

BOARD OF SELECTMEN MEETING

MARCH 13, 2017

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, Michael L. Champoux and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and 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 McCoy, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 35, 35A, 36, 36A, 37 and 37A.

PUBLIC HEARING, RE: ACCEPTANCE OF STREETS AT TOWN MEETING, I.E. CHEYENNE DRIVE

Town Manager Hull stated that at the Board's last meeting he reviewed a memorandum from Town Engineer Paul Alunni who advised that a final inspection of the roadway was conducted and reported that the road was completed in accordance with the approved Definitive Subdivision Design Plans. Mr. Alunni advised the Board that the Town is currently holding 10% of the original bond as surety and it will be held for up to 18 months from substantial completion or until the street is accepted by the Town.

Chairman O'Connell asked if there were any questions or comments from the Board and there were none. Chairman O'Connell asked if there were any questions or comments from the audience and there were none. There being no questions or comments from the Board or the audience, Chairman O'Connell asked if there was a motion. A motion was made by Selectman Caira, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen close the public hearing and to accept Cheyenne Drive for further action relative to the acceptance of streets at the Annual Town Meeting on April 29, 2017.

Town Manager Hull advised that the Board of Selectmen will be required to sign the Mylar plan following the meeting.

SUNIL B. PATEL, SHREE PRAYOSHA WILMINGTON, INC. dba SONIC® DRIVE-IN, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 220 MAIN STREET

Town Manager Hull advised that this agenda item will not be brought up for discussion this evening.

VALERIE GINGRICH, DIRECTOR OF PLANNING & CONSERVATION, RE: SALE OF BUTTERS FARM

Ms. Gingrich stated that she was at tonight's meeting to present the Board of Selectmen with final paperwork for the sale of the Butters Farm property. She advised that there are three documents before the Board including a deed conveying the property to Mr. David Sugrue, a Preservation Restriction Agreement with Historic New England and a Stewardship Contribution Agreement with Historic New England where the Town makes a one-time monetary contribution for the perpetual monitoring of the Preservation Restriction. She advised that following the Board

signing the documents, Historic New England will sign the documents and Mass Historic will sign the final Preservation Restriction Agreement. A closing will then be scheduled and the deed and preservation restriction will be recorded at the same time.

Chairman O'Connell asked if there were any questions or comments. Selectman Champoux commented that this seems to be the best of both worlds as a number of residents are passionate about the maintenance and preservation of the building. He asked Ms. Gingrich to describe the limitations of the preservation restriction. Ms. Gingrich stated that it involves the appearance of the exterior and what materials can be used. She stated that given the building's current condition, there are a lot of structural elements that will need to be replaced in the interior. She stated that there will be a rehab agreement. Ms. Gingrich stated that it will be an ongoing dialog with Historic New England.

Selectman Champoux asked whether there is a process that the new owner will need to follow to make changes or upgrades at some point in the future. Ms. Gingrich confirmed that there is.

Chairman O'Connell thanked Ms. Gingrich for her working with the buyer through the process and making sure the historical piece is upheld. She believes there is a benefit to the Town for the property to be transferred to an individual who is willing to take on the rehabilitation of the building and that individual has roots in Wilmington. She stated that the individual seems excited and she also commended the Historical Commission for their efforts in working with the structure so that the structure may be preserved in some capacity.

MICHAEL BEGONIS, POLICE CHIEF, RE: PENDING IMMIGRATION LEGISLATION

Chairman O'Connell stated that this became a topic for discussion when a member of the Board brought to the attention of the entire Board a bill that was pending in the legislature. That member asked that the Board consider taking some action. She noted that the Board of Selectmen collectively asked for an opinion from members of the legislative delegation and Chief Begonis.

Chief Begonis thanked the Board for the opportunity to be before them. He asked for clarification on what the Board was looking for from him. Chairman O'Connell stated that the Board was looking for information on a "Sanctuary State" vs a non Sanctuary State, how it impacts the Town of Wilmington, understanding how weighing in on this, or not weighing on this bill may impact the daily lives of people in Wilmington. She acknowledged that she is not in a position to understand what the Wilmington Police encounter each day. Does the police chief believe the bill would be advantageous to the Town of Wilmington or the State of Massachusetts. She said that if she were taking a vote or position on something she would want to understand the full magnitude of the bill and how it relates to day to day life locally and statewide.

