

BOARD OF SELECTMEN MEETING

January 14, 2019

Chairman Kevin A. Caira called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull and Mark Reich, Town Counsel.

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 strategy with respect to litigation as an open meeting may have a detrimental effect on the position of the Town in accordance with MGL Chapter 30A, Section 21(a)3 and further for the purpose of considering the purchase, exchange, lease or value of real property at 333 Andover Street in accordance with MGL Chapter 30A, Section 21(a)6 with the intention to return to open session.

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

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

Chairman Caira stated that Public Comments was unintentionally omitted from the agenda and advised that it will be taken up under New Business.

TREASURY WARRANTS

Chairman Caira asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Eaton, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 24, 24A, 25, 25A, 26, 26A, 27 and 27A.

BEERA RAM, SUMANBEERA, INC. DBA MICHAEL'S PLACE, RE: INFORMATION HEARING RELATIVE TO THE MANAGER, OWNER/DIRECTOR'S OF MICHAEL'S PLACE

Selectman McCoy recused himself from this discussion and left the room.

Town Manager Hull advised that as part of the process each year, the Administrative Assistant notifies licensees of the upcoming renewal process. Town Manager Hull reviewed the notices that went out including by email and by mail. He advised that, in this case, there was no response to the notices. The Administrative Assistant contacted Michael's Place on November 29, 2018 to inquire about the application and was advised by an employee that individuals by the name of Jesse and Michael were the manager's and were only in on Fridays which raised questions on the Town's part. Mr. Ram came in to the Town Manager's office on November 30 and spoke with the Administrative Assistant who asked about the status of management. Mr. Ram advised that he was the manager and when asked about Jesse and Michael, Mr. Ram indicated that they are partners. Town Manager Hull stated that there were a number of questions he would like to pose in terms of the process. Town Manager Hull stated that the Board of Selectmen wanted to confirm the manager of Michael's Place and advised if there has been a change in ownership that change is required to go through the Board of Selectmen and ultimately the Alcoholic Beverages Control Commission before the change can formally take place. He stated that another issue relates to one of the Town's Inhabitant By-laws that was passed a couple of years ago that requires managers of establishments holding an alcohol license undergo a fingerprint based CORI check. Town

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Manager Hull noted that the requirement to contact Lt. Charles Fiore at the Wilmington Police Department was included in each of the notices provided to license holders. As of this date, Mr. Ram has not contacted Lt. Fiore.

Town Manager Hull asked Mr. Ram to confirm that he is 100 percent manager of the business known as Michael's Place. Mr. Ram confirmed that he is.

Town Manager Hull asked what the days and hours of operation are for the establishment. Mr. Ram stated that he is there every day. Town Manager Hull asked what hours the business is open to the public and Mr. Ram replied 11 to 9. Chairman Caira asked if the hours were Monday through Friday and Mr. Ram replied Monday through Sunday.

Town Manager Hull asked what days and hours Mr. Ram is on premises and was advised by Mr. Ram that he is on premises every day with the exception of Monday.

Town Manager Hull asked if Mr. Ram is 100 percent owner of the business and Mr. Ram said that he is. Town Manager Hull confirmed that there are no other partners and Mr. Ram confirmed there are none.

Town Manager Hull asked who is responsible for ordering the alcohol and Mr. Ram advised that he is. Town Manager Hull followed up his question by asking about the oversight of the sale of alcohol to the patron, who is responsible? Mr. Ram appeared confused by the question and Town Manager Hull reworded the question by asking when people purchase alcohol, who oversees that responsibility. Mr. Ram advised that it is he. Chairman Caira questioned whether when a patron orders an alcoholic beverage Mr. Ram is the only one who can provide the beverage or whether the cashiers can also provide the beverage and Mr. Ram stated that the employee would provide the beverage in that instance.

Town Manager Hull asked who Jesse and Mike are. Mr. Ram advised that Jesse is a friend who managed the restaurant while he vacationed in his country. Town Manager Hull confirmed that they are both friends and do not have a business interest in Michael's Place.

