

## BOARD OF SELECTMEN MEETING

May 28, 2019

Chairman Gregory B. Bendel called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy 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 regarding 362 Middlesex Avenue in accordance with MGL Chapter 30A, Section 21(a)3 as the Chairman declares that an open meeting may have a detrimental effect on the litigation position of the Town and to approve Executive Session minutes from May 13, 2019 in accordance with MGL Chapter 30A, Section 22 with the intention to return to open session.

Chairman Gregory B. Bendel called the meeting to order at 7:10 p.m. in Room 9 of the Town Hall. Present were Selectmen Kevin A. Caira, Jonathan R. Eaton, Michael V. McCoy and Jomarie F. O'Mahony. Also present was Town Manager Jeffrey M. Hull.

Chairman Bendel asked those present to rise and he led the pledge of allegiance. Chairman Bendel acknowledged the death of Margaret "Peggy" Kane on May 22, 2019. Mrs. Kane was a member of the School Committee for approximately 18 years, many of which she served as Chairman. Mrs. Kane was also a member of the Friends of the Library. Chairman Bendel asked Board members and those present in the audience to observe a moment of silence in honor of Mrs. Kane.

### TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 45, 45A, 46 and 46A.

### MINUTES

A motion was made by Selectman Caira, seconded by Selectman McCoy and by the affirmative vote of four with Selectman O'Mahony abstaining, it was

VOTED: That the Board of Selectmen approve the minutes of their meeting held April 22, 2019 and all actions taken are hereby ratified and confirmed.

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held May 13, 2019 and all actions taken are hereby ratified and confirmed.

### **LYNNE JENNINGS, EPA SECTION CHIEF, AND JAMES DILORENZO, EPA PROJECT MANAGER, OLIN SUPERFUND SITE, RE: ADMINISTRATOR'S EMPHASIS LIST AND PROJECT UPDATE**

Chairman Bendel explained that it was the intention of EPA to have a PowerPoint presentation this evening, however there have been technical difficulties and hard copies will be provided to the Board and members of the audience. He advised that the presentation will be placed on the Town's website.

Chairman Bendel noted that this appointment has been scheduled for a period of time and asked Town Manager Hull to provide background. Town Manager Hull advised that he has been in contact with Jim DiLorenzo, who was unable to attend this evening, and Lynne Jennings regarding providing an update on where the remediation effort stands. He believed it would be

important for representatives of the Environmental Protection Agency (EPA) to speak to the Board in light of the announcement that the Superfund site received a particular categorization. Town Manager Hull stated that he would like the representatives to speak to the status of the remediation efforts and the plans to arrive at a record of decision and also to discuss the meaning and implications of the status that the Superfund site has been granted.

Ms. Jennings stated that she is responsible for all sites in Massachusetts that are listed on the National Priorities List. She advised that Mr. DiLorenzo has been on sick leave and therefor was unable to make it tonight and expects that he will be present for future updates. Ms. Jennings introduced Kevin Pechulis he is one of the site attorneys and he was present in the event questions of a legal or liability nature are raised.

Ms. Jennings provided a brief background regarding the site. She described the three areas of study, called operable units, and those entail the parcel that Olin owns, surface water and sediment areas on, and adjacent to, the site and all issues related to groundwater. Ms. Jennings stated that in 2015 a lot of the investigative work culminated in a report to the EPA for Operable Units I and II. Olin wanted to move forward with a cleanup decision and EPA wanted Olin to substantially complete the groundwater investigation to get a more comprehensive remedy for the site.

Ms. Jennings stated that EPA has had multiple disagreements with Olin on multiple issues. In March 2018 Olin submitted what they considered to be a complete draft remedial investigation and feasibility study to which EPA had substantial comments identifying all the deficiencies that they submitted. She advised that they are in the process of addressing the deficiencies in the documents. The EPA reached an agreement which would allow Olin to submit three documents to the EPA. The Interim Action Feasibility Study focused on the DAPL (Dense Aqueous Phase Liquid) and groundwater contamination. The document was submitted in draft form and is under review by the EPA. The second document feasibility study for the property itself and surface water and sediment was recently submitted and will be reviewed by EPA. The third document, a draft remedial investigation for all studies conducted thus far, is due to be submitted at the end of June.

Ms. Jennings advised that the EPA's next steps are to complete the review of those documents. She said it is likely that EPA will have to supplement the documents with additional information and alternatives for dealing with the contamination at the site.

She advised that a proposal for cleanup will be issued by EPA in September or October. She emphasized that this is a proposed plan and it will not be finalized until the process, including a public hearing, is complete. She advised that investigative work of the groundwater needs to be completed to come up with a final plan. EPA feels that there is enough information to begin clean up on the DAPL and the highly contaminated areas of groundwater. Typically, a thirty day public comment period is conducted where public comments are accepted from everybody including Olin, the state and community groups. If a request is made, the comment period can be extended. Ms. Jennings stated that in December, after considering comments received, the plan is to issue a Record of Decision for the cleanup. She advised that it will be a final clean-up plan for some actions at the site but only an interim clean-up plan for other actions. After more data collection, a final clean-up plan will be issued for groundwater at the site. She stated that each case is different in how the EPA gets the work done.

