



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
OCTOBER 27, 2015

The Selectmen entered into executive session to conduct discussions on a litigation matter. Because discussion of these matters in open session would be detrimental to the town's interest, the Chair requested a motion to move to Executive Session.

Present for the Board of Selectmen Executive Session were Todd Johnson, Chair; Bruce Panilaitis, Vice Chair; Mark Kratman, Clerk; David Gay, Board Member; Richard Montuori, Town Manager; Attorney Charles Zaroulis, Senior Town Counsel; Mr. Steve Sadwick, Director of Community Development and Attorney Mark Bobrowski. Selectmen Wentworth was not present due to business travel and Selectmen Gay arrived late.

MOTION: Mr. Panilaitis made the motion for the Board to enter into Executive Session; Mr. Kratman seconded the motion, and on a roll call vote Mr. Kratman, Mr. Panilaitis, and Mr. Johnson vote in favor. The motion was unanimous and moved to Executive Session at 6:06 pm.

MOTION: Mr. Panilaitis made the motion for the Board to exit Executive Session at 7:01 p.m.; Mr. Wentworth seconded, and on a roll call vote Mr. Wentworth, Mr. Panilaitis, Mr. Kratman and Mr. Johnson vote in favor for a unanimous vote.

The Chair opened the meeting for regular session at 7:07 p.m. Present for the Board of Selectmen Regular Session were Todd Johnson, Chair; Bruce Panilaitis, Vice Chair; Mark Kratman, Clerk; David Gay, Board Member; and Richard Montuori, Town Manager. Selectmen Wentworth was not present due to business travel.

Crystal General Store Liquor License Hearing—Transfer of Wine & Malt License

Mr. Johnson read the notice into the record. He then noted all the required ABCC paperwork has been received. Ms. Alkaben Patel was present and is the proposed new owner. She is a partner for a wine store in Pelham, New Hampshire, but she will work at this premise every day. It was noted that Town Counsel has reviewed the documents and there are no concerns with the package received. A CORI was completed without incident.

Mr. Johnson opened the hearing up to the public to speak. There were no residents in the audience who rose to speak on this matter.

MOTION: Mr. Gay made the motion to approve the transfer of the Wine and Malt License for Crystal General Store; Mr. Panilaitis seconded and the motion carried 4-0.

Residents

There were no residents present who wished to come forward to speak.

New Business

Darryl C. Hines—Constable Application

A letter and application has been received for Mr. Darryl Hines to become a Constable. The Tewksbury Police Chief has no issues with the application. There is room on the roster for a partial 3-year term. It was noted the application was very complete.

MOTION: Mr. Gay made the motion to the application for Mr. Darryl C. Hines to be appointed as a constable effective immediately through June 30, 2017; Mr. Kratman seconded and the motion carried 4-0.

Town Manager

Senior Town Counsel Invoices—August and September 2015

MOTION: Mr. Panilaitis made the motion to approve the Senior Town Counsel Invoices for August and September in the amounts of \$5,277.00 and \$7,229.84 on the recommendation of the Town Manager; seconded by Mr. Gay and the motion carried 4-0.

Town Counsel Invoices—August and September 2015

4 invoices for TC August and September bills every 2 week 1785.50; \$2507.50; \$2507.50 M: to approve as stated /MK 4-0

MOTION: Mr. Gay made the motion to approve the Town Counsel Invoices from Feeley & Brown, P.C. in the amounts of \$2,847.50 for August 1, 2015 through August 15, 2015; \$1,785.00 from August 16 to August 31, 2015; \$2,507.50 from September 1, 2015 through September 15, 2015; and \$2,507.50 from September 16, 2015 through September 30, 2015 on the recommendation of the Town Manager; seconded by Mr. Kratman and the motion carried 4-0.

Fire Department Mutual Aid Agreement

Mr. Montuori together with Fire Chief Hazel is requesting approval from the Board of Selectmen on the District 6 Mutual Aid Agreement which was recently renewed. This agreement exists but the original documents cannot be located. Mr. Montuori would like the Selectmen to officially substantiate the agreement. District 6 is comprised of Tewksbury, North Reading, Andover, Wilmington, Billerica, Lowell, Chelmsford, Dracut, Tyngsboro, Dunstable, Pepperell, Shirley, Devens, Littleton and Groton. This vote would be to ratify a previous decision.

MOTION: Mr. Kratman made the motion to enter into a Mutual Aid Agreement with District 6; seconded by Mr. Panilaitis, and the motion carried 4-0.

Kinder Morgan/FERC Discussion

Mr. Montuori explained Tewksbury will formally applying as an intervenor status once FERC makes a decision on the pipeline. This has been discussed with the coalition. An intervenor status is in order to protect the town's legal standing and will allow the town to challenge a decision if needed. There is no administrative cost. If move forward and apply, the town will need to inform other intervenors. Part of

reason to apply now is there is only a 21-day window to apply and he would like to be ready if action is needed.