Town Manager Hull stated that, with respect to fingerprinting, notice was provided October 12, November 1, November 21 and December 26, and he asked when Mr. Ram planned to make arrangements to provide his fingerprints. Town Manager Hull noted that it is a requirement of the Town by-laws. Town Manager Hull stated that he would recommend to the Board of Selectmen that in order for him to continue to operate as manager of Michael's Place that he complete the requirement within seven days. Town Manager Hull asked whether that was acceptable and Mr. Ram agreed.

Chairman Caira asked if there were any questions for Mr. Ram from members of the Board and there were none.

Chairman Caira asked whether everything else is in order for the renewal of the license. Chairman Caira was advised by the Administrative Assistant that there was action that Mr. Ram needed to take for the Building Inspector/Fire Department as it relates to the building inspection that is required for holders of on premises alcohol licenses. The issue is related to a vent in the restaurant.

Town Manager Hull advised that the Town will follow up with him and noted that these are requirements associated with Mr. Ram's ability to maintain the alcohol license.

Selectman Loud asked what the ramifications will be if Mr. Ram does not complete the fingerprinting within seven days and was advised by Town Manager Hull that if there is a failure to comply with the requirements there may need to be a more formal hearing. He stated that he would like to speak with counsel first but he believes that would be the next step.

Selectman McCoy returned to the meeting.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum relative to taxation to the levy limit. He stated that at the Board's December 10, 2018 meeting he was directed to investigate the consequence of preparing a budget based upon not taxing property owners to the levy limit. Town Manager Hull advised that, based upon the tax classification presentation from Karen Rassias, Principal Assessor, increasing the tax levy by 2.0% versus 2.5% translates into the Town forgoing \$416,874 in potential property tax revenue. Given the looming costs for additional staffing, a fire substation, building replacements or upgrades, street improvements, intersection upgrades and potential land acquisitions reducing the Town's revenue stream is a decision that cannot be made lightly.

Town Manager Hull reviewed his memorandum announcing the appointment of Kerry Colburn-Dion as Assistant Town Manager/Human Resources Director effective Monday, January 7, 2019.

Town Manager Hull reviewed information regarding the 2019 Annual Town Meeting and Fiscal Year 2020 Budget Calendar. He noted that important dates to be aware of include February 4, budget presentation; February 1, the last day to submit a petitioned warrant article; February 4, last day for submission of departmental and committee zoning articles; February 8, last day for submission of departmental and committee articles; March 19, Finance Committee/Planning Board Public Hearing; April 27, Town Election and May 4, Annual Town Meeting.

Town Manager Hull reviewed his memorandum regarding the dates the Finance Committee will be with department heads to review their budget. The meetings, with the exception of Library/Elderly Services, Wilmington Public Schools and Shawsheen Tech, will be held in Room 9 of the Wilmington Town Hall.

Town Manager Hull reviewed his memorandum regarding the establishment of an Economic Development Committee. He noted that the first key step to creating conditions for an effective committee is to establish a clear purpose. Town Manager Hull proposed the committee's purpose. He also stated that another key step is to identify individuals willing to volunteer their time to be actively engaged in the work associated with fulfilling the committee's purpose. Town Manager Hull stated that the committee will be comprised of seven members including himself and Valerie Gingrich, Planning and Conservation Director, or their designee. He expects to appoint a representative from the Wilmington/Tewksbury Chamber of Commerce, two local business owners and a resident at large. The committee would be expected to be hands on and self-sufficient with respect to preparing meeting agenda's for posting, maintaining minutes of meetings, arranging for speakers and completing specific tasks as defined. The Economic Development Committee would be an advisory committee making recommendations to the Board of Selectmen and Town Manager. He stated that before contacting individuals to serve on this committee, he is seeking feedback from Board members.

JOSHUA CANFIELD ON BEHALF OF RFTP LLC DBA SWEET PIZZA, RE: REQUEST FOR A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 206 BALLARDVALE STREET, UNIT 4

Town Manager Hull stated that the request is straight forward. The Common Victualer License allows meals to be consumed on premises. Town Manager Hull reviewed favorable recommendations from the Board of Health and Building Inspector.

