

BOARD OF SELECTMEN MEETING

June 22, 2015

Chairman Michael L. Champoux called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael J. Newhouse and Judith L. O'Connell. 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 the potential purchase of real property at 190 and 190R Main Street because discussions of this subject in open session may have a detrimental effect on the Town's position to return to open session.

Chairman Michael L. Champoux reconvened the meeting at 7:08 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

Chairman Champoux asked those present to rise and asked Selectman Newhouse to lead the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 51, 51A, 52 & 52A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held on August 18, 2014 and that all actions taken are hereby ratified and confirmed.

ROBERT PETERSON, ESQUIRE, ON BEHALF OF C & C RESTAURANT GROUP, LLC DBA ROCCO'S RESTAURANT, RE: REQUEST TO OBTAIN AN ENTERTAINMENT LICENSE FOR PROPERTY LOCATED AT 193 MAIN STREET

Attorney Peterson was present on behalf of the applicant Joseph Salvi. He advised that the application is seeking to have live entertainment, up to three musicians, and to offer amplified music from a jukebox later in the evening.

Chairman Champoux asked Town Manager Hull to review the recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by the police chief who recommends approval, the fire chief advised that his department has no concerns or issues and the building inspector advised that he has no outstanding zoning issues.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman O'Connell stated that after the vote she would like Attorney Peterson to comment relative to the current ownership and update the Board on the fencing issue. Attorney Peterson advised that the fencing is complete and bushes have been installed. He also advised that the waste disposal area has been fenced in.

Chairman Champoux noted that the application was consistent with the license held by the prior owner. He asked if there was a motion. A motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant an Entertainment License to C & C Restaurant Group, LLC DBA Rocco's Restaurant for property located at 193 Main Street.

MICHAEL SCIARRA, UNIQUE AUTO CARE, INC., PUBLIC HEARING RE: REQUEST TO OBTAIN A CLASS II GARAGE LICENSE FOR PROPERTY LOCATED AT 611 MAIN STREET

Chairman Champoux welcomed Mr. Sciarra and asked that he summarize his request for the Board. Mr. Sciarra advised that he operates an auto repair shop at 611 Main Street and would like a license to sell used cars. He noted that when his business was located across the street, he had a license for that location.

Chairman Champoux asked Town Manager Hull to review recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by Police Chief Begonis who recommends approval, Inspector of Buildings Al Spaulding who advised that he has no outstanding zoning issues and Deputy Fire Chief Donovan who recommended approval.

Chairman Champoux asked if the applicant had the receipts of the certified mailing to abutters. The receipts were provided by Mr. Sciarra.

Chairman Champoux asked if there were any questions or comments from members of the Board and there were none. Chairman Champoux advised that this appointment is a public hearing and asked if there were any questions or comments from the audience. Susan Doucette expressed concern about maintaining the integrity of the property that her parents bought many years ago. She stated that the property at 609, 611 and 615 were never intended to be set up to sell used cars. She said it was not her parents intent and she is concerned about setting up a used car lot on the properties.

Chairman Champoux stated that this license will not permit Mr. Sciarra to have a used car lot. The license will allow two vehicles to be labeled for sale. Town Manager Hull stated that the zoning by-law was revised to limit the number of used cars on a particular lot to two, with for sale signs. Town Manager Hull stated that there could be other vehicles on the lot to be repaired but the limit is two to be advertised for sale. Ms. Doucette stated that if this is approved, there will be three used car licenses in a row on Main Street and it is her belief that is excessive.

Selectman Newhouse asked Mr. Sciarra to describe the principal business he is in and asked how many vehicles will be on the lot for sale. Mr. Sciarra advised that it varies and it could be between one and five vehicles. Not all vehicles would be for sale, but vehicles that he owns and intends to repair. Selectman Newhouse stated that he believes that the zoning change was intended to assist a small business who encounters customers on a regular basis who have a problem with their vehicle and decide it is not worth repairing. The customer may abandon or sell their car to the business owner who may then repair the vehicle. The business can sell that vehicle to recoup expenses and he believes that the by-law also intended to control the number of cars. Selectman Newhouse asked Mr. Sciarra if he would agree to a condition in the license that he would not use more than a maximum of five spots for cars to be sold. Mr. Sciarra stated that he would agree to that condition. Selectman Newhouse stated that he does not want a small business to jump through hoops to meet the spirit of what was intended but he also does not want to open the door to a used car business with 40 spots.

