

BOARD OF SELECTMEN MEETING

March 25, 2019

Chairman Kevin A. Caira called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull. Selectman Eaton was not present due to a personal commitment.

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

VOTED: That the Board of Selectmen enter Executive Session for the purpose of discussing strategy with respect to litigation regarding the High School gymnasium floor in accordance with MGL Chapter 30A, Section 21(a)3 as the Chairman declares that an Open Meeting may have a detrimental effect on the negotiating position of the Town and to approve Executive Session minutes from Tuesday, November 13, 2018, November 26, 2018, December 10, 2018, January 14, 2019 (prior), January 14, 2019 (post) and March 11, 2019 in accordance with MGL Ch. 30A, Sec. 22 with the intention to return to open session.

Chairman Kevin A. Caira called the meeting to order at 7:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

TREASURY WARRANTS

Chairman Caira asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 37, 37A, 38 and 38A.

SCOTT C. GARRANT, ESQUIRE, ON BEHALF OF RICHARD LOWE, DDK BAKING LLC DBA JOSIE'S BAKERY, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 2 LOWELL STREET, UNIT 8

Mr. Garrant was present on behalf of DDK Baking LLC DBA Josie's Bakery to obtain a Common Victualer License. Mr. Garrant stated that he was present with Mr. Lowe and noted that approximately five years ago he was present before the Board seeking the same license for Tremezzo Restaurant. Mr. Lowe has dedicated himself to making Tremezzo's a member of the community by supporting local organizations, non-profit organizations and sport organizations. Mr. Lowe was chosen to receive the 2019 Carmen Cunningham Business Legacy Award from the Chamber of Commerce. Mr. Garrant stated that, on social media, when it is asked what individuals would like to see in Town, a bakery is at, or near, the top of the list.

Mr. Lowe thanked the Board of Selectmen for allowing him to be present before them. He advised that the bakery will be located where Edible Arrangements was located. Mr. Lowe stated that Tremezzo's makes all their items in house and it occurred to him that he needed additional space. One of his staff members is a baker and noted that there are bakeries in Burlington and Tewksbury but there aren't any in Wilmington. He stated that he was raised to be a good neighbor and take care of the people that come in and those that work for you. He noted that Josie's Bakery is named for his wife's grandmother.

Chairman Caira asked if there were any questions or comments. Selectman Bendel asked if Mr. Lowe had a timeline to open and he stated that he intends to have it open by Easter.

Town Manager Hull advised that the application was reviewed by the Director of Public Health, Shelly Newhouse, who recommends approval and Building Inspector Al Spaulding who advised that there are no outstanding zoning issues.

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 approve the request of DDK Baking LLC DBA Josie's Bakery to obtain a Common Victualer License.

RECOGNITION OF POLICE CHIEF MICHAEL R. BEGONIS

Chairman Caira offered comments regarding that Chief Begonis' dedication to the town, its citizens, over thirty years of service, dedication to Cops for Kids with Cancer, an innovator. Through the Chief's efforts the Town has an employee that helps with opioid and mental health issues. The respect that people have for the Chief is amazing and he will be truly missed.

Selectman McCoy and Selectman Bendel wished Chief Begonis well. Chief Begonis introduced his wife Colleen and two of his sons, Michael and Jack.

Town Manager Hull expressed his appreciation to the Chief and reviewed some of his accomplishments.

Chief Begonis thanked the Board and the Town Manager for their support over the years. He stated that he could not have done his job without his wife beside him. He also recognized that the accomplishments mentioned were not done by himself but collectively with members of the Police Department.

Chairman Caira presented a letter of commendation on behalf of the Board of Selectmen to Chief Begonis.

DISCUSSION REGARDING APPOINTING ADDITIONAL MEMBERS TO THE ECONOMIC DEVELOPMENT COMMITTEE

Chairman Caira suggested that the Board hold off until their next meeting when Selectman Eaton will be present.

COMMUNICATIONS

Town Manager Hull reviewed communication from the Town Moderator regarding the Town Meeting Review Committee. Town Moderator Rob Peterson suggested that appointments to the Town Meeting Review Committee not be made until after the Town Election and Town Meeting to remove any appearance of politics from appointments. He suggested that the end of May would be proper and that the Committee be required to provide monthly reports to the Board of Selectmen.

