



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

TODD R. JOHNSON, CHAIRMAN  
BRUCE PANILAITIS, Ph.D., VICE CHAIRMAN  
MARK S. KRATMAN, CLERK  
DAVID H. GAY  
JAMES D. WENTWORTH

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**MEETING MINUTES  
APRIL 28, 2015**

Chairperson Todd Johnson called the meeting to order at 7:02 p.m. Present for the Board of Selectmen meeting were Bruce Panilaitis, David Gay, James Wentworth and Mark Kratman. Richard Montuori, Town Manager and Attorney Charles Zaroulis, Senior Town Counsel, were also present.

**Scheduled Items**

**Beautification Committee – Paige Impink  
Tewksbury Community of Artists- Jeanette Waugh**

Mrs. Impink and Mrs. Waugh were present for this discussion and presentation of the applications chosen to be the designs for electrical box artwork project. The theme for the project is “Tewksbury past, present and future”. Mrs. Waugh is the President of the Tewksbury Community of Artists and has been part of the evaluation process.

The four designs were 1) The TewMac Airport to be located on Chandler and East; 2) rendering of Tewksbury State Hospital with a rap around of the baseball fields to be located on Livingston Street and East Street; 3) Captain Trull and the March of 1775, which will be a three-sided box to accommodate the space; 4) Celebrating the Carnations as Tewksbury is the carnation capital as advertised in Yankee Magazine in 1976 and will be located on Andover and North Street.

The committee would like to give one month’s time construction will not get lost in weather issues with heat, etc. There is one more box holding open for a potential fifth artist. The committee would be open to another design from a selected artist, but noted its intention is to have another application submitted.

Mrs. Impink announced the Tewksbury Family Concert Series Summer of 2015 program. The event is brought to the community from the Massachusetts Cultural Council through the Wal-Mart Community Foundation. The ribbon cutting for the playground will be held on this night as well.

**Kingston Road Pole Petition**

Notice was read into the record by the Chair. National Grid is petitioning to install on Kingston Road 105’ +/- from new pole 5 installing new pole 6, 10’ +/- behind new pole 6 installing an anchor as shown on the attached petition plan no. 17256313.

Ms. Michelle Stacy was present on behalf of National Grid. This same petition was presented a few months back when a resident had some concerns. The item was tabled for the resident and National Grid to work out the matter. Ms. Stacy noted the proposed pole has been moved to the customer’s

satisfaction. The resident (and owner) of the pole was present and agreed with the plan. The concerned resident was not present—the matter was assumed to have been taken care of due to no further comments from residents.

The Chair opened the hearing up to the public and no one came forward to speak on the matter.

**MOTION: Mr. Gay made the motion to approve National Grid’s petition for Kingston Road as presented and shown in plan no. 17256313; seconded by Mr. Wentworth and the motion carried 5-0.**

### **Andover Street Pole Petition**

The Chair read the notice into the record. National Grid is petitioning to install on Andover Street a new 40’ class 3SAO pole 98-1 for siphon to DOT cameral and install anchor and guy as shown on the attaché petition plan no 18684622.

Ms. Stacy was present on behalf of National Grid to explain this installation is for Mass DOT to install a camera to monitor Route 495 for traffic and is for the purpose of monitoring the highway.

The Chair opened the hearing up to the public and no one came forward to speak on the matter.

**MOTION: Mr. Gay made the motion to approve National Grid’s petition for Andover Street as presented and shown in plan no. 18684622; seconded by Mr. Wentworth and the motion carried 5-0.**

### **Residents**

The Chair opened the hearing up to the public and no one came forward to speak on any topics.

### **New Business**

#### **Town Manager Contract Addendum**

The Selectmen held this matter in executive session at a previous date and tonight ratified the vote on the Town Manager’s contract. The Chair explained the use and accrual of vacation time as stated in the contract. Mr. Montuori has had nearly 6 years of employment with the town, and had vacation time accruing of 20 days per year. Unfortunately he was not able to use all this time due to the workload. The contract did not allow any vacation to be carried over, however due to the exemplary job by Mr. Montuori the Selectmen agreed to a fair resolution which allows the unused time of 294 hours to be carried over. The Selectmen recognize the bank of time will remain in effect as long as Mr. Montuori remains an employee of the town. There are concerns about financial obligation to the town should it have to pay for the accrued vacation time. The agreement does state the time can be used while the employee remains tenured and any remaining unused time would not be an obligation for the town to pay to the employee. Additionally, going forward there will not be any further accrual of vacation time.