Selectman Newhouse asked if the vehicles are titled in his name. Mr. Sciarra advised that it would be titled to his company. Selectman Newhouse asked Mr. Sciarra if he understands all the rules that accompany a Class II Garage License. Mr. Sciarra confirmed that he does and stated that he has had a license in the past.

Chairman Champoux asked if the Board of Selectmen had the authority to impose a condition. Selectman Newhouse stated that he does not want to take the place of counsel but believes the Board does because it is on record that the applicant is amenable to the condition. He stated that if there is hesitation the Board could table this and confirm with Town Counsel. Selectman O'Connell asked if Mr. Sciarra would be negatively impacted if the Board tabled the matter until the next meeting. Mr. Sciarra advised that he would not be negatively impacted.

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 table until its meeting of July 13, 2015 at which time the Board of Selectmen will have obtained an opinion from Town Counsel.

STEVEN STEFANOPOULOS, SWEET PIZZA LLC DBA SWEET PIZZA, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 206 BALLARDVALE STREET, UNIT 4

Mr. Stefanopoulos was present to request a Common Victualer License. Mr. Stefanopoulos stated that Sweet Pizza will offer just pizza in the Ballardvale location near Target.

Chairman Champoux asked Town Manager Hull to review recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by Health Director Shelly Newhouse who recommended approval and Inspector of Buildings Al Spaulding who advised that he has no outstanding zoning issues.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman O'Connell asked if this is a franchise or his idea. Mr. Stefanopoulos advised that it is his idea and he is hoping to be able to expand upon it.

Town Manager Hull suggested that if the Board is inclined to approve the request, it be subject to a Workers' Compensation Affidavit being provided.

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

VOTED: That the Board of Selectmen grant a Common Victualer License to Sweet Pizza LLC DBA Sweet Pizza for property located at 206 Ballardvale Street, Unit 4, subject to the Workers' Compensation Affidavit being provided.

Selectman O'Connell asked when he anticipates opening and was advised September 1.

TERESA CASTELLANO, RE: REQUEST TO CONDUCT 5K ROAD RACE ON SUNDAY, OCTOBER 11

Ms. Castellano stated that details have not been finalized but a group of Wilmington residents want to help the family of Anthony Alonardo who died suddenly on April 22, 2015. Ms. Castellano stated that it was Mr. Alonardo and his wife's dream to help their children achieve a college education. She advised that the race route will follow the Kim Forte Walk that this held each year.

Ms. Castellano advised that they will get Mrs. Alonardo's consent to have this fundraiser but noted that the race may continue in memory of Tony Alonardo and funds raised will be used for a scholarship.

Chairman Champoux asked if there were recommendations from applicable departments. Town Manager Hull advised that Police Chief Begonis recommends approval of the request and asked that the coordinators contact the police department for planning purposes. Fire Chief McClellan reviewed the request and advised that they have no concerns and offered the assistance of the Fire Department on the day of the event.

Members of the Board thanked Ms. Castellano and the others who have stepped forward to assist the Alonardo family.

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

VOTED: That the Board of Selectman grant the request of Teresa Castellano to conduct a 5K road race on Sunday, October 11, 2015 to benefit the family of Anthony Alonardo.

COMMUNICATIONS

Town Manager Hull reviewed his letter to Jennifer Lemmerman which advised that William Lavin of "Where Angels Play" will present a proposal for constructing a play area on town property that would be completed in honor of Sean Collier.

Town Manager Hull reviewed his memorandum regarding Robert K. Ahern, 50 Hopkins Street. Mr. Ahern submitted an application for a special permit to the Planning Board in accordance with Chapter 139. It was determined that the lot is a non-conforming parcel making it ineligible for a Special Permit. Mr. Ahern proceeded on the basis of opinions from two attorneys and incurred \$18,000 in development costs.

WILLIAM LAVIN, WHERE ANGELS PLAY, RE: REQUEST TO CONSTRUCT PLAY AREA AT SILVER LAKE IN HONOR OF SEAN COLLIER

Mr. Lavin recognized Sean Collier's family members who were present. He advised that he is a retired fire captain from Elizabeth, NJ and had responded to 9-11. He advised that event was the catalyst for establishing Where Angels Play.

Mr. Lavin played a video showing various clips from the news, people expressing gratitude to the organization and ribbon cutting ceremonies from other playgrounds.

Mr. Lavin advised that the organization will come with resources and manpower and would like the support of the Board of Selectmen. He stated that he would like to work with the Wilmington Police and Fire Departments. He advised that nothing will occur without the okay from the family.

