

## BOARD OF SELECTMEN MEETING

April 2, 2018

Chairman Michael L. Champoux called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, 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 the purchase, exchange, lease or value of real property at 333 Andover Street in accordance with Massachusetts General Law Chapter 30A, Section 21(a)6.

Chairman Michael L. Champoux called the meeting to order at 7:10 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

Chairman Champoux noted that members of the Board of Selectmen and the Town Manager are wearing an article of blue clothing in recognition of April being Autism Awareness Month. He expressed his appreciation to the anonymous individual who donated the funds for the lenses to light the common blue.

### **BOARD OF SELECTMEN DISCUSSION, RE: POTENTIAL ACQUISITION OF PROPERTY ON 333 ANDOVER STREET – SCIARAPPA FARM**

Chairman Champoux commented that the Board to Consider items are imbedded in the appointment and asked whether there should be separate discussion. Town Manager Hull stated that he did not believe a separate discussion was necessary. If members of the Board have specific comments, this would be the time otherwise the issues before the Board are to take a vote as was taken at the last meeting. Town Manager Hull noted that there is a petitioned article before the Board seeking a Special Town Meeting. If the Board chooses to call a Special Town Meeting for the purpose of acquiring 333 Andover Street, it is his recommendation that the petitioned article be included in that warrant.

Town Manager Hull stated that it is his recommendation that the Board vote to open the warrant this evening for those who may want to submit petitioned articles and close the warrant on Friday, April 6, 2018 so that requirements to provide notice may be met.

### **BOARD TO CONSIDER CALLING A SPECIAL TOWN MEETING WITHIN THE ANNUAL TOWN MEETING FOR SATURDAY, MAY 5, 2018 AT THE WILMINGTON HIGH SCHOOL AUDITORIUM FOR THE PURPOSE OF SEEKING AUTHORIZATION TO ACQUIRE PROPERTY LOCATED AT 333 ANDOVER STREET**

Selectman Loud stated that at the previous meeting he voted in favor of purchasing the property. He stated that he is in favor of purchasing the property but, in retrospect, he is going to change his vote as the language includes the words eminent domain. He opined that he would not want his land taken by eminent domain.

Selectman McCoy stated that he does not believe the Town is stealing property if the Town pursues the eminent domain process. He opined that the Town won't pay the assessed value but will hire a third party appraiser and will pay market value. Selectman McCoy stated that in order to pursue eminent domain the Town must show it is for the public good and noted the shortage of space at Wildwood Cemetery or creating a park similar to Ipswich River Park in North Reading would be for the public good. Selectman McCoy stated that the Town has taken property by

eminent domain including 154 acres in 1975 for the Town Forest; 73 acres on Salem Street and in 1998 the Town took the Murphy property on Wildwood Street. Selectman McCoy reiterated that the proposal is for the public good.

Selectman Caira stated that he would like to see the Town purchase the property and it is not the first time the Town has tried to purchase the property. He opined that he does not believe a motion will pass given Selectman Loud's change in vote.

A motion was made by Selectman McCoy that the Wilmington Board of Selectmen call a Special Town Meeting within the Town Meeting of May 5, 2018 and that the Special Town Meeting take place prior to the Annual Town Meeting to see if the Town will vote to raise and appropriate, transfer from available funds, or borrow pursuant to any applicable statute, a sum of money for the Board of Selectmen to acquire by purchase, gift or eminent domain the following real estate commonly known as the "Sciarappa Farm". Selectman McCoy stated that amendments, including a dollar amount, may be done on Town Meeting floor. Motion was seconded by Selectman Caira.

Selectman Loud asked if the motion does not pass, whether the Town can negotiate with the family. Chairman Champoux stated that the article does not preclude the Town from reaching out and trying to negotiate with the owners of the property.

Selectman McCoy opined that he does not believe the Town will be successful trying to negotiate with the family. He referenced a memorandum from Town Manager where dates and times were offered. Town Manager Hull stated that he does not wish to mischaracterize their intentions. The Sciarappa's wish to see the outcome of Town Meeting before speaking with the Town. Based upon the letter to the editor submitted by Mr. Crowley, there is a measure of concern of the tenor of the conversation regarding the property. Town Manager Hull stated that he needs to reach out to both attorneys and determine if there is a desire to meet.

Selectman McCoy expressed his opinion that without the eminent domain language, the Town will "have no teeth".

Chairman Champoux stated that he is not opposed to the Town having conversations with the Sciarappa family nor is he opposed to the Town acquiring the property. He would potentially be in favor as a resident if the price is right and the purpose is sound. The idea of acquiring the property just because "God is not making any more open space" is not a sufficient purpose for him.

Chairman Champoux stated that he is opposed to creating a Special Town Meeting specifically for this purpose, he believes that it is a manipulation of the parliamentary process and it is not necessary in order to pursue conversations with representatives of the family.

