

## BOARD OF SELECTMEN MEETING

January 13, 2014

Chairman Michael V. McCoy called the meeting to order at 6:30 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull. Upon a motion duly made, 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 McCoy reconvened the open session at 7:10 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

### TREASURY WARRANTS

Chairman McCoy 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 25, 25A, 26, 26A, 27, 27A, 28 and 28A.

### MINUTES

A motion was made by Selectman O'Connell, 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 September 23, 2013, October 15, 2013, October 28, 2013 and November 12, 2013 and that all action taken is hereby ratified and confirmed.

### **ROBERT G. PETERSON, ESQUIRE, RE: PUBLIC HEARING RELATIVE TO BGP TAVERN, LLC DBA RED HEAT TAVERN'S APPLICATION FOR ALTERATION OF LICENSED PREMISES FOR PROPERTY LOCATED AT 300 LOWELL STREET**

Mr. Peterson was present with Kevin Harron of BGP Tavern, LLC. Also present was Rob Peterson, Jr., Esquire, who prepared the paperwork. Mr. Peterson provided the Board of Selectmen with the green cards from the certified mailing of notification to abutters. Mr. Peterson advised the Board of Selectmen that when BGP Tavern, LLC was present before the Board in the fall requesting an All Alcohol License, there was an area for outside seating on the plan that was not included in the description of premises. He stated that he has been in communication with Timothy Hooten, Inspector, Alcoholic Beverages Control Commission (ABCC). Mr. Peterson advised that the ABCC has specific requirements regarding outdoor seating. He stated that the outdoor seating area is 14 x 28 feet and seats 32 people. He advised that consistent with ABCC requirements, the outside seating area is contiguous to the existing licensed premises, has a view from the restaurant and has its own egress.

Chairman McCoy asked Town Manager Hull to provide recommendations from the applicable departments. Town Manager Hull advised that recommendations were received from Police Chief Michael Begonis who recommended approval; Inspector of Buildings Al Spaulding advised that the location is zoned General Business and that a Special Permit has been granted by the Board of Appeals for a General Service Restaurant and Health Director Shelly Newhouse has recommended approval.

Chairman McCoy asked if there were any questions or comments from the Board. Selectman O'Connell noted that the application and supporting documents appear to be in order. Chairman McCoy asked if there were any questions or comments from abutters. There were none.

Chairman McCoy asked if there were any questions, comments or a motion from the Board. 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 of BGP Tavern, LLC dba Red Heat Tavern to alter the licensed premises to include outdoor seating for property located at 300 Lowell Street.

**PAUL J. KNEELAND, TUCKER'S LIQUORS LLC DBA MAIN STREET LIQUORS, UNIT 1, 335 MAIN STREET, RE: REQUEST TO CHANGE MANAGER FROM DANIEL J. RABAZZI TO PAUL J. KNEELAND**

Mr. Kneeland was present seeking to change the manager from Daniel J. Rabazzi to Paul J. Kneeland. Mr. Kneeland stated that he took over Main Street Liquors approximately seven to eight months ago and, since that time, he has new staff and the work loads have changed. He advised the Board of Selectmen that he believes it to be appropriate that he assume the responsibility of manager.

Chairman McCoy asked Town Manager Hull to provide recommendations. Town Manager Hull advised that Police Chief Begonis reviewed the applicant and recommends approval.

Chairman McCoy asked if there were any questions or comments from the audience and there were none. Chairman McCoy asked if there were any questions or comments from the Board. Selectman Champoux asked Mr. Kneeland if he intends to expand the retail space. Mr. Kneeland advised that he does not know, perhaps in the future but currently he is not in a position to do so.

Chairman McCoy asked if there were additional questions or 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 grant the request to change the manager of Tucker's Liquors LLC dba Main Street Liquors from Daniel J. Rabazzi to Paul J. Kneeland.

