

## BOARD OF SELECTMEN MEETING

March 26, 2018

Chairman Michael L. Champoux called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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 strategies with respect to litigation involving the Wilmington Police Department in accordance with Massachusetts General Law Chapter 30A, Section 21(a)3 as an open meeting may have a detrimental effect on the Town's position with the intention to return to open session.

Chairman Michael L. Champoux called the meeting to order at 7:15 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

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

### TREASURY WARRANTS

Chairman Champoux 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 37, 37A, 38 and 38A.

### **UPDATE TO BOARD OF SELECTMEN, RE: TAX INCREMENT FINANCING PROPOSED AGREEMENT WITH ANALOG**

Chairman Champoux advised that Analog Devices is a client of his and recused himself from discussion on this agenda item and left the room.

Town Manager Hull reviewed his memorandum updating the Board on discussions about a potential Tax Increment Financing (TIF) agreement. Working within the parameters set by the Town's TIF group, which consisted of Selectman McCoy, Selectman Caira, Finance Committee member John Doherty, Planning & Conservation Director Valerie Gingrich, Principal Assessor Karen Rassias, Assistant Town Manager Denise Casey and himself, a tentative agreement was reached. Town Manager Hull reviewed the terms of that agreement. He advised that the next steps are for the Board of Selectmen to take a vote to recommend this go forward to Annual Town Meeting for approval and to approve the acceptance of Analog's Economic Development Incentive Program local application. Town Manager Hull stated that if Town Meeting approves the Tax Incentive Financing, there are documents that would need to be submitted to the Economic Assistance Coordinating Council (EACC) and they will vote on June 20.

Selectman McCoy stated that he feels more comfortable with this agreement than the initial one provided which he believes was aggressive.

Selectman Caira stated that the committee worked diligently and it is his opinion that the agreement reached is a win for Analog and the residents of Wilmington.

Selectman Bendel stated that he was reluctant to give a tax break to anyone who wasn't "Joe Resident" but has researched the topic of TIF agreements and attended the recent Finance Committee meeting and believes it will be a benefit to the residents. Selectman Bendel asked if there will be guidelines to follow for future TIF requests. Town Manager Hull stated that guidelines from other communities have been reviewed. Some items that need to be considered will be the size of the investment and impact to the community.

A motion was made by Selectman Loud, seconded by Selectman Cairra and by the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen recommend Annual Town Meeting approval of the proposed eight year tax increment financing agreement with the terms as described in the March 23, 2018 memorandum to the Board of Selectmen pursuant to MGL Chapter 40, Section 59 and MGL Chapter 23A, Sections 3e and 3f and the applicable regulations thereunder between Analog Devices, Inc. and the Town of Wilmington for the purpose of proposed property and authorize the submission of the same approval to the Economic Assistance Coordinating Council and to approve the acceptance of the proposed economic development incentive program local initiative application by Analog Devices, Inc. and submission of the same for approval to the EACC.

Mike Erra of Analog Devices thanked members of the Board of Selectmen and the Finance Committee.

Selectman Bendel noted that an information meeting will be held on April 25, 2018 for residents to learn more about this tax increment financing. The location has not been determined at this time.

Chairman Champoux returned to the meeting.

#### **BOARD OF SELECTMEN DISCUSSION RELATIVE TO RUSSELL DISPOSAL, INC., RE: REQUEST TO SHARE IN DISPOSAL COSTS**

Town Manager Hull stated that the Department of Public Works Director, Michael Woods, spoke to him after the budget presentation advising that he had been contacted by Kevin Douglas of Russell Disposal relative to the challenges with the cost of disposing recyclable materials. In August of 2017, Mr. Douglas had indicated they were paying approximately 4¢ per ton to dispose of recyclables at Casella Processing Facility in Charlestown. Town Manager Hull stated that since that time, disposal cost has increased to \$89.50 per ton and is expected to continue to increase. The issues are both national and global. Town Manager Hull noted that 50% of the recyclable material that is generated in the United States was historically sent to China. As of January 1, China established a policy stating that the material shipped in from the United States and other countries was too contaminated and would not be accepted.

Town Manager Hull stated that he has received information that some communities are storing their recyclables while others have received permission from the Department of Environmental Protection to dispose of the material by incinerating.

