



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER


October 20, 2023

TO: Select Board

RE: Public Comments Policy

It is recognized that while the Open Meeting Law, Massachusetts General Law Chapter (MGL) 30A Section 20 does not require public meetings to provide for a time to receive public comments there are advantages to providing the public with opportunities to express opinions or pose questions to the Select Board. In an effort to provide for public comments while enabling meetings to proceed in an efficient and effective manner the attached policy is proposed.

While it would be advisable for the Board to have consensus about the "rules" for conduct during public comment per MGL chapter 30A section 20 the chair has the ability to control the conduct of the meeting. It is important that any requirements or "rules" for conduct at meetings be administered uniformly without regard to the individuals in attendance, speaking or seeking to speak.


Jeffrey M. Hull
Town Manager

cc. Susan Inman, Assistant Town Manager/Human Resources Director

TOWN OF WILMINGTON

PUBLIC COMMENT POLICY

APPROVED _____

PURPOSE: To establish a policy of the Select Board (Board) with regard to members of the public wishing to speak at meetings of the Board.

POLICY: The Board welcomes the expression of information, concerns, and opinions from those attending Board meetings that are related to matters within the Board's jurisdiction. The Board hereby adopts this policy: to provide members of the public a fair opportunity to speak; to ensure compliance with the Massachusetts Open Meeting Law; and to facilitate the orderly conduct of the Board's meetings.

APPLICABILITY: The policy applies to all persons wishing to speak at a Board meeting. The Board, at the chair's discretion, may provide the following opportunities to speak during a meeting: (1) during a "Public Comments" period which may be included on the meeting agenda following "Appointments," "Communications," and "Board to Consider"; (2) at designated periods for comment on topics identified on the Board's agenda.

PROCEDURES:

1. The Board will typically schedule "Public Comments" towards the end of the meetings as noted above. Scheduling of "Public Comments" periods shall be at the Chair's discretion. "Public Comments" is a limited forum to comment on topics within the Board's jurisdiction and not otherwise listed on the Board's agenda. The Board will not respond to comments made during "Public Comment" periods. Depending upon the nature of the comment the Chair may have the matter referred to the relevant department following the meeting.
2. The Board may, at the discretion of the chair, allow public comment periods to address topics identified on the Board's agenda. Comments during such periods are limited to those related to the specific topic under deliberation, and shall be subject to the limitations imposed by this Policy.
3. All comments shall be addressed through the chair or acting chair of the Board.
4. The total "Public Comments" period shall not exceed thirty (30) minutes. Each speaker shall not exceed three (3) minutes. The chair will curtail verbal comments exceeding the allotted time. Once a speaker has offered comment, they shall not be recognized a second time during the same "Public Comments" period.
5. The Board cannot demand that persons attending meetings or participating in public comment be civil to one another, the Town, or the members of the Board. However, members of the public are encouraged to keep their comments respectful, despite any differences of opinion on

the matters discussed.

6. Disruptive conduct and engaging in other unprotected speech, including but not limited to the following, may be grounds for the chair to curtail speech and take other action as appropriate:
 - a. Speaking without being recognized;
 - b. Continuing to speak after the chair has curtailed additional verbal comment;
 - c. Interrupting a recognized speaker;
 - d. Speaking about matters not within the jurisdiction of the public body;
 - e. Speaking over a recognized speaker;
 - f. Using physical props or a physical presence of the member of the public to block other members of the public or the Board from viewing presentations or the recognized speaker;
 - g. Engaging in conversations with others while another is speaking;
 - h. Making true threats of violence; and
 - i. Making comments inciting imminent lawlessness

7. The chair shall, in accordance with the requirements of the Open Meeting Law, provide at least one verbal warning to the speaker if they engage in disruptive conduct. If, after at least one verbal warning, the speaker persists in, in engaging in disruptive conduct, the chair may end the speaker's privilege to address the meeting and ask the speaker to withdraw from the meeting. If the speaker does not withdraw, the chair may authorize a constable or other officer to remove the speaker from the

REGULATORY/STATUTORY REFERENCES

Massachusetts General Law Chapter 30A, Section 20, as may be amended.

