



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

TEL (978) 640-4300
FAX (978) 640-4302

MEETING MINUTES
JUNE 18, 2013

Chairperson Scott Wilson called the meeting to order at 6:07 p.m. Present for the Board of Selectmen meeting were James Wentworth, Clerk and Board Members, David Gay and Todd Johnson. Richard Montuori, Town Manager was present for the 7:00 p.m. agenda item. Attorney Charles Zaroulis and Doug Sears, Vice Chair, were not present this evening.

1. Stanley Folta—Conservation Commission Interview

Mr. Folta began his service in 1993 and has been chairman for the last 10 years. He would like to be reappointed to this position and finish one last term before he retires from this post. He has worked on committees and subcommittees of the Conservation Commission and other town initiatives. He also served as the interim Conservation Administrator when Walter Polchlopek retired until a replacement was named.

Board members discussed the importance of economic development and what Mr. Folta's thoughts were on how to improve the role of the commission through these efforts. Mr. Folta's noted that the commission shouldn't be swayed by economics. If an applicant comes before the commission and is approved it is because the applicant followed the agenda set forth. This cannot be a mixed decision.

Mr. Folta was asked for an example of a time where worked with a business to balance the needs of business and the needs and responsibility for preserving the commission's goals during his tenure. His example was with Merrimack Valley Pavilion as there were issues with the river front and riparian zones and where the wetlands began and ended. There were also issues with the positioning of the building. The applicant went through several agendas and all worked out well.

Mr. Folta noted that the commission is generally moving in right direction and commented on how it was good to have differences of opinion.

In closing, Mr. Folta commented with his 20 years experience, his construction background (working at Shah Construction), and experience being part of several public building committee's for Tewksbury, he asked for this to be taken into consideration. His experience has also included working with Attorney Zaroulis, Mr. Steve Sadwick and Town of Billerica to purchase open space for resident's use through acquiring means from the Wetlands Protection fund.

When Mr. Folta was asked in all years you have been on the Conservation Commission, what will people remember about your service; Mr. Folta responded he hoped to be remembered for

being fair to all without bias and prejudice. When asked about his biggest lesson or take away from his experience, he responded “to learn to get along with others.” He was also asked what the biggest challenge is in terms of Conservation Commission is today. Mr. Folta’s response was he did not believe there were any at this time as all is set in place especially since the bylaws have been newly rewritten. This process went in a positive direction and the Commission is currently waiting on a confirmation from the Commonwealth.

The Selectmen noted 20 years is a long time to serve and personally noted Mr. Folta’s service is appreciated. It is unusual have two individuals looking for a seat on a town board. Mr. Folta made the suggestion to possibly have an alternate position reinstated in order to train a new member.

2. Carolina Linder—Conservation Commission Interview

Ms. Linder is a resident of Tewksbury and a Biologist by trade. She has completed course work in all aspects of conservation with the government; she has worked closely with developers and government officials. Ms. Linder has worked with MEPA and NOIs for major developments. She has a passion for conservation and wants to make a difference. Currently she is not working full time and not looking to be full time as to spend time with her family.

Board members discussed the importance of economic development and the balance between businesses and conservation. Ms. Linder was asked if she had an experience where there were competing interests and how she may have made it a win for both parties. Ms. Linder’s response was that “knowledge is power; and where there is politics you can also make a difference.” She noted that public involvement has to balance with listening to the public and listening to the need to balance out wildlife interests. Conservation members should use assessments to weigh what should come first and then determine next steps. Balancing what resources are and what the public is needs are cannot just be based on personal opinion.

Ms. Linder has had experience working in a group dynamic with about 10 people. This occurred when working on reports for the government and the focus was a collaborative teamwork effort as each individual had their own part. She was also asked how she felt about stepping into a position where other members have been there for some time. Her response was she is very adaptable as she has lived in different places and countries and wants to learn more and have more professional interactions.

Ms. Linder currently has no time commitments in the evening in order to fulfill this board position. She feels this is an opportunity where she can learn and grown in her field and improve the town that she lives in.

The Selectmen did not take a vote on the Conservation Commission position opening as they wanted to give Mr. Sears an opportunity to weigh in on the decision. The Chair suggested that member meet next week to complete all board appointments as needed.