**MOTION: Mr. Panilaitis made the motion to ratify the approval of the contract for Richard Montuori’s vacation time as presented; seconded by Mr. Gay and the motion carried 5-0.**

### **Town Counsel—Tewksbury Housing Authority Corrine Way**

The Selectmen were requested to approve 352 Livingston Street, a private way, to 100 Corinne Way. Senior Town Counsel notified the Selectmen that based on his review of the material he the Way should continue to be private and under the care of the Tewksbury Housing Authority. The Selectmen are requested to approve a document that will change the name of the road to 100 Corrine Way for purposes of the Tewksbury Assessors and mail delivery. It will continue to be responsibility of the Tewksbury Housing Authority.

**MOTION: Mr. Gay made the motion to approve the change to 100 Corrine Way; seconded by Mr. Wentworth and the motion carried 5-0.**

The document was executed by the Selectmen at this meeting.

### **State Lottery—KENO Applications**

Shell Food Mart, located at 1220 Main Street and ETD Food Mart, located at 365 Main Street are currently KENO To Go agents and are requesting monitors to this existing game at their location. It was discussed Chief Sheehan did not have any objections to these applications; however, he did have concerns there was not enough space for this activity at the Shell Food Mart.

**MOTION: Mr. Panilaitis made the motion to object to the General Counsel of the State Lottery Commission's intent to install a monitor at the for the Shell Food Mart located at 1220 Main Street; seconded by Mr. Gay and the motion carried 4-1.**

The Selectmen requested the Town Manager's assistance to draft correspondence to the State Lottery Commission.

No action was taken on ETD Food Mart.

### **Shawsheen Place**

The Selectmen held this matter in executive session at a previous date and tonight ratified the vote on Shawsheen Place. There is an article in the annual town meeting warrant that related to the Affordable Housing Trust Fund and is reflective of this action. The town has been in discussions with the ownership of Shawsheen Place, also known as Hallstead Tewksbury, in order to keep the 19 affordable units at this property as such in perpetuity. The town entered into negotiations with desire to maintain the units (19) and pay to keep them. The agreement in principle will cost \$1.7M to retain the units and in doing such the town will gain all 77 units as affordable units in perpetuity. Payment will not be released until the final agreement and funds have been approved. No specific confirmation; but the law is the town can designate and count all 77 units. These 77 units are currently counted as affordable.

**MOTION: Mr. Panilaitis made the motion to ratify the prior vote on this matter subject to conditions placed in the agreement; seconded by Mr. Gay and the motion carried 5-0.**

### **School Committee Vacancy Process/Discussion**

State Statute Chapter 41 Section 10-11 states there are three outcomes to fill the School Committee Vacancy; 1) the Selectmen can opt to call for a special election to be held by the voters; 2) The School Committee may take action and via a formal requests for a joint meeting with Selectmen within 30 days of the vacancy—the vacancy was certified on April 10 so May 10 would be the deadline for a formal request for a joint meeting to be received; and 3) a replacement can be appointed by the Board of Selectmen until the next annual election should the School Committee not make a formal request for a

joint meeting, The matter is on the agenda for the School Committee tomorrow, and it is expected a joint meeting will be requested, but has not happened yet.

The Chair recommended to post the position with the anticipation both bodies will meet May 19 for a regular session to discuss an appointment. The position will be post as of tomorrow, April 29 and will close Friday, May 15 at noon. Applications should be returned to the town's human resources department. Should a joint meeting be called, applicants will need to be notified.

**MOTION: Mr. Panilaitis made the motion to post the application for a School Committee seat with the deadline to submit applications by May 15 at 12 o'clock noon; seconded by Mr. Kratman and the motion carried 5-0.**

### **Annual Town Meeting Warrant**

Annual Town Meeting will begin at 8:00 next Monday, May 5, 2015.

#### *Article 1*

The Selectmen took no action on this article.