Town Manager Hull reviewed his memorandum advising the Board that he has accepted the Building Inspector's recommendation to establish a policy that property owners, or their representatives, who require the expenditure of Town funds for review of plans or title work, for example, provide funds to the Town to place in a restricted account to cover costs

associated with the review. Property owners seeking a building permit which requires consultation with Town Counsel, or other experts, will need to provide \$3,000 for deposit in a Town account. Each applicant's funds will be tracked separately and unexpended funds and interest remaining at the conclusion of the review will be returned to the property owner.

Town Manager Hull reviewed his memorandum advising of the addition of the category "Announcements" to the Board's agenda. Following the Board's March 11, 2019 meeting, he spoke with Town Counsel regarding concerns about a topic brought up during the meeting that was not included on the agenda. It is his recommendation that members use the category "Announcements" to provide information such as notice of an upcoming event that was not previously noted, congratulations or recognition of groups or individuals or a brief description of an event attended by a Board member. Further discussion and clarification on posting and conduct of meetings can be obtained from Town Counsel during the Open Meeting Law/Public Records Law presentation on April 11.

Selectman McCoy opined that the Board needs to discuss this at the next meeting when Selectman Eaton is present. He disagrees with the Town Manager. Members of the Board should have an opportunity to discuss matters.

Chairman Caira clarified the intent of the category "Announcements". Selectman McCoy stated that he wanted to make sure that if he has something to say, he is going to say it. Town Manager Hull stated that having discussions about individuals without their knowledge is problematic. Topics that will have substantive discussion and a possible vote ought to be posted on the agenda so that the public, and perhaps the individuals involved, can be present if they choose.

Town Manager Hull reviewed his memorandum regarding the North Wilmington Commuter Rail Station. He noted that he and Chairman Caira participated in a conference call to discuss ongoing efforts to address the periodic disruption of emergency responses. The MBTA conducted a weeklong survey of ridership at this station to determine the level of passenger activity at the station. The Board was advised that the Town's legislative delegation and representatives from the MBTA will be attending the Board's meeting on April 8th to discuss the options and receive comments from the public.

Town Manager Hull reviewed his memorandum regarding the status of the Woburn Street/Lowell Street Intersection Project and the Route 38 Project. He advised the Board of Selectmen that on March 21, 2019, Planning and Conservation Director Valerie Gingrich, Town Engineer Paul Alunni and he attended a meeting of the Boston Region Metropolitan Planning Organization to advocate for the two projects. Each year approximately 150 projects worth over \$1 billion compete for state and federal funding on a 5-year rolling capital investment program. Both of the projects may be included in the FFY 2020 to 2024 Transportation Improvement Plan. He advised that during the public comments portion of their meeting he expressed the unified support for these two projects by local leaders and Wilmington's legislative delegation.

Town Manager Hull reviewed his memorandum advising the Board of Selectmen that he has appointed Lieutenant Joseph Desmond to serve as Acting Police Chief. It is expected that a permanent appointment will be made by early July.

Town Manager Hull reviewed an invitation to active duty veterans, police, fire and EMTs to attend Lutz Buddy Up social for military and first responders. The event will take place on Wednesday, April 10 from 7:00 p.m. to 9:00 p.m. at the Wilmington Knights of Columbus.

Town Manager Hull reviewed correspondence from Catherine Maloney, Sr. Manager, Governmental & Regulatory Affairs, xfinity, which provided the Board with Comcast's policies and procedures, sample subscriber bill, work order and rate and channel line information for the Town of Wilmington.

BOARD TO CONSIDER REQUEST OF CHRISTINE TOUMA-CONWAY, TOWN CLERK, TO APPOINT ELECTION WORKERS FOR 2019

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 appoint the following individuals as election workers for 2019.

Alfred Antinarelli	Charlotte Grasso	Anna Rainone
Georgia Arbo	Lorraine Hermann	Margaret Reese
Donald Armstrong	Andrea Houser	Judith Revelas
Catherine Bimbo	John Karonis	David Riese
Barbara Bishop	Carolyn Kenney	Susan Riese
Karin Bloom	Mary Kiesinger	Clarice Ross
Helen Brady	Carol King	Alice Rourke
Jeanne Buck	April Kingston	Rosemary Russo
James Buckley	Mary Krikorian	Jacquelyn Santini
Maria Burns	Janice LaCasse	Julie Sbraccia-Marios
Elaine Calvo	Janet Lyons	Mary Schultz
Joanna Clayton	Janet Marchillo	Joan Searfoss
Sandra Cosman	Rosalie McConologue	Annette Shelley
Sarah Cosman	Cynthia McCue	Ruth Ann Soderholm
Linda Costantino	Patricia McKenna	Ellen Sullivan
Marie Creeth	Susan McNamara	Robert Sweet
Beverly Dalton	Medora Miller	Nicole Vitale
Alma D'Antonio	Christine Murphy	Sandra Volpe
Mary D'Eon	Kim Mytych	Margaret White
Wendy Diecidue	Jeanne Nasiff	Linda Williamson
Carol Dwyer	Judith Perry	Diana Wilson
Mary Giroux	Gail Protopapas	
Jeanne Grant	Janice Quandt	

