

## BOARD OF SELECTMEN MEETING

April 27, 2015

Acting Chairman Michael J. Newhouse called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

VOTED: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing real property issues with the intention to return to open session.

Chairman Judith L. O'Connell called the meeting to order at 7:03 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and asked Selectman Newhouse to lead the pledge of allegiance.

Chairman O'Connell acknowledged that members of the Board of Selectmen were wearing an article of blue clothing in recognition of Autism Awareness Month.

### TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 43, 43A, 44 and 44A.

### MINUTES

A motion was made by Selectman Newhouse, seconded by Selectman Champoux and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the minutes of their meetings held January 12, 2015, January 26, 2015, February 2, 2015, February 9, 2015 and March 9, 2015 and all action taken is hereby ratified and confirmed.

### **SCOTT C. GARRANT, CHAIRMAN, 4<sup>TH</sup> OF JULY COMMITTEE, RE: REQUEST TO USE TOWN COMMON FOR THE ANNUAL 4<sup>TH</sup> OF JULY FESTIVITIES**

Mr. Garrant advised that the Fourth of July celebration is scheduled to take place Tuesday, June 30, 2015 through Saturday, July 4. He stated that festivities would begin on Tuesday, June 30 with a dinner, concert on the common and various activities. He stated that on Wednesday, July 1 through Saturday, July 4, events will be taking place at the Shriners' Auditorium on Fordham Road including non-profit groups, dinners, concerts, the carnival and fireworks. Family Day is scheduled for Saturday, July 4 in the morning. The Fourth of July Committee is seeking permission to use the Town Common and Gazebo on Tuesday evening June 30 and Saturday morning July 4.

Mr. Garrant offered his appreciation to the many volunteers who work to make the Fourth of July festivities a success and especially to Ernest Pearlstein, Sheila Bissett and Kevin Lewis of the Shriners' and to the town departments, Town Manager and Board of Selectmen for their support.

Chairman O'Connell asked if there were any questions, comments or a motion. Members of the Board thanked Mr. Garrant and members of his committee for their work in providing the Fun on the Fourth festivities.

A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of the Fourth of July Committee to use the Town Common and Gazebo on Tuesday, June 30 and Saturday, July 4, 2015.

Mr. Garrant thanked members of the Board and town employees for recognizing Autism Awareness Month.

**JOSEPH MARTINIELLO AND JULIE RAUSEO, RE: 2015 RELAY FOR LIFE AND PAINT THE TOWN PURPLE CAMPAIGN**

Mr. Martiniello stated that the partnership with the American Cancer Society began seven years ago and provided an overview of the Relay for Life event. He advised that it is held overnight to mirror a cancer patient's journey and recognize that they do not get a night off from cancer. A minimum of one team member must be walking at all times, with the exception of the opening ceremony, luminary ceremony and closing ceremony. To keep participants motivated there are theme laps. Mr. Martiniello noted that over \$810,000 has been raised in Wilmington over the past seven years.

Ms. Rauseo reviewed what the fundraising supports, including various support groups, road to recovery, lodging for patients who live more than 40 miles from treatment and the feel better program.

Ms. Rauseo stated that they were looking for permission to put purple lights on the common similar to the blue lights that are currently lit. She said they are also seeking permission to locate signs at various locations to provide direction to the Relay for Life event.

Mr. Martiniello stated that the Relay for Life will be taking place at the Wilmington Middle School from June 19 to June 20 from 5:30 p.m. to 5:30 a.m. This year's theme is "Lights, Camera, Relay" and additional information may be found on the website, [wilmingtonrfl.com](http://wilmingtonrfl.com).

Ms. Rauseo stated that the American Cancer Society may be reached at 800-227-2345, 24 hours a day.

Chairman O'Connell thanked Mr. Martiniello and Ms. Rauseo and noted that she has been a participant in the past. Chairman O'Connell asked if there were any questions or comments from the Board. Members of the Board expressed their appreciation and noted that cancer affects all lives in one way or another.

Selectman Champoux also congratulated Mr. Martiniello on a successful We're One Wilmington event that took place on Sunday, April 26.

Town Manager Hull stated that the Town has been working with Mr. Martiniello and Ms. Rauseo and that it is possible to provide the lenses for the lights on the common, but will be unable to light the trees. He also advised that he does not anticipate a problem with signage.

Chairman O'Connell asked if there were any additional questions or comments. There being none, Chairman O'Connell asked for a motion.

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

VOTED: That the Board of Selectmen grant the request to place purple lenses in the lights on the Town Common during May and to place signs at various locations to direct participants to the Wilmington Middle School.