Chairman Cairra asked if there were any questions, comments or a motion. Selectman Loud asked whether Mr. Canfield was the new owner and how long he has owned the restaurant. Mr. Canfield stated that he has been the owner for nine months. 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 issue a Common Victualer License to RFTP, LLC DBA Sweet Pizza at 206 Ballardvale Street, Unit 4.

COLEEN O'BRIEN, GENERAL MANAGER, READING MUNICIPAL LIGHT DEPARTMENT, RE: FY2018/2019 UPDATES

Ms. O'Brien was present with Chuck Underhill, Integrated Resources Director. Mr. Underhill stated that he worked approximately 25 years in Vermont for municipal electric, Vermont Public Power Supply Authority, approximately 10 years in Massachusetts municipal power supply and approximately two months ago began working at Reading Municipal Light Department (RMLD). He stated that he replaces Jane who has taken a position at another municipal power supply. Ms. O'Brien advised that Jane is the General Manager for Holden, Massachusetts.

Ms. O'Brien provided the Board of Selectmen with a PowerPoint presentation. She noted that a Wilmington student won the art contest to have their picture on the cover of RMLD's annual report.

Ms. O'Brien and Mr. Underhill reviewed highlights including:

- RMLD switched to calendar year budget to align with Department of Public Utilities reporting;
- Continued strategic planning to address revenue generating opportunities through economic development and programs;
- received \$1 million grant awarded by the Commonwealth for the installation of a 5 megawatt energy storage unit to support "Shredding the Peak";
- Installed Outage Management System to improve operating efficiency and facilitate customer communication;
- Initiated installation of Integrated Voice Response for automated outage communications;
- Launched new, mobile-friendly website;
- Added 100% electric Chevy Bolt to fleet, installed multiple electric vehicle charging stations, launched Pilot Plug-in Electric Vehicle Rebate Program;
- Completed significant system reliability upgrades;
- Continued implementation of meter mesh network program;
- Continued new Wilmington substation land purchase and design; construction planned for 2020/2021 to address existing capacity;
- Continued implementation of Organization Study;
- Achieved clean financial audit with no Management Letter.

Chairman Cairra asked if there were any questions or comments from the Board. Selectman Bendel asked if residents are without power how they may obtain information. Ms. O'Brien stated that residents can get Twitter alerts on their cell phone. The alerts will provide the area that is without power and the estimated time for restoration. She noted that residents can still call in but noted with the new system being put in, RMLD will know of the outage at the same time the resident will. She also advised that if the outage is restored and your home is still out, the meter will communicate with RMLD.

Selectman Bendel asked about preventive tree clearing. Ms. O'Brien stated that RMLD has a vegetation management plan that is filed with the Town's Tree Warden. She stated that along with the other member communities, Wilmington is on a 5 year cyclical tree trimming where trees are trimmed to eight feet.

Selectman Bendel noted that Wilmington is establishing an Economic Development Committee and asked if RMLD would, at a future date, provide a presentation to the committee. Ms. O'Brien stated that they would be happy to.

Selectman McCoy commented that customer service does a great job at RMLD. He noted that Wilmington seldom loses power.

Selectman McCoy asked whether an individual who purchases an electric vehicle is saving money. Ms. O'Brien stated that RMLD charges 22¢ an hour to plug in the vehicle and that equates to \$1.50 per gallon if it were a gallon of gas.

VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, AND BRANNER STEWART, AICP, UMASS DONAHUE INSTITUTE, RE: MARKET STUDY ANALYSIS

Ms. Gingrich stated that the Town contracted with the Donahue Institute to work on a study focused on Main Street, specifically the piece of the corridor around the shopping plaza specifically, Clark Street to Richmond Street.

Mr. Stewart introduced himself and the Donahue Institute and provided a PowerPoint presentation to the Board of Selectmen. There was a recognition that the Route 38 Main Street corridor is not providing retail options that Wilmington residents are looking for. He noted the closure of Sonic, Chili's and Walgreen's.

Mr. Stewart stated the study looked at what residents are purchasing in Wilmington and what they are going out of town to purchase.

Mr. Stewart characterized the corridor as 60s or 70s style with parking on the Main Street side of the property and the retail store located towards the back of the property. He stated that retailers and restaurants are looking at areas that present expansion opportunities or niches where they can capitalize on a particular category.

