

BOARD OF SELECTMEN MEETING

June 27, 2022

Chairman Judith L. O'Connell called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira and Gary B. DePalma. Selectman Lilia Maselli was not present due to a work commitment.

Chairman O'Connell asked those present to rise and she led the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 202251, 202251WIRES, 51A, 202252, 202252WIRES & 52A

JOSEPH DEVLIN, ESQUIRE, ON BEHALF OF SUPER TARGET LIQUOR OF MASSACHUSETTS, INC. DBA TARGET RE: REQUEST TO CHANGE MANAGER FROM KRISTEN M. HIRBOUR TO TONY GALLEA AND TO CHANGE OFFICER/DIRECTOR

Mr. Gallea was present with Elizabeth Pisano of Upton Connell & Devlin, LLP. Ms. Pisano provided an overview of the application submitted and noted that Janine Brown-Wiese (Assistant Secretary) and Sarah N. Reizaki (Director) are no longer on the Board of Directors. The proposed Board of Directors are Matthew Gerety (President/Director), Ryan Brecht (Secretary/Director), Anthony Frank Heredia (Assistant Secretary) and Target Corporation (Shareholder). The application also seeks to change the manager from Kristen M. Hirbour to Tony Gallea. Ms. Pisano provided the Board of Selectmen with information regarding Mr. Gallea's professional experience.

Town Manager Hull advised that the application was reviewed by the Police Department and Chief Desmond has provided a favorable recommendation.

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

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

VOTED: That the Board of Selectmen approve the request of Super Target Liquor of Massachusetts, Inc. DBA Target to amend the All-Alcohol Package Store License by changing the manager from Kristen M. Hirbour to Tony Gallea and to change officer/director.

JIBRANKHAN PATHAN, EZ PIZZA, INC., RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 101 MAIN STREET

Chairman O'Connell asked if the applicant was present. Town Manager Hull noted that this item was on the agenda for the Board's meeting of June 13. Prior to the Board's meeting, the Administrative Assistant was notified that Mr. Pathan would not be able to attend due to issues at the restaurant. At that time Mr. Pathan was advised that the next opportunity for this to be considered was this evening.

Mr. Pathan was not present and Chairman O'Connell proceeded with the agenda indicating that this was not a public hearing and the Board would return to this agenda item if Mr. Pathan was in attendance.

WILLIAM CAVANAUGH, FIRE CHIEF, RE: AMBULANCE REPLACEMENT

Chief Cavanaugh reported that in the early morning hours of May 18, the department responded to Route 93 for a report of a motor vehicle accident (MVA). To access the scene the department had to go north to go south and were utilizing the emergency access turnaround which is permitted with lights and sirens activated. The ambulance used appropriate signals and was struck on the drivers' side. Chief Cavanaugh reported the injuries sustained by Wilmington Fire personnel and noted the operator of the other vehicle sustained serious injuries but is expected to recover.

He reminded the Board that, at the Annual Town Meeting, voters authorized funds where the box would be removed from the current ambulance and utilized on a new chassis which would reduce the wait time. He noted that is no longer viable. Chief Cavanaugh stated that the Finance Committee voted to transfer \$100,000 so that a new ambulance could be purchased, but the wait time is approximately 18 to 24 months.

Chief Cavanaugh stated that a Request for Proposal (RFP) was issued to obtain a used ambulance. He stated that the parameters placed strict restriction on mileage, year and condition. He stated that it is necessary due to the down time for A1 when it needs routine/preventative maintenance on a monthly basis. Without another vehicle, A1 will not be able to get the routine maintenance. He noted that the RFPs are due in the Town Manager's office not later than Thursday, July 14 at 10:00 a.m.

Chairman O'Connell expressed her appreciation to Chief Cavanaugh for the communication that was provided to residents assuring them of the ability to provide coverage of the needs of the Town. She asked whether the Chief is relying on mutual aid. Chief Cavanaugh advised that A1 is still in service commenting that they left the station at 7:00 a.m. and were out all day, they are the primary ambulance staffed by Wilmington personnel, then Action Ambulance then mutual aid communities.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Cairra asked whether, once new ambulance arrives, the "stop gap" ambulance will become part of the fleet. Chief Cavanaugh stated that he will evaluate whether it is viable, that typically the Town does not run three ambulances due to space and necessity. He advised he would seek advice from Garage Foreman Michael Hardimon but it is likely he would recommend that it be part of a trade in.