Chairman Champoux stated that early on it was clear that it would be appropriate for the Town to pay tribute to Sean Collier. Town Manager Hull stated that there was discussion about the prospect of placing the playground on the Yentile property but given the timing of the projects, he asked the Department of Public Works to identify potential alternate locations. The Silver Lake playground was constructed compliments of the Kiwanis Club approximately 12 years ago and over the years, different elements of the play apparatus have broken and require repair. Unfortunately the manufacturer no longer supplies replacement parts. He advised that the playground is in safe condition. Town Manager Hull stated that the DPW Director advised him that he would be looking to replace the playground in the next three to five years.

Town Manager Hull stated that he spoke with Rick Fudge of the Kiwanis Club and was advised that the organization would be in support of what is in the best interest of the Town.

Members of the Board thanked Mr. Lavin for being present and noted that they wished to memorialize Sean Collier and respect the wishes of the family.

Selectman Newhouse asked about the timeline for the project. Mr. Lavin stated that they would like to complete the project in mid to late September, staying away from September 11 for obvious reasons. He believes that the family would appreciate expediting the project as the area needs something to celebrate after the trial taking place and the 100 plus inches of snow.

Chairman Champoux asked members of Sean's family how they feel about the project. Mrs. Rogers stated that the family is very excited. She acknowledged that a lot of memorials have been built for Sean, but this would be in Wilmington. She stated that she has grandchildren coming and she can envision her future grandchildren enjoying the playground.

Selectman O'Connell acknowledged an e-mail she received where someone wanted to donate an American flag. She advised that the Town has not worked through logistics of placement, care and lighting. Mrs. Rogers stated that from the time Sean was a young child, the American flag was his favorite thing.

Selectman Cimaglia stated that he was in contact with Captain Michael Cabral and extended his apologies that he was not able to attend. Mrs. Rogers commented about her respect for Mr. Cabral and that he mentored Sean.

Mr. Lavin stated that through his meetings with Sean's family, he has learned that Sean loved advocating for kids and working with them.

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

VOTED: That the Board of Selectmen grant the request of William Lavin, Where Angels Play, to construct a play area at Silver Lake in honor of Sean Collier.

Selectman Newhouse moved to recess for three minutes. Motion granted by Chairman Champoux.

BOARD OF SELECTMEN DISCUSSION, RE: FINANCE COMMITTEE APPOINTMENT AND REAPPOINTMENT PROCESS

Chairman Champoux stated that this has been placed on the agenda at the request of Selectman O'Connell. He stated that there are a lot of documents to discuss and asked Selectman O'Connell to begin the discussion.

Selectman O'Connell thanked the Chairman for placing this on the agenda and stated that the intent of a Finance Committee is to be a watchdog committee for the Town. She stated that residents may rely on this committee to monitor the fiscal dynamics of the Town. Based upon the Town Charter, the appointment and reappointment of Finance Committee members is the responsibility of the Chairman of the Finance Committee, Chairman of the Board of Selectmen and the Town Moderator. She stated that as past chairman of the Board of Selectmen she was involved in the process and had concerns about her experience, the process and the inconsistency between appointments. She advised that she had done some research on her own to understand how appointments were being made and how they historically had been made. She said she has expressed concern throughout the process and to the current chairman. She would like the Board to come to a mutual understanding to ensure that some things that she felt did not go well, do not

occur going forward. Selectman O'Connell stated that she had asked that John Doherty, Finance Committee Chairman, and Rob Peterson, Town Moderator, be invited to attend for the purpose of having a genuine conversation. She stated that she did not feel that past conversations led to a resolution.

Selectman Newhouse stated that after having experienced the appointment process for many years as a member of the Board of Selectmen, after reviewing much of the documentation provided, he has come to the conclusion that the process was mishandled. He understands that mistakes happen but he is dismayed by the degree to which Selectman O'Connell has tried to get a handle on the process, improve upon it and maintain the integrity of the process. He stated that the way the process was handled this year differs from prior appointments.

Selectman Newhouse said that this is not an exercise in being critical but commented that Selectman O'Connell had worked too hard to try to make sure the process went right and it did not. He believes that deserves a public discussion when the whole function of the Finance Committee is to keep the Town Administration, Board of Selectmen and the government in general, honest as it relates to financial affairs. He stated that every step of the process should not be painted with a broad brush but he believes things were done incorrectly and a couple of decisions were deliberately less than transparent. Selectman Newhouse stated that he has had discussions with the Town Manager on events that transpired.

