

BOARD OF SELECTMEN MEETING

March 8, 2021

Chairman Jonathan R. Eaton called the meeting to order at 6:15 p.m. This meeting was held via ZOOM. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Jomarie F. O'Mahony. 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 strategy with respect to litigation involving the following matters:

Eames Street v. Board of Appeals;

Katsikis (Trustee of the H&S Realty Trust II) v. Town of Wilmington;

Mark D. Nelson v. Bank of America and the Town of Wilmington;

Town of Wilmington Board of Health v. Donald Lyman;

Town of Wilmington v. BMC Corp.;

Town of Wilmington, by and through its Zoning Enforcement Officer and Board of Selectmen v. Mark Nelson, individually and as Trustee of Kaiser Realty Trust;

Tresca v. Zoning Board of Appeals;

Tresca Brothers Sand and Gravel, Inc. v. Eames Street, LLC, et al.;

Wells Fargo Bank, N.A. v. Wilmington Zoning Board of Appeals;

AFSCME, Council 93, Local 1703 and Town of Wilmington;

Fiore v. Town of Wilmington; and

Other Labor/Employment Matters

as permissible in accordance with Massachusetts General Law Chapter 30A, Section 21a(3) as an open meeting may have a detrimental effect on the public body and the Chairman so declares.

Chairman Jonathan R. Eaton reconvened the meeting at 7:00 p.m. This meeting was held via ZOOM and all votes taken were by roll call in alphabetical order. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Gary B. DePalma and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Eaton thanked IT Director John O'Neil and WCTV for facilitating the meeting.

Chairman Eaton stated that pursuant to Governor Baker's March 12, 2020 order suspending certain provisions of the Open Meeting Law, G.L. Chapter 30A, Section 18, and the Governor's March 15, 2020 order imposing strict limitations on the number of people that may gather in one place, members of the public who wish to watch and listen to the meeting may do so in the following manner: WCTV (Channel 9 – Comcast xFinity; Channel 37 Verizon FiOS, and live stream wctv.org). No in-person attendance of members of the public will be permitted but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. Members of the public who would like to listen to this meeting while in progress may also do so via telephone by dialing 1-646-558-8656 and enter meeting ID 880 9334 9381 then press # and press # again at the next voice prompt. Members of the public attending this meeting virtually will be allowed to make comments if they wish to do so, during the portion of the meeting designated for public comment, by following the steps previously noted then press *9 on their telephone keypad. This will notify the meeting host that the caller wishes to speak. All callers using this feature will be placed in queue in the order they entered the prompt. In the event that, despite our best efforts, we are not able to provide for real-time access, we will post a record of this meeting on the Town's website as soon as we are able.

Chairman Eaton asked meeting participants to rise and he led the pledge of allegiance.

TREASURY WARRANTS

Chairman Eaton asked for a motion to accept the Treasury Warrants. A motion was made by Selectman Bendel, seconded by Selectman DePalma and by the affirmative roll call vote of all, it was

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

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held February 17, 2021 and that all action taken is hereby ratified and confirmed.

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held February 22, 2021 and that all action taken is hereby ratified and confirmed.

SHELLY NEWHOUSE, HEALTH DIRECTOR, AND WILLIAM CAVANAUGH, FIRE CHIEF, RE: UPDATE ON COVID-19

Ms. Newhouse experienced technical difficulties therefor Chief Cavanaugh reported that the number of positive cases were down for the second consecutive week. He emphasized the importance of being vigilant regarding wearing masks, practicing social distancing and frequent hand washing. Chief Cavanaugh noted that the vaccine is becoming more widely available. The Johnson & Johnson vaccine is one shot and the Moderna and Pfizer vaccines require two shots. He noted that the police, fire and dispatch departments are working to assist the Board of Health.

Ms. Newhouse advised that there are greater than 70 positive cases with approximately 150 individuals in quarantine. She stated that she receives an average of eight new cases per day but noted that an equal number of cases are being removed and the number of positive cases are going down. She stated that she did not see the expected increase after the February school vacation and reported that she is seeing whole families affected.

Ms. Newhouse reported the number of residents who have received both doses of the vaccine and advised that there is an additional second dose clinic scheduled and noted that she does not expect to receive additional vaccine.

Ms. Newhouse stated that she has been busy learning the Governor's reopening guidelines and assisting businesses to ensure they are in compliance. She advised that on March 22, 2021 restrictions will be lifted.