Selectman Cairra asked about the culvert reconstruction and asked how coverage will be handled on the other side of town. Chief Cavanaugh advised that a pumper will be placed on the north side of town with three members of the Fire Department, all of whom are EMTs. He assured the Board that the trucks have all the capabilities of the ambulances, without the ability to transport. Chief Cavanaugh advised that he is finalizing a different run card and provided an explanation.

Selectman Bendel thanked Chief Cavanaugh and expressed his relief that the members of his department involved in the automobile accident will be okay.

Selectman DePalma asked whether the stop gap ambulance will be a used vehicle. Chief Cavanaugh confirmed.

Chairman O'Connell thanked Chief Cavanaugh for the update and for the work of him and members of his department.

COMMUNICATIONS

Town Manager Hull reviewed a letter from John McCarthy, Executive Director, Massachusetts School Building Authority (MSBA), who wrote to advise that the MSBA voted to invite the Town of Wilmington to partner with the MSBA in conducting a Feasibility Study for the Wildwood Elementary

School. The vote follows the Town's timely completion of all requirements of the MSBA's Eligibility Period. Mr. McCarthy emphasized that the invitation to partner on a Feasibility Study is not approval of a project but is an invitation to the town to work with the MSBA to explore potential solutions to the problems that have been identified.

Selectmen Bendel asked to make sure that the Town's MSBA Committee receives a copy.

Selectman Caira asked who participated in the meetings. Chairman O'Connell advised that she participated as a representative of the Board of Selectmen. Selectman Caira stated that the Town has an MSBA committee and wanted to ensure they were represented. Town Manager Hull reported which individuals represented the Town.

Town Manager Hull reviewed a public hearing notice issued by the Joint Committee on Municipalities and Regional Government soliciting electronic written testimony for five specific bills. One of the bills was S.2936, sponsored by Senator Bruce Tarr, *An Act relative to changing the term board of selectmen to Select Board in the town of Wilmington*. Testimony will be accepted from 12:30 p.m. on Tuesday, June 21, 2022 until 5:00 p.m. on Friday, June 24, 2022.

Town Manager Hull reviewed his letter to Representative Paul Tucker and Senator John Cronin providing written testimony on behalf of the Board of Selectmen relative to S.2936, *An Act relative to changing the term board of selectmen to Select Board in the town of Wilmington*.

Chairman O'Connell reviewed her memorandum regarding the procedure for submitting written evaluation on the Town Manager's performance. She advised that since writing this memorandum, she was in contact with Attorney Joseph Fair of Town Counsel's office who provided guidance in adhering to the open meeting law. She advised that Board members are being asked to submit a written evaluation of the manager's performance to her not later than July 8, 2022. Chairman O'Connell will tally the evaluation no later than July 18, 2022 and it is the expectation to discuss the composite rating at the Board's August 8, 2022 meeting. She advised that it could not be provided to members until the day of the meeting and therefore the composite will not be included in their packet.

Town Manager Hull reviewed his memorandum which provided an update regarding a virtual meeting held June 15, 2022. Mr. Muller reported that all the documentation requested by the Federal Transit Administration (FTA) concerning the platform design for north Wilmington has been provided to them. He was unable to provide a timeline as to when the FTA would respond to potentially authorize the design.

Mr. Muller was informed by the MBTA's legal department that a public presentation addressing the findings of the investigation into the January 21st fatality at the north Wilmington railroad crossing cannot be made until ongoing litigation regarding the incident has concluded.

Air conditioning units will be installed at the railroad crossings on Glen Road and Clark Street by the end of the week of June 20th, completing the installation of air conditioning to the bungalows that have adequate space to accommodate the units. The expectation is that there will be fewer malfunctioning signals or crossing arms at these locations because the electronic sensors and circuitry will be in a climate-controlled environment.

Chairman O'Connell questioned the rationale for the location of the additional signage at rail crossings with emergency call numbers. She noted that she observed the signage at the Glen Road crossing is set back from the road with the message facing an approaching train as opposed to facing motorists or pedestrians. Mr. Ray stated he believes the intention is that if a motorist is stuck on or near the railroad crossing, they could look to their right and see the emergency information.

Discussion took place regarding recent incidents at rail crossings that were reported in early June. A review of the cameras in place indicated that the rail crossing safety features were working properly but that it appeared the motorists were attempting to beat the crossing arms as they were coming down.

