

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

TEL (978) 640-4300
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MEETING MINUTES
JANUARY 8, 2013

Chairperson David Gay called the meeting to order at 7:04 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; Scott Wilson, Clerk and Todd Johnson. Board Member. Anne Marie Stronach was not present. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present as well.

1. Carols Jaquez—Draft Sewer Presentation

Mr. Montuori stated this is a draft for initial review and noted he has gotten support throughout departments on this policy. Town Counsel has also reviewed these proposed regulations.

Mr. Jaquez gave a brief presentation.

Mr. Johnson asked for detail on what type of research was done in comparison to other communities or other resources. Mr. Jaquez responded the proposal mirrored other communities such as Andover, Billerica, Chelmsford and Lowell. Also consider were some MWRA special cases. Fee Schedule and penalties are also comparable to other towns. Billerica has a very similar fee schedule. The sewer connection fee is already incorporated into the permit fee, but Tewksbury separated this out. Insurance is also incorporated into the proposed policy, which was anticipated by the Board. The Board also felt to go from 1984 to present seems like an excessively long time without revisions. Mr. Gilbert did not have a particular time table to continue reviews but he will continue to revise policies going forward. It was recognized that even though the document existed, no one really took the document to task. This type of review and documentation will also be done for water rates. Attorney Zaroulis made note that a third party who specializes in this area has also reviewed the proposal and those over the years changes were made but never really came together.

Mr. Wilson asked to clarify if the policy is mandated for a hook up when a system has failed or when it is the sale of a home. The response was confirmed as no other way to delineate connecting to the sewer system for a resident.

Mr. Gay asked why this is being enforced now. Mr. Jaquez noted that ever since project was completed and now have a larger infrastructure for the town's sewer system, this only one piece missing to help bring forward more connections. It was very noticeable during the project the policy needed to be revised. This is a benefit to the residents as an acknowledgment of what the process is and gives some definition on how the town wants the system to be operated and be used.

Once the policy is finalized, it will be communicated online and hard copies available at locations convenient. Public comment is welcome until February 1, 2013.

2. Peter Miller Rail Trail

Peter Miller of 828 Shawsheen Street and his wife Jane were present to discuss this proposal. He thanked the members for getting this item onto the agenda on short notice. Mr. Miller explained that interested citizens formed a group to develop bicycle and walking trails in the town. The group is requesting a signed letter of support tonight from the Selectmen and would like to work with Community Preservation Committee for use of their funds for this project. The group is scheduled to meet with the CPC tomorrow night. Mr. Sears was informed of this idea and thought it was great. He asked about the costs associated with the project and how will they be met. Mr. Miller noted that this grant will cover the costs of establishing the committee first as the advisory committee and second a feasibility committee would be formed. A copy of the draft letter of support and the proposal is as follows:



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January 9, 2013

Ms Michelle Ciccolo
President
Metropolitan Area Planning Council
60 Temple Place
Boston, MA 02111

Dear Ms Ciccolo,

The Tewksbury Board of Selectmen is in full support of the Tewksbury Rail Trails application for a Metropolitan Area Planning Council wellness grant for the purpose of establishing a Town of Tewksbury Bicycle and Pedestrian Advisory Committee.

This initiative is in line with both the Town of Tewksbury Master Plan and the Town of Tewksbury Open Space and Recreation Plan. Both plans call for the development of trail networks in Tewksbury's open spaces.

Establishing this committee will assist the Town in furthering its open space, green, and health goals. Thank you for your time in consideration of this effort.

Very sincerely,

David Gay
Chairman
Board of Selectmen

To: Mr. David Gay, Chairman, Tewksbury Board of Selectmen and Selectmen
From: Mr. Peter L. Miller, III, Chairman, Tewksbury Rail Trails
Re: Support of Application for Grant for Establishing a Bicycle and Pedestrian Advisory Committee
Date: January 4, 2013

Dear Mr. Gay and Selectmen,

The Tewksbury Rail Trails organization is an interested citizen group formed to facilitate the development of bicycle and walking trails in Town of Tewksbury.

We are asking the Board of Selectmen, along with other municipal boards, to support our effort to obtain a \$5k to \$10k wellness grant offered by the Metropolitan Area Planning Council (MAPC), in association with the Massachusetts Department of Public Health (MDPH), available to municipalities within Middlesex County, for the purpose of establishing a Town of Tewksbury Bicycle and Pedestrian Advisory Committee (BPAC).

As stated in the MAPC Notice of Funding Availability¹:

"The purpose of the committee will be to improve conditions for bicyclists and pedestrians and promote walking and bicycling as a means of transportation and recreation. Membership should include municipal staff and community members with an active interest in walking and bicycling issues."

The grant application is due January 11, 2013 and our chances of obtaining the grant will be enhanced with letter of support from the Board of Selectmen. We only recently became aware of this funding opportunity so, should the Board agree, we request prompt action in getting us a signed letter of support to submit with our grant application.

