

## BOARD OF SELECTMEN MEETING

SEPTEMBER 14, 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 real property issues 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 an orange article of clothing in recognition of Leukemia Awareness Month.

Chairman Champoux asked those present to rise and asked Selectman Newhouse 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 O'Connell, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen accept Treasury Warrants 7, 7A, 8, 8A, 9, 9A, 10, 10A, 11 and 11A.

### **PAUL GAGNON, FORREST AUTO REPAIR, RE: PUBLIC HEARING RELATIVE TO REQUEST TO OBTAIN A CLASS II GARAGE LICENSE FOR PROPERTY LOCATED AT 600 MAIN STREET**

Mr. Gagnon stated that he owns Forrest Auto Repair and he was present seeking a Class II Garage License to allow him to sell vehicles that customers may not wish to have repaired or that are abandoned due to the cost of repairs.

Chairman Champoux requested that Mr. Gagnon provide the Board of Selectmen with the receipts from the certified mailing to the abutters. Mr. Gagnon did so.

Chairman Champoux asked Town Manager Hull to provide recommendations from applicable departments. Town Manager Hull advised that while reviewing the plans it was noted that the plan identifies used cars being placed on the Main Street side of the property, with a setback of fourteen feet. Town Manager Hull stated that the requirement of the zoning by-law is that no used vehicle should be placed within twenty feet of setback. Discussions were held with the Building Inspector and Mr. Gagnon on the prospect of locating the used cars in another space to meet requirements. Mr. Gagnon has agreed to locate the used vehicles on the northerly side of the property next to the building. Town Manager Hull advised that the Building Inspector has not yet reviewed the new location.

Town Manager Hull advised that the application was also reviewed by Police Chief Michael Begonis who recommended approval and by Deputy Fire Chief Gary Donovan who recommended approval. Chairman Champoux asked if there were any questions or comments from the Board and there were none. Chairman Champoux asked if there were any questions or comments from

the audience and there were none. Chairman Champoux closed the public hearing. A motion was made by Selectman O'Connell, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant a Class II Garage License to Forrest Auto Repair for property located at 600 Main Street subject to review by the Building Inspector.

**KEVIN J. WOODS, PR RESTAURANTS, LLC DBA PANERA BREAD, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 228 MAIN STREET**

Christine Benjamin, District Manager, and Bert Camarch, General Manager, were present on behalf of Mr. Woods. Mr. Camarch advised that they were present this evening requesting a Common Victualer License. He stated that Panera Bread has had a Common Victualer License under the Panera Corporation but the Wilmington location was one of many that were recently acquired by PR Restaurants.

Chairman Champoux asked Town Manager Hull to provide the recommendations from applicable department heads. Town Manager Hull advised that the application was reviewed by Health Director Shelly Newhouse who recommends approval and Building Inspector Al Spaulding who advised that there are no outstanding zoning issues.

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

VOTED: That the Board of Selectmen grant a Common Victualer License to PR Restaurants, LLC dba Panera Bread for property located at 228 Main Street.

Selectman O'Connell expressed her appreciation to Panera Bread for making a room available to the community as meeting space.

**SHASHIDHAR BOGELLI, WATERTOWN ENTERPRISES, INC. DBA SUBWAY, RE: REQUEST TO OBTAIN A COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 206 BALLARDVALE STREET, UNIT 2**

Mr. Bogelli stated that he was present requesting a Common Victualer License for a Subway to be located at 206 Ballardvale Street. He advised that he has been in the food industry for five years and was in the food industry when he was in India. If approved, this Subway will be his seventh location and advised the closest one is in Tewksbury at Exit 42 off Route 93. He advised that he is hoping to open the first week in October. Chairman Champoux asked Mr. Bogelli if he will be running the location and was advised that he would and, in addition, he employs a District Manager, General Manager and two Shift Managers.

Chairman Champoux asked Town Manager Hull to provide recommendations from applicable departments. Town Manager Hull advised that the application was reviewed by Health Director Shelly Newhouse who recommends approval and Building Inspector Al Spaulding who advised that there are no outstanding zoning issues. Town Manager Hull stated that Mr. Bogelli had indicated on his Workers' Compensation Affidavit that he would not have employees. Mr. Bogelli apologized and stated that he had made a mistake and would submit the information. Town Manager Hull recommended that if the Board of Selectmen is inclined to approve the request that it be subject to Mr. Bogelli providing Workers' Compensation information.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman O'Connell asked Mr. Bogelli what the hours of operation will be. Mr. Bogelli advised that the hours will be Monday through Friday, 7:00 a.m. to 10:00 p.m.; Saturday from 8:00 a.m. to 9:00 p.m. and Sunday from 9:00 a.m. to 8:00 p.m. He advised that his location will be closed only on three days Thanksgiving, Christmas and one other day of the franchisee's choosing.

