

## Jeffrey Hull

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**From:** Selectman Jomarie O'Mahony  
**Sent:** Wednesday, November 18, 2020 2:01 PM  
**To:** Jeffrey Hull  
**Cc:** Selectman Jonathan Eaton  
**Subject:** MBTA Advisory Board Updates

Good Afternoon,

I was able to attend the special MBTA Advisory Board meeting held on 11/16 with the MBTA General Manager Steve Poflak to discuss service changes expected to be implemented in 2021.

The premise of the changes are due to ridership still being at 25% of its normal rate and the budget was reviewed to show where major shortfalls are occurring.

the major suggested change that appears to impact Wilmington is that evening runs of the commuter rail will end at 9 PM and there will be no weekend schedule for the commuter rail to run. This would obviously impact health care/service professionals who may work 2nd or 3rd shift. The start times of service will not change.

I asked about the North Wilmington Platform build and was told that was a project that would NOT be impacted by the cuts as it was already in process and funding had already been identified.

The MBTA will be voting on 12/7 as to service changes and the public is welcome to submit comment as to the changes prior to 12/4. there will also be a public meeting on 12/1 at 6 PM for merrimack valley that people can join remotely.

The link with all of the changes suggested as well as how to submit public comment and the link to the 12/1 public meeting is:

<http://www.mbta.com/forging-ahead>.

I had also neglected to send the link to the MBTA Advisory Board where you can always see the minutes and the agendas as well as the zoom meetings from September and November can be found at <http://www.mbtaadvisoryboard.org>

the next meeting will be 12/4 and I will be attending.

Thank you!



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

November 20, 2020

TO: Board of Selectmen

RE: MassWorks Grant

On Thursday, November 19, 2020 Governor Charlie Baker, Lieutenant Governor Karyn Polito and Secretary of the Executive Office of Housing and Economic Development Michael Kennealy announced thirty-five (35) communities were awarded \$68 million in funds under the MassWorks Grant program. Wilmington was one of eight (8) first time grant recipients under this program and will receive \$2,891,000 for infrastructure improvements associated with the 108 unit affordable housing apartment development planned on property at the corner of Jefferson Road and Middlesex Avenue.

Grant funds will be used to extend an 8" sewer line approximately 2,700 linear feet from the area of the North Intermediate School to this site. An existing 60 year old culvert running under Middlesex Avenue at Lubbers Brook which is in "serious condition" according to a 2020 Underwater Inspection Report will be replaced. Improvements to Middlesex Avenue between High Street and Jefferson Road will include road restriping to establish 12' travel lanes and 5' bike lanes on both sides of the road, installation of ADA accessible sidewalk ramps, pedestrian crosswalks and flashing beacon signs at the intersection of Middlesex Avenue and Jefferson Road. These improvements will support the Princeton Properties affordable housing development and will complement improvements to the MBTA commuter rail station.

  
Jeffrey M. Hull  
Town Manager



Town of Wilmington  
Board of Selectmen  
121 Glen Road  
Wilmington, MA 01887-3597

PHONE: (978) 658-3311

FAX: (978) 658-3334

TTY: (978) 694-1417

*WWW.WILMINGTONMA.GOV*

November 9, 2020

TO: Chairmen Boards, Committees & Commissions

RE: Draft Remote Participation Policy

The past several months have seen a shift in how our Town's boards, committees, and commissions conduct meetings. The Governor's orders of March 12, 2020 and March 15, 2020, temporarily suspend certain provisions of the Open Meeting Law (Massachusetts General Law, Chapter 30A Sections 20 – 25) and provide limits for the number of people who may gather in one place, and as a result, our meetings have been taking place remotely. Over that time, the Town has demonstrated the capability of integrating technology into our meetings to ensure that they can continue to occur successfully.