APPROVED BY THE SELECT BOARD

<i>Chair</i>	Gary B. DePalma	_____
<i>Member</i>	Lilia F. Maselli	_____
<i>Member</i>	Gregory B. Bendel	_____
<i>Member</i>	Kevin A. Caira	_____
<i>Member</i>	Frank J. West	_____



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

October 20, 2023

TO: Select Board

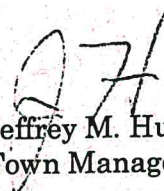
RE: Establishment of Town Building Repurposing Committee

Chair DePalma spoke to me about the prospect of establishing a Town Building Repurposing Committee. Once the existing senior center and town hall/school administration buildings are opened the Town will have four vacant buildings: (1) Town Hall at Glen Road, (2) Roman House, (3) former Arts Center on Middlesex Avenue, and (4) Buzzell Senior Center.

It is advisable to begin discussions now about the future of these buildings so that the Town does not have multiple vacant buildings standing for extended periods of time. Such a circumstance becomes a maintenance challenge and cost for the Public Buildings Department and will increase the Town's insurance cost. Three of the buildings are located within the Village Centre Historic District. The Wilmington Historical Commission obtained this designation on the National Register of Historic Places in 1992. The designation in part was predicated on the number and type of older buildings in the area of the Town Common, Church Street and Middlesex Avenue. Consideration should be given to the impact on the district if these buildings are considered for removal. The Town has also been interested in pursuing access to ice time to serve the Wilmington Youth Hockey and Wilmington High School hockey programs and more generally an indoor recreation facility. Would the Glen Road site accommodate a facility to address those needs? The use of Town owned land to facilitate the supply of affordable housing has been raised a past Select Board meetings. These considerations and others should be vetted by a committee appointed by the Select Board to seek public input.

The make-up of the committee should include residents, a representative from the Historical Commission, the Public Buildings Superintendent or his designee, and perhaps designees from the Select Board and the Finance Committee. In an effort to make the committee manageable with respect to obtaining quorums for meetings a total of 7 to 9 members could be considered.

The committee should be charged with exploring options including removal of some or all of these buildings, renovation and reuse for specific purposes with the expectation that a report be submitted to the Select Board by a date certain with recommendations.


Jeffrey M. Hull
Town Manager

cc. Susan Inman, Assistant Town Manager/Human Resources Director
George Hooper, Public Buildings Superintendent



Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

October 20, 2023

TO: Select Board

RE: Composition of Health and General Insurance Plans

Allegations have been made that I mandated employees to receive COVID vaccines or risk being fired, and that the Town has mismanaged its insurance programs.

First, let me state in no uncertain terms and unequivocally state that as Town Manager I never gave a directive to department heads or employees that they must obtain a COVID-19 vaccination, or they would be terminated. The fact that I have been asked to have the police chief and fire chief submit corroborating memos to the Board to this effect and readdress this point after issuing a public statement about the matter is disheartening. Issuing such a directive would certainly have legal and collective bargaining consequences. Certainly, not one of the six (6) unions that represent Town employees would have taken such a directive without vehement opposition. No one will find any press accounts of those six unions filing grievances, unfair labor practice complaints or otherwise expressing vocal opposition to such a directive because no such directive was issued.

Health insurance accounts for the largest share of the Town's insurance premium by far. The Town, through collective bargaining negotiations prior to my arrival in 1987 established that the Town is responsible for paying 75% of the cost of health insurance with employees paying the remaining 25%. In the early 1990's, with advice of the Town's health insurance consultant, as means to lessen the increases in health insurance costs, the Town became self-insured for a specific amount of the claims cost.

At that time the so-called reinsurance attachment point was \$50,000. Just as each of us as homeowners or car owners has deductibles on our homeowners or automobile policies the Town established a deductible for expensive medical claims. When an employee or their dependent, if insured by the Town, has a medical claim the Town will pay the cost dollar for dollar up to the attachment point. If the cost of the medical claim exceeds that attachment point the health reinsurance carrier will pay costs over that amount that are covered by the benefits plan.

