



**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
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**MEETING MINUTES
JUNE 9, 2015**

Chairperson Todd Johnson called the meeting to order at 6:30 p.m. Present for the Board of Selectmen meeting were Bruce Panilaitis, David Gay, James Wentworth and Mark Kratman. Richard Montuori, Town Manager, was also present. Attorney Charles Zaroulis, Senior Town Counsel, was not present

Scheduled Items

Executive Session—Collective Bargaining

The Chair called the meeting to order at 6:30 p.m. to conduct discussion on the Town Manager's contract items. Because discussion of this matter in open session would be detrimental to the town's interest, the chair requested a motion to move to executive session.

MOTION: Mr. Kratman made the motion for the Board to enter into Executive Session; Mr. Panilaitis 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 at 6:30 p.m.

MOTION: Mr. Gay made the motion for the Board to exit Executive Session at 6:53 p.m.; Mr. Wentworth seconded, and on a roll call vote Mr. Wentworth, Mr. Gay, Mr. Kratman, Mr. Panilaitis, and Mr. Johnson vote in favor for a unanimous vote.

The Chair opened the meeting for regular session at 7:00 p.m.

Military Citations

The Selectmen presented citations for military service to the following high school graduates of Tewksbury: Joshua Kenney, Justin Lacau, Brendan O'Connor, Jake Cuniff, Henry Roberts and Lucas Theisen, who was not present.

Marc Ginsburg/Jim Hanley—Victor Drive Development

James Hanley, Developer, Civil Design Consultants Inc.; Mr. Joel Kahn of Equity Alliance LLC and Marc Ginsburg, were in attendance for this presentation.

The project would consist of a 194 unit apartment complex with one parking space for each unit; 41 units will be at grade level. Some units will have small detached garages. A clubhouse with pool and fitness center will be constructed. All amenities, maintenance and landscaping, etc. are obligations of the owner. A small dog park will be installed onsite to alleviate concerns of pedestrian traffic on Patrick Drive. Additionally, a half-mile walking trail will be located on site by creating a network of sidewalks and walking trails—all private for use of the residents.

Mr. Kahn was hired by Mr. Ginsburg to help with advisement on the development of this multifamily complex. He noted there will be 76 one-bedroom units and 76 two-bedroom units. Tenants are paying all utilities, which are individually metered as this will help promote energy conservation.

The complex will have an outdoor pool clubhouse to rent for small gatherings. All residents will use an entrance by a FOB system in these areas. Four full-time staff members are planned to be hired as onsite management. A parcel room for packages will be designated. The entire complex will be a pet friendly environment. The team is currently researching no smoking policies. Buildings always become nonsmoking inside, but outside areas should be addressed.

Parking along Victor Drive during events will be mitigated by the installation of a 40-space parking area closer to the school fields. The proponents will also install a consistent sidewalk down Victor Drive and a walking trail to Livingston Street and the Recreation Areas. The proponents have met with Planning and Conservation; and are in a significant review process with the Department of Public Works, the town's Planning Board consultant and Conservation Commission consultant, etc. A MEPA (Massachusetts Environmental Policy Act) filing is in progress.

A Fee In Lieu Of Affordable Housing has been offered at \$725,000. Mr. Ginsburg is also donating two acres of land in front of the complex to be designated for an affordable housing development.

All department heads meet with the Town Manager on Tuesday mornings for a Project Team Meeting. This meeting keeps the staff up-to-date on proposed and current projects in the town. It also helps the developer/resident to present at one time to all departments. By the time the application package goes to the Planning Board, it is in its most complete form for the Planning Board to review.

Mr. Panilaitis is concerned about comments he has received from residents as to whether the town really needs more apartments/condos. He wondered if there had been a market analysis done to show this is a viable development. The applicant responded a Massachusetts study shows there is a shortage of apartments; even with what is in the queue, there is not enough to provide the full demand to the market in its entirety. Currently there is a 3% to 5% vacancy rate.

The applicant also addressed the school impact and stated the analysis showed this would be very small, as usually couples move in to these types of units, have a baby and then move to a single family home. The expectation is the impact to the schools is minimal. The applicant will meet with the School Committee tomorrow night.