Ms. Jennings discussed the Administrator's Emphasis List and noted it is a directive that came from a new task force of the new federal administration. They decided that certain Superfund sites required focused attention at higher levels to make them successful. She advised that it is an ongoing list and some sites have come off the list. The list is for sites that might benefit from

focused involvement from all levels at EPA to achieve a specific milestone. In the case of Olin, it has been a difficult time getting to the point of issuing a record of decision. She noted that it has been difficult working with Olin, that the level of cooperation is not where they want it to be. The region proposed that the site be placed on the list to briefing the chain of EPA and if they run into additional issues with Olin they will have support moving forward. She believes that having the emphasis on the site is like having it in the spotlight and advised that they have to brief the administrator frequently and noted that this is the kind of site they like to have on the list, particularly sites that have been in the investigative mode for too long. Ms. Jennings opined that twelve years for a site to be in investigative mode, on the national priorities list and not be at a clean-up decision is a timeframe that is not acceptable.

Ms. Jennings stated that the site has redevelopment potential and noted that there is interest in redeveloping the site. She believes that redevelopment has been stalled by the lack of progress on the clean-up and the lack of clarity of what needs to be done. She stated that the administration likes to promote redevelopment for a site, noting that the EPA does not decide whether the redevelopment is good or bad for a community. She stated that once redevelopment is decided the EPA works well with developers and property owners.

Ms. Jennings stated that Superfund laws have broad and strong enforcement authority for compelling responsible parties to conduct the work. She stated that she has a list of responsible parties for the Olin site and after the record of decision, EPA will engage with all six responsible parties for the conduct of clean-up. She stated that the responsible parties have different corporate ethics.

It is her understanding that Olin has signed a Purchase and Sale agreement for the property and in October GFI approached EPA with a plan that they had for redevelopment of the site for intermodal transportation facility involving consumable commodities. She stated that it is slightly different from NET proposal. She stated that they have had several calls and meetings. GFI asked EPA questions regarding the site and their proposal. EPA advised GFI that they generally support redevelopment at Superfund sites if it does not exacerbate the problem or interfere with the clean-up plan. GFI was encouraged to work with Olin to get them to expedite document development.

Ms. Jennings said she advised the developer that redevelopment has to go through the appropriate local permitting process.

She advised that EPA tried to have a meeting with Olin and GFI to see if there was a willingness to cooperate and move forward and opined that she does not believe it was productive and her sense was that GFI was not satisfied with the outcome of the meeting.

Ms. Jennings spoke of the containment area. When working with the state a slurry wall was built around an area as a temporary cap for waste. GFI asked whether they could build something on that area in phases and was advised by EPA that it could be done provided it was engineered correctly. She reviewed instances where it has been done at other locations.

Chairman Bendel asked whether there were any questions or comments from the Board. Selectman McCoy stated that the town and its residents were counting on the EPA for their assistance. He stated that his biggest concern is that this is not new. He was a Selectman when the Board voted to transfer jurisdiction from the DEP (DEQE at that time) to the EPA. He opined that the interim remediation should not replace the big remediation plan and that there should be no development on the Olin site until there is a full clean-up plan. In addition to residents input, it should include input of the Board of Selectmen. Selectman McCoy commented regarding the closure of five wells and the quality of Wilmington's water prior to the closure. He commented that it is on record of "whistleblowers" reporting contaminants being buried in the floors.

Selectman McCoy asked what role the town or elected officials have when planning for redevelopment on the Superfund site. Ms. Jennings advised that the Board has the same authority that they would at any site to support or stop development. EPA's authority is to not interfere with development unless it interferes with clean-up. She stated that it is difficult when development is not something the Town supports.

Selectman McCoy asked who initiated the interim remediation process and was advised that it was EPA. Ms. Jennings stated that to get to final remediation, there is still a fair amount of investigation work to be done. She stated that Olin is a complicated site, issues associated with groundwater are difficult because they are also in bedrock. She stated that there is a long-term benefit in extracting the DAPL material, which is a known problem. The longer the DAPL remains there, it can migrate and if a developer in the neighborhood puts in a production well, it will affect the hydrogeology of the site.

Selectman McCoy commented about the spread of the plume. Ms. Jennings stated that one of the technical issues EPA has pursued with Olin for three years is that Olin states the plume is stable and unchanged. EPA's conclusions are that it is expanding and migrating further and believes it may be in areas they have not reached because of the bedrock.