While we all look forward to a time where our meetings will take place under more traditional circumstances and in more traditional settings, circumstances are likely to occur where it would be unreasonably difficult for one member of a board, committee or commission to physically attend a meeting, but would still be able to participate remotely if that were an option. In order to allow boards, committees and commissions to incorporate that into future meetings after the expiration of the Governor's orders, the Board of Selectmen would have to adopt a remote participation policy under 940 CMR 29.10. Attached for your review is a draft policy that addresses remote participation by committee members in public meetings. This policy was developed in consultation with Mark Reich, Esq. from KP Law, the Town's legal counsel. The Board of Selectmen is seeking feedback and written comment from your committee concerning the policy. If the Board of Selectmen adopts this policy it will provide members of all public bodies under the umbrella of the Town of Wilmington with the ability to use remote participation. The Board is seeking comments within sixty (60) days or by January 7, 2021. Your comments will be considered by the Board of Selectmen in advance of any decision to adopt this policy. In the event your committee has no comment or concern about the policy a quick email or telephone message left with Beverly Dalton, Administrative Assistant (at [bdalton@wilmingtonma.gov](mailto:bdalton@wilmingtonma.gov), or 978-658-3311), noting the same would be appreciated. If the policy is adopted by the Selectmen you will be notified of the effective date and provided with a signed copy of the policy.

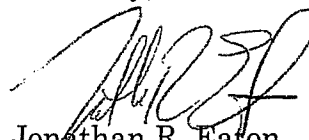
The purpose of this policy is to provide a measure of flexibility to public bodies to conduct business during meetings posted in conformance with the Open Meeting Law (Massachusetts General Law, Chapter 30A Sections 20 – 25). **If it would be unreasonably difficult for a member of a public body to be physically present at the location of the meeting, they may advise the chair in advance of the public meeting of their inability to be physically present and their desire to participate in the meeting remotely.**

As the policy details, the remote participant must have the means to be clearly audible to other committee members and to hear the discussion of their fellow committee members. Such an arrangement would enable the remote committee member to participate with respect to discussions and votes as if they were physically present. Adoption of this policy will not mandate that committee members who are unable to be physically present participate remotely. Instead, the policy provides the opportunity to participate remotely as an option. If the chair were unable to physically attend, another member of the board, commission or committee would be chosen to chair that particular meeting.

In light of the current pandemic Governor Baker has established a number of orders one of which permits all board and committee members to participate in a posted meeting remotely. Once the Governor rescinds the state of emergency the current ability for entire boards and committees to participate in meetings remotely will also be rescinded. The policy being presented by the Selectmen is intended to provide your board or committee with a tool to utilize post-COVID.

In the event committee members have questions feel free to contact me via email at [jhull@wilmingtonma.gov](mailto:jhull@wilmingtonma.gov) or via telephone at 978-658-3311, or Chairman Eaton at [jeaton@wilmingtonma.gov](mailto:jeaton@wilmingtonma.gov) or 978-761-2835.

Sincerely,



Jonathan R. Eaton  
Chairman

Attachment



**DRAFT**

## **Town of Wilmington**

### **Board of Selectmen Policy 10 2020 - 1 Remote Participation in Public Meetings**

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**Created:**

**Effective:**

**Revised:**

**Replaces:**

#### **I. Purpose**

The Open Meeting Law, MGL Chapter 30A section 20(d), allowed the Attorney General to create regulations to authorize remote participation by members of a public body not present at the meeting location; provided, however, that the absent members and all persons present at the meeting location are clearly audible to each other; and provided further; that a quorum of the body, including the chair, are present at the meeting location. These remote participation regulations are now found in 940 CMR 29.10: Remote Participation, within 940 CMR 29:00: Open Meetings. In order to promote greater resident participation in local government, this Remote Participation Policy describes the limited circumstances under which a members' physical attendance may not be required in deliberation and voting on matters before a local public body.

Remote participation should be an infrequent event, for both the individual members and the public bodies as a whole. Members of public bodies are strongly encouraged to physically attend meetings whenever possible. The premise for in person attendance of members at publicly posted meetings of their public bodies in accordance with the Open Meeting Law is to provide for transparency and confidence in the deliberations and decisions of public bodies.

#### **II. Applicability**

- A. The Policy applies to all members of boards, committees and commissions under the jurisdiction of the Town with the exception of the Commission on Disabilities. It is the responsibility of each member to familiarize themselves with this policy. Any questions or need for clarification should be made to the applicable department head or chairman of the applicable board, committee or commission or the Town Manager.

