

BOARD OF SELECTMEN MEETING

September 24, 2018

Chairman Kevin A. Caira called the meeting to order at 6:00 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton, Edward P. Loud, Sr. and Michael V. McCoy. 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 Strategies with Respect to Litigation Involving the Wilmington Police Department and Litigation Involving New England Transrail with Respect to Their Petition Before the Federal Surface Transportation Board in Accordance with Massachusetts General Law Chapter 30A Section 21(a)3, as an Open Meeting may have a Detrimental Effect on the Town's Position, and further to Approve Executive Session Minutes from January 22, 2018, May 14, 2018, May 29, 2018, June 25, 2018 and July 9, 2018 in Accordance with G.L. Ch. 30A, Sec. 22.

Chairman Kevin A. Caira reconvened the open meeting at 7:35 p.m. in Room 9 of the Town Hall. Present were Selectmen Gregory B. Bendel, Jonathan R. Eaton, Edward P. Loud, Sr. and Michael V. McCoy. Also present was Town Manager Jeffrey M. Hull.

Chairman Caira asked those present to rise and he led the pledge of allegiance.

TREASURY WARRANTS

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

VOTED: That the Board of Selectmen accept Treasury Warrants 11, 11A, 12 & 12A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held April 9, 2018 and all action taken is hereby ratified and confirmed.

SHELLY M. NEWHOUSE, HEALTH DIRECTOR, RE: CHANGES TO BOARD OF HEALTH REGULATIONS

Ms. Newhouse stated that she was present to provide information to the Board of Selectmen regarding changes adopted by the Board of Health to its regulations. She stated that changes were made to Section 8 Smoking and Tobacco Products. She stated that "housekeeping" changes were made to the definitions and to clean up the verbiage. Section 8.24 was added that prohibits the sale of flavored tobacco products effective October 15, 2018 and 8.25 which limits the number of tobacco product sales permits issued in the Town of Wilmington.

Ms. Newhouse stated that retailers have been provided notice and are receptive. She stated that it is difficult to compete with Amazon which is how she believes teens are obtaining the products but Wilmington is looking to do its best to stop the products from being on the shelves.

Selectman Loud asked what brought on the changes and was advised the action is in line with other communities. Wilmington raised the age to 21 to purchase tobacco products last year. She advised that more underage kids are using the jules and vaping.

The Board of Health adopted regulations regarding the use of recombinant DNA molecule technology at the direction of the Commonwealth of Massachusetts. Ms. Newhouse explained recombinant DNA molecule technology and stated that the regulations will help the Board of Health keep track of companies doing this work. Ms. Newhouse noted that there is the potential to be hazardous materials being used by the companies. She noted that she knows of two companies in Wilmington who are definitely involved in this technology, Charles River and ChemGenes, and believes there may be two additional companies that she will reach out to. Ms. Newhouse acknowledged the assistance of Charles River in the development of the regulations.

Chairman Caira asked how the regulations will be publicized and was advised they will be in the newspaper this week. All tobacco permit holders were provided a notice printed on a neon postcard.

Town Manager Hull stated that there is an item under Board to Consider and advised it was his and Ms. Newhouse' understanding that the Board of Selectmen had to approve the establishment of fees for recombinant DNA. He stated that he was advised by Town Counsel that the Board of Health is authorized pursuant to provisions of M. G. L. Chapter 111, Section 31 to establish reasonable public health regulations and fees for services. Ms. Newhouse advised that the fee for a new rDNA permit will be \$500.00 and the renewal fee will be \$100.00.

JOSEPH T. McMAHON, FIRE CHIEF, RE: DISCUSSION RELATIVE TO BUDGET AND STAFFING

Present with Chief McMahon was Deputy Fire Chief William Cavanaugh and a number of fire fighters were present in the audience.

Town Manager Hull advised that the purpose of tonight's meeting is due to concern expressed by members of the Finance Committee with respect to overtime costs of the Fire Department. In August, Chief McMahon, Deputy Chief Cavanaugh, Town Accountant Michael Morris, Assistant Town Manager Denise Casey and Town Manager Hull met with the Finance Committee to discuss the overtime and staffing situation at the Fire Department. Town Manager Hull believed it would be beneficial to provide the same presentation to the Board of Selectmen. Town Manager Hull stated that there are a number of reasons for overtime and it is an expected cost for the Fire Department and Police Department. He stated that there are overtime costs associated with personnel out due to work or nonwork related injuries and those associated with the change of personnel due to retirements.