MOTION: Mr. Johnson made the motion to recess until 7:00 p.m. for the next agenda item; seconded by Mr. Wentworth and the motion carried 4-0.

3. Applebee’s Neighborhood Bar & Grill—Change of Manager

Ms. Danita DiGregorio was present for this discussion along with Mr. Michael Calandrello. Mr.

Calendrello was promoted recently and Ms. DiGregorio has now been hired as the new General Manager for Appleby's Bar & Grill located at 85 Main Street, Tewksbury.

MOTION: Mr. Gay made the motion to approve the change of manager application as submitted; seconded by Mr. Wentworth and the motion carried 4-0.

4. Pole Petition—Greenhalge Street

Mr. Wilson read notice into the record. Mr. Jim Pearson from National Grid was present for this discussion as well as Mr. David Scholl of 16 Greenhalge Street. Mr. Pearson explained the petition is to move the pole 5 feet toward the street. The resident needs the guy wire moved so a tree can be removed. As is the policy of National Grid, trees should not support guy wires.

Mr. Wilson opened the hearing up to the public to speak; no one came forward.

The Selectmen requested National Grid to determine an approximate date for the work to be completed as the resident needs a date in order to schedule other work to be done to his property. The resident has also petitioned National Grid; and agreed to a marked spot for the pole.

MOTION: Mr. Johnson made the motion to approve the relocation of pole J5301 to five (5) feet closer to the street as present by National Grid; seconded by Mr. Wentworth and the motion carried 4-0.

5. Thomas Gibson, Middlesex County Retirement System

Mr. Gibson gave an overview of the board responsibilities and present members. The board meets monthly and has the fiduciary responsibility for the management of the Middlesex County retirement system. As of January 1, 2012 the fund had approximately 9,000 active employees; 5,000 retirees/survivor/beneficiary members and 3,000 inactive members. The membership includes 71 units, including 31 towns, 20 housing authorities, 9 school districts, 9 water districts, and the Eastern Mosquito Control project. Tewksbury has 361 active members or current employees, 284 retired members who include beneficiaries, and 99 inactive members.

Eligibility for the plan is for permanent employees a minimum of 20 hours per week and earning a minimum of \$5,000 per year. Temporary employees are also eligible if they are regularly employed with 20 hours per week and make a minimum of \$5,000 per year. Once membership is established, members are allowed to purchase prior non-membership service. As of September 1, 2010, all employees who are employed less than 20 hours per week are ineligible for membership; and employees, elected officials of all member units who earn less than \$5,000 per year are ineligible. Employees who are ineligible for membership must contribute to a deferred compensation plan under the Omnibus Budget Reconciliation Act. Employees of a member unit which has accepted Chapter 32 cannot contribute to Social Security.

The assets of the system as of December 31, 2012 are \$837,227M. Assets are accumulated from three sources 1) member's contributions; 2) governmental appropriations; 3) investment returns. The fund contains some liquid assets such as real estate and private equity, which should mature soon and transfer to the core fund. Mr. Gibson reviewed asset growth and returns from 1995 through 2012. From 1993 through 2009 the pension fund receipts have been broken down into 35.25% from employer contributions, 22.31% from employee contributions, and 42.45% from investment contributions. Information on the investment policy statement of the Massachusetts

Pension reserves management Board can be found at www.mapension.com.

Prior to 1988, retirement appropriations were on a “pay as you go” basis, meaning when the employee retired the employer would begin contributions. In 1987 pension reform required retirement systems to be fully funded within 40 years or by 2028, and then was extended to 2040. Employees contribute a percentage of “regular compensation” to the retirement system. Established members after January 1, 1979 contribute an additional 2% of compensation in excess of \$30,000. The system valuation is a comparison of the liabilities for current and future retirement payments or employer and employee contributions credited with investment earnings. This is developed by a normal cost (amount earned in a current year), along with an accrued liability (the employee’s past service) and the unfunded liability (the amount that exceeds the system assets). This valuation will result in the funding schedule which is the expected annual payments to fully fund in 2040. The payment schedule requires that each year a payment is made it will reflect the normal cost plus a portion of the unfunded liability. This schedule is revised every two years to update assets and liability amounts for each member unit. The total unfunded liability in FY13 for Tewksbury is \$81,202,501. The 2012 System Valuation performed by Segal Company can be viewed at http://www.middlesexretirement.org/Actuarial_Valuation2012.pdf.

