

## BOARD OF SELECTMEN MEETING

NOVEMBER 28, 2016

Chairman Judith L. O'Connell called the meeting to order at 7:05 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Kevin A. Caira, Michael L. Champoux and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell asked those present to rise and led the pledge of allegiance.

### **TREASURY WARRANTS**

A motion was made by Selectman Bendel and seconded by Selectman Caira for the purpose of discussion. Selectman McCoy stated that he would be abstaining from 22A as that lists the payment to former Superintendent DeLai. Chairman O'Connell stated that Board members have questions and concerns and have received constituent inquiries. She stated that the agreement with former Superintendent DeLai was made with the School Committee and the Board of Selectmen does not have jurisdictional right to agree to what is in place. She stated that she is voting in favor of the Treasury Warrants because it is her understating there is a financial obligation and legally bound to the agreement. She understands the sentiments and concerns regarding the separation agreement. Chairman O'Connell asked Town Manager Hull to research the agreement and have it reviewed by Town Counsel and to understand what the Board of Selectman role is in agreeing to the Treasury Warrants, what are options and ramifications. She does not want to vote against something and put the town in a further disadvantage and make a bad situation worse. Chairman O'Connell wants to make sure that Town Accountant Michael Morris has a copy of the agreement. Town Manager Hull stated that he spoke with John Fosskett of Deutsch Williams. He said when the Board considers approving the treasury warrants, it is essentially approving them into the record. Treasury Warrants are issued on Wednesday and once the Board of Selectmen signs off on the warrant, the treasurer is authorized to issue payments.

Town Manager Hull advised that if the Board decides not to sign one of the warrants, in this case compensation with Mary DeLai, her recourse would be to go to Superior Court for breach of contract. He advised that she could obtain attorney fees and 12% interest for the duration of the unpaid compensation.

Chairman O'Connell stated that the Board is at a disadvantage to approve the Treasury Warrants without knowing the contents of the agreement. Selectman McCoy stated that he was in agreement with Chairman O'Connell and stated that his vote is more of a protest vote.

Selectman Champoux expressed his concern that the Board of Selectmen is not part of negotiations or part of the contract which gets signed but approve the expenditures. Town Manager Hull reviewed other contracts made that the Board is not a part of, but is included in the Warrant.

Selectman Bendel stated that he would vote in favor as he does not want to put the taxpayer at risk.

Selectman Caira stated that he would be reluctantly in favor of the Treasury Warrants because he does not want to put the taxpayer behind the eight ball. He believes the contract and settlement agreement should be provided to the Town Accountant. He stated that the Town Accountant does not have a copy of the agreement so that he can verify what is coming over is accurate. He said the Town does not have a checks and balances.

Selectman Caira stated that he does not understand why legal counsel did not include a clause about employment.

Selectman Caira provided information from the Secretary of State's office regarding public records law. Town Manager Hull stated that he spoke with Mr. Foskett and stated that financial elements are subject to public review but other elements may be redacted.

Selectman McCoy suggested that the School Committee chairperson be invited in to a Board of Selectmen meeting. He noted that newspaper articles have indicated that they have been nonresponsive.

Chairman O'Connell stated that she does not want to be adversarial, that there are a lot of unknowns that the Board of Selectmen would like to understand. She believes the residents deserve to have public information made available.

Following discussion, Chairman O'Connell asked for a vote. A motion having been made and seconded and by the affirmative vote of all, with Selectman McCoy against Warrant #22A, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 21, 21A, 22 and 22A.

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 invite the Chairman of the School Committee to a meeting of the Board of Selectmen for the purpose of justifying \$13,000 monthly expenditure.

## MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held on June 27, 2016 and that all action taken is hereby ratified and confirmed.

