

OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

November 9, 2018

Jeffrey Hull, Town Manager
21 Glen Road
Wilmington, MA 01887

Dear Town Manager Hull:

I am writing to congratulate the Town of Wilmington on having completed the best practices chosen as part of your Community Compact, which we signed together on September 29, 2017. Fostering a strong partnership with our municipalities continues to be a top priority for the Baker-Polito Administration, and it is exciting to have the Community Compact program available for our partners in local government. As you know, Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as together we seek to create better government for our citizens.

I want to applaud the Town for choosing and finalizing the Long Range Financial Planning and Review Financial Management Structure best practices. With assistance from two Community Compact grants, Wilmington was able to complete these best practices and make improvements in these key areas.

The Governor and I appreciate Wilmington participating in the Community Compact initiative and we look forward to partnering with you again in future rounds of the Compact program.

Sincerely,

Karyn E. Polito
Lieutenant Governor

cc: Sean Cronin, Senior Deputy Commissioner of Local Services

18 NOV 19 AM 10:10
TOWN OF
WILMINGTON, MASS

REC'D - TOWN MANAGER



CHARLES D. BAKER
GOVERNOR

KARYN E. POLITO
LIEUTENANT GOVERNOR

COMMONWEALTH OF MASSACHUSETTS
Office of Consumer Affairs and Business Regulation

501 Boylston Street, Suite 5100, Boston, MA 02116
(617) 973-8700 FAX (617) 973-8799
www.mass.gov/consumer

JAY ASH
SECRETARY OF HOUSING AND
ECONOMIC DEVELOPMENT

JOHN C. CHAPMAN
UNDERSECRETARY

November 9, 2018

Board of Selectmen
Town Hall
121 Glen Road, Room 11
Wilmington, MA 01887

RE: Recent Audit of Dealerships

Dear Licensing Authority:

The Office of Consumer Affairs and Business Regulation (OCABR) recently conducted an audit of dealerships throughout the state to assess compliance with Massachusetts law pertaining to Lemon Law stickers.

As you are aware, car dealers are required to affix yellow "Lemon Law" notices on the windows of new vehicles displayed for sale, and in the case of used vehicles displayed for sale, to affix yellow "Used Vehicle Warranty Law" notices on the windows or dashboards. These requirements are set forth in Massachusetts General Laws, Chapter 90, § 7N ½ and 7N ¼, and its corresponding regulation, 201 CMR 11.00.

We have included the results of the dealerships which were audited in your municipality. For any dealership that had less than 100% compliance, we ask that you, as the licensing authority, take appropriate action to protect your local consumers and mandate the dealership's compliance with this law.

Cornerstone Mitsubishi	580 Main Street	Wilmington	100%
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Thank you for your attention to this important matter. You can view the full audit report at <https://www.mass.gov/service-details/lemon-law-audits>. If you have any questions, kindly contact Lisa Weber, the Lemon Law Program Coordinator at lisa.weber@mass.gov or 617-973-8733.

Sincerely,

Joanne F. Campo
Deputy General Counsel

18 NOV 19 AM 10:11
TOWN OF WILMINGTON, MASS
TOWN MANAGER

ORIGINAL

CLARK HILL

John D. Heffner
T 202.572.8679
F 202.572.8690
Email: jheffner@ClarkHill.com

Clark Hill
1001 Pennsylvania Avenue NW
Suite 1300
Washington, DC 20004
T 202.772.0909
F 202.772.0919

clarkhill.com

November 13, 2018

246789

BY COURIER

Ms. Cynthia T. Brown
Chief of Administration
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings
November 14, 2018
Part of
Public Record

**RE: FD 34797 Sub. No. 1, New England Transrail, LLC d/b/a
Wilmington & Woburn Railway-Construction, Acquisition, and
Operation Exemption-In Wilmington and Woburn, Mass.**

Dear Ms. Brown:

In keeping with the Board's order issued on November 2, 2018, I am filing an original and 10 copies of a new Petition for Substitution of Parties. Please date stamp and return to me one copy of this Petition.