Through several pension and benefit reforms and an increase in retirement age by two year, the overall cost reduction combines gave a savings of 11%.

Regular compensation definitions and anti-spiking provisions were also outlined and explained to the Board. Social Security and the Massachusetts Public Pension fund were also outlined to the board.

More information on the Middlesex Retirement Fund can be found at www.middlesexretirement.org.

Dan Sherman, Post Employee Benefits

Mr. Sherman of Sherman Actuarial Services, LLC discussed with the board the unfunded liability for Tewksbury. Many more communities are now paying down this debt and are in better shape than the Commonwealth on this item. Must recognize the value of the medical plans and the requirement for the town put money aside. The Pension liability is \$84M and the Medical is double at \$160M approximately.

Total annual contribution is 10.9% and must be recorded in the annual financials. Mr. Sherman recommend to put in a trust fund or a PRIT fund and have it be professionally managed. If the town would put aside \$354K per year the unfunded liability will be reduced by half the total amount today. The fund is still set up with the town and the Town Manager would like to work with finance department to come up with a policy to transfer a minimum of \$350K of free cash each year. As this is long overdue and numbers are pretty clear and Standard and Poor’s report for Tewksbury has stated the town needs to come up with a plan. If adopted the annual required contribution would not be a fixed number due to inflation.

Richard Sullivan, Powers & Sullivan, FY12 Audit

Ms. Romina Mameli created the document and Mr. Richard Sullivan presented to the Board.

Financial Statement:

- Budget came in at 99%, prudently put together expenditure and have the good fortune of having extra money coming in the amount of \$3M
- Minor capital asset activity was insignificant except for the high school
- Statistics showed unreserved fund balance; Standard & Poor would like a plan no less than 5% debt and the town is currently at 6.5%, which is good; the stabilization fund at 1.5% puts in the 8% range--to set aside a stabilization fund would be a very worthwhile endeavor.
- Accounts Receivable collected 98.5% mostly due to a shift in debt service with water and sewer--this is not a concern at all
- Lots of cooperation from Kelly, Karin and team; there were no audit adjustments at all and the financials were accurate

Management Letter

- Out of seven items of concern four were resolved
- Disaster recovery did not get resolved; it is important to not just have an off-site facility, but a plan on how to operate; this needs to be documented
- Fraud risk controls means if something happened the town would want to have a system in place to put action to the problem—this should be a document for the Board of Selectmen to initiate
- New GASB (68) rules going into effect requires the town to have to be a calculation of what is going into a trust fund and what is being reported on the balance sheet
- Informational comment regarding reserve funds, good start need to continue work

First attempts at policies have been made; and Mr. Montuori will report on this at a later meeting. It was pointed out to continue the trend for increasing reserves. FY12 was a great start and Standard & Poor will want to see this over the next few years. Important to note to the residents is paying off all debt is not the way to go i.e. don't go below 5% debt as that means things are not being fixed or something that needs attention isn't getting it. The board asked for advisement on how big is big enough for a stabilization fund. Mr. Sullivan did not have a good answer as \$82,000 is only two days of working capital.

6. Residents

Mr. Gay opened the hearing up to the public, no one present came forward to speak.

New Business

7. 2013 Annual Appointments—outstanding appointments

Appeals Board

Leonard Dunn Associate Member, has requested reappointment. Mr. Johnson requested to table this as he would like to speak to Mr. Dunn to see if he would move into the Regular Member position before voting.

Green Committee

MOTION: Mr. Gay made the motion to appoint Loretta Ryan to Green committee for the term of two years beginning July 1 2013 and expiring June 30, 2015; seconded by Mr. Wentworth and the motion carried 4-0.

Historic Commission

The Selectmen took no action and tabled this vote.

Trust Fund Commission

Mr. Johnson is still trying to resolve a question, would like to finish exploring information and he respectfully asked for this vote to be tabled.

Mr. Wilson will set up a meeting early next week to discuss and vote on the positions tabled for this meeting.

Mr. Wentworth requested through the Chair to discuss the appointment of two Selectmen members and seven residents to the Tewksbury Rail Trail Committee.