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 Watertown Enterprises, Inc. DBA Subway, 206 Ballardvale Street, Unit 2 subject to meeting all requirements of the Board of Health and providing workers' compensation information.

## COMMUNICATIONS

Town Manager Hull reviewed his letter to Kimberly Bose, Secretary, Federal Energy Regulatory Commission, relative to the Northeast Energy Direct Project. Town Manager Hull wrote that the Town of Wilmington was opposed to the original location primarily due to the direct impact to the Zone 1 protective radius for two of the Town's remaining primary drinking water wellfields. In addition, the Town was concerned with impacts to wetlands, buffer zones, Zone 2 Groundwater Protection District, riverfront area, three vernal pools and overall safety of residents in close proximity to the pipeline. Town Manager Hull requested an extension to the comment period to allow adequate time to fully evaluate all of the impacts of the revised pipeline route.

Town Manager Hull reviewed a letter to Kimberly Bose from U. S. Representative Seth Moulton. Representative Moulton wrote requesting that the Federal Energy Regulatory Commission provide residents of the Sixth District of Massachusetts with the opportunity to express concerns regarding the proposed Kinder Morgan Northeast Energy Direct Project. Though four scoping meetings were held, none of the scoping meetings have been easily accessible to residents.

### **DANIELLE SPICER, PE, SENIOR ASSOCIATE, GREEN INTERNATIONAL AFFILIATES, INC. RE: PUBLIC HEARING, EARTH REMOVAL PERMIT FOR YENTILE FARM RECREATIONAL FACILITY, 9 CROSS STREET**

Ms. Spicer was present on behalf of the Town of Wilmington requesting an Earth Removal Permit for property located at 9 Cross Street. Ms. Spicer stated that an Order of Conditions has been received from the Conservation Commission and stated that the proposed development is for a new athletic facility on property that borders Cross Street and Main Street. She noted that the previous developer began construction and there are several stockpiles of material that need to be removed from the site. She estimates that 14,800 cubic yards of material will be removed. She advised that a majority of the material may be reused, but it will be necessary to bring in new material. Ms. Spicer suggested that trucks use the route of Cross Street to Route 129 (Lowell Street) to Route 93.

Chairman Champoux asked if there were any questions or comments. Selectman Newhouse asked if there were any recommendations from administration. Town Manager Hull reviewed favorable recommendations from the Board of Health, Building Inspector and Planning and Conservation. Mr. Hull read recommendations from the Department of Public Works which will be incorporated into the Earth Removal Permit.

Selectman O'Connell thanked Ms. Spicer and her team on behalf of the Yentile Farm Redevelopment Committee.

Chairman Champoux asked if there were any questions or comments from the audience. George Lingenfelter, Concord Street, asked where the material is expected to be delivered to and was advised that the location has not been determined.

Kevin MacDonald, Andover Street, made comments that clay was brought on to the site from the "Big Dig" and was advised by Ms. Spicer that a majority of the site does not have clay. There are small pockets of clay on the property. Mr. MacDonald commented that the property was used as a farm and that there is a large quantity of loam. It is his opinion that the loam is high quality and stated that the Town ought to transfer the loam to the recycling center. Town Manager Hull advised that the Town will determine whether the soil can be used by the Town and understands its value. He stated that he expects that the Town will receive favorable bids for that reason. Mr. MacDonald persisted and proceeded to make comments about the high school project.

Martin Meyer, Main Street, asked if there was an estimate for the number of truck loads and was advised by Ms. Spicer that they estimate 600 truckloads. Ms. Spicer advised that it will occur over a span of a couple of months and will be early in the project.

There being no further questions, Chairman Champoux closed the public hearing. A motion was made by Selectman Cimaglia, seconded by Selectman O'Connell and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant an Earth Removal Permit to Green International for the Yentile Farm Development Project property located at 9 Cross Street.

#### **KENDRA ROZETT, IT DIRECTOR, RE: DEPARTMENT GOALS AND ACCOMPLISHMENTS TO DATE**

Ms. Rozett thanked members of the Board for the opportunity to provide them with an update. She stated that she has three main goals for the IT Department and that is improving security, provide end users with a better experience and to plan for the future. She further explained the goals and how she believes the department can achieve those goals.

Ms. Rozett stated that the Department was just established July 1 and reviewed accomplishments to date including implementing a ticketing system, comprehensive inventory of desktops and printers and remote support system to manage desktops and software from other locations.

The WI-FI system was upgraded at the Public Safety Building and she noted that the system will be upgraded town-wide. In addition, the IT Department assisted the Recreation Department with a new program so residents can sign up and pay for programs on-line.

Members of the Board expressed their appreciation to Ms. Rozett for the presentation.