Chief McMahon stated that the Fire Department consists of one Chief, one Deputy Chief, one daytime Fire Prevention Lieutenant and one daytime Operations Lieutenant. In addition there are four, nine man shifts consisting of an officer and eight fire fighters.

Chief McMahon and Deputy Chief Cavanaugh provided a PowerPoint presentation. Chief McMahon explained how the shifts cover the equipment when a call is received and the protocol when equipment is unavailable and the dependence on mutual aid. He stated that it is common that a call will be received and there won't be any personnel at the station to respond.

Chairman Caira asked why an engine responds with an ambulance on a medical call and was advised that it is for manpower. Chairman Caira asked about paramedic response and was advised the purpose of paramedics is solely for life support and depending on the criteria the paramedics may not need to respond. Chief McMahon advised that sometimes the paramedic's ambulance is not available and an ambulance must respond from Stoneham.

Deputy Chief Cavanaugh advised that the last increase in personnel occurred in FY 2009 where each shift increased from eight to nine. Deputy Cavanaugh reviewed overtime expenditures.

Assistant Town Manager Dee Casey reviewed the time line to fill vacancies based upon Civil Service requirements. Chairman Caira asked whether the Fire Academy offers just one class per year and was advised that Wilmington attends the Fire Academy in Stowe, Massachusetts which offers a class every nine weeks. The classes fill rapidly which creates difficulty in scheduling.

Chief McMahon discussed span of control which is the number of fire fighters assigned to an officer. The National Fire Protection Association (NFPA) recommends a maximum of five fire fighters to one officer depending upon experience. Chief McMahon advised that in September 2019 the Fire Department will be governed by the Occupational Safety and Health Administration (OSHA). He noted that OSHA will institute the “two in two out rule” which was a recommendation of the NFPA. He explained that if two fire fighters enter a fire, there must be two fire fighters in gear ready to relieve them. Chief McMahon stated that the only options available are to remove equipment from service or hire additional personnel. He opined that taking equipment out of service is not an option and cautioned that in the event the department fights a fire with an inadequate number of personnel, it is a finable offense.

Deputy Cavanaugh stated that the Finance Committee asked them what the department needed and he stated that the Fire Department needs a Captain and two fire fighters for each shift. Deputy Cavanaugh stated that there has been discussion about building a substation in North Wilmington and opined that the manpower will be available to staff a substation resulting in a seamless transition.

Chief McMahon discussed staffing levels during the summer, including heat emergencies and the incident at Silver Lake noting that there were extra fire fighters on duty that day. He also discussed the events that took place in Andover, North Andover and Lawrence on Thursday, September 13. He noted that 14 individuals who were off duty, reported to the station. Wilmington was able to respond to the emergency with an engine and an ambulance. Chief McMahon stated that Wilmington was the only community that has one station that had the number of fire fighters at the station during the emergency. He related that a total of 108 engines and 43 ladder trucks responded to the emergencies in Andover, North Andover and Lawrence.

Selectman Loud asked whether the Town would be OSHA compliant by September 2019 if it hires the personnel recommended. Chief McMahon stated that it would depend upon new fire fighters attending the academy.

Selectman Loud asked about the overtime budget if the personnel are hired. Chief McMahon stated that he believes Town Manager Hull may have the information but noted the department will see some savings as it will not have to fill man for man. Town Manager Hull stated that he does not have specific information at this time.

Selectman McCoy opined that a new substation is overdue and asked what the difference is between the cost to hire 8 new fire fighters and the cost of overtime. Town Manager Hull advised that he will have the information as the budget process progresses.

Selectman Bendel stated that his fear is that with the overtime burden, new fire fighters won't have crucial training. He stated that he is disappointed that a substation is not included in the Facilities Master Plan. He urged the Town Manager to make this a priority in his budget.

