

## BOARD OF SELECTMEN MEETING

August 14, 2017

Chairman Michael L. Champoux called the meeting to order at 7:03 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel and Edward P. Loud, Sr. Selectmen Kevin A. Caira and Michael V. McCoy were excused. Also present was Town Manager Jeffrey M. Hull.

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

### TREASURY WARRANTS

Chairman Champoux asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 3, 3A, 4, 4A, 5, 5A, 6 and 6A.

### 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 May 8, 2017 and all action taken is hereby ratified and confirmed.

### **JOSEPH MARTINIELLO, WE'RE ONE WILMINGTON, RE: WE'RE ONE WILMINGTON PROGRAM UPDATE, REQUEST TO CONDUCT THE 2018 RUN FOR WILMINGTON/WALK FOR KIM FORTE ON SUNDAY, APRIL 22, 2018 AND REQUEST TO PLACE FESTIVAL OF TREES SIGNS ON THE TOWN COMMON FROM NOVEMBER 27 THROUGH DECEMBER 3**

Mr. Martiniello stated that the Festival of Trees, We're One Wilmington's annual fundraiser, is scheduled for December 2 and 3 and they would like to put signs on the Town Common the week prior to the event as they have done in the past. In addition, he is requesting approval to conduct the 2018 Run for Wilmington/Walk for Kim Forte. The 8<sup>th</sup> annual event is proposed for Sunday, April 22, 2018. Mr. Martiniello advised that last year over 566 people registered for the event. He stated that over \$2,700 was distributed to 39 non-profit organizations in Wilmington. Over \$7,500 was distributed in the form of high school scholarships. Mr. Martiniello stated that Jr. WOW was established during the year as well as the care package program. The care package program entails sending small gifts, gift cards and positive thoughts to individuals with financial, emotional or medical hardships.

He reviewed other programs that WOW has provided assistance in an effort to give back to the community.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Bendel thanked Mr. Martiniello for his work and looks forward to participating again this year. Selectman Loud offered comments about the Festival of Trees.

Chairman Champoux asked if the Festival of Trees coincided with the Tree Lighting and was advised that it does.

**JOSEPH MARTINIELLO, RELAY FOR LIFE OF WILMINGTON-BILLERICA, RE:  
TENTH ANNUAL AMERICAN CANCER SOCIETY RELAY FOR LIFE, FRIDAY, JUNE 15,  
2018 AND REQUEST TO ILLUMINATE TOWN COMMON PURPLE FOR THE MONTH OF  
MAY**

Mr. Martiniello advised that last year was the first year the Relay for Life combined with the Town of Billerica. He stated that the Cancer Society is looking to reduce costs. Mr. Martiniello stated that the event was a success although it rained. He stated that there were more youth teams than in years past and attributes that to the participation of Shawsheen Tech students. The event raised \$72,000. He thanked the Board of Selectmen for allowing the event to return to Wilmington High School. Mr. Martiniello noted that due to the combination of the two towns, they will participate in a program started by the Billerica Relay for Life and that is the Pull for Hope. He stated that teams sign up and during a community event in Billerica, teams pull fire trucks. In addition, they are looking to continue the Bark for Life. He stated that they are looking for a Tewksbury member to continue that program.

Chairman Champoux stated that he had the honor to be at the event this year and stated that it was inspiring.

Chairman Champoux asked if there were any questions or comments from the Board. Selectmen Loud and Bendel thanked Mr. Martiniello and his team for their work year round.

Town Manager Hull referenced the request to light the Town Common purple during the month of May and advised that organizations making the request have been asked to provide the funding. Mr. Martiniello confirmed that the American Cancer Society is prepared to provide the funding.

**BOARD TO CONSIDER REQUEST OF JOSEPH MARTINIELLO, WE'RE ONE  
WILMINGTON, TO PLACE SIGNS ON THE TOWN COMMON FOR THE FESTIVAL OF  
TREES**

Chairman Champoux asked if there were any questions, comments or a motion. 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 request of We're One Wilmington to place signs on the Town Common for the Festival of Trees.