Chief Begonis stated that immigration law does not really impact the Wilmington Police Department. He advised that the Police Department does not, nor have they ever, gone knocking door-to-door asking for papers for citizenship. He stated that the Wilmington Police Department does not take action on civil detainees. The police department participates in the immigration process through criminal activity. He stated that an individual who has been arrested is, by statute, fingerprinted and, by statute, the fingerprints are sent to the State Police. The State Police transfers the data to the Federal Bureau of Investigation (FBI) and, by law, the FBI provides the information to the Department of Homeland Security. Chief Begonis stated that, on occasion, the Police Department will be notified that there is a detainer for the individual for some other reason. He explained that every individual has the opportunity for bail and the department's process is to contact the court magistrate who will review the file. Typically when

the magistrate sees that there is a detainer on the individual, that individual is held on personal recognizance. The Chief noted that this is not a choice or decision of the Police Department. The next day the individual will be brought to court and at the court, after the proceedings are concluded, if ICE or another federal agency wanted the individual, they would pick them up at that time. He stated that it is not a direct hand-off.

Chief Begonis advised the Board that he spoke with his colleagues who are chiefs in sanctuary cities and the consensus is that in a lot of ways, it is a feel good designation. He stated that being a sanctuary city does not mean that ICE will not come into the city, perform detainers and take action on both the civil and criminal side. Chief Begonis stated that the difficulty that some of the Police Chiefs have is that communication coming forward on crime reporting may be stalled because an individual that does not have proper status in the country may not want to speak with the police for fear of being deported.

Chief Begonis stated that the Wilmington Police Department will not pursue or look for it, but if it comes to their attention they will address it as it sees fit through the process on the criminal side. He noted that there is a case being taken up by the Supreme Judicial Court due to the detainers and how they are written. He stated that the Police Department's primary objective is to provide safety and welfare to everyone regardless of their status in the country and to provide equal enforcement of the laws. He stated that is the difficulty with immigration because some people feel that if you are in the country illegally, you are breaking the law.

Chairman O'Connell stated that from her perspective, she did not want to take a vote, did not feel it would be appropriate to take action without seeking the opinion of the police chief and his department. She wanted to know whether the bill would impact the Police Department's ability to keep Wilmington residents and guests safe. She stated that it is her opinion that the bill will not impact the Police Department's ability to do that. Chief Begonis stated that there is not a substantial impact. Chairman O'Connell stated that it appears there is a major political component. She wants to be supportive of Wilmington's residents and is inclined to take no specific action.

Chairman O'Connell asked if there were any questions or comments from the Selectmen. Selectman McCoy stated that he was the selectman who brought this to the Board's attention after reading an editorial in the Lowell Sun. He stated that Senator Eldridge wanted to propose legislation making all 351 cities and towns in Massachusetts a safe haven for illegal immigrants. He acknowledged that since reading the editorial Senator Eldridge's bill has changed and he expects that it will change again. He expressed his concern over making Massachusetts a safe haven given recent crimes that have taken place by individuals in the country illegally.

Selectman Bendel asked how often the Wilmington Police Department takes an individual into custody and is found to have a detainer. Chief Begonis advised that it is not often at all, just on occasion. Selectman Bendel stated that he too would be inclined to take no action and believes the focus of the Board's attention should be on Wilmington issues such as the opioid crisis and keeping New England Transrail out of Wilmington.

Selectman Champoux expressed his appreciation to Selectman McCoy for bringing the issue to the Board's attention. He opined that the bill is poorly written and it ought not be supported.

Selectman McCoy stated that Wilmington receives money from the state. He said it effects the quality of life when people get murdered, raped and robbed and it concerns the people of Wilmington.