Town Manager Hull stated that Russell Disposal cannot continue to bear the tipping fee costs on an ongoing basis. Russell Disposal is requesting that the Town share in the cost of the tipping fee. This issue is not unique to Wilmington and noted that a neighboring community recently issued a bid for disposal and they saw prices increase \$300,000.

Selectman Bendel stated that he is opposed to increasing fees. He stated that Wilmington has an agreement through 2020. Selectman McCoy indicated he agreed with Selectman Bendel.

Selectman Loud stated that he spoke to the Town Manager and learned that the cost to dispose of trash is less expensive than what we will be paying to dispose of recycling. He suggested that the Town offer to pay half of the tipping costs, with a cap at \$50 per ton. He stated that if the Town does not contribute to the cost of the tipping fee, Mr. Douglas has advised of the possibility they would have to declare bankruptcy and the Town would be paying a greater amount if they had to find a new vendor.

Selectman Caira asked whether it would also affect the trash as well as recycling and Town Manager Hull advised that it was just recycling. Selectman Caira wanted to clarify that the trash would be continued to be picked up. Town Manager Hull stated that if Russell files for bankruptcy the Town would need to hire a contractor for both recycling and trash collection. Selectman Caira asked whether the Town has begun looking into alternatives if it is necessary to find another vendor.

Michael Woods, DPW Director, stated that he contacted Waste Management, the company that came in second when the Town last went out for bid in 2014, and for a ten year contract the price was \$14.1 million with an escalator clause. He explained what the clause meant. Mr. Woods stated that Russell Disposal bid \$12.7 million and did not put in an escalator clause.

Mr. Woods stated that he understands the Board's position that a contract is a contract but cautioned that if Russell goes out of business the DPW will have to go out to bid. A consequence of having to rebid is that there will be a new prevailing wage.

Selectman Caira asked whether the dollar amount requested, would be a one-time appropriation. Mr. Woods responded that he expects that the full amount will not be needed, that the situation will be corrected and the Town will be able to try to negotiate with Russell Disposal to revert to the original contract.

Selectman Caira asked about the receptacles in the event Russell Disposal declares bankruptcy and Mr. Woods advised that the provision in the contract is that if either party wants to terminate the contract the Town owns the barrels and is responsible for continuing to pay the balance. The current balance is approximately \$610,000. In the event Russell Disposal declares bankruptcy Mr. Woods suggest contacting legal counsel to determine whether the Town would be liable for that amount.

Selectman Loud asked Mr. Woods for his suggestion on how to proceed. Mr. Woods stated that for the current fiscal year the Town should remain with Russell Disposal and reevaluate in the fall whether to stay with Russell or put out a request for proposals.

Mr. Woods stated that in the event the Town goes out for bid the cost for solid waste and recycling collection and disposal will increase significantly and will need to pay the \$610,000 payment for the barrels.

Town Manager Hull stated that if the Board takes no action and does not contribute to the escalating tip fee, it is likely that the Town will be in a position where Russell Disposal goes out of business and the Town will have to contract with another firm, pay a higher wage, higher rate and an escalator clause. He does not believe it advisable to contract with a small firm because they would be too small to absorb the cost.

Mr. Woods stated that, if necessary, Waste Management would be the only firm capable of stepping in to pick up Wilmington's trash. No one wants to see trash piling up.

Selectman Caira opined that it would have been more beneficial if Mr. Woods was present with multiple proposals to demonstrate the implications of not providing financial assistance with the tip fee so that the Board of Selectmen could make a better informed decision.

Selectman Caira asked what other towns that Russell is the contractor for are paying. Mr. Woods advised that the City of Somerville has a direct contract with Casella and pays the same price that Russell pays. Belmont's contract with Russell will expire on July 1 and Russell did not bid, Belmont's costs increased \$250,000 and the Town of Burlington solicited bids and saw an increase of \$300,000.

Chairman Champoux asked if there is a recommendation for a dollar amount and Town Manager Hull stated that he is suggesting the Town pay \$40 per ton.