BOARD TO CONSIDER REQUEST OF THE DIRECTOR OF VETERANS' SERVICES TO CONDUCT A MEMORIAL DAY PARADE ON MONDAY, MAY 27, 2019

Chairman Caira 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 approve the request of the Director of Veterans' Services to conduct a Memorial Day Parade on Monday, May 27, 2019.

BOARD TO CONSIDER RENEWAL OF TAXI CAB LICENSE FOR WILMINGTON TAXI

Town Manager Hull advised that the application was reviewed by Police Chief Begonis who provided a favorable recommendation.

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 renew 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 the application was reviewed by Police Chief Begonis who provided a favorable recommendation.

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

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

BOARD TO CONSIDER REQUEST FROM KHALID HAZIMEH, TONY'S ICE CREAM, TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM

Town Manager Hull advised that the application was reviewed by the Health Director, Shelly Newhouse, who recommends approval. Police Chief Begonis advised that the applicant has not yet been fingerprinted as required by the Town's by-laws. Town Manager Hull recommended that the Board of Selectmen approve the license contingent upon the applicant complying with the Town's by-laws and submitting his fingerprints for the Fingerprint Based Criminal History Check.

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

VOTED: That the Board of Selectmen renew the Hawk & Pedle License of Khalid Hazimeh, Tony's Ice Cream, contingent upon his complying with Chapter 5, Section 53 of the Inhabitant By-laws of the Town of Wilmington, Revised.

PUBLIC COMMENTS

Chairman Caira noted that Public Comments is not intended to be a question and answer session, residents may ask questions but if it is not on the agenda Board members may choose to make note of the question and respond at a future meeting.

Frank West, Birchwood Road, offered his congratulations to Chief Begonis on his retirement and to Joseph Desmond on his appointment as Acting Police Chief.

Mr. West asked the Chairman to explain his comments at the beginning of Public Comments and scenarios that may jeopardize the Open Meeting Law. Chairman Caira stated that questions need to pertain to the agenda. Board members can choose to answer questions outside the scope of the agenda at the next meeting as having a dialogue may violate the Open Meeting Law.

Suzanne Sullivan, Lawrence Street, stated that she attended one of the public meetings that took place regarding The Ledges, a 40B project taking place in Woburn just south of the Wilmington town line. She requested that the Town go on the record regarding its position relative to the trucks that will be using the site. She advised that Woburn residents have been told that the trucks will be left on Old Main Street or other local Wilmington streets. She opined that Wilmington residents will be impacted by the project and expects that trucks entering and exiting the site will be using local roadways.

Ms. Sullivan stated that she has asked a number of times regarding the status of the Sciarappa Farm without getting an answer. She stated that there are rumors that developers have spoken to the Town about developing the site and she understood that the Town was in negotiations with the owners of the property. Chairman Caira stated that the Town has had conversations with the attorney. Town Manager Hull stated that there have been discussions with Attorney Crowley, but not within the last couple of months. He noted that there have been potential developers speaking with the Town. All discussions have been preliminary to determine the Town's level of support and the Town has made no commitment. Ms. Sullivan asked whether there was still a possibility for the Town to acquire that property. Chairman Caira stated that the Board wanted to be cautious and not reveal Executive Session discussions but it is the consensus of the Board that the price is substantial. Town Manager Hull commented that it becomes a matter of priorities. There is focus on the amount in Free Cash but, as a result of the Facility Master Plan Study, there is \$143 million associated with costs to either upgrade existing buildings or replace buildings as well as a myriad of other projects.

Brief discussion took place regarding why certain information, such as the property appraisal, is not public information.

