



BOARD OF SELECTMEN
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN ST
TEWKSBURY, MASSACHUSETTS 01876

DAVID H. GAY, CHAIRMAN
DOUGLAS W. SEARS, VICE CHAIRMAN
SCOTT WILSON, CLERK
TODD R. JOHNSON
ANNE MARIE STRONACH

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MEETING MINUTES
JANUARY 29, 2013

Chairperson David Gay called the meeting to order at 7:09 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; Scott Wilson, Clerk and Board Members, Todd Johnson and Anne Marie Stronach. Richard Montuori, Town Manager and Attorney Charles Zaroulis were also present.

1. Ron Beauregard – Health Communities Tobacco Control Program

Ron Beauregard agent for the Tewksbury Board of Health and his mission is to educate the retailers that sell tobacco products. More regulations have been initiated by the Commonwealth and were not covered to require identification of 18⁺ in trying different methods of selling tobacco, i.e. mobile stores like cigars on wheels, etc. The key is to educate and the focus is to build a relationship with retailers. The goal is to curb youth access to tobacco and not only focus on legal age but instead focus on state established carding rule of anyone under the age of 27 must be ID'd. The program will also conduct compliance checks or "stings". The program directors were encouraged to meet with local boards to inform them of the agencies function and advise board of compliance checks conducted; which is in the spirit of working together with other departments in town. If there are frequent infractions by an establishment, they are subject to a permit suspension Mr. Beauregard also monitors the US Food and Drug Administration's website and receives regular updates from the FDA. By doing this he can keep the boards apprised of any information coming forward. He is always looking for the latest developments in tobacco such as smokeless tobacco and a troubling development of a new product is tobacco in a sachet where person is able to chew tobacco without spitting. It is flavored mint and fruit so the marketing of this product encourages frequent use.

The Board asked if they needed to take action or is it something that you will work in tandem with BOH and Police. Mr. Beauregard responded he would report directly to the Board of Health and they would give reports to the Selectmen. Mr. Montuori will speak to Ms. Clement on including this in her regular report. It was also asked about how often compliance checks took place. The program sponsors at least one check per year, but ideally would like to have more than two checks per year.

2. Pole Petition Patten Road

Mr. Gay read the public notice into the record. Mr. David Aguar of National Grid was present on behalf of National Grid. He was unaware of this petition and asked for it to be tabled for this evening.

MOTION: Mrs. Stronach made the motion to table the Pole Petition for Patten Road to the next regular meeting on February 12, 2013; seconded by Mr. Wilson and the motion carried 5-0.

3. Pole Petition Kansas Road

Mr. Gay read the public notice into the record. Mr. David Aguar of National Grid was present on behalf of National Grid. Mr. Aguar requested to have this item tabled as he was notified tonight that a neighbor is not satisfied with the location of the pole and he would like to have time to meet with the neighbor and contractor to find a mutually agreed upon location.

MOTION: Mrs. Stronach made the motion to table the Pole Petition for Kansas Road to February 26, 2013; seconded by Mr. Wilson and the motion carried 5-0.

4. Nancy Reed--Community Preservation Committee Update

Mrs. Reed came before the Selectmen to discuss recent legislative changes to the Community Preservation Act last year. A meeting took place in December and the changes would effectively change to broaden the use of funds for the use of recreation. Previously, CPA funds were only allowed to be used on new facilities and to renovate existing facilities. This new legislation will open up another avenue for the town to be able to use the dollars currently being collected.

The Committee is looking towards the town to take an inventory of existing fields and in order to have a reference point for what the needs are for the recreation fields. Information was given to the board for review. Not all information given has been vetted with the Community Preservation Committee, but this is a start of the work to consider.

The board asked if any existing projects would be affected. Mrs. Reed responded no, that all projects are governed by the previous legislation. Mr. Sears asked if the titles of properties need to be exclusive to the Town of Tewksbury. Mrs. Reed responded it could be private property but residents would have to vote for this. Mr. Sears was referring to State property in particular. Mrs. Reed clarified there would need to be permission from the State and it would be better to have the title in hand. The CPA funders are not prohibited to spend money on property that the town does not own, but again the residents would need to vote in the project.

These are definitely positive changes; former Sue Tucker and also Senator Barry Feingold supported this legislation. No action was taken by the Selectmen, and all appreciated the information on this topic.

5. Residents

Mr. Gay opened the hearing up to the public, no one present came forward to speak.

New Business

6. Board of Health Resignation - Edward Sheehan

Mr. Gay read the letter from Mr. Sheehan into the record.

