

BOARD OF SELECTMEN MEETING

September 22, 2014

Chairman Judith L. O'Connell called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

Upon a motion 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 with the intention to return to open session.

Chairman O'Connell reconvened the open session at 7:11 p.m. in Room 9 of the Town Hall. Present were Selectmen Michael L. Champoux, Louis Cimaglia, IV, Michael V. McCoy and Michael J. Newhouse. Also present was Town Manager Jeffrey M. Hull.

Chairman O'Connell stated that members of the Board were wearing orange in observance of Leukemia Awareness Month.

TREASURY WARRANTS

Chairman O'Connell asked for a motion to accept the Treasury Warrants. 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 Treasury Warrants 12, 12A, 13 and 13A.

THOMAS LEACH, STORE TEAM LEAD, AND MARSHALL TUCKER, EXECUTIVE TEAM LEAD - LOGISTICS, TARGET CORPORATION, RE: REQUEST TO OBTAIN COMMON VICTUALER LICENSE FOR PROPERTY LOCATED AT 210 BALLARDVALE STREET

Mr. Leach and Mr. Tucker were present on behalf of Target Corporation seeking a Common Victualer License for property located at 210 Ballardvale Street. Mr. Leach advised that the grand opening will be held on Sunday, October 12. Within Target, there is a Starbucks and Food Avenue with approximately 35 seats.

Chairman O'Connell noted that the Board received their completed application and asked Town Manager Hull to provide recommendations from the applicable departments. Town Manager Hull advised that the application was reviewed by Shelly Newhouse, Health Director, who recommends approval and Al Spaulding, Inspector of Buildings, who stated there were no outstanding zoning issues.

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

VOTED: That the Board of Selectmen grant a Common Victualer License to Target Corporation for property located at 210 Ballardvale Street.

RICHARD T. McCLELLAN, FIRE CHIEF, RE: FIRE PREVENTION MONTH

Chief McClellan stated that Fire Prevention Month begins October 6 and some of the activities scheduled to observe Fire Prevention Month include fire fighters visiting grades K through 5 as well as the Abundant Life School which encompasses grades K through 8. He stated that the Middlesex County Sheriff's Department has a "smoke house" which teaches children about making decisions on topics of stove safety, fireplace safety and how to get out of the building. Non-toxic smoke is generated and there are different scenarios for evacuation.

Chief McClellan stated that the Fire Department is planning to conduct an Open House on Saturday, October 11 from 11:00 a.m. to 2:00 p.m. He stated that it will be conducted jointly with the Police Department. There will be guided tours throughout the day. Other activities include tower demonstration, auto extrication and car seat safety.

Chairman O'Connell asked if there were any questions or comments from the Board. Selectman Cimaglia expressed his appreciation to Chief McClellan for their outreach to the children of Wilmington. He also thanked the Chief for the Wilmington Fire Department's participation in the Military Friends Foundation 5K Run for the Fallen. He stated that the ladder truck sets up with the Lynnfield ladder truck and displays the large American flag. Selectman Cimaglia stated that he is aware that the Fire Department has to borrow the flag each time it is used and advised that through a generous donation a 15' x 30' flag will be provided to the Fire Department.

STATUS, RE: REQUEST FOR INFORMATION FROM INVESTMENT IN YOUTH FOUNDATION, INC.

Town Manager Hull stated that at the Board's direction, a letter was sent to Kenneth DelRossi, President and Treasurer, Investment in Youth Foundation, Inc. He advised that the request was for particular documents with respect to by-laws, minutes of meetings and conflict of interest policies. Town Manager Hull noted that the letter was sent on August 20, 2014 and a response was received on August 25. Mr. DelRossi referenced the attorney who represents the Foundation, Natalie Hoppel. Town Manager Hull stated that he spoke with Atty. Hoppel who was looking for the legal citations that would compel the Foundation to provide the information. He indicated that he did not have the citations at hand but could provide the information, if necessary. He requested that she communicate that intention in writing which has not been received to date.