Selectman Newhouse stated that there were two Finance Committee resignations late in 2014 and the Inhabitant By-laws state that the Town Clerk will notify the three appointing members and they will promptly fill those seats. He noted that the notification did not occur. He stated that the Town Manager provided correspondence in December that acknowledged the resignations and the work that the two individuals had provided. He said that e-mail correspondence clearly reflects that the Assistant Town Manager was corresponding with the Finance Committee Chairman as early as November 5, talking about how they would fill the seats. He noted that there was e-mail between the Assistant Town Manager and a resident ferreting out his interest in the position. Selectman Newhouse stated that it was not until April that the Town Clerk notified members of the appointing committee. He stated that of the Town Manager's own account, the Assistant Town Manager was working with the Finance Committee Chairman to fill the vacancies. Selectman Newhouse stated that the Finance Committee Chairman does not handpick the individuals that then make him the Chairman. Selectman Newhouse stated that is not why the committee exists; it is bad practice and is why residents created the by-law defining the appointing committee. He said that is to ensure that there is a balance, and ensure the independence of the Finance Committee.

Selectman Newhouse stated that he would like to review each appointment. He stated that the first appointment was Ms. Gallezzo who expressed an interest by filing a letter of interest as early as April 7 and included an attachment which outlined relevant experience. He believes a sensible decision was made April 14 that she should be appointed but the Chairman of the Board of Selectmen and Finance Committee Chairman acknowledged that an election was approaching to elect a new Moderator and the decision was made to wait until election was concluded. He stated the package the Selectmen received on Friday in preparation for the meeting did not include an appointment letter for Ms. Gallezzo. He stated that he is in possession of the letter because he requested copies from her. Selectman Newhouse reviewed the circumstances of Ms. Gallezzo's letter of appointment. He noted that there were multiple letters of appointment provided to Ms. Gallezzo with various errors. He asked for clarification as to when her term expires. Town Manager Hull advised that it is one year. He asked if the appointing committee is in agreement.

Selectman O'Connell advised that term lengths were not discussed. Chairman Doherty advised that Ms. Gallezzo was appointed to fill a vacancy with an unexpired term to expire in 2016. Selectman Newhouse requested that the Town Clerk be directed to send a corrected letter to Ms. Gallezzo advising that the appointment is for one year.

Selectman Newhouse stated that the next appointment is Mr. Kelley. He stated that he does not know Mr. Kelley but he has read the e-mails and has spoken with Selectman O'Connell and noted that in communication, Selectman O'Connell stated that there was no agreement to appoint Mr. Kelley. She had reached out to Mr. Doherty and Mr. Peterson and she sent an e-mail to the Town Clerk to hold off on swearing in candidates. Before Selectman O'Connell received a response, in just over one hour, Mr. Kelley was at Town Hall and was sworn in. Selectman Newhouse expressed concern that Mr. Doherty provided an e-mail to the Town Clerk and neither the Chairman of the Board of Selectmen nor the Town Moderator were copied.

Town Manager Hull stated that an e-mail was sent April 29 by Mr. Doherty to the Town Clerk and Mr. Kelley was sworn in on May 6. Discussion took place relative to a meeting that took place on April 28. Selectman O'Connell stated her recollection of discussion that took place at the meeting. She stated that she reached out to Mr. Peterson who interpreted events of the meeting differently. She stated that the confusion is why she sent the request asking that the Town Clerk not swear anyone in until the appointing committee could reconvene. Town Manager Hull stated that it was necessary to reschedule a meeting with the Town Clerk from Tuesday to Wednesday, April 29 following a department head meeting. He stated that he met with Ms. George until approximately 11:30 a.m. and had not received the e-mail from Selectman O'Connell. He presumes that the Assistant Town Clerk had been apprised by the Town Clerk that Mr. Kelley had been appointed and could be sworn in.

Finance Committee Chairman John Doherty stated that at the conclusion of their April 28 meeting he believed that they had agreed to appoint Ms. Gallezzo and Mr. Kelley to the Finance Committee. He acknowledged that a follow-up e-mail to confirm that they were in agreement would have been beneficial.

Town Moderator Rob Peterson stated that the meeting on April 28 was three days after the election and acknowledged that he did not immediately recall who Mr. Kelley was. Once he realized he knew Mr. Kelley and could vouch for him and his background, he was prepared to appoint Mr. Kelley to the Finance Committee.

Selectman Newhouse inquired about Mr. Kelley being appointed to a three year term. He stated that the by-law states that when there is a vacancy, the vacancy shall be filled. Mr. Doherty stated that Mr. Hayden resigned. Selectman Newhouse noted that Mr. Hayden's term expires at the conclusion of Town Meeting and that seat should not have been filled until after the two vacant positions were filled. Selectman Newhouse expressed his belief that Mr. Kelley is not a duly appointed member of the Finance Committee.