#### *Article 2*

The purpose of the article is to fix the salaries of certain elected town officials.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 2 as presented; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

#### *Article 3*

The purpose of the article is to accept the consent calendar.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 3-32 accepting the report of various Town Officers from the 2014 Town Report located on the Town's website; seconded by Mr. Kratman, and the motion carried 5 to 0.**

**MOTION: Mr. Gay made the motion to recommend for adoption Article 3-33 accepting the Lease and Purchase Agreements for equipment in various departments; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 3-34 authorizing Chapter 90 Funds to be spent by the Town of Tewksbury; seconded by Mr. Gay, and the motion carried 5 to 0.**

**MOTION: Mr. Gay made the motion to recommend for adoption Article 3-34 re-authorizing self sufficient revolving fund accounts as presented; seconded by Mr. Kratman, and the motion carried 5 to 0.**

#### *Article 4*

The purpose of the article is to fund various department budgets for FY 2016. The Town Manager noted a total increase of \$2.6M, and a total budget of \$95,407,366 he is recommending for FY2016.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 4 as presented; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 5, 6, 7, 8*

The purpose of these articles relates to collective bargaining and they are still in negotiation.

**MOTION: Mr. Panilaitis made the motion to table Articles 5, 6, 7, 8; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 9*

The purpose of this article is to fund the Sewer Enterprise Fund for Fiscal Year 2015.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 9 as presented; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 10*

The purpose of this article is to fund the Water Enterprise Fund for Fiscal Year 2016.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 10 with a scrivener's error; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 11*

This article allows the Town to utilize funds from the Stabilization Fund to fund the above, and purchase furniture and equipment for the newly renovated Town Hall and new phone equipment for Town offices.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 11; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 12*

This article allows the Town to utilize funds from the Stabilization Fund for the following expenditures.

Defensive Tactics Training Equipment-NUMB JOHN XT Training Platform	4,661
5 Power Heart G3 Defibrillators with Cases	8,605
2 Portable Breath Test Devices	1,638
8 Patrol Rifles	10,207
Police Promotional Assessment Center	25,700

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 12; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 13*

DPW will utilize the funds to remove hazardous public trees identified during a survey of the Town that pose a public safety issue. Funds will remove trees and stumps and pay for other expenses related to removing trees.

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 13; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 14*

Funds will be used to upgrade medical equipment and the 2009 Ford E-450 Horton Ambulance by replacing the chassis and retaining the rear body or replacing the entire ambulance; replace aged structural firefighting gear and personal protective equipment which should be replaced every ten years; purchase uniforms for new employees; replace existing utility vehicle utilized for brush fires, plowing, towing, equipment transfers, select details, and emergency responses, purchase new chainsaws where the newest chainsaw was purchased in 2003 and is no longer in production; interior and exterior repairs of the South Fire Station; and replace failed on aged fire hose.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 14; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 15*

This Article sets aside \$725,000 from the Stabilization Fund for unforeseen costs related to Special Education Out of District Tuition. These funds will only be used after all funds from the School Operating for Special Education Out of District Tuition line-item has been spent, along with any other surplus School Budget funds in Fiscal Year 2016. Funds can only be spent with approval of Finance Committee and Town Manager. This article is supported by the Finance Committee and has been discussed with the Town Manager and the School Committee.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 15; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 16*

This article allows the Town to utilize funds from the Stabilization Fund, for one-time expenditures. These expenditures have been identified and prioritized by both the School Administration and the School Committee. School Buildings and Maintenance funds will be used for roof repairs at the elementary schools, heating system at the Wynn Middle School, and to retile the cafeteria floor at the Dewing School. If funds remain after these items are complete, remaining funds will be used for further maintenance. School Technology funds will be used for library media upgrades and computer system/network monitoring.

**MOTION: Mr. Kratman made the motion to recommend for adoption Article 16; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 17*

At Special Town Meeting in October 2013, funds were approved to purchase new voting booths. The \$60,000 appropriation has a balance of \$15,296.25 and this article requests the Town approve the use of those remaining funds to purchase new voting tabulators. The plan would be to begin purchasing new voting tabulators with these funds and at a later date purchase the remaining machines as needed.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 17; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 18*

Hydrant Replacement Program: funds will replace 25 hydrants in Fiscal Year 2016 as part of the ongoing hydrant replacement program; Water Tank Mixers. Install three tank mixers at the Ames Hill Water Tank to improve water quality; Engineering Astle Street Tank: funds will be used for a structure evaluation and assessment of other necessary modifications of the water tank. Water Distribution

System Improvements Engineering/Design: funds will be used to partly fund the cost of design of a water main upgrade for Woburn Street and other locations in Town if funds are available; remaining portion of funding is in Article 19.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 18; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 19*

At Special Town Meeting in October 2013, funds were approved for the design and engineering of water distribution projects. The \$35,000 appropriation has a balance of \$27,253. This article requests the Town for funds as part of the cost of design of a water main upgrade for Woburn Street and other locations in town if funds are available. Remaining funds for the Woburn Street design and other locations are in Article 18.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 19; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 20*

This article allows the Town to utilize funds that were considered available as of July 1, 2014, for the replacement of 2 inch iron and 6 inch AC water mains as part of an ongoing program and top priority of the Water Enterprise since these pipes have out lived their life-cycle and are the cause of more than 50% of the Town annual water-break count.

