

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

February 10, 2023

TO: Select Board

RE: Annual Town Meeting Warrant

A draft Annual Town Meeting Warrant is being prepared and will be provided to the Board for review at your February 27th meeting. Historically, with a few exceptions, the warrant articles which seek an expenditure of funds do not specify the sum in the article itself but state "to raise and appropriate, transfer from available funds or borrow pursuant to any applicable statute a sum of money..." In the lead up to the November 19, 2022 Special Town Meeting there was a desire to include the actual sum of money for each article. The Special Town Meeting Warrant articles did reflect the requested amounts for the senior center and town/school building.

It is my understanding that the premise of including the actual sum in the warrant article itself, as opposed to not including the sum until motions are prepared, is that there is a greater level of transparency and that residents will know, prior to Annual Town Meeting, the sum of money being requested for each article. There is clearly value in providing the requested appropriation amounts in the articles when the warrant is issued.

The fact that the sums have not historically been included in the warrant itself is likely due to the fact that the warrant is posted several weeks in advance of the Annual Town Meeting. As Mark Reich, Esq., has stated, the Warrant is the "warning" to residents of actions being considered while the motion is the action to be taken. There is the possibility that, in the intervening period between the posting of the warrant and the date of Annual Town Meeting, bids are received or the Town otherwise becomes aware that the amount requested for a good or service has changed in cost from the amount listed in the warrant. If this occurs the article cannot be amended to increase the appropriation being requested. Subject to a determination by the Town Moderator, the article could be amended to reduce the appropriation request but not to increase the appropriation request. Attorney Reich has suggested that, if specific amounts are cited in the article, the amount could be followed with "more or less" to provide some measure of flexibility. In the absence of limitations set in the Inhabitant By-laws, the Town Moderator must use their discretion to determine the degree of variance from the dollar amount in the Warrant that is permissible in the motion.

In the absence of including the verbiage "more or less", the options to responding to such a circumstance would be to (1) defer on the purchase and pass over the article, (2) proceed with the request in hopes that when competitive procurement is completed at least one qualified and responsive vendor will submit a price at or below the appropriation or (3) proceed with the request with a plan to seek funds to supplement the appropriation from other sources.

My understanding is that Board members would like the warrant prepared with the actual dollar amounts included in each article seeking appropriation of funds. Please confirm whether this is the approach the Board would like to take and whether to add "more or less".

Jeffrey M. Hull Town Manager

cc: Susan Inman, Assistant Town Manager/Human Resources Director Bryan Perry, Finance Director/Town Accountant



## Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

February 10, 2023

TO: Select Board

RE: 2023 Annual Town Meeting - Warrant Articles by Petition

Please be advised that the following petitioned Warrant articles, of which copies are enclosed, were submitted by citizens for inclusion on the 2023 Annual Town Meeting Warrant.

### ARTICLE PETITIONER Town-Owned Land Purchase Map 6, Parcels 33 & 34 - Polk Street M. Nelson Authorization to Petition State Legislature to Allow Joanne Ricardelli's Test Results from 2022 and 2023 be Allowed for any Employment Consideration as a Fire Fighter J. Ricardelli Name Town-Owned Land - Parcel Known as Abigail Island the "Officer Lawrence L. Redding Firearms Training Facility" P. Chalifour Amend Action Taken Under Article 3 of November 19, 2022 Special Town Meeting by Reducing Approved Funds by \$1,500,000 M. Bergeron Appropriate \$1,500,000 to Schools for Purpose of Constructing a Safe and Conducive Learning Environment for Pre-K and Kindergarten Students at Wilmington Middle School M. Bergeron Amend Section 4.1.9 (Fairs, Bazaars, Antique Shows and Carnivals) of the Wilmington Zoning By-Law P. Giroux

Jeffrey M. Hull Town Manager

JMH/bjd

Enclosure

cc: Mark Reich, Town Counsel Jonathan R. Eaton, Town Moderator

12 Polk St. Wilmington, Ma. 01887

Elizabeth Lawrenson, Town Clerk Town Hall 121 Glen Rd Wilmington, Ma. 01887

Re: Petition to Purchase town Owned Land Part of Parcels 33 & 34 Map 6

Dear Ms. Lawrenson,

Please Date Time Stamp the enclosed original signatures petition and email me a copy for my records.