#### **BOARD OF SELECTMEN DISCUSSION, RE: FY 2016 BUDGET**

Chairman O'Connell noted that this item was on the April 13, 2015 agenda at the request of Selectman Newhouse at which time he asked that it be tabled until he had an opportunity to review documentation.

Selectman Newhouse stated that he asked that he put it back on the agenda because it had been brought up at a previous meeting. He stated that the questions he had centered around the centralized IT department and the various salaries. He advised that he was not present at the Finance Committee hearing when the Town Manager discussed this and noted that his questions have been answered to his satisfaction. He stated that he wanted to "close the loop" because the Chairman had taken the time to place it on the agenda.

Chairman O'Connell asked if there were any questions or comments from members of the Board and there were none.

#### **DISCUSSION AND ASSIGNMENT OF MOTIONS FOR THE ANNUAL TOWN MEETING**

Town Manager Hull reviewed the articles and noted which Selectmen will make the motion. Chairman O'Connell asked if there were any questions or comments and there were none.

#### **COMMUNICATIONS**

Town Manager Hull reviewed a memorandum from Michael Woods, DPW Director, who wrote to advise that the Department of Environmental Protection notified the Town that the Wilmington Water Department is the recipient of the 2015 Water Conservation Award. The recognition was given due to "the effort and dedication your system has evidenced in implementing exemplary water conservation practices during the 2014 calendar year."

Town Manager Hull reviewed his memorandum advising that the Town will transition to automated collection of trash and recyclables effective July 1, 2015. Town Manager Hull stated that the goal is to reduce the trash disposal costs by diverting a greater amount of material out of the trash stream and into the recycling stream. He advised that information was posted at each polling place during the Annual Town Election on April 25, 2015 and will be on display at the Annual Town Meeting. He reviewed what efforts are being made to inform the public of the changes.

Town Manager Hull reviewed his memorandum which provided an update relative to Kinder Morgan. He noted that representatives of Kinder Morgan met with town officials to discuss the current route of the planned lateral. Based upon the Town's strong objection to the original route, the proposed route continues to run through Wilmington but follows an existing utility corridor from Tewksbury/Andover through Wilmington and into North Reading. Town Manager Hull advised that the revised route would continue to extend through the Benevento property meaning that the gas line would run underneath a section of the quarry.

Town Manager Hull reviewed an invitation from Louis Cimaglia, Director, Department of Veterans' Services', to participate in the Memorial Day Parade and ceremony on Monday, May 25, 2015.

Town Manager Hull reviewed a letter from Annemarie Rotondo and Judith Agnes, Local Coordinators and Carl Mockler, AARP Foundation Tax Aide Program District Nine Coordinator. Ms. Rotondo, Ms. Agnes and Mr. Mockler wrote to express their appreciation to the Town of Wilmington for the use of Town Hall to aide seniors with tax preparation. They also expressed appreciation to the members of the staff for their helpfulness and courtesy citing specific examples.

Town Manager Hull reviewed his memorandum relative to appointments and reappointments that the Board of Selectmen will be asked to make at their meeting of May 11, 2015.

Town Manager Hull reviewed letters from Paul Bruce, Jr. and Ronald M. DiGiorgio who wrote expressing their desire to be reappointed as Constables.

**BOARD TO CONSIDER REQUEST OF GREGORY AND EVA LUCHT TO USE THE GAZEBO AT ROTARY PARK FOR THE WEDDING CEREMONY OF KATHERINE LUCHT AND JONATHAN WHITTEN ON SATURDAY, JUNE 13, 2015 AT 5:00 P.M.**

Town Manager Hull advised that there may be a potential conflict with Little League play-offs for that date. He stated that representatives of Little League were contacted but the individual who schedules the games was not available. Discussion took place regarding other options or perhaps restrictions on parking. Following discussion a motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant the request to use the gazebo at Rotary Park for the wedding ceremony of Katherine Lucht and Jonathan Whitten on Saturday, June 13, 2015 at 5:00 p.m. subject to any conflict with Little League Play-off games.

**BOARD TO CONSIDER EXTENDING THE AGREEMENT WITH ROSELLI, CLARK AND ASSOCIATES FOR AUDIT SERVICES FOR FISCAL YEARS 2015 AND 2016**

Town Manager Hull advised that it is his recommendation that the Board approve the extension and he noted that Michael Morris, Town Accountant, was present in the event the Board had questions.

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Champoux, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept the Town Manager's recommendation and extend the agreement with Roselli, Clark and Associates for audit services for Fiscal Years 2015 and 2016.