Selectman Champoux stated that the generalization that folks that come to the United States from other countries, whether legally or illegally, are either rapists, murderers or other criminals, although it occurs, it also happens at the hands of citizens. People who commit those crimes are criminals, irrespective of their status as citizens. He stated that he did not want to paint with a broad brush, that there are good people from other countries who come here, admittedly some come without the proper documentation and that it could be argued that they are committing a crime by coming illegally but that does not make them rapists and murderers. Selectman Champoux stated that he does not endorse the message that people that come to our country seeking the American dream, who may be cheating by coming without the proper documentation, are somehow higher level criminals. He stated that he agreed with Selectman McCoy that the legislation is poor and the Board should have a conversation and seek out opinions of the legislatures.

Selectman McCoy stated that his comment was based on two to three million, statistics provided by the federal government. He said that there are 20 million illegal aliens in the country and he believes they should have a path to become citizens as they are in the country.

Members of the Board of Selectmen thanked Chief Begonis for being present this evening.

BOARD OF SELECTMEN DISCUSSION, RE: REVIEW OF PROPOSED TOWN MEETING WARRANT

Town Manager Hull stated that the Board reviewed a draft warrant at its meeting of February 27. The warrant before the Board of Selectmen this evening is substantially the same with the addition of three articles. Town Manager Hull advised that two articles are for the replacement of water mains; Article 31 is for the replacement of the water main on Middlesex Avenue and Article 36 is for the replacement of the water main on Ballardvale Street.

Town Manager Hull advised that Article 42 was brought to his attention by the Town Accountant. He stated that for the past 15 to 20 years, at each of the Town Meetings, the Town has sought to establish two different revolving accounts; one for the Compost Bin Program and one for Title V Septic Tank Replacement Program. Town Manager Hull stated that, due to the Municipal Modernization Act signed by the Governor in August, changes in municipal law requires that to obtain approval for these types of revolving accounts, the Town would need to establish a by-law. The Division of Local Services recommended that the legislature act to defer the requirement until fiscal 2019 to allow municipalities the opportunity to act on this. Town Manager Hull advised that there has not been any legislation to grant a deferral. He has consulted with Town Counsel and the Town Accountant and it is his recommendation that the article be added to the Warrant to allow the Town to continue to fund the two revolving accounts.

Selectman Caira asked if the dollar amounts Town Manager Hull provided at the last meeting are the same and he was advised they are.

Selectman Champoux asked if Article 42 passes at the Town Meeting will it be necessary to continue to include Article 41. Town Manager Hull believed it would not but he would need to confirm with Town Counsel. He believes the intent of the Municipal Modernization Act is to remove some of the unnecessary hurdles.

Chairman O'Connell asked if there were any questions or comments and there were none. She advised residents who may be watching the meeting that a booklet with the articles and Finance Committee and Planning Board recommendations will be mailed to each residence in mid-April.

COMMUNICATION

Town Manager Hull reviewed his letter to Jane Lyman, Comcast, in which he wrote that on February 27, 2017 the Board of Selectmen unanimously voted to adopt a detailed cable license renewal ascertainment report. The report was enclosed for Ms. Lyman's review.

Town Manager Hull reviewed his memorandum regarding the Housing Authority. There has been considerable communication between the Department of Housing and Community Development and the Secretary of the Commonwealth about the means by which to revise the make-up of individuals elected to individual housing authorities. Communication of February 15, 2017 instructed Town and City Clerks not to include open seats to the housing authority on the local election ballot if the community's election was due to occur more than 64 days following the date of the email. At that time, Wilmington's local elections were scheduled to occur in 66 days. On February 28, 2017, Town Clerk Sharon George received an email from Michelle Tassinari, Director and Legal Counsel from the Elections Division of the Secretary of the Commonwealth, reversing the previous decision. The email noted that a determination was made that barring elections for housing authority seats in some communities, including Wilmington, could lead to a lack of quorum on the housing authority which would impede the body's ability to conduct business. Stacie Murphy, the resident who previously had turned in nomination papers, was informed of this change.

Town Manager Hull reviewed his memorandum regarding New England Transrail. He informed the Board that Senator Edward Markey's office advised him that a representative from the Surface Transportation Board confirmed receipt of the comment letter from the Congressional delegation and from the Environmental Protection Agency.

