

## BOARD OF SELECTMEN MEETING

MARCH 27, 2017

Chairman Judith L. O'Connell called the meeting to order at 7:03 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 Champoux, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 38, 38A, 39 and 39A.

### **KAREN CAMPBELL, RECREATION DIRECTOR, RE: PROGRAM UPDATES AND YENTILE FARM RECREATIONAL FACILITY OPEN HOUSE**

Ms. Campbell provided the Board of Selectmen with an overview of activities of the Recreation Department. She advised that the Easter Egg Hunt is scheduled for Saturday, April 15 and on Wednesday, 25 volunteers will be filling 7,000 eggs. T-Ball programs have 163 children registered for 14 teams. Other activities include archery, Star Wars Legos, Disney cupcake class, hula hoop class, Tiny Tots and Kids Club. In June a group will be going to St. Andrews by the Sea.

Ms. Campbell provided an update regarding the Yentile Farm Recreational Facility noting that the construction fencing has been removed and permits to use the field have been issued to Youth Lacrosse and Youth Soccer.

An Open House is scheduled for Saturday, May 13 beginning with a ribbon cutting at 10:00 a.m. She acknowledged contributions of local organizations including Wilmington Rotary (hot dogs), Sons of Italy (ice cream) and Wilmington Community Fund (dj). Ms. Campbell highlighted different activities that are scheduled to take place as part of the Open House.

Ms. Campbell stated that they are continuing with the online registration system and noted that approximately 75% of payments are made by debit or credit cards and transactions increased approximately 6% in comparison to the first three months of 2016. She believes the use of social media, including a Facebook page for the Recreation Department, has contributed to the increase in participation in different programs.

Chairman O'Connell welcomed Ms. Campbell and acknowledged this was her first update to the Board of Selectmen as Recreation Director. Chairman O'Connell noted that Ms. Campbell has taken activities of the Recreation Department to a new level and recognized that adding the additional field space at Yentile Farm Recreational Facility has increased their workload.

Chairman O'Connell asked if there were any questions or comments from the Board. Members of the Board commended Ms. Campbell and members of her staff and encouraged residents to take advantage of what the department has to offer. Members also stated that they are looking forward to the opening of Yentile Farm Recreational Facility. Selectman Champoux asked if there was an alternative date in the event of rain on May 13 and was advised that due to the time of year the event will be held rain or shine.

## **DISCUSSION, RE: INTERIM CHAIRMAN TO SERVE PRIOR TO BOARD REORGANIZATION**

Selectman O'Connell stated that her last meeting will be April 10, the Annual Town Election will be held April 22 after which she will no longer be a member of the Board of Selectmen. Following the election, the Board of Selectmen will meet on April 24, Town Meeting is April 29 and the Board will meet again on May 8. Historically, it is at the May 8 meeting that the Board will reorganize resulting in the Board not having a chairman for the meeting of April 24 or the Town Meeting. Past practice is to defer to the prior chairman which would be Selectman Champoux. Chairman O'Connell advised that on Town Meeting day, Selectman Champoux's son will be making confirmation and he needs to leave for a period of time. Chairman O'Connell said that a meeting to prepare for Town Meeting is scheduled for April 5 and it is her intention to attend that meeting.

Selectman McCoy stated that, during his tenure on the Board of Selectmen, it has not always been the past chairman. He stated that normally it is the most senior selectman that will fill the role of chairman until the Board reorganizes.

Selectman Caira asked whether the Board should reorganize on April 24. Selectman Bendel asked whether voters had to certify Article 1 and was advised that they do not, Article 1 is the election.

Discussion took place regarding the rationale of reorganizing in May and whether the Board should reorganize at their meeting of April 24. Discussion also took place whether an additional member of the Board of Selectmen ought to be present at the Town Meeting prep meeting.

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

VOTED: That Selectman Michael Champoux serve as Chairman of the April 24, 2017 meeting of the Board of Selectmen until such time that the Board reorganizes.

