

## SELECT BOARD MEETING

May 8, 2023

Chair Lilia Maselli called the meeting to order at 7:04 p.m. in Room 9 of the Town Hall. Present were Select Board members Gregory B. Bendel, Gary B. DePalma and Frank West.

Chair Lilia Maselli asked those present to rise and she led the pledge of allegiance.

### TREASURY WARRANTS

Chair Maselli asked for a motion to accept the Treasury Warrants. A motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board accept Treasury Warrants 202343, 202343WIRES, 43A, 202344, 202344WIRES & 44A.

### MINUTES

A motion was made by Select Board Member Bendel, seconded by Select Board Member DePalma and by the affirmative vote of three with Select Board Member West abstaining, it was

VOTED: That the Select Board approve the minutes of their meeting held March 13, 2023 and that all actions taken are 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 ON DUNTON ROAD**

Chair Maselli reviewed the procedure for conducting public hearings and conduct expectations.

A motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board open the public hearing.

Mr. Alex Marrero, of Marlboro, Massachusetts and an employee of PIKE Telecom LLC, an authorized contractor of Verizon New England Incorporated, was present representing Verizon New England. He advised he was present to discuss the petition before the Board to relocate pole 4 on Dunton Road.

Chair Maselli confirmed that abutters were notified of the public hearing. This was confirmed by the Recording Secretary.

Select Board Member DePalma expressed his frustration that Verizon has come before the Board seeking approval to (re)locate a pole and the pole has been placed prior to receiving permission. He opined that the Town Manager ought to determine whether the Town can seek penalties as this is not the first instance. Select Board Member DePalma stated that it is a simple process and believes a strong letter should be sent to Verizon and consider imposing fines.

Town Manager Hull stated he understands the Board's frustration when Paul Alunni, Town Engineer, advised him that the relocation of the pole was deemed to be an emergency situation, not withstanding that the pole remains standing today, he reached out to Town Counsel to see what recourse the Town has. The purpose of coming before the Board is to provide an opportunity for the Town to review the proposed (re)location of the pole to ensure it will not impact the infrastructure.

Select Board Member West asked whether the pole has been replaced. Mr. Marrero confirmed the new pole has been placed but the old pole is pending removal. He asked if it was standard practice of Verizon in other communities. Mr. Marrero stated this pole relocation was handled as an emergency. He advised that the homeowner at 18 Dunton Road impacted the pole and repeatedly contacted Verizon requesting the pole be relocated because he kept hitting the pole and requested it be expedited.

Mr. Marrero advised the Board that the transfers should be complete, and the pole removed, within 30 days. Select Board Member West asked when the new pole was located and was advised in late February. Select Board Member West understands emergencies happen and suggested that, at the very least, the Town Manager and/or the Department of Public Works should be contacted to be involved in the location of the new pole and agrees that if this happens in the future, that fines be imposed.

Select Board Member Bendel stated that he is inclined to vote to disapprove. He noted that in March 2022 Verizon was made aware of the permitting process. He asked Mr. Marrero to elaborate on the nature of the emergency. Mr. Marrero stated that Verizon was notified by the customer that he hit the pole due to winter conditions. Select Board Member Bendel stated he wants to ensure service is not disrupted but would be inclined to vote no.

Select Board Member DePalma asked if the pole was inspected and whether damage was found or whether it was to appease the customer. Mr. Marrero stated it is his understanding the garage foreman from Dracut inspected the pole and made the decision the pole needed to be relocated.

Chair Maselli asked if there were any questions or comments from the audience. Gene Sutherland, 18 Dunton Road, clarified that the pole was never impacted. He stated that the pole is located at the end of his driveway. He described Dunton Road as having a steep incline and at one time the road ended at his property. He advised that his wife almost hit the pole four times and he has been trying to get the pole moved for three years. Mr. Sutherland stated he knew how to read the pole to know it belongs to Verizon because his father was a lineman for 33 years. It took a year for Verizon to claim the pole and he spoke to the Verizon representative that inspected the pole who agreed it was a safety concern.

Mr. Sutherland related that he spoke with multiple individuals from the Town and Verizon. Verizon agreed to put in a ticket to relocate the pole. After a period of time of inaction, he read an article regarding telecom oversight committees and subsequently sent an email. Within hours/days things happened quickly.

Chair Maselli thanked Mr. Sutherland for attending the meeting and clarifying the circumstances. She stated that it has been an ongoing issue and it affirms that Verizon had plenty of time to go through the process.

Mr. Sutherland advised that the pole has been reduced as the utilities are moved off the pole. He also advised that service stops at the pole because the pole did not continue beyond his property.

Members of the Board thanked Mr. Sutherland.