In the absence of having this reinsurance the one million dollar cost for an employee, their spouse or child with a serious cancer diagnosis, for example, would be fully paid by the Town. Instead, once the attachment point is reached the reinsurance carrier pays the excess cost. The Town pays a premium for that reinsurance policy. Over the years as medical costs have increased the “deductible” has been increased. The current attachment point or “deductible” is \$175,000. That “deductible” has remained unchanged since fiscal year 2015. This approach to pay for health insurance is used by many communities depending upon the size of the insured group. Such an arrangement does not make financial sense for smaller communities with a small number of insured employees.

Notwithstanding the allegations that forced vaccination was causing the Town’s health insurance to escalate during the pandemic the facts are as follows:

Fiscal Years	Town Insurance Cost	Difference
2019	\$11,778,067	
2020	\$10,784,372	(\$993,695)
2021	\$10,891,328	\$106,956
2022	\$12,532,756	\$1,641,428
2023	\$13,776,359	\$1,243,603


*includes life insurance premium

Based upon conversations with the Town’s health insurance advisor it is believed that during the pandemic many individuals deferred obtaining inpatient care during the COVID pandemic due to concern about contracting the virus and due to the inability to obtain treatment from their healthcare provider. As a consequence, health insurance claims and the associated costs did not increase as has been the case historically. That pent-up demand is expected to lead to significant increases in health insurance costs as the pandemic diminished and individuals are able to obtain medical treatment. This appears to be borne out by the insurance costs as illustrated above. The Town has not received any information that suggests health insurance claims costs are being driven by employees and their dependents who voluntarily obtained the COVID vaccines.

The Town also pays for automobile liability, property liability, general liability workers compensation and several specialized insurances unique to municipalities. The Town obtains its insurance coverage from the Massachusetts Interlocal Insurance Association (MIIA). This entity insures over 400 local government organizations and the vast majority of municipalities. MIIA provides coverage for unique exposures not found in the private sector such as school board liability, law enforcement liability and public officials liability. Due to the number of municipal clients that MIIA insures they are able to use that market clout to obtain the required insurance coverages at a less expensive rate than individual municipalities attempting to obtain these coverages. Depending upon the specific type of insurance the Town’s deductibles range from \$1,000 to \$7,500 per claim.

As you know, each year I report the savings the Town receives through the MIIA Rewards program. Throughout the year MIIA offers seminars and programs on a variety of topics which cover risks faced by public officials, public works, public buildings, police, fire and permit grant departments in addition to human resources related exposures. Wilmington personnel are very active in participating in these programs which customarily results in

\$40,000 to \$50,000 in savings per year. The Town has a Safety Committee comprised of personnel from many general government departments and the school department which meets regularly to review claims and discuss steps that can be taken to reduce the risk of accidents and claims.



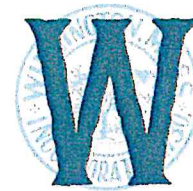
Jeffrey M. Hull
Town Manager

cc. Susan Inman, Assistant Town Manager/Human Resources Director



TOWN OF WILMINGTON

121 Glen Road Street | Wilmington, MA 01887
Tel: (978)-658-3311 Fax: (978) 978-658-3334



WILMINGTON PUBLIC SCHOOLS

161 Church Street | Wilmington, MA 01887
Tel: (978) 694-6000 Fax: (978) 694-6005

To: Wilmington School Committee; Select Board; Finance Committee
From: Glenn Brand, Superintendent of Schools; Jeff Hull, Town Manager
Cc: Susan Inman; George Hooper; Bryan Perry; Paul Ruggiero
Date: October 20, 2023
Re: Planning for the 'West-Side' Elementary School Improvements

On Thursday, October 12 we convened a joint meeting of town and elected committee leaders to initiate a discussion regarding the Town's planning for the three (3) elementary schools on the west side of town (Boutwell Early Childhood Center, Shawsheen Elementary School and the West Intermediate School).

