

**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**  
**SEPTEMBER 24, 2013**

Chairperson Scott Wilson called the meeting to order at 7:04 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 was present and Attorney Charles Zaroulis was not present.

There are no scheduled agenda items for this meeting.

**Residents**

There were no residents present this evening who came forward to speak.

**New Business**

**Mass State Lottery—Chopsticks Express Keno Application**

The Police Chief has no objections to this application. Mr. Sears asked if there is a limit on the number licenses that can be approved, similar to liquor licenses, and if so where is Tewksbury relative to this number. He added that there are 42 licensees currently in the town, but would like to have this number confirmed and understand how the licenses are regulated.

**MOTION:** Mr. Johnson made the motion to take no action on this application; seconded by Mr. Sears and the motion carried 5-0.

**Green Tea—Common Victualler Application**

**MOTION:** Mr. Sears made the motion to grant a Common Victualler License for Green Tea Café located at 1899 Main Street; seconded by Mr. Gay and the motion carried 5-0.

**Chief Timothy Sheehan—Drug Awareness Week**

The Board of Selectman received a letter on September 17, 2013 from the Chief of Police asking week of October 20, 2013 to be deemed Drug Awareness Week.

The Selectmen made note that this is the first year of TPD Drug Unit and felt strongly about the good work of this new establishment in the police department. This is a national epidemic and any effort to fight it is needed. Education to young people to be aware is extremely necessary

**MOTION: Mr. Johnson made the motion to declare the week of October 20, 2013 Tewksbury's Drug Awareness Week; seconded by Mr. Sears and the motion carried 5-0.**

**Merrimack Valley Pavilion—application for additional amusement machines**

An application for an Amusement Machine License was submitted by Gary Brown of Merrimack Valley Pavilion. The request is to take out 2 existing machines and add 10 more machines to equal 18 machines total on premise. The current license is for 10 machines.

**MOTION: Mr. Johnson made the motion to approve the application for an Amusement Device License as presented; seconded by Mr. Sears and the motion carried 5-0.**

**VFW & Ladies Auxiliary—request for Buddy Poppy drive**

This request is to hold the Buddy Poppy drive from November 7 through November 9, 2013.

**MOTION: Mr. Sears made the motion to approve the request for the annual Buddy Poppy Drive for veterans to distribute Buddy Poppies at local businesses from November 7 to November 9, 2013; seconded by Mr. Gay and the motion carried 5-0.**

**Daniel Elliman—Beautification Committee Application**

**Paige Impink—Beautification Committee Application**

**Jacqueline Stone—Beautification Committee Application**

**Gerard Kutcher—Board of Appeals Associate Member Application**

The Selectmen will hold the applications presented until the posting date closes for these committees. The Board will take action on all applications once they can be researched as desired by the Board. The Board also wished to interview the Associate Member for the Board of Appeals or have a subcommittee of the Selectmen do so. Overall the Board was pleased to see applicants, and will schedule interviews at the Board's discretion.

**Town Manager**

**October 1, 2013 Special Town Meeting Warrant**

**Article 1**

If an agreement is reached with the fire union this article will be voted on at Town Meeting; if no agreement is reached article the article will be postponed.

**MOTION: Mr. Johnson made the motion to table Article 1 until the next meeting on October 1, 2013 at 6:30 p.m.; seconded by Mr. Sears, and the motion carried 5 to 0.**

**Article 2**

Funds were added to the Town Fire and Liability insurance budget in the amount of \$351,000 but only \$350,000 were needed so this line is unbalanced in the FY14 budget by \$1,000. This money will be taken out of liability insurance and moved to the general fund.

**MOTION: Mr. Johnson made the motion to approve Article 2 as recommended by the Town Manager; seconded by Mr. Sears, and the motion carried 5 to 0.**

### **Article 3**

This article will raise and appropriate \$814,000 funds since state aid came in higher than projected by \$192,000. The FY13 budget closed on June 30 with local revenue \$2M higher than projected. Items funded by this increase are \$306K in school salaries, \$94K to school health insurance; however, the school committee and administration discussed and rearranged these priorities. The bottom line is still the same 400K. Accounting salaries in the amount of \$2,800 is for a temporary employee to help with an audit for the IRS for payroll and a variety of invoices. Administrative Services in the amount of \$5,600 will pay for a two-day a week administrative employee as the current services employee works by herself and tends to all human resources needs. The Treasurer/Collector needs \$20K for full time salary. Payroll splits from town payroll and collection duties based on the audit from IRS and workload looking to make payroll only. Need to backfill for collections duties. Town Hall operating utilities will need \$10,000 as the move to another building has not taken place yet and another \$20K for work to the Pike House once the staff is moved in and setting up offices. Police overtime has been in a deficit in the past years and adding \$100K will help. The Finance Committee reserve was cu and the \$75K will reinstate this. Occupational Health is self funded and with \$25K will replenish this account. Gas and diesel are all consolidated and now may run short again. A Council on Aging full time employee salary needs \$6K additional to fund a new position with Linda Braebant's retirement.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 3 based on the Town Manager's presentation as it is being split between both town and school budgets appropriately; seconded by Mr. Sears and the motion carried 5-0.**

### **Article 4**

This article will raise and appropriate funds from a settlement that was received from Merrimack Special Education Collaborative and were placed in the General Fund. The Town Manager is seeking to have these funds place in the School Department Circuit Breaker Fund for special education.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 4 as recommended by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

### **Article 5**

This article will transfer free cash to the General Fund for one-time expenditures. The amounts will be used for the following:

- Electric work to the Parks Department garage in the amount of \$5,000.
- Purchase new lawn mower (\$65,000) as current mower is not in good condition; the town has hired a company to maintain the lawns however town staff does supplemental cuts. This will also be used to clean up areas of the community. Buying a machine is better renting on costs \$2,500 per week.
- Replace voting booths in entirety for \$60,000 replacement program
- Modems for police cruisers \$26,957
- Replace unmarked police vehicle for \$37,832; this will replace a 2001 vehicle
- Purchase tow police motorcycle to 2014 models; current models are 2007 and 2010 motorcycles and do not have ABS brakes.

The Selectmen asked if the Town Clerk priority to replace the voting booths could be done in a rolling fashion or if it is necessary to take care of this all at once. The Town Manager clarified that the goal is to replace all of the booths and then keep up with replacing the individual booths yearly. Voting booths construction is governed by state statute.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 5 as recommended and outlined by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

#### **Article 6**

Funds for this article will fund one-time expenditures as follows:

Building/Maintenance: \$22,000 for a new maintenance van; \$24,000 to repair Recreation Center roof; \$75,000 for security enhancement; \$15,000 for kitchen plumbing upgrades; \$18,000 for heating and plumbing repairs to North Street School. Technology: \$30,000 to upgrade the Tewksbury Memorial High School Network; \$26,000 to replace/upgrade Wynn Middle School computer lab; \$7,000 to upgrade PEG channel workstation; \$25,000 to replace/upgrade Center School phone system; \$10,000 to install wireless devices at the elementary schools. Instructional: \$30,000 for instructional/performance equipment for the Music Department; \$6,000 for uniforms for the TMHS Marching Bands; \$12,000 for a wrestling mat at the high school.

The network upgrade at TMHS for \$30K is to expand as the building has already outgrown its current network due to many wireless devices in the schools. The Selectmen were pleased to see the band uniforms upgraded as they have made great strides over the last few years.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 6 as recommended and outlined by the Town Manager; seconded by Mr. Gay and the motion carried 5-0.**

#### **Article 7**

This article will pay all outstanding bills from FY13 in accordance with the MGL that late bills must be approved by Town Meeting before payment. Total outstanding bills are \$12,531.74.

AAA Tire	55.00
Constellation Energy	1,579.39
Direct Energy	6.51
Lowell General Hospital	210.00
National Grid Electric—DPW	274.70
Richo—Police Department	289.00
Tewksbury Center Mobile	609.00
Town Counsel	9,347.14
West Information Charges	161.00

**MOTION: Mr. Sears made the motion to recommend for adoption Article 7 as recommended and outlined by the Town Manager; seconded by Mr. Johnson and the motion carried 5-0.**

### **Article 8**

This Article utilizes Free Cash certified as of July 1, 2013 to fund the Health Insurance Mitigation Fund in accordance with an agreement of the public employee groups.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 8 as recommended and outlined by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

### **Article 9**

This article funds a free cash transfer certified as of July 1, 2013 in the amount of \$350,000 into the account of Other Post Employment Benefits to fund the town's outstanding unfunded pension liability currently amounting to \$166M.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 9 as recommended and outlined by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

### **Article 10**

This article proposes for take from the General Fund \$20,000 to pay for a personnel study for AFSCME Union employees per the Collective Bargaining Agreement dated July 1, 2012 – June 30, 2015. The study will include employees of the PRRB.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 10 as recommended and outlined by the Town Manager; seconded by Mr. Gay and the motion carried 5-0.**

### **Article 11**

**MOTION: Mr. Gay made the motion to table Article 11 until the next meeting on October 1, 2013 at 6:30 p.m.; seconded by Mr. Sears, and the motion carried 5 to 0.**

### **Article 12**

This article will fund \$35,000 for engineering and design services to replace a 6" water main on Crest Road as it has had numerous breaks. This work will fund the Town with an engineer's estimate, plans and specifications for bidding purposes for both projects. Construction funding will be sought at the 2014 Annual Town Meeting

**MOTION: Mr. Sears made the motion to recommend for adoption Article 12 as recommended and outlined by the Town Manager; seconded by Mr. Gay and the motion carried 5-0.**

### **Article 13**

This article is a reallocation from a previous appropriation from Article 14 of the 2012 Annual Town Meeting. The amount is for \$52,360 and would be used for a water project to install a variable frequency drives, which are electronic devices used to control electrical motor speeds and allow for energy savings. Eventually would need a total of \$100K will help manage costs at the water treatment plant, but this is a start.

Mr. Montuori recommends first closing out the first article and then present another article in June 2014 to get the remaining money freed up with the new warrant. There is an urgency for the frequency drive systems to be installed

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 13 as recommended and outlined by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

#### **Article 14**

This article is a transfer from Community Preservation Act fund to the Tewksbury Affordable Housing Trust Fund in the amount of \$248,380 to enhance affordable housing in town.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 14 as requested by the Community Preservation Committee; seconded by Mr. Sears and the motion carried 5-0.**

#### **Article 15**

This article will appropriate the sum of \$350,000 to rehabilitate the existing playgrounds in town. The amount of \$200,000 will be spent for improvements at Funway Park on Livingston Street for equipment improvements and better ground cover; and \$150,000 will be spent amongst the elementary schools to make the playgrounds more age appropriate and handicapped accessible.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 15 as requested by the Community Preservation Committee; seconded by Mr. Johnson and the motion carried 5-0.**

#### **Article 16**

This article will help with the financial books as there were two borrowings in the amount of \$750K approved last year in October for the turf field and now funds have been appropriated from the Community Preservation Act funds along with a grant and the borrowing is no longer needed. Also in 2009 an appropriation was made in the amount of \$300,000 for plumbing upgrades in the DPW Building and only \$200,000 was spent so \$100,000 is left over and needs to be removed.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 16 as recommended and outlined by the Town Manager; seconded by Mr. Gay and the motion carried 5-0.**

#### **Article 17**

The Town manager is seeking to adjust the pay and grade of job and title of the town's MIS Director from Director to Technology Operations Manager with a starting pay of \$69,160 to a maximum of \$84,059. The current director will retire at end of December, 2013.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 17 as recommended and outlined by the Town Manager; seconded by Mr. Gay and the motion carried 5-0.**

**Article 18**

The article will allow the town to acquire any easement by gift or fee to widen the intersection at Shawsheen and East Street. The town will need authorization to begin construction.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 18 as recommended and outlined by the Town Manager; seconded by Mr. Sears and the motion carried 5-0.**

**Article 19**

This article will accept a parcel of land at Long Pond Village as open space.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 19 as recommended and outlined by the Town Manager and the Community Development Director; seconded by Mr. Wentworth and the motion carried 5-0.**

**Article 20**

This article will accept April's Way as a public way.

**MOTION: Mr. Sears made the motion to recommend for adoption Article 19 as recommended and outlined by the Town Manager and the Community Development Director; seconded by Mr. Johnson and the motion carried 5-0.**

**Article 21**

This article will allow common victuallers who currently hold a beer and wine license to add selling liquor and cordials with written approval by the Selectmen.

**MOTION: Mr. Gay made the motion to recommend for adoption Article 21 as presented; seconded by Mr. Sears and the motion carried 5-0.**

**Article 22**

This article will further extend the moratorium on Medical Marijuana Treatment Centers in the Town of Tewksbury.

**MOTION: Mr. Johnson made the motion to recommend for adoption Article 22 as presented; seconded by Mr. Sears and the motion carried 5-0.**

**Article 23**

**MOTION: Mr. Johnson made the motion to defer the Selectmen's recommendation on Article 23 to the Planning Board; seconded by Mr. Sears and the motion carried 5-0.**

**Article 24**

**MOTION: Mr. Gay made the motion to defer the Selectmen's recommendation on Article 24 to the Planning Board; seconded by Mr. Wentworth and the motion carried 5-0.**

## **Article 25**

This article is a petition article by residents regarding an extension of an Interstate Overlay District in the vicinity of Woburn Street.

**MOTION: Mr. Johnson made the motion to for the Board of Selectmen to take no action on this article at this time; seconded by Mr. Sears and the motion carried 5-0.**

## ***Other Business***

The Chair of the Community Preservation Committee and the Historic Commission will come back to the Selectmen and present the final plans.

The Veterans Agent Office has moved to the Senior Center. The Pike House does not have enough room for all and this was good location with same hours, etc. Planning to prepare to close Town Hall and move to Pike House soon.

## **Minutes**

**Outstanding Minutes: September 10, 2013 (regular session)**

September 10, 2013 minutes will be presented at the next meeting.

## **Board Member Reports**

### **Todd Johnson**

- Tewksbury Public Schools is presenting an award winning production called Food Play; attendees are asked to bring a non perishable food item for Tewksbury Food Pantry as a donation to this free event
- Have been receiving multiple email notification of various public safety notifications; there is no doubt that our police department is busy. Mr. Johnson acknowledged the effort and thanked the department for the good work as many are working exceptionally hard to represent the department and protect community.

### **David Gay:**

- Lowell regional transit authority will meet again next week; the ridership has been increasing each time a report is received.
- Mr. Gay announced he was nominated to the position of Clerk for the Northern Middlesex Council of Government.
- Public event committee met last night and had two guests present, Jennie Welch and Dianne Giarrusso to discuss the Tree Lighting event on the Town Common slotted to be held on December 7 from 1 p.m. to 7 p.m. with live bands, Mr. and Mrs. Claus and lighting of the tree.

### **James Wentworth:**

- Three new committees have been approved in town and he has knows many residents have spoken about getting involved over the last month; there is a great need for more people to get involved.
- Echoed Mr. Johnson's comments on the work of the Tewksbury Police Department.
- He is working with the Town Manager and staff to produce a Farmer's Market which was discussed at the Public Event's Committee. This event is targeted to be held either October

19 or the 26. Stay tuned for more information. The plan is to hold a pilot in October and then will try and do a regular event next summer if there is enough interest.

**Douglas Sears**

- It is good to see a tradition of farming in Tewksbury
- Mr. Sears was asked to represent the Board of Selectmen at the Boston Post Cane event at the Public Library; the Historical Society pulled together this event with the Sons Of Italy and Café Sicilia. All celebrated Anna Ippolito's 101<sup>st</sup> birthday.

**Scott Wilson:**

- Bicycle Advisory meeting getting more information out to community on how to safely cycle and is working on labeling trails and getting lights. The goal is to educate the community on bicycle safety.
- Fire safety open house at the South Fire Station from 10-4 on Saturday October 12 and Sunday October 13.
- Saturday, September 28 at 9 a.m. ceremony of the town mortar will take place as this is a legal requirement at the water treatment plant on Whipple Road. This will also take place with Andover and Dracut and is required to be done every 5 years.
- Youth Baseball League will hold a 5K race on October 6 for their Challenger Division
- Veterans Dinner is coming up soon and would like to suggest providing citations to all veterans in community.

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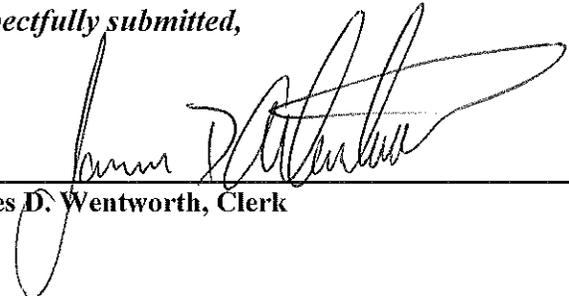
Next meeting will be held on October 1 at 6:30 at Tewksbury Memorial High School prior to Town meeting

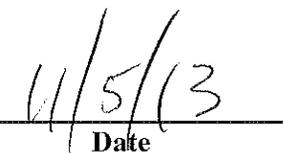
The next regularly scheduled Selectmen's Meeting will be held on Tuesday, October 8, 2013 at 7:00 p.m.

**Adjournment**

**MOTION: Mr. Gay made the motion for the Board to adjourn at 8:38 p.m.; Mr. Johnson seconded, and the motion carried 5 to 0.**

*Respectfully submitted,*

  
\_\_\_\_\_  
James D. Wentworth, Clerk

  
\_\_\_\_\_  
Date