Town Manager Hull stated that if the Board is going to consider scheduling a Special Town Meeting for the purpose of acquiring the property, he suggested that the motion reference that the meeting would take place within the Annual Town Meeting. He said it could be taken up after Article 2 which is the article that calls for reports to be given. The Moderator could call for the annual meeting to be suspended and take up the Special Town Meeting. Chairman Champoux asked whether Selectman McCoy would amend his motion. Selectman McCoy asked whether it would be "carved in stone" that the Special Town Meeting would take place following Article 2. Town Manager Hull stated that would be his expectation and he will have the conversation with the Moderator. Selectman McCoy agreed to the amendment and Selectman Caira also agreed.

There being no further discussion, Chairman Champoux called for a vote on the amended motion. The vote was Selectmen McCoy and Caira in favor; Selectmen Loud and Champoux opposed and Selectman Bendel abstained. Motion failed.

**BOARD TO CONSIDER CALLING A SPECIAL TOWN MEETING WITHIN THE ANNUAL TOWN MEETING FOR SATURDAY, MAY 5, 2018 AT THE WILMINGTON HIGH SCHOOL AUDITORIUM IN RESPONSE TO A PETITION CALLING FOR A SPECIAL TOWN MEETING TO CONSIDER ZONING CHANGES TO THE WILMINGTON ZONING BY-LAWS**

Town Manager Hull provided a summary of the petition citing that it seeks to revise the zoning by-laws by removing the section that permits multi-family use and to amend the use table. He confirmed that the petition had the requisite number of certified signatures.

Chairman Champoux asked Selectman McCoy whether he wished to speak on the petition where he has spearheaded the article. Selectman McCoy stated that he does not believe he should speak to it, it is a citizen driven petition and discussion will take place at the Finance Committee/Planning Board public hearing. Chairman Champoux agreed.

Selectman Bendel stated that the Board ought to respect the wishes of the residents who signed the petition and move forward with a Special Town Meeting.

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of four with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen call a Special Town Meeting in response to a petition to call for a Special Town Meeting to consider zoning changes to the Wilmington Zoning By-Laws and that the Special Town Meeting to be scheduled after Article 2 of the Annual Town Meeting.

Kevin MacDonald, Andover Street, asked what date and time and was advised that it would take place on Saturday, May 5, 2018. The Annual Town Meeting will take place at 10:30 a.m. and following Article 2 the Annual Town Meeting will be suspended and the Special Town Meeting will take place. Mr. MacDonald stated that pursuant to Massachusetts General Law, there must be a specific time. In addition, he spoke with the Secretary of State's Office and there will be an issue with voter registration.

Chairman Champoux asked Lou Ross, Town Counsel, if the motion voted on by the Board of Selectmen was sufficient and was advised that it is and is how it is done in other municipalities.

**BOARD TO CONSIDER FORMALLY OPENING THE WARRANT FOR THE SPECIAL TOWN MEETING FOR MAY 5, 2018 AND CLOSING THE WARRANT FOR PETITIONED ARTICLES AT THE CLOSE OF BUSINESS FRIDAY, APRIL 6, 2018**

Town Manager Hull stated that it is his recommendation that it be closed to meet various publishing deadlines to have the Special Town Meeting within the Annual Town Meeting. One of the prominent deadlines is the Finance Committee/Planning Board Public Hearing has to be posted two consecutive weeks in the Town Crier and the first notice must be two weeks prior to the hearing.

A motion was made by Selectman Loud, seconded by Selectman Cairra and by the affirmative vote of four with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen open the Warrant for the Special Town Meeting for May 5, 2018 and close the Warrant for petitioned articles at the close of business Friday, April 6, 2018.

## PUBLIC COMMENTS

Kevin MacDonald, 140 Andover Street, stated that at the last meeting the Board voted to pay the trash contractor additional funds and questioned how they were able to without the authority of Town Meeting. Town Manager Hull stated that the Town will use money within the budget to the extent available or request a transfer at the Annual Town Meeting. Mr. MacDonald asked whether the contract has been signed and Town Manager Hull advised that there have been no modifications to the contract at this time.

Mr. MacDonald referenced a public records request he submitted for the amount of retirees and beneficiaries that the Town is paying pensions to and the amount of money the Town is paying for health benefits. He stated that the list he received had 476 individuals listed and included names of deceased individuals. He asked what type of safeguards the Town has. Town Manager Hull stated that Mr. MacDonald chooses to engage in “catch me if you can” and if Mr. MacDonald were concerned he should have a conversation with the administration outside of the public media. Town Manager Hull noted that he does not know whether the individuals he referenced are the surviving spouse of the decedent or another beneficiary who is receiving the benefit.

Mr. MacDonald commented regarding the Town being self-insured and its stop loss insurance. He stated that he would like to Board of Selectmen to review and put out for competitive bid.

Mr. MacDonald commented that he is appalled that Town Manager Hull is being paid more than the Governor of the Commonwealth.