## **KAREN L. RASSIAS, PRINCIPAL ASSESSOR, RE: PUBLIC HEARING FOR THE DISCUSSION OF LOCAL PROPERTY TAX POLICY WITH REFERENCE TO CLASSIFICATION**

Ms. Rassias stated that in accordance with Massachusetts General Law Chapter 40, Section 56 she was present to provide information to the Board of Selectmen. After careful analysis and review, the Board of Assessors recommends to the Board of Selectmen a classification shift of 1.75%, resulting in a minimum residential factor of .779155 for Fiscal Year 2017. She advised that the shift conforms to Proposition 2 ½ guidelines and is consistent with prior years' tax policies. Adoption of this recommendation allows the Town to assess and collect an equitable amount of taxes from the residential, commercial, industrial and personal property sectors. Ms. Rassias advised that assessed values were established by analyzing calendar year 2015 sales and income data. It is the Board of Assessors recommendation that the Board of Selectmen vote to shift the maximum allowed to the Commercial, Industrial and Personal Property classes.

Ms. Rassias reviewed property values and information that outlined different scenarios and the impact to the different tax classifications.

Chairman O'Connell stated that with the maximum shift, the 2016 residential rate of \$14.63 would go down to \$14.45. There will be a tax bill increase because house values increased seven percent.

Ms. Rassias noted that the average home being built today is a lot different. She said that houses valued at \$280,000 are being torn down and replaced with homes valued at \$600,000 to \$700,000.

Chairman O'Connell asked if there were any questions or comments from the audience. There were none.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman McCoy commented that he was a member of the Board when there was a Special Act of the legislature allowing a shift of 200. He believes that Wilmington residents benefit from the lack of user fees and trash fees. He asked about the tax rate in comparison to other communities. Ms. Rassias stated that she did not do an analysis for local communities but the rank for Massachusetts is 99.

Members of the Board of Selectmen thanked Ms. Rassias for her presentation.

Chairman O'Connell closed the public hearing.

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 adopt a classification shift of 1.75 as recommended by the Board of Assessors which results in the minimum residential factor of .779155 for Fiscal Year 2017.

**GINA DANIELS, 4982 BUILDING ASSOCIATION, INC. DBA KNIGHTS OF COLUMBUS,  
RE: REQUEST TO CHANGE THE MANAGER FROM WILLIAM B. LISTON TO GINA M.  
DANIELS AND TO CHANGE THE OFFICERS/DIRECTORS**

Mr. Robert Woods, Knights of Columbus, advised that the former manager, Bill Liston, resigned and the Knights of Columbus is before the Board seeking approval for his replacement. Town Manager Hull advised that the Board is being asked to consider approving Gina Daniels as Manager and the change in officers and directors. He advised that Police Chief Begonis reviewed the application to change the manager and recommends approval.

Chairman O'Connell asked if there were any questions, comments or a motion from the Board. A motion was made by Selectman McCoy and seconded by Selectman Champoux for discussion. Selectman Bendel stated that he will abstain as he is listed as an employee. Selectmen Cairra and Champoux advised that they are members of the Knights of Columbus but are not involved with the Building Association. A motion was made and seconded and by the affirmative vote of four with Selectman Bendel abstaining it was

VOTED: That the Board of Selectman approve the request to change the manager from William Liston to Gina Daniels and to change the officers/directors for 4982 Building Association dba Knight of Columbus.

**LEE A GHANNAM, SR., TRIPLE NICKEL AUTO BODY & REPAIR, LLC, PUBLIC  
HEARING RE: REQUEST TO OBTAIN A CLASS II VEHICLE SALES LICENSE FOR  
PROPERTY LOCATED AT 555 MAIN STREET**

Mr. Ghannam stated that he recently renovated his building and would like to have a Class II Vehicle Sales License in the event he acquires vehicles through his business.

Chairman O'Connell asked Town Manager Hull what a Class II Vehicle Sales License permitted. Town Manager Hull reviewed the Zoning By-law which addressed Used Vehicle Sales.

Town Manager Hull advised that the application was reviewed by Police Chief Michael Begonis who recommends approval, Deputy Fire Chief Gary Donovan who recommends approval and Inspector of Buildings Al Spaulding who advised there were no outstanding zoning issues.

Chairman O'Connell asked if there were any questions or comments from the audience and there were none. Chairman O'Connell asked if there were any questions, comments or a motion from the Board. A motion was made by Selectman Champoux, seconded by Selectman Bendel and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant a Class II Vehicle Sales License to Triple Nickel Auto Body & Repair, 555 Main Street.