Select Board Member Bendel stated that the Board has raised concerns and the next time Verizon locates a pole without receiving permission, he will vote no.

Town Manager Hull opined that a letter to the Right of Way Manager, Karen Levesque, is appropriate to reiterate that there is a process to locate a pole. The process is not to create bureaucracy but to ensure that the pole being (re)located is not being place where it will compromise public infrastructure.

A motion was made by Select Board Member Bendel, seconded by Select Board Member West and by the affirmative vote of all, it was

VOTED: That the Select Board close the public hearing.

A motion was made by Select Board Member Bendel, seconded by Select Board Member West and by the affirmative vote of three with Select Board Member DePalma opposed, it was

VOTED: That the Select Board approve the request of Verizon New England Inc. and Reading Municipal Light Department to relocate one pole on Dunton Road and further that the Town Manager be directed to send a letter to Karen Levesque, Right of Way Manager, reiterating the Town of Wilmington's procedure for locating a pole.

**JEFF VENUTI, BLISSPOINT WINERY, RE: REQUEST TO OBTAIN FARMERS MARKET WINERY LICENSE TO SELL WINE AT THE 2023 WILMINGTON FARMERS MARKET**

Mr. Venuti was present requesting approval to participate in this year's Farmers Market. He introduced his business and stated that they make alcohol from honey which is classified as a wine. They also produce lower alcohol items which are like ciders.

Chair Maselli asked Mr. Venuti how he learned of Wilmington's Farmers Market and was advised that he participated in several markets last year and was approached by a board member of the Wilmington Farmers Market.

Chair Maselli asked if he was aware that another winery will also be participating. Mr. Venuti stated that he was aware and has met Noel Powell of Aaronap Cellars. Mr. Venuti advised that the two will be alternating weeks at the market.

Town Manager Hull advised that a favorable recommendation was received from Police Chief Joseph Desmond.

A motion was made by Select Board Member Bendel, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board issue a Farmers Market Winery License to Jeff Venuti, Blisspoint Winery, to sell wine at the 2023 Farmers Market.

**MS. FATIMA S. CARNA AND MR. JUSTINO GUARRERO GUZMAN, MONA'S KITCHEN, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 66U CONCORD STREET**

Ms. Carna and Mr. Guarrero Guzman were present seeking a Common Victualer License. Town Manager Hull advised that a Common Victualer License allows for seating and on-premise consumption. Town Manager Hull advised that favorable recommendations were received from Shelly Newhouse, Health Director, and Al Spaulding, Building Inspector.

A motion was made by Select Board Member West, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board issue a Common Vicutaler License to Fatima S. Carna and Justino Guarrero Guzman, Mona's Kitchen, for property located at 66U Concord Street.

**MATTHEW GILLIS, G'S EATS LLC, RE: REQUEST TO OBTAIN A HAWK & PEDLE LICENSE**

Chair Maselli asked Mr. Gillis to explain G's Eats. Mr. Gillis advised that it is a food truck serving simple items such as hot dogs, grilled cheese and pizza using electricity to cook/heat the food.

Town Manager Hull advised that favorable recommendations have been received from Health Director Shelly Newhouse and Police Chief Joseph Desmond.

A motion was made by Select Board Member Bendel, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board issue a Hawk & Pedle License to Matthew Gillis, G's Eats, LLC.

Board members wished Mr. Gillis well with this endeavor.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the transfer of environmental cases to KP Law. The Board had directed the Town Manager to obtain information from KP Law relative to the transition of work currently handled by Brooks & DeRensis. He advised that Attorney Reich indicated that his firm can represent the Town on these matters and will prepare to do so if directed by the Board. He suggests that the Board carefully consider whether to change law firms particularly if the Board is not dissatisfied with the work of Dan Deutsch, Esquire, Brooks & DeRensis. It is not possible for Mr. Reich to provide a specific estimate of the cost to transition these cases to KP Law at this time. He noted that communications from EPA and Olin have been sent to KP Law. However, Mr. Reich has not engaged in a thorough review of each communication or environmental study that has been sent to him. Town Manager Hull advised of the costs that would be incurred during the transition. Attorney Reich noted that it is important for him to have a clear understanding of the scope of work that the Board expects from KP Law if they are to be engaged to represent the Town on these matters.

Town Manager Hull reviewed an email from Mark Reich, Town Counsel, regarding the Board's consideration of transferring environmental cases to KP Law. Attorney Reich advised that while the Town has forwarded e-mails on this matter for his information, the firm has not undertaken any substantive role in the matter in the interest of avoiding unnecessary expense to the Town. He noted that federal Superfund cases are complex and involve technical and legal matters pertaining to environmental review, administrative proceedings and potential litigation. He opined that these are complex, long-term matters for which institutional knowledge is necessary and any representation in this matter would require significant review of all materials as well as an understanding of the Town's intention with regard to this site and any potential actions to be taken. This is specialized legal work, differing from the standard Town Counsel services. Attorney Reich advised that the Town would be charged at a rate of \$300 per hour and would extend to the review of existing documents, meeting with the Board in executive session to review the matter and proceeding with monitoring and any necessary action. He cautioned that it is important for the Board to be aware that this may be a costly undertaking given the extensive site history.

