

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

SCOTT WILSON, CHAIRMAN
DOUGLAS W. SEARS, VICE CHAIRMAN
JAMES D. WENTWORTH, CLERK
DAVID H. GAY
TODD R. JOHNSON

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MEETING MINUTES
DECEMBER 3, 2013

Chairperson Scott Wilson called the meeting to order at 7:08 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; and Board Members, David Gay and Todd Johnson. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present. James Wentworth, Clerk was not present.

Café Sicilia Hearing for Serving Liqueurs and Cordials

Mr. Sears recused himself from this hearing. The Public Notice was read into the record by the Chair stating the Board of Selectman will conduct a public hearing on the application of Café Sicilia, Inc. by Joseph Mazzola, Manager, for permission, as provided by the Massachusetts General Laws Chapter 138, Section 12, to sell cordials and liqueurs in addition to the wine and malt beverages license as a common victualler on premises located at 1300 Main Street, Unit B; and described as a single floor with a 625 sq. ft area, two entrances, two exits, seating for ten, and two outside seasonal tables with four chairs in front of the building.

Attorney Ellen White and Mr. Joseph Mazzola were both present for this hearing. Attorney White did petition the Selectmen for a cordial license at a past meeting this past summer. The Town had not enacted a statute from 1991 and since the meeting has done so. Café Sicilia was granted a beer and wine license and it has been positive for business. With the Italian nature of the business the owner would like to offer cordials and specialty liqueurs. The formal application was submitted on October 3, 2013. Abutters have been notified and she noted that the Board should fine the package in order.

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

The Board did not have any questions for the applicant.

Mr. Wilson noted that comments from the town department heads was not in the package and Mr. Montuori also noticed this was missing. He recommended an action taken tonight should be based upon information received from the department heads at the next meeting.

The hours are only during the hours of operation from 9:00 a.m. to 9:00 p.m.

MOTION: Mr. Johnson made the motion to table the public hearing for Café Sicilia Hearing for Serving Liqueurs and Cordials until December 17, 2013 at 7:00 p.m.; seconded by Mr. Gay and the motion carried 3-0-1 with Mr. Sears not voting.

Trull Brook Golf Course Hearing—Extension of Hours for Serving

The Chair of the Board read the public hearing notice in to the record which stated the Board of Selectmen will conduct a public hearing for the application of Trull Brook Golf Course, Inc. located at 170 River Road, by Sheldon Alman, Manager, to increase the hours of serving alcohol which are presently:

- Monday through Saturday
 - Clubhouse & patio: 11:00 a.m. to 10:00 p.m.
 - Tennis Building: 11:00 a.m. to 12:00 Midnight
 - Alcohol Beverage Carts on Golf Course: 11:00 a.m. to Dusk
- Sunday
 - No service alcohol before 12:00 Noon

And increase the serving hours to:

- Monday through Saturday
 - Clubhouse & patio: 8:00 a.m. to 10:00 p.m.
 - Tennis Building: 8:00 a.m. to 12:00 Midnight
 - Alcohol Beverage Carts on Golf Course: 8:00 a.m. to Dusk
- Sunday
 - No service alcohol before 12:00 Noon

Present for this hearing was Attorney Jeff Dowd along with Mr. Roy Trull and Mr. Sheldon Alman. Attorney Dowd proceed to present that the license has been in effect for two years and has a clean record. Business has improved with this license and the staff has been well trained. Due to not having a morning license the business has not been able to attract tournaments which ultimately would increase the tax base for the town. The Trull Brook Golf Course is a unique license in town as it does attract earlier business due to tournaments; it is not the intent of the business to have patrons at a bar early in the morning but would like to be able to offer this as an option for tournament patrons. There is one other club in Tewksbury that does have an earlier serving time for their club license

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

The Selectmen did receive a letter from a resident in support of this request.

It was mentioned that Longmeadow Golf Club has a morning start time.

The Selectmen also suggested and the applicant was agreeable to possibly limiting the extended serving times from March through November. Town Counsel suggested this would be appropriate but would check to see if it was necessary.

It was noted the comments from the town department heads were not in the package and the Board would prefer to table this item until the next regular meeting. Mr. Johnson offered he would be prepared to approve this application once this information is received by the Selectmen.

MOTION: Mr. Johnson made the motion to table the public hearing for Trull Brook Golf Course Hearing-Extension of Hours for Serving until December 17, 2013 at 7:10 p.m.; seconded by Mr. Gay and the motion carried 4-0.

Powers & Sullivan

Mr. Richard Sullivan, Partner; Ms. Ms. Romina Mameli, Auditor and Ms. Karen Kucala, Tewksbury's Finance Director were all present for this presentation. Mr. Montuori commended Ms. Kucala on her and her department's work on finishing the audit earlier than previous years. He also commended the work done under the leadership of Ms. Kucala to date has substantially improved the bond rating for the town.