Selectman Newhouse asked whether there was discussion about the reappointment of Mr. Nally. Selectman O'Connell stated that as Selectman Newhouse spoke of his respect for Mr. Nally, she and Mr. Peterson also had the same respect and it was understood that he wished to continue serving as a member of the Finance Committee and he would be reappointed. She advised that there was no formal discussion and no vote taken.

Selectman Newhouse commented relative to the appointment of Ms. Kincaid which served to replace a long-standing member who clearly expressed an interest in being reappointed. He emphasized that he does not believe that anyone elected, appointed or otherwise has the right to

be reappointed or reelected. He believes that common courtesy dictates that things be handled differently than they were. He understands that Chairman Champoux was involved in the appointment and noted that he had a discussion with Chairman Champoux that the appointment and reappointment process was not being handled appropriately. On Monday, May 11, following reorganization, Selectman O'Connell requested to make this an agenda item at a future meeting and Chairman Champoux acknowledged that and indicated that it will occur. There was no indication that the reappointment would take place before the latter part of May. On Wednesday morning, May 13 at 6:49 a.m. the incumbent member sent an e-mail to Town Hall, the Town Manager and Mr. Doherty stating that he was interested in being reappointed. At 8:00 a.m. the Town Manager sent an e-mail to the Finance Committee Chairman advising that he wished to speak about the e-mail. Selectman Newhouse stated that the Board of Selectmen Chairman was not made aware of the e-mail. He expressed concern that the appointment was made after the Board of Selectmen publicly stated that the process needed to be discussed. The day after the appointment was made, the Town Manager notified the Chairman of the Board of Selectmen that the sitting member was interested in being reappointed. Selectman Newhouse stated that the process was not followed and believes the appointing committee has a responsibility to the Town to make the best appointment it can.

Chairman Champoux stated that his understanding that a lot of what was flawed was the absence of good communication among the appointing committee. Chairman Champoux stated that when he was asked to meet after a Rotary Interact event he believed it was beneficial because the three were present and would not be communicating by relaying information through e-mail. He advised that he believes he would make the same vote if it were to be retaken. He stated that he was not fully aware that by making this appointment he would be unseating the incumbent. Chairman Champoux expressed regret that he did not have full knowledge whether Chairman Doherty had expressed to the incumbent that he was not being considered for reappointment and that he was appropriately thanked for his years of service. Chairman Champoux stated that he does not believe there is a nefarious intent.

Chairman Champoux stated that he believes there needs to be a more formal, more organized, scripted process for future members of the appointing committee to alleviate potential for these unfortunate situations.

Town Manager Hull stated that there were prior e-mails about the status of Mr. Wallace's interest in reappointment and Chairman Doherty stated that he was not clear whether Mr. Wallace was interested in reappointment and would follow up. He advised that future conversations with Chairman Doherty left him with the impression that Chairman Doherty was not inclined to support Mr. Wallace for another term and the next day he forwarded the e-mail to Chairman Champoux advising him that Chairman Champoux would be hearing from Chairman Doherty. The Town Manager was then advised that discussion had taken place. He acknowledged that the e-mail should have been forwarded to the Chairman in a timelier manner.

Selectman O'Connell stated that her issue is that at the time she had requested this to be an agenda topic, several months had passed without Finance Committee appointments, she had spoken with individuals relative to Mr. Wallace's intentions, she stated that it seems to coincide with the change in the Board of Selectmen Chairman. Selectman O'Connell related that, at the Yentile Farm Committee Meeting, Town Manager Hull stated that there were four members appointed to the Finance Committee. Further communication clarified that Town Manager Hull had included the reappointment of Mr. Nally.

Selectman O'Connell reiterated that she has no issue with people being put in the positions but is concerned with the process that took place. She noted that the Board is in receipt of a copy of an appointment letter indicating that she was part of the committee to appoint Michelle Kincaid. Selectman O'Connell asked that a corrected letter be sent to Ms. Kincaid.

Selectman O'Connell stated that if you are going to remove someone who expresses interest in being reappointed, a conversation needs to take place with that person. She related her conversation with Mr. Wallace.

Chairman Champoux commented relative to the inappropriate, informality of the process and going forward he would like see a formal process that can be followed by future Board of Selectmen Chairmen, Finance Committee Chairmen and Town Moderators.