Chairman Eaton thanked Ms. Newhouse and Chief Cavanaugh and commented on the level of diligence. Chairman Eaton asked if there were questions or comments from the Board. Selectman Bendel expressed his appreciation for the updates and his hopes that the number continues to trend downward noting that it is at the lowest since November 2.

Town Manager Hull stated that he and Ms. Newhouse communicated regarding restaurants desire to pursue outdoor seating. Ms. Newhouse advised that restaurants that previously had outdoor seating have expressed an interest in pursuing outdoor seating this year. She opined that it is advantageous to have outdoor seating.

**KERRY COLBURN-DION, ASSISTANT TOWN MANAGER/HR DIRECTOR, RE:
OVERVIEW OF VERIZON CABLE LICENSE RENEWAL PROCESS**

Ms. Colburn-Dion thanked the Board for the opportunity to speak to them this evening to provide an overview to update the Board on the Verizon license renewal process. She stated that the current license was a 15 year license and will expire on February 25, 2022. She explained that the process to negotiate a renewal cable license is called ascertainment and that is designed to determine if the cable operator is in compliance with the current license and to determine the Town's future cable requirement including franchise fee and capital needs for the life of the license agreement. She stated that the Board of Selectmen could assign responsibilities to a committee or to specific employees. Conducting at least one public hearing is a requirement of the renewal process to allow members of the public to offer comment on their experience with the provider.

Ms. Colburn-Dion reviewed her recommendation to assign the responsibility of ascertainment to a committee and that the make-up of the committee consist of herself, the IT Director for the Town, the IT Director for the Schools and two residents. She advised that the residents would be Karen Campbell, who serves as the Town's Recreation Director, and George Breslin, who has served on past Cable Television Advisory Task Force. The Executive Director of WCTV will serve as a non-voting member. Legal counsel will be provided by William Hewig of KP|Law.

Ms. Colburn-Dion stated that she anticipates that the ascertainment process will conclude by August and the Committee can start negotiating with the provider.

Chairman Eaton asked if there were any questions or comments from members of the Board. Selectman Caira asked to clarify the 5% Ms. Colburn-Dion referenced. She advised that the Town receives 5% of the providers gross operating revenues, on an annual basis, for Wilmington Community Television's PEG costs. She advised that the 5% is the maximum that the Town may receive. The Town cannot negotiate channels nor can they change the amount residents pay.

Selectman O'Mahony noted she is pleased that WCTV's Executive Director will be involved. She commented that as residents choose to "cut the cord" in favor of other services, the result is a reduction in funds to the local access station.

Chairman Eaton stated that, unless there were objections, he would take agenda item numbers 10 and 11 out of order. There were no objections.

**BOARD TO CONSIDER APPOINTMENT OF MEMBERS TO THE CABLE TELEVISION
ADVISORY TASK FORCE**

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

VOTED: That the Board of Selectmen appoint George Breslin, Karen Campbell, Kerry Colburn-Dion, Kenneth Lord and John O'Neil as members of the Cable Television Advisory Task Force and further to appoint Ryan Malyar as a non-voting member of the Cable Television Advisory Task Force.

**BOARD TO CONSIDER COMMITTEE ASSIGNMENT OF TASKS FOR VERIZON CABLE
LICENSE RENEWAL PROCESS**

A motion was made by Selectman O'Mahony, seconded by Selectman Caira and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen direct the Cable TV Advisory Task Force to identify the cable needs of the Town and its residents through the conduct of an ascertainment process including a public hearing, a cable license renewal with Verizon cable and further that the Task Force negotiate the terms of a license renewal with Verizon for presentation as a recommendation to the Board of Selectmen.

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

Town Manager Hull advised that there are a couple of changes to the Warrant that was presented at their meeting of February 22, 2021. Relative to Article 31 which provides for the acquisition of 201 Lowell Street, he advised that the prospect of a lease arrangement was not contemplated but Town Counsel has advised that it be incorporated in the article.

Article 42 is new and was brought to the attention of Selectman Bendel. Selectman Bendel advised that he was approached by the Gillis family about the possibility of naming the corner of Federal Street and Liberty Street in honor of Ed Gillis. Selectman Bendel advised that Ed left Wilmington High School at the age of 17 to join the Navy. He was the recipient of the Purple Heart among a number of other medals.