MOTION: Mr. Johnson made the motion to post for the potential expansion of three additional residents, and increase the Selectmen representation by two and appoint Mr. Wentworth to the Tewksbury Rail Trail committee; seconded by Mr. Gay; the motion carried 4-0.

8. YagerSchmidt Catering—Common Victualler Application

An application was presented from YagerSchmidt Catering to serve Thermo Fisher Scientific. The application has been reviewed and approved by all departments. There were no comments from the Board.

MOTION: Mr. Johnson made the motion to approve the Common Victualler Application for YagerSchmidt Catering as submitted and approved by all departments; seconded by Mr. Wentworth and the motion carried 4-0.

Town Manager

9. Melmark New England, 461 River Road, Andover—Sewer Connection Agreement

Representatives from Melmark New England were present and the Sewer Connection Agreement for their school was presented to the Board. This agreement will allow sewer capacity previously approved for Avalon to be expanded. This agreement has been reviewed by the Department of Public Works Superintendant and Town Counsel. It was noted these parties have been great neighbors and there is not an infringement on resources

MOTION: Mr. Johnson made the motion to approve the Melmark New England Sewer Connection Agreement as submitted and recommended by the DPW Superintendant and Town Counsel; seconded by Mr. Gay and the motion carried 4-0.

Other Business:

East Street paving will begin soon as the water main should be completed by July 15. When this is complete total paving from railroad to Andover line will begin. Next year will pave from railroad tracks to Maplewood. Need to wait in order to let the trench settle and need to save the money to

complete this project. The Governor is not releasing Chapter 90 money in full only half which is basically a cut. Mr. Montuori plans to move forward when the full amount is released. Mr. Montuori discussed putting a thin layer to patch potholes, etc. but wants the public to understand this will not last a full year. This project is not tied to the housing development going on in that area.

10. Approval of Minutes April 9, 2013 (regular session); April 16, 2013 (regular & executive session); April 23, 2013 (regular & executive session); May 1, 2013 (regular & executive session); May 6, 2013 (regular session); May 8, 2013 (regular session); May 15, 2013 (regular & executive session); and May 30, 2013 (regular & executive session); June 4, 2013 (regular session); June 7, 2013 (executive session)

MOTION: Mr. Gay made the motion to approve the minutes of April 9, 2013 regular session; seconded by Mr. Johnson and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of April 16, 2013 executive session; seconded by Mr. Gay and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of April 23, 2013 regular and executive session; seconded by Mr. Gay and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of May 1, 2013 executive session; seconded by Mr. Gay and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of May 6, 2013 regular session; seconded by Mr. Gay and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of May 8, 2013 regular session; seconded by Mr. Johnson and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of May 15, 2013 executive session; seconded by Mr. Gay and the motion carried 4-0.

MOTION: Mr. Wentworth made the motion to approve the minutes of May 30, 2013 executive session; seconded by Mr. Gay and the motion carried 4-0.

The minutes of June 4 regular session, June 7 executive session and June 18 regular session will be presented at the first July meeting.

11. Reports

a) Board Members

Mr. Wentworth

- Caring for Tewksbury Facebook page and thanked Police and Fire for all do for town; thanked All Night Long Committee.

Mr. Gay:

- Town Event Committee; formed a committee for Christmas Tree lighting
- LRTA numbers ridership still going up with increased service

- Economic Development committee will review the business owner survey at next meeting

Mr. Johnson

- Chapter 90 funds not being released need to send letter to delegation to take action on this. Thinking back to Rep Miceli's remarks at town meeting that indicated state aid would be up.
- Wanted to thank residents for participating in the postal service food drive for the community pantry, as last year was the worst return; and the pantry board took some steps to advertise and this May was the best year that the pantry has ever had collecting over 16,000 pounds of food.

Mr. Wilson

- Great information given to the board this evening. Thanked Mr. Montuori for a job well done on current policies and procedures in place to get the audit to where is today.

b) Town Counsel
No report given this evening.

c) Secretary
No report given this evening.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, July 16, 2013 at 7:00 p.m. A meeting will be called to finish board appointments before the end of June.

Adjournment

MOTION: Mr. Gay made the motion for the Board to adjourn at 10:00 p.m.; Mr. Johnson seconded, and the motion carried 4 to 0.

Respectfully submitted,



~~Scott Wilson~~, Clerk
James D. Wentworth



Date