Kevin MacDonald asked for a point of order and stated that Town Meeting did not approve the additional amount and the Town cannot go forward without the approval. He also asked questions regarding the bond and the company behind the bond or whether the Town entered into a contract that did not require a bond. Mr. Woods advised that a bond was provided and renewed each year.

Selectman Loud asked whether a motion was necessary and Town Manager Hull advised that he would be seeking a motion that the Town pay up to \$40 per ton for the period April 1 through the end of June and authorize discussions regarding sharing of the tip fee for Fiscal Year 2019. Chairman Champoux stated that he would like to discuss the second part of the recommendation further.

A motion was made by Selectman Loud, seconded by Selectman McCoy and by the affirmative vote of three with Selectman Bendel and Caira opposed, it was

**VOTED:** That the Board of Selectmen authorize up to \$40 per ton be paid toward recycling tip fee for the period April 1 through June 30.

Mr. MacDonald spoke out prior to the vote suggesting that a lawsuit will be brought against the Town by vendors who submitted bids to provide trash and recycling collection in Wilmington but were not awarded the bid. Chairman Champoux advised Mr. MacDonald not to speak out again. Mr. Woods advised that trash is outside the procurement laws of Chapter 30B and the Town can hire who they determine to be most

qualified. Mr. Woods stated that the Town issues a bid to obtain the best possible price. Mr. MacDonald spoke out again and was ruled out of order by Chairman Champoux who cautioned if he did it again he would be removed from the meeting.

Following the vote Chairman Champoux asked if the Board had comments relative to proceeding in Fiscal Year 2019. Selectman Loud stated that he agrees the Board should be provided with additional information.

Town Manager Hull asked to clarify what the Board was asking for. Mr. Woods stated that when you have a contract and you go out for request for proposals, the contract is null and void.

Selectman Bendel asked if the contract was breached when Mr. Woods reached out to Waste Management. Mr. Woods stated no and explained that Waste Management was the second lowest bid and given the warning of the possibility of Russell going bankrupt, he had to have a back-up plan to ensure trash and recycling was collected.

#### **BOARD OF SELECTMEN DISCUSSION, RE: PROCESS FOR ESTABLISHING SELECTMEN SUBCOMMITTEES**

Chairman Champoux thanked Selectman Loud for drawing to his attention a sequence of communications that occurred. Following the March 12 meeting a request was made that representatives of the Board of Selectmen be able to schedule and participate in a meeting with owners/representatives of the Sciarappa property. Chairman Champoux was asked for authorization for two members of the Board to participate in the discussion. He agreed and stated that, at the time, it did not occur to him that the discussion was taking place via email and was in violation of the open meeting law. He stated that it was unintentional and was not malicious and acknowledged that he should not have made that decision in the email. Chairman Champoux stated that if subcommittees or portions of the Board will be meeting with the Town Manager and/or another party, the designees or individuals that will be participating in those meetings need to be determined and decided on in open session.

Chairman Champoux stated that he did not want to belabor the conversation but asked if there were any questions or comments. Selectman Loud thanked Chairman Champoux for addressing this and agrees it should be done in open session.

Selectman McCoy acknowledged Selectman Loud's dissatisfaction but stated he thought it would be in the best interest of the Town for the Board to "get a seat at the table" sooner, rather than later. Chairman Champoux agreed but stated the issue is how the subcommittee came about.

Chairman Champoux stated that once three selectmen are participating in an email, it is in violation of open meeting law. He stated that going forward, the Board needs to be cautious and deliberate.

Chairman Champoux asked if a meeting were to be established to meet with representatives of Sciarappa, who ought to be the members involved, noting that Selectmen Caira and McCoy had been established outside the scope of the meeting. He

asked if there was additional interest. Selectman Loud stated that he would like to be involved. He stated when he received the email, he replied to the Town Manager that he would like to be involved, he did not reply all.

Selectman Caira stated that if the Town has an opportunity to purchase the property at a reasonable amount, he would be in favor and does not have to be part of the meeting.