### **FRANK WEST AND GUNNERY SERGEANT WILLIAM GILLIAM, RE: TOYS FOR TOTS PROGRAM**

Mr. West was present with Petty Officer Charles Curtis who presented the Board of Selectmen with a certificate of recognition for its support of the Toys for Tots program.

Mr. West noted locations of collection boxes and thanked the Town for allowing a box to be located at Town Hall. Families who would like to request assistance may do so on the website [toysfortots.org](http://toysfortots.org). Mr. West provided information on scheduled events including photos with wrestlers which are free with the donation of a new, unwrapped toy.

Mr. West advised that if residents have questions they may call him at 978-658-1754.

Chairman O'Connell thanked Mr. West for continuing his work for Toys for Tots.

Chairman O'Connell asked if there were any questions or comments from the Board. Chairman O'Connell and members of the Board offered their thanks and extended their appreciation to Petty Officer Charles Curtis for his service.

### **BOARD OF SELECTMEN DISCUSSION, RE: NEW ENGLAND TRANSRAIL**

Chairman O'Connell stated that at the last meeting members of the Board had interest in discussing and pursuing further. She advised that she was contacted by Selectman Bendel who requested that this topic be an agenda item. Chairman O'Connell stated that a memorandum from the Town Manager was included in the packet and to help facilitate discussion she requested that Town Manager Hull read the memo into the record.

Chairman O'Connell asked if there were any comments from members of the Board.

Selectman Bendel expressed his appreciation that this was included on the agenda. He stated that he and his colleagues have heard that residents are extremely concerned and he wants to do everything possible to support the residents and the Town as a whole. He noted that the letter proposed is addressed to the legislative delegation and suggested sending it to the congressional delegation as well to give residents a voice.

Selectman Champoux stated that he is glad the Board is having the conversation and they should continue until there is a positive resolution. He stated that the letter to the legislative delegation referenced is well written and asked how to ensure the letter receives the appropriate level of attention. Selectman Champoux noted that the Surface Transportation Board (STB) is a federal board and would like the documents to be provided to the congressional delegation.

Selectman Champoux stated that the Board was invited by Congressman Moulton's office to participate in an open forum on several issues, not New England Transrail but there was a possibility of scheduling an appointment and asked whether there was any progress. Town Manager Hull stated that he had exchanged emails with the Chief of Legislative Office and another representative. There is a desire on the Congressman's part to understand the issues and believes it would be appropriate to have a more detailed conversation about the specifics of the project and make them aware of the consequences. Town Manager Hull stated that a copy of the document will be sent tomorrow to Congressman Moulton, Senator Markey and Senator Warren's office.

Selectman Caira suggested inviting the congressional delegation, not their aids, to the Town of Wilmington to hear the Town's concerns.

Selectman Bendel stated that if the congressman and senators were not willing to attend a Board of Selectmen meeting, find out their office hours and he would be happy to meet with them with residents at their office.

Selectman Caira stated that he has been advised by long-time residents that they are willing to move if New England Transrail is approved.

Selectman McCoy thanked Selectman Caira for suggesting inviting congressional delegation to attend a meeting. He recalls previous congressman and senators attending meetings. He stated the Board wants less contamination not more on that site. He stated the Board cares about Wilmington.

Chairman O'Connell stated that she agrees with what has been said and believes the Town needs to take every opportunity to have the Town's voice and position be heard.

Selectman Champoux asked whether it would be prudent to recommend residents avail themselves access to federal delegation and send in messages of their own. Selectman Bendel stated that he believes it is a good idea and requests that the Board's letter be made public. Selectman Caira suggested the letter should be published in the Town Crier and Advocate and should include email addresses.

Chairman O'Connell requested that the Board to Consider be taken out of order and asked Town Manager Hull to read the letter into the record.

#### **BOARD TO CONSIDER SIGNING LETTER TO LEGISLATIVE DELEGATION RELATIVE TO NEW ENGLAND TRANSRAIL**

Town Manager Hull advised that the letter would be addressed to Congressman Moulton, Senator Markey and Senator Warren and proceeded to read the letter into the record.