Selectman McCoy expressed concern that the residents of Cook Avenue have had their wells affected. Ms. Jennings stated that the plan of the EPA is that the clean-up plan address the issue and EPA has new information about NDMA that is being evaluated and are looking at technical options for providing water over the long-term. Providing bottled water is not a practical solution.

Selectman McCoy expressed his preference that the Town install a water main up Cook Avenue and attach Olin's property or make them pay. He opined that Olin is responsible for the decline in quality of life for residents of Cook Avenue.

Selectman Eaton thanked representatives of EPA for being present and bringing those not familiar with the history of the site up to speed. He stated that he is almost relieved that EPA's experience with Olin is similar to that of the Town's. It seems that the uncooperativeness of the responsible parties is making the matter worse. He agreed that the Town is counting on the EPA. Selectman Eaton read from the press release where Olin was added to the Administrator's Priority Listing. He expressed concern about the word "highest" and stated the qualifier "highest" raises red flag.

Ms. Jennings stated the final plan will address restoring the aquifer to drinking water capability. She noted that it is very complex and the EPA is not ready to say the best way to do that, if it can be done. Ms. Jennings advised that the EPA is ready to acknowledge that there is a lot of contamination in the aquifer. The pools of DAPL clearly have a high level of NDMA and it is a source. If it is a source it must be addressed and removed according to statute and regulations. Ms. Jennings stated that in addition to the DAPL, there is groundwater above the DAPL and slightly downgradient. She stated that the EPA will plot it and will show the extent when the EPA gives a demonstration.

Selectman O'Mahony asked what EPA gives for guidance regarding the feasibility for development on that site, not GFI specifically. Ms. Jennings stated that it depends. GFI provided conceptual plans but that is not enough, EPA usually receives more detailed plans and specifications including excavation plans and soil management plans. She advised that EPA samples the site in a grid and acknowledged that it is possible there is residual contamination and developers would have to have plans on how they will manage the waste in the event they find it.

Ms. Jennings provided an example of a developer with a project where they intend to install a well, the developer would have to present to the EPA for approval. Where the EPA is aware the groundwater is contaminated, the developer needs to explain whether they are going to treat the

water, if a treatment system is in place how will it be affected, they would be required to do scientific studies to prove to the EPA that they are not interfering with the remedy or exacerbating the problem. If a study is completed and the EPA notices that there is a problem, the developer becomes a responsible party.

Ms. Jennings spoke of the Industri-plex site in Woburn and how they worked with different developers and either approved or denied proposals.

Selectman O'Mahony asked whether it was accurate that EPA remains involved in this project and Ms. Jennings confirmed. She stated that every time someone wants to change the use if it is not consistent with what they believed it would be at time at cleanup, the EPA gets back involved. With regard to Olin, a study was conducted with the assumption that it would be used for industrial/commercial because that is the current use but if a developer wants to make it residential there is a totally different clean-up plan.

Selectman O'Mahony asked what some of the remedies has or consequences if Olin is not cooperative. Ms. Jennings stated that the most common one is to issue an order. EPA will come up with a clean-up plan, try to negotiate with the responsible parties what they are going to do and the time frame that they are going to do it. If the responsible parties do not agree, the EPA has the authority to issue an order which comes with more strength than a mutual agreement, it has more penalties associated with it. Ms. Jennings stated that they have also done "cash out" settlements.

Mr. Pechules stated that by being on the administrator's priority list brings heightened focus but does not change their statutory authority, enforcement tools are not any different because it is on the list.

Selectman Caira commented that, when Selectman McCoy mentioned the barrels, he observed both Ms. Jennings and Mr. Pechules write on their notepads and asked what happened with the barrels, whether they were removed. Ms. Jennings stated that often they hear anecdotal stories about contamination, EPA has gone in and sampled under the buildings and did not find the barrels, she stated that someone developing the site and rips up the foundations in the future and finds buried drums, EPA will make whoever the party is, Olin or the developer, go back and fix it. She stated that it is hard to uncover everything on the site that has a sordid history. They try to come up with a plan but they do have abilities to continue to make them address it.

Selectman Caira commented that the containment wall may be cracked or leaking which is concerning and asked how that would be addressed. Ms. Jennings stated that this was an issue discussed with Olin for hours as there is disagreement as to whether it is leaking. EPA's opinion is that the wall is likely not a hundred percent effective. When the wall was constructed, they dug down until they got to rock, encountering fractured rock, and placed the wall. In order to get a tight seal on something like that is virtually impossible. The EPA has information that the bottom of the hole has a fractured bedrock system. The EPA believes it serves an important purpose by minimizing some of the flow.

Ms. Jennings stated that the EPA team has tapped the experts in the country on these issues. She stated that NDMA is not a contaminant commonly found.