This is an ongoing project to replace asbestos pipe in town; the pipe has outlived its life-cycle and are the cause of more than 50% of the town's annual water-break count. It will consist of 55 miles of AC water main construction and the 2" mains are about 5 miles long.

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 20; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 21*

This article authorizes the Town to borrow \$13,100,100 for' the cost of construction and engineering foil the renovation and upgrade of the Town's Water Treatment Plant. The plant was built and came on-line in 1988 and is beyond its initial 20-year design life. An engineering assessment in Fiscal Year 2013 identified numerous deficiencies in the plant's building and mechanical systems that need upgrades. This project proposes upgrades of the building envelope, existing mechanical equipment and other ancillary equipment; and further there will be modifications to the treatment process of the Town's drinking water to meet DEP standards.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 21; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 22*

Funds will be used for design and engineering to provide plans, specifications and bidding services to replace the sewer force main that pumps from the Andover St. pump station to a manhole at the inter section of Andover and Fiske Sheets. The station is at the high range of its pump capacity and limited by Inflow/Infiltration and the size of the force main on Andover Street.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 22; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 23*

This article allows the Town to utilize funds considered surplus from Assessors Overlay Reserve to fund a Senior Tax Relief Program/Veterans Tax Relief Program that allows eligible Senior Citizens/Veterans of the Town to work for Town and School offices and receive a reduction in their property tax bill.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 23; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 24*

This article authorizes the Town of Tewksbury Health Department/Board of Health to amend an existing self-sufficient fund account for the revenues and expenditures of selling "Emergency 72 Hour Go Kits" to Tewksbury residents and to include reimbursements the Tewksbury Health Department/Board of Health receives.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 24; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 25*

This article authorizes the Town to establish a self-sufficient revolving fund to account for the revenues received from grants and donations generated from energy efficiency projects and programs that the Town participates. Expenditures will be used for energy efficiency and improvement projects within the Town.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 25; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 26*

This article establishes a self-sufficient fund for tax title collection. The purpose is to assist Treasurer/Collector to secure the Town's liens for delinquent real estate tax receivables and foreclose tax titles after reasonable efforts to work with taxpayers on payment of amounts outstanding.

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 26; seconded by Mr. Gay, and the motion carried 5 to 0.**

*The Selectmen on many cases have opted to defer to the Planning Board for articles they propose in the Warrant. The Selectmen are changing that process and have asked representation from the Planning Board to be present during their vote on the warrant article. Mr. Sadwick was in attendance tonight to answer questions and explain the proposed articles to the Selectmen.*

*Article 27*

Massachusetts General Law, Chapter 44B requires that the Town appropriate for spending, or reserve for future spending, from the fund balance at least 10% for open space, 10% for historic preservation, and 10% for community housing. FY2016 Historic 10% Reserve will be achieved with the Town Hall Rehabilitation Bond payment. The total CPA Estimated for FY16 revenue is \$941,441.00

The costs are:

Appropriations:

Administrative Costs \$47,072.06

Reserves:

Open Space \$94,144.00

Community Housing \$94,144.00

Historic preservation -----

FY2016 Budgeted Reserve \$700,000.00

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 27; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 28*

To see if the Town will vote to approve the FY16 Affordable Housing Trust Fund Allocation Plan as follows:

**ALLOCATION PLAN for FY 2016**

**Starting Balance:** \$2,772,952

Shawsheen Place Buy down (77 units) (\$1,700,000)

7 fee in lieu of affordable units 869,155

(\$124,165/unit)

**Total Available Funds FY16** \$1,942,107

**Expenses:**

LHP Consulting Services \$40,000

Creation of New Units/ Buy down of existing units \$1,902,107

**Total Projected Expenses for FY16** \$1,942, 107

This allocation needs to be approved on an annual basis. The Selectmen have voted this evening to authorize the expenditure for the Shawsheen Place buy down in the amount of \$1.7M, and this is included in the allocation for the year.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 28; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 29*