Mr. Sullivan presented to the Selectmen the Town of Tewksbury had a great year. With improvements to the financial policies, savings in the stabilization fund, reserves increasing, cash collections increased, and more positives have made it possible for the bond rating to increase. The town has shown profit for the last three years. He also commented on the town funding in 2014 the unfunded pension liability which is a significant to the stability of the town.

Tewksbury's S&P report showed an "unmodified opinion" for FY2013, which is the cleanest opinion an entity can receive.

All report deadlines were met and the information received was accurate. The staff was easy to work with and responded well to all actions needed.

Mr. Sullivan further commented on the federal assistance money received by Tewksbury, and tested about 80% of these funded and found no issues and had a clean report.

Ms. Mameli noted in the management letter there are three items from the prior year that are unresolved. The Town has plans in place to address these issues, but there is no official documentation of their resolutions. These included capital expenditure documentation, cash reconciliation, and new guidelines for pension liabilities, unpaid vacation liabilities, and disaster planning.

Financial policies for fraud risk needs to be implemented. It is a current goal for the Town Manager and is being worked on.

Mr. Wilson, on behalf of the Board of Selectmen, thanked all present for the report and commended the work Ms. Kucala and her staff as her department is taking the steps to put the town on a stable foundation. Many residents cannot appreciate the everyday work behind the scenes, but will long term make the community stronger and better. This update was very easy for the Board to follow and it was appreciated.

Residents

No residents rose to speak that were in the audience.

New Business

2014 Liquor License Renewals for approval

All current license holders applying for renewal were presented on a list provided to the Board of Selectmen. Any license holders who have a delinquent tax or water bill with the Town of

Tewksbury would not be in good standing to have their license renewed. The Board would call for a further hearing contingent upon payment due to the town. The delinquency could be the landlord not the business; and in the past sometimes the business has been named. The Board will take care in this matter.

MOTION: Mr. Johnson made the motion to approve the restaurant all Alcoholic Beverages Licenses as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

MOTION: Mr. Johnson made the motion to approve the Restaurant Wine and Malt Beverages Licenses as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

MOTION: Mr. Johnson made the motion to approve the All Alcoholic Retail Package Goods as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

MOTION: Mr. Johnson made the motion to approve the All Alcoholic Retail Package Goods as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

MOTION: Mr. Johnson made the motion to approve the Wine and Malt Retail Package Goods as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

MOTION: Mr. Johnson made the motion to approve all Clubs licenses as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) a current fire safety certificate is issued; seconded by Mr. Sears and the motion carried 4-0.

2014 Class License Renewals for approval

MOTION: Mr. Johnson made the motion to approve all Class I, Class II and Class III licenses relating to auto sales and repair as presented, subject to 1) the renewal affidavit and payment received in the Office of the Board of Selectmen on or before November 30, 2013; 2) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 3) and a favorable inspection by the Tewksbury Building Department by December 31, 2013; seconded by Mr. Sears and the motion carried 4-0.

2014 Common Victualler License Renewals for approval

MOTION: Mr. Johnson made the motion to approve all Common Victualler Licenses as presented, subject to 1) current in payment of all real estate taxes, water and sewer bills by December 31, 2013; and 2) a Board of Health approval; seconded by Mr. Sears and the motion carried 4-0.

2014 Entertainment Licenses for approval

The Board confirmed with the Town Manager that the Police Chief approval is not needed for these licenses.

MOTION: Mr. Johnson made the motion to approve all Entertainment Licenses as presented, subject to payment of all real estate taxes, water and sewer bills by December 31, 2013; seconded by Mr. Sears and the motion carried 4-0.

2014 Amusement Device Licenses for approval

MOTION: Mr. Johnson made the motion to approve all Amusement Licenses as presented, subject to payment of all real estate taxes, water and sewer bills by December 31, 2013 and a favorable inspection by the Police Department; seconded by Mr. Gay and the motion carried 4-0.

Mr. Johnson made a final comment noting that payment is requirement of all taxes and water and sewer bills; and he requested a place on the January agenda to update the Board if there are any outstanding issues with license holders after December 31st.

New Year's Eve Hours for approval

The 2013 New Year's Eve hours were presented as:

Bar Closed:	12:45 a.m.
Consumption period until:	1:15 a.m.
Patrons off premises:	1:30 a.m.
Establishment closed and employees off premises:	2:00 am.

MOTION: Mr. Johnson made the motion to approve the 2013 New Year's Eve hours as presented; seconded by Mr. Gay and the motion carried 4-0.

Cara Ryan Corp d/b/a TJ Callahan's—request for entertainment hours

Ms. Dawn Callahan owner of TJ Callahan's has presented before the Board of Selectmen the same request as previous years and there has never been any issue with this request.