Selectman Caira stated that he is concerned with the plume that keeps expanding and asked how you clean a plume that is miles away. As you clean the primary site, is the plume "sucked back in"? Ms. Jennings stated that is part of the long term option for the site. She stated that when she worked on a military base in Massachusetts there were 18 massive plumes that knocked out the water supply for four communities. The plumes went for miles and over time the Air Force and

Army were required to install treatment systems, extract it, and pump it to be treated. She said it was amazing the progress they made in the ten years she worked there.

Ms. Jennings stated that she is aware that people saw the Interim Action Feasibility Study where Olin listed as an alternative proposal to turn on the municipal water supply wells, extract and treat it and either put it back in municipal use or discharge. She stated that it is one option to consider but until the source is addressed that will take years. Ms. Jennings stated that is something to evaluate in the next phase.

Selectman Cairra asked how the DAPL is moved and where it is moved. Ms. Jennings explained that Olin extracts the DAPL and pumps it back to the site where it is held in a tank until there is a certain volume and is then picked up by a hazardous waste facility and brought to another company that is licensed and capable. She stated that they are consulting with experts to see if that is the best course or whether there is a better way to treat the DAPL before transporting it. Ms. Jennings advised that EPA will be looking at alternatives for treating groundwater and discharging it into either the sewer system or a stream. It will be treated to a point that it is safe to do so.

Chairman Bendel stated that at the beginning of the presentation, EPA stated that they were open to hearing comments from everyone including residents and asked Ms. Jennings to explain how that can be accomplished. Ms. Jennings reviewed the process.

Chairman Bendel stated that some of the next steps are to issue the proposed plan in the fall and he stated that the Board would like Ms. Jennings to return at that time with another update.

Chairman Bendel acknowledged that department heads were in the audience to hear the presentation and he expressed his appreciation for their attendance.

Chairman Bendel asked how the Board of Selectman can help the residents of Cook Avenue. He is aware that the Town Manager asked the Director of Public Works to develop an estimate to install water and asked whether it made sense to invest funds or is it likely that will get cleaned up and treated first. Ms. Jennings stated that it may be worthwhile for the Town to send an official letter to the EPA expressing its thoughts and what the Town has been contemplating as a plan to move forward and encourage a decision to move forward sooner rather than later. She said that it would make sense to wait to see what decision they come to in the fall.

Chairman Bendel asked Mr. Woods, Director of Public Works, to speak to the results of getting an estimate to install a water line. Mr. Woods advised that the DPW has reviewed four or five times and at this time there are so many unknowns, with contamination. Due to ledge there would need to be a lot of dynamite and there could be consequences to the contaminants. If they run into contaminants, the department would have to cease operations and mitigate them to dispose of properly. He stated that it would be time consuming and become very expensive. He stated that design and putting out to bid will take close to a year and opined that EPA's recommendation would be more favorable.

Representative David Robertson stated that he knows it is a long process and is concerned that something is being reconsidered that Mr. DiLorenzo identified. He believes that since Olin already tried to deceive the public once, the only way is to remove all the soil. He noted that the plume is now going on miles. He noted that there is a major housing development in Woburn where 40,000 cubic yards of mountaintop are being removed and the legislative delegation asked whether there was consideration given to possibly agitating the plume. He stated the project and the Olin property are only 1.6 miles apart.

Town Manager Hull stated that with regard to Cook Avenue issue, the Town has talked about that and it is fair to say that the cost is in excess of hundreds of thousands of dollars due to the

constraints and challenges. There is no question the residents should have a reliable water source. He confirmed that the Town will submit a letter to the EPA pursuing water for Cook Avenue. He stated that one of the options identified for the purpose of groundwater which triggered concern was the option to activate two of the towns inactive wells, treat it and cycle the water into the Town's water supply. He asked Ms. Jennings to confirm that it is an interim draft document, it is only a possibility put forward by Olin and is not something that EPA is endorsing at this time. He asked how common it is for the responsible party to make their case for a particular position in this type of document.

Ms. Jennings stated that this is Olin's first draft at a feasibility study with a proposal. She stated that it is not uncommon when they have a responsible party draft a document and they put their own spin on it. She stated that this is the first draft and is not an EPA approved document. The EPA does not endorse any of the alternatives at this time. Their goal at this time is to tackle source control.

Town Manager Hull asked if it was a fair statement that if the town decided that it did not want to reactivate the wells, the EPA cannot compel the town to do so for purposes of this solution. Ms. Jennings stated that she would say it differently, that perhaps if the town did not want to use the water from the wells to supplement the water supply, even if treated, the EPA does not generally do that. If it is decided that one way to clean the plume is to turn on a well, treat it and discharge into a stream, then EPA would put that into a plan. They do not force a community to take a water supply they don't want.

Ms. Jennings related the issue at Pease Air Force base in New Hampshire and that the community was accepting to the water provided and she noted it was treated to safe drinking levels. Town Manager Hull stated that there would be an extensive amount of pilot testing to confirm the water met state and federal drinking water standards. Ms. Jennings confirmed that they had to run it for six months to a year at capacity. She stated that it can be done but that it may not be the right action for the Olin property.