Town Manager Hull reviewed a memorandum from Dr. Glenn Brand, School Superintendent, regarding the scope of work for renovations to the Middle School to accommodate the Wildwood School students. He provided information on the original interim plan and the revised interim plan.

Town Manager Hull reviewed a memorandum from Jamie Magaldi, DPW Director, which provided project summary of the traffic signalization on Route 62 at the Public Safety Building and for the signalization at the intersection of Hopkins Street / Lake Street / Shawsheen Avenue. Mr. Magaldi advised that relative to the signals at the Public Safety Building, sealed bids were opened on November 22, 2022. The project was awarded to Coviello Electric. Since that time, the Town's engineering consultant, Green International, has been reviewing contractor shop drawings and the contractor has placed orders for project materials. A preconstruction meeting was conducted on May 2, 2023. Coviello Electric advised that commencement of the construction on this project won't be for 4 to 6 weeks. He advised that the time frame on delivery of the traffic signal mast arms is approximately 4 to 5 months away, which puts final installation of the overhead signals into September / October of 2023. This delay was expected due to the scarcity of materials and the fabrication time needed for custom traffic signal mast arms.

Mr. Magaldi advised that work on the Shawsheen Avenue/Hopkins Street intersection project has advanced this spring with the contractor of the project, Dagle Electrical Corporation, beginning work on April 18, 2023. Signal mast arm foundations have been installed and the crews are in the process of installing associated conduits and ancillary electrical equipment. It is anticipated that the mast arms will be delivered and installed during the summer of 2023. The final project will include new signals, upgraded curbing and sidewalk.

Town Manager Hull reviewed a letter from Dan Lambe, Arbor Day Foundation Chief Executive, advising that the Town of Wilmington earned recognition as a 2022 Tree City USA. Over the last few years, the value and importance of trees has become increasingly clear. Cities and towns across the globe are facing issues with air quality, water resources, personal health and well-being and energy use. The Town of Wilmington has taken steps to create a brighter, greener future.

Town Manager Hull reviewed a letter from Marielaire Rigby, Lead Vegetation Strategy Specialist, National Grid, regarding their Vegetation Management Plan. The Town is asked to advise National Grid if there are any additional sensitive areas located on or near the rights-of-way so they can establish permanent GIS records and implement appropriate field protective actions.

**BOARD TO CONSIDER REQUEST FROM NOEL POWELL, WINEMAKER, AARONAP CELLARS, LLC, TO OBTAIN FARMERS MARKET WINERY LICENSE TO SELL WINE AT THE 2023 WILMINGTON FARMERS MARKET**

Town Manager Hull advised that Mr. Powell was previously before the Board in 2021 and also participated in the 2022 Farmers Market.

A motion was made by Select Board Member Bendel, seconded by Select Board Member DePalma and by the affirmative vote of all, it was

VOTED: That the Select Board issue a Farmers Market Winery License to Noel Powell, Aaronap Cellars, LLC to sell wine at the 2023 Wilmington Farmers Market.

**BOARD TO CONSIDER TEXTRON SYSTEMS TO CHANGE THE ADDRESS OF THEIR FLAMMABLE LICENSE FROM 201 LOWELL STREET TO 700 MAIN STREET**

Town Manager Hull advised that, due to the sale of a portion of the property, the entrance is now accessed from Main Street. He stated that he spoke with the Principal Assessor regarding this change as there is a process that must take place.

A motion was made by Select Board Member DePalma, seconded by Select Board Member West and by the affirmative vote of all, it was

VOTED: That the Select Board approve amending the Flammable License for Textron Systems by changing their address from 201 Lowell Street to 700 Main Street.

**BOARD TO CONSIDER REQUEST OF ADAM J. SILVA TO USE ROTARY PARK OR YENTILE PARK FOR THE PURPOSE OF CELEBRATING HIS DAUGHTER'S BIRTHDAY ON SATURDAY, JUNE 10, 2023 FROM 12:30 P.M. TO 3:30 P.M.**

Town Manager Hull advised that when permission is granted to use public spaces, they are notified that it is not exclusive as it is public space. He noted the challenge of Rotary Park is that there are Little League games taking place and additional vehicles would create a problem for parking. Town Manager Hull further advised that restroom facilities are available at Yentile between 9 a.m. and 5 p.m.