In addition to the two of us in attendance were:

- David Ragsdale (Chair, School Committee)
- Gary DePalma (Chair, Select Board)
- John Doherty (Chair, Finance Committee)
- George Hooper (Superintendent of Public Buildings)
- Paul Ruggiero (WPS Assistant Superintendent for Administration & Finance)

The meeting was extremely productive during which an overview of the timeline regarding the Wildwood MSBA Building project was provided. It was also conveyed to the group that, in many meetings lately with members of the community and staff in connection with these early stages of the project, residents are frequently seeking for information about the Town's plans to address the condition of and possible replacement of schools on the west side of Town since they are not part of the current MSBA project discussions. Additionally, residents are interested in understanding the Town's timing for future school projects.

Emerging from our discussion at this October 12 meeting was a collective recommendation that we convene the three (3) committees to share more information and continue this initial discussion about steps the Town should be taking over the next several years to prepare to address school buildings that serve children living on the west side of Wilmington.

Based upon a review of the calendar and already established meeting dates, we would like to propose that consideration be given to convening a special tri-board meeting of the School Committee, Finance Committee and Select Board on one of the following possible dates:

- *Monday, November 6 (6:00 – 7:30 p.m.)*
- *Tuesday, November 7 (6:00 – 7:30 p.m.)*
- *Monday, December 11 (6:00 – 7:30 p.m.)*



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The agenda for this meeting would include the opportunity to provide those in attendance with a clear understanding of the following:

- The timeline for the Wildwood MSBA Project
- Timeline for a 'West-side' Project Relying Upon MSBA Funding
- A Possible Pathway to Building a New School on the West-Side of Town Without MSBA Funding
- Overview of a Capital Study Proposal for FY 2025
- Identifying Strategies to Build Community Understanding about the MSBA Project

We would like to respectfully ask each chair to determine which of the above dates would best work ranking them with a 1st, 2nd and 3rd choice.

If we can secure WCTV coverage, then we plan to hold the meeting in-person. However, if WCTV is not available then the meeting would be held remotely to allow it to be recorded and then available for viewing later by members of the community.

Sincerely,

Jeffrey M. Hull
Town Manager

Glenn A. Brand, Ed. D.
Superintendent of Schools



TOWN OF WILMINGTON
DEPARTMENT OF PUBLIC WORKS

Highway Water & Sewer Engineering
Tree Parks & Grounds Cemetery

Interoffice Memorandum

TO: Jeffrey Hull, Town Manager
FROM: Jamie M. Magaldi, PE, MCA, Public Works Director / Tree Warden *JM*
SUBJECT: ARPA2 Athletic Field Improvement Funds – Lowell Street Fields Feasibility Study
DATE: October 20, 2023

In August 2023, the Town of Wilmington was notified of its eligibility to receive a federal \$75,000 earmark for athletic field improvements, issued through the Massachusetts Department of Conservation and Recreation (MDCR). Last year the Town received a similar earmark, which was applied toward the construction of the Frank Kelley Track.

On September 5, 2023, the Department of Public Works requested approval of the earmark to assist with improving the existing 5-acre field and tennis court facilities located at 175 Lowell Street in Wilmington, MA, known as the Lowell Street (former Textron) recreational area. As you are aware, the Town of Wilmington has entered into a 99-year lease agreement with the property owner, which begins January 1, 2024, to use the recreational area and has the right to perform certain improvements to the facilities pending owner notification and/or permission. On September 22, 2023, the DPW received word that the request to use the earmark toward the leased fields on Lowell Street was approved by MDCR.

The existing site consists of 3 softball / baseball fields, tennis courts, and two small parking areas. The proposed project uses earmark funding to conduct a feasibility study to determine a baseline of the facilities at the site, the soil biology, drainage, connectivity to adjacent town land, the needs of various stakeholders and user groups, and other pertinent conditions to support long term suitability of the site for public use, and to help determine what the site needs to meet expectations of long-term recreational use, including maintenance needs, labor, equipment, and site work.

Leftover funding from the earmark after the feasibility study is complete will potentially be used toward advanced project design and phased construction to improve the property based on the outcome of the study and will likely supplement future local funding investments.

Tom Irwin, Inc., the Town's turf management consultant who has helped Wilmington transform the town's field space into area-recognized sustainable field space since 2010, submitted a proposal to conduct the feasibility study using their unique Tom Irwin Advisors Division. The Town executed a contract with Tom Irwin Advisors on October 12, 2023 to begin the feasibility study using the earmark. The study is the first step to obtain a proper baseline assessment of the site and help better prepare the Town for budgeting for any future improvements at the property. The feasibility study will be ongoing during the fall and early winter of 2023/2024, with presentable information anticipated during the early part of 2024.