Town Manager Hull stated that with regard to the containment cell, in conversation with representatives of GFI, there was prospect of development close to, or on top of, the containment. He commented that in the interim document, there is the expectation that the current containment cell was a temporary measure and there needs to be a permanent cell. For any kind of development activity to take place over that cell, they run the risk of having to deconstruct what they do because there will need to be a permanent solution. Ms. Jennings stated that is what they were trying to say about working cooperatively to design a permanent cap in concert with a building.

Town Manager Hull stated that with respect to final development, he believes that remediation should dictate development and not development dictate remediation. New development forces remediation to work around whatever is constructed there and it should be the other way around. Ms. Jennings opined that the development and remediation should be done in concert. There are times remediation would be different if they had the foresight to see how a site could be used. The EPA's primary concern is to make sure the remedy is protected.

Selectman McCoy asked what was/is worse, the site at Olin or the Target/Anderson Transportation Center. Ms. Jennings stated that they have very different challenges. She noted that the hides that were buried had odor issues and other things that made it difficult to come up with the remedy. It wasn't just one parcel, it was several parcels with multiple owners in an area that was highly valuable because of its location.

Ms. Jennings opined that Olin has delayed clean-up because it is expensive to dispose of the contaminants.

Chairman Bendel asked if there were any additional questions or comments and there were none. Chairman Bendel thanked Ms. Jennings and Mr. Pechules for attending, it is so important to the Town that discussion has taken place for close to two hours.

### COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Joseph Lobao, Business & Utility Manager, Department of Public Works, who provided information regarding the Rain Barrel Program. Residents have an opportunity to purchase rain barrels online at a 40% discount. The barrels have a capacity of 60 gallons. The deadline for purchasing is June 23, 2019 and the date to pick up purchased barrels is Saturday, June 29 between 9:00 a.m. and 11:00 a.m. at the Department of Public Works, 115 Andover Street.

Town Manager Hull reviewed a memorandum from Joseph Lobao, Business & Utility Manager, Department of Public Works, who advised that the Town of Wilmington received an award from the Massachusetts Department of Environmental Protection for Water Conservation. Mr. Lobao accepted the award at the Public Water System Awards ceremony on May 7, 2019. The award is given to those systems that achieved certain criteria in 2018.

Selectman McCoy interrupted the Town Manager and suggested that the Chairman entertain public comments so that Ms. Jennings and Mr. Pechules will not have to remain through the rest of the meeting.

### PUBLIC COMMENTS

Ethan Sawyer, Lawrence Street, asked relative to the comment that there is new toxicity information on the NDMA and with respect to the Record of Decision and asked whether the information is publicly available. Ms. Jennings advised that the EPA is still working on it. Mr. Sawyer opined that interim actions that may be decided on won't make the site more or less suitable for redevelopment. Ms. Jennings stated that the goal is to pick the clean-up plan that is more protective and there are ways of doing that to facilitate development.

Robert Fasulo, Marjorie Road, asked whether the blasting activity at The Ledges Project in Woburn is effecting the bedrock. He noted that the blasting occurs twice per day and vibrations have been felt as far as Navajo Drive. He asked whether the company could be named as an additional responsible party if the blasting is causing the fractures to widen. Ms. Jennings was not familiar with The Ledges Project and stated that it could exacerbate the problem and if causation is proven to be the blasting, the company could be named a responsible party. She advised that she would follow up.

Martha Stevenson, Chandler Road and President of Wilmington Environmental Restoration Committee (WERC), a citizen group funded through a Technical Assistance Grant, stated that WERC has worked closely with Mr. DiLorenzo since its inception. She opined that it is ironic that the interim report being evaluated by EPA considers an early intervention to remove the DAPL when Olin has been aware that NDMA has been onsite since 1980. She applauds the Selectmen for being upset with Olin for dragging their feet. Ms. Stevenson stated that WERC has consistently voiced that they would like the containment area to not just be capped but to be remediated. WERC is also concerned with the promise or thought that Olin will be agreeable to paying the cleanup costs when they will not issue a credible remediate investigation or feasibility study on ground water contamination. Ms. Stevenson asked what the status was on the Technical and Feasibility Waiver. Ms. Jennings stated that Olin has not posed any further beyond their initial discussion with EPA. She opined that Olin realized that they had not done enough work to demonstrate that they would qualify for such a waiver. Ms. Stevenson thanked the Chairman and advised that the remainder of WERC's comments would be provided in writing.