**MICHAEL R. BEGONIS, POLICE CHIEF, PATROLMAN ERIC PALMER AND K-9 RIDIC, RE: K-9 STORM BALLISTIC VEST AND K-9 INTRUDER CAMERA**

Chief Begonis thanked the Board for the opportunity to be before them this evening. Chief Begonis stated that the Police Department wanted to thank the citizens of Wilmington who kindly donated a large sum of money to purchase a new K-9 vest for K-9 Ridic. He stated that Officer Palmer is also on the NEMLEC swat team and K-9 Ridic has been integrated into the team to work side by side with the SWAT team. Chief Begonis recognized the time commitment of Officer Palmer to train with Ridic.

Officer Palmer stated he has been K-9 handler for the Wilmington Police Department for approximately 10 years. He advised that Kimo was the K-9 for approximately 8 years. He showed the vest that was used by Kimo. He stated that the vest was donated in 2004 by another department and was a one-size-fits-all. He advised that it is very heavy and cumbersome and not fit to the dog. He noted that once the vest was placed on the dog there was a change in the dog, requiring a period of training for the dog to work to their ability. Officer Palmer stated that the

new vest was custom made for Ridic and within 15 minutes he was accustomed to the vest. The vest is a level 2 rated vest which is the same that the police officers wear. He stated that the vest is also slash/stab resistant and related an incident that occurred on the south shore approximately three weeks ago where a suspect attempted to stab a K-9 and the vest saved the dogs life.

Officer Palmer stated that there is a camera on the vest to allow officers to see what the dog sees when he is sent in someplace additionally, there is a capability for night vision and for recording. Officer Palmer demonstrated the camera's ability by taking Ridic into the hallway and Board members viewed the monitor.

Chief Begonis stated that the vest was approximately \$20,000. He noted that approximately \$4,600 was donated and the remainder was provided through the drug forfeiture fund. Chief Begonis stated that the vest was not purchased for a couple of years because the Police Department did not want to purchase a vest for a dog who would be retiring. Chief Begonis noted that Ridic's attention is always on Officer Palmer. The question was asked whether the camera has audio capability. Chief Begonis confirmed that it does and also comes with an ear bud for the dog's ear and the handler can provide commands to the dog.

Officer Palmer described characteristics that departments look for when acquiring a K-9 and part of that is the drive to work and please the handler. Chief Begonis noted the handle on the vest and Officer Palmer stated that the system is the same used by the military and the vest is rated for rappelling and skydiving. He stated the highest freefall skydive with man and dog was set at 30,000+ feet.

Chairman McCoy asked if there were any questions or comments from the Board. Selectman Newhouse commented about the technology and the generosity of Wilmington residents. Members thanked Officer Palmer as his commitment is not restricted to work hours, that it is a lifestyle.

Selectman Newhouse recognized that the invitation that was sent out relative to this agenda item mentioned the donations in memory of Rocco Yentile.

### COMMUNICATIONS

Town Manager Hull advised that an e-mail was received from the Ipswich River Watershed Association which asks the Board to consider supporting a grant being submitted to the Hurricane Sandy Coastal Resiliency Competitive Grant Program. The intent of the grant is to reduce the impact of flooding erosion on municipalities. The grant is a comprehensive grant that addresses potential coastal flood damage and addresses issues that are more specific to the Town including evaluating dam and road stream crossings, culverts, bridges and faux barriers and great marsh tributaries including the Ipswich River Watershed. Town Manager Hull stated that the e-mail was received today and the deadline is January 27 which is the date of the Board's next meeting. He advised the Board that he spoke with Carole Hamilton, Director of Planning and Conservation, and Michael Woods, DPW Director, who believe participation may be beneficial.

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 support the Great Marsh Resiliency Partnership's proposal to the Hurricane Sandy Coastal Resiliency Competitive Grant Program.