Selectman Newhouse reviewed an e-mail from Chairman Doherty advising Town Manager Hull that Ms. Ellsworth's resignation letter was in the mail and he was expecting Mr. Weiner's soon. He advised the Town Manager that he did not expect to make any appointments prior to the public hearing (for the Special Town Meeting) and that he will contact the Town Moderator and Board of Selectmen Chairman with the replacements and he will let the Town Manager know who they are. Selectman Newhouse stated that the Chairman has noted the difficulty of recruiting members and if the Finance Committee enlisted the help of fellow appointing members and the need for those positions had been publicized as other positions have been, the vacancies would have been easier to fill.

Selectman Newhouse stated that there may be deference afforded to the recommendation of the Finance Committee Chairman but relative to his involvement, there has been agreement that there must be a meeting of the minds of the appointing committee. He said that not one of them would have abdicated their responsibility to make an appointment based upon at least some information provided. He commented relative to formalizing the appointment process and noted that responsibly filling a role that you have cannot be legislated. If the process is not followed with good judgment and integrity, it does not matter.

James Stewart, former Town Moderator, thanked members of the Finance Committee that are serving and expressed concern that tonight's meeting will be misconstrued. Mr. Stewart stated that he has been involved in the appointment process for approximately 33 years and his recollection is that the process was formal. He advised that they would receive a notice from the Town Manager that vacancies existed on the Finance Committee, the Finance Committee Chairman would either e-mail or call and they would have a meeting. He stated that the Chairmen of the Board of Selectmen and Finance Committee would have the list of applicants and he believes they would have discussions with their respective boards. The three members of the appointing committee would then take a vote. He said that it was very rare that there would be multiple candidates for limited positions. Mr. Stewart stated that the Town Manager would be advised, the Manager would then advise the Town Clerk and the individual would be sworn in. He said that there is a process in place that can work. He stated that he is not clear on what the discussion is about and suggested it may have been more beneficial for a meeting to take place with the Town Moderator and Finance Committee Chairman prior to tonight's meeting.

Selectman Newhouse stated that he has spoken with Selectman O'Connell on multiple occasions over the past eight weeks and there was no interest in having a discussion until the prospect of having the discussion publicly came up. He said he wants to have a discussion because he believes the implementation of the process was terrible. He is grateful to Selectman O'Connell for bringing this forward. He stated that he has no problem having the discussion publicly if it meant fixing the problem.

Mr. Stewart excused himself as tonight is his 30th wedding anniversary.

Robert Peterson, Town Moderator, commented relative to his votes for members of the Finance Committee and that he would vote the same way. Mr. Peterson stated he is not opposed to a more formal process and asked if an amendment to the By-laws would accomplish that or whether the Board of Selectmen has the authority to implement a process on a committee appointed by the Inhabitant By-laws.

Selectman O'Connell reviewed one of her e-mails and her desire to have letters of interest or resumes from interested individuals. She said that she has attempted to communicate with the other members of the appointing committee and get clarity.

Michael Caira, former Town Manager, stated that Town Manager Hull telephoned him to speak about the issue and was asked to attend the meeting on behalf of the Chairman. He stated that he disagrees on some points of the process. He stated that there was a process and tonight he hears that what took place is different than what took place in the past. He stated that the process began immediately after Town Meeting or immediately after a vacancy was created. Mr. Caira stated that a letter would be sent to the appointing committee and each member had equal authority. The three members would be asked to respond to the Town Manager so that the Town Clerk could be notified. Mr. Caira reviewed the past process of Finance Committee appointments.

Mr. Caira stated that he attended every Board of Selectmen meeting and every Finance Committee meeting and advised that discussion regarding Finance Committee vacancies did not occur before each board. The authority is clearly vested in the Town Moderator, the Chairman of the Finance Committee and the Chairman of the Board of Selectmen.

Mr. Peterson commented about the process and issues that need to be vetted including the timeline for reappointments.

Chairman Champoux asked Selectman Newhouse what actions he would like to see. Selectman Newhouse stated that he believes the process of having an open and public discussion is productive. He believes it is important that people acknowledge their mistakes and what they would have done differently. He noted that the Town Clerk needs to notify Ms. Gallezzo that her term expires in 2016. Selectman Newhouse said that in terms of Mr. Kelley's appointment, he was purportedly appointed to fill a position that was not yet vacant. He does not have confidence in that appointment and would like the Board to endeavor to determine if the appointment is valid. In terms of the proposed appointment/reappointment procedure he questions whether the three members can promulgate the procedure, he believes it is an exercise that pales in comparison to making sure folks use sound judgment and expects that regardless of a formal appointment procedure, if it is followed openly and transparently we will be better served going forward.