**BOARD TO CONSIDER REQUEST OF JOSEPH MARTINIELLO, RELAY FOR LIFE,  
THAT WILMINGTON TOWN COMMON BE ILLUMINATED IN PURPLE DURING THE  
MONTH OF MAY**

Chairman Champoux asked if there were any questions, comments or a motion. 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 Relay for Life to illuminate the Town Common purple during the month of May.

Selectman Bendel stated that he believes the residents in the audience may be present relative to the request for a stop sign at Garden Avenue and King Street which is identified as number 10 on the agenda. He requested that this item be taken out of order. Chairman Champoux stated that he had no objection and asked Selectman Loud whether he objected to taking the item out of order and he had no objection.

## **BOARD TO CONSIDER REQUEST TO INSTALL A STOP SIGN AT THE INTERSECTION OF GARDEN AVENUE AND KING STREET**

Town Manager Hull stated that the request was made in the spring for a stop sign at the intersection of King and Garden. He advised that there is one stop sign at the intersection and advised that it may not be enforceable because there is no record of when it was installed and no record that the Board of Selectmen authorized its installation. The Police Department and Department of Public Works reviewed the request and advised that it does not meet the standards for the Manual of Uniform Traffic Control Devices. There are certain criteria used to establish when signs are appropriate. The Board of Selectmen requested that both departments revisit the request and they indicate that their recommendations remain the same.

Chairman Champoux summarized what took place when this request was first before them. He stated that a speed monitor was placed on King Street and noted that King Street was recently repaved. Selectman Bendel stated that he supported this when it was initially brought up and stated that he has spoken to several residents and stated that he disagrees with Deputy Richter's recommendation. He stated that he understands this will set a precedent and believes it is a reasonable request for the small neighborhood. Selectman Loud stated that he fears setting a precedent and stated that the Board requested a recommendation from the Police Department and Department of Public Works and believes the Board should follow their recommendation. The Board was provided with a rationale why a stop sign does not meet the criteria. He noted that if it met some of the criteria, he may be more inclined to place a stop sign at that location. Chairman Champoux stated that he shared the same sentiment and struggled with how he would justify his vote.

Town Manager Hull stated that Jamie Magaldi notes that there is a push from Federal Highway Administration and Massachusetts Department of Transportation to only install stop signs where absolutely necessary because overuse has caused desensitization of the motoring public to fully obey them. He further noted that the Manual of Uniform Traffic Control Devices advises that stop signs are to designate right of way to vehicles making conflicting movements and is not intended, nor shall it be used, for the control of speed, traffic calming or forestalling pedestrian rear-end or turning movement accidents. Selectman Bendel stated that he grew up at the end of King Street and recalls when his bus stop was at the top of King Street. There are no sidewalks, with a lot of children in the neighborhood and believes it is a safety issue. He understands his colleagues concern of setting a precedent but noted this is the first request of this kind during his time on the Board and believes it is his obligation to respond to the request of residents.

Chairman Champoux recognized residents in the audience and asked if Mr. Protopapas would like to comment. Mr. Protopapas expressed his appreciation to the Board for having Department Heads look into the request and their opinions are valuable. He noted that the corner where the accident occurred is also the location of a bus stop. Rebecca Martiniello, King Street, stated that the DPW removed a tree that was also blocking the view. She stated that the speed monitor sign has been instrumental in slowing motorists down.

Joseph Martiniello, Garden Avenue, stated that the recently laid asphalt has increased the motorists' speed on the roads. Many years ago the roads were pothole ridden, dirt roads and motorists were not able to go fast. He commented that the bus stop was located on the side without a stop sign and it was moved to the opposite side for safety reasons. Mr. Martiniello also noted that motorists are using GPS apps and are not familiar with the neighborhoods.