Selectman Eaton stated that he had the benefit of being a member of the Finance Committee and commented that the increase in calls is not a statistical glitch but is a trend. He acknowledged that over the past couple of decades, the job of fire fighter has changed drastically. Chief McMahon stated that approximately 80% of the calls are now for emergency medical services.

Selectman Eaton asked whether there are more instances at the MBTA station where emergency vehicles are blocked from responding to calls. Chief McMahon stated that he has been made aware of a few instances but the number has drastically reduced. He advised that with trains going inbound, the gates will always be down and the train may stop. The fear of MBTA operators is that if they are going inbound and stop prior to the crossing, drivers may jump the gates. He advised that trains going outbound clear the gates and the gates go up.

Selectman Loud expressed his support for the proposed plan. He stated that he believes it is necessary for the safety of the fire fighters and the residents of the Town.

Members of the Board thanked Chief McMahon and Deputy Chief Cavanaugh for their presentation. Chief McMahon offered to provide tours of the fire station to observe their activities.

COMMUNICATIONS

Town Manager Hull reviewed a memorandum from Michael Woods, Public Works Director, regarding a seasonal, outdoor ice skating rink at Rotary Park. He advised that the DPW recommends purchasing the NiceRink® outdoor skate rink system, a removable ice skating rink building kit. Mr. Woods recommends purchasing their largest package which has a footprint of 52 feet by 100 feet. After review of various Town-owned parcels, the DPW recommends that the rink be installed at Rotary Park. The Engineering Division has performed a local grade survey of the grass field and confirmed this location meets the NiceRink® site specifications. Mr. Woods advised that the rink package will be ordered in mid-October to accommodate the time for shipping and installation. This will ensure the rink is ready when consistent freezing temperatures arrive and will fit well with the projected autumn workload for DPW. Two benches will be added along with a floodlight to the closest utility pole for illumination. The floodlight will be set up on a timer for lighting only at the appropriate times.

Town Manager Hull reviewed his memorandum regarding the pickleball courts at Robert Palmer Park. He advised that the first game will take place on Wednesday, September 26, 2018 at 3:00 p.m.

Town Manager Hull reviewed a memorandum from Health Director Shelly Newhouse regarding the implementation of the ban on single use plastic bags. She advised that retail food establishments will receive notice with their renewal applications. Post card mailings will go out to other businesses in Town that would use plastic bags. The Wilmington Community Fund and the Wilmington Rotary Club are producing reusable bags for residents. In addition, reminders will be sent via social media and the local newspaper.

Town Manager Hull reviewed his memorandum regarding Squad One. He advised the Board of Selectmen that he was notified by Fire Chief McMahon that, based upon an inspection of Squad 1 by the manufacturer, significant rot exists on the frame to the point that the manufacturer recommends the vehicle be taken off the road. Squad 1 is a 2002 fire engine pumper with storage capacity of 750 gallons of water. Town Manager Hull advised that Chief McMahon and Deputy Chief Cavanaugh are gathering information about the options available to the Town which include refurbishing the existing fire engine, purchasing a new fire engine or leasing to purchase a fire engine.

BOARD TO CONSIDER REQUEST OF SHELLY NEWHOUSE, HEALTH DIRECTOR, TO APPROVE FEES RELATIVE TO THE PERMITTING OF RECOMBINANT DNA (RDNA)

This was addressed under appointments.

PUBLIC COMMENTS

Frank West, 2 Birchwood Road, offered congratulations to Selectman Bendel on the birth of his daughter.

Mr. West expressed his concern relative to comments made by Secretary Ash at the Board's meeting of September 10. Specifically, comments relative to his experience in Chelsea. Mr. West stated that this is Wilmington, not Chelsea and parking spaces are important. He opined that land should not be taken by eminent domain for the purpose of economic development and that an increase in housing units will translate to an increase in calls to the Fire Department.

Mr. West commented that individuals put a lot of effort into the development of the Master Plan and noted that the Town of North Reading is currently working on a Master Plan. He believes the Town needs to stay in the confines of the Master Plan and acknowledged that it needs to be a document that is updated periodically.

NEW BUSINESS

Members of the Board commented about the ceremony held Saturday, September 22 to dedicate a monument in honor of PFC Antonio Gagnon and offered their compliments to the Veterans' Services Department.