MOTION: Mr. Sears made the motion to send a letter of thanks from the board to Mr. Sheehan for his service to the town; seconded by Mrs. Stronach and the motion carried 5-0.

A letter from the Chair of the Board of Health, Mr. Philip French, was also presented and requested to put this vacancy on the next election.

MOTION: Mr. Wilson made the motion to add to the upcoming election of April 2013 to fill the open Board of Health position for the remainder of Mr. Sheehan's term; seconded by Mr. Sears and the motion carried 5-0.

It was noted that the selectmen were informed the town clerk would be satisfied this would be within timeline of notifying interested parties to apply for the open board position.

Mr. Montuori noted Mr. French is requesting a joint meeting; as an interim position needs to be filled and should be done by a joint meeting of the Board of Health and the Board of Selectmen. The Town Manager's office will schedule this at a time convenient for both and a public notice will be posted for this meeting.

Attorney Zaroulis clarified to the board that under statute the board has no obligation to fill the open position, except if the Board of Health requests this. If Board of Health declines to make an appointment then the Board of Selectmen can make appointment of an interim member.

7. Mac Drive Street Acceptance Order

This order was presented to the board for review, and the Town Manager recommended approval.

MOTION: Mr. Sears made the motion to approve the Mac Drive Street Acceptance Order as presented and approved by the Town Manager; seconded by Mrs. Stronach and the motion carried 5-0.

8. Jennie's Way Open Space

Mr. Gay read the notice into the record. A history was given on the land, as it was approved by the Planning Board to have as open space. The owner of property recorded a deed specifying this was granted through the town as open space. Unfortunately this was done without the approval of Town Counsel. Control of the property should go to Tewksbury's Conservation Commission and individuals cannot record a deed on the town's behalf as it has to go through proper reviews. This is a simple way to resolve any issues with the current deed. There is no change in the way the land will be used only the deed needs to be corrected as it did not state the land should be left in its natural state as conservation land. The Board of Selectmen at the time intended the use to be for conservation purposes and the Conservation Commission approved.

MOTION: Mr. Johnson made the motion to approve the Jennie's Way Open Space deed as presented and recommended by the Town Counsel; seconded by Mrs. Stronach and the motion carried 5-0.

Town Manager

9. Town Counsel Invoice

MOTION: Mrs. Stronach made the motion to approve the invoice of \$13,735.35 as presented and recommended by the Town Manager; seconded by Mr. Johnson and the motion carried 5-0.

Mr. Montuori announced the budget will be presented on Thursday, January 31, 2013 at Town Hall, 7:00 p.m.

10. Approval of Minutes December 4, 2012 (regular session) and December 18, 2012 (regular session)

MOTION: Mr. Sears made the motion to approve the minutes of December 4, 2012 (regular session); seconded by Mrs. Stronach and the motion carried 4-0-1 with Mr. Johnson abstained as he was not present for December 4th meeting.

MOTION: Mrs. Stronach made the motion to approve the minutes of December 18, 2012 (regular session); seconded by Mr. Sears and the motion carried 5-0.

The January 8, 2013 minutes were tabled to the next meeting.

11. Reports

a) Board Members

Mr. Wilson

- No report and needed to leave the meeting

Mrs. Stronach:

- HSBC met and current status is the old high school building is completely leveled; crews are working very diligently on a punch list. Thanks and appreciation goes out to Mr. Sands and Mr. Montuori for working on this and moving the project along so quickly.
- Thanked two community members who did a backpack program for Sandy Hook Elementary Schools—a tremendous effort.

Mr. Sears

- Received a letter regarding a natural gas issue from Lisa and John Connelly off of Brown Street and Alabama Road as all neighbors are interested in getting off oil; he wondered what do for the residents in this area at this time of year to help this situation. The letter was given to the Town Manager to respond.