Chairman Champoux asked if there were any additional questions, comments or a motion. A motion was made by Selectman Bendel and seconded by Selectman Loud for discussion. A motion having been made and seconded, with no further discussion, Chairman Champoux asked for a vote. By the affirmative vote of two with Selectman Loud opposed, it was

VOTED: That the Board of Selectmen authorize the installation of a stop sign on Garden Avenue Westbound at the intersection of King Street.

Mrs. Martiniello asked if the current stop sign could be placed on record as enforceable. Town Manager Hull stated that it will require a vote of the Board of Selectmen and, from an Open Meeting Law standpoint, the best approach would be to consider it at the Board's meeting on September 11, 2017.

Selectman Bendel asked about the stop sign that is currently installed and noted that it serves its purpose. Town Manager Hull stated that when the Town was modifying the signs around Silver Lake, without them being authorized by the Board of Selectmen, the Police Department did not have the jurisdiction to enforce and if it were to go to court the judge would look for the vote of the Board of Selectmen. Selectman Bendel asked if the request does not pass at the meeting, is it in jeopardy of it being removed. He was advised that it is not likely the sign will be removed.

#### COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding Olin Corporation – Revised Focused Human Health Risk Assessment – OU3. Town Manager Hull advised that the assessment details the exposure risk from N-Nitrosodimethylamine (NDMA) in groundwater in the so-called Operable Unit 3 (OU3) which is on and off property groundwater areas including Maple Meadow Brook Aquifer, groundwater beneath the existing Olin site and groundwater south and east of the Olin site. He noted that the Town and the Wilmington Environmental Restoration Committee have been given the opportunity to respond with comments by the close of business on August 16. The Town is working with its consultant, GeoInsight, to review the document and offer comments.

Town Manager Hull reviewed a memorandum from Valerie Gingrich, Planning & Conservation Director, regarding Massachusetts Bay Transportation Authority (MBTA) positive train control equipment. Ms. Gingrich advised that the Conservation Commission was notified by the MBTA that positive train control equipment will be installed at six locations in town. The communications based/processor based train control technology will help to prevent collisions, derailments and other catastrophic events. The safety equipment was required by Congress in the 2008 Rail Safety Improvement Act. The Department of Environmental Protection has determined that the proposed project is exempt from the Wetlands Protection Act.

Town Manager Hull reviewed a memorandum from Valerie Gingrich, Planning & Conservation Director, regarding affordable housing status and information. The information regarding new housing units in 2017, current housing developments and multifamily housing density was provided at the request of the Board of Selectmen.

Town Manager Hull reviewed a notice from the Department of Public Works regarding recycling outdated/unwanted electronic equipment. Electronics may be dropped off at the DPW Administration Building, 115 Andover Street between 8:00 a.m. and 4:00 p.m. Monday through Friday. Residents will be required to show proof of residency to participate in the free program. CRT Monitors/TVs are not accepted at the drop-off location.

Town Manager Hull reviewed correspondence from Margaret J. Hurley, Municipal Law Unit, Office of the Attorney General, regarding the 2017 Annual Town Meeting. The Attorney General's office notified the Town Clerk that Articles 42, 45, 46, 47, 48, 54, 55 and 56 and the maps pertaining to Articles 54, 55 and 56 of the 2017 Annual Town Meeting were approved.

Town Manager Hull reviewed correspondence from Paul Regan, Executive Director, MBTA Advisory Board, and Marc Draisen, Executive Director, Metropolitan Area Planning Council, regarding Municipal Elections to the Boston Region Metropolitan Planning Organization. Nomination papers are due Friday, September 29, 2017 and the Election will occur Wednesday, October 25, 2017.

Town Manager Hull reviewed a letter from Jane Lyman, Sr. Manager, Government Affairs, Comcast, regarding Comcast Agreement for residential services.

