

## BOARD OF SELECTMEN MEETING

May 29, 2018

Chairman Kevin A. Caira called the meeting to order at 6:15 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

A motion was made and duly seconded and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen enter Executive Session for the purpose of discussing strategies with respect to litigation and to consider the purchase, exchange, lease or value of real property involving 190 Main Street with the intention to return to open session.

Chairman Kevin A. Caira called the meeting to order at 7:05 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull. Chairman Caira advised that Selectman Eaton was excused from tonight's meeting.

Chairman Caira asked those present to rise and he led the pledge of allegiance.

### TREASURY WARRANTS

Chairman Caira asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Bendel, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 46, 46A, 47 & 47A.

### MINUTES

A motion was made by Selectman Loud, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held April 2, 2018 and all action taken is hereby ratified and confirmed.

A motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held May 14, 2018 and all action taken is hereby ratified and confirmed.

### **KAREN LEVESQUE, RIGHT OF WAY MANAGER, VERIZON, RE: PUBLIC HEARING ON REQUEST OF VERIZON NEW ENGLAND, INC. AND READING MUNICIPAL LIGHT DEPARTMENT TO RELOCATE ONE (1) POLE AND PLACE TWO (2) POLES ON ADAMS STREET**

Bill Wallace was present on behalf of Verizon seeking approval of the Board of Selectmen to relocate one pole approximately seven feet closer to the roadway and place two poles on Adams Street. Mr. Wallace advised that the new poles are necessary to service a home recently constructed in the vicinity of 60 Adams Street. He also noted that, due to a curve in the roadway, it will be necessary to place guys.

Selectman Bendel asked whether residents were notified and Town Manager Hull confirmed that they were and at this point no concerns have been raised.

Selectman Loud asked why pole 24 has to be moved and was advised it is necessary to align pole 23 and new pole 25. Mr. Wallace noted that there are a number of trees in the area.

Chairman Caira asked whether the poles would be placed on the sidewalk and was advised that they would be placed in front of the sidewalk. Mr. Wallace advised that there is approximately 18 inches of grass and the other poles on the street are located within that strip. He also noted that the area has been marked with stakes where the poles will be located.

Chairman Caira asked if there were any questions or comments from the audience and there were none.

Town Manager Hull advised that there was a question whether it would be necessary to receive approval from the Conservation Commission. Ryan Hale, Conservation Agent, met with representatives of Verizon at the site and a determination was made that Conservation Commission approval is not necessary.

A motion was made by Selectman McCoy, seconded by Selectman Loud and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen approve the relocation of one pole and the placement of two poles on Adams Street as described in the petition.

#### **MICHAEL MORRIS, TOWN ACCOUNTANT, RE: REVIEW OF STANDARD AND POORS RATING**

Town Manager Hull advised that, on May 16, 2018, Town staff participated in a conference call with representatives of Standard & Poors to offer comment and address questions about the Town's financial condition. He advised that, in addition to himself, individuals from the Town included Denise Casey, Assistant Town Manager; Michael Morris, Town Accountant; Pamela MacKenzie, Treasurer/Collector; Karen Rassias, Principal Assessor, and Valerie Gingrich, Director of Planning and Conservation.

Town Manager Hull advised that the rating review was required as the Town will be issuing long term debt to pay for the Yentile Farm Recreational Facility, a fire pumper and water line replacements at Middlesex Avenue and Federal Street and Ballardvale Street. Standard & Poors confirmed the Town's AA+ bond rating.

Michael Morris, Town Accountant, reviewed the rationale of Standard & Poors rating. He advised that there were many positives including its very strong economy; strong management – with good financial policies and practices; very strong budgetary performance; very strong budgetary flexibility – with an available fund balance in fiscal 2017 of 32% of operating expenditures; very strong liquidity and low debt thresholds.

Mr. Morris addressed Other Post Employment Benefits (OPEB) and Pension Liability, which Standard & Poors cited as a credit weakness. They believe the Town does not have a plan in place that will sufficiently address the obligation.