Mr. Stewart stated that Wilmington was growing population wise faster than the fastest growing state in the Northeast from 2010-2017 which is a draw for restaurants. He reviewed the age groups and noted the importance in terms of what they would be consuming.

Wilmington has a high inflow of workers commuting into town which represents an opportunity for retail and residents.

Wilmington's growth in retail jobs has remained flat. Mr. Stewart stated that a share of all jobs in retail is 5.9%, in Massachusetts it is 10% which shows the retail market is underserved. Wilmington has a low concentration of jobs in eating and drinking establishments. There is a

slight loss in opportunity for revenue from meal tax revenue. He noted that the highly educated and affluent seek out convenience such as bakeries, cafés.

There is a spending gap of 121 million as it relates to, motor vehicle sales, sporting goods, clothing and housing supply.

Industries that had a gap and ones residents indicated a need for, include clothing, specialty foods, sporting goods/hobby, specialty store and restaurants.

If Wilmington were to fill the gap how much retail square feet could the town support? Mr. Stewart reviewed the space needs of the different categories.

Mr. Stewart reviewed the challenges Wilmington is facing including e-commerce has changed retail buying patterns, resilience to Internet competition (personal services, medical, entertainment) newer retail like Lynnfield's Market Street are now emphasizing lifestyle over pure retail. Wilmington's location is peripheral to hot retail growth markets; Wilmington's property taxes are high in comparison to benchmark communities.

Recommendations include experiential retail and services: fitness and health, create locally-owned eateries that are alternatives to chain restaurants, cooking classes, wine tastings and cited West Acton Village works as a model.

One stop shopping with an inventory of available store fronts, rents, contacts, pertinent zoning and leasing option may help expedite the siting of new retailers and could be developed as part of a cooperative effort with the Chamber of Commerce.

Wilmington's special permit process may not be onerous to those familiar with it, but it may turn away prospective retailers and restaurants. Zoning by right may offer more transparency and thus translate into more interest.

Improving traffic circulation – ingress / egress from Main Street to shopping areas is a safety concern. Internal circulation in commercial area could be improved, circulation pattern could culminate in a secondary Main Street which would add appeal to shoppers and retailers alike.

Another idea is to create a Main Streets program to improve buildings and create a cohesive community feel, assist small businesses, improve curbside aesthetic of retail areas.

Chairman Cairra asked if there were any questions or comments from the Board. Selectman Bendel stated that there is a lot to digest. He stated that he liked the idea of a vision to market the Town.

Selectman McCoy asked whether the Town is behind the growth in terms of population. Mr. Stewart stated that 2010-2017 Wilmington had a remarkable population growth.

Selectman Eaton stated that it was a surprise that commercial tax rate doesn't seem as much of a hurdle as he would of thought. Relative to the meals tax, Burlington has a lot of restaurants and revenue was over one million and Wilmington was just under \$400,000.

Selectman Loud stated that there are other ways to increase the tax base, Burlington has a lot of high end restaurants and a hotel is another option.

Mr. Stewart stated that the report relative to affluence and age structure indicate the market should be able to support a higher end restaurant in that area that would generate meals tax revenue.

Selectman Bendel asked that the Town's legislative delegation be provided with the market analysis.

Town Manager Hull stated that the point made about high commercial and industrial property tax can be viewed from another perspective. He questioned the number of communities across the commonwealth that have a split tax rate. He believes a majority have a single rate. If Wilmington had a single tax rate, the residential rate payer would have a higher tax bill. Since the split tax rate has been an option, the Board has opted to shift taxes predominantly to the commercial, industrial, personal property owners which has been a benefit to residents.

Chairman Cairra thanked Mr. Stewart for his presentation.

**VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, RE:
INCLUSIONARY ZONING BY-LAW**

Ms. Gingrich provided a PowerPoint presentation to the Board of Selectmen. She recognized that members of the Board attended the various workshops that were held to inform residents about the Inclusionary Zoning By-law. She stated that the by-law is complicated and was before the Board to review and explain and to receive feedback.