Kevin MacDonald stated that he had solutions for certain issues facing the Town including requesting the MBTA rope off a section on the first passenger car to be reserved for those passengers exiting at the North Wilmington station. Chairman Caira advised that the question was posed to MBTA officials who advised it was not an option because of handicapped issues it is against the law. Mr. MacDonald opined that emergency vehicles including police vehicles, ambulance and fire apparatus should be stationed on the opposite side of the tracks before a train is scheduled to arrive.

Mr. MacDonald commented about a project in North Reading where he alleges close to 375,000 gallons per day of septic effluent will go in to the soil. He stated the project is beside a town wellfield and expressed concern for the town's water supply.

Regarding The Ledges project, he suggested that the Town purchase material and use at the Olin site.

Mr. MacDonald asked Selectman Bendel how many Wilmington students attend Shawsheen Tech. Selectman Bendel believes it to be approximately 400 students. Mr. MacDonald commented about the increase in the budget. Town Manager Hull stated that, as mentioned at Finance Committee meetings, the original assessment from the Superintendent at Shawsheen Tech estimated that Wilmington's assessment would increase \$700,000. Subsequent to that the Town was advised that the assessment is expected to increase approximately \$558,000. The number is an estimate because Mr. Broadrick, Superintendent/Director, does not have information regarding Chapter 70 Local Aid that will be received. The increase is substantial because Wilmington's attendance is increasing 19 students and Billerica's attendance is decreasing 66 students.

Mr. MacDonald commented regarding Free Cash and asked the Board to commit that funds not expended will not go into Free Cash but will get returned to taxpayers. Town Manager Hull reviewed municipal finance.

Mr. MacDonald commented regarding Stop Loss Insurance deductible and suggested it should go out for competitive bid and asked that Chairman Caira schedule an agenda item. Town Manager Hull noted that the issue is raised every year and the deductible has not changed.

ANNOUNCEMENTS

Selectman Bendel recognized the service of Wilmington resident and Vietnam Veteran Richard Bertram, US Navy.

Chairman Caira advised that he, Judith O'Connell and Town Manager Hull attended an event in Cambridge where the Town received the Silver Award for the Yentile Farm Recreational Facility in the 2019 Engineering Excellence Awards competition held by the American Council of Engineering Companies of Massachusetts. The award is a highly regarded and prestigious which recognizes infrastructure projects that demonstrate a high degree of achievement, value and ingenuity.

NEW BUSINESS

Selectman McCoy congratulated the Yentile Farm Development Committee.

Selectman McCoy stated that he was contacted by a resident regarding The Ledges issue and trucks parking on local roads, specifically behind Jimmy's Garage. He stated that he contacted Town Manager Hull who assured him there would be no trucks parking on Wilmington roadways. Town Manager Hull stated that he spoke with the Building Inspector and indicated that construction vehicles should not be permitted to park on Old Main Street. He has been directed to go down on a regular basis. The Town does not have legal authority to bar construction vehicles from traversing specific streets.

Selectman McCoy stated that, regarding the third item under communications, he did not single out a specific member.

Chairman Caira offered the Board's congratulations and best wishes to Chief Begonis and Acting Chief Desmond.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- April 3 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 6 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 6 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 8 – 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 8 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 10 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 10 – Wetland Resource Areas and Conservation Land Library Lecture Memorial Library – 7:00 p.m. to 8:30 p.m.
- April 13 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 15 – Town Offices Closed – Patriot's Day
- April 16 – Town Forest Nature Walk – 3:00 p.m.
- April 17 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 20 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 20 – Little League Opening Day Parade
- April 20 – Easter Egg Scramble – Town Common – 2:00 p.m.
- April 22 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 24 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 27 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 27 – Spring Town Clean-Up Day – 8:30 a.m.
- April 27 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 27 – Drug Take Back – Public Safety Building – 10:00 a.m. to 2:00 p.m.
- April 27 – Land Stewardship Program Introduction Workshop – 1:00 p.m.
- May 4 – Annual Town Meeting – High School Auditorium – 10:30 a.m.
- May 5 – Plastic Bag Ban in Effect

A motion was made by Selectman McCoy, seconded by Selectman Bendel 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 strategies with respect to collective bargaining with New England Police Benevolent Association (NEPBA) Local 1 in accordance with MGL Chapter 30A, Section 21(a)3 as the Chairman declares that an open meeting may have a detrimental effect on the negotiating position of the Town, not to return to open session.

Meeting adjourned at 8:28 p.m.

Respectfully submitted,

Recording Secretary