Town Manager Hull reviewed his memorandum relative to the Facilities Master Plan. He advised that the Facilities Master Plan Committee will be meeting on March 16, 2017 to resume discussion about the scenarios under consideration for addressing general government and school buildings over the next 20 years. There are four major options under consideration for the principle general government buildings and there are six options under consideration for the Schools.

Town Manager Hull reviewed his letter to Scott Galvin, Mayor, City of Woburn, regarding the New Boston Street Bridge. Town Manager Hull noted that the Board of Selectmen received a presentation from Woburn City Engineer John Corey and Robert Penfield, Director of Structural Engineering, VHB. A majority of the Board of Selectmen were satisfied with the presentation and are supportive of the project contingent upon the city's support of a truck exclusion on a portion of Woburn Street in Wilmington and subject to the updated traffic counts which will be taken on the impacted ways. Town Manager Hull advised that Selectman McCoy requested that he inquire whether the City of Woburn has considered any alternative overpass locations to the re-establishment of the New Boston Street Bridge.

Town Manager Hull reviewed a letter from Rebecca S. Murray, Supervisory of Records, Public Records Division, Commonwealth of Massachusetts, who advised that she was in receipt of his letter appealing the response of the Wilmington Public Schools to his request for records.

Town Manager Hull reviewed a letter from Rebecca S. Murray to Joanne Benton, Interim School Superintendent, advising that she was in receipt of a petition from Town Manager Hull appealing the response of the School Department and School Committee to a request for public records. She advised that the request and content of the provided responses raise issues that invoke the Open Meeting Law. She declined to provide a determination as to the status of the executive session minutes and recommended that Ms. Benton contact the Attorney General's office.

BOARD TO CONSIDER EXECUTING DEED FOR BUTTERS FARM PROPERTY, 165 CHESTNUT STREET

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

VOTED: That the Board of Selectmen execute the deed for Butters Farm, 165 Chestnut Street.

BOARD TO CONSIDER EXECUTING PRESERVATION RESTRICTION AGREEMENT, RE: BUTTERS FARM

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

VOTED: That the Board of Selectmen execute the Preservation Restriction Agreement for Butters Farm.

BOARD TO CONSIDER SIGNING STEWARDSHIP AGREEMENT WITH HISTORIC NEW ENGLAND

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

VOTED: That the Board of Selectmen sign the Stewardship Agreement with Historic New England.

BOARD TO CONSIDER CLOSING AND SIGNING THE WARRANT FOR THE ANNUAL TOWN MEETING

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

VOTED: That the Board of Selectmen close and sign the Warrant for the Annual Town Meeting.

Selectman Champoux noted that residents will have an opportunity to discuss the articles at the Finance Committee/Planning Board joint public hearing scheduled for Tuesday, March 21, 2017 to be held in the Town Hall auditorium.

BOARD TO CONSIDER ACCEPTING EASEMENT WITH PHILIP FONTANA FOR 4 LYNCH LANE

Town Manager Hull advised that there is an existing municipal drain line currently traversing the property at 4 Lynch Lane. The drain line collects runoff from Lynch Lane and discharges to a wetland system behind the parcel. The owners are in the process of putting the property up for sale and contacted the Town. Selectman Bendel asked whether there would be any potential negative impact to the Town and was advised there was none. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Caira, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept an easement with Philip Fontana for 4 Lynch Lane.

BOARD TO CONSIDER SIGNING LICENSE AGREEMENT FOR WILMINGTON FARMERS MARKET

Town Manager Hull advised that the Board of Selectmen approved the Farmers Market at their meeting of February 27. Chairman O'Connell asked if there were any questions, comments or a motion. Selectman Caira asked if it should be included in the license relative to the Fourth of July festivities. Town Manager Hull stated that it will be communicated to the group that barring an agreement with the Fourth of July Committee, they will not be able to conduct the Farmers Market on Sunday, July 2. Selectman Champoux believes that over the years, the Farmers Market has been amenable to changing their plans if the Town is in need of the property even without it being written in the agreement.

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

VOTED: That the Board of Selectmen sign the license agreement for Wilmington Farmers Market.

