

BOARD OF SELECTMEN MEETING

TUESDAY, OCTOBER 13, 2015

Chairman Michael L. Champoux called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull. A motion was duly made and seconded and by the affirmative roll call vote of all, it was

VOTED: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing collective bargaining to return to open session.

Chairman Michael L. Champoux reconvened the meeting at 7:05 p.m. in Room 9 of the Town Hall. Present were Selectmen Louis Cimaglia, IV, Michael V. McCoy, Michael J. Newhouse and Judith L. O'Connell. Also present was Town Manager Jeffrey M. Hull.

Chairman Champoux acknowledged that members of the Board of Selectmen were wearing a pink article of clothing in recognition of Breast Cancer Awareness Month.

Chairman Champoux asked those present to rise and asked Selectman McCoy to lead the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 14, 14A, 15 and 15A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held June 22, 2015 and all action taken is hereby ratified and confirmed.

CHRIS PETERS, K1 SPEED, INC., RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 40 FORDHAM ROAD

Mr. Mike Maguire was present on behalf of K1 Speed, Inc. He stated that K1 Speed is an indoor family entertainment company that has been in business for thirteen years and is based in southern California. He stated that there are 29 locations in the United States and Wilmington will be the second location in Massachusetts. The primary operation will be indoor go-kart racing using electric carts. He advised that there is a 250 pound weight limit for individuals seeking to operate the go-karts. Mr. Maguire stated that in addition to the two tracks there will be approximately eight automatic amusement devices and one billiard table primarily for use while patrons are waiting to use the go-karts. He said that there will be a small concession area with pizza and popcorn and advised that there would be no cooking on premises.

Mr. Maguire stated that there is no age limit, but there is a height requirement. To use the small go-carts, individuals must be 4 feet tall and to use the larger go-karts individuals must be 4 feet 10 inches. Mr. Maguire informed the Board of Selectmen that participants must sign releases and employees review the "dos and don'ts" and emphasized that it is a race track and not bumper cars. Mr. Maguire reviewed the safety precautions including the required use of helmets, the karts are automatic and may be able to reach 40 miles per hour on a straight away but the tracks are figure eights and, in addition to employees with flags, the karts can be controlled by remote control to censor speed and stop acceleration.

Chairman Champoux asked Town Manager Hull to provide recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommended approval and by Al Spaulding, Inspector of Buildings, who advised that he has no outstanding zoning issues with K1 Speed, Inc.

Chairman Champoux asked if there were any questions, comments or a motion. Selectman Cimaglia noted that the paperwork indicates there will be 20 employees and inquired whether they were hiring. Mr. Maguire stated that they have begun hiring managers but not the hourly personnel. Selectman Newhouse asked what the hours would be and Mr. Maguire advised that they would be noon to 10 p.m., Monday through Thursday, 10 a.m. to midnight Friday and Saturday and 11 a.m. to 10 p.m. on Sunday. Selectman O'Connell asked when they anticipated opening. Mr. Maguire stated that he anticipates opening in mid-December. For additional information individuals are referred to their website www.k1speed.com.

A motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant a Common Victualer License to K1 Speed, Inc. for property located at 40 Fordham Road.

CHRIS PETERS, K1 SPEED, INC., RE: PUBLIC HEARING: REQUEST TO OBTAIN AN AUTOMATIC AMUSEMENT DEVICE LICENSE (8 DEVICES) AND BILLIARD ROOM LICENSE (1 TABLE) FOR PROPERTY LOCATED AT 40 FORDHAM ROAD

Mr. Maguire reiterated that the primary operation is the go-kart racing and the automatic amusements and the billiard table would be while customers are waiting their turn at the go-karts. He stated that it will not be an arcade and he reviewed the games that will be on premises.

Chairman Champoux asked Mr. Maguire if he had the receipts from the certified mailing to abutters. Mr. Maguire advised that they were provided to the Board's secretary prior to the start of the meeting. Chairman Champoux asked Town Manager Hull to review recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by Police Chief Michael Begonis who recommends approval and by Al Spaulding, Inspector of Buildings, who advises that he has no outstanding zoning issues.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Newhouse asked for confirmation that all events would be held indoors and he was advised that is correct.

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

VOTED: That the Board of Selectmen grant an Automatic Amusement Device License (8 devices) to K1 Speed for property located at 40 Fordham Road.

A motion was made by Selectman O'Connell, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant a Billiard Room License (1 table) to K1 Speed for property located at 40 Fordham Road.

Chairman Champoux requested to take item 9 on the agenda out of order as it relates to K1 Speed. Item 9 is for the board to consider issuing a Sunday Entertainment License to K1 Speed, Inc. A motion was made by Selectman Cimaglia, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen approve a Sunday Entertainment License to K1 Speed, Inc.

BOARD OF SELECTMEN DISCUSSION, RE: NORTHEAST ENERGY DIRECT PROJECT

Town Manager Hull advised that Town Engineer Paul Alunni was also in attendance. He stated that the Board would be asked to take a position relative to Kinder Morgan. Town Manager Hull noted that representatives from Kinder Morgan presented their plans for the so-called Lynnfield Lateral at a meeting on July 10, 2014. Since that time town staff have been monitoring developments associated with their proposal. Initially the proposal located the pipeline within the Zone 1 water protection radius of the Town's Brown's Crossing and Salem Street wells in addition to impacting several identified vernal pools.