#### **MICHAEL MORRIS, TOWN ACCOUNTANT, RE: REVIEW OF STANDARD & POOR RATING**

Town Manager Hull stated that he and Mr. Morris were contacted by Standard & Poor to reassess the Town's bond rating. The two spoke with representatives in mid August and a rating of AA+ was returned. The rating is very good and the second highest the Town could receive. The difference in interest rates is minimal. The Town was upgraded to AA+ in 2001 and has maintained that rating.

Mr. Morris advised that the only area where the Town had difficulty (in the opinion of Standard & Poor) was addressing contingent liabilities such as retirement and Other Post Employment Benefits.

The report was very positive regarding the area's economy and specifically Wilmington's value. Standard & Poor considered the Town to be "good" in the area of Strong Management. Mr. Morris advised that the Town will need to formalize a few policies that are in place and noted that Standard & Poor pointed out the Town's practices are sound. The Town was recognized for continuing positive operating results and maintaining very strong reserve balance. The Town received credit for having very favorable reserves as 17% of Fiscal Year 2014 operating expenditures. Standard & Poor expressed concern about the long term ability of the Town to maintain a healthy free cash balance while continuing to draw on it to fund OPEB and Retirement liabilities. The Town has shown its ability to use and restore free cash balances for the last seven years.

Town Manager Hull stated that Middlesex Retirement members are obligated to have their pensions 100% funded by 2035. The Town is currently funded at 44% and is exploring ways to work toward compliance.

Town Manager Hull stated that the next opportunity to be reevaluated is when the Town goes out for borrowing which is likely to be next year for the Yentile Farm Redevelopment Project.

Chairman Champoux asked if there were any questions or comments. Members of the Board thanked Mr. Morris and expressed their pleasure with the bond rating.

#### **COMMUNICATIONS** *(continued)*

Town Manager Hull reviewed his memorandum regarding the Town's response to New England Transrail's (NET) request to the Surface Transportation Board (STB) to amend their June 19, 2012 decision to defer consideration of NET's petition for an exemption on redevelopment of the Olin Property. It is the Town's position that the STB should not waiver from their June 2012 decision and should permit EPA to complete the assessment of the Olin Superfund site, determine the best alternative(s) to remediate the site and issue their Record of Decision.

Town Manager Hull reviewed his memorandum regarding the Civil Service decision relative to the Town's Fire Lieutenant promotional process. Town Manager Hull provided information on the process that occurred during the promotion of four fire fighters to fire lieutenant.

Town Manager Hull reviewed his memorandum regarding the New Boston Street Bridge. He advised that he was contacted by Scott Galvin, Mayor of Woburn, seeking a letter of support from the Town of Wilmington to reopen the New Boston Street Bridge. Town Manager Hull advised that on April 26, 2004 the Wilmington Board of Selectmen conducted a public hearing to receive comments. The Board agreed by a 4 to 1 vote to support the plan to reopen the bridge with the condition that the Woburn City Council support a truck exclusion as proposed by former Police Chief Bernard Nally. Selectman McCoy opined that a lot has changed over the past twelve years and he is not in favor of opening the New Boston Street Bridge. He believes the resulting traffic will be disastrous for Wilmington residents.

Town Manager Hull reviewed information relative to the Conservation Commission's Annual Clean-up Day scheduled for Saturday, September 26 from 8:00 a.m. to 12:00 p.m. Residents interested in volunteering should meet at the Department of Public Works, 135 Andover Street.

Town Manager Hull reviewed correspondence from Jill Reddish, Verizon FiOS, which notified the Board that on September 30, 2015, NUVOTV on channels 276 SD & 1642 HD will change to FM. This change is initiated by the content provider.

**BOARD TO CONSIDER LETTER OF SUPPORT FOR LAHEY HOSPITAL AND MEDICAL CENTER'S MINI GRANT**

Town Manager Hull advised the Board of Selectmen that School Superintendent Mary DeLai submitted a Letter of Intent to Lahey seeking \$10,000 to fund an effort to educate staff, students, parents and residents about the signs and symptoms of mental health disorders. If funded, \$6,000 will enable two members of the behavioral health staff and one member of the Board of Health staff to become certified Mental Health First Aid Instructors. The remaining funds will cover costs associated with a speaker series that will take place during the grant period.

Chairman Champoux asked if there were any questions, comments or a motion. 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 sign a letter in support of the application for a Lahey Hospital and Medical Center's Mini Grant submitted by Superintendent of Schools Mary DeLai.