The Community Preservation Committee and the Historic Commission request CPA funds to provide for a Historic Preservation restriction on the Marshall Homestead, 379 Pleasant Street in order to preserve this historic resource in perpetuity. One of the oldest homes in town, it was constructed in 1727 and was continuously owned by the Marshall Family until recently. The home is on the Tewksbury Historical Commission's Historic Survey and Massachusetts Cultural Resource Information System (MACRIS.) The Restriction preserves the exterior and some interior features of the home. A professional appraisal has been completed to determine this dollar amount on behalf of the town.

The appraisal has been received and it is an historic house in town originating back to 1728 main section is from 1880. The house has been renovated the town wants to be sure it is preserved. The owner has been very cooperative. Price of restriction is \$630,000 and without restriction delta is \$590,500. The amount of \$31,500 will be transferred to be used for the preservation restriction for the Marshall House. A final agreement with the owner will need to be executed by the Selectmen and the Massachusetts Historic Society will also need to approve. Other communities such as Amherst, Marshfield, Hingham, and Orleans have done similar agreements; none have exceeded \$50K so this request is within range.

**MOTION: Mr. Gay made the motion adopt the amendment of Article 29; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

**MOTION: Mr. Gay made the motion to recommend for adoption Article 29 as amended; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

#### *Article 30*

In 2014, the Tewksbury Rail Trails citizen group applied for and received \$35,000 in Community Preservation Funds to begin the process of discovering possibilities and best next steps for developing biking and/or walking trails for the enjoyment and connection of Tewksbury's open spaces. This proposed project is the next phase and continues the process by providing essential legal information and professional guidance. This work will continue to take into consideration the feasibility of use of abandoned rail lines, connections and pathways of the Bay Circuit Trail and other connections to open space, as well as to surrounding town trails.

This is a transfer to the Open Space Reserve Fund for the next phase of the Rail Trail citizens work.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 30; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

#### *Article 31*

This article amends Addendum A and B of the Personnel By-Law by deleting the current Addendums and inserting new Addendums developed and recommended by Municipal Resources, Inc. This firm was commissioned by the Town after \$20,000 was approved at Special Town Meeting in October 2013. MRI surveyed the market of comparable municipalities, developed and recommended a new classification and compensation plan. The process involved reexamination of job responsibilities, work performed and market pay rates for each PRRB position. The Article also seeks approval to provide employees covered by the Personnel By-Law salary increases for Fiscal Year 2017 and Fiscal Year 2018.

If approved this addendum to the Personnel By-Law will allow the town to retain good employees currently and provide salaries in line with surrounding communities. The total first investment for the first year is \$90,659. Approximately 50 employees will be impacted.

**MOTION: Mr. Kratman made the motion to recommend for adoption Article 31; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 32, Article 33, Article 34, Article 35 were voted on in Article 3.*

#### *Article 36*

Heavy Industrial District 1 was a district approved in 2014. This article adds it to the list of underlying zoning districts.

**MOTION: Mr. Gay made the motion to defer the recommendation for Article 36 to the Planning Board; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 37*

To ensure that overlay district requirements apply to an entire lot, even if the underlying zoning is split among two different Districts.

**MOTION: Mr. Panilaitis made the motion to defer the recommendation for Article 37 to the Planning Board; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 38*

This article makes the text consistent with the subject line. It was discovered that the text was not consistent and instead of changing the bylaw title, simply added text to make the explanation more clear.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 38; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 39*

To clarify that a single family building that is permitted under this section of the bylaw is to meet the R40 zoning district dimensional requirements.

**MOTION: Mr. Wentworth made the motion to defer the recommendation for Article 39 to the Planning Board; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 40*

To clarify that Section 5120 refers to parking requirements specifically sought under this section and not related to waiver requests under Section 9415.

By application of this special permit, the number of parking spaces can be decreased.