Project Budget and Cost Estimate

Property Feasibility Study (Tom Irwin, Inc.)	\$31,032.00
Design / Construction (partial)	<u>\$43,968.00</u>
Total project budget (ARPA2 Grant Funds):	\$75,000.00 (to be spent by 12/31/26)

Jeff,

Like Bill I recall talk about the possibility of a mandate making its way to the municipal level and how we would handle it. It never came to fruition and there was never such a directive from you. You would never issue a directive that wasn't written down. Have any of these claims produced a copy of such a directive? Ridiculous you have to deal with this for your last meeting. I will get a memo to you Friday.

Chief Joseph Desmond
Wilmington Police Department
1 Adelaide St
Wilmington MA
978-658-5071



Town of Wilmington

Fire Department



William F. Cavanaugh, III
Chief of Department

Emergency 911

October 18, 2023

Re: Covid Vaccinations

Mr. Hull,

During the COVID pandemic, which started in March of 2020, there were many decisions and tough conversations that were had. As the Emergency Management Director, I was involved in essentially every decision that was made surrounding COVID. One of those conversations and decisions was whether the Town should, or even had the legal standing, to require vaccinations of our employees.

During the vaccination conversation, we met with Board of Health Director Shelly Newhouse. We discussed the pros and cons of the vaccine, as it was reported to the public at that time, and also discussed the availability of enough vaccines for our Public Safety employees as they were deemed "Essential Personnel." The three of us came to the collective decision that it was not within the Town's purview to "require or mandate" vaccinations for any employee. We also discussed at length how we could make certain that any availability of vaccines would be made known to our employees for them to sign up for it should they elect to do so.

While all of this was happening, I had an in-person staff meeting in May of 2020. We were able to social distance during this meeting. The subject of mandatory vaccinations came up from one of my staff members. They asked if we would require employees to get the vaccine. I stated that we would not be mandating vaccines of any type. They then requested that we make different work rules for vaccinated vs non vaccinated employees. Being that they are all in the same union, I would not be implementing any additional restrictions based on vaccination status. We did make some global adjustments for everyone to abide by, none of which required vaccinations. The only differences that were implemented was quarantine times for vaccinated and not. Those differences came from the Federal Government and not the Town.

At no time did anyone here at the Fire Department mandate any employee (Fire or Public Safety Dispatch) to get vaccinated. No employee's job was ever threatened due to their vaccination status. I did not even request a list of who was and was not vaccinated. The only time I was made aware was when a member tested positive (their own testing, also not mandated by the Town) and I asked if they were vaccinated or not so I would know what to advise them for quarantine times. As a matter of fact, employees who were here during the onset of COVID and chose not to be vaccinated, are still currently employed in their same role with no breaks in service.

Should there be any further requests for information or clarification of any information stated above, please let me know.

William F. Cavanaugh, III
Chief
Wilmington Fire Department
Emergency Management Director
Town of Wilmington

PUBLIC NOTICE

PUBLIC NOTICE

United States Environmental Protection Agency

COMMUNITY OPEN HOUSE for the Olin Chemical Superfund Site

The U.S. Environmental Protection Agency (EPA) will hold an open house to update residents on investigation and cleanup activities at the **Olin Chemical Superfund Site in Wilmington, MA**. Community members are invited to stop by at any point during the two-hour session, interact directly with project staff, and ask questions about the site.

Wednesday evening, November 1st from 6:30 - 8:30 pm

Wilmington Middle School

25 Carter Ln, Wilmington, MA 01887

For more information about this event, please contact:

Charlotte Gray, EPA's Community Involvement Coordinator
(617) 918-1243 or toll-free @ 1 (888) 372-7341
gray.charlotte@epa.gov

E-mail Charlotte to be added to the mailing list for the site.

Visit EPA's website:

www.epa.gov/superfund/olin

for more information about the site.

Or scan the QR code with a smartphone:

