



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
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MEETING MINUTES
JUNE 4, 2013

Chairperson Scott Wilson called the meeting to order at 7:00 p.m. Present for the Board of Selectmen meeting were Doug Sears, Vice Chair; James Wentworth, Clerk and Board Members, David Gay and Todd Johnson. Richard Montuori, Town Manager and Attorney Charles Zaroulis were present.

1. Police Recognition

The Board of Selectmen gave citations to members of the Tewksbury Police force in recognition of their assistance and support provided to the communities of Boston, Watertown and Cambridge in the aftermath of the Boston Marathon terrorist bombings of April 15, 2013. Letters of appreciation from North Eastern Massachusetts Law Enforcement Council and the Boston Police for these individual's assistance were received by the Tewksbury Chief of Police. Letters were also received by the Chief from the Town of Stoneham and the City of Cambridge for Tewksbury's assistance in the funeral of Officer Collier who perished during the situation. The officer's who received citations were Chief Timothy Sheehan, Lieutenant Thomas Casey, Sergeant Robert Field, Officer James Hollis, K-9 Officer Albert Piccolo, Officer Robert Bjorkgren, Detective Michael Donovan, Officer Paul Nicosia, Officer Christopher Lafebvre, Detective Patrick Connor.

2. Thermo Fisher Compressed Hydrogen Gas Storage Hearing

Mr. Wilson read the public notice into the record. Dr. Christopher Pinzone for Thermo Fisher presented the operations plan for hydrogen storage on the company's site located at 2 Radcliff Drive. A brief presentation was given showing pictures of the volume of storage and the storage facility. It was explained that only Tewksbury fire and the gas company distributor have keys to the locked storage facility. There will be two flame detection devices installed in order to cover the entire area in case of fire. The Tewksbury Fire Department has approved the permit and is very satisfied with the safety and operations plan put forth by Thermo Fisher's representatives.

The Chair opened the hearing up to the public to speak and no residents in the audience came forward to comment. At the time of the meeting the Selectmen's office has not received any written correspondence. There were no known disputes by any party presented at the time of the meeting.

Mr. Gay asked what the hydrogen was used for and a thorough explanation was given to his satisfaction.

Mr. Wentworth also asked what this impact would be if there was an explosive event at the site.

It was explained there would be a large crater at the site, and impact would be contained to the back of the 2 Radcliff Drive. Residents would be located too far away from this site to be impacted. Abutters had been notified.

MOTION: Mr. Johnson made the motion to approve the license for hydrogen storage as presented; Mr. Gay seconded and the motion carried 5-0

3. Jon Ryan's Pub Entertainment License Hearing

Mr. Wilson read the public notice into the record. Present for Jon Ryan's Pub was Mr. Bob Ryan, Owner and his wife. He explained he would like to have Sunday brunch with live jazz music and also have Thursday through Saturday a soft rock band. His son is a musician so this would add another dynamic to the family's business and offering light entertainment would be a nice change for customers.

Mr. Wilson noted the checklist presented to the Board has sign offs from all relevant departments. Mr. Montuori noted that there were no concerns brought to his attention at this time. Abutters had been notified.

The Chair opened the hearing up to the public to speak and no residents in the audience came forward to comment

Mr. Johnson asked for clarification as the application wording seemed to leave open where the music would be conducted. Mr. Ryan noted for the Sunday brunch, he would like to have jazz on patio during nice weather, and did not want to limit it to just inside if it is a great day. Mr. Ryan also confirmed there was no desire to perform outside entertainment in the evening only for Sunday brunch.

Mr. Wentworth requested the Selectmen to research streamlining the process to make it easier for applicants as there seemed to be a lot of signoffs for the license.

MOTION: Mr. Sears made the motion to approved the entertainment license as noted on the application for 6:00 p.m. to close Thursday through Saturday and on Sundays from 12:00 p.m. to 4:00 p.m. as presented and recommended by Town Departments; the motion carried 5-0.

4. Peter Miller—Establishment of Bicycle and Pedestrian Advisory Committee

Peter Miller of 820 Shawsheen Street was present for this agenda item and lead the discussion. He was accompanied by Sandra Campo and Brian Ristuccia, citizens of Tewksbury. The town was successful in getting a grant this year for bicycle and pedestrian paths, and Mr. Miller and several supporters in town of this initiative are working to establish a Bicycle and Pedestrian Advisory Committee. Discussion took place as to clarification on if this would be a town committee or private committee not related to town government. Mr. Montuori viewed it as a town committee as funds have been received through other public bodies, i.e., NMCOC and Community Preservation Committee. Mr. Montuori would like Town Counsel to check if there are any statutory implications and barring this the Selectmen can approve the committee as a subcommittee of the Board of Selectmen. Should the board approve this committee, it was requested to post for positions of the advisory committee. The bylaws may have already been established and used in another communities and it was requested for this to be researched and

reviewed with Town Counsel. There was a question raised as to whether the Sidewalk Committee still existed or if it was disbanded, and if it were still active could the proposed committee roll into a sidewalk committee. Mr. Montuori will look into this. The proposal was for 6 board members and 4 residents at large for a total of 10 voting members. The committee would follow the same Selectmen appointment schedule of June 30 of the current year. The selectmen would also need to appoint a representative for this committee.

MOTION: Mr. Gay made the motion to approve the Bicycle and Pedestrian Advisory Committee as presented; Mr. Sears seconded and the motion carried 5-0

5. Residents

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

New Business

6. Public Events & Celebrations Committee

Mr. Montuori explained it has become apparent that there is a need for a Public Events Committee as with limited staffing it is difficult to keep up with planning for events or establish new events. The committee would operating under a separate town body and funding for this committee would be done in conjunction with non-profit funding, as there is no budget for these items. The intention of this committee is not to take over any existing event, but to look at other events residents want to establish. The committee will post for four (4) residents at large and a Selectmen representative. This committee could expand if more applications received. Applications have been received from Krissy Polimeno of 58 Bridle Path, Cheryl Balordi of 5 Decarolis Drive, Lynne DeCost of 56 Lake Street, and MaryKate Little of 1 Campbell Circle.

MOTION: Mr. Johnson made the motion to establish a town Public Events & Celebrations Committee and to appoint Mr. Gay as the Selectmen's representative along with the applications received to date for from Krissy Polimeno of 58 Bridle Path, Cheryl Balordi of 5 Decarolis Drive, Lynne DeCost of 56 Lake Street, and MaryKate Little of 1 Campbell Circle from July 1, 2013 through June 30, 2016, a total term of three (3) years; seconded by Mr. Sears and the motion carried 5-0.

7. 2013 Annual Appointments

Appeals Board

MOTION: Mr. Johnson made the motion to request Leonard Dunn to come in to speak to Board and tabled appointment, seconded by Mr. Sears and the motion carried 5-0.

Board of Registrars

MOTION: Mr. Johnson made the motion to reappoint Edward Creamer to a three-year term effective July 1, 2013 through June 30, 2016 as recommended by Town Democratic Committee, seconded by Mr. Sears and the motion carried 5-0.

Community Preservation

MOTION: Mr. Sears made the motion to reappoint Thomas Churchill as the Historic Commission designee for the CPC effective July 1, 2013 through June 30, 2014 or until his term on the Historic Commission expires, seconded by Mr. Gay and the motion carried 5-0.

Community Teamwork, Inc. Representative

MOTION: Mr. Gay made the motion to reappoint Rita O'Brien Dee as the Community Teamwork representative effective July 1, 2013 through June 30, 2014, seconded by Mr. Johnson and the motion carried 5-0.

Mr. Johnson requested Mr. Montuori to research the second seat on this committee.

Conservation Commission

Two applications were presented, and were tabled as the Board would like to interview the candidates.

Council on Aging

MOTION: Mr. Johnson made the motion to reappoint Paul McNaught and to appoint Virginia Desmond effective January 1, 2014 through December 31, 2014, seconded by Mr. Gay and the motion carried 5-0.

The Board requested for any members who expressed interest in not returning to send a letter of thanks for serving on their behalf.

Green Committee

MOTION: Mr. Sears made the motion to appoint the following board designees effective July 1, 2013 through June 30, 2014 or until their terms on the respective boards expire: Todd Johnson, Board of Selectmen; Robert Fowler, Planning Board; Krissy Polimeno, School Committee; Thomas Cooke, Finance Committee; seconded by Mr. Gay and the motion carried 5-0.

Mr. Johnson noted that Mr. Duffy and would like to be reappointed two-year term; MOTION: to reappoint Mr. James Duffy effective July 1, 2013 through June 30, 2015; seconded by Mr. Sears and the motion carried 5-0.

Historic Commission

MOTION: Mr. Johnson made the motion to reappoint Eileen McDonagh effective July 1, 2013 through June 30, 2015, seconded by Mr. Sears and the motion carried 5-0.

Local Housing Partnership

MOTION: Mr. Gay made the motion to reappoint Laura Caplan effective July 1, 2013 through June 30, 2015, seconded by Mr. Sears and the motion carried 5-0.

Mass Cultural Council

The current member Maria Galante is not interested in reappointment. The Selectmen requested for confirmation if this committee is a requirement to the town. If not required then it will be disbanded. It is unclear to the board what the make-up of the committee should be and whether the Selectmen can step in to fill this appointment.

Trust Fund Commission

The Selectmen requested further explanation on this commission.

MOTION: Mr. Gay made the motion to table this appointment to the next regular Selectmen's meeting on June 18, 2013, seconded by Mr. Sears and the motion carried 5-0.

Town Counsel

MOTION: Mr. Johnson made the motion to reappoint Mr. Charles Zaroulis effective July 1, 2013 through June 30, 2014, seconded by Mr. Sears and the motion carried 5-0.

Town Clerk will hold swearing in on June 17 at 6 p.m. at Town Hall. A summary of the Conflict Of Interest Law and the Open Meeting Law will be included in the notice.

8. Approval of Common Victualler Application—Subway, 1899 Main Street

This establishment is already in operation and this application has been delayed as the Selectmen have not met in several weeks.

MOTION: Mr. Johnson made the motion to approve the Common Victualler Application for Subway located at 1899 Main Street as presented subject to the approval of the Tewksbury Fire Department; Mr. Wentworth seconded and the motion carried 5-0.

9. Steve Sadwick—Shawsheen Place and the Affordable Housing Trust Fund

Mr. Montuori presented on behalf of Mr. Sadwick. In a letter to the Board from Mr. Sadwick dated May 31, 2013, he explained Shawsheen Place has contacted the Town regarding the sale of their property. There are 20 units were set aside as adorable housing when this property was permitted and had allowed the town to receive credit for all 77 units in the inventory list. The Local Housing Partnership has made great strides to work out an agreement to keep these affordable units. As a result of the a study conducted by consultant Michael Jacobs, if the town authorizes the Affordable Housing Trust Fund to disburse \$1,050,000 to the owners of Shawsheen Place to bring the property to MGL Chapter 40B requirements, these units will remain on Tewksbury's affordable housing inventory in perpetuity. A review with town counsel and special counsel has taken place. The Chair of Local Housing Partnership was present at the meeting for any questions from the Board. The Partnership has voted in favor of support for this proposal and agrees with the conditions set forth. Verification from the Department of Housing and Community Development that the units qualify and will count towards housing inventory is in process. The goal is to keep these units in perpetuity and is a sound investment for the Town.

MOTION: Mr. Johnson made the motion to authorize the expenditure \$1,050,000 from the Tewksbury's Affordable Housing Trust Fund and directed the Town manager and Town Counsel to negotiate the conditions with the Local Housing Partnership in a manner that is appropriate; Mr. Gay seconded and the motion carried 5-0.

Town Manager

10. Town Counsel Invoice, April 2013

MOTION: Mr. Sears made the motion to approve Town Counsel invoice in the amount of \$12,730; Mr. Wentworth seconded and the motion carried 5-0.

11. Budget Review

Mr. Montuori recapped the town budget for FY13 and upcoming FY14. Staff will begin meetings on FY15 in a few months. Current the Town Manager is finalizing FY13 and departments are adjusting as needed. The Town Manager is making changes he is allowed to by the bylaws and the remainder will go to the Finance Committee on June 13th. This year's budget will close with no problems and revenue will finalize on June 30th. Collections will be reported to the Selectmen and the town should meet all local receipts. At the June 18th meeting presentations will be given by auditor Richard Sullivan, who will report on 2012 audit and give opinion on an approach to policies and procedures.

Also expected to present is an actuarial firm to review the \$166,000,000 unfunded liability for post employment benefits. This will be the first time to have someone come in for this as it is important to Mr. Montuori to start getting information out to public that this is a confirmed, real issue for the town's finances of the future. Other towns are paying their unfunded liability down and Tewksbury needs to do the same. It needs to be dealt with on a regular basis and towns that have done this have seen a reduction. No government will ever be able to put it all away, however, some towns have paid it off.

In addition, Tom Gibson from the Middlesex Retirement will present on the current system. The rating agencies are very concerned about health insurance.

Town meeting was a positive night as funding was approved for several different departments and all capital approvals are good to help community to keep moving ahead. In total the town paid by retained earnings or stabilization funds and some instances free cash. By doing so Tewksbury saved approximately \$461,000 in interest and did not impact the operating budget. Overall this was very positive and town meeting should be commended by its votes.

12. Lowell Sewer Contract

Mr. Montuori reported there has been an agreement by Lowell, Dracut, Chelmsford Tyngsboro, and Tewksbury for a 25 year contract to utilize the Lowell waste water treatment plant. Terms will take effect this year and are a total savings of \$100,000. This will create predictability and allow for a valid budget number. All towns will share the costs of capital improvements. Tewksbury's bill will now be based on actual flow and not a split of the total. Mr. Montuori and Brian Gilbert sat through all presentations.

MOTION: Mr. Sears may the motion to support the contract as described and recommended by the Town Manager; seconded by Mr. Johnson and the motion carried 5-0.

13. Republic/Allied Waste Contract

Burlington, Tewksbury and Tyngsboro are proposing a five-year extension of the current contract, which would be a savings of \$143,000. On July 1, 2013 the town will begin single stream recycling, which mean no separation of different recycling is needed. All residents will be given one bin to be picked up. The hope is to see an increase in recycling and a savings in disposal. The Town will receive a rebate on recyclables. This rebate will be posted in a new recycling revolving fund in order support other waste programs such as household hazardous

waste. Currently automated recycling is being researched. The Selectmen requested current numbers on what town has saved with current trash program.

Mr. Montuori also noted the Covanta contract will be up for renewal. If extended the amount saved will keep the budget even as a cut was made this year.

No motions were taken, however there were no objections from the Selectmen in entering into this program.

- 14. NMCOG—Formation of Northern Middlesex Storm Water Collaborative Advisory Board**
In a letter dated May 10, 2013, to Mr. Montuori from Beverly Woods, Executive Director of the Northern Middlesex Council of Government, it stated NMCOG was awarded a Community Innovation Challenge grant to form and administer a Northern Middlesex Storm Water Collaborative. The goal is to address storm water issues with an innovate approach that foster regional cooperation among communities to reduce municipal storm water costs. An outline of the project scope was stated in this letter. Mr. Montuori asked for the Selectmen's support of the advisory board.

MOTION: Mr. Sears may the motion to support the formation of the Northern Middlesex Storm Water Collaborative Advisory Board as recommended by the Town Manager; seconded by Mr. Johnson and the motion carried 5-0.

Mr. Montuori reminded the public there is a public meeting on June 19th at the Trahan School regarding Sutton Brook. The meeting will begin at 7:00 p.m.

- 15. Approval of Minutes March 27 (regular session & executive session); 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 15, 2013 (regular & executive session); and May 30, 2013 (regular & executive session)**

MOTION: Mr. Sears made the motion to approve the minutes of March 27, 2013; seconded by Mr. Johnson and the motion carried 5-0.

The minutes of April 9, 2013 and April 23, 2013 have been completed, but were not submitted for approval this evening as not all members had received them for review.

16. Reports

a) Board Members

Mr. Gay

- LTRA figures for increased ridership almost doubled since last year.
- EDC met on April 24th to discuss the NMCOG corridor study which is almost complete. Also on the agenda were the dormant commercial properties around Tewksbury and how to help owners with activities to revitalize these. Discussion also took place on future actions such as a business survey and inviting the owners of the new development Merrimack Valley Pavilion to speak on their experience in developing the property in Tewksbury

- Selectmen Wilson and Selectmen Gay participated in the PAL basketball event with Tewksbury Police and played with a few members of the New England Patriots.
- Mr. Gay noted that the Town Moderator actions not appropriate during town meeting and would like formal apologies sent.

Mr. Wentworth:

- A Tewksbury Youth Soccer fundraiser will take place at Merrimack Valley Pavilion
- Tewksbury Girls Softball Think Pink Softball tournament took place on May 17 through 19, fun was had by all and Tewksbury 14U girls took first place
- Congratulations to TMHS seniors; and to all the helpers for the All Night Long Party that took place that evening.
- Recognized Brian Dick and the Redmen Football Club who raised money for the program during a carnival at the end of May; he thanked residents for participating and thanked town staff for the quick turnaround to make the even happen. All efforts were appreciated. Not incidents were reported.

Mr. Sears

- Asked if feather flags were allowed in the Town's bylaws. It was confirmed they are not allowed. There is concern about perception on preferential treatment and the Selectmen asked for the building inspector to be consistent. It was also suggested to have Mr. Wentworth review the bylaw and meet with Mr. Montuori and Mr. Sadwick on the matter and then report back to board.
- Also commented that the Fire Department needs \$38K to keep South station open

Mr. Johnson

- Veteran's Memorial Day festivities, a big thank you to the committee members and participants of the event

Mr. Wilson

- Visited Trahan school to talk about career and his selectmen role during career day there
- Happy with way town meeting went and saw allot of collaborative efforts

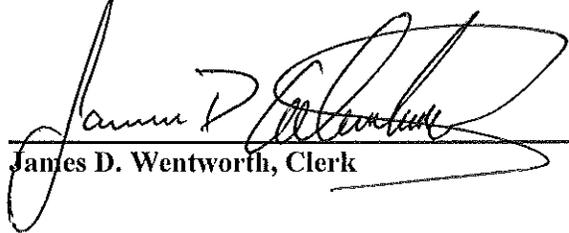
- b) Town Counsel
No report given this evening.
- c) Secretary
No report given this evening.

The next regularly scheduled Selectmen's Meeting following Town Meeting will be held on Tuesday, June 18, 2013 at 7:00 p.m.

Adjournment

MOTION: Mr. Gay made the motion for the Board to adjourn at 9:50 p.m.; Mr. Wentworth seconded, and the motion carried 5 to 0.

Respectfully submitted,


James D. Wentworth, Clerk

7/16/13
Date