it is intentionally astronomically over budget. Asked Mr. Hull what the High School turf field cost. Mr. Hull – Approximately \$1M. Mr. MacDonald – The new field at the High School is \$1M, but

yet this is under budget at \$4.5M. Mr. Doherty – Explained the amount is for the whole project not just a field. Mr. MacDonald interrupts, not audible.

Article 24: Mr. Doherty - Read Article. Mr. Hull – Currently have stabilization account to fund OPEB liability. Last year the town put \$500,000 aside to address that liability. Next step is to create an Irrevocable Trust. When money goes into the trust it cannot be used for any other purpose. Explained what the rating agencies look at. Current liability is \$133M. There is no money attached to this article it is just to create the trust fund.

Questions/comments: Mr. MacDonald - Asked where the money is now for the trust and what happens if a town employee loses the money for the pension. Mr. Hull – The trust fund is not for a particular individual.

Mr. MacDonald – Stated that he believes this is just another fancy way to get money to the banks. Mr. Doherty – Declared Mr. MacDonald out of line.

Article 25: Mr. Doherty - Read Article. Mr. Hull – If Article 24 is approved this article will be to transfer \$1M from free cash, into the irrevocable trust.

Questions/comments: Mr. MacDonald – At Town meeting part of budget are funds for employee benefits, such as retirement. Why would Mr. Hull want to take funds from free cash. Mr. Doherty – Explained the town's unfunded liability of \$133M.

Mr. MacDonald – Asked if the liability due to having excessive employees.

Article 26: Mr. Doherty - Read Article. Mr. Hull – Intention is to transfer money currently in the OPEB stabilization account to the OPEB trust fund. Approximate balance to be transferred is \$166,669.

Questions/comments: None

Article 27: Mr. Doherty - Read Article. Mr. Hull – Funds that have supported the Capital Stabilization Fund have come from surplus property. The current balance is \$283,000. The capital improvement plan identifies approximately \$36M in needs over the next five years. Seeking to increase funding in the stabilization account, which provides another reserve to draw on and address some of these capital issues. Proposing the town transfer \$1.5M from free cash to capital stabilization account.

Questions/comments: Mr. MacDonald - Stated that given all banks and balances for the entire year ,there is already a capital stabilization fund. Does not think we need to give more money to the banks when they have over \$60M. Mr. Doherty - Asked where Mr. MacDonald thinks the money is now. Discussion regarding where the town's cash is held.

Article 28: Mr. Doherty - Read Article. Mr. Hull – This stabilization account is another effort to smooth out the cost spikes we anticipate in employee retirement costs. All municipalities have an unfunded pension liability. We are part of Middlesex Retirement System, which is obligated to fund pension liability by year 2035. Each year we receive an assessment from Middlesex. The assessment for FY16 is \$5,342,251. That number will go up and there is no other source to draw on to cover it. Recommending a transfer of \$500,000 to retirement stabilization account.

Questions/comments: None

Article 29: Mr. Doherty - Read Article. Mr. Hull – Typical transfer article, deals with current fiscal year. The most noticeable need is snow and ice. \$552,585 was budgeted, the town is currently obligated over \$1M in costs. We will need to transfer funds to cover this. He will identify accounts with surplus and propose transfers where we have deficits. Will provide committee with specifics on how we will deal with the transfers.

Questions/comments: Mr. MacDonald – Asked what happens to excessive funds that are above the cost of an item; can Mr. Hull state the total amount of money that has been over and above in FY15 cost. Mr. Hull – Have not completed the current fiscal year yet.

Article 30: Mr. Doherty - Read article. Mr. Hull – Customary article. \$6,000 for Memorial and Veteran's day events.

Questions/Comments: None

Article 31: Mr. Doherty - Read article. Mr. Hull – Continues long standing practice for supporting Veterans of Foreign Affairs \$750.