Chairman Champoux stated his observation that subcommittees can be useful and cited negotiating with the Town Manager or fact finding, but does not believe it to be prudent to establish it as the new normal. If the end result of the subcommittee is something that the whole Board needs to vote on, Town Counsel has advised that the subcommittee then becomes subject to the open meeting law and meetings must be posted. He stated that while he has been a member of the Board, the Board has met in Executive Session and talk about the parameters and strategy they want the Town Manager to engage in regarding negotiations. He stated that the Town Manager, as an individual, is not subject to the Open Meeting Law. Chairman Champoux opined that a party is less likely to want to participate in a meeting of a subcommittee of the Board of Selectmen when that meeting is open and other individuals will be there.

### COMMUNICATIONS

Town Manager Hull reviewed his memorandum where he advised the Board of Selectmen that, following discussions with Fire Chief Joseph McMahon, he has decided to withdraw Article 12 from the Annual Town Meeting Warrant. Article 12 proposed funding in the amount of \$45,000 to re-evaluate the fire response time data that is maintained by the Fire Department.

Town Manager Hull reviewed his memorandum regarding the Sciarappa Farm, 333 Andover Street. Town Manager Hull noted that questions had been raised about the history of the Sciarappa Farm as it relates to the designation of so-called 61A status. Town Manager Hull provided information regarding the history of the farm's classification of 61A status and noted that the last year in which a portion of the property was classified as such was June 30, 2014. At the time five acres were under Chapter 61A classification. In fiscal years 2015 through 2018 the property has been assessed at market value. The Town's right of first refusal would only be triggered if the property was still classified as Chapter 61A or for one full year after the property was removed from classification.

Town Manager Hull reviewed an invitation from Jared Balter, President, Wilmington Little League, to the Board of Selectmen to participate in the Parade of Players and Opening Day ceremonies at Rotary Park on Saturday, April 21. The parade will leave the 4<sup>th</sup> of July Building parking lot at 9:30 a.m. On field ceremonies will begin at approximately 9:45 a.m.

Town Manager Hull reviewed a letter from Michael R. Sweeney, Executive Director, Massachusetts State Lottery Commission, who advised the Board of Selectmen that the Massachusetts State Lottery is offering existing, non-pouring agents KENO To Go. At this time, the Lottery is not providing agents with a KENO monitor as part of this

program. Mr. Sweeney advised that Jimmy's Garage, 945 Main Street, is eligible to sell the KENO To Go product. Town Manager Hull advised that the Board does not need to take any action unless they object to Jimmy's Garage selling KENO To Go.

Town Manager Hull provided the Board of Selectmen two agreements for review regarding legal services for the interim period from April 1, 2018 through June 30, 2018. One agreement is for Town Counsel services as described in the current contract with Deutsch Williams. The second agreement is specifically for legal services associated with representation on one current case which is expected to conclude in late June or July. Due to the recent snowstorms, one of the arbitration dates was cancelled, the earliest the arbitrator is available again is at the end of May and early June. The case may require two dates before concluding. Following the conclusion of the arbitration hearing, each attorney will likely have up to thirty days to file briefs with the arbitrator. The Board is being asked to execute both agreements to provide for the continuation of legal services through the close of the fiscal year.

**BOARD TO CONSIDER EXECUTING ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR TOWN COUNSEL SERVICES WITH BROOKS & DeRENSIS, PC**

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

VOTED: That the Board of Selectmen execute assignment and assumption of agreement for town counsel services with Brooks & DeRensis, PC.

**BOARD TO CONSIDER EXECUTING REPRESENTATION AGREEMENT WITH VALERIO DOMINELLO & HILLMAN, LLC FOR WENDY CHU AS IT RELATES TO AN ARBITRATION MATTER**

Chairman Champoux confirmed that the charges related to Ms. Chu's services will be deducted from payments to Brooks and DeRensis. Chairman Champoux asked if there were any questions, comments or a motion. A motion was made by Selectman McCoy, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute representation agreement with Valerio Dominello & Hillman, LLC for Wendy Chu as it relates to arbitration matter.