I have also enclosed copies of MNRD Plan book 26 Plan 36 and 2 assessor maps to best describe the property at issue.

I have enclosed a list of the signees with their address to better assist the process.

I have petitioned in previous years since Article 41 of 1991 under 30 Band Map 6, Parcels 14, 16, 18, 19A, 21, 26 & 28 using the same format without any alleged issues or concerns.

Thank you in advance.

Nelson n 131300gmail com

VIA USPS PRIORITY MAIL

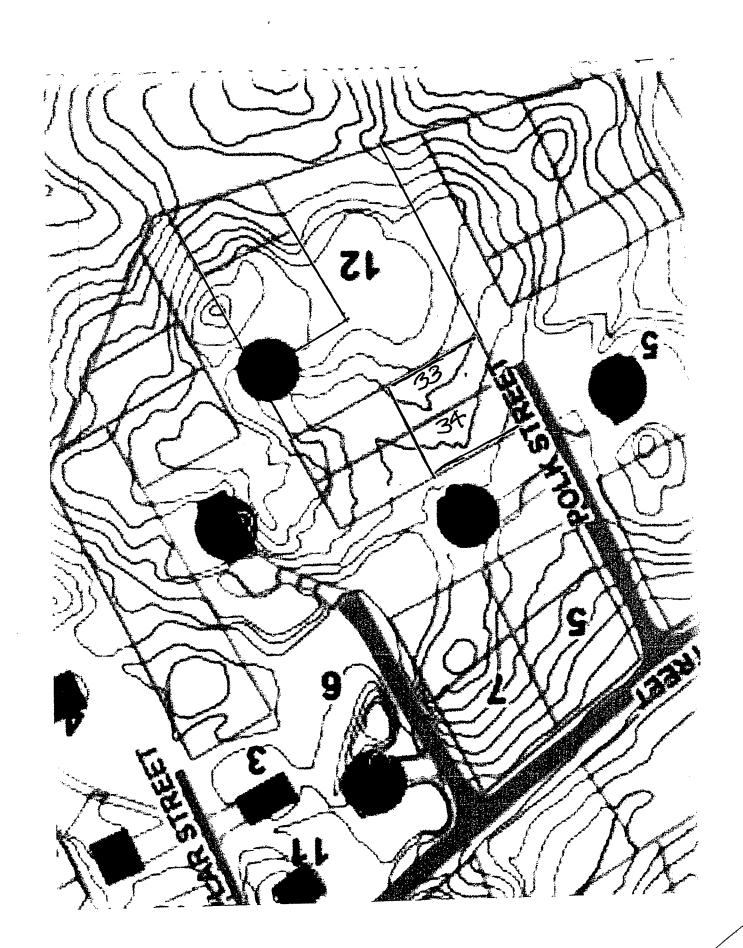
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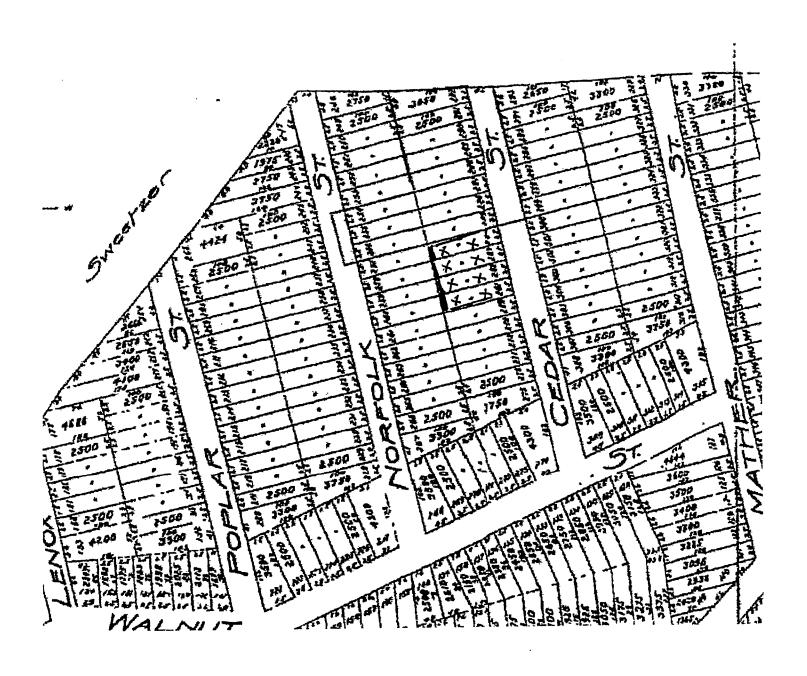
Select Board Members, Town Manager