The request is similar to that approved at the 2016 Town Meeting which named the corner of Church Street and Adams Street for William Harrison.

Chairman Eaton asked if there were any questions or comments from the Board. Chairman Eaton stated that unless there were any objections he would take Agenda Item Number 6 out of order. A motion was made by Selectman O'Mahony, seconded by Selectman Bendel and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen close and sign the Warrant.

Town Manager Hull advised that the Warrant will be provided by DocuSign for signature and asked that members sign the document in a timely manner as the signed document must be provided to the Town Clerk in a timely manner.

COMMUNICATIONS

Town Manager Hull reviewed a letter from Curtis M. Wood, Secretary, Executive Office of Technology Services & Security, advising that Wilmington and Wilmington Public Schools have been selected to participate in the Cybersecurity Awareness Grant program.

Town Manager Hull reviewed his memorandum written jointly with Superintendent of Schools Dr. Glenn Brand which provided an update regarding the application process with the Massachusetts School Building Authority (MSBA). The one area that remains unanswered for the MSBA is the specific readiness of the community to identify the various consolidation options the Town wants to explore.

Town Manager Hull reviewed his memorandum regarding the award of Owners' Project Manager Services for the Town / School Administration Building. He advised that after completing the interviews and rating the four firms, the committee recommended the firm P3 from Norwell, MA to serve as the OPM. The work to be completed by P3 will involve working with the Town and the designer/architect to complete the feasibility study to identify the best location for a new facility and oversee the efforts of the designer/architect in the development of a schematic design for the

building along with a cost estimate for construction. The fact that P3 is the OPM for both the senior center and town/school administration project is advantageous because both designer/architects will be evaluating the same sites as possible locations.

Town Manager Hull reviewed a memorandum from Kerry Colburn-Dion, Assistant Town Manager/HR Director, regarding in person Board and Committee meetings. The memo was in response to questions regarding the ability to begin holding in person board and committee meetings. Governor Baker's COVID-19 Order No. 63, reaffirms CDC guidance strongly discouraging large gatherings and community events. Section 6a. of Order 63 exempts the Board of Selectmen. However there is no exemption for the audience nor the appointments participating in a meeting of the Board of Selectmen. Governor Baker has stated that he intends to increase the indoor gathering limit to 100 people effective March 22, subject to current public health data. In consultation with Health Director Shelly Newhouse, Ms. Newhouse recommends that boards and committees begin to meet in person in April, pending the Governor's expected announcement.

Town Manager Hull reviewed a letter from Marc Caufield, Senior Environmental Engineer, Green International Affiliates, Inc., regarding the bridge replacement at Butters Row over MBTA. Mr. Caufield wrote to notify the Town that the project will consist of the replacement of the existing 66' 5" three-span bridge and the reconstruction of approximately 710 foot section of Butters Row that contains the bridge and its eastern/western approaches. The existing bridge is structurally deficient and functionally obsolete and a low clearance of 16' 3" over the tracks with a history of the bridge being hit multiple times by trains or rail maintenance vehicles. MassDOT requests that the provided materials be reviewed and submit written comments.

Town Manager Hull reviewed communication from Michael Champoux, Chairman, Wilmington Economic Development Committee, who advised that a mandatory informational webinar will take place on Tuesday, March 9 at 3:00 p.m. The webinar is relative to the Local Rapid Recovery Plan grant.

Town Manager Hull reviewed a letter to Thomas Card thanking him for his service as a member of the Economic Development Committee. Selectman Caira noted that, although the letter was addressed to Mr. Card, the salutation was addressed to Mr. Gibbons. He asked that this be corrected.

Chairman Eaton stated that, provided there were no objections, he would take up agenda item number 12. Selectman O'Mahony announced that she has selected Meriam Nelson to fill the vacancy created by the resignation of Mr. Card. Selectman O'Mahony provided information on Ms. Nelson's activities.

Town Manager Hull reviewed his letter to Edward Sousa thanking him for his service as a member of the Board of Registrars. Mr. Sousa served on the Board for 37 years.

Town Manager Hull reviewed his letters to Robert Fasulo, Chairman, Republican Town Committee, and Jay Donovan, Vice Chairman, Democratic Town Committee, regarding the resignation of Mr. Sousa from the Board of Registrars. Town Manager Hull provided information on the process and advised that nominations were being sought from both the Republican Town Committee and the Democratic Town Committee.