MOTION: The Tewksbury Board of Selectmen move to become an “Intervenor”, once Kinder-Morgan/Tennessee Gas files its formal application with the Federal Energy Regulatory Commission. Further, the Board of Selectmen resolve to become an “Intervenor” which is an official party to the Federal Energy Regulatory Commission’s preceding, and/or any other actions considered necessary by the Chairman of the Board of Selectmen. Additionally, the Tewksbury Board of Selectmen move to instruct the Town Manager to file a motion to intervene. The motion was made by Mr. Panilaitis and seconded by Mr. Kratman, and was unanimously approved by a vote of 4-0. Mr. Wentworth was not present for this vote as he did not attend the meeting tonight.

Town Hall and Pike House Update

Mr. Montuori gave an update noting that the renovations are going along well and while he hoped to be moved in to the newly renovated building by now, is continuing to plan to move in the week of Thanksgiving. The Town Hall Annex parking will be closed during paving. Mr. Montuori has advertised for RFPs to see if there is interest in ownership of the Pike House. It is his hope to have it moved to another location. The plan will be to demolish it if it cannot be moved. Group One would like the location for parking and they have been very hospitable to the town by allowing the Town Hall to conduct business at the Pike House for two years. Residents should be prepared to have the house demolished as there has not been a large response. Mr. Montuori also explained the historical component of the house is very small. The Pike House has been renovated many times. If the house were to be moved, the additions would not be moved with it. The Selectmen and Town Manager expressed their gratitude to Group One for allowing them to stay on site the last two years.

Outstanding Minutes: September 29, 2015 (regular session) and October 6, 2015 (regular session)

MOTION: Mr. Kratman made the motion to approve the minutes of September 29, 2015 (regular session) and October 6, 2015 (regular session); seconded by Mr. Panilaitis, and the motion carried 4 to 0.

Board Member Reports

David Gay

- Public Events and Activities Committee is planning an outside event on Friday, December 4 at the Town Hall for the Town’s Annual Tree Lighting: the committee continues to work with the Congregational Church and is hopeful residents will once again walk across the street for the pie social at the church
- Significant transfer of land that LRTA leased from Massachusetts Transit Authority and all parties worked hard at an \$800M mixed use construction deal.
- NMCOG had annual meeting at the Whittier House in Lowell; Eileen McDonagh and Jay Ash were key note speakers; there is lots of development opportunities in Massachusetts

Mark Kratman

- Beautification Committee did a great job on town cleanup; he thanked residents for participating and noted the Adopt an Island program is still looking for participants
- Thanks Tewksbury Police for Safe Halloween event; it was well attended and needed in the community

Bruce Panilaitis

- Town Center Master Plan Committee met and will hold another public meeting on November 12th and the committee will meet on November 5
- Economic Development Committee met last night for first time in quite awhile; it was a large group and the committee spent most of meeting assigning subcommittees; looking forward to working with all the members
- Mr. Panilaitis, Mr. Kratman, and Mr. Sadwick went to meeting in Andover hosted by Representative Lyons and Lieutenant Governor Polito regarding the challenges Tewksbury is facing with Route 38; the group hopes to work towards opportunities to invest
- Voted tonight to become intervenor; NMOG and the coalition hosted a meeting here at the Pike House and continue to collaborate

Todd Johnson

- Thanked 200 residents who attend town meeting and expressed gratitude for the support for the Town Manager and the Selectmen on financial matters for the town
- On that evening, prior to town meeting the Selectmen voted to establish Tewksbury’s annual Halloween hours for this Saturday from 6 to 8 p.m.
- Asked the Town Manager if the Town Common can be used for the Veteran’s Day ceremony this year given the construction at the town hall; Mr. Montuori noted the common is available
- Thanked Representative Lyons and the state delegation who has been working to secure the last steps in attaining the deed for the Livingston Street property; Representative Lyons has had phone conversations with Mr. Johnson and met personally with DCAM to get specifics on what is needed to secure the deed—these items are not difficult to complete and he will begin working with the town manager’s office
- Requested a Route 38 update: Mr. Montuori noted there is no new information and he will update next week; he did note that the Department of Transportation will help with the curbing at Wamesit Lanes and with the landscaping under power lines as this was in need of repair due to the substation upgrades

Mr. Johnson reopened the Residents portion of the meeting as there were several residents in the audience. No one came forward to speak, and he noted it was assumed the Selectmen covered matters of importance.

The next regular scheduled Selectmen’s meeting will be held on November 3, 2015 at 7:00 p.m.

Adjournment

MOTION: Mr. Gay made the motion to adjourn at 7:46 p.m.; Mr. Kratman seconded, and the motion carried 4 to 0.

Approved by the Board of Selectmen on December 1, 2015