Ms. Gingrich reviewed the Inclusionary Zoning By-law and defined it as that which requires affordable housing units with the construction of market rate units. She advised that it is a tool used to maintain the affordable housing percentage and she provided a list of local communities that have inclusionary zoning.

Ms. Gingrich stated that affordable is defined by the state and is where one who earns up to 80% of the area median income can pay their rent or mortgage with 30% of their income. Ms. Gingrich stated that the median income in this area, including communities other than Wilmington, is \$107,800.

As of 2010, half of the Town's households earn less than the area median income and 20% of households earn less than \$50,000. Ms. Gingrich stated that a good portion of residents could qualify for affordable housing.

Ms. Gingrich reviewed development costs for different styles of housing, the costs were provided by a local housing specialist. Affordable units are all subsidized because it costs more to build than the developer will get back. She stated that ways to offset the costs include providing a density bonus for every affordable unit that is required and explained that a developer can get additional market rate units allowed.

Ms. Gingrich provided the process that was taken to develop the Inclusionary Zoning By-law. Ms. Gingrich reviewed the key components which are applicability, percentage requirement, density bonus, offsite construction and payment in lieu of units.

Ms. Gingrich stated that she received feedback questioning why the Town is not requiring for all types of development. She stated that applying the Inclusionary Zoning By-law to single family subdivision is difficult because when building units they are large and expensive. When building affordable units you are not supposed to be able to distinguish between the market rate unit and affordable rate unit.

Ms. Gingrich stated that if the developer did build a large, expensive house as affordable, you also have to take into account maintaining the large house and the infrastructure that goes with it. One way to work around was suggested by a resident who commented that a payment be made in

lieu of units. In that case the Town would have to work out the dollar amount and set up a trust fund and create the unit.

Chairman Caira thanked Ms. Gingrich for the presentation and asked if there were any questions or comments from the Board.

Selectman Loud stated that he has read the draft by-law twice and attended the workshops. He expressed that he was pleased a by-law will be presented to Town Meeting. He asked why only Neighborhood Mixed Use and Central Business District as that limits the Town. He asked how the threshold was determined and he stated that he is not in favor of payment in lieu of units.

Ms. Gingrich stated that Neighborhood Mixed Use and Central Business District are the two districts that allow multi-family units where one will see apartments and condos. Single family homes are not allowed in those districts. The tracts of land that can be future subdivisions are decreasing quickly.

Selectman Loud asked why the by-law requires 15% and not 20% and was advised that when you get up to 20 or 25%, these by-laws are smart growth districts that allow greater density or their districts give density back to the developer. Ms. Gingrich stated that they were not interested in increasing the density.

Selectman Loud asked whether stipulation can be included that affordable units have to be constructed at the same rate as market rate units. Ms. Gingrich advised that multi-family units have to go before the Planning Board for a special permit and at that level phasing requirements can be addressed.

Selectman Eaton noted that the by-law has been a long time coming and stated his fear of creating defacto moratorium on new construction. He stated that he attended a neighborhood association meeting relative to the Ledges project, a proposed development in Woburn. He stated that Woburn is waiting for the final plan for the developer. For 12 years Woburn has tried to prevent the development from happening but lost their last chance for appeal.

Selectman Eaton stated that a problem with 40B projects is that the Town loses local control. He stated that the Inclusionary Zoning By-law is not the solution to the problem but is part of the solution and he believes what was presented is a very good draft and a step in the right direction.

Selectman McCoy stated that there is a Central Business District in North Wilmington and asked whether the by-law will be implemented in that area. He believes the Town should limit to the two districts and see how it works out.

He asked whether the Planning Board is looking to incorporate the inclusionary zoning in other districts and was advised that she believes the Planning Board is mixed. She expects that conversations will continue.

Selectman McCoy stated that the Town will be in a deficit of 70 units when the 2020 Federal Census is completed and opined that is not a lot of units and the town should not panic and rezone more property.

Selectman Bendel asked about feedback on the survey. Ms. Gingrich stated that it was not a large number of respondents and believes the respondents are those familiar with the topic. She stated that she has had conversations with developers to ensure the Town is getting all sides of input.

