

BOARD OF SELECTMEN MEETING

September 28, 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 Michael V. McCoy, Michael J. Newhouse and Judith L. O'Connell. 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 contract negotiations with non-union personnel to return to open session.

Chairman Michael L. Champoux reconvened the meeting at 7:30 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 asked those present to rise and asked Selectman Cimaglia to lead the pledge of allegiance.

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

TREASURY WARRANTS

Chairman Champoux asked for a motion to accept the Treasury Warrants. 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 accept Treasury Warrants 12, 12A, 13 & 13A.

MINUTES

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

VOTED: That the Board of Selectmen approve the minutes of their meeting held on August 10, 2015 and that all actions taken are hereby ratified and confirmed.

PAUL ALUNNI, TOWN ENGINEER, RE: STATUS UPDATE ON KINDER MORGAN PIPELINE PROPOSAL

Mr. Alunni was present to provide an update to the Board of Selectmen regarding the Northeast Energy Direct project proposed by Kinder Morgan. He advised that Kinder Morgan is in pre-filing stage through Federal Energy Regulatory Commission (FERC). He noted that, in July, Kinder Morgan issued a revised pipeline route, relocating the pipeline to existing overhead electrical corridor which would avoid impacts to the Brown's Crossing Wellfield, Salem Street Wellfield and two vernal pools. Mr. Alunni expressed concern of the revised location's proximity to an active quarry and approximately 1 ½ miles of the pipeline is located within a Zone II Groundwater Protection District. He noted that oral and written comments have been provided to FERC expressing these concerns and requesting an independent evaluation to quantify the impact to the wells. Kinder Morgan has been provided with comments and were asked for information on other locations where the pipeline is within an active quarry. The town was provided with two locations but did not include data where a comparison could be made. He stated he does not know whether the quarries are active, what the pipe section looks like, geological attributes or where shut-offs are to make a responsible evaluation.

Mr. Alunni advised that the Town is in a holding pattern where Kinder Morgan has submitted their last draft resource map at the pre-filing stage and are waiting for them to file a formal application.

He stated that since the onset, questions have been raised whether the pipeline is necessary or whether there will be an over capacity of infrastructure for the area. He stated that the Attorney General's office has commissioned a study which is due out at the end of October. The Attorney General's office asked FERC to take the report into consideration. The criticism with the Low Demand Study is whether they over estimated the demand for gas fired electric generators.

Mr. Alunni stated that if Kinder Morgan adheres to their schedule, it is expected they will file their formal application with FERC next month and he reiterated that there is no timetable for FERC to issue a response. He said he has been advised that it could take a year for FERC to issue a draft environmental statement. FERC will issue a statement with conditions that Kinder Morgan will have to address. This opens a public comment period with scoping sessions similar to the pre-filing stage.

Mr. Alunni advised that one process the Board of Selectmen should be aware of is becoming an Intervenor. He explained that it is a motion to file with FERC and gives the stakeholder the ability to file a brief in court and to appeal a FERC decision. He stated that if a motion is not made with FERC to be an Intervenor, the stakeholder would forfeit the ability to appeal and noted that the stakeholder has only 21 days to file the motion to become an Intervenor after the formal application is filed with FERC.

Mr. Alunni advised that a responsibility of an Intervenor is that correspondence to FERC must be copied to all Intervenor. Likewise, if the town were to become an Intervenor, it would receive copies of correspondence from other Intervenor. Not becoming an Intervenor would not prevent the Town from making comments.

Town Manager Hull stated that Intervenor status affords certain legal opportunities that are otherwise not available to an affected community. He stated that the Board needs to consider that town counsel resources may be required. Town Manager Hull advised that he will be making a recommendation to the Board at its meeting of October 13.

Chairman Champoux asked if there were any questions or comments from the Board. Selectman Newhouse stated that with reference to the proximity to an active quarry, the first time they spoke to representatives regarding Benevento was probably in 2014 and the Town was told not to worry that there is one in Connecticut and notes that a year later the same representation is being made, without data being provided. Selectman Newhouse asked Mr. Alunni what he expects to be evaluated and who he expects to provide an evaluation. Mr. Alunni stated that he expects Kinder Morgan to be responsible for the evaluation and expects a look at how deep the trench is, what they expect to encounter in the subsurface condition, some record of how they quantify the impact to the watershed area and see the pipe sections and safety measures they will implement through the quarry. He stated that he would like more information on the two cases where the pipeline is located within a quarry.

Members of the Board expressed their appreciation to Mr. Alunni for his work in keeping the Board updated relative to the pipeline project.

Chairman Champoux commented that when Route 93 went through it dramatically changed the complexion of the region, interrupted properties and lives, but it allowed easier access to New Hampshire and Boston. He views this project as all risk, no reward.

COMMUNICATIONS

Town Manager Hull reviewed a letter from Dennis C. Otis who wrote requesting to be appointed a constable in the Town of Wilmington. Town Manager Hull advised that a response was sent to Mr. Otis advising him of the information required.

Town Manager Hull reviewed a letter from Rieko Hayashi, Program Coordinator, LIP/HOP Programs, Department of Housing and Community Development to Attorney Theodore Regnante. Ms. Hayashi provided Attorney Regnante with a signed Amendment to the Regulatory Agreement for the Whispering Pines LIP Comprehensive Permit Project. Ms. Hayashi advised that the amendment should be recorded within ten days.

Town Manager Hull reviewed an invitation from the Reading Municipal Light Department to attend their Public Power Open House on Thursday, October 8, from 2 p.m. to 5 p.m. The Open House is being held in celebration of National Public Power Week.

