

BOARD OF SELECTMEN MEETING

May 22, 2017

Chairman Michael L. Champoux called the meeting to order at 7:00 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.

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

TREASURY WARRANTS

Chairman Champoux asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 46, 46A, 47 and 47A.

MINUTES

A motion was made by Selectman Bendel seconded by Selectman Caira and by the affirmative vote of four with Selectman Loud abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meetings held February 13, 2017 and February 27, 2017 and that all action taken is hereby ratified and confirmed.

MICHAEL J. NEWHOUSE, ESQUIRE, ON BEHALF OF ELISANDRO CHAVEZ, PANCHO'S INC. DBA PANCHO'S CANTINA, RE: PUBLIC HEARING RELATIVE TO A REQUEST TO OBTAIN AN ALL ALCOHOL – RESTAURANT LICENSE FOR PROPERTY LOCATED AT 206 BALLARDVALE STREET, UNIT 7

Mr. Newhouse provided the Chairman with the receipts for the mailing of notice to abutters.

Mr. Newhouse was present with Elisandro Chavez, president of the corporation and he will serve as manager. Mr. Newhouse stated that also in attendance was Louis "Dan" Vargas who is a principal in the corporation. He advised that the third principal of the corporation is Ms. Maria Vargas-Cisneros who is not present this evening. Mr. Newhouse advised that before the Board is an application for a liquor license and an application for a Common Victualer License. He stated he is hopeful that the Board will be in a position to take a vote on the liquor license this evening and expects that the Board is likely to continue the Common Victualer License application. Mr. Newhouse explained that it is his understanding that the Health Director is not yet in a position to make a recommendation on that application. He expects that after the June 6 meeting of the Board of Health once kitchen plans are provided to the Board of the Health, the Health Director will be able to make a recommendation.

Mr. Newhouse stated that in 2003 Mr. Chavez received a degree from the City College of San Francisco for Culinary Arts. Since 2003, he has been employed by a number of different establishments including places such as Hilton and Bertucci's and he has spent time consulting with different establishments. Mr. Vargas is currently a principal in a couple of Casa Blanca restaurants.

Mr. Newhouse advised that the location for the restaurant is 206 Ballardvale. He noted that it is near Target and, at the same location, there is a Dunkin' Donuts and a pizza restaurant. Mr. Newhouse stated that the food will be typical Mexican cuisine. He said the applicant is requesting to be open from 11:00 a.m. to 1:00 a.m. and acknowledged that it will be rare to stay open until 1:00 a.m. It is expected that during the week they will close between 10:30 p.m. and 11:00 p.m. They would like the opportunity to stay open later on special occasions and cited Cinco de Mayo as an example.

Mr. Chavez stated that research showed that there are approximately 9,000 employees that work within a four minute drive. He knows some of the employees who have expressed the need for another option for lunch in the area.

Chairman Champoux asked if there were any questions or comments from the Board.

Selectman McCoy offered his congratulations and said he looks forward to a Mexican restaurant in Wilmington. Selectmen Bendel and Caira concurred.

Selectman Loud asked if there were enough parking spaces for a 120 seat restaurant. Mr. Newhouse stated that the applicant is not the property owner however, there are plenty of parking spaces. Based upon the zoning by-law, there is an opportunity to share parking spaces. Mr. Chaves advised that there are 70 parking spaces.

Selectman Loud asked if there would be a function room and advised that there would not.

Chairman Champoux asked whether they will have entertainment. Mr. Chavez stated that they have not discussed live music but will have background music and perhaps televisions located at the bar. He said it is possible to occasionally have a Mariachi Band. Mr. Newhouse stated that they will come in with a separate application for an Entertainment License.

Chairman Champoux asked whether Pancho's will be the largest establishment at 206 Ballardvale Street. He was advised that it will be the largest in terms of square footage.

Chairman Champoux asked if there were any questions or comments from the audience and there were none.

Town Manager Hull asked whether it will be interior seating or whether there would be patio seating and was advised the seating will all be inside.

Chairman Champoux asked Town Manager Hull to review the recommendations from the applicable department heads. Town Manager Hull advised that the application was reviewed by the Inspector of Buildings who advised there are no outstanding zoning issues. The application was also reviewed by the Police Chief and Health Director, both of whom recommend approval.

Chairman Champoux closed the public hearing.