- B. A member of a public body shall be permitted to participate remotely in a meeting, in accordance with the procedures described in 940 CMR 29.10(7), only if physical attendance would be unreasonably difficult. Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to the meeting, notify the chair, or in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.
- C. If the chair seeks to participate remotely another member of the public body must serve as chair for that meeting and be physically present at the meeting location.
- D. No member may participate remotely in more than four (4) consecutive meetings.
- E. No member may participate remotely in more than six (6) meetings remotely per fiscal year (July 1<sup>st</sup> to June 30<sup>th</sup>)
- F. Public bodies may not opt out of remote participation. The decision to discontinue the allowance of remote participation is subject to a majority vote of the Board of Selectmen.
- G. Public bodies may not further restrict use of remote participation.
- H. The Wilmington Commission on Disabilities may decide by majority vote of the commissioners at a regular meeting to permit remote participation during a specific meeting or during all commission meetings. Adoption by the Board of Selectmen is not required. If the commission has adopted remote participation, a quorum of the commission does not need to be present at the meeting location. However, the commission must still provide a physical meeting location where interested members of the public may attend and hear the discussion by the body. Additionally, the commission's chair, or the person chairing the meeting in the chair's absence, must be present at the meeting location. This means, that if the chair wishes to participate remotely, he or she may do so, but may not then chair that meeting. Finally, note that while the law requires that only one member of the Commission on Disabilities (the chair) be physically present at the meeting location, a quorum of the commission must still participate, remotely or in person, for a "meeting" to occur.

### **III. Minimum Requirements for Remote Participation**

No member shall participate in a meeting remotely unless the following requirements are met:

- A. Members who participate remotely and all persons present at the meeting location shall be clearly audible to each other.
- B. A quorum of the public body, including the chair or the person authorized to chair the meeting in the chair's absence, shall be physically present at the meeting locations in accordance with G.L. c. 30A, §20(d).

- C. Members of the public bodies who participate remotely may vote and shall not be deemed absent for the purposes of M.G.L. Ch. 39 §23D.

**IV. Methods**

- A. Acceptable means of remote participation shall include telephone, internet, or satellite enabled audio or video conferencing, or any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another. Text messaging, instant messaging, email and web chat without audio are not acceptable methods of remote participation. Note that accommodations must be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications.
- B. When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
- C. If required equipment is not available the chair shall deny the request.

**V. Procedures**

- A. Any member who wishes to participate remotely shall, at least 48 hours or as soon as reasonably possible prior to the meeting, notify the person chairing the meeting of their desire to do so.
- B. The chair shall announce the name of the member(s) who will be participating remotely. This information shall be recorded into the minutes. The chair shall state as follows:
  - a. Let the record reflect that Board/Commission member \_\_\_\_\_ is attending remotely via speakerphone for the meeting dated \_\_\_\_\_ because his/her physical attendance would be unreasonably difficult.
  - b. (Member) \_\_\_\_\_, can you hear us? (There must be a clear audible response to the affirmative.)
  - c. Let the record reflect that member \_\_\_\_\_'s attendance via speakerphone can be heard by all present at the meeting.
- C. All votes taken during a meeting with a remote participant shall be by roll call vote.
- D. If technical difficulties arise as a result of remote participation the chair shall suspend discussion while reasonable efforts are made to correct any problem that interferes with the remote participant's ability to hear or be heard clearly by all persons at the meeting location. If the chair determines that technical difficulties are inhibiting the progress of the meeting, the chair may elect to terminate the participation of the remote member.
- E. If a remote participant is disconnected, that fact and the time of the disconnection (and if subsequent reconnection is achieved) shall be noted in the meeting minutes.

- F. If a public hearing occurs after disconnection, the member shall be noted as absent.
- G. Arrangements for required equipment should be made with Town staff prior to the meeting.
- H. Remote participants shall have access to all materials being used at the meeting location. When feasible, the chair or, in the chair's absence, the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with G.L. c. 30A, §22.

**VI. Executive Session**

- A. Remote participants shall preserve the confidentiality of executive session. Certain media, such as speakerphone, can inadvertently be heard by people not party to the executive session discussions. The remote participant shall state at the start of the executive session that no person is present and/or able to hear the discussion in the remote location.
- B. The remote participant must state that the session is not being remotely recorded by any device. (Suggested language: I certify that no other person is present and/or able to hear the discussions and that this discussion is not being recorded at this location.)