The Wynn School is used for many events, especially winter basketball, etc. Mr. Wentworth asked if the traffic study showed the weekend flow of traffic. The applicant responded the study mostly researched the morning peak times and found there would be a 7-second delay at the traffic light on to Main Street in the morning. Due to this it was their opinion weekend traffic would not be more than weekday traffic.

Mr. Kratman expressed concerns with entryways and fire department access. The development team has had discussions with the Fire Deputy Chief who has stated the plans show adequate access. Due to the wetlands near the complex, there would not be the ability to provide an emergency access entrance from Main Street. Mr. Kratman also asked about snow removal—are there enough areas to put it? The applicant responded if snow exceeds the area, it will be taken offsite.

Mr. Gay is concerned about the residents' perceptions that the town has too many apartments/condos. He wondered where we are going from here—what is the plan. The applicant's opinion this is a question is for the Planning Board. This plan for this application originally was zoned for and proposed for 300 units; the current plan is for 194 units. The complex will be set back and won't have a "tower" type look. The development team could have done smaller units, but by building one complex, and condensing units it provides more open space. The town will need to find a different type of use for the land if not developed for a community village.

Mr. Wentworth asked how construction vehicles will be controlled. The applicant responded the plan provides for an 8 to 10 month construction plan to build the first building. Mr. Ginsburg assured the Selectmen he would want the plan to include safety also for all the workers, residents and students.

Mr. Johnson asked if the picture rendering was true for the tree line. Mr. Ginsburg noted it was a baseline and will likely have more trees than are shown. Mr. Johnson was pleased that the complex will fit in with the neighborhood and will be set back from Route 38. He also asked how the math is figured on the fee in lieu of affordable units and why it is preferable. It was explained the math on the return per unit is \$25,000, but the amount is dependent on the interest amount of the loan.

Residents

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

New Business

LRTA—Board's Representative Appointment

MOTION: Mr. Kratman made the motion to approve the Mr. Gay as the Selectmen Representative for the Lowell Regional Transit Authority; seconded by Mr. Panilaitis and the motion carried 5-0.

2015 Annual Appointments

- Green Committee (2 openings for residents)
 - will research if this is a requirement for residents to participate or if it can be an extension by the town's conservation office
- Economic Development Process Review Committee
 - lost members and may consolidate into Economic Development Committee as a combined committee
- Council on Aging (1 opening)
 - position open has expiration in December 2015

MOTION: Mr. Gay made the motion to post for one open position for the Council on Aging, with a deadline for submission of June 19, 2015 by close of business at 4:30 p.m.; seconded by Mr. Kratman and the motion carried 5-0.

- Beautification Committee (1 opening)

MOTION: Mr. Panilaitis made the motion to post for one open position for the Beautification Committee, with a deadline for submission of June 19, 2015 by close of business at 4:30 p.m.; seconded by Mr. Kratman and the motion carried 5-0.

- Historic Commission
 - Need to research if appointment is made by the Selectmen or the Town Manager, will check with Town Counsel
 - Question if the Town Historian has an indefinite term; would like to clarify if a term can be set to conform to all other members

The Selectmen will plan to appoint all board and committee members at the next meeting on June 23.

Tessi's Pizza & Roast Beef, 910 Andover Street—new common victualler license application

MOTION: Mr. Gay made the motion to approve the common victualler license for Tessi's Pizza & Roast Beef located at 910 Andover Street; seconded by Mr. Wentworth and the motion carried 5-0.

Meadowlands Ice Cream—common victualler license transfer

MOTION: Mr. Gay made the motion to approve the common victualler transfer of license for Meadowlands Ice Cream to Partyka, Inc. DBA Meadowlands Ice Cream located at 329 Main Street; seconded by Mr. Wentworth and the motion carried 5-0.

Town Manager

Dog Park

Application for \$200,000 grant from the Stanton Foundation was awarded to the Town to install a dog park at Rogers Park. The park will be 39,000 sq ft. The location of Rogers Park was chosen as it is an underutilized area of town. A public hearing will be held on June 25th at 7 p.m. at the Tewksbury Senior Center for public input. A friend's group will likely be formed for maintenance of the park.