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 Selectman sign the letter to the Congressional Delegation relative to New England Transrail.

#### **COMMUNICATION**

Town Manager Hull reviewed his memorandum regarding the designation of Town Manager as Chief Procurement Officer. He advised the Board that the Officer of the Inspector General advised the Town that it does not have a designation for Chief Procurement Officer on file. The

designation is established for the position and not the individual employee serving in the position. Town Manager Hull stated that the Town Manager Act confers the responsibilities for purchase of goods and services on the Town Manager and he recommends that the Board of Selectmen confirm these responsibilities for the purposes of complying with Massachusetts General Law Chapter 30B.

Town Manager Hull reviewed his memorandum regarding New England Transrail. He advised that the Town is finalizing comprehensive comments to the Surface Transportation Board's Office of Environmental Analysis that will address the scope of issues to be evaluated in the Environmental Impact Statement.

Town Manager Hull reviewed a letter from Jane Lyman, Sr. Manager, xfinity, regarding channel changes.

Town Manager Hull reviewed correspondence from Jane Lyman, xfinity, regarding price changes.

Town Manager Hull reviewed a letter from Jane Lyman, xfinity, regarding information about Comcast set-top boxes.

**BOARD TO CONSIDER APPOINTING TOWN MANAGER JEFFREY HULL AS CHIEF PROCUREMENT OFFICER FOR THE TOWN OF WILMINGTON**

Chairman O'Connell asked if there were any questions, comments or a motion. 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 appoint the Town Manager as Chief Procurement Office in the Town of Wilmington.

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

Town Manager Hull advised that the Annual Town Meeting voted to participate in the grant/loan program. He advised that it is used for work related to sewer system infiltration, where ground water enters through leaks. He stated that Town Meeting authorized \$98,100 and \$119,000 through a no interest loan to be paid off over five years.

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

VOTED: That the sale of the \$119,000 Sewer Bond of the Town dated December 5, 2016, to the Massachusetts Water Resource Authority (the "Authority") is hereby approved and the Town Manager 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 November 15 of the years and in the principal amounts as follows:

<u>Year</u>	<u>Installment</u>
2017	\$ 23,980
2018	23,980
2019	23,980
2020	23,980
2021	23,980

**FURTHER VOTED:** That each member of the Board of Selectmen, the Town Manager, the Town Clerk and the 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 SIGNING THE DEED FOR THE SALE OF BUTTERS FARM**

Town Manager Hull advised that this will be rescheduled for a future meeting.

## **PUBLIC COMMENTS**

Robert Hayes, 1535 Main Street, Tewksbury, Wilmington Apple, offered to Tweet a copy of the letter.

## **NEW BUSINESS**

Town Manager Hull stated that Louis Cimaglia, Director of Veterans' Services, advised him that Wilmington lost another resident due to a drug overdose. He noted that the individual was the sibling of a veteran who is serving in California. Mr. Cimaglia stated that the family is looking to have a candlelight vigil on December 1 at 7:00 p.m. on the Town Common. Friends and family will be doing the same thing in California at 4:00 p.m. local time.

## **IMPORTANT DATES**

Town Manager Hull reviewed important dates including:

- November 29 – Welcome to Wilmington Reception – Memorial Library – 6:00 p.m. to 8:00 p.m.
- November 30 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- December 1 – Santa's Workshop – Town Hall – 6:00 p.m. to 7:30 p.m.
- December 3 – Breakfast with Santa
- December 3 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- December 3 – Christmas Tree Lighting – Town Common
- December 3 & – Festival of Trees – Villanova Hall  
December 4
- December 4 – Holiday Social – Harnden Tavern – 1:00 p.m. to 4:00 p.m.
- December 15 – Facility Master Plan Committee – Town Hall – 6:00 p.m.
- December 12 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.

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

**VOTED:** That the Board of Selectmen adjourn.

Meeting adjourned at 8:50 p.m.

Respectfully submitted,

---

Recording Secretary