**The above detailed policy shall constitute the full policy with respect to remote participation at by boards, committees and commissions subject to the Open Meeting Law.**

\_\_\_\_\_  
Jonathan R. Eaton, Chairman

\_\_\_\_\_  
Gregory B. Bendel

\_\_\_\_\_  
Gary B. DePalma

\_\_\_\_\_  
Jomarie F. O'Mahony

**DRAFT**





**TOWN OF WILMINGTON**

**121 GLEN ROAD  
WILMINGTON, MA 01887**

**THE OFFICE  
OF TOWN CLERK**

**VOICE (978) 658-2030  
FAX (978) 657-7564**

**Date:** November 19, 2020

**To:** Jeffrey Hull  
Town Manager

**From:** Christine Touma-Conway  
Town Clerk

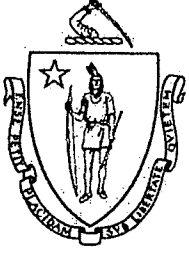
**Subject:** Attorney General Approval of Zoning and General Bylaws Approved at Town Meeting

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We have received notification from the Office of Attorney General that the Zoning and General Bylaws approved at Town Meeting on June 27, 2020 and submitted to that office have been approved.

I am in the process of preparing the necessary posting for the Constable, and expect that we will have that posting made sometime the week of November 30, 2020.

Please let me know if you have any questions.



THE COMMONWEALTH OF MASSACHUSETTS  
OFFICE OF THE ATTORNEY GENERAL

CENTRAL MASSACHUSETTS DIVISION  
10 MECHANIC STREET, SUITE 301  
WORCESTER, MA 01608

MAURA HEALEY  
ATTORNEY GENERAL

(508) 792-7600  
(508) 795-1991 fax  
www.mass.gov/ago

October 16, 2020

Christine R. Touma-Conway, Town Clerk  
Town of Wilmington  
121 Glen Road  
Wilmington, MA 01887

**Re: Wilmington Annual Town Meeting of May 2, 2020 -- Case # 9862  
Warrant Articles # 57, 60 and 64 (Zoning)  
Warrant Articles # 46, 49, 50, 58 and 65 (General)**

Dear Ms. Touma-Conway:

**Articles 46, 49, 50, 57, 58, 60, 64 and 65** - We approve Articles 46, 49, 50, 57, 58<sup>1</sup>, 60, 64 and 65, and the map amendments related to Articles 57, 60, and 64, from the May 2, 2020 Wilmington Annual Town Meeting.<sup>2</sup> We will return the approve maps to you by regular mail. Our comments regarding Articles 49 and 65 are provided below.

**Article 49** - Article 49 amends the Town's general by-laws, Chapter 3, "Duties of Town Officers," Section 6, "Town Counsel Appointed by Selectmen," to add text to the last sentence of the section that seeks to limit the disclosure of an opinion of Town Counsel that is protected by Attorney/Client privilege. As amended, the new Section 6 now provides in pertinent part as follows, new text in underline:

The Selectmen shall appoint annually, a Town Counsel... All opinions given by him on question of law to any Town officer, board or committee of the town must be in writing and signed by him. Whenever such opinion is given he shall forthwith file a

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<sup>1</sup> Article 58 amends several subsections of Section 51, "Stormwater Management By-law." One change adds a new subsection 2.4.12 that provides in relevant part as follows, with emphasis added: "Municipal projects, provided that the project complies with the applicable standards..." The Town Clerk has requested permission from the Attorney General to "correct the obvious clerical error and remove one 'that.'" Unfortunately, the Attorney General's authority pursuant to G.L. c. 40, § 32, to review the by-laws that are passed at Town Meeting to ensure consistency with state law does not include the authority to correct what the Town contends is a "clerical error" in the text adopted by Town Meeting. The Town should consult with Town Counsel regarding how this "clerical error" can be amended at a future Town Meeting.

<sup>2</sup> The posted Warrant called for Town Meeting to be held on May 2, 2020. However, in accordance with G.L. c. 39, § 10A (as amended by Chapter 53 of the Acts of 2020), Town Meeting was postponed two times as follows: (1) from May 2, 2020 to May 30, 2020; and (2) from May 30, 2020 until June 27, 2020. Town Meeting was held on June 27, 2020.

copy thereof with the Town Clerk for a permanent record; provided, however, that confidential and privileged communications shall be exempt from mandatory disclosure pursuant to the applicable provisions of the Massachusetts Public Records Law.