**BOARD TO CONSIDER REQUEST OF CHRISTINA STEWART, LIBRARY DIRECTOR, TO USE THE SWAIN GREEN ON SATURDAY, SEPTEMBER 23, FROM 1:00 P.M. TO 5:00 P.M.**

Chairman Champoux asked if there were any questions, comments or a motion. 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 grant the request of Christina Stewart, Library Director, to use the Swain Green on Saturday, September 23 from 1:00 p.m. to 5:00 p.m.

**BOARD TO CONSIDER REQUEST OF DANA BURNHAM, PRESIDENT, WILMINGTON FARMERS MARKET, ON BEHALF OF BOB BECK, TO USE THE MUNICIPAL PARKING LOT ON SUNDAY, SEPTEMBER 10 AND SUNDAY, OCTOBER 15 FROM 10:00 A.M. TO 1:00 P.M. FOR AN OLD-FASHIONED CLASSIC CAR SHOW**

Chairman Champoux asked if there were any questions, comments or a motion. 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 grant the request of Dana Burnham, President, Wilmington Farmers Market, on behalf of Bob Beck, to use the municipal parking lot on Sunday, September 10 and Sunday, October 15 from 10:00 a.m. to 1:00 p.m. for an old-fashioned classic car show.

**PUBLIC COMMENTS**

Raymond Lepore, Adams Street, offered comments regarding rising property taxes. He related conversations he has had with residents who are moving out of town. Mr. Lepore asked if the Town's Free Cash is at \$17 million, he would like the public to be notified how the Town intends to use the funds. He recognized that municipal buildings need to be repaired and or replaced. He opined that the Board needs to think creatively to curb taxes.

Mr. Lepore stated that he would support a fire substation and opined that the Board should not be entertaining selling Town owned land.

Mr. Lepore expressed his opinion that a 2% tax should be levied on residences consisting of a duplex or more, condominiums, apartments and commercial development. He stated that roads are deteriorating as a result of traffic.

Selectman Bendel stated that he believes the Board needs to be creative. He stated that he would love to lower taxes and acknowledges the Board is not able to and believes it may be addressed by curbing expenditures. He stated that he has struggled with the term Free Cash and has had conversations with both the former and current Chairmen of the Board of Selectmen.

Chairman Champoux addressed Mr. Lepore's comments specifically regarding Free Cash and property taxes.

Selectman Loud stated that he appreciates Mr. Lepore's comments and agreed that the Board needs to get creative to allow young residents and the elderly to be able to afford to stay in Town. Selectman Loud reviewed what residents receive as a result of their taxes.

Town Manager Hull stated that there is no question that taxes have gone up and everything is relative and noted that surrounding communities are expensive and have had significant increases in their taxes. Eastern Massachusetts is a desirable place to live due to the access to Boston. He commented relative to Free Cash and noted communities would like to put money aside for a "rainy day" and noted that in 2008 Wilmington went from \$9 million in Free Cash to \$3 million and it was used to keep people employed and to provide the same level of services. Town Manager Hull stated that the Town has significant liabilities including a pension liability that statutorily must be paid by 2035. Town Manager Hull addressed the comments relative to a substation and noted that in addition to the cost to build a substation there are costs for personnel which increases the Town's liabilities.

Selectman Bendel stated that members of the Board hear from residents every day. He stated that he was disappointed to hear that the Cecil Group did not believe a substation was necessary. He stated that he asked for a meeting with department heads to discuss the Yentile Farm Recreational Facility to determine if there are additional needs so that the remaining funds for this project so are not returned to Free Cash only to request funding for something at the park at a future Town Meeting.