To see if the Town will vote to authorize the transfer of the care, custody, management and control of a certain parcel of land owned by the Town of Wilmington hereafter described to the Selectmen of the Town of Wilmington, said land having been determined to be no longer needed for any municipal purpose, and for the express purpose of conveying the same, all in accordance with Massachusetts General Laws Chapter 30B; and further that the Selectmen be and hereby authorized to grant and convey such interest in the land as is owned by the Town of Wilmington and for the express purpose of constructing a municipal turnaround for Polk Street (former) Cedar Street) upon such terms and conditions as shall be determined by the Selectmen in accordance with Chapter 3≥ Section 16 of the By-laws of the Inhabitants of the Town Wilmington Revised. Said parcels and interest is describ र् वे उ portion of Map 6, Parcels 33 and 34; more particularly described as lots 281,282,283,2284 as shown on a plan of land entitled "Wilmington Gardens Addition" recorded with the Middlesex North Registry of Deeds Plan Book 26, Plan 36 and containing approximately 10,000 square feet of land for a sum no less than \$5,000; or take any other action related thereto.

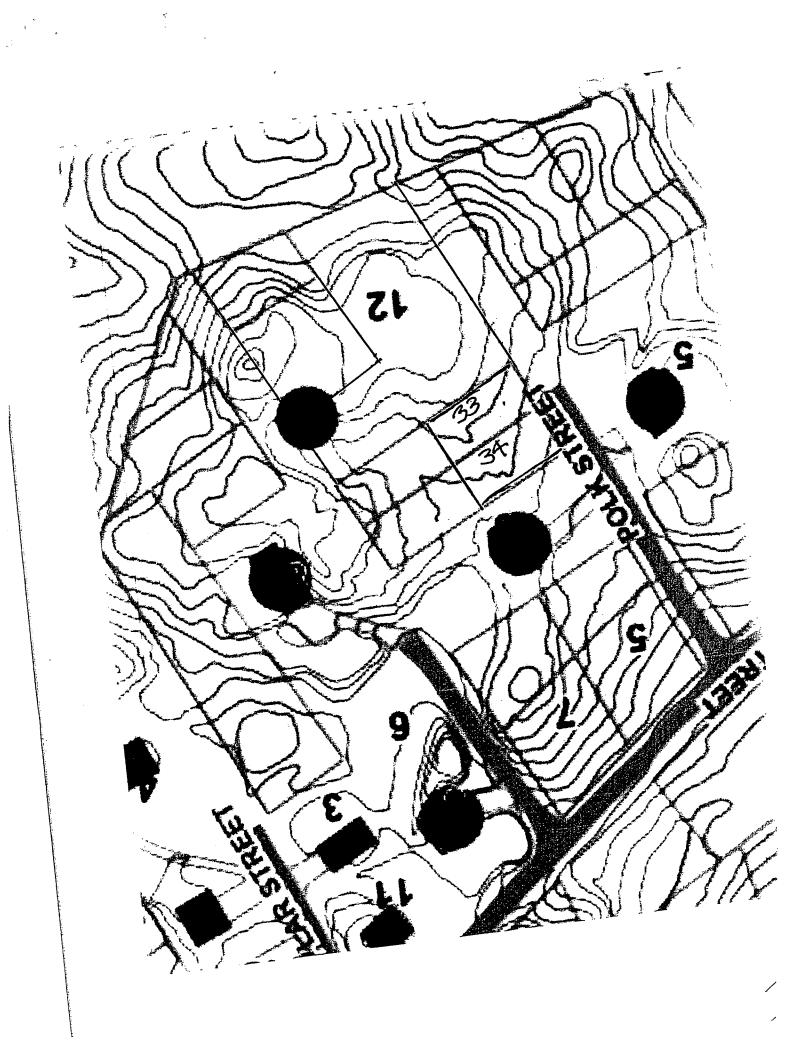
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3.	Charles Wilson	<b>u</b>
4.	Pat Agati	299 Woburn St.
5.	Melissa Mullen	22 High St.
6.	Anne Murray	1 Pineridge
7.	Greg Miller	335 Woburn St
8.	Janet Miller	•
9.	Mike McCoy	11 treasure Hill
10.	Jocelyn McCoy	U
11.	Chris McCoy	u
12.	Danielle McCoy	<b>u</b>
13.	George LINGENFE	LTER 11 Concord St
14.	Aaron Brown	20 Nickerson
15.	Robin Mason	2 Mather st
16.	Mark Guarino	56 Boutwell St
17.	Richard Bertrand	23 Swain Rd
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Date and time received by Board of Registrars