In April, Kinder Morgan representatives announced their intention to revise the route and follow along a utility corridor. This route still poses concerns as the pipeline would extend through a portion of the Benevento Aggregate property with an active quarry and would remain within a Zone II radius of the two public water supply wells. Despite multiple requests for information about the track record of pipelines similarly situated near active quarries, the Town has yet to receive any relevant documentation.

The Lynnfield Lateral is intended to transport pressurized gas to natural gas facilities in Peabody for sale and distribution to natural gas companies. Wilmington residents and businesses will receive no direct benefit from the proposed pipeline. Kinder Morgan representatives have argued that at some point the increase in availability of gas may impact energy prices to local consumers but this is speculative, at best.

Town Manager Hull stated that the Massachusetts Department of Energy Resources commissioned a study to analyze various scenarios related to gas demand for the Commonwealth. The study looked at eight different scenarios and the report concluded that the demand for natural gas exceeded the capacity under all scenarios analyzed just to a varying degree depending on the assumptions. One critical assumption that has been criticized is that the study used high demand for natural gas by the electric sector. In July, the Attorney General's Office commissioned a regional study to focus specifically whether more natural gas capacity is needed in the area to maintain electric reliability. This study is expected to be completed by October 31, 2015.

While discussions about the pipeline have proceeded in a pre-filing phase, expectations are that Kinder Morgan will file a formal application with the Federal Energy Regulatory Commission (FERC) in the near future. Proceedings at that point will become more formalized and will require those parties seeking to have a right to appeal a FERC decision to become Intervenors.

Town Manager Hull stated that it is his recommendation the Board of Selectmen take a formal vote to oppose the Kinder Morgan pipeline project and, in particular, the Lynnfield Lateral. Once Kinder Morgan formally files with FERC any parties seeking to become an Intervenor will only have 21 days to make such a filing. In order for the Town to be in a position to pursue that status in a timely manner, Town Manager Hull recommends that the Board adopt a resolution to become an Intervenor.

Chairman Champoux asked Mr. Alunni if he would like to provide additional comments. Mr. Alunni declined, stating he believes Town Manager Hull covered relevant points.

Members of the Board opined that if Wilmington residents would benefit, the project was worth looking at but it does not appear that Wilmington would benefit from the project and that there is too much risk.

Selectman O'Connell noted that Benevento's is a long-standing business that will be significantly impacted.

Chairman Champoux asked if there were any questions, comments or a motion to adopt a position relative to the Northeast Energy Pipeline Project. A motion was made by Selectman Newhouse, seconded by Selectman Cimaglia and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen adopt a position in opposition to the Northeast Energy Pipeline Project.

Chairman Champoux asked if there were any questions, comments or a motion to adopt a resolution to become an Intervenor relative to the Northeast Energy Pipeline Project. Selectman Newhouse asked whether there is information missing from the second "whereas". Town Manager Hull advised that it should end with the word pipeline. A motion was made by Selectman Cimaglia, seconded by Selectman Newhouse and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept the Town Manager's recommendation to become an Intervenor relative to the Northeast Energy Pipeline Project.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum regarding the request of Tennessee Gas Pipeline to access Town property. He advised that they are seeking to access two contiguous Town-owned parcels south of Route 62, one parcel is on the North Reading side of the border and the second parcel is on the Wilmington side within the DWP Zone 1 radius for water protection. Tennessee Gas is seeking to perform survey work as part of their effort to locate the Lynnfield Lateral. Town Manager Hull advised the Board that he does not plan to authorize access to Town property.

Town Manager Hull reviewed an invitation from Louis Cimaglia, Director, Department of Veterans' Services, to participate in Veterans' Day ceremonies at the Town Common on Wednesday, November 11, 2015 at 11:00 a.m.

Town Manager Hull reviewed his memorandum regarding appointments and reappointments to the Finance Committee. At the request of the Appointing Committee, he distributed the Policy for Appointment and Reappointment of Members to the Finance Committee. He noted that the intent was to make the process as transparent as possible. Selectman O'Connell asked if the Chairman of the Board of Selectmen was intended to be omitted from the first paragraph. Chairman Champoux assured the Board that was not intentional and would have the policy revised to include the Chairman of the Board of Selectmen. He commented that it had been reviewed several times and it was an oversight. Selectman Newhouse advised that he received a phone message from an individual who is interested in filling the vacancy and that the person had expressed interest previously. He asked if others were interested how that could be conveyed to the Appointing Committee. Town Manager Hull advised that the Appointing Committee would be accepting applications/letters of interest through October 23 and a meeting will be held on October 29 to review the applicants, deliberate and take a vote. He advised that it is a public meeting and candidates are welcome to attend, though it is not required.

Town Manager Hull reviewed correspondence from Paul Regan, Executive Director, MBTA Advisory Board, and Marc Draisen, Executive Director, Metropolitan Area Planning Council, regarding municipal elections to the Boston Region Metropolitan Organization.