Chairman O'Connell stated that in setting the agenda, it was discussed to have this as an agenda item because members of the Board have asked that a concerted effort be made to work collectively with the various parties to obtain the information the Town is seeking. She stated that the Board should have discussion how to advise the Town Manager to proceed. She stated that she understands an attorney is going to advocate for their client and make the Town do the work to get the information.

Selectman Champoux stated that the Investment in Youth Foundation is "lawyering up" and instead of engaging and interacting, they put the lawyers up front for the Town to deal with. He interprets this as a posture and that they do not want to deal directly with the Town. Selectman Champoux asked if the Town can get more intense in its efforts to get the information it needs. Is the Town within its legal rights or would it be prudent to get advice from Town Counsel on how to get the information.

Selectman Newhouse stated that he supports taking the next step by contacting Town Counsel. He stated that the group was invited in, they did not take the Board up on that invitation and a letter was sent describing the documentation the Board would like to be able to see to understand the history. In addition, there are at least two members of the Board of Directors who are Wilmington residents. Selectman Newhouse noted that he does not know Mr. DelRossi but he knows Mr. Dennis Sullivan. Mr. Sullivan comes from a great Wilmington family and he has been on the Board of Directors of this group in recent years. Members of the Board of Directors are entitled to documents upon request from their chairperson, business manager, clerk or whoever is the custodian of the corporate records. Selectman Newhouse stated that perhaps if Mr. Sullivan is watching he will assist the Town in obtaining the requested documentation.

Chairman O'Connell asked to confirm that all members of the Board of Directors were copied on the August 20 letter. Town Manager Hull confirmed and listed the names of those who received the letter. Chairman O'Connell asked if members of the Board wished to pursue contacting Town Counsel and whether a letter should be directed to Mr. Sullivan. Selectman Newhouse stated the Board can let that stand, the same request is being made of any Wilmington resident who is a member of the Board of Directors. He said he mentioned Mr. Sullivan because he knows him and knows he is a nice guy. He stated that the request is not about trying to embarrass anybody but is trying to understand how things got off-track from the original intent.

It was the consensus of the Board of Selectmen that Town Manager Hull contact Town Counsel.

COMMUNICATIONS

Town Manager Hull reviewed his memorandum relative to the J. T. Berry State Property. Town Manager Hull advised that based upon discussions with relevant department heads, it is his recommendation that the three acres of the former J. T. Berry property located in Wilmington should remain as open space. The three acres is approximately 1,100 feet from the Salem Street well which provides potable water to residents and businesses. Keeping the property as open space would provide a buffer for any development that may occur on the property in North Reading. Town Manager Hull advised that Michael Gilleberto, North Reading Town Administrator, believes the Board of Selectmen appears amenable to support language in any special legislation that is filed with the legislature to retain the three acres in Wilmington as open space. Chairman O'Connell asked if the Town Manager believed it would be beneficial to send formal communication. Town Manager Hull stated that he believed it would be advisable. 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 direct the Town Manager to send a letter on their behalf to the Town of North Reading supporting the preservation of the three acres in Wilmington as open space through the legislative process.

Town Manager Hull reviewed a memorandum from Senator Bruce Tarr, Representatives James Miceli and Kenneth Gordon who notified the Town that the Massachusetts Department of Transportation (MassDOT) has identified funding for intersection improvements on Middlesex Avenue (Route 62)/Wildwood Street/Glen Road. According to MassDOT the project will be advertised for construction on the MassDOT's website at www.massdot.state.ma.us.

Town Manager Hull reviewed a letter from Myra Berloff, Director, Massachusetts Office on Disability, who requested that the Local Licensing Authorities ensure that all licensees are aware of, and operating their business, in compliance with MGL Chapter 138, Section 34B. This law includes the Massachusetts Identification Card as one of the six acceptable forms of identification that licensees may reasonably rely upon when serving alcoholic beverages. Town Manager Hull advised that holders of an Alcoholic Beverage License have been provided with this communication.

Town Manager Hull reviewed correspondence from the Alcoholic Beverages Control Commission advising that effective October 23, 2014, off-premises retail alcoholic beverage licensees will be permitted to sell alcoholic beverages beginning at 10:00 a.m. on Sundays. Under the law, these licensees are entitled as a matter of right to open at 10:00 a.m. and as such do not need the approval of the Local Licensing Authority but must notify the Local Licensing Authority about the change of hours. Town Manager Hull advised that the applicable licensees have been provided with this communication.