To see if the Town will vote to request the State Legislature authorize Joanne Ricardelli have her results for the 2022 and 2023 Massachusetts Civil Service Firefighter Exam be allowed for employment without regard to the applicants age as a Firefighter in the town of Wilmington.

Notwithstanding the provisions of the general laws, rules, regulations to the Contrary regulating the age of the applicant; provided she meets all other requirements; she shall be eligible for certification and appointed to the Wilmington Fire Department by the appointing authority regardless of her age; or take any other action related thereto.

TOWN CLERK
023 JAN 31 AM 10: 44

· Contact name, address and phonenumber: Joanne Ricardelli & Chapman Ave

Instructions to Signers

For your signatures to be valid you must be a registered voter in the town of Wilmington and your signature should be written as substantially registered. If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence

Office Use Only Street Address 255 Lowell 2 3 4 5 6 nu Dhun AM= 7 8 GUNDERSON ROAD 9 waiia va hi 10 11 12 13 14 15 KENWOOD AVE 16 17 18 19 20

Attention Voters: Before signing please read the article pertaining to the petitioning of an article for the Annual Town Meeting

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# ANNUAL TOWN MEETING - PETITIONED ARTICLE 2023 FEB - 1 PM 3: 06

DATE and TIME this paper received by Registrars

RECEIVED TOWN CLERK

To see if the town will vote to accept the following: That the police department range and firearms traiting failty located in North Wilmington on a parcel of town-owned land known as Abigail's Island be named the "Officer Lawrence L. Redding" 3: 06

Firearms Training Facility". Larry Redding is a 1964 graduate of Wilmington High School, a decorated US Army Special Forces Veteran of the Viet Nam War, a former Massachusetts State Police trooper, a retired Wilmington Police Officer bird knings of longitime resident of the town. Officer Redding, during his tenure with the police department, was a fierce advocate of specialized training for police officers in the fields of tactics, officer safety, firearms and physical fitness. He was instrumental in transitioning the police department from revolvers to semi-automatic sidearms in 1986, one of the first department's in the Commonwealth to do so. The following year he was the driving force in the department obtaining its first firearms range. Simultaneously to his time as a Wilmington Police Officer, he was also a decorated member of the Northeast Massachusetts Law Enforcement Council's regional Tactical Police Force and founding member of its Special Operations Unit. Officer Redding retired in 1999 after suffering a traumatic line of duty injury in 1997 that was brought about and exacerbated by a previous, unrelated line of duty injury. This being done in recognition of Officer Redding's many years of dedicated service to the Town of Wilmington or do anything in relation thereto.

SIGNERS STATEMENT We are qualified voters of the Commonwealth of Massachusetts and of the Town of Wilmington

#### INSTRUCTIONS TO SIGNERS:

Your signature should be written as substantially as registered. If you are prevented, by physical disability, from writing you may authorize some person to write your name and residence in your presence.

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3		38	Kevin Sk	dane		/	83 Mink Run Rd
4		Andre VICO	ANTHON	LY FIORE		١	1 THIRD AUE
5		Dayn Naimo	Dawn	Naimo		ما	18 Marie Drive
6	4	Julium Pozni	Julie	Pozzi		6	106 Woburn St
7		Somantha Quanangh	Samanth	a Cavanaud		6	9 Chapman Ave.
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Date and time received by Board of Registrars

To see if the Town will vote to amend the action taken under Article 3 of the Special Town Meeting held on November 19, 2022 to appropriate the sum of Thirty-Six Million Eight Hundred Eighty Thousand Seven Hundred Sixty-Six Dollars (\$36,880,766), more or less, by reducing the overall approved funds by not less than One Million Five Hundred Thousand Dollars (\$1,500,000), reducing total funds available to construct the Town Hall School Administration building to Thirty-Five Million Three Hundred Eighty Thousand Seven Hundred Sixty-Six Dollars (\$35,380,766), or less.