A motion was made by Select Board Member DePalma, seconded by Select Board Member West and by the affirmative vote of all, it was

VOTED: That the Select Board approve the request of Adam Silva to use Yentile Park for the purpose of celebrating his daughter's birthday on Saturday, June 10, 2023 from 12:30 p.m. to 3:30 p.m.

**BOARD TO CONSIDER REQUEST OF SAMANTHA PRINDIVILLE, DRAMA ADVISOR, WILMINGTON HIGH SCHOOL LAMPLIGHTERS GUILD, TO USE THE MUNICIPAL PARKING LOT ON MIDDLESEX AVENUE FOR A FUNDRAISING CAR WASH ON SUNDAY, JULY 30, 2023 FROM 9:00 A.M. TO 3:00 P.M. (RAINDATE: SUNDAY, AUGUST 6, 2023)**

Town Manager Hull advised that an approval would be subject to there not being a water ban in place.

A motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board approve the request of Samantha Prindiville, Drama Advisor, Wilmington High School Lamplighters Guild, to use the Municipal Parking Lot on Middlesex Avenue for a fundraising car wash on Sunday, July 30, 2023 from 9:00 a.m. to 3:00 p.m.

**BOARD TO CONSIDER APPOINTMENT OF SPECIAL COUNSEL FOR OLIN  
SUPERFUND SITE, NEW ENGLAND TRANSRAIL – WILMINGTON WOBURN  
INDUSTRIAL AND MAPLE MEADOW LANDFILL**

Town Manager Hull suggested that this item be tabled until May 22, 2023 when Select Board Member Caira would be present. A motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board table discussion on this item until their meeting of May 22, 2023.

PUBLIC COMMENTS

There were none.

ANNOUNCEMENTS

There were none.

NEW BUSINESS

Select Board Member West stated that he had an opportunity to speak with the Chairman of the Economic Development Committee and he is interested in being appointed as the Board's designee. Town Manager Hull advised that it will be included as a Board to Consider on the next agenda.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 8-
- May 12 – Curbside Collection of Leaves/Grass
- May 10 – Senior Center Building Committee – Town Hall – Room 9 – 6:00 p.m.
- May 12 – Special Olympics – Wilmington High School – 9:30 a.m.
- May 12 – Good Guy Award Dinner – Knights of Columbus – 6:30 p.m.
- May 13 – Household Hazardous Waste Day – 9:00 a.m. to 2:00 p.m.  
West Intermediate School Parking Lot
- May 17 – Wildwood School Building Committee – Virtual – 6:00 p.m.
- May 22 – Select Board – Town Hall – Room 9 – 7:00 p.m.
- May 27 – Decoration of Graves – Wildwood Cemetery – 8:00 a.m.  
Decoration of Parks, Squares and Monuments
- May 28 – Rededication of Parks, Squares and Monuments  
Memorial Shrine at St. Thomas of Villanova – 1:00 p.m.  
Veterans' Monument at Town Common – 1:15 p.m.
- May 29 – Memorial Day Parade – 10:00 a.m.  
Memorial Day Ceremony – Wildwood Cemetery – Veterans' Lot – 11:00 a.m.

- June 1 – Shawsheen Tech Graduation
- June 4 – Wilmington High School Graduation
- June 3 – Fishing Derby – Town Beach at Silver Lake – 8:00 a.m.
- June 7 – Town Hall / School Administration Building Committee  
Town Hall – Room 9 – 6:00 p.m.
- June 10 – Town-Wide Yard Sale – 8:00 a.m. – 2:00 p.m.
- June 11 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.

### SALUTE TO SERVICE

Select Board Member Bendel recognized the service of Richard M. Carlson. Mr. Carlson served in the United States Air Force from 1952-1956, including two years in Okinawa during the Korean War. He was awarded the National Defense Service Medal, Korean Service Medal and the United Nations Service Medal.

Following his service, Richard married Sonja Christiansen and settled in Wilmington where they raised five daughters: Susan, Sally, Janet, Karen and Sonja. Mr. Carlson worked for Baldwin Crane on Andover Street for 38 years until he retired to New Hampshire.

Mr. Carlson was raised in Reading but, due to joining the Air Force, did not graduate from Reading High. In April, the Reading School Committee voted unanimously to grant him his diploma. Mr. Carlson will be attending the graduation ceremony in Reading on Friday June 2 where he will receive his diploma.


The Select Board and citizens of Wilmington salute Richard M. Carlson and thank him for his service to our country and our community.

There being no further business to come before the Board, a motion was made by Select Board Member DePalma, seconded by Select Board Member Bendel and by the affirmative vote of all, it was

VOTED: That the Select Board adjourn.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

  
Recording Secretary