Town Manager Hull reviewed an email from Robert Fasulo, Chairman, Republic Town Committee, who submitted the names of Kelly S. C. Richards and Robert Fasulo to be considered for appointment to the Board of Registrars.

Town Manager Hull reviewed a letter from Jay Donovan, Acting Chairman, Democratic Town Committee, who submitted the name of Roberta L. Lasky to be considered for appointment to the Board of Registrars.

Chairman Eaton thanked the three individuals who expressed interest in serving on the Board of Registrars. He stated that if there were no objections he would take up Agenda Item Number 9.

A motion was made by Selectman DePalma to appoint Roberta Lasky as a member of the Board of Registrars and was seconded by Selectman O'Mahony. Selectman DePalma advised that he has known Ms. Lasky to be conscientious and will work diligently in any capacity. There being no further comments, Chairman Eaton called for the vote and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen appoint Roberta Lasky as a member of the Board of Registrars for a term to expire April 30, 2023.

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

This agenda item was taken up under Appointments.

BOARD TO CONSIDER SIGNING THE LICENSE AGREEMENT FOR WILMINGTON FARMERS MARKET

Town Manager Hull noted that the Board of Selectmen approved the Farmers Market to take place on Sundays from June 13 through October 3, 2021 with the exception of July 4. The Board approved the use of Yentile Farm Recreational Facility in the event it cannot be held at the Swain Green due to Fourth of July Festivities. A motion was made by Selectman Caira, seconded by Selectman DePalma and by the affirmative roll call vote of all, it was

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

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

Chairman Eaton thanked the anonymous donor for paying the cost of the gel inserts. A motion was made by Selectman Caira, seconded by Selectman DePalma and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen approve the request that the Wilmington Town Common be illuminated in blue during the month of April in observance of Autism Awareness.

Chairman Eaton advised that Board members will be asked to wear an article of blue clothing at both their meetings in April.

BOARD TO CONSIDER APPOINTMENT TO THE BOARD OF REGISTRARS FOR AN UNEXPIRED TERM TO EXPIRE APRIL 2023

This agenda item was taken up under Communications.

BOARD TO CONSIDER APPOINTMENT OF MEMBERS TO THE CABLE TELEVISION ADVISORY TASK FORCE

This agenda item was taken up under Appointments.

BOARD TO CONSIDER COMMITTEE ASSIGNMENT OF TASKS FOR VERIZON CABLE LICENSE RENEWAL PROCESS

This agenda item was taken up under Appointments.

SELECTMAN JOMARIE O'MAHONY ANNOUNCEMENT OF HER APPOINTMENT TO ECONOMIC DEVELOPMENT COMMITTEE TO REPLACE THOMAS CARD

This agenda item was taken up under Communications.

BOARD TO CONSIDER AUTHORIZING USE OF THE MUNICIPAL PARKING LOT AT THE FOURTH OF JULY BUILDING FOR HAZARDOUS WASTE DAY ON SATURDAY, MAY 8, 2021

Town Manager Hull stated that the Household Hazardous Waste Day was held at the municipal parking lot until the high school was under construction. At that time it was relocated to the West Intermediate School parking lot. The Department of Public Works is requesting to return to the municipal parking lot.

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

VOTED: That the Board of Selectmen authorize the use of the municipal parking lot at the Fourth of July Building for Hazardous Waste Day on Saturday, May 8, 2021.

BOARD TO CONSIDER REQUEST OF TERRI MARCIELLO, DIRECTOR OF ELDERLY SERVICES TO USE THE TOWN COMMON TO CONDUCT A "CELEBRATION OF LIFE – A COMMUNITY OF HOPE" CANDLELIGHT VIGIL ON THURSDAY, MAY 13, 2021 AT 7:00 P.M. (RAINDATE: THURSDAY, MAY 20, 2021)

Chairman Eaton read Ms. Marciello's request into the record. Ms. Marciello noted how difficult the past year has been especially for the older adults. As the one year anniversary of the pandemic approaches, residents have had an opportunity to reflect and realize how many lives have been lost, a majority due to COVID. The Department of Elderly Services has witnessed families, friends and residents mourn their loved ones without being able to have the physical support and comfort of others.