2023 FEB - 1 PM 3: 44

Michael Bergeron 9 Adams St, Wilmington, MA 01887, 781-704-4738

Instructions to Signers

Instructions to Signers

For your signatures to be valid you must be a registered voter in the town of Wilmington and your signature should be written as substantially registered. If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence

O⊞∞e			
Use Only	Signature	Printed Name	Street Address
1	Just 3	Michael Bergon	9 Adams Street
2	Keef IN PE	- Kathryn H Berge	eran 9 Adams St.
3	18/2	Elizabeth Lam	Ven 5 Gatchurse In
4	eure win	Emma Gritte	n 127 Middlesex Ave
5	Pan ola Gr	(4n) samariffin	127 middlesex
6	Horn Pal	Ryan Parker	127 Middlesex AVE
7	Circia Parke	A Abb. Parker	127 Middle Sch Ave
8	Herry Duch	i Hama Griff	in 127 middlesex Ave
9	Dave Ding	taul Griffin	127 Middlesepare
10	260	HAILEY STEWAR	
11	and	Andrew Stewar	
12	allythe	3   Andrew Herli	
13	Enil RM	- Emily Moran	34 Birchwood Rd.
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Attention Voters: Before signing please read the article pertaining to the petitioning of an article for the Annual Town Meeting

Date and time received by Board of Registrars

To see if the Town will vote to appropriate the sum of One Million Five-Hundred Thousand dollars (\$1,500,000), more or less, to be expended under the direction of the Superintendent of Schools in consultation with the School Committee, Wildwood School Building Committee and the Town Manager for the purpose of constructing a safe and conducive learning environment including site preparation, design costs, costs to retrofit and or build age appropriate restrooms for Pre-K and Kindergarten students, costs to build age appropriate play structures, equipping and furnishing classrooms for Pre-K and Kindergarten students to be educated at the Wilmington Middle School, and all such costs incidental and related thereto to provide a safe and conducive learning environment; with funding for said appropriation anticipated as follows:

Raise by Taxation	\$0.00
Transfer from Free Cash	\$1,500,000
Transfer from Stabilization	\$0.00
Borrow	\$0.00
Other	\$0.00

Or take any other action related thereto.

TOWN OF WILMINGTON, MA

2023 FEB - 1 PM 3: 4.0

Contact name, address and phone number: Michael Bergeron, 9 Adams St. Wilmingotn MA, 01887, 781-704-1738

Instructions to Signers

For your signatures to be valid you must be a registered voter in the town of Wilmington and your signature should be written as substantially registered. If you are prevented by physical disability from writing you may authorize some person to write your name and residence in your presence.

Office			
Use Only	Signature	Printed Name	Street Address
1	mil Dy	Michael Benjem	9 Adams Stret
2	Muff. At R	- Kathryn Bergeror	9 Adams St
3	St-V11	Elizabethiau	
4	Emin w	H Emma Griff	in 127 Middlesex Ave
5	Danela a	like Pan Grati	N V V
6	Ryen Pola	UU Ryan Parker	127 middlesex Ave
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8	Stand Die	liv Hanna Griffi	n 127 middlesex Ave
9	Paul Jung	Paul Griffin	127 Middleses Ave
10	and 2	HAILEY STENAR	CT 136 MIDDLESEX AVE.
11	an R	Andrew Stewar	
12	Erix RM	~   Emily Moran	34 Birchwood Rd.
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Attention Voters: Before signing please read the article pertaining to the petitioning of an article for the Annual Town Meeting

### PETITION TO AMEND SECTION 4.1.9 OF THE WILMINGTON ZONING BYLAW

NOW come the undersigned registered voters of the Town of Wilmington and request that the following be identified as a Warrant Article for disposition at the Annual Town Meeting scheduled for April 29, 2023:

To see if the Town will vote to amend Section 4.1.9 of the Wilmington Zoning Bylaw, which currently reads as:

"4.1.9 Fairs, Bazaars, Antique Shows and Carnivals - In all districts, any building or premises owned or operated by a municipal or religious organization or private lodge or club may be used with the owner's permission for fairs, bazaars, antique shows, or similar events. In all districts, open-air carnivals on premises owned by a municipal or religious organization or private lodge or club may be authorized by special permit from the Board of Appeals provided such uses are limited to appropriate restrictions on the number of days and hours of operations."