Section 3's provision that Town Counsel's written opinion to a Town officer, board or committee is a "confidential and privileged communication" and "shall be exempt from mandatory disclosure" must be applied consistent with G.L. c. 66, § 10, the state Public Records Law. The disclosure of public records is governed by G.L. c. 66, § 10, which declares all government records to be subject to disclosure unless specifically exempted. Moreover, the authority to determine the public records status of information held by municipalities is vested in the Supervisor of Public Records. *See* G.L. c. 66 § 10 (b). The Secretary of the Commonwealth, Division of Public Records, has published "A Guide to the Massachusetts Public Records Law" (<https://www.sec.state.ma.us/pre/prepdf/guide.pdf>) that includes information pertaining to exemptions to the Public Records Law and Attorney/Client Communications. Although we approve the amendment adopted under Article 49, the by-law itself cannot declare a certain document to be exempt from the Public Records Law. Instead, such exemption must be allowed pursuant to G.L. c. 66, § 10. The Town should discuss this issue in more detail with Town Counsel.

**Article 65** - Article 65 amends the Town's general by-laws to add a new Section 55, "Traveling Animal Acts" that prohibits the participation of certain animals in traveling animal acts for public entertainment or amusement.<sup>3</sup> As further explained below, we approve the by-law because we find no conflict with state law or the Constitution.<sup>4</sup>

## **I. Summary of Article 65**

Article 65 prohibits a person from allowing the participation of a covered animal (as defined in the by-law) in a traveling animal act in the Town. Specifically, Section 55.2, "Prohibition," provides as follows:

- (a) Notwithstanding any other provision of law, it shall be unlawful for a person to allow for the participation of a covered animal in a traveling animal act within the Town of Wilmington.
- (b) This section shall not apply to a performance that takes place at a non-mobile, permanent institution or other fixed facility, provided that the covered animal is not transported to such location for the purpose of such performance.

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<sup>3</sup> The vote under Article 65 identified the title of the new Section to be added to the by-laws as "Section 5: Traveling Animal Acts" instead of Section 55. Article 65 was submitted as a petitioned article and the Town Clerk states that the notation to Section 5 instead of Section 55 is an "obvious clerical error." The Town Clerk has requested that the Section number in the by-law's title be amended to reflect that a new Section 55 (not Section 5) is being added to the by-laws. As set forth above in more detail in Footnote # 1, the Attorney General's does not have the authority to correct what the Town contends is a "clerical error" in the text adopted by Town Meeting. The Town should consult with Town Counsel regarding how this "clerical error" can be amended at a future Town Meeting.

<sup>4</sup> We approved similar by-laws in the Town of Topsfield in a decision issued September 9, 2019 (Case # 9528) and in the Town of Plymouth in a decision issued July 3, 2014 (Case # 7090).

The by-law defines the terms “covered animal,” “traveling animal act” and “performance.” See Section 55.1, “Definitions.” The by-law exempts certain animals from the prohibition, for example, “domestic dogs,” “domestic cates [sic]” and “domestic horses, ponies, donkeys, or mules.” Section 55.1. In addition, the by-law applies only to “traveling animal acts” where such animals in the performance are “transported to, from, or between locations for the purpose of such performance, in a mobile or traveling housing facility.” Section 55.1

## II. Attorney General’s Standard of Review

Pursuant to G.L. c. 40, § 32, the Attorney General has a “limited power of disapproval,” and “[i]t is fundamental that every presumption is to be made in favor of the validity of municipal by-laws.” Amherst v. Attorney General, 398 Mass. 793, 795-96 (1986). The Attorney General does not review the policy arguments for or against the enactment. Id. at 798-99 (“Neither we nor the Attorney General may comment on the wisdom of the town’s by-law.”) Rather, in order to disapprove a by-law (or any portion thereof), the Attorney General must cite an inconsistency between the by-law and the state Constitution or laws. Id. at 796. “As a general proposition the cases dealing with the repugnancy or inconsistency of local regulations with State statutes have given considerable latitude to municipalities, requiring a sharp conflict between the local and State provisions before the local regulation has been held invalid.” Bloom v. Worcester, 363 Mass. 136, 154 (1973). “The legislative intent to preclude local action must be clear.” Id. at 155. Massachusetts has the “strongest type of home rule and municipal action is presumed to be valid.” Connors v. City of Boston, 430 Mass. 31, 35 (1999) (internal quotations and citations omitted).