Frank West, 2 Birchwood Road, asked Selectman Bendel why he abstained from the vote regarding 333 Andover Street. Selectman Bendel explained that he is in the process of making improvements to his home and one of the contractors bidding for the job is Mr. Welch. He noted that he spoke with Town Counsel when he saw the article included on the Town Meeting Warrant and was advised at that time to abstain.

Michael Welch, 42 Cottage Street, asked what the Town’s the plan is for 333 Andover Street as there is a lot of open space throughout town. He does not believe the same aggressiveness to acquire open space was put towards diverse housing stock. He asked how the Town plans to satisfy the housing needs.

Selectman McCoy stated that relative to Sciarappa Farm, a vote was taken and it did not pass. Mr. Welch asked why Selectman McCoy was seeking to eliminate the only multizoning (sic) in town.

Suzanne Sullivan, Lawrence Street, stated that she is not in agreement that the Town has been aggressive in pursuing open space. She noted that to the best of her knowledge, the only eminent domain taking for open space, since she moved to Wilmington, was the ballfields on Wildwood Street and Yentile Farm. Selectman McCoy noted that Yentile Farm was purchased and not taken by eminent domain and restated the property that the town acquired by eminent domain.

Selectman Loud advised that the Board of Selectmen has asked that the Town Manager continue to pursue conversations with the Sciarappa family.

Ms. Sullivan asked what would happen if Mr. Welch is successful at Town Meeting to rezone the property. She opined that the Town would be priced out of purchasing the property.

Linda Fasulo, Broad Street, asked about the Town's right of first refusal. Town Manager Hull explained that the last time any part of the property was designated as 61A was at the close of fiscal year 2014. He advised that the family did not choose to reapply. If the Sciarappa family received a bona fide offer to purchase the property while the designation was in effect, the Town would have the right of first refusal and match the offer. Members of the audience expressed their opinions that taking the property by eminent domain would be warranted due to the number of years the family received a tax benefit. Selectman McCoy opined that someone at Town Hall "dropped the ball" when the property stopped being classified 61A.

Chairman Champoux closed the Public Comments section of the meeting and advised that the Finance Committee/Planning Board public hearing will take place on April 25, 2018.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- April 2 -
- April 6 – Curbside Collection of Yardwaste
- April 4 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 7 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 7 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 9 – Last Day to Register to Vote at the Annual Town Election and Town Meeting – Town Clerk's Office Open 8:30 a.m. – 8:00 p.m.
- April 9 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 10 – Boston Bruins Foundation B-Fit First Responder Challenge Celebration  
Public Safety Building – 10:30 a.m. to 11:30 a.m.
- April 11 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 14 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 17 -
- April 21 – Curbside Collection of Yardwaste
- April 18 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 21 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 22 – We're One Wilmington Run for Wilmington/Kim Forte Walk
- April 23 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 25 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 25 – If Necessary - Finance Committee/Planning Board Public Hearing  
Town Hall Auditorium – 7:30 p.m.
- April 28 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 28 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 28 – Drug Take Back – Public Safety Building – 10:00 a.m. to 2:00 p.m.
- April 30 -
- May 4 – Curbside Collection of Yardwaste
- May 2 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.

- May 5 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- May 5 – Annual Town Meeting – High School Auditorium – 10:30 a.m.

### NEW BUSINESS

Selectman Loud recognized the actions of the Wilmington Fire Department regarding a house fire. An alert neighbor saw the fire and contacted emergency personnel. The elderly residents were not aware their home was on fire but fire personnel were able to extinguish it quickly.

Selectman Loud acknowledged the service of Landon Spada, United States Marine Corp who just came home and would like to be a police officer.

Selectman McCoy commented regarding the heavy traffic in the area of the Registry of Motor Vehicles, he understands that a traffic study was conducted on Friday when the Registry was closed and noticed the yellow tape along the driveway of the former Whitefield School. He believes the Board of Appeals ought to review the traffic study. He expressed concern that the field may have been damaged. Town Manager Hull advised that he was notified of the parking situation by Selectman Loud. The police were notified and an officer spoke with the manager at the Registry to have the vehicles moved. Town Manager Hull noted that there is an informal agreement where Mr. Kneeland allows people attending sports events to park on his property and the Town allows patrons of the Registry of Motor Vehicles to park in the designated areas at the Whitefield School. He advised that he had a conversation with Mr. Kneeland and a representative of the registry. Selectman McCoy requested that the Board of Appeals be notified of the traffic on Monday.

Selectman Cairra asked whether there is information regarding the damage at Yentile Farm. Town Manager Hull stated that the police had some leads. When he spoke with the DPW Director there was still snow on the ground and the department was not able to assess the damage at that time. Chairman Champoux clarified that the damage was to the natural grass and not the artificial turf.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:16 p.m.

Respectfully submitted,

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Recording Secretary