MOTION: Mr. Gay made the motion to Cara Ryan Corp d/b/a TJ Callahan's for entertainment in addition to her current license on Tuesday, December 31, 2013 and Monday, March 17, 2014; seconded by Mr. Sears and the motion carried 4-0.

Michael Merrill—Disclosure by Municipal Employee (3)

MOTION: Mr. Johnson made the motion to approve the Municipal Employee Disclosure for Michael Merrill on behalf of the town relative to the snow plowing activity, soil moving, drain basin repair and electric manhole cover repair; seconded by Mr. Sears and the motion carried 4-0.

Town Manager

Policies and Procedures

Mr. Montuori gave drafted policies and procedures to the Selectmen and requested he would like to have the board review the draft presented tonight, and at the regular meeting adopt the policies and procedures with a full board

Town Counsel Invoice—September 2013

MOTION: Mr. Sears made the motion to approve the payment for Town Counsel's invoice in the amount of \$16,683.12 as recommended by the Town Manager; seconded by Mr. Johnson and the motion carried 4-0.

Other Business

Mr. Montuori had the opportunity to attend the ribbon cutting for a new company in Tewksbury called Times Trade located at 100 Ames Pond Drive, a software technology company. It is a solid firm with Fortune 500 customers and is a good example of keeping companies located in town.

Minutes

Outstanding Minutes: October 1, 2013 (regular session), October 10, 2013 (regular and executive session); October 29, 2013 (regular session); November 2, 2013 (regular session), November 4, 2013 (regular session), November 5, 2013 (regular session); November 19, 2013 (regular session)

The Chair would like postpone the majority of the minutes as the Clerk was not present.

The October 22nd minutes had some amendments and were presented for signature.

MOTION: Mr. Johnson made the motion to execute the amended minutes for October 22, 2013 regular session as presented; seconded by Mr. Sears and the motion carried 4-0.

Board Member Reports

James Wentworth:

- Not present.

David Gay:

- Loretta Ryan forwarded a report dated November 29th with the results of the Goodwill Drive; provided by Bill Lobel of the Salvation Army. Thanked all who came out to recycle.
- Library will host the Annual Tree Lighting Event beginning at 2 p.m. and ending at 7 p.m. The actual tree lighting will take place at 6:45 p.m.
 - Looking for volunteers to help and residents to come out and participate in the event
 - Krochmal Farm will host a hayride from 2:00 p.m. to 4:00 p.m. and a petting zoo from 4:00 p.m. to 6:00 p.m.
 - Balloon art will be available
 - Toasting marshmallows and Dickens characters will visit the event
 - Santa will arrive at 3:00 by helicopter

Douglas Sears:

- Thinks Mr. Gay has the right idea that residents can get all of the activities in on December 7th at 3:00 p.m. with Santa Claus in Tewksbury and then head to Gillette for 6:00 p.m.!

Todd Johnson

- Requested an update on the Tax Classification for 2014. Mr. Montuori reported activity on tax classification and tax rates and scheduled for a hearing on December 17, the next regular meeting for the Selectmen. Don't anticipate any changes to the shift. The town manager will have for the board's review before December 17th. It was requested by board to include a summary of the surrounding community's tax rates.
- Would like to have a press release regarding the town's increased bond rating and as it is no small feat in difficult times. This accomplishment is due to a number of employees on town staff. The Selectmen's goal is to continue to move the bond rating forward and they appreciate the work by all departments.
- Update on fire truck; getting quotes to refurbish for Engine 3 (a 2002 model) and estimate it to be approximately \$240 to \$260K or more to repair; probably not in best interest to refurbish. There is a possibility to refurbish a 1999 truck at a price of \$89K. New Truck would be approximately \$540K to \$550K. Very grateful to Wilmington to loan us a vehicle
- Redmen football team playing Saturday at Gillette Stadium 6 p.m. in the MIAA Super Bowl—good luck to the team and all participating!

Scott Wilson:

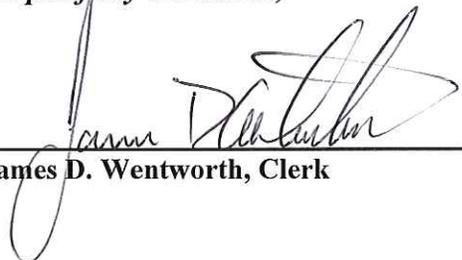
- Have been working on sober house issues with Mr. Montuori, no update tonight
- Hope all had a Happy Thanksgiving!
- Requested to send thank you notes to Troop 49

The next regularly scheduled Selectmen's Meeting will be held on Tuesday, December 17, 2013 at 7:00 p.m.

Adjournment

MOTION: Mr. Sears made the motion for the Board to adjourn at 9:10 p.m.; Mr. Gay seconded, and the motion carried 4 to 0.

Respectfully submitted,



James D. Wentworth, Clerk

11/21/14

Date