Michael Newhouse, Glen Road, stated that he wanted to offer comments on a Board to Consider item that had not yet been taken up and asked if this is the appropriate time. Chairman Bendel confirmed as the Board was entertaining Public Comments at this time. Mr. Newhouse stated that his comment is in regard to agenda item number 6 and wanted to offer some historical perspective. He stated that he appreciates the time and effort to accommodate different interests but the young people who participate in skating activities, toddler through varsity hockey programs, are in a unique situation. The Town, through its continued funding of Parks and Grounds, shows support on an annual basis for all the other sports, lacrosse, soccer, football, baseball, softball and field hockey. Town Meeting appropriated \$2.5 million to resolve an imminent problem for hockey players and skaters. They may not have any place to play three to four years from now. Mr. Newhouse stated that anything the Board could do to maintain narrow focus and priority would be appreciated.

#### COMMUNICATIONS (CONTINUED)

Town Manager Hull reviewed a memorandum from Town Engineer Paul Alunni who provided an update to the Board of Selectmen regarding a request of National Grid to place a pole on Anthony Avenue and one on Salem Street. Mr. Alunni advised that a site visit was conducted on May 17 at 12:30 p.m. to review the proposed location for placement of the poles. Abutters were notified by the applicant via certified mail and those residents in attendance did not express any concern. Mr. Alunni advised that a potential wetland resource area was observed along the shoulder of Salem Street and the applicant was advised to coordinate with the Department of Planning & Conservation to confirm all work will conform to the provisions of the Wetland Protection Act and the local Conservation Commission. He suggested that the Board of Selectmen postpone making a decision until the applicant has received approval from the Conservation Commission, if necessary.

#### **BOARD TO CONSIDER APPOINTING REPRESENTATIVES OF LOCAL SPORTS ORGANIZATIONS AS ADDITIONAL MEMBERS TO EVALUATE OPTIONS FOR AN ICE RINK AND/OR INDOOR RECREATION FACILITY**

Chairman Bendel stated that the Board discussed this topic at their last couple of meetings. Selectman McCoy stated that he agreed with Mr. Newhouse that an ice rink ought to be the priority but noted colleagues have expressed a desire to look beyond that, such as an indoor recreational facility. He acknowledged it was in its infancy but the ice rink is the priority.

Selectman Caira stated that the focus needs to stay on the rink and it was suggested that the Board should look at other recreational options. He opined that it is fine to look at other options, and emphasized the focus should remain on the rink. Selectman Caira stated that there is an authorization for the borrowing to purchase a rink, and an authorization for an enterprise fund to operate the rink. He questioned whether the town will be able to use the funds if it goes beyond the scope of an ice rink and believes the committee should be maintained as structured, focus on the rink with an understanding that if it is possible to expand to some other recreational use, it would be considered.

Selectman O'Mahony stated that this is the second meeting that referenced the \$2.25 million voted to purchase a rink and asked for clarification whether it was to purchase any rink or to purchase the Ristuccia Rink. Town Manager Hull stated that it was his recollection that the article did not specify Ristuccia. Selectman O'Mahony stated that she was not diminishing the need for a rink but pointed out that Wilmington does not have a pool in town and the swimming team needs to go to the Reading YMCA. She does not want to limit it to an ice rink if, by doing so, it negates the possibility of adding a couple hundred square feet for an indoor batting cage or suspended floor for indoor floor hockey, and opined that there were multiple possibilities. Limiting to an ice rink is to

limit the use and she would like it to be called the ice rink and recreational facility. She acknowledged that it may be that the Town can only afford an ice rink or an ice rink is the only thing that makes sense but she does not want to be narrow minded.

Selectman Caira stated that when developing Yentile Farm, out of the process the Dog Park was constructed and an outdoor skating facility at Rotary Park.

Selectman Eaton stated that he agreed with Selectman Caira and the premise behind the committee being formed was a vote at the Special Town Meeting 4 1/5 years ago to try to purchase the Ristuccia Arena and the recent events where it became clear that the rink was otherwise acquired. He believes the primary charge of the Committee should be an ice rink with the understanding that other alternatives could be explored for feasibility. He stated that his preference is to respond to the governing body of the town which expressed a desire to acquire an ice rink.

Selectman McCoy stated that the Board held many executive sessions where the Town manager was instructed to “try to cut a deal” to purchase the Ristuccia Rink. He opined that everyone in the room believed they were going to purchase the rink. Although the article may not have specified Ristuccia Arena, that was the intent. Town Manager Hull stated that he agreed with that but that the point was that Ristuccia was not included in the article to provide flexibility. He stated that he would like the opportunity to look at the article to confirm his recollection as it has been a period of time since he has reviewed it.

Chairman Bendel stated that he has been contacted by individuals who want the focus to be on the rink.

Selectman McCoy asked Town Manager Hull whether he spoke with Town Counsel to determine whether it was possible to expand the scope. Town Manager Hull stated that he had a conversation and one of the questions was what this committee could address. Town Counsel said it is not uncommon for a committee to be established and over time their role expand beyond the original scope. Town Counsel advised that this is not a problem provided the Open Meeting Law be followed.

