

## BOARD OF SELECTMEN MEETING

March 23, 2015

Chairman Judith L. O'Connell called the meeting to order at 7:05 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and requested Selectman Champoux to lead the pledge of allegiance.

### TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 38, 38A, 39 and 39A.

### MINUTES

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 approve the minutes of their meeting held October 14, 2014 and that all action taken is hereby ratified and confirmed.

Chairman O'Connell advised that there were no scheduled appointments and asked Town Manager Hull to begin communications.

### COMMUNICATIONS

Town Manager Hull reviewed his memorandum relative to costs associated with the high school project delay. Town Manager Hull advised that in spite of the strong mandate for construction of a new high school a few individuals were able to delay the project by seven (7) months. For the graduating class, the delay represents a lost opportunity to experience the benefits of completing their entire final year in an environment that provides flexible learning spaces, fully incorporates technology into the fabric of the facility, provides a gymnasium with an elevated track and a state of the art auditorium. The unnecessary project delay has led to an increase of nearly \$1.5 million in project costs. Town Manager Hull stated that the overall project costs remain within the budget, the additional costs would not have been incurred had the project started according to the original project schedule.

George Lingenfelter asked if he could make a comment as he believes it is grossly misrepresentative and was advised that he would have an opportunity to speak under Public Comments.

Town Manager Hull reviewed a memorandum from Paul Alunni, Town Engineer, regarding the Tennessee Gas Pipeline (TGP). Mr. Alunni advised the Board of Selectmen that the Tennessee Gas Pipeline Company met with Town representatives to review the current status of the Northeast Energy Direct gas pipeline project. At that time, representatives notified the Town that TGP had approved a revised route for the Lynnfield Lateral through

Wilmington. The revised pipeline route would utilize an existing overhead electric transmission line corridor to avoid disturbance within the Zone 1 protective radius of two of the Town's primary drinking water well fields. Mr. Alunni noted that TGP did not include the revised pipeline location in their latest submission to the Federal Energy Resource Commission (FERC) on March 13, 2015.

Selectman Champoux stated that the memo was written on March 20, 2015 and asked if the Town has received confirmation whether it has been updated. Town Manager Hull stated that as of March 13, the latest filing, FERC has the original map despite their having provided the Town with a revised map.

Selectman Newhouse wanted to make sure he understands the position of the Town's administration. He stated that the administration and the Board of Selectmen objects to Plan A which is the existing route as contained in the paperwork filed with FERC. The Town also objects to Plan B, he presumes the Town needs the information they have to determine which evil is worse, going through a resource area or going through a quarry. Town Manager Hull stated that it is a fair statement that the Town is questioning the safety of running a lateral gas pipeline under an active quarry.

Town Manager Hull reviewed a memorandum from Deborah Cipriani, Recreation Director, regarding proposed paddleboard and kayak programs. Town Manager Hull advised that a request was made last year for paddleboard instruction but due to timing, the Recreation Department was not able to offer in 2014. Mrs. Cipriani advised that instructors are certified in CPR and First Aid and participants will be required to sign a Waiver Release of Liability agreement. Selectman Champoux inquired about liability insurance and how the town handles. Town Manager Hull advised that the vendors would be expected to provide a certificate of insurance in addition to the waivers that must be signed.

Town Manager Hull reviewed correspondence from Richard Verville, Chief, Hazard Mitigation Assistance Branch, FEMA Region 1. Mr. Verville wrote the Board of Selectmen about FEMA's upcoming Risk Mapping, Assessment and Planning (Risk MAP) Discovery Meeting for the Charles Watershed. There are a series of meetings scheduled and Town Manager Hull advised that representatives from Wilmington will be attending on April 14 at the Hamilton-Wenham Library.

Town Manager Hull reviewed communication from the Massachusetts Municipal Association regarding the Winter Recovery Assistance Program that will provide cities and towns with \$30 million in funding to repair potholes and other damage to roads, bridges and signs caused by the winter. Funds will be allocated using the Chapter 90 formula. Town Manager Hull advised that the Town of Wilmington is eligible for \$113,604 to be spent by June 30, 2015. DPW Director Michael Woods has been asked to prepare a summary of areas where these funds will be utilized.

**BOARD TO CONSIDER EXECUTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 1, PATROLMEN'S UNION FOR THE PERIOD JULY 1, 2014 THROUGH JUNE 30, 2016**

Town Manager Hull advised that the terms are similar to those of the Police Superior's agreement. The agreement is for a two year period, each for 3% increase and changes to the detail rates.

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

VOTED: That the Board of Selectmen execute the collective bargaining agreement between the Town of Wilmington and New England Police Benevolent Association, Local 1, Patrolmen's Union for the period July 1, 2014 through June 30, 2016.