**BOARD TO CONSIDER REQUEST OF SHARON GEORGE, TOWN CLERK, TO APPOINT ELECTION WORKERS FOR 2018**

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

VOTED: That the Board of Selectmen appoint the following individuals to serve as Election Workers for 2018:

Gwen Anderson  
Alfred Antiniarelli

Georgia Arbo  
Donald Armstrong

Catherine Bimbo  
Barbara Bishop  
Helen Brady  
Shirley Brush  
Jeanne Buck  
James Buckley  
Elaine Calvo  
Joanna Clayton  
Sandra Cosman  
Sarah Cosman  
Linda Costantino  
Jane Crane  
Marie Creeth  
Beverly Dalton  
Alma D'Antonio  
Laurie Anne Dellacio  
Claire D'Entremont  
Mary D'Eon  
Wendy Diecidue  
Carol Dwyer  
Maureen Fiorenza  
Janine Gaudreau  
Jeanne Grant  
Lorraine Hermann  
Andrea Houser  
John Karonis  
Carolyn Kenney  
Mary Kiesinger  
Carol King  
April Kingston  
Mary Krikorian

Janice LaCasse  
Cheryl Licciardi  
Janet Lyons  
Rosalie McConologue  
Cynthia McCue  
Patricia McKenna  
Susan McNamara  
Medora Miller  
Paige Miller  
Christine Murphy  
Kim Mytych  
Susan O'Neil  
Gail Protopapas  
Janice Quandt  
Anna Rainone  
Isabelle Raschella  
Audrey Reed  
Judith Revelas  
Elizabeth Roberts  
Clarice Ross  
Alice Rourke  
Rosemary Russo  
Jacquelyn Santini  
Mary Schultz  
Joan Searfoss  
Maureen Sheehan  
Annette Shelley  
Robert W. Sweet  
Sandra Volpe  
Margaret White  
Diana Wilson

**BOARD TO CONSIDER REQUEST OF THE DIRECTOR OF VETERANS'  
SERVICES TO CONDUCT A MEMORIAL DAY PARADE ON MONDAY, MAY 28,  
2018**

A motion was made by Selectman Bendel, seconded by Selectman Loud 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 28, 2018.

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

Town Manager Hull advised that the application was reviewed, and a favorable recommendation provided, by Police Chief Michael R. Begonis. A motion was made by Selectman Loud, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve the license 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 the application was reviewed, and a favorable recommendation provided, by Police Chief Michael R. Begonis. A motion was made by Selectman Loud, seconded by Selectman McCoy and by the affirmative vote of all, it was

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

**BOARD TO CONSIDER REQUEST FROM JOSEPH DULOCK, MIMZEE'S ICE CREAM, TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM**

Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommends approval and by Police Chief Michael Begonis who recommends approval subject to his obtaining a Solicitor's Permit from the Police Department. 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 issue a Hawk & Pedle License to Joseph Dulock, Mimzee's Ice Cream.

**BOARD TO CONSIDER REQUEST FROM NICHOLAS DULOCK, MIMZEE'S ICE CREAM, TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM**

Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommends approval and by Police Chief Michael Begonis who recommends approval subject to his obtaining a Solicitor's Permit from the Police Department. A motion was made by Selectman Loud, seconded by Selectman Caira and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen issue a Hawk & Pedle License to Nicholas Dulock, Mimzee's Ice Cream.

**BOARD TO CONSIDER REQUEST FROM STEVEN DULOCK, MIMZEE'S ICE CREAM, TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM**

Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommends approval and by Police Chief Michael Begonis who recommends approval subject to his obtaining a Solicitor's Permit from the Police Department. A motion was made by Selectman Cairra, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen issue a Hawk & Pedle License to Steven Dulock, Mimzee's Ice Cream.

**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 Shelly Newhouse, Health Director, who recommends approval and by Police Chief Michael Begonis who recommends approval. A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen issue a Hawk & Pedle License to Khalid Hazimeh, Tony's Ice Cream.

**PUBLIC COMMENTS**

Kevin MacDonald, no address given, offered comments on the Sciarappa Farm and asked whether it would be a conflict of interest knowing that the Sciarappa family has entered into a contract and the Town being the permitting authority. He asked whether Town Counsel has been consulted to determine whether the Town is open to liability for interfering with a contract.

Mr. MacDonald stated that relative to the issue of affordable housing, he is not aware of discussions being held relative to the hundreds of vacant lots the Town owns.

Chairman Champoux stated that he is not aware of any contracts relative to the Sciarappa Farm.