Members of the Board offered their congratulations to Selectman Bendel and his family on the birth of his daughter Grace.

Selectman Loud recognized the service of PFC Antonio T. J. Gagnon. Mr. Gagnon was a lifelong resident of Wilmington who was killed in action on July 16, 1950 in Korea while serving in the United States Army.

Selectman Eaton congratulated Town Manager Hull for his placing 31st in the Wilmington/Tewksbury Chamber of Commerce Half Marathon that took place on Sunday, September 23. He expressed his appreciation to members of the Chamber of Commerce, the fire and police departments and student groups who volunteered to direct runners.

Members of the Board wished Town Manager Hull a happy birthday.

Selectman McCoy stated that he has received complaints regarding Lowell Street near Woburn Street and opined that it is a danger to motorists. Town Manager Hull advised that the work was completed by a private contractor as part of the development of a nearby parcel. He noted that the final coat is not put down immediately to allow for settlement. He stated that he does not know when the final pavement will be put down but will look into it prior to the next meeting.

Selectman Bendel stated that he appreciates the recognition of his family and he and his wife are very excited to welcome their second daughter.

Selectman Bendel recognized Town Manager Hull's birthday and on behalf of the Board of Selectmen provided him with cookies.

Chairman Cairra stated that there has been some questions regarding his use of a cell phone and advised that he looks at it for the time. He noted that individuals have speculated that he is sending and receiving texts during the meeting and assured those present and watching the meeting that he does not text during the meeting. If he were texting, the phone would be turned sideways, closer to his eyes and he would need to remove his glasses in order to see it. He stated that he looks down for the time to ensure that no one individual is manipulating public comments.

IMPORTANT DATES

Town Manager Hull reviewed important dates including:

Sundays Through

- October 14 – Farmer’s Market – Town Common Parking Lot – 10:00 a.m. to 1:00 p.m.
- September 25 – Wilmington Incorporated 288 Years Ago
- September 25 – Revive Civility: Wilmington’s Future – Memorial Library – 7:00 p.m.
- October 2 – Community Workshop on Inclusionary Zoning
Town Hall – Auditorium – 5:00 p.m. to 7:00 p.m.
- October 8 – Town Offices Closed – *Columbus Day*
- October 9 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- October 10 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 12 – Carter Lecture Fund – *Counterfeit Cash* – Wilmington Middle School – 7:00 p.m.
- October 13 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 14 – Harnden Tavern Harvest Festival – 1:00 p.m. to 4:00 p.m.
- October 15 – Welcome to Wilmington Reception – Memorial Library – 6:00 p.m. to 8:00 p.m.
- October 17 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 17 – Coffee with a Cop – Memorial Library – 10:00 a.m. to 11:00 a.m.
- October 17 – Last Day to Register to Vote in State Election
Town Clerk’s Office Open Until 8:00 p.m.
- October 19 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 20 – Brush Drop-Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 20 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 22 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.
- October 22-
November 2 – Early Voting – Town Hall Auditorium – Hours TBD
- October 26 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 27 – Haunted Woods – Harnden Tavern – 6:30 p.m. to 9:30 p.m.
- October 28 – Horribles Parade – Rotary Park – 4:30 p.m.
- November 4 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- November 4 – Turn Clocks Back – Change Detector Batteries
- November 5-
December 7 – Curbside Collection of Yardwaste
- November 6 – State Election – Polls Open 7:00 a.m. to 8:00 p.m.
- November 11 – Veterans’ Day Ceremony – Town Common – 11:00 a.m.

November 12 – Town Offices Closed – *Veterans' Day*

November 13 – Board of Selectmen – Town Hall – Room 9 – 7:00 p.m.

A motion was made by Selectman Loud, seconded by Selectman Bendel 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 strategies with respect to collective bargaining with International Association of Fire Fighters Local 1730 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 negotiating position of the Town and for the purpose of discussing negotiations with Jeffrey Hull, Town Manager, over the terms of a potential employment agreement in accordance with MGL Chapter 30A Section 21(a)2 with the intention not to return to open session.

Meeting adjourned at 8:54 p.m.

Respectfully submitted,

Recording Secretary