to, as amended, read as follows:

**"4.1.9 Fairs, Bazaars, Antique Shows and Carnivals** - In all districts, any building or premises owned or operated by a municipal or religious organization or private lodge or club may be used with the owner's permission for fairs, bazaars, antique shows, or similar events. In all districts, open-air carnivals on premises owned by a municipal or religious organization or private lodge or club may be authorized by the Select Board, provided such use is limited to appropriate restrictions on the number of days and hours of operations."

or to take any other action related thereto.		OWH OF WILMINGTON	2023 FEB	NA OLI
NAME	STREET ADDRESS	MI W	2	15 K
1. Patrick Giroux	19 Braffle Street	 	PH	-ERK
2. Kuilene Muuughlin	19 Branne St.	JN. MA	3: 01	_
3. Carilyn Giroux	6 Nottingham	DR.		
4. SVIM G112V+	6 Nott ing nAn	17/		
5. Devely J. Darta	48 GROVE AVENUE	······································		1
6. CHARLES J HAYES	35 CHURCH ST			
DANIEL Heffernm	14 School 87.		·	
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INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

### February 3, 2023

TO: Select Board

RE: American Rescue Plan Act (ARPA) Funds

In response to a Board request, below is a breakdown of the current designation of ARPA Funds:

Project Total	Allocation Estimate
Replacement of Woburn Street water main from Lowell Street to the Woburn Street School	\$ 5,500,000
Stormwater improvements to existing catch basins	\$ 206,000 (reduced from \$506,000)
Acquisition of Drainage, Utility and Infrastructure Easements for Woburn Street / Lowell Street Intersection	\$ 300,000 (added December 12, 2022)
Lubbers Brook Culvert Replacement – MassWorks Grant Supplement	\$ 450,000 (added February 14, 2022)
Water Supply Screening and Life Cycle Cost Analysis	\$ 44,000
Support of personnel to conduct contact tracing	\$ 0 (reduced January 30, 2023)
Provide grant for façade and streetscape improvements	\$ 300,000
Branding and Marketing	\$ 50,000
Grant Administration	\$ 50,000 (\$50,000 reduced January 30, 2023)
Middle School Play Structure	\$ 100,000 (added January 30, 2023)
Total	\$ 7,000,000

The January 3, 2023 update from Jamie Magaldi, Public Works Director, noted the following relative to the budgeted categories:

- Woburn Street Water Main Green International Affiliates has been engaged for design services on the water main and, as of the end of calendar year 2022, had billed almost \$30,000 for work.
- Stormwater Improvements Public Works is preparing bid documents to secure a contractor to address catch basins. Work is expected to start during 2023 construction season and conclude during the 2024 construction season.
- Acquisition of drainage, utility & infrastructure easements Lowell Street/Woburn Street Intersection. \$300,000 to be expended for easements based upon values generated by an appraiser.
- Lubbers Brook Culvert Replacement Culvert replacement largely complete. \$450,000 will supplement MassWorks grant to fully fund project.
- Water Supply Screening and Life Cycle Cost Analysis Kleinfelder Engineering Company has been engaged for \$44,000 and has expended just over \$13,000 through December 2022.
- Contact Tracing No funds were expended or expected to be needed for this purpose.
   Funds transferred to purchase play structure at Middle School.
- Grants for Façade and Streetscape Improvements A draft plan for the grant program is being reviewed by the grant administrator for compliance with ARPA. The plan will be discussed with the Economic Development Committee and is expected to be rolled out in the spring of 2023.
- Branding and Marking A contract was executed with Stirling Brandwork, Inc. for \$48,320 to develop marketing material for the Town. Most of this work has been completed.
- Grant Administration CliftonLarsonAllen, LLC has been retained to provide guidance on grant compliance. Through the end of December \$1,300.49 had been expended.

As you will recall, at the Board's January 30<sup>th</sup> meeting ARPA funds were transferred to cover the cost of a play structure to be located at the Wilmington Middle School for pre-kindergarten and kindergarten students. This play structure is expected to be ordered within the next couple of weeks to ensure it can be received in time to be installed when school starts in late August/early September 2023.

The remaining \$7,864, which has not been designated for one of these projects, remains available as needed for one of the above listed projects.