**MOTION: Mr. Panilaitis made the motion to defer the recommendation for Article 40 to the Planning Board; seconded by Mr. Gay, and the motion carried 5 to 0.**

*Article 41*

This article meets the Land Use Goal from the 2003 Master Plan by reducing conflicts between industrial zones and adjacent neighborhoods and recognizes allowed and special permitted uses to strengthen Town's discretionary powers over uses that are likely to conflict with adjacent residential land uses. The Woburn Street Corridor Study completed by Northern Middlesex Council of Governments in 2011 recommends modifying zoning to allow for additional commercial support services that meet the needs of office and industrial uses as well as addressing potential conflicts between industrial and residential uses through down zoning and transitional zoning.

**MOTION: Mr. Panilaitis made the motion to defer the recommendation for Article 41 to the Planning Board; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 42*

The Community Village Overlay District has replaced this district at the intersection of North Street and Andover Street. The Senior Village District 55 and over has been deleted entirely. A number of projects have been proposed that are note Senior related, causing this change to a Community Village Overlay District in same location

**MOTION: Mr. Kratman made the motion to defer the recommendation for Article 42 to the Planning Board; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 43*

As the Interstate Overlay District is near interstate interchanges, there are some instances when the land is zoned commercial that are acceptable to the uses proposed.

**MOTION: Mr. Panilaitis made the motion to defer the recommendation for Article 43 to the Planning Board; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 44*

The proposed changes are the same across 5 different over1ay districts. The intent is to make clear the parking requirements for uses are located in the Table of Parking Requirements and not to the underlying zoning.

It was noted that the principle of this bylaw did not make sense to have a parking requirement on this zoning requirement.

**MOTION: Mr. Gay made the motion to defer the recommendation for Article 44 to the Planning Board; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

*Article 45*

This article is privately sponsored. Planning board application came before them rezone two lots on East Street; the owner is open to moving the Pike House on to the property; however one issue should not weigh on the other. The Planning Board did not vote with this move included. After town meeting Mr. Montuori will develop an RFP. This item is not tied to this development. The Planning Board voted unanimously to support article.

**MOTION: Mr. Gay made the motion to defer the recommendation for Article 45 to the Planning Board; seconded by Mr. Kratman, and the motion carried 5 to 0.**

*Article 46*

C This article allows the Town to enter into a Community Energy Aggregation program for the bulk purchase of energy supply of all the community's residential and business electric accounts currently on the utility's basic service.

National grid will still supply the energy and the energy will come from a third party. Chelmsford and Westford developed this in their communities and the rates improved. A bulk purchase is happening in the Fall. If approved Tewksbury could participate in the bulk purchase. There are not costs to the town to participate.

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 46; seconded by Mr. Kratman, and the motion carried 5 to 0.**

### **Special Town Meeting Warrant**

Special Town Meeting will begin at 7:00 next Tuesday, May 6, 2015.

#### *Article 1*

This article is a regular Special Town Meeting article where the Town transfers funds from accounts with a projected surplus to accounts with a projected deficit or to accounts to allow for the purchase of needed items or services. Total transferred is \$150,200.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 1; seconded by Mr. Kratman, and the motion carried 5 to 0.**

#### *Article 2*

This article allows the town to utilize funds from the Stabilization Fund to fund the three (3) year Department of Revenue mandated revaluation of all Town Real and Personal Property.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 2; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

#### *Article 3*

This article utilizes Free Cash certified as of July 1, 2014 to fund Department of Public Works - Snow and Ice budget due to the amount of snow and ice events during the winter which exceeded the amount budgeted.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 3; seconded by Mr. Wentworth, and the motion carried 5 to 0.**

#### *Article 4*

According to Massachusetts General Laws, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid in the total amount of \$2,510.06

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 4; seconded by Mr. Kratman, and the motion carried 5 to 0.**

#### *Article 5*

At Special Town Meeting in October 2014, funds were approved to purchase a new DPW Highway Volvo Loader \$179,900 DPW Holder Tractor with Boom and Snow Blower Attachments. The \$353,900 appropriation for these vehicles has a balance of \$14,918 and this article is asking the Town for approval to use those remaining funds to purchase attachments for DPW equipment.

**MOTION: Mr. Kratman made the motion to recommend for adoption Article 5; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

#### *Article 6*

This article requests the Town authorize an easement for National Grid for new electric service to the Town Hall, Town Hall Annex and Central Fire Station.

**MOTION: Mr. Wentworth made the motion to recommend for adoption Article 6; seconded by Mr. Panilaitis, and the motion carried 5 to 0.**

*Article 7*

This article seeks legislation to utilize the original appraisal figure for the transfer of Cemetery Land, Town Land, and State Land for the expansion of the cemetery located on East Street.