Sincerely yours,

CLARK HILL



John D. Heffner
Senior Counsel

Enclosures

Cc: Service list



ORIGINAL

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 34797 Sub-No. 1

**NEW ENGLAND TRANSRAIL, LLC, d/b/a
WILMINGTON & WOBURN TERMINAL RAILWAY
—CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION—
IN WILMINGTON AND WOBURN, MASS.**

PETITION FOR SUBSTITUTION OF PARTIES

Respectfully submitted,

John D. Heffner
Clark Hill PLC
1001 Pennsylvania Ave., N.W.
Suite 1300 South
Washington, D.C. 20004
202-572-8679

Counsel for both New England Transrail, LLC
d/b/a Wilmington & Woburn Terminal Railway
and
Wilmington Woburn Intermodal, LLC

November 13, 2018



**BEFORE THE
SURFACE TRANSPORTATION BOARD**

FD 34797 Sub-No. 1



**NEW ENGLAND TRANSRAIL, LLC, d/b/a
WILMINGTON & WOBURN TERMINAL RAILWAY
—CONSTRUCTION, ACQUISITION AND OPERATION EXEMPTION—
IN WILMINGTON AND WOBURN, MASS.**

PETITION FOR SUBSTITUTION OF PARTIES

Pursuant to 49 CFR§1117.1, New England Transrail, LLC (“NET”) and Wilmington Woburn Intermodal, LLC (“WWI”) file this Petition for Substitution of Parties.

As background, NET originally filed a petition for exemption with the Surface Transportation Board (Board) pursuant to 49 U.S.C. §§ 10502 and 10901 in Docket No. FD 34797 (Sub-No. 1) on June 24, 2016, seeking approval to acquire, construct, and operate various rail lines and construct and operate transloading facilities in the towns of Wilmington and Woburn, Massachusetts. NET proposed to acquire 5,727 feet of existing track, to rehabilitate or construct a combined 10,838 feet of track, and to operate as a rail carrier over the total 16,565 feet of track on and adjacent to property owned by the Olin Corporation at 51 Eames Street in Wilmington. On November 2, 2017, the Board’s Office of Environmental Assessment issued a Notice of Availability of Final Scope of Study

for the Environmental Impact Statement (EIS) concluding that this project has the potential to result in significant environmental impacts and that the preparation of an EIS is appropriate pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended (42 U.S.C. §§ 4321 et seq.).

Subsequent to the issuance of that Notice, NET obtained new financing from a Boston-based real estate development company, GFI Partners (“GFI”). GFI and NET have entered into an Operating Agreement that establishes a new entity, Wilmington Woburn Intermodal, LLC (“WWI”), that will own and operate the facilities that were to be constructed and acquired by NET. Under that new arrangement, NET and an entity established by GFI, Eames Street Member, LLC (“Eames”), will each own 50% of WWI. While GFI will provide financing through Eames, both parties will share in the management. Neither GFI nor Eames owns any other railroads or entities subject to the jurisdiction of the Board.

Pursuant to 49 CFR §1117.1, Eames and NET filed a Petition for Substitution on July 13, 2018, asking the Board to substitute WWI as the Petitioner in FD 34797 Sub. No.1. Eames and NET represented that this substitution would not result in any substantive change to their proposal or any of the transportation or environmental issues associated with this docket. The only change would be to insert the entity providing the financing for this project into the ownership of the owning and operating entity.


On October 2, 2018, the Board issued a decision denying without prejudice NET's petition on the grounds that WWI did not consent to or join in NET's petition. That same day, Robert W. Jones and Steven Goodman, acting in their capacity as managers of WWI, submitted a letter on behalf of GFI Partners stating that "GFI as the entity that established Eames acting on behalf of WWI consents to and joins in the petition by NET." The letter asked the Board to issue a new decision authorizing this substitution.

Subsequently, on November 2, the Board issued a second decision denying NET's and WWI's request on the grounds that there is no longer a petition to substitute pending before the agency. The Board declined to grant the requested relief asserting that it was unclear whether Messrs. Jones and Goodman are authorized to represent WWI.

Accordingly and in response to the November 2 decision, NET and WWI submit this curative petition. Pursuant to the Board's direction, Mr. Jones and Mr. Goodman state unequivocally that WWI consents to the substitution of parties and that they are authorized to speak for WWI. A signed letter of consent from each of them to that effect is attached to this petition.

Approving this substitution will be consistent with Board decisions in similar proceedings. *Cf., Montreal, Maine & Atlantic Railway, LLC-Acquisition and Operation Exemption, et al*, FD 34110 (STB served Dec. 17, 2012).