Town Manager Hull reviewed information regarding the 2014 Annual Town Meeting and Fiscal Year 2015 Budget Calendar. Town Manager Hull stated that key dates are those Finance Committee meeting dates and he reviewed those dates and which departments will be in attendance. Other dates include February 7 which is the last day to submit warrant articles for inclusion on the 2014 Annual Town Meeting Warrant, March 18 which is the Finance Committee/Planning Board joint public hearing; April 26 which is the Annual Town Election and May 3 which is the date of the Annual Town Meeting.

**COLEEN O'BRIEN, GENERAL MANAGER, READING MUNICIPAL LIGHT DEPARTMENT (RMLD), RE: INCREASE IN RATES**

Ms. O'Brien was present with Jane Parenteau, Manager of Energy Services. Ms. O'Brien advised that the presentation has been made to all four towns. She advised that she has been General Manager at RMLD since mid July 2013 and noticed during a review that there was not a six year plan for financials. She stated that upon further review of rate structures it was determined that revenues were deficient. Ms. O'Brien stated that RMLD found that the revenue growth from sales were flat. She noted that the previous cost-of-service analysis was done in 2010 along with a rate increase. She stated that there has not been a rate increase since that time. Ms. O'Brien advised that a 1% growth was projected but did not come to fruition. Possible reasons include less than optimal economy, the weather and conservation efforts. Ms. O'Brien believes that if there were a six year plan there would have been a rate increase in July, prior to her becoming General Manager. She advised that it is a 5% overall increase and for a 500 kw family, the increase is approximately \$3 month. RMLD is not suggesting a delay because they want to end FY 2014 in a positive. She stated that not ending in a positive will affect the credit rating, operating costs and also that Massachusetts General Law Chapter 164, Section 58 requires the utility to meet production costs and end with a positive net income. She advised that the Reading payment in lieu of taxes (PILOT) is paid after the bottom line and RMLD must have the net income to meet their commitment. Ms. O'Brien stated that going forward RMLD is conducting a cost-of-service study, an organizational study to ensure appropriate staffing levels and skill set and a liability study. She assured the Board of Selectmen that although increases may occur in the future, they will not occur in this manner.

Town Manager Hull stated that the first e-mail was received in December which was a surprise to see an increase of this magnitude and that it would be happening so quickly. Town Manager Hull asked what measures have been taken internally to address cost savings in the RMLD operating budget. Ms. O'Brien stated that a result of the studies may be identifying contract work that can be done in-house in the future with skill set training. She stated that she believes the depreciation fund is low and should be targeting a catastrophic event that may occur such as the loss of a substation. Ms. O'Brien reviewed various funds and commented about the funding levels.

Town Manager Hull stated his understanding that, in addition to the PILOT to the four communities, there is an additional payment to the Town of Reading. He asked Ms. O'Brien what the payment has been and what she anticipates it to be the next payment cycle. Ms. O'Brien advised that the payment is approximately \$2.3 million and is based on plant value. She noted that the payment to the Towns is based on kilowatt hour sales. Town Manager Hull asked if there were any consideration given to reducing the payment to reduce the rate of increase and was advised there was not. Ms. O'Brien advised that the payments have already been made and the Town of Reading's budget is based on that commitment. Town Manager Hull asked if there is a contractual obligation that establishes the \$2.3 million. Ms. O'Brien advised that there is not, it was a board meeting vote.

Town Manager Hull asked if the rate increase will strictly apply to the residential customer. Ms. O'Brien stated that it depends upon the rate class. Town Manager Hull stated that the Town of Wilmington is now subject to a rate increase in the midst of a budget. He stated that it is disconcerting that RMLD does not want to change the payment to Reading because of budget concerns noting that the Town of Wilmington has budgeted for Fiscal 2014 based on certain assumptions and did not assume an increase of this magnitude.

Chairman McCoy asked if there were questions or comments from the Board. Selectman Champoux stated that he appreciated the Town Manager's questions and noted that the Town Manager and department heads are working to assemble budgetary plans for Fiscal Year 2015 and the increase seems sudden. He noted that going through information provided by RMLD, it appears that there is a disincentive to conserve energy. Ms. O'Brien stated that she has a fiduciary duty to bring the increase forward. She stated that RMLD is a municipal, not-for-profit organization and provides some of the lowest rates in the state. She stated that Peabody is lower because they have a generator and can augment their rates.