Members of the Board offered congratulations to those involved in securing the AA+ rating and expressed disappointment that Standard & Poors did not rate the Town at AAA. Chairman Caira stated that the Town does have a plan regarding OPEB and the pension liability and that ought not be the excuse.

Mr. Morris advised that the Town has taken steps to reduce liability, noting the future phasing out of Medex III. Town Manager Hull stated that Medex III is considered a very rich plan and, effective January 1, 2019, it will no longer be an option. Retirees enrolled in Medex III will be switched to Medex II.

Chairman Caira asked if there were any questions or comments from the Board.

Selectman Bendel expressed his appreciation that the management team is striving for the AAA rating. He asked what can be done to attain that rating. Mr. Morris stated that a consultant advised that it is difficult to fund your way out of OPEB and pension liability.

Mr. Morris expressed his appreciation to Lorraine Hermann, Assistant Town Accountant, and others that were instrumental in getting information in order.

Chairman Caira advised that the Board would act on agenda item 6 at this time, which is to vote to authorize the bond issuance. Town Manager Hull read into the record the vote prepared by Bond Counsel. Chairman Caira asked if there were any questions from the Board and there were none.

A motion was made by Selectman Loud, seconded by Selectman Bendel and by the affirmative vote of all, it was

**VOTED:** That the sale of the \$5,306,000 General Obligation Municipal Purpose Loan of 2018 Bonds of the Town dated June 1, 2018 (the “Bonds”), to Roosevelt & Cross, Inc. at the price of \$5,824,681.02 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on November 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2018	\$431,000	5.00%	2026	\$405,000	5.00%
2019	425,000	5.00	2027	405,000	5.00
2020	425,000	5.00	2028	350,000	3.00
2021	425,000	5.00	2029	350,000	3.00
2022	420,000	5.00	2030	350,000	3.00
2023	420,000	5.00	2031	40,000	3.00
2024	420,000	5.00	2032	35,000	3.00
2025	405,000	5.00			

**FURTHER VOTED:** That in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 16, 2018, and a final Official Statement dated May 23, 2018 (the “Official Statement”), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

**FURTHER VOTED:** That the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

**FURTHER VOTED:** That the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

**FURTHER VOTED:** That we authorize and direct the Treasurer to establish post issuance federal tax compliance procedures in such form as the Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

**FURTHER VOTED:** That each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

### **COMMUNICATIONS**

Town Manager Hull reviewed his memorandum announcing the appointments of Walter Daley and Robert Varey, III to the position of Lieutenant in the Wilmington Fire Department. Lt. Daley will assume the role of Lieutenant of Operations and Lt. Varey will assume the role of Fire Prevention Officer.

Town Manager Hull reviewed his memorandum regarding the contract with Russell Disposal. He advised the Board that the conditions that have led to substantial increases in the cost for disposal of recyclable material, which was brought to the Board's attention at their March 26, 2018 meeting, have not improved. China has offered no indication that they will accept recycling material from the United States. Some smaller countries in Asia have agreed to take some material, but do not have the capacity to fill the void left when China exited the market for recyclables. Town Manager Hull noted that cities and towns across the United States are in the same situation and referenced an article in the New York Times.

Town Manger Hull advised that several contractors were contacted about the prospect of bidding for the collection of the Town's material and each firm stated that the base rate for collection would be higher than what the Town is currently paying. Additionally, contractors would require escalator language in a contract that would require the Town to pay for the full cost charged by the processing facility to accept the recycling material. Town Manager Hull reviewed other cost impacts including prevailing wage and payment of the remaining cost of the barrels. He advised that he has determined the best approach to respond to the increasing recycling disposal costs is to work with Russell Disposal. The contract will be amended to insert language that commits the Town to share 50% of the cost for disposal at Casella up to a maximum of \$50 per ton. The increase that was approved in the line item Rubbish Collection & Disposal of \$153,200 would cover the additional cost, even if the Town pays \$50 per ton for the entire fiscal year.

Chairman Caira asked Town Manager Hull whether the contract will revert back to the original contract in the event China begins taking recycling material. Town Manager Hull advised that he has not drafted the new agreement, but in no instance will it exceed \$50 per ton.