**BOARD TO CONSIDER APPROVING THE SALE OF TOWN-OWNED LAND LOCATED ON MARION STREET, MAP 4, PARCEL 10 AS VOTED AT THE ANNUAL TOWN MEETING OF MAY 3, 2014.**

Town Manager Hull advised that a petition requesting the sale of Map 4, Parcel 10 was approved at the 2014 Annual Town Meeting. The property had been declared surplus and an assessed value of \$25,600 was established. Following a public bid process, the successful bid was \$25,700. Town Manager Hull advised that the deed has been prepared. He advised that the Board was also being asked to authorize the Town Manager to execute closing documents on behalf of the Board.

Chairman O'Connell 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 execute the deed for Map 4, Parcel 10 as voted at the Annual Town Meeting of May 3, 2014 and further that the Town Manager be authorized to sign closing documents on behalf of the Board of Selectmen.

**BOARD TO CONSIDER REQUEST FROM WILMINGTON BAND PARENTS AND FRIENDS TO SELL COFFEE, DONUTS, POPCORN, COLD DRINKS, POMPOMS AND BALLOONS DURING THE MEMORIAL DAY PARADE**

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

VOTED: That the Board of Selectmen approve the request of the Wilmington Band Parents and Friends to sell coffee, donuts, popcorn, cold drinks, pompoms and balloons during the Memorial Day parade.

**BOARD TO CONSIDER REQUEST OF SHARON GEORGE, TOWN CLERK, TO APPOINT ELECTION WORKERS FOR 2015.**

Chairman O'Connell 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 appoint the following individuals as Election Workers for the year 2015.

Alfred Antinarelli	Carol Dwyer	Patricia McKenna
Georgia Arbo	Helen Engdahl	Susan McNamara
Donald Armstrong	Maureen Fiorenza	Medora Miller
Summer Beals	Gail Gass	Paige Miller
Catherine Bimbo	Jeanne Grant	Julie Murphy
Barbara Bishop	Rosemary Greco	Kim Mytych
Helen Brady	Lorraine Hermann	Ann Peters
Shirley Brush	Irene Hoffman	Gail Protopapas
Jeanne Buck	Ruth Holbrook	Janice Quandt
James Buckley	Andrea Houser	Gayle Regan
Karen Campbell	Carolyn Kenney	Audrey Riddle
Joanna Clayton	Mary Kiesinger	Elizabeth Roberts
Sarah Cosman	Carol King	Clarice Ross
Linda Costantino	Mary Krikorian	Rosemary Russo
Jane Crane	Elizabeth Lawrenson	Mary Schultz
Beverly Dalton	Jean Lefavour	Joan Searfoss
Alma D'Antonio	Mary Lunetta	Robert Sweet
Claire D'Entremont	Jean Mazzocca	Margaret White
Mary D'Eon	Rosalie McConologue	
Wendy Diecidue	Cynthia McCue	

**BOARD TO CONSIDER RENEWAL OF TAXI CAB LICENSE FOR WILMINGTON TAXI**

Town Manager Hull advised that a favorable recommendation was received from Police Chief Michael Begonis. Chairman O'Connell 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 approve the renewal of the Taxi Cab License for Wilmington Taxi.

## **BOARD TO CONSIDER RENEWAL OF TAXI CAB OPERATOR'S LICENSE FOR TIMOTHY J. FLYNN**

Town Manager Hull advised that a favorable recommendation was received from Police Chief Michael Begonis. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Champoux, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the renewal of the Taxi Cab Operator's License for Timothy J. Flynn

### **PUBLIC COMMENTS**

George Lingenfelter, Concord Street, requested that he be able to provide members of the Board of Selectmen with a packet of information. Chairman O'Connell asked what the packet pertained to and was advised by Mr. Lingenfelter that it was regarding the Building Inspector and Town Manager. He stated that he has spoken of it before, but opined that the Board needs to know what is going on. He stated that due to the Building Inspector's inaction, his property was, and continues to be, damaged. He stated that a commercial structure was built and was determined to be deficient. He stated that he has a lot of complaints in regards to that, much of which is contained in the packet. He stated his intention to go to court and seek damages. He stated that he is being told that the problem is his animosity towards his neighbor.

Chairman O'Connell asked Mr. Lingenfelter if he has made an appointment with the Building Inspector. He advised that he has spoken with the Building Inspector many times and there is no point. Mr. Lingenfelter continued speaking relative to the structure that he claims to be a commercial building. Chairman O'Connell stated that she wanted to give Mr. Lingenfelter an opportunity to speak but the Building Inspector was not present tonight and the Board would not be able to provide further comment.