A motion was made by Selectman Bendel, seconded by Selectman Loud and by the affirmative vote of four with Selectman Caira abstaining, it was

VOTED: That the Board of Selectmen grant an All Alcohol – Restaurant License to Pancho's Inc. DBA Pancho's Cantina for property located at 206 Ballardvale Street, Unit 7.

**MICHAEL J. NEWHOUSE, ESQUIRE, ON BEHALF OF ELISANDRO CHAVEZ,
PANCHO'S INC. DBA PANCHO'S CANTINA, RE: PUBLIC HEARING RELATIVE TO A
REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED
AT 206 BALLARDDVALE STREET, UNIT 7**

Mr. Newhouse thought it would be helpful to present both applications together and understands the Board will have a summer schedule. Mr. Newhouse requested that he be advised as to when the Board will continue the meeting. Chairman Champoux advised that the Board's meeting on June 12 will be specifically for the Butters Row Bridge and acknowledged it could be taken up at that time if the Health Director is able to make a recommendation.

Selectman McCoy stated that the Board could approve the Common Victualer License contingent upon the applicant meeting the requirements of the Board of Health.

Town Manager Hull stated that the Board could consider the application at their June 12 meeting and it could be its first order of business prior to discussion relative to Butters Row Bridge.

FRANK WEST AND BILL ROBINSON, WILMINGTON MINUTEMEN, RE: FLAG RETIREMENT CEREMONY

Mr. West stated that the Wilmington Minutemen began collecting flags for the purpose of retiring them in 2002. Following the events of September 11, 2001 residents were displaying the American flag. Former member Frank Curley observed that the flags were tattered/worn and residents were asking how to properly dispose of the flag. The Minutemen began having a flag retirement ceremony. Mr. West invited the Board of Selectmen, public and youth groups to attend the ceremony which will be held on June 24, 2017 at 2:00 p.m. at the Minuteman Headquarters.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the naming of town property. He noted that when the request was made to name the high school gymnasium after Lawrence Cushing, the School Committee declined to endorse the proposal. The reason was the lack of a process to vet the name. A similar concern was expressed when an article was presented to Annual Town Meeting to name, what was at that time an unbuilt park, the Yentile Farm Recreational Facility. The objection was not specific to the name but the lack of a vetting process.

Town Manager Hull advised that a request has been made to name the high school auditorium after the late Joanne Benton. That request is being reviewed by the School Committee.

Town Manager Hull advised what the current by-law reads and noted that the Board may wish to consider establishing a policy with the goal of providing for some measure of “vetting” of suggested names before the request is brought to Town Meeting for consideration. He provided elements that the Board could consider in the process.

Town Manager Hull stated that it is his suggestion that a five member committee be named; two individuals named by the Board of Selectmen; two individuals named by the School Committee and the fifth member appointed by the Town Moderator. The Committee would be responsible for evaluating the proposed name and make a recommendation at Town Meeting. Town Meeting would have the final approval.

Chairman Champoux stated that relative to the request to name the high school gymnasium for Lawrence Cushing, the School Committee felt that, because it was a school building, there should have been an opportunity for them to participate in the process.

Discussion took place regarding establishing a policy for naming town property. Chairman Champoux likened it to the Finance Committee and Planning Board offering recommendations to the Town Meeting. Selectman Bendel expressed concern in making it difficult on residents with good intentions. Selectman Caira stated that he is in favor of a policy as long as Town Meeting has final approval and there are other avenues for residents to pursue having town property named for someone. Selectman McCoy suggested having the Town Clerk and the Inhabitant By-Law Review Committee review the current by-law.

Chairman Champoux suggested meeting with members of the School Committee to collaborate on establishing a policy. Members of the Board were in agreement. Town Manager Hull stated that he will contact the School Superintendent and advise that the Board of Selectmen is seeking comment.

Town Manager Hull reviewed correspondence from the Massachusetts Municipal Association regarding the state budget.

BOARD TO CONSIDER REQUEST OF KHALID HAZIMEH TO OBTAIN A HAWK & PEDLE LICENSE TO SELL ICE CREAM

Town Manager Hull advised that the application was reviewed by Police Chief Begonis and Health Director Shelly Newhouse who recommend approval.

Chairman Champoux 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 issue a Hawk & Pedle License to sell ice cream to Khalid Hazimeh.