A motion was made by Selectman Caira and seconded by Selectman O'Mahony that the name be the Ice Rink and Recreational Facility Committee maintaining the original committee membership as constructed.

Selectman O'Mahony stated that she did not believe the Board needed to have further discussion but she appreciates the inclusion of the Recreational Facility and believes there are members on the committee that have interests beyond hockey. It is her hope that Committee members who are involved in other organizations will consider the possibility of how the space may be utilized.

Chairman Bendel stated that when he was speaking with the Town Manager to set the agenda and he listed off the youth athletic groups he was surprised how quickly the list grew.

Selectman O'Mahony stated that where there are two members of the Board on the committee, and although not expanding the committee membership, she hopes Selectmen Caira and McCoy will be listening to the community and the different organizations. She would like the Town to serve as many members of the community as possible in this process.

Chairman Bendel asked if there were additional comments and there were none. With a motion having been made and duly seconded he called for a vote. By the affirmative vote of all, it was

**VOTED:** That the Board of Selectmen determine the name be Ice Rink and Recreational Facility Committee maintaining the original committee as constructed.

**BOARD TO CONSIDER APPROVING POLE LOCATIONS (ONE) ANTHONY AVENUE AND (ONE) SALEM STREET**

Town Manager Hull recommended that the Board table a vote until the applicant, National Grid and MSR Utility Maintenance Corp., confirm with the Conservation Commission whether approval is necessary. Members of the Board were in agreement.

**BOARD TO CONSIDER EXECUTING AUTHORIZATION OF BOND ISSUANCE TO THE MASSACHUSETTS WATER RESOURCES AUTHORITY**

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

**VOTED:** That the sale of the \$107,000 Sewer Bond of the Town dated June 3, 2019, to Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the bond. The bond shall be payable without interest on May 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>	<u>Year</u>	<u>Installment</u>
2020	\$10,700	2025	\$10,700
2021	10,700	2026	10,700
2022	10,700	2027	10,700
2023	10,700	2028	10,700
2024	10,700	2029	10,700

**FURTHER VOTED:** That each member of the Board of Selectmen, the Town Clerk and Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote.

**BOARD TO CONSIDER APPOINTING CHRISTINE TOUMA-CONWAY PUBLIC RECORDS ACCESS OFFICER.**

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

**VOTED:** That the Board of Selectmen appoint Christine Touma-Conway as Public Records Access Officer.

**BOARD TO CONSIDER ESTABLISHING A TOWN MEETING REVIEW COMMITTEE OR DIRECTING THE INHABITANT BY-LAW STUDY COMMITTEE TO PREPARE A RECOMMENDATION ON THE DATE AND TIME FOR ANNUAL TOWN MEETING**

Town Manager Hull reminded the Board that there was initial discussion about the establishment of a stand-alone Town Meeting Review Committee. Over the past several weeks there was communication with members of the Inhabitant By-Law Committee to determine interest in serving on both committees. He advised that there were a couple of members that were not interested in serving on both committees. He stated that it is his recommendation that, since part of the typical role would be to review the Town Meeting date, which is part of the by-laws, that this responsibility be pulled in to the Inhabitant By-Law Study Committee.

Town Manager Hull opined that it would reduce the number of meetings. Selectman Cairra asked if the Board could be provided a list of individuals who serve on the Inhabitant By-Law Committee. Chairman Bendel stated that he recommended a designee from the Senior Center and he did not see Ms. Marciello's name on the list. Selectman Cairra stated that the Board had also spoke of Beverly Dalton serving due to her participation at Town Meeting. He stated that, on advice of the Town Moderator, the Board set up a separate Town Meeting Review committee from the Inhabitant By-Law Committee. Individuals serving on the Inhabitant By-Law Committee were asked if they want to serve on the other committee. He asked whether Ms. Marciello and Ms. Dalton will be forced to serve on something they don't want to serve on but the Board wants them to participate in the Town Meeting Review Committee.

Town Manager Hull apologized stating that he spoke to the Chairman about Ms. Marciello serving in the role to review potential changes to Town Meeting date to which she is agreeable and Ms. Dalton has also been agreeable to serving in that role. Town Manager Hull stated that he had conversation with the Town Clerk who indicated that discussion of the Town Meeting date will be the first item on the agenda. Ms. Marciello and Ms. Dalton would not need to be voting members but could participate in those discussions.

Town Manager Hull stated that it is an option if the Board wishes to have two separate committees but he believes it will be easier for members to attend one meeting.

Town Manager Hull advised that Dan Ardito and Valerie Gingrich were not interested in serving on the Town Meeting Review Committee. The other individuals have indicated their willingness to serve on both committees.

Chairman Bendel requested a memorandum listing of which individuals would like to participate on which committee.

Selectman McCoy stated he liked Town Manager's idea of combining the two and the first agenda include discussion of the Town Meeting date.