## **COMMUNICATION**

Town Manager Hull reviewed correspondence between James DiLorenzo, United States Environmental Protection Agency (USEPA) and James Cashwell, Olin Corporation. Mr. DiLorenzo wrote Mr. Cashwell regarding the need to conduct an evaluation of early action to address contaminant sources and principal threats in groundwater at the Olin Chemical Superfund Site. Mr. DiLorenzo required that Olin prepare a preliminary draft of remedial alternatives for OU1, OU2 and OU3 DAPL Pools and a schedule for completion of a focused Remedial Investigation Report for the DAPL Pools, a Feasibility Study Report for the OU1, OU2 and DAPL Pools and Remedial Investigation and Feasibility Study Reports for the overall OU3 groundwater remedy. Mr. Cashwell objected to the USEPA's decision that DAPL is a Principal Threat Waste and that early action is required. Olin invoked the Settlement Agreement's dispute resolution procedures. Mr. DiLorenzo acknowledged Olin's request to invoke dispute resolution procedures under Section XV of the Administrative Settlement Agreement and Order on Consent dated June 28, 2007.

Town Manager Hull reviewed a letter from Mary Jane Handy, Director of Accounts, Massachusetts Department of Revenue, who advised that the amount of Excess and Deficiency as of July 1, 2016 for Shawsheen Valley is \$1,334,371. Town Manager Hull advised that Excess and Deficiency is equivalent to Free Cash.

Town Manager Hull reviewed his memorandum regarding the Ristuccia Rink. He advised the Board of Selectmen that there has been no meaningful progress to report with respect to the litigation. The Town has been successful in obtaining intervenor status in the litigation which establishes the Town of Wilmington as a party to the litigation and would be a party to settlement discussions. He stated that there has been no indication on the part of Rotondo Enterprises or Bernard Ristuccia that they are interested in entering into settlement discussions. The projection for the duration of the case suggested that the case could conclude with a court decision around the same time the current lease expires which is August 2018.

**BOARD TO CONSIDER REQUEST OF SHARON GEORGE, TOWN CLERK, TO APPOINT ELECTION WORKERS FOR 2017**

Chairman O'Connell asked if there were any questions, comments or a motion. 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 appoint the following individuals as election workers for 2017.

Gwen Anderson	Helen Engdahl	Kim Mytych
Aldred Antinarelli	Maureen Fiorenza	Susan O'Neil
Georgia Arbo	Janine Gaudreau	Gail Protopapas
Donald Armstrong	Jeanne Grant	Janice Quandt
Catherine Bimbo	Lorraine Hermann	Anna Rainone
Barbara Bishop	Irene Hoffman	Isabel Raschella
Helen Brady	Ruth Holbrook	Audrey Reed
Shirley Brush	Andrea Houser	Judith Revelas
Jeanne Buck	John Karonis	Elizabeth Roberts
James Buckley	Carolyn Kenney	Clarice Ross
Elaine Calvo	Mary Kiesinger	Alice Rourke
Joanna Clayton	Carol King	Rosemary Russo
Sandra Cosman	April Kingston	Jacquelyn Santini
Sarah Cosman	Mary Krikorian	Mary Schultz
Linda Costantino	Janice LaCasse	Joan Searfoss
Jane Crane	Cheryl Licciardi	Maureen Sheehan
Marie Creeth	Janet Lyons	Annette Shelley
Beverly Dalton	Rosalie McConologue	Robert Sweet
Alma D'Antonio	Cynthia McCue	Sandra Volpe
Laurie Anne Dellacio	Patricia McKenna	Rose Wallent
Claire D'Entremont	Susan McNamara	Margaret White
Mary D'Eon	Medora Miller	Diana Wilson
Wendy Diecidue	Paige Miller	
Carol Dwyer	Christine Murphy	

**BOARD TO CONSIDER REQUEST OF LOUIS CIMAGLIA, DIRECTOR OF VETERANS' SERVICES, TO CONDUCT THE MEMORIAL DAY PARADE ON MONDAY, MAY 29, 2017**

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

VOTED: That the Board of Selectmen grant the request of Louis Cimaglia, Director of Veterans' Services, to conduct the Memorial Day Parade on Monday, May 29, 2017.

**BOARD TO CONSIDER REQUEST OF MICHAEL R. BEGONIS, POLICE CHIEF, TO USE ROTARY PARK ON TUESDAY, AUGUST 1, 2017 FOR NATIONAL NIGHT OUT**

Chairman O'Connell 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 grant the request of Michael R. Begonis, Police Chief, to use Rotary Park on Tuesday, August 1, 2017 for National Night Out.

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

Town Manager Hull advised that Police Chief Begonis provided a favorable recommendation to renew the Taxi Cab License for Wilmington Taxi. Chairman O'Connell asked if there were any questions, comments or a motion. A motion was made by Selectman Champoux, seconded by Selectman Caira 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 Police Chief Begonis provided a favorable recommendation.

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 renew 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 Police Chief Begonis and Shelly Newhouse, Health Director, provided favorable recommendations for each of the three individuals requesting a Hawk & Pedle License.

