



Town of Wilmington

Finance Committee

Meeting Minutes
Wednesday, April 25, 2018

Finance Committee Chairman, Theresa M. Manganelli, called the meeting to order at 7:34 pm in the Auditorium of Town Hall. Members present were John F. Doherty, Jonathan Eaton, Marianne Gallezzo, Michele Kincaid, Leigh Martinson, and Bernard P. Nally. Excused: Neal Couture and Kevin Stokes.

Also present were Planning Board Chairman, Michael Sorrentino, Planning Board members: Terrance Boland, Randi R. Holland, Sean Hennigan, and David Shedd, and Director of Planning & Conservation, Valerie Gingrich.

The purpose of the meeting was to review the articles to be presented at the Special Town Meeting on Saturday, May 5, 2018.

Planning Board Chairman, Michael Sorrentino, read Article 1 and heard public comments. The Planning Board then adjourned to Room 9 to discuss their recommendations for the aforementioned article.

Ms. Manganelli read article 2 into the record: Request to see if the Town will vote to acquire the property known as "Sciarappa Farm," Assessor's Map R1-21A (333 Andover Street).

The petitioner, Michael V. McCoy, 11 Treasure Hill Road, stated that the property is approximately 62.5 acres, consisting of over 50 buildable acres and approximately 6-8 acres of wetlands. There are no high-tension wires that cross the property, however, there is an easement for National Grid.

Michael Champoux, Chairman of the Board of Selectmen, asked how the characterizations of the property relate to why the Town should purchase the property. The details sound more like an argument regarding Article 53 on the Annual Town Meeting Warrant. Mr. McCoy stated that he provided the details, so the Town and residents would understand what they are being requested to purchase.

Mr. McCoy opined that acquiring the land through eminent domain is for the good of the Town. He stated that the Town owns a parcel of land adjacent to Sciarappa Farm (Parcel R1-36A), which is approximately 35 acres and includes 2,200 feet of frontage along Route 125. The Town owns another parcel across Route 125 (Parcel R1-36), which is approximately 17 acres and, if the Sciarappa Farm property is acquired, the three parcels would give the Town approximately 114 acres of usable land. He noted that there is currently \$16 million available in Free Cash, and \$10 million available in the Capital Stabilization Fund. He stated that information he obtained via "back door sources" value the property at \$8.2 million and proposed to use \$4.2 million of Free Cash, plus \$4.2 million from the Capital Stabilization Fund, for a total of \$8.4 million, as a fair market price to purchase the property. The funds could be set aside, but not allocated until a formal appraisal could be completed. He noted that the Town was engaged in discussions with the Sciarappa family in 2004, and again in 2008, regarding a sale of the property to the Town, but both times, the family withdrew their offer. The Town has shown

interest in buying the property and Mr. McCoy opined that the only way of obtaining it is through eminent domain.

Mr. Doherty asked whether using the suggested funds from Free Cash and Capital Stabilization would be possible, and how much from Free Cash was already budgeted for use in FY 2019. Town Manager, Jeffrey M. Hull, stated that it is possible to use those funds to acquire the land. Proposed funds to be transferred from Free Cash for the FY 2019 budget include: \$3 million transfer to the Capital Stabilization Fund (Article 29); \$150,000 for the Pilcher Drive Pump Station (Article 20); \$941,800 for Enterprise Software (Article 9); and \$850,000 to replace water mains over Route 93 (Article 25).

Kevin MacDonald, 140 Andover Street, asked if a 21E environmental assessment had been conducted to identify any contaminants, or whether the Health Department had conducted any tests on the property. Mr. Hull stated that the Town has not commissioned any tests, and the Board of Health does not have any contaminant information on file.

Mr. MacDonald asked if Town Counsel had done any research with the Registry of Deeds for the title and easements on the property, and if the Town could acquire the property through eminent domain without language saying that the easement will be taken by eminent domain. Lou Ross, Town Counsel, stated that no research had been done, as the Town does not have a contract for the property. A title search would not be conducted until after a Town Meeting vote authorizes the purchase, and it would have to be agreed upon by the property owner and the Town. Mr. MacDonald stated that he believed the property may be worth more than Mr. McCoy's figure and expressed concern that the Town could be vulnerable to a lawsuit, if the property is taken by eminent domain for less money than the owner deems it is worth. Mr. Ross explained the process as follows: Town Meeting vote would need to authorize the land taking; notice would be sent to the property owner; an order of taking would be signed by the Board of Selectmen; and the property owner would be entitled to damage awards. If the property owner is not satisfied with the price, he/she could pursue further compensation legally.

Ms. Manganello asked if a property is taken by eminent domain, whether the Town would pay market value or receive a discount. Mr. Ross stated that the Town would pay market value. Mr. MacDonald expressed further concerns for consequences the Town might face including: bankruptcy and inability to cover liabilities; legal action from property owner; damages awarded to property owner; and price.