Town Manager Hull reviewed correspondence from Beth Bresnahan, Executive Director, Massachusetts State Lottery Commission, who wrote to advise the Town that an application and agreement to sell the KENO To Go product will be offered to Richdale, 357 Middlesex Avenue. Town Manager Hull advised that Police Chief Michael Begonis reviewed the correspondence and recommends approval. Town Manager Hull stated that the Board of Selectmen do not need to take action unless there was an objection.

BOARD TO CONSIDER SIGNING ALCOHOLIC BEVERAGES CONTROL COMMISSION FORM 43 RELATIVE TO THE CHANGE OF HOURS FOR SHOP RITE LIQUORS, INC. DBA ELIA'S COUNTRY STORE

Selectman Champoux clarified that this is the notification and does not require a vote. Town Manager Hull advised that there is no ability for the Board to prohibit the licensee from opening at 10:00 a.m. on Sundays, provided notification is made to the Board. Members of the Board signed the Form 43.

BOARD TO CONSIDER SIGNING ALCOHOLIC BEVERAGES CONTROL COMMISSION FORM 43 RELATIVE TO THE CHANGE OF HOURS FOR 211 LOWELL STREET CORP DBA EASTGATE LIQUORS

Members of the Board signed the Form 43.

BOARD TO CONSIDER ACCEPTING A ROADWAY ROUNDING AND DRAINAGE EASEMENT FROM DONN E. STRATOULY, ON PROPERTY LOCATED AT 22 SALEM STREET AKA 3 OAK STREET

Town Manager Hull advised that Mr. Stratouly has worked with the Engineering Division and is willing to grant the Town this exclusive permanent easement to improve the intersection of Salem Street and Oak Street by increasing the edge of pavement radius on the east side of Oak Street. The existing condition is an acute angled intersection which creates a difficult turning movement onto Oak Street.

Chairman O'Connell asked if there were any questions, comments or a motion. 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 and execute a roadway rounding and drainage easement from Donn E. Stratouly, on property located at 22 Salem Street aka 3 Oak Street.

BOARD TO CONSIDER EXECUTING GOV CIC GRANT ON IMPROVING HEALTH INSURANCE CONSUMERISM

Town Manager Hull stated that the Board is being asked to approve the Town's application for a Community Innovation Challenge Grant with the Town of Burlington. The program seeks to encourage regionalized collaboration on cost effective delivery of municipal services. Since 2012, the program has provided over \$10.25 million to 74 projects that include 242 of the 351 municipalities. He advised that with this grant the Town seeks to develop more one-on-one consumerism tools, education and training to help employees evaluate their own health plan and care utilization choices. A combined effort with the Town of Burlington to work with employees on understanding the different plans and how to utilize them effectively could reduce healthcare costs.

In Wilmington the savings could be approximately \$210,000 in a single year. Town Manager Hull stated that improved consumerism can have a positive effect on OPEB liability. Town Manager Hull stated that Assistant Town Manager Kendra Amaral has been working with representatives from the Town of Burlington on this grant proposal.

Town Manager Hull advised that the grant is currently in development and requests that the Board of Selectmen authorize him to execute the application on their behalf as completed applications are due prior to the Board's next meeting.

A motion was made by Selectman Cimaglia and seconded by Selectman McCoy. Selectman Champoux asked if the funds will be used primarily for education and communication to the employees relative to their options. Town Manager Hull stated that the funds would be for educating employees and their families on how to use their health insurance more cost effectively. He stated that it will benefit the employees because their co-pays will be less. Selectman Champoux stated his understanding that the benefits of the employee is the primary focus but the community will benefit through budget impacts.

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

VOTED: That the Board of Selectmen authorize Town Manager Jeffrey M. Hull to sign the Community Innovation Challenge Grant Application.

PUBLIC COMMENTS

There were none.