A question was raised about the training being done by the MBTA in the aftermath of the January 21st tragedy. Mr. Muller responded.

Selectman Caira thanked the Town Manager and Chairman for participating in the update meetings. He noted that in the beginning there appeared to be more participation from the legislative delegation. He asked to confirm that the delegation is receiving updates. Town Manager Hull stated that he has not provided the delegation with his memos but is willing to. Selectman Caira suggested providing information to Senator Barry Finegold as well.

Town Manager Hull reviewed his memorandum regarding the replacement of the Shawsheen School roof. He noted that he was informed by George Hooper, Public Buildings Superintendent, that work will begin within the next two weeks to replace the 24,000 square feet of tar and gravel roof. The April 30, 2022 Annual Town Meeting approved \$825,000 to replace the roof. An invitation for bid was issued and the lowest qualified bidder was Corolla Roofing of Winthrop. The submitted bid was for \$724,399. The goal is to complete the work prior to the staff and students return to school.

Town Manager Hull reviewed his memorandum relative to the request by Selectman DePalma at the Board's June 13th meeting to consider sending letters to the legislative delegation to appeal to them to suspend the gas tax. Town Manager Hull reported that Senator Bruce Tarr recently proposed suspending the state gas tax until after Labor Day. In March a measure to suspend the tax was voted down in the House. He provided a copy of a letter that was offered to Senate President Karen Spilka and speaker of the House Ron Mariano. President Biden has also encouraged Congress to suspend the gas tax. Some economists have stated that there is no guarantee a suspension in the gas tax will translate into the savings being passed on to the consumer.

Town Manager Hull reviewed his memorandum regarding Finance Committee transfers from the Reserve Account. He noted that the Finance Director, Assistant Town Manager, Fire Chief and he met with the Finance Committee on June 21. The Finance Committee voted to authorize the transfer of \$100,000 for costs associated with the purchase of a new ambulance. A2, a 2017 ambulance, was totaled due to an accident on Interstate Route 93 on May 18, 2022. The Town is in the process of procuring a secondhand ambulance to replace A2. Proceeds from the insurance payment from MIIA are expected to cover the cost of a secondhand ambulance. The April 30, 2022 Annual Town Meeting appropriated \$350,000 to purchase a reconditioned ambulance which was intended to be a new chassis using the "box" from A2. Given the fact that a new ambulance is expected to cost in excess of \$400,000, the transfer is expected to provide adequate funding for a new ambulance. The new ambulance will replace the secondhand ambulance, but the lead time remains about 18 months to 2 years.

The Finance Committee authorized the transfer of \$1,075,000 to address costs associated with the oil tank breach at the Wildwood School. The Licensed Site Professional who has coordinated efforts to remediate the site confirmed that costs to date are \$1,445,019. Costs incurred by the School Department and Public Buildings Department associated with moving furniture and supplies from the Wildwood School to their new locations is \$65,887.71. Town Manager Hull also provided information regarding to costs of oil noting that the total costs documented to date are \$1,531,608.17.

Town Manager Hull reviewed his memorandum which provided an update relative to the Town Hall / School Administration Building. A meeting was held on June 15th to continue discussions with the architect from Johnson Roberts Associates about the exterior features and design of this 43,000 square foot three-story building. Each option was presented with variations on the façade and the types of materials to be used on the exterior. Reference was made to the impressive design of the exterior façade of the high school and discussion took place about designing the Town Hall / School Administration Building with features that complement the high school design. Committee members were asked to review the design features presented and be prepared to provide the architect with further direction at their meeting on June 29th. A public forum will be scheduled for July 13 which will include an open house at the Town Hall in advance of the forum. A suggestion was made to include a screen or television monitor displaying the interior of the Roman House for attendees to view.

Town Manager Hull reviewed his memorandum regarding existing work priorities. He wrote that, in an effort to assist Board members to understand his priorities and areas of focus, he provided an outline of projects. Each responsibility takes varying amounts of time either over several months or extended over multiple years. Efforts associated with moving these projects to completion are made amongst the myriad of other day-to-day responsibilities, unanticipated issues and emergencies.

Town Manager Hull reviewed a memorandum from Valerie Gingrich, Director of Planning and Conservation, to Melissa Cryan, Division of Conservation Services, Massachusetts Executive Office of Energy and Environmental Affairs, where she provided a revised version of the Town of Wilmington's 2021 Open Space & Recreation Plan in response to Ms. Cryan's letter dated January 11, 2022.