Chairman Champoux stated that in terms of the draft process, he advised that he endorses it and noted that it is not for him but for whoever serves as Chairman. He believes that some of the process should not have to be said but it solidifies the process that Mr. Caira and Mr. Stewart have indicated has been in place.

Chairman Champoux asked if there were any additional comments from members of the Finance Committee or Board of Selectmen.

Selectman Cimaglia offered his appreciation to Mr. Wallace for his years of service on the Finance Committee.

Michelle Kincaid advised that she was unaware that her appointment would unseat Mr. Wallace. She knew that her dad, Richard Hayden, was stepping down. She stated that Mr. Wallace has been a friend to her family for a number of years.

COMMUNICATIONS *(CONTINUED)*

Town Manager Hull reviewed his memorandum advising the Board of Selectmen that the transfer of the All Alcohol – Package Store License from Tucker's Liquors LLC dba Main Street Liquors to Super Target Liquor of Massachusetts, Inc. dba Target was approved by the Alcoholic Beverages Control Commission on April 14, 2015. The closing took place on or about June 9, 2015 and was picked up by Thomas Leach, Manager, June 16.

Town Manager Hull reviewed an invitation from Erika Johnson to attend the Eagle Scout Court of Honor for her brother, Brent Johnson, of Troop 136.

Town Manager Hull reviewed correspondence from Nick Leuci, Vice President of Franchising & Community Investment, Comcast. Mr. Leuci wrote relative to the commencement of the renewal process.

Town Manager Hull reviewed correspondence from Jill Reddish, FiOS TV, regarding Regional Sports Network.

BOARD TO CONSIDER SIGNING TOWN COUNSEL'S CONTRACT FOR FISCAL YEAR 2016

Town Manager Hull advised that the agreement remains the same as the current agreement.

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

VOTED: That the Board of Selectmen sign the agreement between the Town of Wilmington and Deutsch, Williams, Brooks, DeRensis and Holland, PC for Town Counsel services July 1, 2015 through June 30, 2016.

BOARD TO CONSIDER SIGNING DEED FOR WAYS ACCEPTED AT THE MAY 2, 2015 ANNUAL TOWN MEETING, ARTICLE 35 – LT. BUCK DRIVE

Chairman Champoux asked if there were any questions, comments or a motion. 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 sign the deed for Lt. Buck Drive as voted at the May 2, 2015 Annual Town Meeting, Article 35.

BOARD TO CONSIDER EXECUTING DRAINAGE EASEMENT AGREEMENT, 3 WILTON DRIVE

Town Manager Hull advised that the drainage easement has existed for a long period of time, perhaps since 1970, but the deed was never executed by the Board of Selectmen. Chairman Champoux asked if there were any questions, comments or a motion. A motion was made by Selectman O'Connell, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the drainage easement agreement for 3 Wilton Drive.

BOARD TO CONSIDER REQUEST OF LINDA WHITEBONE, WILMINGTON UNITED METHODIST CHURCH, TO PLACE SIGNS ON THE TOWN COMMON OCTOBER 1 THROUGH OCTOBER 17, 2015

Town Manager Hull recommended approval with the condition that not more than two signs be placed on the Church Street side and not more than two signs placed on the Middlesex Avenue side of the Town Common. He also recommends that the signs not be placed on the Town Common prior to October 7, 2015.

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

VOTED: That the Board of Selectmen grant the request of Linda Whitebone, Wilmington United Methodist Church, to place a maximum of four signs on the Town Common from October 7, 2015 to October 17, 2015.

BOARD TO CONSIDER REQUEST OF JENNIFER DeFEO TO HAVE A NEIGHBORHOOD BLOCK PARTY TO BE LOCATED FROM 19 LIBERTY STREET TO 25 LIBERTY STREET, SATURDAY, AUGUST 15, 2015, 12 P.M. TO 12 A.M.

Chairman Champoux asked if there were any questions, comments or a motion. 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 Jennifer DeFeo to have a neighborhood block party from 19 Liberty Street to 25 Liberty Street on Saturday, August 15, 2015 from 12:00 p.m. to 12:00 a.m.