## III. Analysis of Article 65

The state constitution’s Home Rule Amendment, as ratified by the voters in 1966, confers broad powers on individual cities and towns to legislate in areas that previously were under the Legislature’s exclusive control. Home Rule Amendment, Mass. Const. amend. art. 2, § 6. Towns have used these home-rule powers to prohibit, within their borders, certain commercial activities that state statutes generally recognize as lawful and that are widely accepted in the remainder of the Commonwealth--for example, coin-operated amusement devices, or self-service gas stations. Amherst, 398 Mass. at 798 n.8. The Supreme Judicial Court has upheld such by-laws, and has overturned the Attorney General’s disapproval of them where they did not create any specific conflict with state law. Amherst, id.; see also Milton v. Attorney General, 372 Mass. 694, 695-96 (1977). The Attorney General thus has no power to disapprove a by-law merely because a town, in comparison to the rest of the state, has chosen a novel, unusual, or experimental approach to a perceived problem.

In addition, G.L.c. 40, § 21, specifically authorizes municipalities to adopt certain categories of local legislation, including “[f]or directing and managing their prudential affairs, preserving peace and good order...” “Considerable latitude is given to municipalities in enacting local by-laws.” Mad Maxine’s Watersports, Inc. v. Harbormaster of Provincetown, 67 Mass. App. Ct. 804, 807 (2006). However, a municipality has no power to adopt a by-law that is “inconsistent with the constitution or laws enacted by the [Legislature]...” Home Rule Amendment, Mass. Const. amend. art. 2, § 6.

Based on the Town's broad home-rule power and the Attorney General's standard of review of town by-laws, we approve Article 65 because it presents no conflict with state law or the Constitution.

**Note:** Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the Town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were approved by the Town Meeting, unless a later effective date is prescribed in the by-law.

Very truly yours,

MAURA HEALEY  
ATTORNEY GENERAL

*Nicole B. Caprioli*

By: Nicole B. Caprioli  
Assistant Attorney General  
Municipal Law Unit  
10 Mechanic Street, Suite 301  
Worcester, MA 01608  
(508) 792-7600 ext. 4418

cc: Town Counsel Mark R. Reich



**Boston Dog Lawyers**

450 B Paradise Rd. #289  
Swampscott, MA 01907  
Tel 978-867-7251  
Fax 978-336-0513  
JCohen@BostonDogLawyers.com

November 16, 2020

Jeffrey M. Hull  
Town Manager  
121 Glen Road  
Wilmington, MA 01887

Re: Nuisance Dog Complaint – Request for Hearing

Dear Town Manager Hull:

My office represents Tom and Diane Gauthier of 64 Forest Street, Wilmington, MA. They are the complainants who are seeking a nuisance dog hearing pursuant to M.G.L. c. 140 § 157. The dogs residing at 62 Forest Street and belonging to or being kept by Julie Depiano are a nuisance under both the applicable MA and Wilmington laws (§27.9). Agents of Wilmington have been well aware for a number of years that my clients have complained of these nuisances. No one has done anything that has improved the situation; so now I will.

We will be able to prove that Ms. Depiano has negligently and intentionally breached my clients' rights to the quiet enjoyment of their property in your Town. It falls upon the Town to take the prescribed steps to find a way to bring a resolution to this problem. Please schedule a nuisance dog hearing and notify my office of the date and time. It should be performed via Zoom. Meantime I will make a public records request that covers the neighborhood to determine the extent to which this nuisance has impaired the rights of others as well. Please make certain that the Animal Control Officer is present at the hearing and prepared to explain his actions to date regarding this issue.

Once I accumulate all of our evidence, I will send a packet to your office for the hearing authority to consider. Should you receive exhibits or information from any other source, please be certain to share with mine.

Thank you for your attention to this matter.

Sincerely,

Jeremy Cohen, Esq.

JMC/dg



November 18, 2020

Board of Selectmen  
Town of Wilmington  
121 Glen Road  
Wilmington, MA 01887

***Re: Important Information – Price Changes***

Dear Chairman and Members of the Board:

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in your community, as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands.

As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting December 20, 2020, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed customer notification for more information.

This information is being provided to customers via bill message. Should you have any questions please do not hesitate to contact me at [Catherine\\_Maloney@cable.comcast.com](mailto:Catherine_Maloney@cable.comcast.com).