Town Manager Hull reviewed letters from Town Clerk Elizabeth Lawrenson to Marianne Gallezzo and Andrew Lavigne advising that they were reappointed to the Finance Committee and advising of the requirement to be sworn in.

Town Manager Hull reviewed communication from Niall Connors, Verizon, who wrote to advise the Board of Selectmen that RTR Planeta was removed from Fios TV at the time the European Council issued new sanctions against Russia and will no longer be available on Fios TV.

BOARD TO CONSIDER SIGNING TOWN COUNSEL'S CONTRACT FOR FISCAL YEAR 2023

Town Manager Hull noted the hourly rate has changed for fiscal year 2023. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Bendel, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen sign the contract for Town Counsel services for Fiscal Year 2023.

BOARD TO CONSIDER SIGNING CONTRACT FOR SPECIAL COUNSEL SERVICES FOR FISCAL YEAR 2023

Town Manager Hull noted the hourly rate has changed for fiscal year 2023. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman DePalma, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen sign the contract for Special Counsel services for Fiscal Year 2023.

BOARD TO CONSIDER DISCUSSION WITH TOWN MANAGER TO ESTABLISH SPECIFIC ANNUAL GOALS AND PERFORMANCE OBJECTIVES

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

VOTED: That the Board of Selectmen take no action.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND NEW ENGLAND POLICE BENEVOLENT ASSOCIATION (NEPBA) LOCAL 101

Town Manager Hull reviewed the changes to the contract which were agreed to by both the Board of Selectmen and the union. A motion was made by Selectman Bendel, seconded by Selectman DePalma and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the agreement between the Town of Wilmington and New England Police Benevolent Association Local 101.

BOARD TO CONSIDER EXECUTING METRO NORTH REGIONAL HOUSING SERVICES OFFICE INTERMUNICIPAL AGREEMENT

Town Manager Hull noted that Town Counsel has reviewed the agreement. He advised that one change is that the office will not be housed in one community and will have office hours in each of the communities.

A motion was made by Selectman DePalma, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the Metro North Regional Housing Services Office Intermunicipal Agreement.

BOARD TO CONSIDER ISSUING LETTER TO LEGISLATIVE DELEGATION TO SUSPEND THE FEDERAL AND/OR STATE TAX ON GASOLINE/DIESEL FUEL

Chairman O'Connell advised that this has been included at the request of Selectman DePalma at the Board's last meeting. Chairman O'Connell offered Selectman DePalma an opportunity to address the Board. Selectman DePalma stated that his position is that the State's coffers are "bulging" and the price of gas is astronomical. The suspension of the gas tax will assist the average person.

Selectman Bendel asked whether Selectman DePalma's intention is that a letter be directed to Senator Tarr and Representative Robertson or to Representative Robertson encouraging him to sign on to Senator Tarr's letter. Selectman DePalma stated that he would like both, a letter to Senator Tarr that the Board is in support of his efforts and to Representative Robertson to encourage him to sign on. He believes a short suspension can help the average family.

Selectman Caira stated that there was a vote that failed in the House of Representatives. He asked how Representatives Gordon and Robertson voted or Senator Finegold. He stated that if the legislative delegation voted in favor, a letter would not be necessary.

Selectman DePalma made a motion to postpone and he would bring back for the next meeting after determining how the delegation voted. Chairman O'Connell suggested that a letter be drafted to an elected official that did not support the suspension of a gas tax. Selectman Bendel suggested drafting two letters as the Board does not meet until July 18.

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

VOTED: That the Board of Selectmen draw up two letters, a thank you letter and one encouraging support.

BOARD TO CONSIDER DESIGNEE TO ECONOMIC DEVELOPMENT COMMITTEE

Chairman O'Connell asked if a member of the Board wished to step forward and serve on the Committee to indicate so. If someone reconsiders their desire to serve on the Economic Development Committee to advise either the Town Manager or herself. A motion was made by Selectman DePalma, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen take no action.

BOARD TO CONSIDER REQUEST OF TOWN CLERK ELIZABETH LAWRENSON TO APPOINT ADDITIONAL ELECTION WORKERS FOR 2022

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

VOTED: That the Board of Selectmen appoint Eileen MacDougall, Brian MacDougall, Lisa Altri and Thomas Donahue to serve as Election Workers for 2022.

