



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

BRUCE PANILAITIS, PH.D., CHAIRMAN
MARK S. KRATMAN, VICE CHAIRMAN
ANNE MARIE STRONACH, CLERK
DAVID H. GAY
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MEETING MINUTES
AUGUST 16, 2016

Mr. Panilaitis opened the meeting for public session at 6:30 p.m. to conduct interviews for residents who submitted Citizen Activity Forms to volunteer for Board(s) / Committee(s). Those interviewed were Patricia Coy for the Recycling Committee and Nicole Mercer for the Conservation Commission. Selectmen attendees for these interviews were Bruce Panilaitis, Mark Kratman, Anne Marie Stronach, David Gay and Todd Johnson. Interviews concluded at 6:48 p.m.

The Selectmen took a brief recess.

Mr. Panilaitis then opened the meeting for public session at 7:00 p.m. Attendees were Bruce Panilaitis, David Gay, Mark Kratman, Anne Marie Stronach, Todd Johnson, and Richard Montuori.

The Chair took item 12 out of order: Accept Funds from Tewksbury Old Man's Softball League.

Accept Funds from the Tewksbury Old Man Softball League

Mr. Richard Frost presented a letter and check in the amount of \$3,000 on behalf of Tewksbury's Old Man Softball League. The letter stated the purpose of the funding is to install a new scoreboard at Vietnam Veteran's Memorial Field. The members of Tewksbury Old Man Softball have been using Memorial Field since the inception of the league in 2008. The league intends to continue to raise funds to improve the field and hopes to be able to replace sign with the field name in the future. The Tewksbury Old Man Softball League requested not only for the Selectmen to accept the gift for the scoreboard, but also allow the donation of the new sign in the future, subject to the approval of the Town Manager and his staff.

The funding of these donations comes from the member fees. There are 9 teams with approximately 13 team members each.

MOTION: Mr. Johnson made the motion to accept with gratitude the donation from the Tewksbury Old Man Softball League in the amount of \$3,000 for the installation of a new scoreboard and to replace the signage at the field in the future subject to the approval of the Town Manager and his staff; Mr. Kratman seconded and the motion passed unanimously.

The Selectmen requested a formal thank you to be drafted, but also asked Mr. Frost to convey to the league their thanks and appreciation.

Committee Appointments

Elementary School Building Committee 3 members + 1BOS + 1FC +2 SC + 2 Staff , term until the end of the project; appointments specific position

MSBA advised that Principal Representative should be from priority school. Superintendent Malone requested we switch out previous appointment of Principal to reflect priority school representative.

MOTION: Mr. Johnson made the motion to appoint Matthew Castonguay to the Elementary School Building Committee; seconded by Mrs. Stronach and the motion passed unanimously.

Recycling Committee 7 members, 3 year appointment

MOTION: Mr. Kratman made the motion to appoint Patricia Coy to the Tewksbury Recycling Committee through June 30, 2019; seconded by Mr. Gay and the motion passed unanimously.

Conservation Commission 5 members, 3 year appointment

MOTION: Mr. Kratman made the motion to appoint Nicole Mercer to the Conservation Commission through June 30, 2019; seconded by Mr. Gay and the motion passed unanimously.

Residents

The Chair called for residents to come before the Selectmen. There were no residents in the audience who came forward to speak on any topics.

New Business

Town Clerk Denise Graffeo—Election Warrant

The State Primary Election will be held on September 8, 2016 from 7:00 a.m. to 8:00 p.m.

MOTION: Mrs. Stronach made the motion to approve the Election Warrant for September 8, 2016 from 7:00 a.m. to 8:00 p.m. as presented; Mr. Kratman seconded and the motion passed unanimously.

Town Clerk Denise Graffeo—Election Staff

Mr. Panilaitis recused himself from this vote. Mr. Kratman chaired this vote.

Town Clerk Graffeo submitted correspondence to the Chair of the Board of Selectmen dated August 5, 2016 requesting the appointment of election staff through August 2017. The list as presented is attached as Addendum A of the August 13, 2016 Board of Selectmen minutes.

MOTION: Mrs. Stronach made the motion to approve the Election Staff as presented by precinct (Addendum A); Mr. Gay seconded and the motion passed unanimously.

The Chair took item #14 out of order: Sale of 1057 South Street; see minutes under Town Manager.