BOARD TO CONSIDER REQUEST OF KIKI BARNUM TO CONDUCT A FUNDRAISER CAR WASH ON SATURDAY, JUNE 10, 2017, 10:00 A.M. TO 1:00 P.M. AT THE FOURTH OF JULY BUILDING AND PARKING LOT

Town Manager Hull stated that Ms. Barnum is a high school student seeking permission to use the parking lot and Fourth of July Building for the purpose of conducting a car wash to raise funds for her Relay for Life team.

Chairman Champoux asked if there were any questions, comments or a motion from the Board. 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 grant the request of Kiki Barnum to conduct a fundraiser car wash on Saturday, June 10, 2017, 10:00 a.m. to 1:00 p.m. at the Fourth of July Building and parking lot.

BOARD TO CONSIDER SIGNING TOWN COUNSEL'S CONTRACT FOR FISCAL YEAR 2018

Chairman Champoux asked if there were any questions, comments or a motion from the Board. 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 sign Town Counsel's contract for Fiscal Year 2018.

BOARD TO CONSIDER EXECUTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 13, PATROL SUPERVISOR'S UNION, FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2019

Town Manager Hull stated that the Town was able to gain the use of assessment centers for promotions and training in the use of NARCAN and Tasers. Chairman Champoux stated that the contract reflects what was discussed in Executive Session.

Chairman Champoux asked if there were any questions, comments or a motion from the Board. A motion was made by Selectman McCoy and was seconded by Selectman Loud that the Board sign the agreement.

Selectman Caira commented about how the contract was presented to the Board and believes taxpayers ought to know that it is not a 2% increase, 2% increase. He stated that it is actually a 6% increase the first year and the Board is approving something that was a done deal when it was brought to them. He reviewed other changes to the contract and expressed his opinion that it is a very generous contract that the Town Manager negotiated. Selectman Caira provided information on two other contracts that were negotiated and believes that the Board had no choice but to accept what was before them. He hopes that moving forward it will change.

Town Manager Hull stated that the contract with the dispatchers was signed a year ago and found that dispatchers were below the 30th percentile in terms of average compensation. He stated that there has been regular turnover in the Dispatch position.

Town Manager Hull noted that he advised the Board of Selectmen that relative to the other contracts the Board could have said no to the contract but he advised them that there was a strong likelihood that both groups could have exercised their right to go before the Joint Labor Management Committee (JLMC). His concern was that it takes the decision away from the Town and both groups would have gotten this and more. He agreed that he should have presented information in advance, but when they went to mediation, things went more quickly than he thought they would. Town Manager Hull stated that the patrolmen's and supervisors' union are both compensated under the 50th percentile.

Selectman Caira stated that his concern is that the Town Manager is not including the Board of Selectmen when negotiating contracts.

Selectman McCoy stated that members of the Police Department are underpaid and believes that the Town should pay them the increase and that he is a proponent of stability. He stated that each of the Selectmen had the opportunity to vote against the contract.

Members of the Board of Selectmen expressed their appreciation for the Wilmington Police Department.

Selectman Bendel stated that there were concerns with the process and he is concerned with the means by which future contracts will be presented to the Board so that they can make an informed decision and the best decision for the taxpayer.

Chairman Champoux stated the concerns were articulated in Executive Session and knows that Mr. Hull has the full intention to communicate with each member before going into a negotiation session so that he knows what is available to him. He stated that he has been a member of the Board of Selectmen for eight years and it is his recollection that contracts presented by Michael Caira as Town Manager were similar to what was presented to the Board with the exception of JLMC. He believes the process of going back for renegotiation would have resulted in the union going to JLMC and the JLMC siding with the union because they have a tendency to do so. He stated that he took that as advice because he does not have experience with JLMC. He said it was the prospect of JLMC that made him feel backed into a corner.

A motion having been duly made and seconded, by the affirmative vote of all, it was

VOTED: That the Board of Selectmen execute the collective bargaining agreement between NEPBA Local 13 and the Town of Wilmington.

PUBLIC COMMENTS

Kevin MacDonald, Andover Street, stated he appreciated Selectman Caira's comments and desire to have transparency and stated he is concerned that officials have forgotten the concept that government is by the people for the people. He said people have the idea that it is an enterprise.