Mr. MacDonald stated asked the Chairman to speak relative to bonding in terms of contracts and how much of a bond was required by the trash collection. Town Manager Hull stated that bonds are required for contracts but does not recall the dollar amount. Mr. MacDonald opined that the bonding company would have to cover the Town's losses if Russell Disposal enters bankruptcy. Town Manager Hull advised Mr. MacDonald that bonds are specific as to what they cover.

Suzanne Sullivan, Lawrence Street, stated that she supports the Town buying/taking the Sciarappa Farm. She opined that the Board has an obligation to put it forward for the Town to vote on it as they have made a significant investment while the property was classified as 61A. She commented that the parcel has a lot of value to the people of Wilmington citing its proximity to different trails.

Michael Welch, Cottage Street, asked Ms. Sullivan in her opinion whether the lack of Open Space is as big a crisis as the lack of affordable housing. Chairman Champoux interrupted the dialog and reviewed the intention of Public Comments. He also noted that although the Board of Selectmen are required to meet in public, it is not a public hearing.

Mr. Welch asked whether there was a way to calculate how much open space has been added to Town inventory by developers over the past 17 years and what has been accomplished for affordable housing.

Town Manager Hull advised that there have been efforts to address affordable housing noting the Metro station, the Avalons and Whispering Pines. Selectman Loud stated that Regency Place is another. Mr. Welch challenged that the Town did not work with developers, the developers did what they wanted and the Town did not maintain 10% housing inventory.

Town Manager Hull stated that in regards to open space, the Town periodically receives parcels donated. The Town has been attentive to open space noting the Yentile Farm Recreational Facility and acquisition of a portion of St. Dorothy's property.

Mr. Welch continued making comments that could be interpreted as confrontational regarding an email sent to and phone calls with Town Manager Hull and use of Town property behind Treasure Hill for Senior Housing.

Jay Tighe, Glen Road, commented that he has attended meetings for 60 years and the public has always been allowed to speak and get involved. Chairman Champoux stated that the Board is not obligated to have public comments. Town Manager Hull confirmed that the Open Meeting Law requires that when business is conducted by a government body it be open to the public. It does not require participation by the public unless it is a public hearing.

### NEW BUSINESS

Selectman Bendel offered congratulations to Chairman Champoux for an award received from the Wilmington/Tewksbury Chamber of Commerce.

Selectman Bendel congratulated Wilmington resident Jen Mason noting an article in the Lowell Sun highlighting her community involvement.

Selectman Bendel expressed how proud he is in the way the community has stepped forward to help the Burke family. His former student, Kevin Burke, is in need of our prayers tonight.

Chairman Champoux offered congratulations to Selectman Bendel and his wife who recently announced they are expecting their second child.

Members of the Board wished residents a Happy Easter and Happy Passover.

Selectman Loud recognized the service of Jimmy Vitale who served in the United States Marine Corp from 1956-1959. Mr. Vitale passed away on March 16 at 79 years of age. Condolences were offered to Mr. Vitale's family.

Selectman McCoy provided a handout to members of the Board of Selectmen. He stated that he attended the Finance Committee/Planning Board public hearing and stated he wanted the Board of Selectmen to call for a Special Town Meeting to take place within the Town Meeting. Selectman McCoy stated that what he provided to the Board of Selectmen was a petition to see if the Town would vote to raise and appropriate transfer from available funds or borrow pursuant to any applicable statute a sum of money for the Board of Selectmen to acquire by purchase, gift or eminent domain the following real estate commonly known as the Sciarappa Farm. Selectman McCoy stated that he copied the verbiage for the description of the land from the article contained in the warrant for the Annual Town Meeting.

Selectman McCoy stated that if the Board does not wish to support this, he would like the handout back so that he may gather signatures. He stated that he is trying to take a wrong and make it right.

Chairman Champoux asked Selectman McCoy if there was an understanding of the dollar value and also the timing of calling a Special Town Meeting. Chairman Champoux noted that there is a sequence of dates that need to be adhered to citing advertising and conducting a public hearing.

Selectman McCoy stated that the intention of the article is for residents to vote to authorize the Board to pursue acquiring the property.