Respectfully submitted,



John D. Heffner

Clark Hill PLC

1001 Pennsylvania Ave., N.W.

Suite 1300 South

Washington, D.C. 20004

202-572-8679

Counsel for both New England Transrail, LLC

d/b/a Wilmington & Woburn Terminal Railway

and

Wilmington Woburn Intermodal, LLC

November 13, 2018

WILMINGTON WOBURN INTERMODAL, LLC



46 Grand Cove, Edgewater, NJ 07020-7245

(201) 840-0766

Fax (201) 840-0887

e-mail: rklempner@verizon.net

November 7, 2018

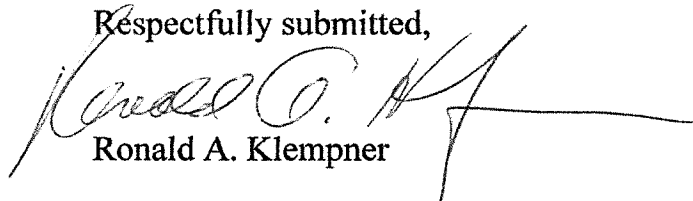
Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**RE: FD 34797 Sub. No. 1, New England Transrail, LLC
d/b/a Wilmington & Woburn Railway-Construction, Acquisition, and Operation
Exemption-In Wilmington and Woburn, Mass.
Consent letter**

Dear Ms. Brown:

In accordance with the Board's decision served in the above-captioned proceeding on November 2, 2018, I am writing to provide as a representative of Wilmington Woburn Intermodal ("WWI") its consent to the substitution of WWI for New England Transrail, LLC d/b/a Wilmington & Woburn Railway as Petitioner. Moreover, I confirm that I am authorized to speak for WWI.

Respectfully submitted,



Ronald A. Klempner

Wilmington Woburn Intermodal, LLC
133 Pearl Street Boston, MA 02110
P: 617-292-0101



November 7, 2018

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423

**RE: FD 34797 Sub. No. 1, New England Transrail, LLC
d/b/a Wilmington & Woburn Railway-Construction, Acquisition, and Operation
Exemption-In Wilmington and Woburn, Mass.
Consent letter**

Dear Ms. Brown:

In accordance with the Board's decision served in the above-captioned proceeding on November 2, 2018, I am writing to provide as a representative of Wilmington Woburn Intermodal ("WWI") its consent to the substitution of WWI for New England Transrail, LLC d/b/a Wilmington & Woburn Railway as Petitioner. Moreover, I confirm that I am authorized to speak for WWI.

Respectfully submitted,



Steven Goodman

CERTIFICATE OF SERVICE

I, hereby certify that on the 14th day of November, a copy of the foregoing "Petition for Substitution of Parties" was sent by U.S. Mail to the following Parties of Record:

Steven C. Armbrust
CSX Transportation, Inc.
500 Water Street, J150
Jacksonville, FL 32202

Kathleen M. Barry
Wilmington-Woburn Collaborative
14 Powder House Circle
Wilmington, MA 02210

Daniel R. Deutsch
Principal and Managing Attorney
Brooks & DeRensis, P.C.
111 Devonshire Street, Suite 800
Boston, MA 02109

Linda Raymond
Woburn Neighborhood Association, Inc.
10 North Maple Street
Woburn, MA 01801

Curtis M. Richards
Olin Corporation
3855 North Ocoee Street, Suite 200
Cleveland, TN 37312

Martha K. Stevenson
Wilmington Environmental Restoration Committee
7 Chandler Road
Wilmington, MA 01887

Laura Swain
Commonwealth of Massachusetts Department of Environmental Protection
One Winter Street
Boston, MA 02108

William Walsh-Rogalski (Mail Code ORA 17-1)
Office of Environmental Review, U.S. EPA Region 1
5 Post Office Square, Suite 100
Boston, MA 02109-3912



John D. Heffner

Dated: November 14, 2018



TOWN OF WILMINGTON

121 GLEN ROAD
WILMINGTON, MA 01887

OFFICE OF THE
TOWN ACCOUNTANT

VOICE (978) 694-2029
FAX (978) 658-3334
EMAIL mmorris@wilmingtonma.gov

November 21, 2018

To: Board of Selectmen
Re: Free Cash Certification

The Department of Revenue has notified the town that Free Cash has been certified in the amount of \$23,608,625.