Mr. Johnson

- Made a continuation of items raised at the previous meeting write to Mass Municipal Association to change the way veteran's benefits are paid. The town has had to struggle to pay for these funds in past. By creating a direct payment from the state instead of from the local municipalities, this eases the financial cash outlay for the town. Mr. Johnson drafted a letter and gave copy to board. He requested it be put on letterhead, signed by the Chair and sent to MMA if all members are in agreement. Mrs. Stronach had no issue at all (as she was not in attendance when this issue was discussed previous) and requested all members to sign. She also asked for a copy to be sent other communities as this will benefit veterans and other communities financially. Mr. Sears asked if this will change the way the state does business, and comment was made it would—this legislation would be a statewide change. Mr. Johnson wanted to stress the administration of benefits would still be the local Veterans Administrator located in Tewksbury or local community as the check would come locally. The draft read as follows:

The draft is as follows:

The Tewksbury Board of Selectmen is aware that the Massachusetts Municipal Association intends to sponsor legislation in the new legislative session relative to the payment of veterans' benefits. Our board is interested in that legislation and wishes to express its support for the concept of shifting the majority payment responsibility from the town to the state. We have struggled in recent years to meet a growing need by veterans in our community for assistance. We have repeatedly had to ask our Town Meeting to allocate more resources and have most importantly had to wait unreasonable period of time for reimbursement from the state.

If we as a nation truly value the service of our veterans we need to back it up with actions, not just words. This change will maintain the current local level service delivery but will shift the cash flow management to the state. We believe greater efficiencies can be realized so municipalities can more effectively focus on managing tight financial resources without hurting other service delivery areas, or more importantly, our veterans. We urge MAMA to pursue this legislation and we urge our delegation to support it. There is no change to the overall cost. Rather, a better cash flow management system will be established that benefits all stakeholders.

Very truly yours,

*cc Senator Finegold
Representative Miceli
Representative Lyons*

MOTION: Mrs. Stronach made the motion to send the letter as presented by Mr. Johnson; seconded by Mr. Sears and the motion carried 4-0.

- Mr. Johnson attended and represented the Selectmen as Zoning Bylaw Subcommittee representative to discuss the town's perspective on potential activities regarding the distribution of medical marijuana. A consensus arrived to take action to inform the respective boards. The subcommittee is concerned and is asking for a moratorium until state legislation is decided-- there are timing concerns. The Board of Health representative may have some ability to speak to the issue from a regulatory perspective, as this is a situation of regulating without any state regulations. The MMA has recommended and encouraged communities to recommend a six-month delay in implementing the process. They too are calling on the governor and legislature consistent with local communities for a moratorium. Mr. Johnson distributed to board a draft letter to review. Mrs. Stronach requested any action to be tabled until the next meeting on February 12, 2013.
- Mr. Johnson recognized the board met with our state delegation pertaining the filing of the number of bills on the town's behalf such as Senate bill 1740, 1741, House bill 1348, 1334, 1330, 679. All were filed and a lion's share of activity pertains to the state owned land with regard to the formal transfer of title for various parcels on Livingston Street and an easement for a sewer line. Efforts to clean-up these deeds are well under way. Language will likely need to be clarified, but this project needs to get done in due time. The state had a reimbursement fund of \$500,000 and fund was cut when 9C cuts were

made and communities only received \$5K. The proposed legislation would raise funds to \$2M giving Tewksbury a broader more comprehensive solution, and would model how reimbursements are made, etc. There is a threshold commitment and communities would be qualified for a certain amount of reimbursement over a number of years as drafted in the bill.

Mr. Gay

- LRTA met on January 24th, service has been increased to every hour and there has been an increase in usage; he thanked the agency for making this happen.
- Tewksbury Hospital is having open house for the Public Health Museum
- Merrimack Valley Pavilion invited the Selectmen to an open house, and a few attended—good fun

b) Town Counsel
No report given this evening.

c) Secretary
No report given this evening.

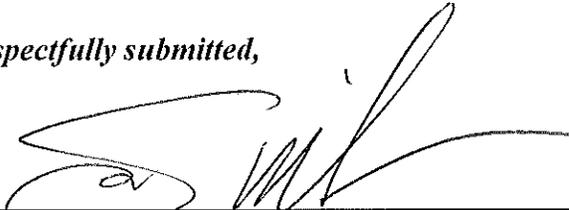
Town Manager made note that the DEP Sewer Regulations drafted have been open for comment and the office has not received any feedback. He will finalize these on February 1, 2013. Mrs. Stronach noted she has discussed with Mr. Montuori concerns regarding fees and he has assured her this will not be a burden. The development of storm water regulations is happening currently.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Thursday, January 31 at 7:00 p.m. for the annual budget hearing.

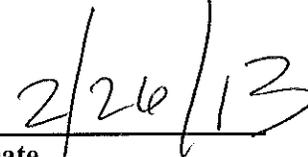
Adjournment

MOTION: Mrs. Stronach made the motion for the Board to adjourn at 8:22 p.m.; Mr. Johnson seconded, and the motion carried 4 to 0.

Respectfully submitted,



Scott Wilson, Clerk



Date