Town Manager Hull asked to confirm the Board's request that the Board would like to have two committees or get an understanding of who would like to serve on both committees and a decision will be made at a subsequent meeting. Selectman O'Mahony stated that the Town Manager referenced that certain people did not want to be on two different committees and asked if it was fair to say they were okay expanding the committee. Town Manager Hull stated that he would have to review his lists to confirm.

Selectman Cairra stated that he is not opposed to one committee, but he would like to have a list of names and designate who will be serving on just the Town Meeting Review Committee. Chairman Bendel stated that this item will be tabled until the Board's next meeting and will move forward at that time. He expressed his appreciation to those individuals willing to serve the Town.

**BOARD TO CONSIDER REQUEST OF NANCY VALLEE, CHAMBER OF COMMERCE, TO RESCHEDULE RACE PREVIOUSLY APPROVED FOR SUNDAY, SEPTEMBER 22, 2019 TO SUNDAY, SEPTEMBER 29, 2019**

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

VOTED: That the Board of Selectmen approve the request of Nancy Vallee, Chamber of Commerce to reschedule the Wilmington Half Marathon/5K from Sunday, September 22, 2019 to Sunday, September 29, 2019.

## **BOARD TO CONSIDER AUGUST MEETING SCHEDULE: PROPOSED DATE – AUGUST 12**

Selectman Caira stated that after the Board's May 13 meeting, he checked his calendar and discovered he had a conflict on August 12 and would not be able to attend. Chairman Bendel asked about the Board's availability to meet August 5 and Selectman O'Mahony has a conflict. Selectman McCoy indicated he would not be available August 19. Selectman Caira suggested that the Board meet as scheduled on August 12 and he would be absent. Selectman O'Mahony asked whether the Board had to meet on a Monday and suggested Wednesday, August 7. Board members indicated their availability.

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 meet Wednesday, August 7.

## **ANNOUNCEMENTS**

Selectman Caira offered congratulations to the Wilmington Water Department for the award they received.

Selectman Caira commented regarding the ceremonies and parade that took place over the weekend to observe Memorial Day. He offered congratulations to the Director of Veterans' Services Lou Cimaglia and the Veterans' Services Officer Mike Frotten.

Members of the Board were in agreement regarding the Memorial Day ceremonies and the support of Wilmington residents who were in attendance at the different events.

Selectman O'Mahony congratulated the track athletes. She opined that track is an overlooked sport and D3 States were held Sunday at Merrimack College and congratulated those that advanced to the All States.

Chairman Bendel offered congratulations to Wilmington High School and Shawsheen Tech graduates.

Chairman Bendel recognized that 75 years ago on June 6, Wilmington resident Elmer Drew was killed in action on the beaches of Normandy at the age of 17. He noted there is a monument at the corner of West Street and Woburn Street. Chairman Bendel also noted that his mother, Wavie Drew, was the first female member of the Board of Selectmen.

## **NEW BUSINESS**

Selectman McCoy stated that he was going to bring up Cook Avenue but believes sending a letter to the EPA will be more meaningful.

Selectman McCoy asked Town Manager Hull whether the Town will be putting in dugouts at the field on Wildwood Street and change the configuration of the diamond. He stated that it is his understanding that there are no dugouts at Town Park which is where the girls' varsity softball team plays their home games.

Town Manager Hull stated that it was his understanding that the girls practice at Town Park but had not heard that there was concern or problems with the field at Wildwood Street.

Selectman McCoy stated that he was approached and asked whether the Town would look at the Wildwood Street field and convert it to the Girls Varsity Softball, change the diamond and put a dimensional fence. Town Manager Hull stated that it could be looked at and cost it out.

### IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- May 31- – Council for the Arts 39<sup>th</sup> Annual Art Exhibition
- June 1 – Friday, 6:30 p.m. to 8:30 p.m. & Saturday, 1:00 p.m. to 4:00 p.m.
- June 1 – Fishing Derby – Town Beach – 8:00 a.m. to 11:00 a.m.
- June 2 – Wilmington High School Graduation
- June 5 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- June 6 – Shawsheen Tech Graduation
- June 8 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- June 8 – Town-Wide Yard Sale – 8:00 a.m. to 2:00 p.m.
- June 8 – Town Beach Opens
- June 9 – Harnden Tavern Open House – 430 Salem Street – 2:00 p.m. to 4:00 p.m.
- June 9 – Brady's Foundation 5K Run for Recovery – Town Common – 9:00 a.m.
- June 10 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- June 14 – Rotary Trivia Night – Knights of Columbus
- June 14- – Wilmington Relay for Life – Wilmington High School
- June 15 – Friday afternoon, June 14 to Saturday morning, June 15
- June 16 – Farmers Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- June 24 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 10:12 p.m.

Respectfully submitted,

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Recording Secretary