Linda Rekkbie: Disclosure by Non-Elected Municipal Employee

A disclosure was submitted to the Board of Selectmen as Mrs. Rekkbie is employed as an ISET Aid for the School Department and is also an appointed Election Staff member.

MOTION: Mr. Johnson made the motion to accept the disclosure submitted by Mrs. Rekkbie for the record; Mr. Kratman seconded and the motion passed unanimously.

9-11 Memorial Parade

In a letter dated July 27, 2016, Mr. Richard Cuoco on behalf of the Tewksbury 9-11 Memorial Committee requested approval from the Board of Selectmen for the appropriate permits to host a parade on Sunday, September 11, 2016 at 8:00 a.m. Public safety had no concerns on this event. There were no questions or discussion from board members.

MOTION: Mr. Kratman made the motion to approve the 9-11 Memorial Parade as presented; Mrs. Stronach seconded and the motion passed unanimously.

Mrs. Stronach requested safety officers continue to work with the committee for the parade.

Into Action Recovery Road Race

In a letter dated July 26, 2016, received via email to the Selectmen's office, Ms. Mary-Ellen Cooper of Into Action Recovery, Inc. requested permission to for her organization to host its first road race. The race will be held on Sunday, September 18 at beginning at Tewksbury Memorial High School and will use the common 5K route.

MOTION: Mrs. Stronach made the motion to approve Into Action Recovery Road Race on September 18, 2016 from 9:00 a.m. to 12:00 p.m. as presented; Mr. Gay seconded and the motion passed unanimously.

Tewksbury Council on Aging: One Day Liquor License for September 17, 2016

An application was presented to the Board of Selectmen from the Council on Aging to have a one-day liquor license. The Council did bring in an outside agency with own insurance to work on this event. The Council is still working with a wine vendor to sell wine and can provide the same insurance as the brewing company. If the Board approves this application, Mr. Montuori recommended it to be subject to authorize the Town Manager finalizing the details of the permit and final approval by the Chief of Police. Serving hours will be 6:00 p.m. to 8:00 p.m.

Mr. Johnson asked if liability insurance will be required; and this is a standard request from the town for an applicant to provide. Mr. Montuori verified that liability insurance, TIPS certification as well as police approval were required.

MOTION: Mr. Gay made the motion to approve one-day liquor license for an event to be held at the Senior Center on September 17, 2016; and to authorize the Town Manager to finalize the permit; Mrs. Stronach seconded and the motion passed unanimously.

Accept Funds from Pulte Homes

Mr. Montuori reminded the Board about the agreement with Pulte Homes. He is seeking the Selectmen to accept the check received in the amount of \$10,000 as a gift and will be put toward legal fees for Town Counsel's services.

MOTION: Mrs. Stronach made the motion to accept the \$10,000 gift from Pulte Homes for the town's legal fees; Mr. Kratman seconded and the motion passed unanimously.

Accept Funds from Symcarpha

The town also entered into an agreement with Symcarpha for solar power, and Symcarpha agreed to pay \$10,000 to cover the legal services of the Town.

Mr. Johnson asked if the legal expenses have already been incurred or is the town recouping the costs. Mr. Montuori stated the legal costs should not be higher than \$10,000. Some services do have outstanding invoices. Any unused balance will likely be closed out to the General Fund or for the purposes of Symcarpha's gift; this would stay in the solar power line item until projects are complete. No escalation agreement is in place. If additional funds are needed, Mr. Montuori will seek an increase in funds.

MOTION: Mr. Kratman made the motion to accept the \$10,000 gift from Symcarpha for the town's legal fees; Mr. Gay seconded and the motion passed unanimously.

Town Manager

Town Counsel Invoice for July 1, 2016 – July 15, 2016

MOTION: Mr. Gay made the motion to approve the Town Counsel Invoice from Feeley & Brown, P.C. in the amount of \$2,592.50 for services rendered through July 1, 2016 through July 15, 2016 on the recommendation of the Town Manager; seconded by Mr. Kratman and the motion passed unanimously.

1057 South Street—Sale

Mr. Panilaitis recused himself from this topic. He was not present for the discussion. Mr. Kratman took over as Chair.