PUBLIC COMMENTS

Kevin MacDonald, 140 Andover Street, commented relative to the construction signs advertising the work at Route 62/Glen Road and Wildwood Street and that at a previous meeting, representatives of EPA and DEP were present. He alleged that the plume of NDMA was "moving all over town" and expressed concern for residents of Wildwood Street who rely on private wells because a water main is not located on Wildwood Street. Mr. MacDonald advocated for the Board of Selectmen to instruct the Water Department to stub a line at Wildwood Street. Town Manager Hull advised that after Mr. MacDonald posed the request in the past, it was confirmed that there is an existing stub. Mr. MacDonald persisted and asked what plans the Town has to protect the residents of Wildwood Street from having their wells contaminated by NDMA and how does he plan to protect the taxpayers from a lawsuit if the wells are contaminated. Town Manager Hull stated that there is no information to suggest that the plume is moving all over town and asserted that the information is not coming from the EPA. Mr. MacDonald continued to present his theory that the NDMA is moving toward the wells because the Town's wells are not pumping and therefore the water is rising. Town Manager Hull stated that he is not a hydro engineer but understands the difference between groundwater and surface water. He advised that there is no basis to suggest that the plume that has created the problem on the Olin site is now on Wildwood Street.

Mr. MacDonald wanted to make comments relative to the Board of Selectmen's Executive Session. He stated that he was aware the Board discussed the rink. Chairman Champoux asked Mr. MacDonald to pose questions so that they may be answered and not make general comments. He

also advised Mr. MacDonald that it was likely the Board's response would be that they could not discuss it and suggested Mr. MacDonald move to his next question.

Mr. MacDonald commented relative to employee health benefits. He stated that prior to the Town's Stop Loss Insurance going into effect; a claim must go over \$150,000. He noted that the Veterans' Department recently hired an individual and asked the Town Manager whether the \$150,000 is per family, per plan or per individual. He asked how it factors into hiring additional employees when there may be four or five members in the family that may be sickly. Town Manager Hull advised Mr. MacDonald that the Town does not discriminate based on the number of people in an employee's family or whether they are healthy or their family members are healthy. He noted that Mr. MacDonald has raised these questions repeatedly over the past several years and the answer remains the same. The Stop Loss attachment point is based per claim. It is not based upon an individual or a family, it is based upon a particular medical claim. Mr. MacDonald expressed his belief that it is possible for the Town to be responsible for \$150,000 for every employee and their dependants. Town Manager Hull advised that is not accurate, that there is an actuarial science to determine the probability of a claim based upon the number of employees hired by an employer but there is no direct correlation based upon the number of employees and the number of claims that reach \$150,000.

Mr. MacDonald stated that he understands that several weeks ago there was a lightening strike at the high school which caused significant damage in the amount of \$150,000 and asked if the Town has assessed the damage amount and what was damaged. Mr. MacDonald asked if the electrical system was not properly grounded and whether the contractor will be held responsible. Town Manager Hull advised that it is not clear that it was a lightening strike. He noted that there is suggestion that it may be related to Verizon and there is no specific indication as to what the power surge resulted from. In speaking with the OPM for the high school project, there is no indication of a dollar amount for damages. Mr. MacDonald stated that he wanted a dollar amount identified and to know what was damaged. Town Manager Hull reiterated that there is no indication that there is a specific dollar amount of damage. Mr. MacDonald stated that he heard that there was damage to electronic equipment.

NEW BUSINESS

Selectman Newhouse stated that the Board will soon be considering the Town Manager's contract. It is his understanding that the Board must perform an evaluation prior to July 1 and asked the Chairman to confirm and provide him with a copy of the contract.

Selectman Cimaglia commented relative to the invitation the Board received to an Eagle Scout Court of Honor. He was impressed that the sister sent the invitation on behalf of her brother and asked whether the Board will send a certificate. Town Manager Hull advised that typically he will attend and asked that if a member is interested in attending they contact the Town Manager's office.

Chairman Champoux stated that he attended the introduction of the Relay for Life and it was clearly a well attended and well received event.

Chairman Champoux encouraged residents to celebrate the Fourth of July.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 11 – Farmer’s Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 29 – Yentile Farm Development Sub-Committee – Memorial Library – 7:30 p.m.
- June 29 – Open Space Committee – Town Hall – Room 9 – 6:00 p.m.
- June 30 – High School Building Committee – High School – Conference Room – 6:30 p.m.
- June 30- – Fourth of July Festivities – 978-657-8081 – (www.funonthefourth.com)
- July 4 – Family Day – Town Common
- July 4 – Spectacular Fireworks – Aleppo Temple
- July 1 – Commencement Automated Trash & Recycling Collection
- July 8 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- July 8 – Concert on the Common – “Don Campbell Trio” – 6:30 p.m. to 8:00 p.m.
- July 11 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- July 12 – Harnden Tavern Open House – 2 p.m. to 4 p.m.
- July 13 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- July 15 – Concert on the Common – “Joe Leary” – 6:30 p.m. to 8:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 10:55 p.m.

Respectfully submitted,

Recording Secretary