Adopt a Rain Garden

A note from Kyle Boyd of the Conservation Commission is seeking residents or businesses who may want to adopt a garden. The selectmen asked if this can be incorporated into the Adopt an Island program and have residents and businesses adopt both types of areas as options. Mr. Montuori took the action to follow-up on this.

Town Clerk—Parking Fines

On behalf of the Town Clerk, Mr. Montuori presented a new fee schedule for parking fines for the town. The public will be notified via the town website and the town's notification system; no other notice is required that Town Manager is aware of.

MOTION: Mr. Gay made the motion to approve the parking fines schedule as presented by the Town Manager effective July 1, 2015; seconded by Mr. Panilaitis and the motion carried 5-0.

National Grid—Grant of Easement

The easement is to install an underground electric distribution system in order to supply power to the Town Hall. The original transformer has been relocated and National Grid will provide underground service at this location. The document is a standard easement agreement and has been approved by Town Counsel.

MOTION: Mr. Panilaitis made the motion to approve the easement to National Grid as presented by the Town Manager on June 9, 2015; seconded by Mr. Gay and the motion carried 5-0.

Senior Town Counsel Invoice—April, 2015

MOTION: Mr. Panilaitis made the motion to approve Senior Town Counsel's invoice for April 2015 in the amount of \$9,263.77; seconded by Mr. Gay and the motion carried 5-0.

Town Counsel Invoice—May, 2015

MOTION: Mr. Gay made the motion to approve Town Counsel's invoices for May 2015 in the amounts of \$2,890.00 and \$2,805.00; seconded by Mr. Panilaitis and the motion carried 5-0.

Chair requested a comparison of fees; although many issues have subsided, he would like to receive this information and requested the Town Manager to share this information with the board in electronic format.

Colonial Power Energy Aggregation

Mr. Montuori has been researching energy aggregation programs. He has decided Colonial Power as the most cost effective provider for Tewksbury. If approved by the Selectmen, Colonial Power will submit to the Department of Energy for permitting, etc. Colonial Power will also aggregate with other towns in the region. Colonial Power is compensated by company they receive energy from.

MOTION: Mr. Gay made the motion to authorize the Town Manager to contract with Colonial Power for an energy aggregation contract for the Town of Tewksbury; seconded by Mr. Wentworth and the motion carried 5-0.

Approval and Award Notes

The town still has not received all it's funding from the MSBA. This borrowing was procured for the town by UniBank.

MOTION: Mr. Wentworth made the motion that the sale of the \$150,000 Anticipation Serial Loan—School Construction Loan of the Town dated June 23, 2015 (the "Note"), to UniBank for Savings, at the price of \$150,000 is hereby approved and confirmed. The Note shall be payable on December 23, 2015 and shall bear interest at the rate of 0.50%; the motion was seconded by Mr. Gay and was a unanimous vote.

Substance Abuse Prevention Collaborative Grant

In a letter dated May 18, 2015, Governor Charles Baker announced to Town Manager Montuori that Tewksbury was awarded a grant from the Massachusetts Substance Abuse Prevention Collaborative in the amount of \$100,000.

Chief Assessor Joanne Foley—Wells Drive Real Estate Tax Abatement

Mr. Johnson recused himself as he is a resident of the street.

Chief Assessor Joanne Foley is requesting an abatement on four lots of open space for the remainder of Fiscal 2015 as the owner of these lots has deeded them as Open Space to the Town of Tewksbury. The map, lot and balance are as follows:

Map	Lot	Balance
9	100	\$284.55
9	93	\$41.35
9	27	\$297.55
9	99	\$261.86

MOTION: Mr. Gay made the motion to authorize the abatement of taxes for the lots on Wells Drive as presented by the Town Manager; seconded by Mr. Kratman and the motion carried 4-0-1 with Mr. Johnson not voting.