Mr. MacDonald stated that he searched the Registry of Deeds and found that there were 33 foreclosure notices in Wilmington last year. He believes that the reason for that, and the houses that are listed for sale, is because taxes are too high. He commented that the Town's free cash is increasing because of over budgeting for the purpose of increasing the balance.

Mr. MacDonald offered comments about the Town's banking services.

Mr. MacDonald stated that he has been told that officers are leaving the Town of Wilmington's employ because of the lack of leadership in the administration. He offered comments about police duty officers taking the role as dispatcher and also that officers who are scheduled to work the night shift should not be working a double prior to that.

Mr. MacDonald stated that disabled veterans receive priority housing at Deming Way. He noted that Selectman Bendel advised that when a unit becomes vacant, it remains empty until the unit is renovated. He stated that he does not see elderly people "smashing guitars or busting holes in walls". Mr. MacDonald stated that he requested information regarding building permits issued for units at Deming Way and was advised that there have not been any issued.

Selectman Bendel assured the Board that the Housing Authority and the Veterans' Services Director are making sure that disabled veterans, veterans and elderly seniors eligible for housing are being housed as quickly as possible.

Mr. MacDonald offered additional comments regarding employee raises, proposition 2 ½, tax rates, foreclosures and houses for sale.

Town Manager Hull stated that although there may have been 33 foreclosures recorded, it is possible for the foreclosure to be vacated once the property owner had paid what is due.

Mr. Frank West, Birchwood Road, asked if he was correct that the Town Treasurer looks at competitive rates regarding banking services. Town Manager Hull advised that Pamela MacKenzie is the Treasurer Collector who has many years of experience in that office. He stated that she is mindful of available rates but one of the principles of investing money is that it has to be liquid, has to be accessible.

Mr. West stated that he is a realtor in town and there are many reasons why people want to buy or sell. He noted that many leave town due to employment opportunities and that people do die. He stated that he owns property in town and when a unit becomes vacant, that is the opportunity to make repairs. Making repairs does not necessarily require a building permit.

NEW BUSINESS

Chairman Champoux encouraged residents to participate in Memorial Day observances. He stated that the parade will take place on Monday, May 29 at 10:00 a.m. and a ceremony will take place at the Veterans' Lot at Wildwood Cemetery at 11:00 a.m.

Chairman Champoux stated the new Recreation Matters is available and commented on the number of events and activities.

Chairman Champoux stated that the Massachusetts Selectmen Association will be holding a meeting on Wednesday regarding recreational marijuana.

Selectman Bendel stated that he attended the 2017 Good Guy dinner which recognized Becky McGrath.

Selectman Bendel offered congratulations to the graduating classes of Wilmington High School and Shawsheen Tech.

Selectman Caira asked for an update regarding the Substance Abuse position. Town Manager Hull advised that the Town has been receiving applications and the deadline is May 26.

Selectman McCoy requested that Ms. Gingrich be invited to a meeting to discuss affordable housing and exclusionary (sic) zoning.

Chairman Champoux stated that, in the interim, Ms. Gingrich can be asked to provide printed content in their packet.

Selectman Loud stated that he attended a presentation at the Senior Center. Middlesex District Attorney Marian Ryan hosted the presentation for seniors to raise awareness on the opioid crises. He thanked Police Chief Begonis, Health Director Shelly Newhouse and Elderly Services Director Terri Marciello for arranging such an informative presentation.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 23 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- May 29 – Memorial Day Parade – 10:00 a.m.
Ceremony at Wildwood Cemetery – 11:00 a.m.
Town Offices Closed
- June 2- – Council for the Arts 37th Annual Art Exhibition
June 3 Friday, 6:30 p.m. to 8:30 p.m. & Saturday, 1:00 p.m. to 4:00 p.m.
- June 3 – Fishing Derby – Town Beach – 9:00 a.m. to Noon
- June 4 – Wilmington High School Graduation
- June 8 – Shawsheen Tech Graduation
- June 10 – Town-Wide Yard Sale – 8:00 a.m. to 2:00 p.m.
- June 10 – Town Beach Opens
- June 11 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 11 – Harnden Tavern Open House – 430 Salem Street – 2:00 p.m. to 4:00 p.m.
- June 12 – Board of Selectmen – Wilmington Middle School – Auditorium – 7:00 p.m.

There being no further business to come before the Board, 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 adjourn.

Meeting adjourned at 8:38 p.m.

Respectfully submitted,

Recording Secretary