Mr. Montuori explained that Town Meeting approved in May the sale of 1057 South Street for housing purposes. The town advertised a request for proposal for non profits to submit plans and to purchase the property. The town received one proposal from Tewksbury Habitat Build. Their plan is to have the town approve the sale for \$1 and in turn will approach the project in one of two ways either 1) develop two 2 affordable houses: one renovation of the existing house and one additional new home built in partnership with Habitat of Humanity, Lowell; or 2) build three houses, one renovation and two new additional new homes built in partnership with Habitat of Humanity, Lowell. In order to accomplish the second plan, Town Meeting will need to approve the modification to the original vote. Based on the size lots, three homes would be a better approach.

Mr. Montuori is recommending two votes; one, for the Board to approve the base bid and sell the house to Tewksbury Habitat Build for \$1, build affordable housing on the site in accordance with the Town Meeting provisions; and a second vote, to seek authorization for the Town Manager to submit an Article at Town Meeting to change the number of houses from 2 to 3. If approved and is satisfactory to the Board of Selectmen, Mr. Montuori will come back to the Selectmen for approval on payment of taxes for the property from the Affordable Housing Trust Fund.

MOTION: Mrs. Stronach made the motion to authorize the Town Manager to accept base bid of \$1 from Tewksbury Habitat Build to purchase 1057 South Street and build on the site affordable housing in accordance with the Town meeting vote, as recommended by the Town Manager; Mr. Gay seconded and the motion passed unanimously.

MOTION: Mrs. Stronach made the motion to authorize the Town Manager to present an Article at the October Town Meeting 2016 requesting approval to build two additional homes and renovate the existing home, as recommended by the Town Manager; Mr. Gay seconded and the motion passed unanimously.

Outstanding Minutes: July 19, 2016 (regular session) and August 4, 2016 (regular session)

MOTION: Mrs. Stronach made the motion to approve the minutes for July 19, 2016 (regular session); and August 4, 2016 (regular session) presented; seconded by Mr. Gay and the motion passed unanimously.

Board Member Reports

Todd Johnson

State legislature ended at the end of June/first week of July. The activity impacted Tewksbury Economic Development Bill. House bill 4569; and in this bill, lines 173-175, is specific language inserted by Senator L'Italien which benefits Tewksbury. The clause states that \$150,000 shall be expended for road and sidewalk construction for the Town of Tewksbury. Mr. Johnson noted the Selectmen will need to work with the delegation to receive these funds, but wanted to extend his gratitude to Senator L'Italien for her work and putting this bill through. Also, in the same bill, was language put forth by Representative Miceli and supported by Senator L'Italien. This clause on lines 222-225 states the Commonwealth will provide \$200,000 as a Workforce Grant to Into Action Recovery, Inc. for the Town of Tewksbury to purchase and renovate space as an opioid treatment and recovery facility. Mr. Johnson expressed his appreciation to Representative Miceli and the delegation of these grants.

The Legislature has also put time and effort into House Bill 4565, the Municipal Modernization Act, which was passed and signed into statute by the Governor one week ago. There are a number of provisions benefiting all municipalities in the Act. Mr. Johnson spoke to two important statutes to Tewksbury contained in the Act. The first was Section 127 regarding the senior citizen property tax work off program. Tewksbury currently offers this program and it is highly utilized. This statute allows for the maximum abatement cap to be raised from \$1,000 to \$1,500. This is a worthwhile improvement to the program and highly supports it. Mr. Johnson requested, in the form of a motion, for the Town Manager research the financial implications to the town with the cap increase. He also requested the Town Manager to take the necessary action at Town Meeting to provide this change to assist our senior citizens in town.

MOTION: Mr. Johnson made the motion requesting the Town Manager to investigate the financial implications on the statute raising the abatement cap amount from \$1,000 to \$1,500 and to bring a recommendation back to the Board of Selectmen on how to proceed with this increase; Mrs. Stronach seconded and the motion passed unanimously.

Another important note of the Municipal Modernization Act is Section 24 of bill. Section 13E will be added after Section 13 and states any school district who accepts this section by a majority vote of the school committee and majority vote of the legislative body or in the case of a regional school district; can establish, appropriate or transfer money to a reserve fund to be utilized in the upcoming fiscal years to pay for unanticipated or unbudgeted costs for special education, out of district tuition, or transportation. The balance in such reserve should not exceed 2% of the annual school spending for the school district. Funds shall only be distributed from reserve funds after an approved vote from the School Committee and the Board of Selectmen or City Council or in the case of a regional school district a majority vote...etc. This had been an important item for discussion for the Tewksbury Board of Selectmen during late 2014 and early 2015 as special education was a sizable budget deficit for the town. The Board of Selectmen at the May 2015 Town Meeting removed from the stabilization fund the amount of \$725,000 and put it aside for special education and out of district tuition. This was article was adopted by Town Meeting and is similar to what has been adopted by State Legislature. The money set aside of the \$725,000 could be turned back to the town if it is not used by for these purposes. This new statutory provision; should be discussed with the School Committee and Finance Committee to consider a proposal for a long term solution or permanent solution to this item.