BOARD TO CONSIDER REQUEST OF TOWN CLERK ELIZABETH LAWRENSON TO CONSIDER SCHEDULE FOR EARLY VOTING ON SATURDAY, AUGUST 27, 2022

Chairman O'Connell recognized Town Clerk Elizabeth Lawrenson was in attendance and thanked her for taking time out of her schedule. Chairman O'Connell noted that the memo that was provided was self-explanatory. The State has mandated that Early Voting begin on Saturday, August 27 and run through Friday, September 2. Weekdays the hours will be 8:30 a.m. to 4:30 p.m. The legislation has given the Board of Selectmen the option to limit the Early Voting hours for the weekend. The weekend of August 27 and 28 the Town is required to have no less than three hours in a day with a total of six hours for the weekend. The Town Clerk is required to be open on Saturday, August 27 for the last day to register to vote from 9 a.m. to 5 p.m. In an effort to avoid confusing the public by conducting Early Voting for six hours from 9:00 a.m. to 3:00 p.m., Ms. Lawrenson recommends establishing Early Voting hours for Saturday, August 27 to be 9:00 a.m. to 5:00 p.m. The location for Early Voting will be in the Town Hall Auditorium. Chairman O'Connell asked if there were any questions, comments or a motion.

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

VOTED: That the Board of Selectmen establish Early Voting hours for Saturday, August 27, 2022 to be 9:00 a.m. to 5:00 p.m.

PUBLIC COMMENTS

Kevin MacDonald, 140 Andover Street, thanked Selectman DePalma for his efforts to alleviate the burden of high gas prices. He expressed his belief that a letter should be directed to every member of the House and Senate and opined that, on the local level, the Board ought to suspend the Meals Tax.

Mr. MacDonald commented relative to the identification of development of the Olin site which Town Manager Hull listed as a work priority. He asked where the priority was in obtaining justice for the residents whose family member(s) were diagnosed with cancer.

Mr. MacDonald offered comments relative to obtaining an ambulance and suggested the Town could “build their own” through Ford website for less than \$100,000. Chairman O’Connell and Town Manager Hull advised Mr. MacDonald of Massachusetts Procurement Laws.

Mr. MacDonald made comments and asked questions relative to 64 Wildwood Street. Chairman O’Connell stated that Mr. MacDonald was stating one side of an issue and that due to legal status she is unable to comment.

ANNOUNCEMENTS

Selectman Bendel stated that he and his family are looking forward to celebrating the Fourth of July on the Common and thanked the Fourth of July Committee for their work.

NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

October 2 – Farmer’s Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.

June 29– Town Hall / School Administration Building Committee – Town Hall – Room 9 – 6:00 p.m.

June 30– Fourth of July Festivities – 978-657-8081 (funonthefourth.com) – Town Common

July 3 Spectacular Fireworks

July 2 – Family Day – Town Common

July 4 – Independence Day

Town Offices Closed

July 6 – Senior Center Building Committee – Town Hall – Room 9 – 6:00 p.m.

July 6 – Concert on the Common – 6:30 p.m.

Back Track

July 13 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.

July 13 – Town Hall / School Administration Building Committee – Town Hall – Room 9 – 6:00 p.m.
Building Tours – 5:00 p.m.

July 13 – Concert on the Common – 6:30 p.m.

Jimmy & the Jesters

July 16 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.

July 18 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

July 20 – Concert on the Common – 6:30 p.m.

Ball in the House

July 27 – Concert on the Common – 6:30 p.m.

Joe Leary

July 30 – Household Hazardous Waste Day – West Intermediate School Parking Lot
9:00 a.m. to 2:00 p.m.

SALUTE TO SERVICE

Selectman Bendel recognized Brian T. Casey. Mr. Casey is a long-time resident of Wilmington who served in the United States Army having joined in 1984. Mr. Casey was deployed to Afghanistan 2011-2012 where he earned many awards and decorations including the Afghanistan Campaign Medal, Global War on Terrorism Service Medal, Overseas Service Ribbon and the Army Good Conduct Medal. Mr. Casey was a long-time volunteer with Wilmington's Local Heroes organization where he cooked many meals and was a care package volunteer. He also volunteered many hours in the kitchen of Wilmington's Marine Corp League where his father was a long-time member. Brian and his mom, Lorraine, are always a phone call away to assist with any Veteran program that needs a hand.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

Recording Secretary