Mr. Champoux stated that he does not agree that acquiring the land through eminent domain is for the public good, and believes that this proposed article is disrespectful to the property owners and is in response to another article proposing development of the property. He opined that the Town should have conversations with the property owners. If the Town and property owners can agree upon a price, then the Board of Selectmen can call a Special Town Meeting to allow people to decide whether or not to purchase based on an agreeable price and a proposed use of the land. He stated that hypothetical reasons are not sufficient for eminent domain and encouraged the Committee to recommend disapproval of the article.

Ms. Gallezzo asked how the \$8.4 million figure was decided. Mr. McCoy stated that he had heard that the value is estimated at \$8.2 million, and increased the amount by \$200,000 to make it fair to the property owner.

Mr. MacDonald asked if the Town has been in contact with the Sciarappa family's attorney. Mr. Hull stated that he had a conversation with Bill Crowley, who represents the Sciarappa family and advised the family to not engage in discussions with the Town until after Town Meeting takes place. There is no clear indication that the property is under contract.

Mr. MacDonald asked about the National Grid easement, and whether the property was on sewer. Mr. Hull stated that the property is not on sewer. Mr. Ross stated that if the motion passes the Town would acquire the entire lot, but leave the easement intact.

Suzanne Sullivan, 60 Lawrence Street, referred to Article 30 from the 1998 Annual Town Meeting, which passed, in which the Town took a Wildwood Street property by eminent domain and is now a softball field. She opined that it is not unusual to take property without having a defined use, that taking this property is for the public good, and if the Town does not take it by eminent domain, the Town could lose out on acquiring it. She referenced the 2015 Open Space Plan which listed the three most desirable open space parcels as "Sciarappa Farm," "Yentile Farm," and a parcel on Mill Road. The Mill Road parcel has since been developed, which leaves "Sciarappa Farm" as the last parcel the Town could purchase for municipal use.

Mr. MacDonald reiterated his concerns of the Town losing money if legal issues arise, lack of sewer on the property, and whether the soil may be contaminated. He urged the Committee to take no action on a recommendation, and perform due diligence prior to Town Meeting.

Mr. McCoy concluded his case by stating that he is not interested in taking the land due to zoning, and that taking it is for the public good.

At the Conclusion of the public hearing, the Finance Committee adjourned to Room 9 to discuss their recommendations.

RECOMMENDATION OF WARRANT ARTICLES

At 9:30 pm, the Finance Committee reconvened in Room 9 of Town Hall to discuss their recommendations for the Warrant articles.

Article 1: Ms. Manganelli reviewed the article, which requests to amend Zoning By-law Sections 3.8.15 and 3.8.11, and amend Table 1 Principal Use Regulations, to eliminate multi-family housing in the Central Business and Neighborhood Mixed Use districts. The Committee discussed concerns that by eliminating multi-family housing, it removes one of the tools the Town can utilize to meet affordable housing requirements. Without the minimum number of affordable units, the Town would be vulnerable to 40B developments, which do not have to adhere to the Town's zoning bylaws. Ms. Manganelli noted that the Planning Board voted unanimously to disapprove this article because this proposed change attempts to circumvent the proper procedure for zoning changes, without being vetted by the Planning Board. A motion was made by Mr. Doherty to disapprove, seconded by Ms. Gallezzo, and by the affirmative vote of all, it was:

VOTED: To recommend disapproval of Article 1.

Article 2: Ms. Manganelli read the article, which requests to acquire the property known as “Sciarappa Farm,” Assessor’s Map R1-21A (333 Andover Street). The Committee discussed their concerns with the article. Members agreed that while they support the Town purchasing the property, they do not support this article, as it includes the use of eminent domain to acquire the property and the Town does not have a formal appraisal of its value. Rather, the property should be acquired through direct negotiations with the Sciarappa family and their representatives, and eminent domain considered only as a last resort. A motion was made by Mr. Doherty to disapprove, seconded by Ms. Kincaid, and by the affirmative vote of all, it was:

VOTED: To recommend disapproval of Article 2.

APPROVAL OF MINUTES

The Finance Committee reviewed the Minutes from March 15, 2018. A motion was made by Ms. Gallezzo, seconded by Mr. Eaton, and by the affirmative vote of all, with Mr. Martinson abstaining, it was:

VOTED: To approve the minutes from March 15, 2018.

The Finance Committee reviewed the Minutes from March 20, 2018. A motion was made by Ms. Kincaid, seconded by Ms. Gallezzo, and by the affirmative vote of all, it was:

VOTED: To approve the minutes from March 20, 2018.

The Finance Committee reviewed the Minutes from March 22, 2018. A motion was made by Mr. Eaton, seconded by Mr. Doherty, and by the affirmative vote of all, with Mr. Martinson abstaining, it was:

VOTED: To approve the minutes from March 22, 2018.

NEW BUSINESS

Mr. Doherty stated that the Special Olympics will be held at the High School on Wednesday, May 2, 2018. The organizers are looking for volunteers to help at the event, and to help fill backpacks which will be handed out to participants.

At the conclusion of the discussion, and there being no further business to come before the Committee, a motion was made by Mr. Doherty, seconded by Mr. Eaton, and by the affirmative vote of all, it was

VOTED: That the Finance Committee adjourn.

Meeting adjourned at 10:07 pm.

Respectfully submitted,

Recording Secretary