**MOTION: Mr. Panilaitis made the motion to recommend for adoption Article 7; seconded by Mr. Kratman, and the motion carried 5 to 0.**

**Town Manager**

**Invoice—Town Counsel**

**MOTION: Mr. Wentworth made the motion to approve Town Counsel's invoice for March 2015 in the amounts of \$2,847.50 and \$2,720; seconded by Mr. Kratman, and the motion carried 5 to 0.**

**Green Committee**

This item was tabled as there are continued discussions on the restructuring of the membership of this committee.

**Other Business**

Support staff and the process to prepare committee letters is beginning to commence. Want to give opportunity for all current members to discern their commitment to serve the community.

An update on Selectmen appointments were that Mr. Wilson has been replaced by Mr. Kratman on the Bicycle and Pedestrian Advisory Committee; the Computer Study Committee, Local Housing Partnership and the Beautification Committee. Mr. Wilson continues to serve on the Town Center Master Plan Committee as he was appointed as a resident. All Selectmen serve on committees and the team can work through a change in appointment if needed.

Also announced that the Farmers' Market will be the first Saturday in June and its new location will be behind John Ryan's Pub.

**Outstanding Minutes**

**MOTION: Mr. Panilaitis made the motion to approve the minutes for April 7, 2015 (regular and executive sessions); seconded by Mr. Gay, and the motion carried 4-0-1 with Mr. Kratman not voting.**

**MOTION: Mr. Kratman made the motion to approve the minutes for April 14, 2015 (regular and executive sessions); seconded by Mr. Panilaitis, and the motion carried 5-0.**

## **Board Member reports**

### **Mark Kratman:**

No items to present this evening.

### **David Gay**

- The Public Events Committee is planning to hold a Comedy Night, tickets are \$25 each; Johnny Pizzi will perform; the committee will provide light snacks at the tables and a cash bar will be available. This fundraiser is to benefit the cost of fireworks in Tewksbury and some costs for the Harvest Fest.

### **James Wentworth**

- Community Preservation Committee is excited for the lineup of projects
- The Conservation Agent is very concerned about Long Pond, and need help to save it has reduced 5 feet and will be reduced to marsh if no action is taken; work to receive a grant from the State is in progress.

### **Bruce Panilaitis:**

- EDC will meet Thursday morning
- Town center met a few times to interview the responses to the proposal; and have identified a potential candidate. Checking references and will enter into agreement if all goes well. Most presented capabilities and some initial concepts—but the committee would like the vision to come from the residents
- Lowell Habitat on 110 State Street about 100 people were in attendance for the ground breaking

### **Todd Johnson**

- May 2, 2015 from 9 a.m. to 2 p.m. is formally Town Clean Up Day; please go to the town website or email at [clean.up.Tewksbury@gmail.com](mailto:clean.up.Tewksbury@gmail.com)
- Postal Service Food Drive will be held on Saturday, May 9; this drive provides 3-4 months of food to the community pantry, who serves over 350 homes in town with food supply
- Water treatment plant to Rep Miceli to assisted with a low interest loan for the project

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The next meeting will be held on April 29, 2015 at 6:00 p.m.

## ***Adjournment***

**MOTION: Mr. Wentworth made the motion for the Board to enter into Executive Session; Mr. Gay is seconded the motion, and on a roll call vote Mr. Wentworth, Mr. Gay, Mr. Kratman, Mr. Panilaitis, and Mr. Johnson vote in favor. The motion was unanimous and moved to Executive Session at 9:55 pm.**

The purpose of Executive Session was to discuss a collective bargaining item.

Due to upcoming town meeting next week, at the conclusion of this meeting the Selectmen will continue this meeting to tomorrow night at 6 p.m.

**MOTION:** Mr. Gay made the motion for the Board to exit Executive Session at 10:24 p.m.; Mr. Kratman seconded, and on a roll call vote Mr. Panilaitis, Mr. Wentworth, Mr. Kratman, Mr. Gay, and Mr. Johnson vote in favor for a unanimous vote.

No other open business was discussed by the Selectmen at the conclusion of executive session.

**MOTION:** Mr. Gay made the motion for the Board to continue this meeting to April 29, 2015 at 6:00 p.m.; Mr. Panilaitis seconded, and the motion carried 5 to 0.

*Approved by the Board of Selectmen on June 9, 2015*