Very truly yours,

*Catherine Maloney*

Catherine Maloney, Sr. Manager  
Government Affairs

# Important Information Regarding Your Xfinity Services and Pricing

Effective December 20, 2020

Dear Xfinity Customer,

Thank you for trusting us to keep your home connected. We know how important reliable service is to you now more than ever, and are grateful that you've chosen Xfinity to support you during this time. Therefore, we are writing to let you know about an **upcoming price change**.

We're focused on making our network stronger, while maintaining access to great content, in order to meet our customers' current needs and future demands. Our efforts have allowed us to meet the challenges of 2020 head on—particularly in terms of supporting the increased demand for Internet connectivity. This has required **investment in our high-capacity network**, which is costly and impacts our pricing. In addition, TV networks charge us fees to bring their content like sports and entertainment to you, and those **programming costs continue to rise**.

The **price of your service will increase** starting with your next bill so we can continue to provide the best-performing, most reliable services in the country, including:

- The ultimate entertainment experience, with live TV, sports, streaming, and music together—and you can search across everything instantly with our award-winning Voice Remote
- The fastest, most reliable Internet on the largest Gig-speed network available
- Peace of mind that your personal information is safe, private, and secure—we do not monitor, track, or sell any information about your Internet usage
- Strong WiFi coverage in your home with the xFi Gateway and access to 20 million secure Xfinity WiFi hotspots nationwide
- Protection from online threats with Advanced Security, now free with your xFi Gateway (a \$72 per year value)
- Great streaming included with access to all your favorite streaming apps, plus hundreds of awesome TV shows, movies, documentaries, sports, and news from Peacock Premium (a \$4.99 per month value)

**Additional details on these price changes are enclosed** in this bill. If you currently have a promotional offer or minimum term agreement with your services, those prices will stay the same throughout your promotional period or contract term. However, equipment charges, charges for additional features, taxes, and other fees (including the Regional Sports Network Fee and Broadcast TV Fee) may change. When your promotional offer or contract term ends, your bill will reflect our new package prices. For additional information, go to **[xfinity.com/pricechange](https://www.xfinity.com/pricechange)**.

Thank you for your trust and for choosing Xfinity.

Sincerely,

Your Xfinity Team



# Important Information Regarding Xfinity Services and Pricing

**Effective December 20, 2020**

## TRIPLE PLAY PACKAGES

	Current	New
<b>Standard+ More</b>	\$129.99	\$130.99
<b>with Xfinity Mobile save</b>	n/a	\$10.00

## DOUBLE PLAY PACKAGES

	Current	New
<b>Standard+</b>	\$109.99	\$110.99

## XFINITY® TV

	Current	New
<b>Broadcast TV Fee</b>	\$14.10	\$18.60
<b>Franchise Costs</b>	\$.43	\$.44
<b>Regional Sports Fee</b>	\$8.75	\$10.75
<b>Choice TV</b>	\$25.00	\$30.00
<b>Sports &amp; News</b>	\$28.25	\$30.00
<b>Deportes</b>	\$7.00	\$5.00
<b>TV Box Limited Basic</b>	\$4.60	\$7.10
<b>TV Box</b>	\$4.60	\$7.10
<b>Service to Additional TV</b>	\$9.95	\$7.50
<b>Service to Additional TV - with DVR Service</b>	\$19.95	\$17.50
<b>Service to Additional TV - with CableCARD or compatible customer owned device</b>	\$4.95	\$.00

## PAY-PER-VIEW AND ON DEMAND SUBSCRIPTION SERVICES

	Current	New
<b>Gaiam TV Fit &amp; Yoga On Demand</b>	\$6.99	\$7.99
<b>UP Faith and Family On Demand</b>	\$4.99	\$5.99
<b>Gaia On Demand</b>	\$9.99	\$11.99
<b>AMC + On Demand</b>	\$4.99	\$6.99
<b>WE tv + On Demand</b>	\$4.99	\$5.99
<b>Docurama On Demand</b>	\$2.99	\$4.99

## INSTALLATION (Effective 1/1/2021)

	Current	New
<b>Professional Installation - Initial Installation of Service</b>	\$79.99	\$100.00
<b>In-Home Service Visit - After Initial Installation of Service</b>	\$40.00	\$70.00