Selectman Bendel asked when the by-law may be in final form and Ms. Gingrich stated that it is still in draft form hoping to get as much feedback as possible. Feedback on Town Meeting floor is not as useful as feedback now.

Town Manager Hull stated that there needs to be compromise when it is legislation as complicated as this and the need to consider various interested parties and what is achievable at Town Meeting.

Selectman McCoy asked about the density bonus. Ms. Gingrich stated that zoning would remain the same and that the Planning Board could vary certain things to allow for units. What can vary may be open space requirement and parking.

Chairman Caira asked if there were any questions or comments from the audience.

Suzanne Sullivan, Lawrence Street, is opposed to allowing a decrease in open space and stated that if it passes at Town Meeting she would probably call for a Special Town Meeting to rescind it.

Ms. Sullivan stated that there is no open space requirement for Central Business District and a 30% requirement for Neighborhood Mixed Use. She opined that the Town will create a Central Business District within the Neighborhood Mixed Use and she would be totally opposed. She stated that if the threshold requirement is decreased from 8 to 6 the density would be increased. Ms. Gingrich stated it would not be increased. She stated that a maximum could be established of what could be added and a minimum.

Ms. Sullivan advised to proceed with caution or sacrifice the character of the Town.

Frank West, Birchwood Road, stated that he has expressed his opinion with Ms. Gingrich and he believes the percentage ought to be more than 15%. He agrees with keeping an open space component and suggested the Town should look at single family homes as well.

He asked whether 15% has a partial number that becomes a whole number. He stated that 15% of 20 is 3 ½ units and whether that could be four. Chairman Caira stated that he believed he saw a reference to rounding in the draft article and Ms. Gingrich confirmed when the result is a half, it is round up to a whole. Mr. West stated that in the example, 15% of 20 is 3 ½ and Ms. Gingrich used 3. He opined by using “fuzzy math” the Town will lose affordable units over time.

Mr. Sawyer, Lawrence Street, stated that he is not familiar with this topic and asked how important hitting the 10% goal is rather than adding affordable housing.

Ms. Gingrich stated that the by-law is a tool and not a way to catch up but to maintain as housing inventory grows.

Selectman Eaton stated that the Ledges project is for 168 units, requires removing over 400,000 cubic yards of hill among single family homes. Preventing 40B is in line with preserving the character of the Town.

Representative Robertson stated that he was in agreement with opposing Payment in Lieu of Units.

Ms. Sullivan stated that the 2004 by-law was to prevent 40B and stated that this by-law would not stop a 40B indicating the Town is already vulnerable because this was not done in 2004.

Mr. West stated that he would like to see at a near future meeting an agenda item to review other ways to reach the affordable housing goal.

Selectman McCoy stated that the 10% is a state mandate and that he would welcome a friendly 40B. He continued stating: put a hundred units wherever you want to go, we get 100% credit for the apartments and we'll never have to worry about it again and then implement the inclusionary zoning by-law.

COMMUNICATIONS *(CONTINUED)*

Town Manager Hull reviewed his memorandum regarding the North Wilmington Commuter Rail Station. He advised that Senator Bruce Tarr hosted a meeting on January 9 to discuss steps that can be taken to further address the conflict between MBTA commuter trains stopped in north Wilmington at the commuter rail station and fire and police vehicles traveling on Route 62 to emergencies.

Town Manager Hull reviewed communication from Niall Connors, Fios Franchise Service Manager, Verizon, regarding changes to channel lineup.

BOARD TO CONSIDER RATIFICATION OF TOWN MANAGER'S APPOINTMENT OF BROOKE GREEN AND CHERYL SLATER AS MEMBERS OF THE COMMISSION ON DISABILITIES

Town Manager Hull advised that Ms. Green will fill the vacancy dedicated to a person who is a family member for a term to expire April 30, 2021 and Ms. Slater will fill a vacancy for a term to expire April 30, 2019. Town Manager Hull advised that with these appointments, the Commission on Disabilities no longer has vacancies. Chairman Caira asked if there were any questions or comments from the Board.