As I have explained in the past, Free Cash is a community's unrestricted available funds that may be used as a funding source for appropriations. To appropriate free cash the balance must be positive and the amount must be certified by the Department of Revenue. Free Cash is generated when operating results are favorable. Operating results compare actual revenue collections to actual expenditures for the past fiscal year. In addition some liabilities will further reduce the amount certified. The amount certified is exclusive of any appropriated funds.

Free Cash allows communities to address financial problems, supplement budgets and to take advantage of opportunities as they arise. In recent years the town has taken advantage of Free Cash to purchase land, fund capital outlay, further fund the Capital Stabilization Fund and to address liabilities such as OPEB and retirement.

On the attached form titled "Free Cash Calculation" the total of the Unreserved Undesignated Fund balance is adjusted for receivables that result in a net effect of zero. The amount of reimbursement due from the MSBA for the High School is deducted for \$1,172,109. The amount is also reduced for prepaid tax bills and deferred property taxes in the amount of \$47,275. In addition reductions are made for accounts which are in a deficit position at year end and funds were not received in the first two months to reduce the deficit. These items totaled \$55,263. Some of these deficits have been addressed, I expect that most of the deficit accounts listed will not be in a deficit by the end of the current fiscal year.

I will be available to answer any questions you may have.

Michael Morris
Town Accountant

Attachment

DATE	AMOUNT
July 1, 1982	\$ 231,474.00
March 31, 1983	\$ 222,959.00
July 1, 1983	\$ 668,810.00
July 1, 1984	\$ 800,219.00
July 1, 1985	\$ 459,325.00
July 1, 1986	\$ 577,953.00
March 31, 1987	\$ 446,990.00
July 1, 1987	\$ 1,306,684.00
July 1, 1988	\$ 450,697.00
July 1, 1989	\$ (127,233.00)
July 1, 1990	\$ 8,476.00
July 1, 1991	\$ (342,803.00)
July 1, 1992	\$ (1,994,202.00)
July 1, 1993	\$ (1,506,705.00)
July 1, 1994	\$ (1,545,313.00)
July 1, 1995	\$ 213,729.00
July 1, 1996	\$ 1,062,798.00
July 1, 1997	\$ 2,393,364.00
July 1, 1998	\$ 2,407,677.00
July 1, 1999	\$ 3,656,902.00
July 1, 2000	\$ 5,875,478.00
July 1, 2001	\$ 8,524,933.00
July 1, 2002	\$ 9,217,469.00
July 1, 2003	\$ 5,711,915.00
July 1, 2004	\$ 4,334,791.00
July 1, 2005	\$ 3,931,768.00
July 1, 2006	\$ 3,536,573.00
July 1, 2007	\$ 3,080,340.00
July 1, 2008	\$ 4,775,044.00
July 1, 2009	\$ 4,821,738.00
July 1, 2010	\$ 6,684,088.00
July 1, 2011	\$ 9,491,810.00
July 1, 2012	\$ 11,255,673.00
July 1, 2013	\$ 14,190,939.00
July 1, 2014	\$ 14,482,657.00
July 1, 2015	\$ 15,561,932.00
less FY17 Budget	\$ (3,500,000.00)
July 1, 2016	\$ 18,299,491.00
less FY18 Budget	\$ (3,000,000.00)
July 1, 2017	\$ 21,618,024.00
less FY19 Budget	\$ (4,200,000.00)
Net	\$ 17,418,024.00
	16,676,224

Enterprise Soft \$941,800
 Cap Stable 3,000,000
 Waterline RT 93 850,000
 Pitcher Dr. 150,000
4,941,800

To \$-0- aus of 7/1/18



Chief Michael R Begonis

TOWN OF WILMINGTON
MASSACHUSETTS
POLICE DEPARTMENT

One Adelaide Street
Wilmington, MA 01887



978-658-5071
FAX 978-658-0035

To: Jeffery M. Hull, Town Manager
From: Michael R. Begonis, Chief of Police
Re: Santa Parade
Date: November 9, 2018

18 NOV 13 PM 1:13
TOWN OF WILMINGTON, MASS.
TOWN MANAGER

Sir:

The Wilmington Police and Fire departments will be holding the annual "Santa Parade" event on Sunday December 9, 2018, between the hours of 8:00 am and 4:00 pm. This event allows Santa and Mrs. Claus to visit youngsters in various neighborhoods throughout town. During the event, families can visit with Mr. and Mrs. Claus, donate a gift to the Fire Department's Toys for Wilmington Children, give food items to our local food pantry, and to write a letter to our service members. This year, we will be sending the cards and letters collected to the VA Hospital in Bedford.