**BOARD TO CONSIDER REQUEST OF TERRI MARCIELLO, DIRECTOR OF ELDERLY SERVICES, TO USE THE "SWAIN GREEN" ON THURSDAY, JUNE 25, 2015 FOR THE "SPLASH INTO SUMMER" KICK-OFF EVENT AND ON THURSDAYS, JULY 9, 16, 23 AND 30 FROM 6:00 P.M. TO 7:00 P.M. FOR "YOGA ON THE GREEN".**

Town Manager Hull noted that the Board recently approved the request of the Recreation Commission to conduct Concerts on the Common on certain Wednesdays in July. In the event of rain, the Board had approved the Thursday as a rain date. Town Manager Hull advised that in

the event it rains on Wednesday and the Concert on the Common takes place on Thursday, the Elderly Services program will take place indoors.

Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Cimaglia, seconded by Selectman Champoux and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the request of the Elderly Services Department to use the Swain Green on Thursday, June 25, 2015 and Thursdays July 9, 16, 23 and 30, 2015 from 6:00 p.m. to 7:00 p.m.

### PUBLIC COMMENTS

George Lingenfelter, Concord Street, stated that he had contemplated bringing his concerns to the Board of Appeals. He stated that he has provided comment to the Building Inspector and advised the Board of Selectmen that forms to bring an issue before the Board of Appeals indicate that one must be the property owner. He noted that, according to state law, any aggrieved party can bring an issue before the Board of Appeals.

Mr. Lingenfelter stated that the package of information he provided to the Board at a previous meeting was a compilation of approximately 1 ½ years of correspondence and photographs. He asked if members of the Board had any comments. Mr. Lingenfelter continued saying that a building permit was issued and it is his position that it does not meet code. He opined that the Building Inspector made false statements under oath which were repeated by Town Counsel. Mr. Lingenfelter made reference to Selectman Newhouse's involvement in 20 Concord Street which was issued a permit for a residential building but a commercial foundation was laid. He asked if the Town had comments relative to what he has documented with applications being falsified and the Town not taking action. Selectman Newhouse commented that he believes he represented the owner of the property Mr. Lingenfelter referenced prior to his being elected to the Board in 1996.

Mr. Lingenfelter alleged that there are instances where the Town does not comply with the Wetland Protection Act. He stated that if you are a homeowner who wants to build a deck you must put up hay bales and silk fence, but a commercial property owner cuts down trees and brings in 10 wheel loads of fill and there is no response from the Town. He also opined that there is real estate tax fraud as a result of these activities. Chairman O'Connell advised Mr. Lingenfelter that although she wanted to provide him with an opportunity to speak, the personnel he was making assertions of were not present to respond.

### NEW BUSINESS

Selectman Newhouse stated that there was a piece of correspondence in the Board's packet that was not on the agenda and he thought it worth mentioning. He noted that John Donahue, a Wilmington resident and member of the High School Building Committee, works for the Massachusetts Convention Center Authority and recently donated an aerial lift to the Town of Wilmington. Selectman Newhouse commented that the lift will be useful in maintaining the new high school.

Selectman Champoux thanked the residents of Wilmington who took the time to vote on Saturday offered his congratulations to Rob Peterson. Selectman Champoux encouraged residents to attend the Annual Town Meeting scheduled for Saturday, May 2.

Chairman O'Connell provided an update to the Board regarding the Yentile Farm project. She stated that the last public forum was held on April 15 where information was presented to the community and they had an opportunity to ask questions. Representatives of Green International were present and the public had an opportunity to view 3D renderings of the proposed recreational facility. Chairman O'Connell stated that to get to this point, it has been a two year journey which she believes has been an open and transparent process and expressed her appreciation to members of the Board for their support.

Town Manager Hull advised that the curbside collection of yardwaste has fallen behind schedule. He advised that the Department of Public Works has been working with Northside Cartage to resolve the issues and noted that it is nearing the end of the contract with Northside Cartage and it has been a struggle to keep them on target. Town Manager Hull advised that Town employees may collect the yardwaste in order to get back on schedule.

#### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- April 29 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 30 – Welcome to Wilmington New Resident Reception – Memorial Library – 6:30 p.m.
- May 2 – Annual Town Meeting – High School Auditorium – 10:30 a.m.
- May 2 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- May 4 -
- May 8 – Curbside Collection of Yardwaste
- May 6 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- May 8 – Good Guy Award Dinner
- May 9 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- May 9 – Household Hazardous Waste Day  
West Intermediate School Parking Lot – 9:00 a.m. to 2:00 p.m.
- May 11 – Board of Selectmen Meeting – Town Hall – Auditorium – 7:00 p.m.
- May 12 – Yentile Farm Development Committee – Town Hall – Room 9 – 6:00 p.m.

There being no further business to come before the Board, a motion was made by Selectman Newhouse, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:18 p.m.

Respectfully submitted,

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Recording Secretary