NEW BUSINESS

Selectman Champoux noted that he attended a regional meeting of the Massachusetts Selectmen's Association. He stated that anticipated fiscal year 2016 forecasts were highlighted including discussion on OPEB. Michael Widmer, retiring President of Massachusetts Taxpayer Foundation, spoke on revenues, expected taxpayer revenues and how revenue gets dispersed from the state to the municipalities.

Selectman Cimaglia extended his appreciation to Police Chief Michael Begonis and members of the police department, specifically Officers Bossi and Dindo, for the work they do relative to drugs and drug addiction. Selectman Cimaglia noted that they go out of their way to follow up to help the young men and women battle addiction.

Chairman O'Connell noted that the next workshop for Yentile Farm is scheduled for October 9. She expressed her appreciation to Town Manager Hull, Kendra Amaral, Assistant Town Manager, and the committee at large for working with her to bring this project to fruition. Chairman O'Connell advised that this will be the last public forum.

Chairman O'Connell advised the Board that she had received an invitation as Chairman of the Wilmington Board of Selectmen to meet with the Board of Selectmen Chairs from the Towns of Reading, North Reading and Lynnfield for the purpose of discussing Reading Municipal Light Department (RMLD). Chairman O'Connell stated that it was not a negative meeting but there were recent events where the chairman of Reading wanted to provide information. RMLD is an autonomous entity and information was provided relative to the 2014 rate increase. She stated that the Chairman of Reading Selectmen wanted to apologize and indicated that they were also surprised at the time the rate increase was announced in light of when the budget process unfolds.

Chairman O'Connell noted that in addition, there was improper disposition of vehicles by RMLD. There was a full investigation, the vehicles were returned and the money was returned to the person who was awarded the bid. Work is being done to ensure that it does not happen in the future.

Chairman O'Connell stated that the last topic was the sale of renewable energy credits. She advised that there are different opinions as to whether RMLD should hold on to the renewable energy credits or sell them off and realize revenue over a period of time. She stated that it is her understanding that once the credits are sold off, they cannot be claimed as part of the portfolio. She said that the purpose of the Reading Chairman coming forward was to advise that he would be looking for support of various chairs to have more jurisdictional rights over RMLD. She noted the first step is that the Town of Reading is having a Special Town Meeting on September 29 and there are two articles included on the warrant that address RMLD. Article 14 is a "band-aid" and Article 15 is for a long term solution.

Selectman Newhouse offered his support if the Citizen's Advisory Board and the Wilmington representatives need assistance from the Board of Selectmen.

Chairman O'Connell stated that she is interested in becoming more knowledgeable relative to the credits because by holding onto them and letting them expire, the consumer will be impacted by not realizing the revenue.

Town Manager Hull stated that he will get additional information as to how the credits work through the delegates on the Citizen's Advisory Board.

Chairman O'Connell also advised that RMLD purchases power from Middleton and there was an overpayment which has been resolved.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 12 – Farmer's Market – Town Common Parking Lot – 10:30 a.m. to 1:30 p.m.
- September 27 – Annual Town Clean-Up - Meet at DPW, 135 Andover Street - 8:00 a.m. to 12:00 p.m.
- September 28 – Wilmington's 10th Annual Half Marathon & 5K Run or Walk
- October 5 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- October 8 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 9 – Yentile Farm Workshop – Wilmington Middle School – Cafeteria – 7:00 p.m.
- October 9 – Reading Municipal Light Department Open House – 2:00 p.m. to 5:00 p.m.
- October 11 – Fire Department Open House – Public Safety Building – 11:00 a.m. to 2:00 p.m.
- October 11 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 13 – Town Offices Closed - *Columbus Day*
- October 14 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- October 15 – Last Day to Register to Vote in State Election – Town Clerk's Office – Until 8:00 p.m.
- October 15 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 17 – Carter Lecture Fund – *SoundScape and Treblesome*
Wilmington Middle School – 7:00 p.m.
- October 18 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.

There being no further business to come before the Board, a motion was made by Selectman Cimaglia, seconded by Selectman Newhouse 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 issues not to return to open session.

Meeting adjourned at 8:10 p.m.

Respectfully submitted,

Recording Secretary