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

VOTED: That the Board of Selectmen ratify the Town Manager's appointment of Brooke Green and Cheryl Slater as members of the Commission of Disabilities.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE INTERNATIONAL ASSOCIATION OF FIRE IFGHTERS LOCAL 1370

Town Manager Hull reviewed the agreed upon changes to the contract. Chairman Caira 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 execute the agreement between the Town of Wilmington and International Association of Fire Fighters Local 1370 effective July 1, 2018 through June 30, 2021.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 1703, UNIT I

Town Manager Hull reviewed the agreed upon changes to the contract. Chairman Caira asked if there were any questions, comments or a motion. A motion was made by Selectman Eaton, seconded by Selectman Loud and by the affirmative vote of three with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen execute the agreement between the Town of Wilmington and American Federation of State, County and Municipal Employees, Local 1703, Unit 1 effective July 1, 2019 through June 30, 2022.

NEW BUSINESS

Chairman Caira reminded those present that Public Comments will be taken up at this time.

Robert Doucette, Palmer Way, offered comments regarding the train issue and stated a solution would be a nice fire substation in North Wilmington.

Robert Fasulo, Marjorie Road, stated that approximately June 2018, Selectman Loud asked a question that has remained unanswered. He had asked during the interviews for Town Counsel who asked the previous counsel not to attend Zoning Board of Appeals (ZBA) meetings. Town Manager Hull stated that he did not have an answer. Chairman Caira stated that he had not requested counsel not to attend.

Selectman Loud stated that there had been a miscommunication between Mr. Veerman and Mr. Hull and he is satisfied with that explanation and it is a moot point as Town Counsel has been in attendance at the meetings.

Mr. Fasulo asked at whose direction counsel was at the last ZBA meeting. Town Manager Hull stated that there was a difference in opinion between previous and current counsel regarding their participation in these meetings. Prior counsel had expressed reservation in attending the ZBA meeting. More recently there were conversations he had with the Chairman of the ZBA and current counsel and the consensus was it would be appropriate to have counsel attend the meeting.

Mr. Fasulo asked if residents came to the Board in the future with a request to have an independent investigation regarding the decisions that have been made relative to 362 (Middlesex Avenue) project would the Board accommodate their request to see if any rules, by-laws or laws were broken.

Chairman Caira stated that Town Counsel is in attendance at those meetings. Mr. Fasulo persisted with the questions emphasizing that he was asking about an independent investigation.

Chairman Caira responded that the Board would have to review the request if one is made. He cannot offer a blanket response.

Selectman McCoy stated that it would not matter whether the issue is 362 Middlesex Avenue or something else. If residents wanted an independent investigation to look into something he would support it if warranted. Chairman Caira stated the key is if it is warranted, so the request would have to be looked at.

Michael Shay, Park Street, asked how a citizen would make a request for a report on the number of discarded needles and drug paraphernalia between Route 62 @ Route 93 and the Whitefield School (342 Middlesex Avenue) over the past three to five years. He opined this information will provide a baseline and if it spikes the reason would be obvious.

Town Manager Hull stated that it was his understanding Mr. Shay spoke with Police Chief Begonis who advised that the IMC System does not track needle disposition. He stated that it is not that the Town is unwilling to provide the information, the information is not easily retrievable. An individual would be required to review each report to ascertain those numbers, a time consuming task. Mr. Shay confirmed that the Police Chief advised him that the disposal of needles is noted in the police log and he would have to physically look it up. He said the Chief advised him

that he could review the logs or he would have to pay for a member of the Police Department to do it. Mr. Shay advised that he would be unable to afford it. It is his belief that the Town should look into the numbers as it would provide more information than the traffic survey.

Mr. Shay asked whether the Town intended to acquire another K9 and whether the dog would be subjected to searching for fentanyl or other narcotics. He noted there was an issue recently in his neighborhood and the police department called for assistance from the State K9 and was advised they would not permit their dog to participate. Town Manager Hull stated that not in the immediate future. Whether a dog would be permitted to pursue such substances, he would have to defer to the Police Chief.