The parade will travel throughout Wilmington to designated locations making planned stops at various town buildings like the Town Hall, selected school parking lots and several neighborhoods along the way. A detailed plan with locations and the time of the visits will be posted proper to December 9th. We have also made considerations in regards to our route for the pending road race. The Police and Fire Departments request your permission to stage at various town properties along the route. A preliminary plan is attached for your review but we anticipate the finalized plan for the locations of stops and times to be posted throughout town and on web and social media sites well in advance of the event. There is no rain/snow date for this event but weather may dictate last minute adjustments to the routes and locations.

We have contacted the Superintendent of Schools, Dr. Glenn Brand, and copied him on this correspondence.

Respectfully submitted,

[Handwritten signature]

Michael R. Begonis
Chief of Police

CC: Dr. Glenn Brand, Superintendent of Schools
Enclosure

SANTA CLAUS IS COMING TO TOWN!!!!

On Sunday, December 9th, Santa and his helpers will be traveling through Wilmington and making some stops!

Mr. and Mrs. Claus will be stopping at the following locations:

10:20 AM- Shawsheen School

11:40 PM- Town Hall

01:00 PM- Woburn Street School

02:40 PM- North Intermediate School

Santa and his volunteers will be staying for 30 minutes at each stop. At these stops, children will be able to visit with Mr. and Mrs. Claus and take photos! Santa's helpers will be collecting toys for Wilmington children, food for the Wilmington Food Pantry and collecting letters for the troops. A table will be set up at each stop to provide people the opportunity to write letters to the troops. Public Safety and Public Works vehicles will be available for tours and to have your kids take photos with.

In between scheduled stops, Santa will be traveling through the following neighborhoods:

8:00 AM-10:20 AM: Deming Way, Marion St, Chestnut St (Apple tree to Woburn Line), Towpath, Apple Tree, Woburn St (Eames to West) West St (Lowell to Woburn) Lowell St, Parker, Adams, Middlesex (Adams to Clark), Wilmington Plaza, Canal/Burt rd/Harris neighborhood, Forest, Boutwell (Aldrich to Carter) Apache, Aldrich Rd

10:50 AM-11:40 AM: Grace Dr, Harold Ave, Reed St, Pouliot Place, Nichols St, Fairmedow Rd, Russel Rd, New Hampshire St, Moore St, Manning Rd, Lake St (Shawsheen Ave to Grove Ave), Grove Ave, Mass Ave

12:10 PM-01:00 PM: Brattle St, Garden Ave, St, Paul, Cary St, King St, Broad St, Seneca and Tacoma, Glen Rd, Glendale Cir, Lawrence St, Oakdale Rd, Judith, CedarCrest, Pinewood Rd, North St, Dadant Dr, Marcia Rd, Linda Rd, High St.

1:40 PM-2:40 PM: Hathaway Rd, Chapman Ave, Sheridan Rd Gunderson Rd, Evans Dr, Draper Dr, Marie Dr, Park St, Gowing Rd, Marcus Rd, Freeport Dr, Heather Dr, Lucaya Cir, Woburn St (Park St to Concord St) Middlesex Ave (Federal Hill to North Intermediate)

3:10 PM -Finish: Avalon Dr (Square Section), Fiorenza Dr, Ashwood Ave, Arlene Ave/ Ella Ave/Dorothy neighborhood, Evergreen Dr, Salem St Cunningham St, Faulkner Ave to Station

THESE NEIGHBORHOODS AND THE TIMES FOR THESE NEIGHBORHOODS ARE NOT SET IN STONE!!! Some neighborhoods may be cut due to delays in order for Santa to get to a stop on time. We will try to keep to schedule.

Please stay tuned to the Wilmington MA Santa Parade on December 9th for live updates on Santa's location and where he will be going to next:

<https://www.facebook.com/Wilmington-Ma-Santa-Parade-565746823617473/>