BOARD TO CONSIDER SIGNING EARTH REMOVAL PERMIT FOR YENTILE FARM, 9 CROSS STREET, AS VOTED AT THE SEPTEMBER 14, 2015 BOARD OF SELECTMEN MEETING

Town Manager Hull advised that the permit contains the conditions as they were read into the record at the Board's meeting of September 14.

Chairman Champoux 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 sign the Earth Removal Permit for Yentile Farm, 9 Cross Street.

BOARD TO CONSIDER REQUEST OF SEANA GIFFORD FOR RESIDENTS OF RING AVENUE TO HAVE A NEIGHBORHOOD BLOCK PARTY ON SATURDAY, OCTOBER 31, 2015 BEGINNING AT 12:00 P.M.

Chairman Champoux asked if there were recommendations. Town Manager Hull advised that he spoke with Police Chief Begonis who recommends that Biggar Avenue and Ring Avenue remain open, but allow road closure for Gearty Street in such a way not to impede residents or emergency vehicles. Chief Begonis recommends that the block party end not later than 10:00 p.m. Chairman Champoux asked if there were any questions, comments or a motion. A motion was made by Selectman Newhouse, seconded by Selectman McCoy and by the affirmative vote of all, it was

VOTED: That the Board of Selectmen grant the request of Seana Gifford subject to limitations and restrictions as imposed by the Police Department.

BOARD TO CONSIDER EXECUTING THE AGREEMENT BETWEEN THE TOWN OF WILMINGTON AND TOWN MANAGER JEFFREY M. HULL

Chairman Champoux advised that in Executive Session, the Board came to a substantive agreement with Town Manager Jeffrey Hull. He stated that as a result the contract language would need to be refined and put into a formal document that could be voted on and executed. Chairman Champoux noted that the next Board of Selectmen meeting is in October and after the current contract's expiration. He requested a vote to appoint the Town Manager for up to one month to allow for a formal agreement to be finalized.

Chairman Champoux asked if there were any questions, comments or a motion. 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 appoint Jeffrey M. Hull for a term of up to one month pending completion of the negotiation of a new contract with all of the terms and conditions of the existing contract remaining in effect during the one month reappointment.

PUBLIC COMMENTS

George Lingenfelter, Concord Street, informed the Board of Selectmen that he is suing the Board of Appeals and expressed his opinion that the Zoning Board of Appeals is seriously flawed and broken. He stated that there was a hearing on June 10 as a result of his years of complaining about issues with his neighbors and the Building Inspector has decided to enforce the applicable by-laws that he had appealed. Mr. Lingenfelter expressed concern that he was not kept informed during the process until he received a notice that a hearing would be held. He said he made a public records request for certain documents. He alleges he was not provided with the documents. He stated that he attended the meeting, at which a member commented that he was appalled Mr. Lingenfelter was in attendance and wanted him removed by the police due to objections he raised to being railroaded. He opined that the chairman and another member acted unethically. Mr. Lingenfelter believes the Board of Selectmen ought to be aware of these actions as they are the appointing authority for the Board of Appeals and consideration should be given to their replacement.

Selectman Newhouse stated that when the Board does not engage in debate and does not object to those accusations, it should not be construed as the Board being in agreement.

NEW BUSINESS

Members of the Board of Selectmen reflected on the playground dedication that took place on Saturday, September 26. The playground was built by Where Angels Play Foundation in honor of MIT Officer Sean Collier.

Selectman McCoy stated that he went to a Red Sox game recently and observed a lot of panhandling and said it reminded him of the panhandling that was prevalent at Wilmington Plaza during the summer. He requested that an article be prepared for Town Meeting to prohibit panhandling.

Chairman Champoux acknowledged Town departments, companies and organizations that made donations and assisted with the playground.

Chairman Champoux acknowledged the death of Judy Waterhouse, a longtime member of the Conservation Commission and Open Space and Recreation Committee.

Town Manager Hull advised that the Wilmington Community Fund is sponsoring the disbursement of carbon monoxide detectors. Wilmington residents may complete a form requesting one detector. The detectors will be available for pick up the first week of November and photo identification must be provided.

Town Manager Hull advised that donations are still being accepted for those who wish to contribute to Where Angels Play. He provided the contact information. Selectman O'Connell noted that the playgrounds are funded based upon what was raised before and the foundation expects to build three additional playgrounds in the Boston area to honor the victims of the Marathon bombing.

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.
- October 4 – Harnden Tavern Open House – 2:00 p.m. to 4:00 p.m.
- October 7 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 8 – Reading Municipal Light Department Open House – 2:00 p.m. to 5:00 p.m.
- October 10 – Fire Department Open House – Public Safety Building – 11:00 a.m. to 2:00 p.m.
- October 10 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 12 – Town Offices Closed – *Columbus Day*
- October 13 – Board of Selectmen Meeting – Town Hall – Room 9 – 7:00 p.m.
- October 14 – Brush Drop Off – Old Main Street – 8:00 a.m. to 2:00 p.m.
- October 17 – Brush Drop Off – Old Main Street – 9:00 a.m. to 4:00 p.m.
- October 23 – Carter Lecture Fund – *Sounds Like Frank* – Wilmington Middle School – 7:00 p.m.
- October 25 – Horribles Parade - Rotary Park - 4:30 p.m.
- October 28 – Navigating the Troubled Waters of Substance Abuse – St. Thomas of Villanova
7:00 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 four with Selectman McCoy abstaining, it was

VOTED: That the Board of Selectmen adjourn to Executive Session for the purpose of discussing collective bargaining not to return to open session.

Meeting adjourned at 8:22 p.m.

Respectfully submitted,

Recording Secretary