Mr. Lingenfelter stated that he would like more information regarding the high school project. He stated that there were three appeals relative to the project. He stated that there was an appeal that was upheld by the Department of Environmental Protection. He stated that he was involved in an environmental appeal. He believes it is unfair to say that seven disgruntled people cost the Town money. He stated his opinion that the Town should have spent the money and cleaned up the soils. Mr. Lingenfelter stated that he intends to follow through with an ethics complaint.

Mr. Lingenfelter stated that although Kinder Morgan came up with a Plan B, they can still change and go back to their previous plan or develop another plan. He stated that the Town should not trust them and the Town should not have allowed them to survey Town property.

Mr. Lingenfelter suggested that the Town should purchase the Olin property and offered that the Town could have its own transfer station, rent or lease the property. He stated that another possibility would be to move the DPW from its current facility.

Kevin MacDonald, Andover Street, stated that he has spoken to various people and the feedback he has received is that people are being crushed in taxes. Chairman O'Connell advised that he has his opinion on taxes but it is not relevant to any agenda item. She asked if he had a specific question.

Mr. MacDonald stated that people were told their taxes were only going to increase the equivalent to a cup of coffee per day. Chairman O'Connell asked if he has gone to the Assessor's office. He advised that he has and people feel they have been deceived, tricked and lied to. Selectman

Newhouse requested that Mr. MacDonald provide names. Chairman O'Connell requested Mr. MacDonald to continue and he began to discuss oil at the high school. Chairman O'Connell advised Mr. MacDonald to move on, as that has already been discussed. Mr. MacDonald stated that his comment pertains to stormwater drainage. Mr. MacDonald made his statement. Mr. MacDonald began to ask a question of Town Manager Hull and was advised by Chairman O'Connell to direct his questions through her.

Mr. MacDonald proceeded to ask Selectman Champoux about appropriations made at Town Meeting versus the actual costs. He commented relative to the amount of free cash the Town has. Chairman O'Connell ruled Mr. MacDonald's comments out of order. Mr. MacDonald disputed the Chairman and asked if she was covering up. Chairman O'Connell stated that the Town has \$14 million in reserves. She stated that she does not believe there is anything wrong with the Town having approximately six weeks in reserve to run the Town. Mr. MacDonald continued to speak and was asked by Chairman O'Connell to move on. She stated that the Board of Selectmen's meeting would not be his election platform. Mr. MacDonald stated that Chairman O'Connell was the most disrespectful, probably worst selectmen of all time in this town. Chairman O'Connell advised Mr. MacDonald that his opinion is duly noted.

Chairman O'Connell advised Mr. MacDonald that he was done for the evening. He continued to speak and was asked by the Chairman to withdraw from the meeting. He asked for what purpose. 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 recess for five minutes.

The Board of Selectmen reconvened at 7:48 p.m.

### NEW BUSINESS

Selectman Champoux noted that the candidate's debate will be held on April 7.

Chairman O'Connell provided an update relative to the 9 Cross Street project (formerly known as Yentile Farm project). Chairman O'Connell stated that the Yentile Farm Development Committee invites residents to a presentation relative to the design of the 9 Cross Street recreational facility. She stated that the presentation is being made in advance of the Town Meeting where attendees will vote to appropriate \$4.5 million in funding. The presentation will take place on Wednesday, April 15, 2015 at 7:00 p.m. in the Middle School auditorium.

Selectman Cimaglia offered comments relative to Chairman O'Connell's performance as Chairman of the Board of Selectmen.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- April 4 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 4 – Easter Egg Hunt – Town Common – 2:00 p.m.
- April 6 – 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 13 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- April 15 – Yentile Farm Redevelopment Presentation – Middle School Auditorium – 7:00 p.m.
- April 25 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- May 2 – Annual Town Meeting – High School Auditorium – 10:30 a.m.

Town Manager Hull stated that recently an e-mail was circulated with misinformation regarding the status of the high school auditorium. It was suggested that the auditorium was not complete. Town Manager Hull advised that the auditorium is complete and functional. It is not being made available at this point as staff is being trained on lighting, sound system, rigging and various elements. Town Manager Hull stated that there was a misunderstanding about the seating. It was suggested that it is less than what was in the old high school. He advised that seating is established by a formula of the Massachusetts School Building Authority. He stated that the old high school auditorium had 420 seats, the seating originally established for the new high school was 641. The total seating in the auditorium is 698 and there is additional seating available for handicapped seating bringing the total to 706.

Selectman Champoux stated that the open house at the new high school was held on April 19<sup>th</sup> and stated that it was well attended and fun to see the reaction of the Town's people to see their investment.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,

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Recording Secretary