In addition to pursuing the establishment of the Tewksbury BPAC we also submitted an application on December 31, 2012, to the Tewksbury Community Preservation Committee (CPC) seeking CPC funds for hiring an experienced engineering consultant to produce a feasibility study and phased development plan for potential bicycle and walking trail development in Tewksbury.

Your support in pursuing the grant to establish the Tewksbury BPAC would be greatly appreciated.

Sincerely,

Peter L. Miller, III

Chairman, Tewksbury Rail Trails

MOTION: Mr. Johnson made the motion to support request and to execute the letter of endorsement; seconded by Mr. Sears and the motion carried 4-0.

3. Residents

Mr. Gay opened the hearing up to the public.

Mr. James Williams of 20 John E. Smith Drive gave a donation to the Tewksbury Food Pantry on behalf of the VFW of Tewksbury. He also reminded residents that the VFW collects Campbell's soup labels for a local orphanage which it supports. Labels can be dropped off at the VFW.

Ms. Jennifer Nagle of Jennie's Way asked for consideration for the safety of all in town to address vacant and dilapidated buildings in town. She presented a copy of a bylaw policy from another community to the board so they may use this as a reference.

Ms Nagle also expressed concern for sidewalks in town being plowed by the Department of Public Works, and presented a copy of MGL Part I, Title XIV, Chapter 85, Section 5-6 containing information that any town can set up a bylaw for property owners to take care of the sidewalks and if the town does need to remove snow for any reason, it can assess this to the property owner's tax bill.

There was another resident in the audience who left the meeting, and Mr. Johnson made **MOTION** if resident returned to offer him time to address the Board. The motion was seconded by Mr. Wilson and the motion carried with a vote of 4-0.

New Business

4. Outstanding Taxes

The Board established that any outstanding taxes still being owed to the town after December 31, 2012 should have a hearing scheduled with the Selectmen. Mr. Montuori recommends having each business in for a hearing on this matter. Mr. Zaroulis noted that need to set a date certain and give the staff sufficient time to give notice.

MOTION: Mr. Johnson made the motion for the following Businesses to appear before the Board of Selectmen on February 12, 2012 at 7:00 p.m. for Lowell Transportation, 7:30 p.m. for Maverick's and 8:00 p.m. for Oscar Pifata's; seconded by Mr. Sears and the motion carried 4-0.

5. Merrimack Valley Pavilion—amusement device license for approval

The applicant was not able to attend tonight; but all necessary paperwork has been completed.

MOTION: Mr. Johnson made the motion to approve the amusement device license as requested which has been reviewed by public safety and has no issues; seconded by Mr. Wilson and the motion carried 4-0.

6. Merrimack Valley Pavilion—common victualler license for approval

MOTION: Mr. Johnson made the motion to approve the common victualler license as requested which has been reviewed and recommended for approval and will be subject to the approval of the Board of Health; seconded by Mr. Wilson and the motion carried 4-0.

Town Manager

7. Town Counsel Invoice

MOTION: Mr. Wilson made the motion to approve the invoice of \$14,940.00 as presented and recommended by the Town Manager; seconded by Mr. Sears and the motion carried 4-0.

8. Deadline for Annual Town Meeting Articles—February 22, 2013

MOTION: Mr. Wilson made the motion to open the Town Warrant as of tonight and close at the end of the business day at 4:30 p.m. on February 22, 2013 as recommended by the Town Manager; seconded by Mr. Johnson and the motion carried 4-0.

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

No minutes were presented to approve this evening and were tabled to the next meeting.

10. Reports

a) Board Members

Mr. Wilson

- No report this evening.

Mrs. Stronach:

- No report this evening.

Mr. Sears

- Asked for an update on any communication from DCAM regarding the Tewksbury Cemetery. Mr. Montuori responded they will be out to meet with him on January 16th.

Mr. Johnson

- Proposed sending a letter to MMA from the board regarding administrative benefits for the military to be funded up front by the state, instead of the town getting reimbursed. He will draft a letter and bring this to the next meeting. This would not change the dollar value only the reimbursement process.
- Reminded residents again to sign up for Code Red as out of 11,500 contacts that are eligible the system currently has only 966 who have requested text messaging. It is his opinion the system is being under utilized

Mr. Gay

- Very positive article from the Economic Development chair very optimistic and wanted to mention hard work of Mr. Montuori to bring businesses into the town. The Selectmen are very strong supporters of the EDC.

b) Town Counsel

- No report

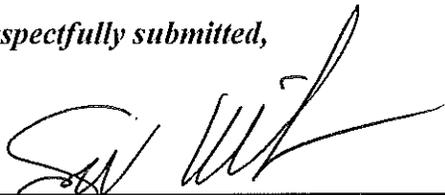
- c) Secretary
No report given this evening.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, January 29 at 7:00 p.m. for the annual budget hearing.

Adjournment

MOTION: Mr. Sears made the motion for the Board to adjourn at 8:00 p.m.; Mr. Johnson seconded, and the motion carried 4 to 0.

Respectfully submitted,



Scott Wilson, Clerk

2/26/13
Date