Town Manager Hull reviewed his memorandum regarding the schedule of interviews for legal services. Selectman Bendel expressed concern for the firm that is scheduled at 9:00 p.m. on Wednesday, June 6. Town Manager Hull stated that the recording secretary has been in contact with the firm and 9:00 p.m. is their preference.

Town Manager Hull reviewed a memorandum from DPW Director Michael Woods regarding unaccepted ways. Town Manager Hull suggested that the Board of Selectmen may wish to have a discussion at a future meeting. Town Manager Hull reviewed the difference between 'public way' and 'unaccepted way'. Private ways are owned by abutting property owners and have rights to the center of the roadway. The Town cannot spend public dollars on private ways and noted that there are approximately 200 private ways in the Town of Wilmington.

Selectman Loud stated that it is alarming that there are over 30 miles of unaccepted ways and would like the Town to develop a plan to begin to get the roads accepted. He acknowledged that the roads are plowed, but not maintained.

Town Manager Hull reviewed his letter to Scott Smith, Foreman DPW Tree Division, expressing gratitude to him and his team during Nor'easter storm events in March. Wilmington was one of the first communities to reach substantial cleanup with one of the lowest outside contractual costs to complete the job. DPW administration logged over 320 reports of downed or hanging trees and limbs as a result of the storms.

Town Manager Hull reviewed a letter from Annemarie Rotondo and Judith Agnes, Local Coordinators, AARP, who wrote expressing gratitude to the Town of Wilmington, specifically Theresa Marciello, Director of Elderly Services and her staff, for their efforts in ensuring a successful tax season for the seniors. Ms. Rotondo and Ms. Agnes noted that seven volunteers worked over 403 hours to complete 195 tax returns for seniors.

### **BOARD TO CONSIDER AUTHORIZING BOND ISSUANCE**

This item was taken up under Communications.

### **BOARD TO CONSIDER REQUEST OF KRISTEN STOKES FOR RESIDENTS OF JACOBS STREET TO HAVE A NEIGHBORHOOD BLOCK PARTY ON SATURDAY, JUNE 16, 2018 FROM 2:00 P.M. TO 9:00 P.M.**

A motion was made by Selectman McCoy, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of Kristen Stokes for residents of Jacobs Street to have a neighborhood block party on Saturday, June 16, 2019 from 2:00 p.m. to 9:00 p.m.

### **BOARD TO CONSIDER REQUEST OF WENDY TISBERT AND ROBERT WARREN TO USE THE GAZEBO AT ROTARY PARK ON FRIDAY, JULY 27, 2018 AT 5:30 P.M. FOR THE PURPOSE OF A WEDDING CEREMONY**

Town Manager Hull noted that Rotary Park is a public space and residents cannot be prevented from using the area. He also noted that his office reached out to Wilmington Little League, but did not receive a response.

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of Wendy Tisbert and Robert Warren to use the Gazebo at Rotary Park on Friday, July 27, 2018 at 5:30 p.m. for the purpose of a wedding ceremony.

Members of the Board of Selectmen offered their congratulations to Ms. Tisbert and Mr. Warren.

### **PUBLIC COMMENTS**

Geoff Wood, Frederick Drive, congratulated the Town for the AA+ bond rating. He commented regarding a plan for OPEB and asked what Standard & Poors highlighted. Town Manager Hull advised that was a challenge because Standard & Poors does not offer specifics of what they would like to see in a plan. The inference was made that they would like steps taken to reduce the cost. Chairman Cairra opined that the Town of Wilmington is doing more than other towns to address the liability.

Mr. Wood asked whether the Board of Selectmen approved minutes at this evening's meeting and was advised they did. He noted the time frame from the date of the meeting to when they are approved and advised that he looked up on the website and the last set of minutes posted were from January. Mr. Wood asked what causes the delay. Town Manager Hull stated that one

challenge is other activities that are going on in the office. He advised that the individual responsible for the minutes is also involved in the budget process and is responsible for the printing of the Annual Report, Town Calendar, Town Topics, Warrant and Motion Book for Annual Town Meeting. Mr. Wood acknowledged the explanation was reasonable and asked why these two sets of minutes were completed and not in chronological order and was advised that some meetings are shorter than others.