A motion was made by Selectman O'Mahony, seconded by Selectman Bendel and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen approve the request of Terri Marciello, Director of Elderly Services to use the Town Common to conduct a "Celebration of Life – A Community of Hope" candlelight vigil on Thursday, May 13, 2021 at 7:00 p.m. (Raindate: Thursday, May 20, 2021)

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND AMERICAN FEDERATION OF STATE, COUNTY & MUNICIPAL EMPLOYEES (AFSCME) LOCAL 1703, UNIT II

Town Manager Hull advised that the Board is being asked to approve a one year extension to the agreement. He advised that the contract covers members of the Department of Public Works, clerical and library employees. He advised that the only change is a cost of living adjustment (COLA) of 1.5% to take effect July 1, 2021.

A motion was made by Selectman DePalma, seconded by Selectman O'Mahony and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen execute the Agreement between the Town of Wilmington and American Federation of State, County & Municipal Employees Local 1703 Unit II.

BOARD TO CONSIDER REQUEST OF JANET ENGRAM, SONS OF ITALY, TO PLACE A SIGN ON THE TOWN COMMON PROMOTING THE DIAPER DRIVE ON MARCH 27 AND MARCH 28

Chairman Eaton read a request from Sons of Italy President John Romano. The sign will be individual letters approximately 15 inches high that spell out DIAPER DRIVE. The sign will be put up on Friday, March 26th and will be removed on Sunday afternoon at the conclusion of the event. The letters will be on the Church Street (Route 62) side facing the tennis courts.

A motion was made by Selectman O'Mahony, seconded by Selectman Bendel and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen approve the request of the Sons of Italy to place a sign on the Town Common promoting the Diaper Drive event scheduled for March 27 and March 28.

PUBLIC COMMENTS

Chairman Eaton asked if there were members of the public wishing to comment and was advised there were not. Chairman Eaton reminded viewers of the process to make public comment and advised that he would wait a moment in the event someone wishes to comment.

Chairman Eaton asked Mr. O'Neil whether there were any callers wishing to speak and after confirming no additional speakers he declared Public Comments closed and continued with the remainder of the agenda.

ANNOUNCEMENTS

Chairman Eaton recognized the passing of Terri LaBella, a longtime resident of Wilmington and co-owner of Wilmington Insurance. He noted that her contribution to Wilmington Rotary cannot be overstated. She has left a lasting and positive impression on the community. Chairman Eaton offered condolences to her family, Finance Committee Chairman John Doherty, her daughter Stacy and granddaughter Cicey.

Selectman Bendel provided a follow-up regarding his concern that Wilmington Recreation was unable to use the schools. He advised that the appropriate individuals were able to meet and an agreement was reached and the department will conduct programs at the schools moving into the future.

Selectman O'Mahony wished her daughter Megan a happy 17th birthday.

NEW BUSINESS

There was none.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- March 10 – MSBA Presentation to School Committee – Virtual – 8:30 p.m.
- March 11 – MSBA Presentation to Finance Committee – Virtual – 7:00 p.m.
- March 15 – Senior Center Committee Review of Architect/Designer Proposals – Virtual – 6:00 p.m.
- March 15 – MSBA Presentation to Board of Selectmen – Virtual – 7:15 p.m.
- March 16 – Finance Committee/Planning Board Joint Public Hearing Relative to the Warrant for the Annual Town Meeting – Virtual – 7:00 p.m.
- March 18 – Finance Committee – Virtual – 7:00 p.m.
- March 22 – Board of Selectmen – Virtual – 7:00 p.m.
- April 3 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 5 – 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 7 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 10 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 12 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- April 14 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 17 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 19 – Town Offices Closed – *Patriot's Day*
- April 21 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- April 24 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- April 24 – Annual Town Election – Polls Open 8:00 a.m. to 8:00 p.m.
- April 26 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- May 1 – Annual Town Meeting – 9:00 a.m.
Shriner's Auditorium, 99 Fordham Road

SALUTE TO SERVICE

Selectman Bendel recognized Edward Gillis, a lifelong Wilmington resident who enlisted in the United States Navy on September 20, 1943. He served as a SeaBee in the 133 Battalion in the Pacific. Mr. Gillis received the WWII Victory Medal, two Purple Hearts, Good Conduct, Asiatic-Pacific Campaign Medal, Bronze Star and the American Campaign Medal. Mr. Gillis was honorably discharged in 1946.

A motion was made by Selectman O'Mahony, seconded by Selectman DePalma and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:06 p.m.

Respectfully submitted,

Recording Secretary