Selectman Newhouse asked Ms. O'Brien if the increase is an announcement or whether this is a working meeting to determine whether RMLD is moving forward. He asked if the Town of Wilmington's comments and questions mean anything or is the rate increase moving forward without regard to the Board's position or the position of the Advisory Board. Ms. O'Brien stated that information is provided to the Citizens Advisory Board who makes a recommendation to the Board of Commissioners who vote on it. Selectman Newhouse asked Ms. O'Brien if the Advisory Board votes to recommend to the commissioners not to adopt the General Manager's recommendation will she still go to the commissioners recommending the increase. He was advised that she would. Selectman Newhouse stated that Ms. O'Brien's approach is disconcerting because the 20 year agreement was created because Wilmington ratepayers subsidize 60 to 65% of the revenue. He said he has not heard about cash reserves that may provide a stop-gap measure. Selectman Newhouse believes the advisory board ought to be given the opportunity to do what it was created to do.

Ms. O'Brien clarified that RMLD did look at the cash reserves.

Lengthy discussion continued regarding the timing of the increase, the percentage of the increase, the additional payment made to the Town of Reading.

Thomas Ollila, Wilmington Representative to the Citizens Advisory Board, stated that the points raised by the Selectmen are a global picture issue. He commented relative to the additional payment made to Reading is that the Town of Reading is the "owner" because they originally had the generators. He noted that the immediate issue is that expenses are exceeding revenue.

Mr. Ollila stated that it is his understanding that the Community Advisory Board takes a vote whether to approve the rate increase and submits it to the Board of Commissioners who vote as they wish. He stated that they do not have to follow the CAB's recommendation.

Members of the Board thanked Mr. Ollila for his volunteering to serve on the CAB.

George Hooper, Public Buildings Superintendent and Wilmington Representative to the Citizens Advisory Board, stated that the CAB was surprised by the need for a rate increase. He stated that the Town has taken measures to reduce utility costs. He advised the Board that the CAB has a meeting on January 23 and assured the Board that he is looking for ways to not increase the rates.

Thomas Talbot, 359 Woburn Street, commented that the Town has increased taxes each year, notwithstanding a healthy free cash amount. He stated that RMLD has not increased their rates in three years and believes the increase is reasonable. Chairman McCoy noted that the Town of Wilmington does not have user fees that many municipalities have.

Frank West, 2 Birchwood Road, thanked Board members for their questions and asked whether the rate increase will increase the amount in the stabilization fund. She stated that there is nothing in the six year plan to increase the set values that are there. Ms. O'Brien stated that her comment was that the fund is low.

Chairman McCoy thanked Ms. O'Brien and Ms. Parenteau for attending.

#### PUBLIC COMMENTS

There were none.

#### NEW BUSINESS

Selectman Cimaglia stated that a senior brought to his attention that a "Welcome to Wilmington" sign is needed. He stated that the senior was also inquiring as to the location of the weathervane that was on the gazebo.

Selectman Champoux stated that the Chamber of Commerce has spoken about a "Welcome to Wilmington" sign in the past and will speak to the Town Manager about it.

#### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- Through -
- January 17 – Curbside Collection of Christmas Trees
- January 14 – Yentile Farm Development Committee – Town Hall – Room 9 – 6:00 p.m.
- January 20 – Town Offices Closed – *Martin Luther King Day*
- January 27 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- February 3 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.  
Town Manager's FY 2015 Budget Presentation
- February 7 – Last Day to Submit Petitioned Warrant Articles for  
Inclusion on the Warrant for the Annual Town  
Meeting – May 3, 2014

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 9:10 p.m.

Respectfully submitted,

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Recording Secretary