MOTION: Mr. Johnson made the motion to for the Town Manager make a place holder on the Special Town Meeting Warrant and discuss with the School Committee the acceptance of the language in the Municipal Modernization statute; Mrs. Stronach seconded and the motion passed unanimously.

David Gay

The Public Events and Celebrations Committee is busy planning their Annual Harvest Fest to be held on September 18th from 12 p.m. to 5 p.m. at Livingston Field. The usual bussing from the State Hospital to Livingston Street Field will be provided. Mr. Gay thanked the Town Manager for working with PECC Chair on this event.

Anne Marie Stronach

Mrs. Stronach had been reading the Municipal Modernization Act. She wondered how this will affect the staff with regard to turn backs at year end. There will be a number of efficiencies with new procedures that come out of this Act. She requested that the new procurement limits be reviewed and implemented as well as communicated to all town department including the school department.

Mrs. Stronach asked Mr. Montuori for a status on the Special Town Meeting Warrant Articles for the Council on Aging. Mr. Montuori responded his initial thought was to amend the bylaw. He explained the history regarding his reasons to change the Council on Aging bylaw as it requires the Board of Selectmen to make 5 appointments to the council and the Chair of the Council on Aging to make 6 appointments to the council for a total of 11 members. This is a unique appointment process to any council in the state and to this community. His intention is to make the appointments process more consistent with the appointments for all committees in Tewksbury. Mr. Montuori would like to see if the Selectmen would be open to amending the bylaw having the Selectmen appoint all of the members, and then have the Chair of the Council on Aging ratify any appointments. This would need to be presented and voted on at Town Meeting. Mrs. Stronach wanted to make the public aware that this topic is up for discussion. She personally felt the appointments should be made by the Board of Selectmen in partnership with the Council on Aging who support the Chair's appointments. Mr. Johnson agreed and suggested putting two warrant articles in: 1) for the Selectmen to appoint all the members; and 2) Selectmen appoint the majority and the Council Members ratify any appointments by the Chair of the Council on Aging. This could at least satisfy the warrant filing until the Town Manager has the opportunity to discuss this item

with the Council on Aging. Mr. Montuori would be speaking to the Council of Aging to discuss warrant article.

Mr. Montuori also noted he would like to implement one other bylaw change to Town Meeting which would change the General Bylaw articles to be heard the first night and the financial articles on the second night, while keeping the zoning articles on the Wednesday in between. This will help with better time management getting through the warrant and not seem as though all the larger articles are being packed in on the final night of Town Meeting.

Mark Kratman

The Tewksbury Beautification Committee did not meet in August and will pick up again in September. They did pick a Town Clean-up date for Saturday, October 8th.

The Economic Development Committee has not set a next meeting date.

Thanks to the DPW for painting crosswalks, keeping safety in mind with children going back to school—excellent job!

Bruce Panilaitis

Appointments to the Finance Committee are completed by the Chair of the Board of Selectmen, the Chair of the Finance Committee and the Moderator. Tom Cooke, Scott Wilson, and Erin Buckley have all been appointed to the Finance Committee.

Town Center Master Plan will meet within the next few weeks. Working on a final date.

Mr. Panilaitis made a statement on political comments and how they can become very negative. He was recently made aware that town staff had been singled out on social media in a very negative way regarding political comments. Mr. Panilaitis strongly voiced this as wrong. People who work in town offices are doing a very good job and working very hard, and if there are issues these should be handled in an appropriate way and not on social media.

The next regular scheduled Selectmen's meeting will be held on September 13, 2016 at 7:00 p.m.

Adjournment

MOTION: Mr. Gay made the motion to adjourn; Mr. Kratman seconded, and the vote was unanimous at 8:12 p.m.

Approved by Board of Selectmen, September 13, 2016