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

VOTED: That the Board of Selectmen issue a Hawk & Pedle License to sell ice cream 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**

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 issue a Hawk & Pedle License to sell ice cream 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**

Chairman O'Connell 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 issue a Hawk & Pedle License to sell ice cream to Steven Dulock, Mimzee's Ice Cream.

**PUBLIC COMMENTS**

Kevin MacDonald, Andover Street, stated that Wilmington has a strong ally in the city of Woburn and that Wilmington has a high cancer rate. He opined that the Town ought to be approaching Olin Chemical as a crime scene. Mr. MacDonald expressed his disappointment in how the Board of Selectmen is addressing the issue. He challenged the advice provided to the Board of Selectmen by Town Counsel.

Mr. MacDonald stated that it is his understanding there were 33 foreclosures in Wilmington and he believes the Town ought to lower taxes. Chairman O'Connell asked Mr. MacDonald if he had a question. Mr. MacDonald asked whether it was the Chairman's strategy to see taxes go up so that she may sell houses. Chairman O'Connell advised Mr. MacDonald that he had stepped out of bounds to bring her occupation into the discussion. She acknowledged that Mr. MacDonald was campaigning for a seat on the Board of Selectmen and asked that he do so outside of the Board of Selectmen meeting.

Mr. MacDonald commented relative to the Yentile Farm and soil that he believes was given away instead of being sold. Chairman O'Connell stated that Mr. MacDonald's questions were answered previously.

Mr. MacDonald commented relative to the difference in what is budgeted for various items and the actual cost and opined that it was intentional to increase the free cash and he believes that the overages should be returned to the tax payer.

Town Manager Hull stated that he found it interesting that Mr. MacDonald believes there is a conspiracy and is critical that in some cases the amount actually expended is less than the amount appropriated. He suspects that Mr. MacDonald would also be critical if the budgets were prepared and expenditures exceeded budgeted amounts.

Mr. MacDonald continued to comment relative to free cash and was asked by Chairman O'Connell to bring his comments to a close.

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

Selectman Champoux acknowledged Chief Begonis and his staff for organizing the recent Cops for Kids with Cancer event. Police Officers representing departments across the commonwealth were in attendance as the organization presented a check to a Wilmington family whose child was diagnosed with a brain tumor.

Selectman Champoux stated that he and each member of the Board of Selectmen attended the Wilmington Sons of Italy 50<sup>th</sup> Anniversary celebration and offered his congratulations.

Selectman McCoy stated that on March 14 during the snow storm he had driven by the Meineke on Main Street and the flag pole had fallen down towards the bridge. He stated that the flag must have been touching the ground and two officers were retrieving the flag. He expressed his appreciation to the officers for their actions.

Selectman McCoy expressed his opinion that Wilmington's counsel do a great job and he is comfortable with the advice they provide to the Board.

Selectman Caira thanked members of the Board for attending the Sons of Italy event and expressed his appreciation to Chairman O'Connell and Town Manager Hull for the comments they offered that evening.

Selectmen Caira and Bendel commented that they also attended the Cops for Kids with Cancer event and noted the support that was provided to the family.

Selectman Bendel requested that an update be provided to the Board regarding the Opiate Task Force.

Chairman O'Connell extended sincere well wishes to Joanne Benton who, effective March 31, will step down as Interim School Superintendent.

Chairman O'Connell stated that she attended the 10 year anniversary event held for PFC John Landry. She commended Director of Veterans' Services Lou Cimaglia and Joe Downs.

Chairman O'Connell also attended the Cops for Kids with Cancer event as well as the Sons of Italy celebration. She noted that the Wilmington Sons of Italy has donated 1.6 million dollars to the Town of Wilmington.

## **IMPORTANT DATES**

Town Manager Hull reviewed important dates including:

- March 29 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 1 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 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 3 -
- April 7 – Curbside Collection of Yardwaste
- April 5 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 8 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 10 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 12 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 15 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 15 – Easter Egg Hunt – Town Common – 2:00 p.m.
- April 18 -
- April 22 – Curbside Collection of Yardwaste
- April 19 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 22 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 22 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 23 – We're One Wilmington Run for Wilmington/Kim Forte Walk

- April 24 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 26 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 29 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 29 – Annual Town Meeting – High School Auditorium – 10:30 a.m.
- April 29 – Drug Take Back – Public Safety Building – 10:00 a.m. to 2:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

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Recording Secretary