Outstanding Minutes: April 28, 2015 (regular session and executive session), April 29 (regular session and executive session), and May 4, 2015 (regular session), May 19, 2015 (regular and executive session)

MOTION: Mr. Kratman made the motion to approve the minutes of April 28, 2015 (regular session and executive session), April 29 (regular session and executive session), and May 4, 2015 (regular session), May 19, 2015 (regular and executive session); seconded by Mr. Gay and the motion carried 5-0.

Board Member Reports

David Gay

- NMCOG regional transportation plan will have: Several million dollars have been appropriated for Route 38; first time in years 2016-2020 the amount of \$2,339,000 was appropriated and he was told these would move up in timeframe; in 2020-2025 the amount would be \$4,500,000; our plea is being heard for aid to improve Route 38
- Public Events and Celebration Committee with the Patriotic Activities Committee: Comedy night a success!
 - Discussing the Harvest Fair improvements, etc.; have gotten a tremendous response from vendors already
 - Residents are welcome to the meetings
 - Had had a float in the Memorial Day Parade; special thanks to all who helped

Mark Kratman

- Beatification Committee met on June 2nd; he was not able to attend

- Thanks to all who helped out with the Memorial Parade, especially Lisa Downey, the DPW, police and fire honor guards; and all volunteers. Also special thanks to Maureen DiPalma and Dennis Sheehan for the floats

James Wentworth

- CPC will hold a ribbon cutting tomorrow at 5:30 p.m. for the Funway Park Playground; following this will be a free concert sponsored by the Tewksbury Cultural Council featuring Johnny the K
- June 26th at 6 p.m. the new tennis courts at TMHS will hold a ribbon cutting and dedication sponsored by the CPC along with the Tewksbury Friends of Tennis
- Farmers Market will be behind John Ryan's Pub starting June 20th, Jeanine Tamboli at Town Manager's office is running this event

Bruce Panilaitis

- Attended TMHS graduation commended School Committee, Superintendent and staff on great event
- EDC have not met and all doing homework on open items
- Town Center Master Plan Committee next meeting on June 16 at 7:30 p.m. at the Pike House; first meeting with the vendor; public meetings will begin in September/October
- Attended the Coalition for the Municipal Gas Pipeline meeting as he is now attending for Mr. Wilson. The Coalition had a neutral position and now seems to have moved to an anti-pipeline position; Selectmen should decide if that is a position worth supporting. The meeting topics were:
 - Identified compressor stations; the one in Dracut very large; coalition is intending to send a letter to FERC to delay scoping sessions until 30 days after the resource reports are updated and are requesting member communities of the Coalition to send a letter as well
 - Process to approve the pipeline includes approval of Article 97, which would approve the pipeline to cross conservation land; this requires a 2/3 vote from the legislature; the Coalition has requested member communities to oppose Article 97
 - Cost recovery (tariff) could be put into place to help to minimize the company's risk to investors of the pipeline; Coalition is asking for opposition from member communities as it should not be publically funded

MOTION: Mr. Kratman made the motion to authorize the Town of Tewksbury to submit correspondence in conjunction with the Coalition to FERC to delay scoping sessions until 30 days after the resource reports are updated and to oppose the cost recovery tariff; seconded by Mr. Gay and the motion carried 5-0.

MOTION: Mr. Kratman made the motion to authorize the Town of Tewksbury to submit correspondence on its behalf to FERC to oppose Article 97; seconded by Mr. Gay and the motion carried 5-0.

Mr. Panilaitis will follow up with the Town Manager's office to draft this correspondence. The Chair also asked for the Selectmen to follow-up at the June 23rd meeting to discuss the delegation of responsibility on this issue. The Selectmen would like to understand the positions of the state delegation on this matter.

Todd Johnson

- Mr. Panilaitis substituted for Mr. Johnson at the Memorial Day events and did an admirable job; he thanked him for stepping in; and thanked all members who participated.

The next meeting will be held on June 23, 2015 at 7:00 p.m.

Adjournment

MOTION: Mr. Kratman made the motion to adjourn at 8:47 p.m.; Mr. Panilaitis seconded, and the motion carried 5 to 0.

Approved by the Board of Selectmen on July 14, 2015