Suzanne Sullivan, Lawrence Street, commented regarding public records requests that had been made and the Town not providing. She stated that it is the burden of the Town Clerk to prove that the documents are Attorney/Client privilege. Ms. Sullivan stated that the Secretary of State's office has determined that the Town must provide the requested documents, which has not occurred.

Town Manager Hull stated that he cannot speak to specifics but he has been advised by the Town Clerk that there have been multiple requests for various public records. It is his understanding that she has responded in a timely manner but there have been some instances it appears there may be attorney/client governed documents and he does not believe it is unreasonable for the Town to be careful before records are released.

Ms. Sullivan reiterated her comment that if something is attorney/client privilege the burden is on the Town Clerk to prove it and opined that the Town did not do that. Town Manager Hull stated that Ms. Sullivan has mischaracterized events noting that there have been multiple requests made.

Frank West, Birchwood Road, commented that Annual Town Meeting is approaching and there had been discussion relative to moving the date of Town Meeting and asked whether there will be discussion at the upcoming Town Meeting. Chairman Caira stated that the Board received results of the survey and that there wasn't a strong response either way.

Mr. West stated that the Finance Committee and Planning Board recommendations are included in the Warrant and asked whether the Board of Selectmen will provide their recommendations on the articles prior to Town Meeting. Selectman Eaton noted that the Finance Committee is required by the Inhabitant By-laws to provide their recommendation. He advised that there is no such requirement of the Board of Selectmen.

Mr. West stated that members of the Planning Board and Finance Committee are appointed to their positions whereas members of the Board of Selectmen are elected. Selectman Eaton stated that Town Meeting is the governing body of the Town, not the Board of Selectmen and he does not want to lose sight of that.

Selectman McCoy suggested having a special meeting of the Inhabitant By-Law Study Committee meeting for the purpose of determining a date and bring to Town Meeting.

Ethan Sawyer, Lawrence Street, asked if there was an opinion of Town Counsel that residents wanted a second opinion on, would they be able to get one. Town Manager Hull advised that the Board of Selectmen could engage the services of special counsel. The Town would have to provide Special Counsel with a scope of service, what specifically would the special counsel be asked to review.

Selectman Loud recognized the service of John Wallace, US Navy, and Vietnam Veteran. Mr. Wallace volunteers at the senior center, with the Boy Scouts and additional organizations throughout the community.

Selectman Loud offered his apologies to Chief McMahon for using the incorrect last name on multiple occasions.

Selectman McCoy stated that he was glad the Board could put the fire fighter contract behind them and recognized members of the department who do a good job and work hard.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Through

January 18– Curbside Collection of Christmas Trees

January 21 – Town Offices Closed – *Martin Luther King Day*

January 28 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.

February 1 – Last Day to Submit Petitioned Warrant Articles for Inclusion on the Warrant for the Annual Town Meeting – May 4, 2019

February 4 – Development of Strategic Plan for Wilmington Public Schools Community Meeting
Wilmington Senior Center – 1:30 p.m.

February 4 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
Town Manager's FY 20 Budget Presentation

February 5 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.
FY 20 BUDGET OVERVIEW; REVENUE; GENERAL GOVERNMENT

February 6 – Development of Strategic Plan for Wilmington Public Schools Community Meeting
Wilmington High School – 6:30 p.m.

February 7 – Finance Committee Meeting – Town Hall – Room 9 – 7:00 p.m.
PLANNING & CONSERVATION, BUILDING INSPECTOR/BOARD OF APPEALS AND RECREATION DEPARTMENT

February 9 – Development of Strategic Plan for Wilmington Public Schools Community Meeting
Wilmington High School – 9:00 a.m.

February 9 – Congressman Seth Moulton Town Meeting – Town Hall – Auditorium – 1:00 p.m.

February 10– Dedication of Joanne Benton Auditorium – 2:00 p.m.
Wilmington High School

May 5 – Plastic Bag Ban in Effect

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

VOTED: That the Board of Selectmen enter Executive Session for the purpose of considering the purchase, exchange, lease or value of real property at 64 Wildwood Street in accordance with MGL Chapter 30A, Section 21(a)6 not to return to open session.

Meeting adjourned at 10:55 p.m.

Respectfully submitted,

Recording Secretary