Mr. Wood asked what the total liability is regarding the trash. Town Manager Hull advised that, on an annual basis, approximately 2,500 tons of recyclables are collected. Town Manager Hull requested that the Finance Committee consider a recommendation to adjust the trash and recycling budget by approximately \$253,000. Town Manager Hull acknowledged the possibility that Russell Disposal may seek additional help in the event the cost to dispose of recyclables continues to increase.

Kevin MacDonald, who identified himself as a Wilmington resident, advised that in 2006 and 2008 Standard & Poors provided A+ bond ratings to banks and noted that there is a documentary at the library and encouraged the Selectmen to avail themselves.

Mr. MacDonald asked what efforts have been made to check other sources to get rid of recyclables. Mr. MacDonald opined that there must be other recycling companies that the Town can contract with. Town Manager Hull advised that the Department of Public Works has reached out to five other companies that are Russell Disposal's competitors. The issue is not unique to Wilmington. Mr. MacDonald asked what the cost difference is to dispose of trash versus recyclables. Town Manager Hull advised that the plant in North Andover is governed by the Department of Environmental Protection and, though cheaper than recycling, if anything is delivered to the North Andover plant that should not be it will be rejected.

Mr. MacDonald expressed concern that the Board of Selectmen met in Executive Session regarding the Ristuccia Rink and that the rink is part of a condo unit and that condos do not have set fees.

Mr. MacDonald expressed concern that the Town of Wilmington may lose its status of non-profit because residents are charged to dispose of certain items including white goods. He stated that he has seen the contract and residents are not supposed to pay for white goods.

Mr. MacDonald expressed concern about OPEB. Chairman Cairra thanked Mr. MacDonald for his comments.

### NEW BUSINESS

Selectman Bendel and members of the Board complemented Director of Veterans' Services Lou Cimaglia and Veterans' Agent Mike Frotten for the Memorial Day ceremonies that took place over the weekend. Chairman Cairra also noted the work of the Department of Public Works, Fire Department, Police Department and the Wilmington High School Band.

Selectman Bendel offered congratulations to graduates of Wilmington High School and Shawsheen Tech.

Selectman Loud recognized the service of PFC Antonio Gagnon, United States Army. PFC Gagnon was a Wilmington resident who was killed in action on July 16, 1950 in Korea. Initially listed as missing in action, he was returned home in April 1952.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- June 1- – Council for the Arts 38<sup>th</sup> Annual Art Exhibition
- June 2 – Friday, 6:30 p.m. to 8:30 p.m. & Saturday, 1:00 p.m. to 4:00 p.m.
- June 2 – Fishing Derby – Town Beach – 9:00 a.m. to Noon
- June 2 – Household Hazardous Waste Day  
West Intermediate School Parking Lot – 9:00 a.m. to 2:00 p.m.
- June 3 – Wilmington High School Graduation
- June 3 – Harnden Tavern Open House – 430 Salem Street – 2:00 p.m. to 4:00 p.m.
- June 6 – Board of Selectmen – Town Hall – Room 9 – 6:00 p.m.  
*INTERVIEWS FOR LEGAL SERVICES*
- June 6 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- June 7 – Shawsheen Tech Graduation
- June 8 – Rotary Trivia Night – Knights of Columbus
- June 9 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- June 9 – Town-Wide Yard Sale – 8:00 a.m. to 2:00 p.m.
- June 9 – Town Beach Opens
- June 10 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 10 – Brady’s Foundation 5K Run for Recovery – Town Common – 9:00 a.m.
- June 11 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- June 12 – Board of Selectmen – Town Hall – Room 9 – 6:00 p.m.  
*INTERVIEWS FOR LEGAL SERVICES*
- June 15- – Wilmington Relay for Life – Wilmington High School
- June 16 – Friday afternoon, June 15 to Saturday morning, June 16

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:27 p.m.

Respectfully submitted,

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Recording Secretary