**NEW BUSINESS** – *ITEMS NOT REASONABLY ANTICIPATED BY THE CHAIRMAN 48 HOURS IN ADVANCE OF THE MEETING*

#### **BOARD TO CONSIDER AUTHORIZING THE TOWN MANAGER TO ENTER INTO AN AGREEMENT RELATED TO 4 POPLAR STREET**

Town Manager Hull stated that there have been ongoing discussion between Valerie Gingrich, Planning & Conservation Director; Shelly Newhouse, Health Director; Al Spaulding, Building Inspector and a potential buyer for 4 Poplar Street. He advised that the property is currently owned by Mark Nelson and noted that it does not have a certificate of occupancy which has created challenges for the Town to bring the property into compliance and for the owner to sell the property. An agreement would have the buyer put funds into an escrow account in an amount adequate to address outstanding issues and the certificate of occupancy will be placed in escrow. If the closing goes through the certificate will be provide to the new owner and the new owner will be responsible for bringing the home into compliance including road work, drainage, make application to Board of Health for Title V, obtaining building permit for garage, modify garage so that it is not a living space and provide as built plans for current structure. Issues must be addressed within 120 days. Town Manager Hull advised that Town Counsel has been involved in the development of the agreement.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Loud asked if there were any outstanding issues with the current owner of the property. Town Manager Hull advised that he believes there is at least one case. Town Manager Hull advised that negotiations are taking place with the potential buyer on issues that need to be addressed.

Selectman Bendel asked who would be financially responsible. Town Manager Hull advised that the potential buyer would be responsible.

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 authorize the Town Manager to enter into an agreement relative to 4 Poplar Street.

Selectman Loud recognized Nolan Giroux, USMC, stationed in 29 Palms, California and thanked him for his service.

Selectman Loud stated that he attended the Wilmington Library's Summer Bash and commented that it was a lot of fun. He stated that he also attended the Wilmington Police Department's National Night Out and offered his congratulations for successful events.

Selectman Loud asked Town Manager Hull to provide the number of police and fire responses to the apartment complex on Lowell Road in North Reading. He opined that if the proposed over 55 development is built, it will tax Wilmington's resources. Town Manager Hull asked what period of time he would like the information for and was advised since the apartments were built.

Selectman Bendel stated that he also attended National Night Out and expressed his appreciation to all the departments that made it happen.

Selectman Bendel stated that this is the last meeting before school starts. He wished student and athletes well and asked drivers to be cautious of students.

Selectman Bendel stated that the Substance Abuse Coordinator position has been filled and the start date is Monday, August 21.

Selectman Bendel noted that there is a 5K road race to benefit the Tim Brady Foundation.

Selectman Bendel stated that he looks forward to a future agenda item to speak more about spending and ways to "tighten our belt".

Chairman Champoux noted that Saturday, August 19 is the Community Ice Bucket Challenge and encouraged residents to participate.

Town Manager Hull stated that he received an email on Friday, August 11 which notified the Town of funds it will receive from Massachusetts Interlocal Insurance Association. He advised that the Town will receive \$47,915 in workers' compensation and property liability insurance credits that may be used to offset premiums. He recognized Dee Casey, Assistant Town Manager, and Jamie Magaldi, Chairman of the Safety Committee. Town Manager Hull reviewed activities that have taken place to earn the credits. Ms. Casey stated that in addition, the Town seeks grants to maximize savings for the Town.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 29 – Farmer's Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- August 19 – Ice Bucket Challenge – Rotary Park – 10:30 a.m.
- August 27 – Wilmington Community Television Family Fun Day – 7:00 a.m. to 2:00 p.m.  
Yentile Farm Recreational Facility
- August 29 – Schools Open – Grades 1 – 12
- September 4 – Labor Day – *Town Offices Closed*
- September 5 – 1<sup>st</sup> Day of Kindergarten
- September 6 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- September 9 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- September 9 – Library Resumes Saturday Schedule – 9:00 a.m. to 5:00 p.m.
- September 10 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- September 11 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- September 17 – Chamber of Commerce Half Marathon and 5K Run/Walk
- September 23 – Shredding Day – Municipal Parking Lot – 9:00 a.m. to 12:00 p.m.
- September 25 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- September 30 – Mass Memories Road Show – WHS Cafeteria – 10:00 a.m. to 3:00 p.m.

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 9:23 p.m.

Respectfully submitted,

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Recording Secretary