Town Manager Hull reviewed the process for the Board of Selectmen to call a Special Town Meeting. He opined that the bigger question is to have a dollar amount that the Board of Selectmen is prepared to ask Town Meeting to appropriate.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Loud stated that he was not opposed to purchasing the property but was not familiar with having a Special Town Meeting occur within a Town Meeting.

Selectman Caira asked whether the Special Town Meeting would held first. He stated that if it were held first and the article passes, then the article in the Annual Town Meeting warrant booklet would be moot.

Town Manager Hull asked how Selectman McCoy proposed to fund the purchase of the property. He stated that the wording of the article is typical.

Chairman Champoux asked what Selectman McCoy envisioned for the property and was advised that the Town did not have a specific purpose when purchasing the property from St. Dorothy's Church and he believes that the townspeople will make the best decision, noting the sizeable acreage.

A motion was made by Selectman McCoy that the Board of Selectmen call a Special Town Meeting to take place within the Annual Town Meeting scheduled for Saturday, May 5, such Special Town Meeting to be conducted following a quorum being present. The motion was seconded by Selectman Loud for the purpose of discussion.

Town Manager Hull stated that the attorney representing the Sciarappa family has indicated that they are not interested in talking to the Town until the outcome of the article in the Warrant for the Annual Town Meeting is known. He has not spoken with the attorney representing the other member of the family. Town Manager Hull stated that the prospect of reaching an agreement before Town Meeting does not exist. He stated that if the intent is to acquire the property at this time it would have to be through eminent domain. Town Manager Hull stated that the Annual Town meeting is already posted for 10:30 a.m. and stated that he would have to research what time a Special Town Meeting would need to begin.

Selectman Caira offered comments regarding subsequent actions if the article is approved at a Special Town Meeting and potential start times for such Special Town Meeting.

Town Manager Hull stated that if Town Meeting authorizes the Board to acquire the property, it will not make a potential zoning change null and void. He said it is conceivable a vote could go forward on the article that is on the Annual Town Meeting warrant.

Chairman Champoux credited Selectman McCoy with his creativity and stick-to-it-ness. He stated that the Town Meeting has not occurred and there is an article that will ask residents whether they are receptive to rezoning 333 Andover Street. He stated that he is not opposed to a Special Town Meeting but is opposed to the Special Town Meeting being held within the Town Meeting. Selectman McCoy opined that if the rezoning passes, the Town would not be able to afford to purchase the property. Selectman McCoy stated that if he does not receive the votes to call a Special Town Meeting, he will be at Market Basket first thing in the morning to collect signatures.

Chairman Champoux asked if there were additional questions or comments and there were none. With a motion having been made and seconded, Chairman Champoux called for the vote. By the affirmative vote of three with Chairman Champoux opposed and Selectman Bendel abstaining, it was

VOTED: That the Board of Selectmen schedule a Special Town Meeting within the Annual Town Meeting as the first item following a quorum being reached for the sole purpose to authorize the Town to pursue obtaining the land known as Sciarappa Farm.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 28 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- March 31 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- March 31 – Easter Egg Hunt – Town Common – 2:00 p.m.
- April 2 -
- April 6 – Curbside Collection of Yardwaste
- April 4 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.

- April 7 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 7 – Rabies Clinic – Public Buildings Department – Noon to 2:00 p.m.
- April 9 – 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 9 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 10 – Boston Bruins Foundation B-Fit First Responder Challenge Celebration Public Safety Building – 10:30 a.m. to 11:30 a.m.
- April 11 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 14 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 17 -
- April 21 – Curbside Collection of Yardwaste
- April 18 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 21 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 22 – We're One Wilmington Run for Wilmington/Kim Forte Walk
- April 23 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 25 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 25 – Public Information Meeting Regarding Proposed Analog TIF Agreement – Location to be Determined – 7:00 p.m.
- April 28 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 28 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 28 – Drug Take Back – Public Safety Building – 10:00 a.m. to 2:00 p.m.
- April 30 -
- May 4 – Curbside Collection of Yardwaste
- May 2 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- May 5 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- May 5 – Annual Town Meeting – High School Auditorium – 10:30 a.m.

A motion was made by Selectman Loud, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 10:30 p.m.

Respectfully submitted,

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Recording Secretary