Town Manager Hull reviewed correspondence from Rick Colon, MassDOT Community Relations Director, regarding a series of meetings designed to provide the public with an opportunity to communicate with MassDOT Highway, RMV, MBTA, Commuter Rail or Aeronautics. The input will be used to help shape the 5 year Capital Investment Program.

Town Manager Hull reviewed a letter from Frank DePaola, General Manager, Massachusetts Department of Transportation, regarding the application of road salt on highway/railway crossings.

BOARD TO CONSIDER ADOPTING A POSITION ON THE NORTHEAST ENERGY DIRECT PROJECT

This agenda item was acted upon under appointments.

BOARD TO CONSIDER BECOMING AN INTERVENOR, RE: NORTHEAST ENERGY DIRECT PROJECT

This agenda item was acted upon under appointments.

BOARD TO CONSIDER REQUEST TO CHANGE NAME AND CHANGE OWNER ON FLAMMABLE LICENSE FROM HESS RETAIL OPERATIONS, LLC TO SPEEDWAY LLC FOR PROPERTY LOCATED AT 273 MAIN STREET

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

VOTED: That the Board of Selectmen approve the request to change name and change owner on Flammable License from Hess Retail Operations, LLC to Speedway, LLC for property located at 273 Main Street.

BOARD TO CONSIDER ISSUING A SUNDAY ENTERTAINMENT LICENSE TO K1 SPEED, INC.

This agenda item was acted upon under appointments.

BOARD TO CONSIDER EXECUTING THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, UNIT 1 FOR THE PERIOD JULY 1, 2015 THROUGH JUNE 30, 2018

Town Manager Hull reviewed changes that have been agreed to including cost of living adjustments of 2.25%, 2% and 2.25% for fiscal years 16, 17 and 18, respectively; elimination of percentage based longevity; increase in shoe allowance; change in flexible spending program and the establishment of the day after Thanksgiving as a regularly scheduled day off.

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

VOTED: That the Board of Selectmen execute the collective bargaining agreement between the Town of Wilmington and the American Federation of State, County and Municipal Employees Local 1703, Unit 1 for the period July 1, 2015 through June 30, 2018.

BOARD TO CONSIDER TOWN MANAGER'S REAPPOINTMENT NOVEMBER 1, 2015 TO SEPTEMBER 30, 2016

Chairman Champoux noted that it he believed the intention at the last meeting was to reappoint Jeff Hull Town Manager retroactive to October 1, 2015 for a term of three years.

A motion was made by Selectman Newhouse, seconded by Selectman McCoy and by the affirmative vote of four with Selectman Cimaglia abstaining, it was

VOTED: That the Board of Selectmen reappoint Jeffrey M. Hull as Town Manager for the period October 1, 2015 through September 30, 2018.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND THE TOWN MANAGER FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2018

A motion was made by Selectman Newhouse, seconded by Selectman McCoy and by the affirmative vote of four with Selectman Cimaglia abstaining, it was

VOTED: That the Board of Selectmen execute the agreement between the Town of Wilmington and the Town Manager for the period October 1, 2015 through September 30, 2018.

BOARD TO CONSIDER DECEMBER 2015 AND JANUARY 2016 MEETING SCHEDULE

Chairman Champoux stated that tradition has been for the Board to meet once in December and believes the appropriate date would be December 14. Town Manager Hull suggested that the Board meet twice in January and consider meeting on February 1 for the purpose of him presenting the budget for Fiscal Year 2017.

It was the consensus of the Board to hold one meeting in December and that it be held on December 14, 2015 and further that the Board meet its usual schedule in January 2016.

PUBLIC COMMENTS

There were none.

NEW BUSINESS – COMMITTEE REPORTS

Chairman Champoux advised that he received notice of an additional public forum relative to the proposed pipeline. He advised that it will be held on October 29 at Spinelli's.

Selectman O'Connell thanked her colleagues on the Board of Selectmen for wearing pink and thanked the Town for lighting the common up pink.

Selectman O'Connell provided an update on activities relating to the Yentile Farm Recreational Facility.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

- October 14 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 14 – High School Building Committee – High School – Conf. Room – 6:30 p.m.
- October 15 – Facilities Master Plan Committee – Town Hall – Room 9 – 7:00 p.m.
- October 16 &
October 17 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 17 – Town Wide Flu Clinic – Town Hall – Auditorium – 12:00 p.m. to 2:00 p.m.
- October 17 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 21 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 23 – Carter Lecture Fund – *Sounds Like Frank* – Wilmington Middle School – 7:00 p.m.
- October 23 &
October 24 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 24 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 25 – Horribles Parade – Rotary Park – 4:30 p.m.
- October 26 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- October 26-
November 28 – Curbside Collection of Yardwaste
- October 28 – Brush Drop-Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 28 – Navigating the Troubled Waters of Substance Abuse
St. Thomas Church – Middlesex Avenue – 7:00 p.m.

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

VOTED: That the Board of Selectmen adjourn.

Meeting adjourned at 8:16 p.m.

Respectfully submitted,

Recording Secretary