## XFINITY® Internet

	Current	New
<b>Performance Starter - Xfinity Internet Service Only</b>	\$49.95	\$54.95
<b>Performance - Xfinity Internet Service Only</b>	\$77.95	\$80.95
<b>Performance Pro - Xfinity Internet Service Only</b>	\$92.95	\$95.95
<b>Blast! - Xfinity Internet Service Only</b>	\$97.95	\$100.95
<b>Extreme Pro - Xfinity Internet Service Only</b>	\$102.95	\$105.95
<b>Gigabit - Xfinity Internet Service Only</b>	\$107.95	\$110.95

*Important Information – Price Changes  
November 18, 2020  
Additional Information*

In addition to the price changes listed in the enclosed general **Important Information Regarding Xfinity Services and Pricing**, customers receiving the services below will receive a bill message regarding the pricing change to their service.

**Bill Message Text:**

*“Pricing Update: In addition to the price changes listed in Important Information Regarding Xfinity Services and Pricing, on December 20, 2020, the price of [package or service name from below] will increase/decrease from \$XX.XX to \$XX.XX per month plus taxes and fees. You can find more information at [xfinity.com/pricechange](http://xfinity.com/pricechange)”*

<b>XFINITY® TV</b>	<b>Current</b>	<b>New</b>
Choice TV with TV Box	\$30.00	\$37.50

<b>SERVICES NO LONGER AVAILABLE FOR NEW SUBSCRIPTIONS</b>	<b>Current</b>	<b>New</b>
Double Play Bundle with Blast! Internet	\$124.90	\$129.90
Total Premium Package	\$59.95	\$64.95
Economy Double Play	\$85.22	\$89.90
Digital Premier Package	\$127.22	\$132.22

**Addendum to Important Information – Price Changes**

Please find below, in yellow, information which was inadvertently omitted from the Important Information – Price Changes document enclosed. This change is effective on December 20, 2020.

<b>XFINITY® TV</b>	<b>Current</b>	<b>New</b>
<b>Choice TV with TV Box</b>	\$30.00	\$37.50
<b>Service to Additional TV with TV Adapter</b>	\$6.99	\$7.50



# Wilmington, Massachusetts

INTER-DEPARTMENTAL COMMUNICATION

FROM THE TOWN MANAGER

November 20, 2020

TO: Board of Selectmen

RE: License Renewal Fees

A request has been made to investigate the merits and impact of reducing certain license fees associated with restaurants in recognition of the challenges these businesses have faced during the pandemic. In fiscal year 2020 the Town generated \$20,100 based upon fees associated with restaurants. This sum includes nine (9) all alcohol licenses and forty-two (42) common victualer licenses. The attached table provides a breakdown of the referenced fees and other license fees not specifically attributable to all restaurants. During fiscal year 2020 the Town collected approximately \$730,000 in fees. Clearly the fees associated with the all alcohol license and common victualer license do not comprise a significant percent of the revenue from fees and permits. If authorization is granted to reduce all alcohol – restaurant and common victualer license fees, consideration should be given to the prospect of appeals for reductions in other permit or license fees.

As noted in prior communications, the Town should expect to see reductions in revenue associated with local aid, meals tax and potentially the excise tax in fiscal year 2022. While the Town is bracing for these reductions in other sources of revenue the Town could make modest one-time reductions to the two categories of fees (all alcohol license – restaurant & common victualer license) without significant impacts to the operating budget. In reviewing the Town's alcohol license fees it is noteworthy that compared to many of the neighboring communities the alcohol license fee is already one of the lowest.

  
Jeffrey M. Hull  
Town Manager

Attachment

cc: Kerry Colburn-Dion, Assistant Town Manager/Human Resources Director  
Bryan Perry, Finance Director/Town Accountant

<b>License Type</b>	<b>Total Collected</b>	<b>Number of Licensees</b>
Admin Fee Change Mgmt	100.00	1
Alcohol License - Club	250.00	1
All Alcohol - Club	250.00	1
All Alcohol - Package Store	8,750.00	5
All Alcohol - Restaurant	18,000.00	9
Auto Amuse (18)	1,080.00	1
Billiard Tables (4)	400.00	1
Class I Vehicle Sales	200.00	2
Common Victualer License Renewal	2,100.00	42
Entertainment License Renewal	420.00	7
<b>Grand Total</b>	<b>31,550.00</b>	<b>70</b>