Questions/Comments: None

Article 32: Mr. Doherty - Reads article. Mr. Hull – Two revolving accounts . One is the septic tank replacement program. Seeking to establish cap of \$200,000. Explained what the account is used for. Second account is compost bin program. Request is to set the cap at \$4,500.

Questions/Comments: None

Article 33: Mr. Doherty - Read article. Mr. Hull – Similar to prior article, by vote of special town meeting in December, enterprise fund has been authorized for the rink. Looking to establish a mechanism to allow funds that may be generated by the rink to go into this account and be used. Explained if we are successful in acquiring the property, there will be a need for this account.

Questions/Comments: Mr. MacDonald – Would like to make a presentation relative to the rink article. Mr. Doherty – Asked if the presentation was about the enterprise fund itself. Mr. MacDonald – Responded it is. He is against it wants to show why. Mr. Doherty – Clarified this article does not have anything to do with the purchase of the rink. Mr. MacDonald – Stated he is against it and has an article to rescind the vote. Inaudible exchange between Mr. MacDonald and Mr. Doherty about why Mr. MacDonald cannot address the rink purchase at this time.

Article 34: Mr. Doherty - Read article. Mr. Hull – Article was brought forward last year and tabled for one year. Recommends funding of \$150,000 to demolish the Whitefield building. There is currently no use or anticipated use in the near term.

Questions/Comments: Mr. MacDonald – Asked what is the square footage of the building is. Mr. Hull – Approximately 5,000 square feet. Mr. MacDonald - Asked why town officials cannot tell him what the exact square footage is. Asked what the Swain School cost to knock down was. Explained that there are equipment operators in town that run excavators, asked if they are being paid a salary.

Article 37: Mr. Doherty - Read article. Mr. Hull – This increases from \$10,000 to \$50,000 the annual cap the Town Manager can surplus in property. Explained the limit was set years ago and with inflation, tough to sell surplus under the \$10,000 cap.

Questions/Comments: Mr. MacDonald – Commented that he does not believe the tower truck went out to bid because it was valued under \$10,000. Believes this is another way to not have to get authorization.

Mr. MacDonald – Asked who appoints the Finance Committee. Mr. Doherty - Explained who appoints finance committee.

Mr. Lingenfelter - Asked if the \$50,000 is cumulative for the year or for each individual item. Mr. Hull – Explained it is cumulative.

Article 38: Mr. Doherty - Read article. Mr. Hull – Seeking exemption for the process of naming individual components within 9 Cross Street recreation area, in order to better raise funds to defray cost from the town. Explained this would be one way to get interested donors to give, by naming components of the facility. Explained the naming of the whole property would still need Town Meeting approval.

Questions/Comments: Mr. MacDonald – Stated he is opposed of this and thinks it should be left in the hands of voters. Hopes this board goes against it and leaves it up to the voters.

Mr. Lingenfelter - Has no problem with the article, but stated he is concerned with language. Mr. Hull – There is no particular proposal in place at this point. We will go through a process and identify different options for naming particular elements.

Ms. O'Connell – Explained there are preliminary discussion on a proposed playground donation, though nothing has been decided. Explained the Town Manager will reach out to organizations. The focus of the Committee has been designing and construction and working to achieve the appropriation for the site. Intend to develop a Committee process to seek name options and gather input from the public as to what the overall facility name should be. We want to arm our fundraising subcommittee with the ability to raise funds. Explained the process has been very public up to this point and the naming will be no different. Everything has been a very deliberate and public process.

Article 39: Mr. Doherty - Read article. Mr. Hull – Intended to be a housekeeping article. After we implemented this article the issue came up as to whether certain groups needed to apply for a secondhand dealer permit.

Questions/Comments: None

Article 40: Mr. Doherty - Read article. Mr. Hull – Intended to provide a measure of relief to qualified seniors by increasing the eligibility limits for those who want to defer their taxes.

Questions/Comments: Mr. MacDonald – Would like to suggest to Mr. Hull a way to defer taxes for the seniors is to quit wasting money and raising taxes.

Article 41: Mr. Doherty - Read article. Mr. Hull – Similar to the first article. This is to increase the threshold for qualification.

Questions/Comments: None

Article 42: Mr. Doherty - Read article. Mr. Hull - This increases the qualifying ceiling for \$175 senior exemption.

Questions/Comments: None

Article 43: Mr. Doherty - Read article. Mr. Hull – Senior Tax work program has been around for many years. This is to simply accept the authorizing provision of law.

Questions/Comments: Mr. MacDonald – Has a question for Mr. Hull or Town Counsel. Asked if a senior is volunteering and working for the town, and seeing as the Town is self insured for employee health benefits, if a Senior were to get who would cover that cost. Mr. Doherty - This scenario would come under Workers Compensation and not under employee benefits. Exchange back and forth between Mr. Doherty and Mr. MacDonald on whether or not this would come under workers compensation or employee benefits.

Article 47: Mr. Doherty - Read article.
PERSON IN INTEREST: George Lingenfelter

Mr. Lingenfelter - Explained this is the fourth time he has brought this article forward. Provided a handout about the article. Noted his particular issue will continue to move forward through the courts. Explained his handout. Moving forward he believes the town should have protections for fences that are built to irritate or cause a problem. It is unfortunate that there are fencing laws around cell phone towers and not for residents. Would hope the town would look at the article. The new Planning Director can review this and come up with their own plan to incorporate protection.

Mr. Doherty – Asked if Mr. Lingenfelter has contacted the Planning Director. Mr. Lingenfelter - He has not. There may be a better way than this way. Wilmington does not pay attention to bylaws so, having a new bylaw is not going to make a difference. Almost impossible in his experience to get action from the town to enforce these issues.

Questions/Comments: Mr. MacDonald - Suggested that if somebody is building a fence on the property line or even couple inches off the property line, that hole would probably be on the neighbor's property. Believes there is a state law that allows this if the neighbor is notified. States he is for the article but concerned that state law may throw this out or the voters will vote against it thinking that if somebody does not give them permission they can never get the fence close to their property line, because of this bylaw. Asked if Mr. Lingenfelter would be willing to amend the article to be more in-line with the state law.

Mr. Lingenfelter – Is not interested in amending the article. He doubts that residential property with a 6 foot fence is going to need more than a 10 inch wide hole. He has never seen a 3 foot wide hole for a 6 foot fence. Brief discussion between Mr. MacDonald and Mr. Lingenfelter on laws and where a fence may be located.

Articles 48 - 51: Hearing turned over to the Planning Board.

Article 52: Mr. Doherty - Read article.
PERSON IN INTEREST: Brian Stickney, 6 Kurt Street

Mr. Stickney - Explained his reason for this article. The Yentile's farm has been in town since 1934. Four people from family are veterans. The farm was the last working dairy farm in town, and one of the last working farms in town. The family has been lifelong residents. The property is known as Yentile and has been since 1934. People use it as a landmark for directions.

The site has been referenced as Yentile Farm throughout this entire process. All the press has instilled the name already. Yentile's have a deep rooted connection with the town. The site should have a name with its roots.

He does not believe this should be put out to bid, to get money for the name. Noted the name itself is a rustic name. The property needs a name at this point, and he does not see a point to ask donors to give to "9 Cross Street". Now is the time to name it.

Mr. Doherty – Explained the previous article only for sections to be named not the entire facility. Mr. Stickney – Reiterated that he believes it would be much easier to address donations if it has a name at this point. That leaves plenty of room to name other parts. In his opinion there is no other name to this property.

Mr. Hull – Appreciated Brian's interest on behalf of his family. Throughout this process the Committee tried to really engage the public to seek out alternatives and options. At this point and time we are not completely through the design stage. Recommendation is to hold off on any naming at this point, and create an opportunity for other options to be out there and considered by the public. Suggest any naming be deferred at this time.

Article 53: Mr. Doherty - Read article.
PERSON IN INTEREST: Kevin MacDonald

Mr. MacDonald – Explained article. In general people want transparency and honest government. When we pay people to do a job such as clerk duties or transmitting public records, people don't need to be stonewalled, delayed for months to find out what their tax dollars are paying for. To put something out to bid and call somebody shameful for not bidding on that, when they are probably busy and couldn't check the bidding documents, thinks that is wrong. People need to know exactly what the contracts are costing. We are basically building up big bank accounts. Does not think having \$50M in the bank, that the Wilmington taxpayers paid for, so somebody in Lowell to go use that money to build up a big bank account and projects in Lowell. Would really hope that this committee and town-wide would approve this Transparency Act. Thinks it is good for the town and tries to keep town officials honest. Probably does not accomplish that but it's an effort to try to do that.

Questions/Comments: Mr. Newhouse – Addressed Chairman. The irony is not lost that the gentlemen that comes in here with more paperwork than he can organize, received that paper entirely from the Town of Wilmington through public records requests. Explained that every time Mr. MacDonald files a request for public record the town honors its obligations under the law and provides the information he requested.

This gentleman on one hand does not want us to hire people but on other hand he wants us to hire a roofer. Now he wants people in Town Hall to be responsible to scan in thousands of pages of contracts to the website, when anybody just like himself can come down to Town Hall, put in public records request and get what they ask for.

Mr. Hull – Would like to note that we are transparent right now. Mr. MacDonald is well aware of public records laws and he uses it to excess. He has been relentless in the last month coming in daily or every other day with multiple requests. Each of those requests is addressed. We respond to these request, and in many cases the documents are already on the website. Explained that the town has at least 100 contracts per year. Having to drop what we are doing to get documents on website within 72 hours, so Mr. MacDonald can sit home and read contracts is borderline harassment.

Mr. MacDonald- Stated that he has been waiting for public records for months. He cannot get January and February bank balances yet. It took him a ½ year or more to get interest rates on bank balances. Mr. Doherty – Interrupts Mr. MacDonald. Declared him out of order.

Article 54: Mr. Doherty - Read article.
PERSON IN INTEREST: Kevin MacDonald

Mr. MacDonald – Stated that he believes the Special Town meeting was a disaster, and thinks people were given misinformation. He has lost revenue at a neighboring town rink, seeing losses of a quarter million dollars, due to non-profit that runs the rink. By law they are required file tax returns. Read the tax return.

Mr. Doherty – Asked if the return is from the Ristuccia rink. Mr. MacDonald –Burbank Rink in Reading. Has letter from Dan O’Connell, Superintendent and Director of Essex North Shore Agricultural and Technical School in Danvers. Explained they have two new ice arenas costing the school no money and the school is getting all the ice time they need. Private enterprise is coming in, funding it, building it and running it with a 25 year lease.

No reason why Wilmington cannot do the same. Tax payers in town that do not play hockey nor have kids that play hockey are getting crushed by taxes. They do not and will not use the rink. Made comments about his understanding of Youth Hockey leagues. He has another article that seeks to suspend funding for the Yentile Farm. If we build two rinks the same free enterprise approach that funded rinks at Essex Aggie could be used at Yentile Farms.

Mr. Doherty – Asked Mr. MacDonald to stay on this article. Noted that the town has not bought the rink yet. He has confidence in Town Administration that they are going to do their due diligence.

Mr. MacDonald – Stated he believes if the town had done it’s due diligence, Mr. Hull would have shown the massive losses.

Mr. Hull – Stated that he is not sure what information Mr. MacDonald is using. Thought it was curious that at Special Town meeting he used some kind of falsified records. Fact of the matter is that the Reading rink is solvent.

Ms. O’Connell – Asked the petitioner if he has a copy of the letter from Dan O’Connell available for public record. Mr. MacDonald –Read letter he wrote to Dan O’Connell and Mr. O’Connell’s response.

Ms. O’Connell – Stated she spoke with Dan O’Connell who couldn’t be here. What Essex Aggie has available to them, Wilmington does not. Just to be clear, the Essex Aggie plan is not officially approved at this point. Based on her conversations with the party referenced in the letter, he had mentioned at least on two or three occasions, that Mr. MacDonald twisted around and restated his words. Mr. O’Connell had to continue to restate to the petitioner that his words were taken out of context.

Mr. Newhouse – Pointed out that less than 3 months ago, a Special Town meeting voted 98% to make this appropriation. That does not take away a petitioner's right to file, but he can be offended by the manner in which he tries to undermine everybody else’s first amendment right. When this petitioner starts launching accusations of being dishonest, calling people's integrity in to question. The petitioner said many of the same things on the night of the public special town meeting at which roughly 400 people took

the time to attend. He stood there and made many of the same arguments he made that night then he voted for the appropriation, so he could then try and play a game of moving to reconsider.

Mr. MacDonald – Read the first line in his letter to Mr. O’Connell. Will circulate his letter around, explained if anyone would like a copy he will get it to them. Addressed other speakers in an offensive manner. Mr. Doherty – Interrupted Mr. MacDonald and declared he is out of order.

Article 55: Mr. Doherty - Read article.
PERSON IN INTEREST: Kevin MacDonald

Mr. Doherty - Made the comment that the fences are up around the high school and probably by Town Meeting the school will be down.

Mr. MacDonald – Acknowledged that is a possibility. Stated the fences went up after Mr. Hull received his petition from people who wish to take a different course of action. If the school does go down before the Town Meeting, the petitioner and the rest of the town will not have their right to vote on it. States that he thinks the town should recall the Board of Selectmen and fire Mr. Hull.

Believes the high school has a value of over \$20M. Believes it is a structurally sound building. In the President’s State of the Union, he stated that he and members of the congress have a desire to provide the first two years of community college to students. If they are doing this there is going to be federal funds coming down to accomplish that incentive. If we knock down the building not only are we sacrificing a \$20M building, we are basically shafting a free education for two years for the students of Wilmington. Discussion regarding the design for the area where the current building is located. Asked the Manager to stop the demolition of the building and let the article go up to vote.

Mr. Hull - Pointed out the contract for services, which Mr. MacDonald has a copy of, was signed June 2014. The schedule is planned out.

Mr. Newhouse – Noted relative to the issue of timing, had Mr. MacDonald and Mr. O’Reilly not filed a frivolous appeal that cost the students of Wilmington 6 months and Wilmington taxpayers about \$1.5M, we wouldn’t be having this conversation, because the school would be down.

Exchange between Mr. Newhouse and Mr. MacDonald regarding the appeal and the abutter's property.

Article 56: Mr. Doherty - Read article.
PERSON IN INTEREST: Kevin MacDonald

Mr. MacDonald – Declared in his opinion Yentile is a disaster and a waste of money. Restated previous arguments against the Yentile Farm project, and his proposal for building two rinks there instead. Encouraged the committee to vote for this.

Mr. Newhouse – Stated the town stands by the public process that has evolved for the Yentile Farm development/redevelopment. We stand by the process, stand by the Town Meeting voters who have voted to do that with that process, stand by Special Town meeting voters and we admittedly oppose this article. Inaudible Mr. MacDonald speaking over Mr. Doherty.

Mr. Doherty - Noted the next Finance Committee meeting will be in Room 9, on March 19, 2015 at 7:00, The meeting is to vote on articles, and the Committee will not be taking comments.

There being no further business, a motion was made by Theresa M Manganelli, seconded by Jordan Weiner. Approved unanimously.

Meeting adjourned at 10:40PM.

Respectfully submitted,
Recording secretary