**BOARD TO CONSIDER REQUEST OF DENISE AUGUSTA TO USE THE TOWN COMMON AND GAZEBO FOR THE PURPOSE OF A WEDDING CEREMONY ON SATURDAY, JULY 23, 2016 APPROXIMATELY 4:30 P.M.**

Chairman Champoux asked if there were any questions, comments or a motion. 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 the request of Denise Augusta to use the Town Common and Gazebo for the purpose of a wedding ceremony on Saturday, July 23, 2016 at approximately 4:30 p.m.

**BOARD TO CONSIDER APPROVAL OF LICENSE TO SELL CHRISTMAS TREES FOR BOY SCOUTS OF AMERICA TROOP #56, C/O JOHN MAININI, AND FOR WILMINGTON METHODIST CHURCH, C/O JOHN ARVANITIS**

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 approve licenses to sell Christmas Trees to Boy Scouts of America Troop #56, c/o John Mainini, and Wilmington Methodist Church, c/o John Arvanitis.

**BOARD TO CONSIDER REQUEST OF RECREATION COMMISSION TO CONDUCT ITS 48<sup>TH</sup> ANNUAL HORRIBLES PARADE ON SUNDAY, OCTOBER 25, 2015**

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 all, it was

VOTED: That the Board of Selectmen grant the request of the Recreation Commission to conduct its 48<sup>th</sup> Annual Horribles Parade on Sunday, October 25, 2015.

**BOARD TO CONSIDER REQUEST OF GIGI SHENLOOGIAN TO USE THE TOWN COMMON AND GAZEBO ON SUNDAY, OCTOBER 4, 2015 FROM 6:30 P.M. TO 8:00 P.M.**

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

VOTED: That the Board of Selectmen grant the request of Gigi Shenloogian to use the Town Common and Gazebo on Sunday, October 4, 2015 from 6:30 p.m. to 8:00 p.m.

**PUBLIC COMMENTS**

Kevin MacDonald, Andover Street, stated that a couple years ago the Town's deductible for employee health insurance increased from \$100,000 to \$150,000 and asked whether it saved the Town money on the insurance premium. Town Manager Hull noted that Mr. MacDonald asks this question on an annual basis and explained that the Town purchases health reinsurance to protect the Town from catastrophic claims. Mr. MacDonald stated that he would like the Town Manager to do an analysis so that a discussion may take place at the Board's next meeting. Members of the Board expressed their opinion that it is not necessary to ask the Town Manager to spend valuable time doing a detailed analysis when it is done through the budget and bargaining processes.

**NEW BUSINESS – COMMITTEE REPORTS**

Selectman Cimaglia thanked residents who attended the opening of the time capsule and 9/11 memorial dedication.

Selectman Cimaglia noted that Friday is POW/MIA Remembrance Day and stated that he was privileged to participate in the homecoming of Sgt. Christopher Vars of Reading. Sgt. Vars had been missing since Korea. He stated that Ensign Ronald Eaton, a Wilmington resident, has been missing since June 1952 and asked that on Friday, a prayer be said for his family that someday his remains will be identified and brought home.

Chairman Champoux asked Town Manager Hull to provide a summary on the progress of the Route 62/Glen Road/Wildwood Street intersection improvement project. Town Manager Hull advised that the timeline for the project is that it should be completed in late 2016 and that as of this date it appears the project is ahead of schedule. George Lingenfelter, Concord Street, asked if lines will be painted before the lights are installed. Town Manager Hull advised that he will speak with DPW Director Michael Woods. Selectman O'Connell advised that she has also heard from constituents asking about the painting of the lines.

Selectman O'Connell wished Town Manager Hull and his wife Tina a happy 24<sup>th</sup> wedding anniversary. She also offered her congratulations to the parents of the Board's recording secretary on their 63<sup>rd</sup> wedding anniversary.

**IMPORTANT DATES**

Town Manager Hull reviewed important dates including:

Sundays Through

October 11 – Farmer's Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.

September 16 – High School Building Committee – High School Conference Room – 6:30 p.m.

September 20 – Buzzell School Reunion – 15 School Street – 1:00 p.m. to 6:00 p.m.

September 26 – Annual Town Clean-Up – Meet at DPW, 135 Andover Street  
8:00 a.m. to 12:00 p.m.

September 26 – Playground Dedication – Silver Lake – 10:00 a.m.

September 27 – Wilmington's 11<sup>th</sup> Annual Half Marathon & 5K Run or Walk

September 28 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.

Town Manager Hull advised that a fundraiser for Where Angels Play will be held on Friday, September 25 at the Wilmington/Tewksbury Elks. Information to purchase tickets was provided.

There being no further business to come before the Board, a motion was made by Selectman O'Connell, seconded by Selectman McCoy and by the affirmative roll call vote of four with Selectman Cimaglia abstaining, it was

VOTED: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing contract negotiations with non-union personnel not to return to open session.

Meeting adjourned at 9:00 p.m.

Respectfully submitted,

---

Recording Secretary