Jeffrey M. Hull Town Manager



INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

February 3, 2023

TO: Select Board

RE: Public Health Excellence Grant

Wilmington, Burlington and Lexington have received a three-year grant from the Massachusetts Executive Office of Health and Human Services Office of Local and Regional Health. The three communities will receive \$300,000 each year. The state, through this grant program, is encouraging the sharing of resources and collaboration amongst municipalities. The respective health departments are finalizing their plan for utilizing these funds to broaden the services offered to their respective communities. Shelly Newhouse, Health Director, will be meeting with the Board in the near future to update you on this new initiative.

You may recall that an invitation to attend a "Meet and Greet" event in Burlington on February 15 was provided in your packet of January 27. A copy of the invitation is attached. Please contact Beverly by February 7<sup>th</sup> if you are planning to attend the event in Burlington so that a count may be given to the Health Director.

Jeffrey M. Hull Town Manager

### Attachment

cc: Susan Inman, Assistant Town Manager/Human Resources Director Shelly Newhouse, Health Director









# You are invited to attend

### Public Health Excellence Grant

Meet and Greet Event

Tri-ton Coalition

(Burlington, Lexington, Wilmington)



Wednesday, February 15, 2023 at 3:00 PM
Grand View Farm
55 Center Street, Burlington

Opening Remarks:

Dr. Ed Weiner, Chairman, Burlington Board of Health

Grant Presentation By:

Mike Hugo, JD, MA Association of Health Boards

Light refreshments will be served

Please RSVP to kcapobianco@burlington.org by February 8, 2023

### **MEMORANDUM**

To:

**Board of Selectmen** 

cc:

Jeffrey M. Hull, Town Manager

From:

Valerie Gingrich, Director of Planning & Conservation

Re:

Planning Board Street Acceptance Recommendation - Green Meadow Drive

Date:

February 8, 2023

At its meeting on Tuesday, February 7, 2023 the Planning Board discussed the proposed street acceptance for Green Meadow Drive. Angela Marcolina recused herself for the discussion and vote. The timeline of the roadway work was reviewed, along with the recommendation from Paul Alunni, Town Engineer (attached). The Board provided the following recommendation for Green Meadow Drive:

Upon motion duly made and seconded, it was (4-0)

VOTED:

To recommend that Green Meadow Drive not be considered for acceptance at this time. The long-standing practice of delaying street acceptance until 12-18 months after final paving should be followed to ensure the new infrastructure is functioning properly. Since final paving occurred in September 2022, street acceptance could be considered for the 2024 Annual Town Meeting.



### TOWN OF WILMINGTON

### **ENGINEERING DIVISION**

### Memorandum

TO:

Valerie Gingrich, Director of Planning and Conservation

CC:

Jeffrey M. Hull, Town Manager

FROM:

Paul M. Alunni, PE, Town Engineer

SUBJECT:

Street Acceptance Request

Green Meadow Drive

DATE:

December 22, 2022

The Engineering Division is in receipt of a letter from Northeastern Development Corp. to the Planning Department requesting initiation of the street acceptance process for Green Meadow Drive for vote at the Annual Town Meeting in April 2023.

After review, the Engineering Division of the Department of Public Works does <u>not</u> recommend the Town initiate the street acceptance for Green Meadow Drive at this time. The Town's long-standing practice is to delay recommendation for any new street constructed and permitted through subdivision control for a period of at least twelve (12) months subsequent to final paving. The Town waits for this 12-month period to elapse prior to recommending street acceptance to ensure new infrastructure (utilities, roadway paving, curbing) have been installed properly and are functioning as intended. Our records indicate that final paving of Green Meadow Drive occurred in September of 2022. As such, the Engineering Division recommends the street acceptance process for Green Meadow Drive be initiated in September 2023.

For reference, below is a table summarizing date of final paving and date of street acceptance for four (4) recently constructed roadways:

Roadway	Date of Final Paving	Date of Street Acceptance	Time Elapsed (months)
Eleanor Drive	June, 2011	May, 2014	35 Months
Lt. Buck Drive	August, 2013	May, 2015	21 Months
Cheyenne Drive	November, 2015	April, 2017	17 Months
Pomfret Road	May, 2018	May. 2019	12 Months

Please contact the Engineering Division at 978-658-4499 should you have any questions.