BOARD TO CONSIDER REQUEST THAT WILMINGTON TOWN COMMON BE ILLUMINATED IN BLUE DURING THE MONTH OF APRIL IN OBSERVANCE OF AUTISM AWARENESS

Town Manager Hull advised that the Board periodically receives these requests and noted that there is a slight cost to purchase the gel inserts. He advised that a donation is being made anonymously.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 illuminate the Town Common blue during the month of April in observance of Autism Awareness.

Selectman Champoux expressed his appreciation to the anonymous donor.

PUBLIC COMMENTS

Kevin MacDonald, Andover Street, stated that he has been made aware of a veteran who has stopped receiving benefits and believes that the Board of Selectmen ought to conduct an audit of the Department of Veterans' Services.

Mr. MacDonald commented regarding New England Transrail and that the project should be stopped.

Mr. MacDonald commented regarding the Board of Selectmen's actions in closing the warrant. He stated that there are no articles included in the warrant regarding affordable housing for seniors.

Chairman O'Connell addressed Mr. MacDonald's comments advising that the veteran ought to meet with Mr. Cimaglia to address issues. She advised that in regard to New England Transrail there have been a myriad of meetings and wells are being monitored to understand the magnitude of contamination. Relative to Senior Housing, Chairman O'Connell noted that Mr. MacDonald is well aware that the article before Town Meeting last year was modified to include senior housing and it takes time to go through the process. The Town is not prepared to put an article before Town Meeting this year.

Mr. MacDonald continued to make comments relative to the Veterans' Services Department and also commented that it was brought to his attention that the Yentile Farm Development Committee gave away 14,000 cubic yards of farm loam from the site. He believes the loam was worth \$250,000 and is perplexed how that can happen. Chairman O'Connell advised Mr. MacDonald that it would have cost more to load trucks with the loam and transport to another location. She stated it would be detrimental to the project to handle the situation any other way.

Members of the Board of Selectmen expressed their confidence in the Director of Veterans' Services and the Veterans' Services Officer.

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

Selectman Champoux stated that he attended a recent legislative breakfast meeting and noted that Governor Baker continues to honor his campaign pledge relative to government aid. He advised that discussion focused on the recreational marijuana law. Attendees were advised that communities may expect to receive letters relative to Chapter 90 funding, totaling \$200,000, the beginning of April.

Selectman Caira concurred with Chairman O'Connell's comments regarding the development of Yentile Farm. He opined that each member of the committee is hard working and they looked at every aspect.

Selectman Bendel noted that he would be attending the 10 year Anniversary Breakfast to honor PFC John Landry on Saturday, March 18.

Selectman Bendel advised that on Thursday between 4:30 p.m. and 6:30 p.m. residents will be able to meet with representatives of Congressman Moulton's office at Memorial Library.

Selectman Bendel thanked Chairman O'Connell for her service to the Town on the Board of Selectmen and the School Committee. He stated that she was a terrific role model to a young member of the Board.

Chairman O'Connell thanked Selectman Bendel for his comments and stated that before Christmas she advised that she would announce her intentions in January or February. She stated that she is stepping down for personal and professional reasons.

Town Manager Hull advised that due to the pending snowstorm, Town offices will be closed Tuesday, March 14. In addition, trash and recycling will be one day delayed.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 16 – Registration Deadline for "Rookies" T-Ball
- March 16 – Behavioral Health Provider Fair "*Finding Balance for our Kids*"
Wilmington Middle School – 5:30 p.m. to 8:00 p.m.
- March 16 – Facilities Master Plan Committee Meeting – Town Hall – Room 9 – 6:00 p.m.
- March 18 – PFC John F. Landry, Jr. 10 Year Anniversary Breakfast
Wilmington Knights of Columbus – 9:00 a.m.
- March 21 – Finance Committee/Planning Board Joint Public Hearing Relative to the
Warrant for the Annual Town Meeting – Town Hall Auditorium – 7:00 p.m.
- March 27 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

- April 1 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 3 – Last Day to Register to Vote at the Annual Town Election and Town Meeting
Town Clerk's Office Open 8:30 a.m. – 8:00 p.m.
- April 10 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 15 – Easter Egg Hunt – Town Common – 2:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:40 p.m.

Respectfully submitted,

Recording Secretary